

**As Passed by the House**

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

**Am. Sub. H. B. No. 95**

**Representative Calvert**

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**A BILL**

To amend sections 9.01, 9.83, 101.34, 101.72, 101.82, 1  
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subsequently amended; to amend Section 7 of Sub.	176
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to amend Sections 10 and 14 of Am. Sub. S.B. 242	181
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General Assembly, as subsequently amended; to	186
amend Section 153 of Am. Sub. H.B. 117 of the	187
121st General Assembly, as subsequently amended;	188
to amend Section 27 of Sub H.B. 670 of the 121st	189
General Assembly, as subsequently amended; to	190

amend Section 5 of Am. Sub. S.B. 50 of the 121st 191  
General Assembly, as subsequently amended; to 192  
repeal Section 129 of Am. Sub. H.B. 283 of the 193  
123rd General Assembly, as subsequently amended; 194  
to repeal Section 3 of Sub. H.B. 403 of the 123rd 195  
General Assembly; and to repeal Section 11 of Am. 196  
Sub. S.B. 50 of the 121st General Assembly, as 197  
subsequently amended; to levy taxes and provide 198  
for implementation of those levies, to make 199  
operating appropriations for the biennium 200  
beginning July 1, 2003, and ending June 30, 2005, 201  
and to provide authorization and conditions for 202  
the operation of state programs; to amend the 203  
version of section 921.22 of the Revised Code that 204  
is scheduled to take effect July 1, 2004, to 205  
continue the provisions of this act on and after 206  
that effective date; to amend the version of 207  
section 2305.234 of the Revised Code that is 208  
scheduled to take effect January 1, 2004, to 209  
continue the provisions of this act on and after 210  
that effective date; to amend the version of 211  
section 3332.04 of the Revised Code that is 212  
scheduled to take effect July 1, 2003; to amend 213  
the version of section 3734.44 of the Revised Code 214  
that is scheduled to take effect January 1, 2004, 215  
to continue the provisions of this act on and 216  
after that effective date; to amend the versions 217  
of sections 4503.234, 4511.191, and 4511.75 of the 218  
Revised Code that are scheduled to take effect 219  
January 1, 2004; and to terminate certain 220  
provisions of this act on December 31, 2013, by 221  
repealing section 4723.063 of the Revised Code on 222  
that date. 223

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

**Section 1.** That sections 9.01, 9.83, 101.34, 101.72, 101.82, 224  
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5739.02, 5739.12, 5741.02, 5743.05, 5745.01, 5745.02, 5745.04, 304  
5747.12, 5903.12, 6109.21, and 6117.02 be amended; that sections 305  
3301.33 (3301.40), 3701.145 (3701.0210), 4104.46 (4104.48), 306  
5108.06 (5108.04), 5108.07 (5108.05), 5111.08 (5111.071), 5111.16 307  
(5111.08), 5111.252 (5123.199), 5115.02 (5115.04), 5115.04 308  
(5115.02), 5115.07 (5115.06), 5115.13 (5115.07), and 5115.15 309  
(5115.23) be amended for the purpose of adopting new section 310  
numbers as indicated in parentheses; that Section 3 of Am. Sub. 311  
S.B. 272 of the 123rd General Assembly, as amended by Am. Sub. 312  
H.B. 768 of the 123rd General Assembly, be amended and renumbered 313  
as section 3318.364; and that new sections 125.831, 718.03, 314  
3301.31, 3301.33, 3313.481, 3317.11, 3318.052, 4104.42, 4104.43, 315  
4104.46, 5108.06, 5108.07, 5111.16, 5111.173, and 5115.13 and 316  
sections 9.75, 106.01, 106.02, 106.03, 106.04, 106.05, 107.12, 317  
107.31, 107.32, 107.33, 122.90, 123.152, 123.153, 125.073, 318

125.832, 125.833, 125.834, 153.691, 173.08, 511.181, 718.021, 319  
718.031, 718.051, 718.121, 927.701, 1306.25, 1306.26, 1306.27, 320  
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5111.174, 5111.175, 5111.206, 5111.222, 5111.65, 5111.66, 328  
5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 5111.674, 329  
5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 5111.682, 330  
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5111.689, 5111.6810, 5111.911, 5111.912, 5111.913, 5111.95, 332  
5111.96, 5111.97, 5115.12, 5115.14, 5115.22, 5123.196, 5123.197, 333  
5123.198, 5123.1910, 5123.38, 5123.851, 5515.08, 5717.011, 334  
5733.55, 5733.56, 5733.57, 5735.053, 5743.051, 5745.042, 5745.044, 335  
and 5747.026 of the Revised Code be enacted to read as follows: 336

**Sec. 9.01.** When any officer, office, court, commission, 337  
board, institution, department, agent, or employee of the state, 338  
~~or~~ of a county, or of any other political subdivision, who is 339  
charged with the duty or authorized or required by law to record, 340  
preserve, keep, maintain, or file any record, document, plat, 341  
court file, paper, or instrument in writing, or to make or furnish 342  
copies of any ~~thereof~~ of them, deems it necessary or advisable, 343  
when recording ~~any such document, plat, court file, paper, or~~ 344  
~~instrument in writing,~~ or when making a copy or reproduction of 345  
any ~~thereof~~ of them or of any such record, for the purpose of 346  
recording or copying, preserving, and protecting ~~the same~~ them, 347  
reducing space required for storage, or any similar purpose, to do 348  
so by means of any photostatic, photographic, miniature 349  
photographic, film, microfilm, or microphotographic process, or 350

perforated tape, magnetic tape, other magnetic means, electronic 351  
data processing, machine readable means, or graphic or video 352  
display, or any combination ~~thereof~~ of those processes, means, or 353  
displays, which correctly and accurately copies, records, or 354  
reproduces, or provides a medium of copying, recording, or 355  
reproducing, the original record, document, plat, court file, 356  
paper, or instrument in writing, such use of any ~~such photographic~~ 357  
~~or electromagnetic~~ of those processes, means, or displays for any 358  
such purpose, is hereby authorized. Any such records, copies, or 359  
reproductions may be made in duplicate, and ~~such~~ the duplicates 360  
shall be stored in different buildings. The film or paper used for 361  
~~this~~ a process shall comply with the minimum standards of quality 362  
approved for permanent photographic records by the national bureau 363  
of standards. All such records, copies, or reproductions shall 364  
carry a certificate of authenticity and completeness, on a form 365  
specified by the director of administrative services through the 366  
state records ~~administrator~~ program. 367

Any such officer, office, court, commission, board, 368  
institution, department, agent, or employee of the state, of a 369  
county, or of any other political subdivision may purchase or rent 370  
required equipment for any such photographic process and may enter 371  
into contracts with private concerns or other governmental 372  
agencies for the development of film and the making of 373  
reproductions ~~thereof~~ of film as a part of any such photographic 374  
process. When so recorded, or copied or reproduced to reduce space 375  
required for storage or filing of such records, ~~said~~ such 376  
photographs, microphotographs, microfilms, perforated tape, 377  
magnetic tape, other magnetic means, electronic data processing, 378  
machine readable means, graphic or video display, or ~~any~~ 379  
combination ~~thereof~~ of these processes, means, or displays, or 380  
films, or prints made therefrom, when properly identified by the 381  
officer by whom or under whose supervision ~~the same~~ they were 382  
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 383

at law as the original record or of a record made by any other 384  
legally authorized means, and may be offered in like manner and 385  
shall be received in evidence in any court where ~~such~~ the original 386  
record, or record made by other legally authorized means, could 387  
have been so introduced and received. Certified or authenticated 388  
copies or prints of such photographs, microphotographs, films, 389  
microfilms, perforated tape, magnetic tape, other magnetic means, 390  
electronic data processing, machine readable means, graphic or 391  
video display, or ~~any~~ combination ~~thereof~~ of these processes, 392  
means, or displays, shall be admitted in evidence equally with the 393  
original ~~photographs, microphotographs, films, or microfilms.~~ 394

Such photographs, microphotographs, microfilms, or films 395  
shall be placed and kept in conveniently accessible, fireproof, 396  
and insulated files, cabinets, or containers, and provisions shall 397  
be made for preserving, safekeeping, using, examining, exhibiting, 398  
projecting, and enlarging ~~the same~~ them whenever requested, during 399  
office hours. 400

All persons utilizing the methods described in this section 401  
for keeping records and information shall keep and make readily 402  
available to the public the machines and equipment necessary to 403  
reproduce the records and information in a readable form. 404

Sec. 9.75. (A) As used in this section, "dangerous drug" has 405  
the same meaning as in section 4729.01 of the Revised Code. The 406  
advisory council shall elect a chairperson from among its members. 407

(B) If a state agency seeks to enter into or administer an 408  
agreement or cooperative arrangement to create or join a 409  
multiple-state prescription drug purchasing program to negotiate 410  
discounts for dangerous drugs and intends to contract with a 411  
person to administer the multiple-state prescription drug 412  
purchasing program, an advisory council consisting of the 413  
following members shall be appointed to review the proposals 414

submitted by persons seeking the contract and to select the person 415  
who is to be awarded the contract: 416

(1) The Director of Job and Family Services; 417

(2) A member of the house of representatives who is a member 418  
of the majority party and a member who is a member of the minority 419  
party, appointed by the speaker of the house of representatives; 420

(3) A member of the senate who is a member of the majority 421  
party and a member who is a member of the minority party, 422  
appointed by the president of the senate; 423

(4) A representative of patient advocates, appointed by the 424  
speaker of the house of representatives; 425

(5) A representative of patient advocates, appointed by the 426  
president of the senate; 427

(6) A representative of the Ohio state medical association, 428  
appointed by that association's executive director; 429

(7) A representative of large businesses, appointed by the 430  
president of the Ohio chamber of commerce; 431

(8) A representative of small businesses, appointed by the 432  
state director of the Ohio chapter of the national federation of 433  
independent business; 434

(9) A representative of local government, appointed by the 435  
executive director of the county commissioners' association of 436  
Ohio. 437

(C) All of the following apply to an advisory council 438  
appointed under this section: 439

(1) The council shall be subject to the open meetings law 440  
under section 121.22 of the Revised Code. 441

(2) Council members may vote to select the person to be 442  
awarded the contract to administer the multiple-state prescription 443

drug purchasing program only if a quorum of the members is present 444  
at the meeting at which the vote is taken. 445

(3) Council members shall not be reimbursed for any expenses 446  
incurred while serving on the advisory council. 447

(4) The council may seek grants, donations, or other funds to 448  
pay for its activities. 449

(5) The council shall cease to exist when it selects the 450  
person to be awarded the contract that the council was appointed 451  
to select. 452

(D) The agency seeking to create or join a multiple-state 453  
prescription drug purchasing program shall provide to an advisory 454  
council appointed under this section copies of proposals submitted 455  
by each person seeking the contract to administer the program for 456  
which the advisory council was appointed. The department shall 457  
redact from each copy of each proposal it provides to an advisory 458  
council under this section any proprietary information included in 459  
the proposal. The person with whom the agency contracts for that 460  
purpose shall be the person the advisory council selects. 461

462

**Sec. 9.83.** (A) The state and any political subdivision may 463  
procure a policy or policies of insurance insuring its officers 464  
and employees against liability for injury, death, or loss to 465  
person or property that arises out of the operation of an 466  
automobile, truck, motor vehicle with auxiliary equipment, 467  
self-propelling equipment or trailer, aircraft, or watercraft by 468  
the officers or employees while engaged in the course of their 469  
employment or official responsibilities for the state or the 470  
political subdivision. The state is authorized to expend funds to 471  
pay judgments that are rendered in any court against its officers 472  
or employees and that result from such operation, and is 473

authorized to expend funds to compromise claims for liability 474  
against its officers or employees that result from such operation. 475  
No insurer shall deny coverage under such a policy, and the state 476  
shall not refuse to pay judgments or compromise claims, on the 477  
ground that an automobile, truck, motor vehicle with auxiliary 478  
equipment, self-propelling equipment or trailer, aircraft, or 479  
watercraft was not being used in the course of an officer's or 480  
employee's employment or official responsibilities for the state 481  
or a political subdivision unless the officer or employee who was 482  
operating an automobile, truck, motor vehicle with auxiliary 483  
equipment, or self-propelling equipment or trailer is convicted of 484  
a violation of section 124.71 of the Revised Code as a result of 485  
the same events. 486

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 487  
the exercise of sound and prudent actuarial judgment, to cover 488  
potential expense, fees, damage, loss, or other liability. The 489  
superintendent of insurance may recommend or, if the state 490  
requests of the superintendent, shall recommend, a specific amount 491  
for any period of time that, in the superintendent's opinion, 492  
represents such a judgment. 493

(C) Nothing in this section shall be construed to require the 494  
department of administrative services to purchase liability 495  
insurance for all state vehicles in a single policy of insurance 496  
or to cover all state vehicles under a single plan of 497  
self-insurance. 498

(D) Insurance procured by the state pursuant to this section 499  
shall be procured as provided in section 125.03 of the Revised 500  
Code. 501

(E) For purposes of liability insurance procured under this 502  
section to cover the operation of a motor vehicle by a prisoner 503  
for whom the insurance is procured, "employee" includes a prisoner 504  
in the custody of the department of rehabilitation and correction 505

who is enrolled in a work program that is established by the 506  
department pursuant to section 5145.16 of the Revised Code and in 507  
which the prisoner is required to operate a motor vehicle, as 508  
defined in section 4509.01 of the Revised Code, and who is engaged 509  
in the operation of a motor vehicle in the course of the work 510  
program. 511

(F) There is hereby created in the state treasury the vehicle 512  
liability fund. All contributions collected by the director of 513  
administrative services under division (I) of this section shall 514  
be deposited into the fund. The fund shall be used to provide 515  
insurance and self-insurance for the state under this section. All 516  
investment earnings of the fund shall be credited to it. 517

(G) The director of administrative services, through the 518  
office of risk management, shall operate the vehicle liability 519  
fund on an actuarially sound basis. 520

(H) Reserves shall be maintained in the vehicle liability 521  
fund in any amount that is necessary and adequate, in the exercise 522  
of sound and prudent actuarial judgment, to cover potential 523  
liability claims, expenses, fees, or damages. Money in the fund 524  
may be applied to the payment of liability claims that are filed 525  
against the state in the court of claims and determined in the 526  
manner provided in Chapter 2743. of the Revised Code. The director 527  
of administrative services may procure the services of a qualified 528  
actuarial firm for the purpose of recommending the specific amount 529  
of money that is required to maintain adequate reserves for a 530  
specified period of time. 531

(I) The director of administrative services shall collect 532  
from each state agency or any participating state body its 533  
contribution to the vehicle liability fund for the purpose of 534  
purchasing insurance or administering self-insurance programs for 535  
coverage authorized under this section. The amount of the 536  
contribution shall be determined by the director, with the 537

approval of the director of budget and management. It shall be 538  
based upon actuarial assumptions and the relative risk and loss 539  
experience of each state agency or participating state body. The 540  
amount of the contribution also shall include a reasonable sum to 541  
cover administrative costs of the department of administrative 542  
services. 543

**Sec. 101.34.** (A) There is hereby created a joint legislative 544  
ethics committee to serve the general assembly. The committee 545  
shall be composed of twelve members, six each from the two major 546  
political parties, and each member shall serve on the committee 547  
during the member's term as a member of that general assembly. Six 548  
members of the committee shall be members of the house of 549  
representatives appointed by the speaker of the house of 550  
representatives, not more than three from the same political 551  
party, and six members of the committee shall be members of the 552  
senate appointed by the president of the senate, not more than 553  
three from the same political party. A vacancy in the committee 554  
shall be filled for the unexpired term in the same manner as an 555  
original appointment. The members of the committee shall be 556  
appointed within fifteen days after the first day of the first 557  
regular session of each general assembly and the committee shall 558  
meet and proceed to recommend an ethics code not later than thirty 559  
days after the first day of the first regular session of each 560  
general assembly. 561

In the first regular session of each general assembly, the 562  
speaker of the house of representatives shall appoint the 563  
chairperson of the committee from among the house members of the 564  
committee and the president of the senate shall appoint the 565  
vice-chairperson of the committee from among the senate members of 566  
the committee. In the second regular session of each general 567  
assembly, the president of the senate shall appoint the 568  
chairperson of the committee from among the senate members of the 569

committee and the speaker of the house of representatives shall 570  
appoint the vice-chairperson of the committee from among the house 571  
members of the committee. The chairperson, vice-chairperson, and 572  
members of the committee shall serve until their respective 573  
successors are appointed or until they are no longer members of 574  
the general assembly. 575

The committee shall meet at the call of the chairperson or 576  
upon the written request of seven members of the committee. 577

(B) The joint legislative ethics committee: 578

(1) Shall recommend a code of ethics which is consistent with 579  
law to govern all members and employees of each house of the 580  
general assembly and all candidates for the office of member of 581  
each house; 582

(2) May receive and hear any complaint which alleges a breach 583  
of any privilege of either house, or misconduct of any member, 584  
employee, or candidate, or any violation of the appropriate code 585  
of ethics; 586

(3) May obtain information with respect to any complaint 587  
filed pursuant to this section and to that end may enforce the 588  
attendance and testimony of witnesses, and the production of books 589  
and papers; 590

(4) May recommend whatever sanction is appropriate with 591  
respect to a particular member, employee, or candidate as will 592  
best maintain in the minds of the public a good opinion of the 593  
conduct and character of members and employees of the general 594  
assembly; 595

(5) May recommend legislation to the general assembly 596  
relating to the conduct and ethics of members and employees of and 597  
candidates for the general assembly; 598

(6) Shall employ an executive director for the committee and 599

may employ such other staff as the committee determines necessary 600  
to assist it in exercising its powers and duties. The executive 601  
director and staff of the committee shall be known as the office 602  
of legislative inspector general. At least one member of the staff 603  
of the committee shall be an attorney at law licensed to practice 604  
law in this state. The appointment and removal of the executive 605  
director shall require the approval of at least eight members of 606  
the committee. 607

(7) May employ a special counsel to assist the committee in 608  
exercising its powers and duties. The appointment and removal of a 609  
special counsel shall require the approval of at least eight 610  
members of the committee. 611

(8) Shall act as an advisory body to the general assembly and 612  
to individual members, candidates, and employees on questions 613  
relating to ethics, possible conflicts of interest, and financial 614  
disclosure; 615

(9) Shall provide for the proper forms on which the statement 616  
required pursuant to section 102.02 of the Revised Code shall be 617  
filed and instructions as to the filing of the statement; 618

(10) Exercise the powers and duties prescribed under sections 619  
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 620

(11) Adopt in accordance with section 111.15 of the Revised 621  
Code any rules that are necessary to implement and clarify Chapter 622  
102. and sections 2921.42 and 2921.43 of the Revised Code. 623

(C) There is hereby created in the state treasury the joint 624  
legislative ethics committee fund. ~~All money collected from~~ 625  
~~registration fees and late filing fees prescribed under sections~~ 626  
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 627  
~~state treasury to the credit of the fund.~~ Money credited to the 628  
fund and any interest and earnings from the fund shall be used 629  
solely for the operation of the joint legislative ethics committee 630

and the office of legislative inspector general and for the 631  
purchase of data storage and computerization facilities for the 632  
statements filed with the joint committee under sections 101.73, 633  
101.74, 121.63, and 121.64 of the Revised Code. 634

(D) The chairperson of the joint committee shall issue a 635  
written report, not later than the thirty-first day of January of 636  
each year, to the speaker and minority leader of the house of 637  
representatives and to the president and minority leader of the 638  
senate that lists the number of committee meetings and 639  
investigations the committee conducted during the immediately 640  
preceding calendar year and the number of advisory opinions it 641  
issued during the immediately preceding calendar year. 642

(E) Any investigative report that contains facts and findings 643  
regarding a complaint filed with the committee and that is 644  
prepared by the staff of the committee or a special counsel to the 645  
committee shall become a public record upon its acceptance by a 646  
vote of the majority of the members of the committee, except for 647  
any names of specific individuals and entities contained in the 648  
report. If the committee recommends disciplinary action or reports 649  
its findings to the appropriate prosecuting authority for 650  
proceedings in prosecution of the violations alleged in the 651  
complaint, the investigatory report regarding the complaint shall 652  
become a public record in its entirety. 653

(F)(1) Any file obtained by or in the possession of the 654  
former house ethics committee or former senate ethics committee 655  
shall become the property of the joint legislative ethics 656  
committee. Any such file is confidential if either of the 657  
following applies: 658

(a) It is confidential under section 102.06 of the Revised 659  
Code or the legislative code of ethics. 660

(b) If the file was obtained from the former house ethics 661

committee or from the former senate ethics committee, it was 662  
confidential under any statute or any provision of a code of 663  
ethics that governed the file. 664

(2) As used in this division, "file" includes, but is not 665  
limited to, evidence, documentation, or any other tangible thing. 666

**Sec. 101.72.** (A) Each legislative agent and employer, within 667  
ten days following an engagement of a legislative agent, shall 668  
file with the joint legislative ethics committee an initial 669  
registration statement showing all of the following: 670

(1) The name, business address, and occupation of the 671  
legislative agent; 672

(2) The name and business address of the employer and the 673  
real party in interest on whose behalf the legislative agent is 674  
actively advocating, if it is different from the employer. For the 675  
purposes of division (A) of this section, where a trade 676  
association or other charitable or fraternal organization that is 677  
exempt from federal income taxation under subsection 501(c) of the 678  
federal Internal Revenue Code is the employer, the statement need 679  
not list the names and addresses of each member of the association 680  
or organization, so long as the association or organization itself 681  
is listed. 682

(3) A brief description of the type of legislation to which 683  
the engagement relates. 684

(B) In addition to the initial registration statement 685  
required by division (A) of this section, each legislative agent 686  
and employer shall file with the joint committee, not later than 687  
the last day of January, May, and September of each year, an 688  
updated registration statement that confirms the continuing 689  
existence of each engagement described in an initial registration 690  
statement and that lists the specific bills or resolutions on 691

which the agent actively advocated under that engagement during 692  
the period covered by the updated statement, and with it any 693  
statement of expenditures required to be filed by section 101.73 694  
of the Revised Code and any details of financial transactions 695  
required to be filed by section 101.74 of the Revised Code. 696

(C) If a legislative agent is engaged by more than one 697  
employer, the agent shall file a separate initial and updated 698  
registration statement for each engagement. If an employer engages 699  
more than one legislative agent, the employer need file only one 700  
updated registration statement under division (B) of this section, 701  
which shall contain the information required by division (B) of 702  
this section regarding all of the legislative agents engaged by 703  
the employer. 704

(D)(1) A change in any information required by division 705  
(A)(1), (2), or (B) of this section shall be reflected in the next 706  
updated registration statement filed under division (B) of this 707  
section. 708

(2) Within thirty days after the termination of an 709  
engagement, the legislative agent who was employed under the 710  
engagement shall send written notification of the termination to 711  
the joint committee. 712

(E) Except as otherwise provided in this division, a 713  
registration fee of ~~ten~~ twenty-five dollars shall be charged for 714  
filing an initial registration statement. All money collected from 715  
registration fees under this division and late filing fees under 716  
division (G) of this section shall be deposited ~~to the credit of~~ 717  
~~the joint legislative ethics committee fund created under section~~ 718  
~~101.34 of the Revised Code~~ into the general revenue fund of the 719  
state. 720

An officer or employee of a state agency who actively 721  
advocates in a fiduciary capacity as a representative of that 722

state agency need not pay the registration fee prescribed by this 723  
division or file expenditure statements under section 101.73 of 724  
the Revised Code. As used in this division, "state agency" does 725  
not include a state institution of higher education as defined in 726  
section 3345.011 of the Revised Code. 727

(F) Upon registration pursuant to division (A) of this 728  
section, the legislative agent shall be issued a card by the joint 729  
committee showing that the legislative agent is registered. The 730  
registration card and the legislative agent's registration shall 731  
be valid from the date of their issuance until the next 732  
thirty-first day of December of an even-numbered year. 733

(G) The executive director of the joint committee shall be 734  
responsible for reviewing each registration statement filed with 735  
the joint committee under this section and for determining whether 736  
the statement contains all of the information required by this 737  
section. If the joint committee determines that the registration 738  
statement does not contain all of the required information or that 739  
a legislative agent or employer has failed to file a registration 740  
statement, the joint committee shall send written notification by 741  
certified mail to the person who filed the registration statement 742  
regarding the deficiency in the statement or to the person who 743  
failed to file the registration statement regarding the failure. 744  
Any person so notified by the joint committee shall, not later 745  
than fifteen days after receiving the notice, file a registration 746  
statement or an amended registration statement that does contain 747  
all of the information required by this section. If any person who 748  
receives a notice under this division fails to file a registration 749  
statement or such an amended registration statement within this 750  
fifteen-day period, the joint committee shall assess a late filing 751  
fee equal to twelve dollars and fifty cents per day, up to a 752  
maximum of one hundred dollars, upon that person. The joint 753  
committee may waive the late filing fee for good cause shown. 754

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

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

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

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

(2) Any court;

(3) Any public body created by or directly pursuant to the constitution of this state;

(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;

(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;

(6) The public utilities commission of Ohio;

(7) The consumers' council governing board;

(8) The Ohio board of regents;

(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;

(10) Any board of elections;	784
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	785 786 787
(12) The Ohio public employees deferred compensation board;	788
(13) The Ohio retirement study council;	789
(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;	790 791 792 793
(15) The industrial commission.	794
(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 <del>(H)</del> <u>(E)</u> of section 149.331 of the Revised Code.	795 796 797 798
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	799 800 801 802
(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.	803 804 805
(E) "Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.	806 807 808
<b>Sec. 102.02.</b> (A) Except as otherwise provided in division (H) of this section, every person who is elected to or is a candidate for a state, county, or city office, or the office of member of the United States congress, and every person who is appointed to	809 810 811 812

fill a vacancy for an unexpired term in such an elective office; 813  
all members of the state board of education; the director, 814  
assistant directors, deputy directors, division chiefs, or persons 815  
of equivalent rank of any administrative department of the state; 816  
the president or other chief administrative officer of every state 817  
institution of higher education as defined in section 3345.011 of 818  
the Revised Code; the chief executive officer of each state 819  
retirement system; all members of the board of commissioners on 820  
grievances and discipline of the supreme court and the ethics 821  
commission created under section 102.05 of the Revised Code; every 822  
business manager, treasurer, or superintendent of a city, local, 823  
exempted village, joint vocational, or cooperative education 824  
school district or an educational service center; every person who 825  
is elected to or is a candidate for the office of member of a 826  
board of education of a city, local, exempted village, joint 827  
vocational, or cooperative education school district or of a 828  
governing board of an educational service center that has a total 829  
student count of twelve thousand or more as most recently 830  
determined by the department of education pursuant to section 831  
3317.03 of the Revised Code; every person who is appointed to the 832  
board of education of a municipal school district pursuant to 833  
division (B) or (F) of section 3311.71 of the Revised Code; all 834  
members of the board of directors of a sanitary district 835  
established under Chapter 6115. of the Revised Code and organized 836  
wholly for the purpose of providing a water supply for domestic, 837  
municipal, and public use that includes two municipal corporations 838  
in two counties; every public official or employee who is paid a 839  
salary or wage in accordance with schedule C of section 124.15 or 840  
schedule E-2 of section 124.152 of the Revised Code; members of 841  
the board of trustees and the executive director of the tobacco 842  
use prevention and control foundation; members of the board of 843  
trustees and the executive director of the southern Ohio 844  
agricultural and community development foundation; and every other 845

public official or employee who is designated by the appropriate 846  
ethics commission pursuant to division (B) of this section shall 847  
file with the appropriate ethics commission on a form prescribed 848  
by the commission, a statement disclosing all of the following: 849

(1) The name of the person filing the statement and each 850  
member of the person's immediate family and all names under which 851  
the person or members of the person's immediate family do 852  
business; 853

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 854  
and except as otherwise provided in section 102.022 of the Revised 855  
Code, identification of every source of income, other than income 856  
from a legislative agent identified in division (A)(2)(b) of this 857  
section, received during the preceding calendar year, in the 858  
person's own name or by any other person for the person's use or 859  
benefit, by the person filing the statement, and a brief 860  
description of the nature of the services for which the income was 861  
received. If the person filing the statement is a member of the 862  
general assembly, the statement shall identify the amount of every 863  
source of income received in accordance with the following ranges 864  
of amounts: zero or more, but less than one thousand dollars; one 865  
thousand dollars or more, but less than ten thousand dollars; ten 866  
thousand dollars or more, but less than twenty-five thousand 867  
dollars; twenty-five thousand dollars or more, but less than fifty 868  
thousand dollars; fifty thousand dollars or more, but less than 869  
one hundred thousand dollars; and one hundred thousand dollars or 870  
more. Division (A)(2)(a) of this section shall not be construed to 871  
require a person filing the statement who derives income from a 872  
business or profession to disclose the individual items of income 873  
that constitute the gross income of that business or profession, 874  
except for those individual items of income that are attributable 875  
to the person's or, if the income is shared with the person, the 876  
partner's, solicitation of services or goods or performance, 877

arrangement, or facilitation of services or provision of goods on 878  
behalf of the business or profession of clients, including 879  
corporate clients, who are legislative agents as defined in 880  
section 101.70 of the Revised Code. A person who files the 881  
statement under this section shall disclose the identity of and 882  
the amount of income received from a person who the public 883  
official or employee knows or has reason to know is doing or 884  
seeking to do business of any kind with the public official's or 885  
employee's agency. 886

(b) If the person filing the statement is a member of the 887  
general assembly, the statement shall identify every source of 888  
income and the amount of that income that was received from a 889  
legislative agent, as defined in section 101.70 of the Revised 890  
Code, during the preceding calendar year, in the person's own name 891  
or by any other person for the person's use or benefit, by the 892  
person filing the statement, and a brief description of the nature 893  
of the services for which the income was received. Division 894  
(A)(2)(b) of this section requires the disclosure of clients of 895  
attorneys or persons licensed under section 4732.12 of the Revised 896  
Code, or patients of persons certified under section 4731.14 of 897  
the Revised Code, if those clients or patients are legislative 898  
agents. Division (A)(2)(b) of this section requires a person 899  
filing the statement who derives income from a business or 900  
profession to disclose those individual items of income that 901  
constitute the gross income of that business or profession that 902  
are received from legislative agents. 903

(c) Except as otherwise provided in division (A)(2)(c) of 904  
this section, division (A)(2)(a) of this section applies to 905  
attorneys, physicians, and other persons who engage in the 906  
practice of a profession and who, pursuant to a section of the 907  
Revised Code, the common law of this state, a code of ethics 908  
applicable to the profession, or otherwise, generally are required 909

not to reveal, disclose, or use confidences of clients, patients, 910  
or other recipients of professional services except under 911  
specified circumstances or generally are required to maintain 912  
those types of confidences as privileged communications except 913  
under specified circumstances. Division (A)(2)(a) of this section 914  
does not require an attorney, physician, or other professional 915  
subject to a confidentiality requirement as described in division 916  
(A)(2)(c) of this section to disclose the name, other identity, or 917  
address of a client, patient, or other recipient of professional 918  
services if the disclosure would threaten the client, patient, or 919  
other recipient of professional services, would reveal details of 920  
the subject matter for which legal, medical, or professional 921  
advice or other services were sought, or would reveal an otherwise 922  
privileged communication involving the client, patient, or other 923  
recipient of professional services. Division (A)(2)(a) of this 924  
section does not require an attorney, physician, or other 925  
professional subject to a confidentiality requirement as described 926  
in division (A)(2)(c) of this section to disclose in the brief 927  
description of the nature of services required by division 928  
(A)(2)(a) of this section any information pertaining to specific 929  
professional services rendered for a client, patient, or other 930  
recipient of professional services that would reveal details of 931  
the subject matter for which legal, medical, or professional 932  
advice was sought or would reveal an otherwise privileged 933  
communication involving the client, patient, or other recipient of 934  
professional services. 935

(3) The name of every corporation on file with the secretary 936  
of state that is incorporated in this state or holds a certificate 937  
of compliance authorizing it to do business in this state, trust, 938  
business trust, partnership, or association that transacts 939  
business in this state in which the person filing the statement or 940  
any other person for the person's use and benefit had during the 941  
preceding calendar year an investment of over one thousand dollars 942

at fair market value as of the thirty-first day of December of the 943  
preceding calendar year, or the date of disposition, whichever is 944  
earlier, or in which the person holds any office or has a 945  
fiduciary relationship, and a description of the nature of the 946  
investment, office, or relationship. Division (A)(3) of this 947  
section does not require disclosure of the name of any bank, 948  
savings and loan association, credit union, or building and loan 949  
association with which the person filing the statement has a 950  
deposit or a withdrawable share account. 951

(4) All fee simple and leasehold interests to which the 952  
person filing the statement holds legal title to or a beneficial 953  
interest in real property located within the state, excluding the 954  
person's residence and property used primarily for personal 955  
recreation; 956

(5) The names of all persons residing or transacting business 957  
in the state to whom the person filing the statement owes, in the 958  
person's own name or in the name of any other person, more than 959  
one thousand dollars. Division (A)(5) of this section shall not be 960  
construed to require the disclosure of debts owed by the person 961  
resulting from the ordinary conduct of a business or profession or 962  
debts on the person's residence or real property used primarily 963  
for personal recreation, except that the superintendent of 964  
financial institutions shall disclose the names of all 965  
state-chartered savings and loan associations and of all service 966  
corporations subject to regulation under division (E)(2) of 967  
section 1151.34 of the Revised Code to whom the superintendent in 968  
the superintendent's own name or in the name of any other person 969  
owes any money, and that the superintendent and any deputy 970  
superintendent of banks shall disclose the names of all 971  
state-chartered banks and all bank subsidiary corporations subject 972  
to regulation under section 1109.44 of the Revised Code to whom 973  
the superintendent or deputy superintendent owes any money. 974

(6) The names of all persons residing or transacting business 975  
in the state, other than a depository excluded under division 976  
(A)(3) of this section, who owe more than one thousand dollars to 977  
the person filing the statement, either in the person's own name 978  
or to any person for the person's use or benefit. Division (A)(6) 979  
of this section shall not be construed to require the disclosure 980  
of clients of attorneys or persons licensed under section 4732.12 981  
or 4732.15 of the Revised Code, or patients of persons certified 982  
under section 4731.14 of the Revised Code, nor the disclosure of 983  
debts owed to the person resulting from the ordinary conduct of a 984  
business or profession. 985

(7) Except as otherwise provided in section 102.022 of the 986  
Revised Code, the source of each gift of over seventy-five 987  
dollars, or of each gift of over twenty-five dollars received by a 988  
member of the general assembly from a legislative agent, received 989  
by the person in the person's own name or by any other person for 990  
the person's use or benefit during the preceding calendar year, 991  
except gifts received by will or by virtue of section 2105.06 of 992  
the Revised Code, or received from spouses, parents, grandparents, 993  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 994  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 995  
fathers-in-law, mothers-in-law, or any person to whom the person 996  
filing the statement stands in loco parentis, or received by way 997  
of distribution from any inter vivos or testamentary trust 998  
established by a spouse or by an ancestor; 999

(8) Except as otherwise provided in section 102.022 of the 1000  
Revised Code, identification of the source and amount of every 1001  
payment of expenses incurred for travel to destinations inside or 1002  
outside this state that is received by the person in the person's 1003  
own name or by any other person for the person's use or benefit 1004  
and that is incurred in connection with the person's official 1005  
duties, except for expenses for travel to meetings or conventions 1006

of a national or state organization to which any state agency, 1007  
including, but not limited to, any legislative agency or state 1008  
institution of higher education as defined in section 3345.011 of 1009  
the Revised Code, pays membership dues, or any political 1010  
subdivision or any office or agency of a political subdivision 1011  
pays membership dues; 1012

(9) Except as otherwise provided in section 102.022 of the 1013  
Revised Code, identification of the source of payment of expenses 1014  
for meals and other food and beverages, other than for meals and 1015  
other food and beverages provided at a meeting at which the person 1016  
participated in a panel, seminar, or speaking engagement or at a 1017  
meeting or convention of a national or state organization to which 1018  
any state agency, including, but not limited to, any legislative 1019  
agency or state institution of higher education as defined in 1020  
section 3345.011 of the Revised Code, pays membership dues, or any 1021  
political subdivision or any office or agency of a political 1022  
subdivision pays membership dues, that are incurred in connection 1023  
with the person's official duties and that exceed one hundred 1024  
dollars aggregated per calendar year; 1025

(10) If the financial disclosure statement is filed by a 1026  
public official or employee described in division (B)(2) of 1027  
section 101.73 of the Revised Code or division (B)(2) of section 1028  
121.63 of the Revised Code who receives a statement from a 1029  
legislative agent, executive agency lobbyist, or employer that 1030  
contains the information described in division (F)(2) of section 1031  
101.73 of the Revised Code or division (G)(2) of section 121.63 of 1032  
the Revised Code, all of the nondisputed information contained in 1033  
the statement delivered to that public official or employee by the 1034  
legislative agent, executive agency lobbyist, or employer under 1035  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1036  
the Revised Code. As used in division (A)(10) of this section, 1037  
"legislative agent," "executive agency lobbyist," and "employer" 1038

have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

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

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

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not

specifically excluded by this section whose positions involve a 1071  
substantial and material exercise of administrative discretion in 1072  
the formulation of public policy, expenditure of public funds, 1073  
enforcement of laws and rules of the state or a county or city, or 1074  
the execution of other public trusts, to file an annual statement 1075  
on or before the fifteenth day of April under division (A) of this 1076  
section. The appropriate ethics commission shall send the public 1077  
officials or employees written notice of the requirement by the 1078  
fifteenth day of February of each year the filing is required 1079  
unless the public official or employee is appointed after that 1080  
date, in which case the notice shall be sent within thirty days 1081  
after appointment, and the filing shall be made not later than 1082  
ninety days after appointment. 1083

Except for disclosure statements filed by members of the 1084  
board of trustees and the executive director of the tobacco use 1085  
prevention and control foundation and members of the board of 1086  
trustees and the executive director of the southern Ohio 1087  
agricultural and community development foundation, disclosure 1088  
statements filed under this division with the Ohio ethics 1089  
commission by members of boards, commissions, or bureaus of the 1090  
state for which no compensation is received other than reasonable 1091  
and necessary expenses shall be kept confidential. Disclosure 1092  
statements filed with the Ohio ethics commission under division 1093  
(A) of this section by business managers, treasurers, and 1094  
superintendents of city, local, exempted village, joint 1095  
vocational, or cooperative education school districts or 1096  
educational service centers shall be kept confidential, except 1097  
that any person conducting an audit of any such school district or 1098  
educational service center pursuant to section 115.56 or Chapter 1099  
117. of the Revised Code may examine the disclosure statement of 1100  
any business manager, treasurer, or superintendent of that school 1101  
district or educational service center. The Ohio ethics commission 1102  
shall examine each disclosure statement required to be kept 1103

confidential to determine whether a potential conflict of interest 1104  
exists for the person who filed the disclosure statement. A 1105  
potential conflict of interest exists if the private interests of 1106  
the person, as indicated by the person's disclosure statement, 1107  
might interfere with the public interests the person is required 1108  
to serve in the exercise of the person's authority and duties in 1109  
the person's office or position of employment. If the commission 1110  
determines that a potential conflict of interest exists, it shall 1111  
notify the person who filed the disclosure statement and shall 1112  
make the portions of the disclosure statement that indicate a 1113  
potential conflict of interest subject to public inspection in the 1114  
same manner as is provided for other disclosure statements. Any 1115  
portion of the disclosure statement that the commission determines 1116  
does not indicate a potential conflict of interest shall be kept 1117  
confidential by the commission and shall not be made subject to 1118  
public inspection, except as is necessary for the enforcement of 1119  
Chapters 102. and 2921. of the Revised Code and except as 1120  
otherwise provided in this division. 1121

(C) No person shall knowingly fail to file, on or before the 1122  
applicable filing deadline established under this section, a 1123  
statement that is required by this section. 1124

(D) No person shall knowingly file a false statement that is 1125  
required to be filed under this section. 1126

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1127  
section, the statement required by division (A) or (B) of this 1128  
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1129  
dollars. 1130

(2) The statement required by division (A) of this section 1131  
shall be accompanied by a the following filing fee to be paid by 1132  
the person who is elected or appointed to, or is a candidate for, 1133  
any of the following offices: 1134

For state office, except member of the 1135

state board of education	\$50 <u>65</u>	1136
For office of member of United States		1137
congress or member of general assembly	\$25 <u>40</u>	1138
For county office	\$25 <u>40</u>	1139
For city office	\$10 <u>25</u>	1140
For office of member of <u>the</u> state board		1141
of education	\$20 <u>25</u>	1142
For office of member of <u>a</u> city, local,		1143
exempted village, or cooperative		1144
education board of		1145
education or educational service		1146
center governing board	\$ 5 <u>20</u>	1147
For position of business manager,		1148
treasurer, or superintendent of <u>a</u>		1149
city, local, exempted village, joint		1150
vocational, or cooperative education		1151
school district or		1152
educational service center	\$ 5 <u>20</u>	1153
(3) No judge of a court of record or candidate for judge of a		1154
court of record, and no referee or magistrate serving a court of		1155
record, shall be required to pay the fee required under division		1156
(E)(1) or (2) or (F) of this section.		1157
(4) For any public official who is appointed to a nonelective		1158
office of the state and for any employee who holds a nonelective		1159
position in a public agency of the state, the state agency that is		1160
the primary employer of the state official or employee shall pay		1161
the fee required under division (E)(1) or (F) of this section.		1162
(F) If a statement required to be filed under this section is		1163
not filed by the date on which it is required to be filed, the		1164
appropriate ethics commission shall assess the person required to		1165
file the statement a late filing fee <del>equal to one-half of the</del>		1166
<del>applicable filing fee</del> <u>ten dollars</u> for each day the statement is		1167

not filed, except that the total amount of the late filing fee 1168  
shall not exceed ~~one~~ two hundred fifty dollars. 1169

(G)(1) The appropriate ethics commission other than the Ohio 1170  
ethics commission shall deposit all fees it receives under 1171  
divisions (E) and (F) of this section into the general revenue 1172  
fund of the state. 1173

(2) The Ohio ethics commission shall deposit all receipts, 1174  
including, but not limited to, fees it receives under divisions 1175  
(E) and (F) of this section and all moneys it receives from 1176  
settlements under division (G) of section 102.06 of the Revised 1177  
Code, into the Ohio ethics commission fund, which is hereby 1178  
created in the state treasury. All moneys credited to the fund 1179  
shall be used solely for expenses related to the operation and 1180  
statutory functions of the commission. 1181

(H) Division (A) of this section does not apply to a person 1182  
elected or appointed to the office of precinct, ward, or district 1183  
committee member under Chapter 3517. of the Revised Code; a 1184  
presidential elector; a delegate to a national convention; village 1185  
or township officials and employees; any physician or psychiatrist 1186  
who is paid a salary or wage in accordance with schedule C of 1187  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1188  
Code and whose primary duties do not require the exercise of 1189  
administrative discretion; or any member of a board, commission, 1190  
or bureau of any county or city who receives less than one 1191  
thousand dollars per year for serving in that position. 1192

Sec. 106.01. (A)(1) There is hereby created the legislative 1193  
budget audit commission, to be composed of ten members. The 1194  
commission shall examine the operations of state agencies and make 1195  
recommendations to the general assembly on ways in which state 1196  
agencies can operate more efficiently. The president of the senate 1197  
shall appoint to the commission two members of the senate, each of 1198

whom shall be a member of a different political party. The speaker 1199  
of the house of representatives shall appoint to the commission 1200  
two members of the house of representatives, each of whom shall be 1201  
a member of a different political party. The president of the 1202  
senate and the speaker of the house of representatives shall each 1203  
appoint to the commission three members who are knowledgeable in 1204  
finance and state government. 1205

(2) Terms of office of the members of the commission shall be 1206  
for three years. Each member shall serve subsequent to the 1207  
expiration of the member's term until a successor is appointed, or 1208  
until sixty days has elapsed, whichever occurs first. No member 1209  
shall serve more than two consecutive terms. 1210

(3) All vacancies in the membership of the commission shall 1211  
be filled in the same manner prescribed for original appointments 1212  
to the commission and shall be limited to the unexpired terms. 1213

(4) The members of the commission shall serve without 1214  
compensation, but shall be reimbursed for their actual and 1215  
necessary expenses incurred in the performance of their official 1216  
duties. 1217

(B)(1) The commission shall appoint the executive director of 1218  
the commission. The executive director of the commission shall 1219  
serve at the pleasure of the commission. The commission shall set 1220  
the salary of the executive director. 1221

(2) The executive director, with the approval of the 1222  
commission, shall employ all necessary staff and set their 1223  
salaries. 1224

(3) The commission shall meet at the call of the executive 1225  
director. 1226

Sec. 106.02. (A) As used in sections 106.02 to 106.05 of the 1227  
Revised Code: 1228

(1) "State agency" has the same meaning as in section 9.82 of the Revised Code. 1229  
1230

(2) "Savings" means a reduction in expenditures resulting from the implementation, in whole or in part, of a recommendation made by the legislative budget audit commission. 1231  
1232  
1233

(B) The commission shall make recommendations to assist the general assembly in developing policies to streamline state agency operations. The commission shall promptly answer reasonable requests about reducing or eliminating expenditures from members of the general assembly and directors of state agencies. 1234  
1235  
1236  
1237  
1238

(C) In examining the operations of state agencies to develop the recommendations described in division (B) of this section, the commission shall consider how state agencies can better allocate their resources by doing any or all of the following: 1239  
1240  
1241  
1242

(1) Streamlining, reorganizing, consolidating, contracting out, or eliminating functions performed by the state agency; 1243  
1244

(2) Reducing duplicative staffing; 1245

(3) Improving space and property use, including exploring the sale or lease of surplus or unneeded property; 1246  
1247

(4) Increasing the state agency's capacity to deliver services and improve responsiveness to citizens; 1248  
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(5) Streamlining procurement procedures; 1250

(6) Improving the use of cost-saving information technology in service delivery and in reducing the need for paperwork; 1251  
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(7) Improving internal budgeting and financial administration procedures, including procedures to collect more efficiently past due accounts receivable; 1253  
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1255

(8) Improving the employee awards system established in section 124.17 of the Revised Code, or devising other incentive 1256  
1257

<u>programs;</u>	1258
<u>(9) Contracting with the private sector to conduct activities currently performed by the state agency;</u>	1259 1260
<u>(10) Establishing techniques for the measurement of productivity and the evaluation of employee performance;</u>	1261 1262
<u>(11) Undertaking other methods or procedures designed to improve the use of state funds.</u>	1263 1264
<u>(D) Not later than January 15, 2005, and not later than the fifteenth day of January of each calendar year thereafter, the commission shall submit a report of its findings and recommendations to the general assembly. All reports submitted by the commission after the initial report shall include a review of previous recommendations and findings made by the commission, and a description of the savings realized by each state agency that are listed in the report submitted by the director of budget and management under section 106.05 of the Revised Code.</u>	1265 1266 1267 1268 1269 1270 1271 1272 1273
<u>Sec. 106.03. There is hereby created in the state treasury the legislative budget audit commission savings fund. The fund shall provide amounts to fund the legislative budget audit commission in accordance with sections 106.01 to 106.05 of the Revised Code.</u>	1274 1275 1276 1277 1278
<u>Sec. 106.04. (A) State agencies shall promptly respond to reasonable requests for information from the legislative budget audit commission.</u>	1279 1280 1281
<u>(B) Not later than December 1, 2006, and on the first day of December of each second year thereafter, each state agency shall provide a written report to the director of budget and management describing any savings the agency realized during the immediately preceding two years that are directly attributable to implementing any recommendations made by the commission under section 106.02 of</u>	1282 1283 1284 1285 1286 1287

the Revised Code. 1288

(C) The office of budget and management shall compile all 1289  
reports submitted by state agencies under division (B) of this 1290  
section and provide the information contained in those reports to 1291  
the governor, the speaker of the house of representatives, and the 1292  
president of the senate. 1293

**Sec. 106.05.** (A) The director of budget and management shall 1294  
review the reports submitted by the legislative budget audit 1295  
commission under section 106.02 of the Revised Code and the 1296  
reports submitted by state agencies under section 106.04 of the 1297  
Revised Code and determine the amount of any savings actually 1298  
realized by each state agency during the immediately preceding two 1299  
years that are directly attributable to implementing the 1300  
commission's recommendations. 1301

(B) Not later than December 31, 2006, and on the last day of 1302  
December of each second year thereafter, the director of budget 1303  
and management shall submit a report describing the actual savings 1304  
realized by each state agency during the immediately preceding two 1305  
years that are directly attributable to implementing the 1306  
recommendations made by the commission under section 106.02 of the 1307  
Revised Code. 1308

(C) The main operating appropriations bill for the period 1309  
beginning July 1, 2007, and each main operating appropriations 1310  
bill thereafter, shall propose the transfer of an amount that is 1311  
equal to the total savings that each state agency realized and 1312  
that is described in the report submitted under division (B) of 1313  
this section that exceeds the total biennial appropriations for 1314  
the legislative budget audit commission for that biennium. The 1315  
transfer shall be made from the general revenue fund or from any 1316  
other fund that provides funds to that state agency, as 1317  
appropriate, to the budget stabilization fund created by section 1318

131.43 of the Revised Code. 1319

Sec. 107.12. (A) As used in this section, "organization" 1320  
means a faith-based or other organization that is exempt from 1321  
federal income taxation under section 501(c)(3) of the Internal 1322  
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1323  
provides charitable services to needy residents of this state. 1324

(B) There is hereby established within the office of the 1325  
governor the governor's office for faith-based nonprofit and other 1326  
nonprofit organizations. The office shall: 1327

(1) Serve as a clearinghouse of information on federal, 1328  
state, and local funding for charitable services performed by 1329  
organizations; 1330

(2) Encourage organizations to seek public funding for their 1331  
charitable services; 1332

(3) Act as a liaison between state agencies and 1333  
organizations; 1334

(4) Advise the governor, general assembly, and the advisory 1335  
board of the governor's office for faith-based nonprofit or other 1336  
nonprofit organizations on the barriers that exist to 1337  
collaboration between organizations and governmental entities and 1338  
on ways to remove the barriers. 1339

(C) The governor shall appoint an executive assistant to 1340  
manage the office and perform or oversee the performance of the 1341  
duties of the office. 1342

(D)(1) There is hereby created the advisory board of the 1343  
governor's office for faith-based nonprofit and other nonprofit 1344  
organizations. The board shall consist of members appointed as 1345  
follows: 1346

(a) The directors of aging, alcohol and drug addiction 1347  
services, rehabilitation and correction, health, job and family 1348

services, mental health, and youth services shall each appoint to 1349  
the board one employee of that director's department. 1350

(b) The speaker of the house of representatives shall appoint 1351  
to the board two members of the house of representatives, not more 1352  
than one of whom shall be from the same political party and at 1353  
least one of whom shall be from the legislative black caucus. The 1354  
speaker of the house of representatives shall consult with the 1355  
president of the legislative black caucus in making the 1356  
legislative black caucus member appointment. The president of the 1357  
senate shall appoint to the board two members of the senate, not 1358  
more than one of whom shall be from the same political party. 1359

(c) The governor, speaker of the house of representatives, 1360  
and president of the senate shall each appoint to the board three 1361  
representatives of the nonprofit, faith-based and other nonprofit 1362  
community. 1363

(2) The appointments to the board shall be made within thirty 1364  
days after the effective date of this section. Terms of the office 1365  
shall be one year. Any vacancy that occurs on the board shall be 1366  
filled in the same manner as the original appointment. The members 1367  
of the board shall serve without compensation. 1368

(3) At its initial meeting, the board shall elect a 1369  
chairperson. The chairperson shall be a member of the board who is 1370  
a member of the house of representatives. 1371

(E) The board shall do both of the following: 1372

(1) Provide direction, guidance, and oversight to the office; 1373

(2) Publish a report of its activities on or before the first 1374  
day of August of each year, and deliver copies of the report to 1375  
the governor, the speaker and minority leader of the house of 1376  
representatives, and the president and minority leader of the 1377  
senate. 1378

Sec. 107.31. (A) As used in this section: 1379

(1) "State institutional facility" means any institution or other facility, in operation on or after January 1, 2003, for the housing of any person that is under the control of the department of rehabilitation and correction, the department of youth services, the department of mental retardation and developmental disabilities, the department of mental health, or any other agency or department of state government. 1380  
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(2) "Target state agency" means the agency of state government that operates the institutional facility or facilities that the governor believes should be closed. 1387  
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(B) Prior to the closing of a state institutional facility, the target state agency shall conduct a survey and analysis of the needs of each client at that facility for the purpose of ensuring that each client's identified needs during the transition and in the client's new setting are met. A copy of the analysis, devoid of any client identifying information, as well as the target state agency's proposal for meeting the needs of the clients, shall be submitted to the general assembly in accordance with section 101.68 of the Revised Code at least two months prior to the closing. 1390  
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Sec. 107.32. (A) As used in this section and section 107.33 of the Revised Code: 1400  
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(1) "State institutional facility" means any institution or other facility for the housing of any person that is under the control of the department of rehabilitation and correction, the department of youth services, the department of mental retardation and developmental disabilities, the department of mental health, or any other agency or department of state government. 1402  
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(2) "Target state agency" means the agency of state 1408

government that the governor identifies in a notice provided under 1409  
division (C)(1) of this section and that operates an institutional 1410  
facility or facilities the governor believes should be closed. 1411

(B) Notwithstanding any other provision of law, the governor 1412  
shall not order the closure of any state institutional facility, 1413  
for the purpose of expenditure reductions or budget cuts, other 1414  
than in accordance with this section. 1415

(C) If the governor determines that necessary expenditure 1416  
reductions and budget cuts cannot be made without closing one or 1417  
more state institutional facilities, all of the following apply: 1418

(1) The governor shall determine which state agency's 1419  
institutional facility or facilities the governor believes should 1420  
be closed, shall notify the general assembly and that agency of 1421  
that determination, and shall specify in the notice the number of 1422  
facilities of that agency that the governor believes should be 1423  
closed and the anticipated savings to be obtained through that 1424  
closure or those closures. 1425

(2) Upon the governor's provision of the notice described in 1426  
division (C)(1) of this section, a state facilities closure 1427  
commission shall be created as described in division (D) of this 1428  
section regarding the target state agency. Not later than seven 1429  
days after the governor provides that notice, the officials with 1430  
the duties to appoint members of the commission for the target 1431  
state agency, as described in division (D) of this section, shall 1432  
appoint the specified members of the commission, and, as soon as 1433  
possible after the appointments, the commission shall meet for the 1434  
purposes described in that division. Not later than thirty days 1435  
after the governor provides the notice described in division 1436  
(C)(1) of this section, the state facilities closure commission 1437  
shall provide to the general assembly, the governor, and the 1438  
target state agency a report that contains the commission's 1439  
recommendation as to the state institutional facility or 1440

facilities of the target state agency that the governor may close. 1441  
The anticipated savings to be obtained by the commission's 1442  
recommendation shall be approximately the same as the anticipated 1443  
savings the governor specified in the governor's notice provided 1444  
under division (C)(1) of this section, and, if the recommendation 1445  
identifies more than one facility, it shall list them in order of 1446  
the commission's preference for closure. A state facilities 1447  
closure commission created for a particular target state agency 1448  
shall make a report only regarding that target state agency and 1449  
shall include no recommendations regarding any other state agency 1450  
or department in its report. 1451

(3) Upon receipt of the report of the state facilities 1452  
closure commission under division (C)(2) of this section for a 1453  
target state agency, if the governor still believes that necessary 1454  
expenditure reductions and budget cuts cannot be made without 1455  
closing one or more state institutional facilities, the governor 1456  
may close state institutional facilities of the target state 1457  
agency that are identified in the commission's recommendation 1458  
contained in the report. Except as otherwise provided in this 1459  
division, the governor shall not close any state institutional 1460  
facility of the target state agency that is not listed in the 1461  
commission's recommendation, and shall not close multiple 1462  
institutions in any order other than the order of the commission's 1463  
preference as specified in the recommendation. The governor is not 1464  
required to follow the recommendation of the commission in closing 1465  
an institutional facility if the governor determines that a 1466  
significant change in circumstances makes the recommendation 1467  
unworkable. 1468

(D) A state facilities closure commission shall be created at 1469  
the time and in the manner specified in division (C)(2) of this 1470  
section. If more than one state agency or department is a target 1471  
state agency, a separate state facilities closure commission shall 1472

be created for each such target state agency. Each commission 1473  
consists of eleven members. Three members shall be members of the 1474  
house of representatives appointed by the speaker of the house of 1475  
representatives, none of the members so appointed may have a state 1476  
institutional facility of the target state agency in the member's 1477  
district, two of the members so appointed shall be members of the 1478  
majority political party in the house of representatives, and one 1479  
of the members so appointed shall not be a member of the majority 1480  
political party in the house of representatives. Three members 1481  
shall be members of the senate appointed by the president of the 1482  
senate, none of the members so appointed may have a state 1483  
institutional facility of the target state agency in the member's 1484  
district, two of the members so appointed shall be members of the 1485  
majority political party in the senate, and one of the members so 1486  
appointed shall not be a member of the majority political party in 1487  
the senate. One member shall be the director of budget and 1488  
management. One member shall be the director, or other agency 1489  
head, of the target state agency. Two members shall be private 1490  
executives with expertise in facility utilization, with one of 1491  
these members appointed by the speaker of the house of 1492  
representatives and the other appointed by the president of the 1493  
senate, and neither of the members so appointed may have a state 1494  
institutional facility of the target state agency in the county in 1495  
which the member resides. One member shall be a representative of 1496  
the Ohio civil service employees' association or other 1497  
representative association of the employees of the target state 1498  
agency, appointed by the speaker of the house of representatives. 1499  
The officials with the duties to appoint members of the commission 1500  
shall make the appointments, and the commission shall meet, within 1501  
the time periods specified in division (C)(2) of this section. The 1502  
members of the commission shall serve without compensation. At the 1503  
commission's first meeting, the members shall organize, and 1504  
appoint a chairperson and vice-chairperson. 1505

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

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

(2) The availability of alternate facilities;

(3) The cost effectiveness of the facilities;

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

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

(6) The utilization and maximization of resources;

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

(8) Continuing costs following closure of a facility;

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

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

The commission shall meet as often as necessary to make its determination, may take testimony and consider all relevant information, and shall prepare and provide in accordance with division (C)(2) of this section a report containing its recommendations. Upon providing the report regarding the target state agency, the commission shall cease to exist, provided that another commission shall be created for the same state agency if the agency is made a target state agency in another report provided under division (C)(1) of this section and provided that

another commission shall be created for a different state agency 1535  
if that other agency is made a target state agency in a report 1536  
provided under that division. 1537

**Sec. 107.33.** Notwithstanding any other provision of law, if 1538  
the closure of the particular facility is authorized under section 1539  
107.32 of the Revised Code, the governor may terminate any 1540  
contract entered into under section 9.06 of the Revised Code for 1541  
the private operation and management of any correctional facility 1542  
under the control of the department of rehabilitation and 1543  
correction, including, but not limited to the initial intensive 1544  
program prison established pursuant to section 5120.033 of the 1545  
Revised Code as it existed prior to the effective date of this 1546  
section, and terminate the operation of, and close that facility. 1547  
If the governor terminates a contract for the private operation 1548  
and management of a facility, and terminates the operation of, and 1549  
closes, the facility as described in this section, inmates in the 1550  
facility shall be transferred to another correctional facility 1551  
under the control of the department. If the initial intensive 1552  
program prison is closed, divisions (G)(2)(a) and (b) of section 1553  
2929.13 of the Revised Code have no effect while the facility is 1554  
closed. 1555

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 1556  
criminal identification and investigation shall procure from 1557  
wherever procurable and file for record photographs, pictures, 1558  
descriptions, fingerprints, measurements, and other information 1559  
that may be pertinent of all persons who have been convicted of 1560  
committing within this state a felony, any crime constituting a 1561  
misdemeanor on the first offense and a felony on subsequent 1562  
offenses, or any misdemeanor described in division (A)(1)(a) of 1563  
section 109.572 of the Revised Code, of all children under 1564  
eighteen years of age who have been adjudicated delinquent 1565

children for committing within this state an act that would be a 1566  
felony or an offense of violence if committed by an adult or who 1567  
have been convicted of or pleaded guilty to committing within this 1568  
state a felony or an offense of violence, and of all well-known 1569  
and habitual criminals. The person in charge of any county, 1570  
multicounty, municipal, municipal-county, or multicounty-municipal 1571  
jail or workhouse, community-based correctional facility, halfway 1572  
house, alternative residential facility, or state correctional 1573  
institution and the person in charge of any state institution 1574  
having custody of a person suspected of having committed a felony, 1575  
any crime constituting a misdemeanor on the first offense and a 1576  
felony on subsequent offenses, or any misdemeanor described in 1577  
division (A)(1)(a) of section 109.572 of the Revised Code or 1578  
having custody of a child under eighteen years of age with respect 1579  
to whom there is probable cause to believe that the child may have 1580  
committed an act that would be a felony or an offense of violence 1581  
if committed by an adult shall furnish such material to the 1582  
superintendent of the bureau. Fingerprints, photographs, or other 1583  
descriptive information of a child who is under eighteen years of 1584  
age, has not been arrested or otherwise taken into custody for 1585  
committing an act that would be a felony or an offense of violence 1586  
if committed by an adult, has not been adjudicated a delinquent 1587  
child for committing an act that would be a felony or an offense 1588  
of violence if committed by an adult, has not been convicted of or 1589  
pleaded guilty to committing a felony or an offense of violence, 1590  
and is not a child with respect to whom there is probable cause to 1591  
believe that the child may have committed an act that would be a 1592  
felony or an offense of violence if committed by an adult shall 1593  
not be procured by the superintendent or furnished by any person 1594  
in charge of any county, multicounty, municipal, municipal-county, 1595  
or multicounty-municipal jail or workhouse, community-based 1596  
correctional facility, halfway house, alternative residential 1597  
facility, or state correctional institution, except as authorized 1598

in section 2151.313 of the Revised Code. 1599

(2) Every clerk of a court of record in this state, other 1600  
than the supreme court or a court of appeals, shall send to the 1601  
superintendent of the bureau a weekly report containing a summary 1602  
of each case involving a felony, involving any crime constituting 1603  
a misdemeanor on the first offense and a felony on subsequent 1604  
offenses, involving a misdemeanor described in division (A)(1)(a) 1605  
of section 109.572 of the Revised Code, or involving an 1606  
adjudication in a case in which a child under eighteen years of 1607  
age was alleged to be a delinquent child for committing an act 1608  
that would be a felony or an offense of violence if committed by 1609  
an adult. The clerk of the court of common pleas shall include in 1610  
the report and summary the clerk sends under this division all 1611  
information described in divisions (A)(2)(a) to (f) of this 1612  
section regarding a case before the court of appeals that is 1613  
served by that clerk. The summary shall be written on the standard 1614  
forms furnished by the superintendent pursuant to division (B) of 1615  
this section and shall include the following information: 1616

(a) The incident tracking number contained on the standard 1617  
forms furnished by the superintendent pursuant to division (B) of 1618  
this section; 1619

(b) The style and number of the case; 1620

(c) The date of arrest; 1621

(d) The date that the person was convicted of or pleaded 1622  
guilty to the offense, adjudicated a delinquent child for 1623  
committing the act that would be a felony or an offense of 1624  
violence if committed by an adult, found not guilty of the 1625  
offense, or found not to be a delinquent child for committing an 1626  
act that would be a felony or an offense of violence if committed 1627  
by an adult, the date of an entry dismissing the charge, an entry 1628  
declaring a mistrial of the offense in which the person is 1629

discharged, an entry finding that the person or child is not 1630  
competent to stand trial, or an entry of a nolle prosequi, or the 1631  
date of any other determination that constitutes final resolution 1632  
of the case; 1633

(e) A statement of the original charge with the section of 1634  
the Revised Code that was alleged to be violated; 1635

(f) If the person or child was convicted, pleaded guilty, or 1636  
was adjudicated a delinquent child, the sentence or terms of 1637  
probation imposed or any other disposition of the offender or the 1638  
delinquent child. 1639

If the offense involved the disarming of a law enforcement 1640  
officer or an attempt to disarm a law enforcement officer, the 1641  
clerk shall clearly state that fact in the summary, and the 1642  
superintendent shall ensure that a clear statement of that fact is 1643  
placed in the bureau's records. 1644

(3) The superintendent shall cooperate with and assist 1645  
sheriffs, chiefs of police, and other law enforcement officers in 1646  
the establishment of a complete system of criminal identification 1647  
and in obtaining fingerprints and other means of identification of 1648  
all persons arrested on a charge of a felony, any crime 1649  
constituting a misdemeanor on the first offense and a felony on 1650  
subsequent offenses, or a misdemeanor described in division 1651  
(A)(1)(a) of section 109.572 of the Revised Code and of all 1652  
children under eighteen years of age arrested or otherwise taken 1653  
into custody for committing an act that would be a felony or an 1654  
offense of violence if committed by an adult. The superintendent 1655  
also shall file for record the fingerprint impressions of all 1656  
persons confined in a county, multicounty, municipal, 1657  
municipal-county, or multicounty-municipal jail or workhouse, 1658  
community-based correctional facility, halfway house, alternative 1659  
residential facility, or state correctional institution for the 1660  
violation of state laws and of all children under eighteen years 1661

of age who are confined in a county, multicounty, municipal, 1662  
municipal-county, or multicounty-municipal jail or workhouse, 1663  
community-based correctional facility, halfway house, alternative 1664  
residential facility, or state correctional institution or in any 1665  
facility for delinquent children for committing an act that would 1666  
be a felony or an offense of violence if committed by an adult, 1667  
and any other information that the superintendent may receive from 1668  
law enforcement officials of the state and its political 1669  
subdivisions. 1670

(4) The superintendent shall carry out Chapter 2950. of the 1671  
Revised Code with respect to the registration of persons who are 1672  
convicted of or plead guilty to a sexually oriented offense and 1673  
with respect to all other duties imposed on the bureau under that 1674  
chapter. 1675

(B) The superintendent shall prepare and furnish to every 1676  
county, multicounty, municipal, municipal-county, or 1677  
multicounty-municipal jail or workhouse, community-based 1678  
correctional facility, halfway house, alternative residential 1679  
facility, or state correctional institution and to every clerk of 1680  
a court in this state specified in division (A)(2) of this section 1681  
standard forms for reporting the information required under 1682  
division (A) of this section. The standard forms that the 1683  
superintendent prepares pursuant to this division may be in a 1684  
tangible format, in an electronic format, or in both tangible 1685  
formats and electronic formats. 1686

(C) The superintendent may operate a center for electronic, 1687  
automated, or other data processing for the storage and retrieval 1688  
of information, data, and statistics pertaining to criminals and 1689  
to children under eighteen years of age who are adjudicated 1690  
delinquent children for committing an act that would be a felony 1691  
or an offense of violence if committed by an adult, criminal 1692  
activity, crime prevention, law enforcement, and criminal justice, 1693

and may establish and operate a statewide communications network 1694  
to gather and disseminate information, data, and statistics for 1695  
the use of law enforcement agencies. The superintendent may 1696  
gather, store, retrieve, and disseminate information, data, and 1697  
statistics that pertain to children who are under eighteen years 1698  
of age and that are gathered pursuant to sections 109.57 to 109.61 1699  
of the Revised Code together with information, data, and 1700  
statistics that pertain to adults and that are gathered pursuant 1701  
to those sections. 1702

(D) The information and materials furnished to the 1703  
superintendent pursuant to division (A) of this section and 1704  
information and materials furnished to any board or person under 1705  
division (F) or (G) of this section are not public records under 1706  
section 149.43 of the Revised Code. 1707

(E) The attorney general shall adopt rules, in accordance 1708  
with Chapter 119. of the Revised Code, setting forth the procedure 1709  
by which a person may receive or release information gathered by 1710  
the superintendent pursuant to division (A) of this section. A 1711  
reasonable fee may be charged for this service. If a temporary 1712  
employment service submits a request for a determination of 1713  
whether a person the service plans to refer to an employment 1714  
position has been convicted of or pleaded guilty to an offense 1715  
listed in division (A)(1), (3), (4), ~~or~~ (5), or (6) of section 1716  
109.572 of the Revised Code, the request shall be treated as a 1717  
single request and only one fee shall be charged. 1718

(F)(1) As used in division (F)(2) of this section, "head 1719  
start agency" means an entity in this state that has been approved 1720  
to be an agency for purposes of subchapter II of the "Community 1721  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1722  
as amended. 1723

(2)(a) In addition to or in conjunction with any request that 1724  
is required to be made under section 109.572, 2151.86, 3301.32, 1725

3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1726  
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1727  
education of any school district; the director of mental 1728  
retardation and developmental disabilities; any county board of 1729  
mental retardation and developmental disabilities; any entity 1730  
under contract with a county board of mental retardation and 1731  
developmental disabilities; the chief administrator of any 1732  
chartered nonpublic school; the chief administrator of any home 1733  
health agency; the chief administrator of or person operating any 1734  
child day-care center, type A family day-care home, or type B 1735  
family day-care home licensed or certified under Chapter 5104. of 1736  
the Revised Code; the administrator of any type C family day-care 1737  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1738  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1739  
general assembly; the chief administrator of any head start 1740  
agency; or the executive director of a public children services 1741  
agency may request that the superintendent of the bureau 1742  
investigate and determine, with respect to any individual who has 1743  
applied for employment in any position after October 2, 1989, or 1744  
any individual wishing to apply for employment with a board of 1745  
education may request, with regard to the individual, whether the 1746  
bureau has any information gathered under division (A) of this 1747  
section that pertains to that individual. On receipt of the 1748  
request, the superintendent shall determine whether that 1749  
information exists and, upon request of the person, board, or 1750  
entity requesting information, also shall request from the federal 1751  
bureau of investigation any criminal records it has pertaining to 1752  
that individual. Within thirty days of the date that the 1753  
superintendent receives a request, the superintendent shall send 1754  
to the board, entity, or person a report of any information that 1755  
the superintendent determines exists, including information 1756  
contained in records that have been sealed under section 2953.32 1757  
of the Revised Code, and, within thirty days of its receipt, shall 1758

send the board, entity, or person a report of any information 1759  
received from the federal bureau of investigation, other than 1760  
information the dissemination of which is prohibited by federal 1761  
law. 1762

(b) When a board of education is required to receive 1763  
information under this section as a prerequisite to employment of 1764  
an individual pursuant to section 3319.39 of the Revised Code, it 1765  
may accept a certified copy of records that were issued by the 1766  
bureau of criminal identification and investigation and that are 1767  
presented by an individual applying for employment with the 1768  
district in lieu of requesting that information itself. In such a 1769  
case, the board shall accept the certified copy issued by the 1770  
bureau in order to make a photocopy of it for that individual's 1771  
employment application documents and shall return the certified 1772  
copy to the individual. In a case of that nature, a district only 1773  
shall accept a certified copy of records of that nature within one 1774  
year after the date of their issuance by the bureau. 1775

(3) The state board of education may request, with respect to 1776  
any individual who has applied for employment after October 2, 1777  
1989, in any position with the state board or the department of 1778  
education, any information that a school district board of 1779  
education is authorized to request under division (F)(2) of this 1780  
section, and the superintendent of the bureau shall proceed as if 1781  
the request has been received from a school district board of 1782  
education under division (F)(2) of this section. 1783

(4) When the superintendent of the bureau receives a request 1784  
for information that is authorized under section 3319.291 of the 1785  
Revised Code, the superintendent shall proceed as if the request 1786  
has been received from a school district board of education under 1787  
division (F)(2) of this section. 1788

(5) When a recipient of an OhioReads classroom or community 1789  
reading grant paid under section 3301.86 or 3301.87 of the Revised 1790

Code or an entity approved by the OhioReads council requests, with 1791  
respect to any individual who applies to participate in providing 1792  
any program or service through an entity approved by the OhioReads 1793  
council or funded in whole or in part by the grant, the 1794  
information that a school district board of education is 1795  
authorized to request under division (F)(2)(a) of this section, 1796  
the superintendent of the bureau shall proceed as if the request 1797  
has been received from a school district board of education under 1798  
division (F)(2)(a) of this section. 1799

(G) In addition to or in conjunction with any request that is 1800  
required to be made under section 173.41, 3701.881, 3712.09, 1801  
3721.121, or 3722.151 of the Revised Code with respect to an 1802  
individual who has applied for employment in a position that 1803  
involves providing direct care to an older adult, the chief 1804  
administrator of a PASSPORT agency that provides services through 1805  
the PASSPORT program created under section 173.40 of the Revised 1806  
Code, home health agency, hospice care program, home licensed 1807  
under Chapter 3721. of the Revised Code, adult day-care program 1808  
operated pursuant to rules adopted under section 3721.04 of the 1809  
Revised Code, or adult care facility may request that the 1810  
superintendent of the bureau investigate and determine, with 1811  
respect to any individual who has applied after January 27, 1997, 1812  
for employment in a position that does not involve providing 1813  
direct care to an older adult, whether the bureau has any 1814  
information gathered under division (A) of this section that 1815  
pertains to that individual. On receipt of the request, the 1816  
superintendent shall determine whether that information exists 1817  
and, on request of the administrator requesting information, shall 1818  
also request from the federal bureau of investigation any criminal 1819  
records it has pertaining to that individual. Within thirty days 1820  
of the date a request is received, the superintendent shall send 1821  
to the administrator a report of any information determined to 1822  
exist, including information contained in records that have been 1823

sealed under section 2953.32 of the Revised Code, and, within 1824  
thirty days of its receipt, shall send the administrator a report 1825  
of any information received from the federal bureau of 1826  
investigation, other than information the dissemination of which 1827  
is prohibited by federal law. 1828

(H) Information obtained by a board, administrator, or other 1829  
person under this section is confidential and shall not be 1830  
released or disseminated. 1831

(I) The superintendent may charge a reasonable fee for 1832  
providing information or criminal records under division (F)(2) or 1833  
(G) of this section. 1834

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1835  
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 1836  
or 5153.111 of the Revised Code, a completed form prescribed 1837  
pursuant to division (C)(1) of this section, and a set of 1838  
fingerprint impressions obtained in the manner described in 1839  
division (C)(2) of this section, the superintendent of the bureau 1840  
of criminal identification and investigation shall conduct a 1841  
criminal records check in the manner described in division (B) of 1842  
this section to determine whether any information exists that 1843  
indicates that the person who is the subject of the request 1844  
previously has been convicted of or pleaded guilty to any of the 1845  
following: 1846

(a) A violation of section 2903.01, 2903.02, 2903.03, 1847  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1848  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1849  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1850  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1851  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1852  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1853  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1854

penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03,

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1887  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1888  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1889  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1890  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1891  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1892  
3716.11 of the Revised Code; 1893

(b) An existing or former municipal ordinance or law of this 1894  
state, any other state, or the United States that is substantially 1895  
equivalent to any of the offenses listed in division (A)(2)(a) of 1896  
this section. 1897

(3) On receipt of a request pursuant to section 173.41, 1898  
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1899  
form prescribed pursuant to division (C)(1) of this section, and a 1900  
set of fingerprint impressions obtained in the manner described in 1901  
division (C)(2) of this section, the superintendent of the bureau 1902  
of criminal identification and investigation shall conduct a 1903  
criminal records check with respect to any person who has applied 1904  
for employment in a position that involves providing direct care 1905  
to an older adult. The superintendent shall conduct the criminal 1906  
records check in the manner described in division (B) of this 1907  
section to determine whether any information exists that indicates 1908  
that the person who is the subject of the request previously has 1909  
been convicted of or pleaded guilty to any of the following: 1910

(a) A violation of section 2903.01, 2903.02, 2903.03, 1911  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1912  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1913  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1914  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1915  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1916  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1917  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1918

2925.22, 2925.23, or 3716.11 of the Revised Code; 1919

(b) An existing or former law of this state, any other state, 1920  
or the United States that is substantially equivalent to any of 1921  
the offenses listed in division (A)(3)(a) of this section. 1922

(4) On receipt of a request pursuant to section 3701.881 of 1923  
the Revised Code with respect to an applicant for employment with 1924  
a home health agency as a person responsible for the care, 1925  
custody, or control of a child, a completed form prescribed 1926  
pursuant to division (C)(1) of this section, and a set of 1927  
fingerprint impressions obtained in the manner described in 1928  
division (C)(2) of this section, the superintendent of the bureau 1929  
of criminal identification and investigation shall conduct a 1930  
criminal records check. The superintendent shall conduct the 1931  
criminal records check in the manner described in division (B) of 1932  
this section to determine whether any information exists that 1933  
indicates that the person who is the subject of the request 1934  
previously has been convicted of or pleaded guilty to any of the 1935  
following: 1936

(a) A violation of section 2903.01, 2903.02, 2903.03, 1937  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1938  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1939  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1940  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1941  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1942  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1943  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1944  
violation of section 2925.11 of the Revised Code that is not a 1945  
minor drug possession offense; 1946

(b) An existing or former law of this state, any other state, 1947  
or the United States that is substantially equivalent to any of 1948  
the offenses listed in division (A)(4)(a) of this section. 1949

(5) On receipt of a request pursuant to section 5111.95 or 5111.96 of the Revised Code with respect to an applicant for employment with waiver agencies participating in department of job and family services administered waivers or independent providers in department administered home and community-based service programs in a position that involves providing home and community-based waiver services to consumers with disabilities, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

existed prior to July 1, 1996, had the violation been committed 1982  
prior to that date; 1983

(b) An existing or former law of this state, any other state, 1984  
or the United States that is substantially equivalent to any of 1985  
the offenses listed in division (A)(5)(a) of this section. 1986

(6) On receipt of a request pursuant to section 3701.881 of 1987  
the Revised Code with respect to an applicant for employment with 1988  
a home health agency in a position that involves providing direct 1989  
care to an older adult, a completed form prescribed pursuant to 1990  
division (C)(1) of this section, and a set of fingerprint 1991  
impressions obtained in the manner described in division (C)(2) of 1992  
this section, the superintendent of the bureau of criminal 1993  
identification and investigation shall conduct a criminal records 1994  
check. The superintendent shall conduct the criminal records check 1995  
in the manner described in division (B) of this section to 1996  
determine whether any information exists that indicates that the 1997  
person who is the subject of the request previously has been 1998  
convicted of or pleaded guilty to any of the following: 1999

(a) A violation of section 2903.01, 2903.02, 2903.03, 2000  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2001  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2002  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2003  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2004  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2005  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2006  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2007  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2008

(b) An existing or former law of this state, any other state, 2009  
or the United States that is substantially equivalent to any of 2010  
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 2011

~~(6)~~(7) When conducting a criminal records check upon a 2012

request pursuant to section 3319.39 of the Revised Code for an 2013  
applicant who is a teacher, in addition to the determination made 2014  
under division (A)(1) of this section, the superintendent shall 2015  
determine whether any information exists that indicates that the 2016  
person who is the subject of the request previously has been 2017  
convicted of or pleaded guilty to any offense specified in section 2018  
3319.31 of the Revised Code. 2019

~~(7)~~(8) When conducting a criminal records check on a request 2020  
pursuant to section 2151.86 of the Revised Code for a person who 2021  
is a prospective foster caregiver or who is eighteen years old or 2022  
older and resides in the home of a prospective foster caregiver, 2023  
the superintendent, in addition to the determination made under 2024  
division (A)(1) of this section, shall determine whether any 2025  
information exists that indicates that the person has been 2026  
convicted of or pleaded guilty to a violation of: 2027

(a) Section 2909.02 or 2909.03 of the Revised Code; 2028

(b) An existing or former law of this state, any other state, 2029  
or the United States that is substantially equivalent to section 2030  
2909.02 or 2909.03 of the Revised Code. 2031

~~(8)~~(9) Not later than thirty days after the date the 2032  
superintendent receives the request, completed form, and 2033  
fingerprint impressions, the superintendent shall send the person, 2034  
board, or entity that made the request any information, other than 2035  
information the dissemination of which is prohibited by federal 2036  
law, the superintendent determines exists with respect to the 2037  
person who is the subject of the request that indicates that the 2038  
person previously has been convicted of or pleaded guilty to any 2039  
offense listed or described in division (A)(1), (2), (3), (4), 2040  
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 2041  
superintendent shall send the person, board, or entity that made 2042  
the request a copy of the list of offenses specified in division 2043  
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 2044

as appropriate. If the request was made under section 3701.881 of 2045  
the Revised Code with regard to an applicant who may be both 2046  
responsible for the care, custody, or control of a child and 2047  
involved in providing direct care to an older adult, the 2048  
superintendent shall provide a list of the offenses specified in 2049  
divisions (A)(4) and ~~(5)~~(6) of this section. 2050

(B) The superintendent shall conduct any criminal records 2051  
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 2052  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 2053  
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 2054  
5153.111 of the Revised Code as follows: 2055

(1) The superintendent shall review or cause to be reviewed 2056  
any relevant information gathered and compiled by the bureau under 2057  
division (A) of section 109.57 of the Revised Code that relates to 2058  
the person who is the subject of the request, including any 2059  
relevant information contained in records that have been sealed 2060  
under section 2953.32 of the Revised Code; 2061

(2) If the request received by the superintendent asks for 2062  
information from the federal bureau of investigation, the 2063  
superintendent shall request from the federal bureau of 2064  
investigation any information it has with respect to the person 2065  
who is the subject of the request and shall review or cause to be 2066  
reviewed any information the superintendent receives from that 2067  
bureau. 2068

(C)(1) The superintendent shall prescribe a form to obtain 2069  
the information necessary to conduct a criminal records check from 2070  
any person for whom a criminal records check is required by 2071  
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2072  
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 2073  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 2074  
form that the superintendent prescribes pursuant to this division 2075  
may be in a tangible format, in an electronic format, or in both 2076

tangible and electronic formats. 2077

(2) The superintendent shall prescribe standard impression 2078  
sheets to obtain the fingerprint impressions of any person for 2079  
whom a criminal records check is required by section 173.41, 2080  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2081  
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2082  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 2083  
records check is required by any of those sections shall obtain 2084  
the fingerprint impressions at a county sheriff's office, 2085  
municipal police department, or any other entity with the ability 2086  
to make fingerprint impressions on the standard impression sheets 2087  
prescribed by the superintendent. The office, department, or 2088  
entity may charge the person a reasonable fee for making the 2089  
impressions. The standard impression sheets the superintendent 2090  
prescribes pursuant to this division may be in a tangible format, 2091  
in an electronic format, or in both tangible and electronic 2092  
formats. 2093

(3) Subject to division (D) of this section, the 2094  
superintendent shall prescribe and charge a reasonable fee for 2095  
providing a criminal records check requested under section 173.41, 2096  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2097  
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2098  
5126.281, or 5153.111 of the Revised Code. The person making a 2099  
criminal records request under section 173.41, 2151.86, 3301.32, 2100  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2101  
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2102  
or 5153.111 of the Revised Code shall pay the fee prescribed 2103  
pursuant to this division. A person making a request under section 2104  
3701.881 of the Revised Code for a criminal records check for an 2105  
applicant who may be both responsible for the care, custody, or 2106  
control of a child and involved in providing direct care to an 2107  
older adult shall pay one fee for the request. 2108

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

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

(E) As used in this section:

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

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

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

(4) "Minor drug possession offense" has the same meaning as 2140  
in section 2925.01 of the Revised Code. 2141

~~(3)~~(5) "Older adult" means a person age sixty or older. 2142

**Sec. 117.45.** (A) The auditor of state shall draw warrants 2143  
against the treasurer of state pursuant to all requests for 2144  
payment that the director of budget and management has approved 2145  
under section 126.07 of the Revised Code. 2146

(B) Unless the director of job and family services has 2147  
provided for the making of payments by electronic benefit 2148  
transfer, if a financial institution and account have been 2149  
designated by the participant or recipient, payment by the auditor 2150  
of state to a participant in the Ohio works first program pursuant 2151  
to Chapter 5107. of the Revised Code or a recipient of disability 2152  
financial assistance pursuant to Chapter 5115. of the Revised Code 2153  
shall be made by direct deposit to the account of the participant 2154  
or recipient in the financial institution. Payment by the auditor 2155  
of state to a recipient of benefits distributed through the medium 2156  
of electronic benefit transfer pursuant to section 5101.33 of the 2157  
Revised Code shall be by electronic benefit transfer. Payment by 2158  
the auditor of state as compensation to an employee of the state 2159  
who has, pursuant to section 124.151 of the Revised Code, 2160  
designated a financial institution and account for the direct 2161  
deposit of such payments shall be made by direct deposit to the 2162  
account of the employee. Payment to any other payee who has 2163  
designated a financial institution and account for the direct 2164  
deposit of such payment may be made by direct deposit to the 2165  
account of the payee in the financial institution as provided in 2166  
section 9.37 of the Revised Code. The auditor of state shall 2167  
contract with an authorized financial institution for the services 2168  
necessary to make direct deposits or electronic benefit transfers 2169  
under this division and draw lump sum warrants payable to that 2170

institution in the amount to be transferred. Accounts maintained 2171  
by the auditor of state or the auditor of state's agent in a 2172  
financial institution for the purpose of effectuating payment by 2173  
direct deposit or electronic benefit transfer shall be maintained 2174  
in accordance with section 135.18 of the Revised Code. 2175

(C) All other payments from the state treasury shall be made 2176  
by paper warrants or by direct deposit payable to the respective 2177  
payees. The auditor of state may mail the paper warrants to the 2178  
respective payees or distribute them through other state agencies, 2179  
whichever the auditor of state determines to be the better 2180  
procedure. 2181

(D) If the average per transaction cost the auditor of state 2182  
incurs in making direct deposits for a state agency exceeds the 2183  
average per transaction cost the auditor of state incurs in 2184  
drawing paper warrants for all public offices during the same 2185  
period of time, the auditor of state may certify the difference in 2186  
cost and the number of direct deposits for the agency to the 2187  
director of administrative services. The director shall reimburse 2188  
the auditor of state for such additional costs and add the amount 2189  
to the processing charge assessed upon the state agency. 2190

**Sec. 121.04.** Offices are created within the several 2191  
departments as follows: 2192

In the department of commerce: 2193  
    Commissioner of securities; 2194  
    Superintendent of real estate and professional 2195  
    licensing;  
    Superintendent of financial institutions; 2196  
    ~~Fire marshal;~~ 2197  
    Superintendent of labor and worker safety; 2198  
    Beginning on July 1, 1997, 2199  
    Superintendent of liquor control; 2200

Superintendent of industrial compliance.	2201
In the department of administrative services:	2202
State architect and engineer;	2203
Equal employment opportunity coordinator.	2204
In the department of agriculture:	2205
Chiefs of divisions as follows:	2206
Administration;	2207
Animal industry;	2208
Dairy;	2209
Food safety;	2210
Plant industry;	2211
Markets;	2212
Meat inspection;	2213
Consumer analytical laboratory;	2214
Amusement ride safety;	2215
Enforcement;	2216
Weights and measures.	2217
In the department of natural resources:	2218
Chiefs of divisions as follows:	2219
Water;	2220
Mineral resources management;	2221
Forestry;	2222
Natural areas and preserves;	2223
Wildlife;	2224
Geological survey;	2225
Parks and recreation;	2226
Watercraft;	2227
Recycling and litter prevention;	2228
<del>Civilian conservation;</del>	2229
Soil and water conservation;	2230
Real estate and land management;	2231

Engineering. 2232

In the department of insurance: 2233

Deputy superintendent of insurance; 2234

Assistant superintendent of insurance, technical; 2235

Assistant superintendent of insurance, administrative; 2236

Assistant superintendent of insurance, research. 2237

**Sec. 121.08.** (A) There is hereby created in the department of 2238  
commerce the position of deputy director of administration. This 2239  
officer shall be appointed by the director of commerce, serve 2240  
under the director's direction, supervision, and control, perform 2241  
such duties as the director prescribes, and hold office during the 2242  
director's pleasure. The director of commerce may designate an 2243  
assistant director of commerce to serve as the deputy director of 2244  
administration. The deputy director of administration shall 2245  
perform such duties as are prescribed by the director of commerce 2246  
in supervising the activities of the division of administration of 2247  
the department of commerce. 2248

(B) Except as provided in section 121.07 of the Revised Code, 2249  
the department of commerce shall have all powers and perform all 2250  
duties vested in the deputy director of administration, ~~the state~~ 2251  
~~fire marshal~~, the superintendent of financial institutions, the 2252  
superintendent of real estate and professional licensing, the 2253  
superintendent of liquor control, the superintendent of the 2254  
division of industrial compliance, the superintendent of labor and 2255  
worker safety, and the commissioner of securities, and shall have 2256  
all powers and perform all duties vested by law in all officers, 2257  
deputies, and employees of such offices. Except as provided in 2258  
section 121.07 of the Revised Code, wherever powers are conferred 2259  
or duties imposed upon any of such officers, such powers and 2260  
duties shall be construed as vested in the department of commerce. 2261

(C)(1) There is hereby created in the department of commerce 2262

a division of financial institutions, which shall have all powers 2263  
and perform all duties vested by law in the superintendent of 2264  
financial institutions. Wherever powers are conferred or duties 2265  
imposed upon the superintendent of financial institutions, such 2266  
powers and duties shall be construed as vested in the division of 2267  
financial institutions. The division of financial institutions 2268  
shall be administered by a superintendent of financial 2269  
institutions. 2270

(2) All provisions of law governing the superintendent of 2271  
financial institutions shall apply to and govern the 2272  
superintendent of financial institutions provided for in this 2273  
section; all authority vested by law in the superintendent of 2274  
financial institutions with respect to the management of the 2275  
division of financial institutions shall be construed as vested in 2276  
the superintendent of financial institutions created by this 2277  
section with respect to the division of financial institutions 2278  
provided for in this section; and all rights, privileges, and 2279  
emoluments conferred by law upon the superintendent of financial 2280  
institutions shall be construed as conferred upon the 2281  
superintendent of financial institutions as head of the division 2282  
of financial institutions. The director of commerce shall not 2283  
transfer from the division of financial institutions any of the 2284  
functions specified in division (C)(2) of this section. 2285

(D) Beginning on July 1, 1997, there is hereby created in the 2286  
department of commerce a division of liquor control, which shall 2287  
have all powers and perform all duties vested by law in the 2288  
superintendent of liquor control. Wherever powers are conferred or 2289  
duties are imposed upon the superintendent of liquor control, 2290  
those powers and duties shall be construed as vested in the 2291  
division of liquor control. The division of liquor control shall 2292  
be administered by a superintendent of liquor control. 2293

(E) The director of commerce shall not be interested, 2294

directly or indirectly, in any firm or corporation which is a 2295  
dealer in securities as defined in sections 1707.01 and 1707.14 of 2296  
the Revised Code, or in any firm or corporation licensed under 2297  
sections 1321.01 to 1321.19 of the Revised Code. 2298

(F) The director of commerce shall not have any official 2299  
connection with a savings and loan association, a savings bank, a 2300  
bank, a bank holding company, a savings and loan association 2301  
holding company, a consumer finance company, or a credit union 2302  
that is under the supervision of the division of financial 2303  
institutions, or a subsidiary of any of the preceding entities, or 2304  
be interested in the business thereof. 2305

(G) There is hereby created in the state treasury the 2306  
division of administration fund. The fund shall receive 2307  
assessments on the operating funds of the department of commerce 2308  
in accordance with procedures prescribed by the director of 2309  
commerce and approved by the director of budget and management. 2310  
All operating expenses of the division of administration shall be 2311  
paid from the division of administration fund. 2312

(H) There is hereby created in the department of commerce a 2313  
division of real estate and professional licensing, which shall be 2314  
under the control and supervision of the director of commerce. The 2315  
division of real estate and professional licensing shall be 2316  
administered by a superintendent of real estate and professional 2317  
licensing. The superintendent of real estate and professional 2318  
licensing shall exercise the powers and perform the functions and 2319  
duties delegated to the superintendent under Chapters 4707., 2320  
4735., 4749., 4763., and 4767. of the Revised Code. 2321

(I) There is hereby created in the department of commerce a 2322  
division of labor and worker safety, which shall have all powers 2323  
and perform all duties vested by law in the superintendent of 2324  
labor and worker safety. Wherever powers are conferred or duties 2325  
imposed upon the superintendent of labor and worker safety, such 2326

powers and duties shall be construed as vested in the division of 2327  
labor and worker safety. The division of labor and worker safety 2328  
is under the control and supervision of the director of commerce, 2329  
and administered by a superintendent of labor and worker safety. 2330  
The superintendent of labor and worker safety shall exercise the 2331  
powers and perform the duties delegated to the superintendent by 2332  
the director under Chapters ~~4709.~~ 4109., ~~4711.~~ 4111., ~~4715.~~ 4115., 2333  
and ~~4767.~~ 4167. of the Revised Code. 2334

**Sec. 121.084.** (A) All moneys collected under sections 2335  
~~1333.96,~~ 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42,~~ 4104.44, 2336  
~~4104.45,~~ 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the 2337  
Revised Code, and any other moneys collected by the division of 2338  
industrial compliance shall be paid into the state treasury to the 2339  
credit of the industrial compliance operating fund, which is 2340  
hereby created. The department of commerce shall use the moneys in 2341  
the fund for paying the operating expenses of the division and the 2342  
administrative assessment described in division (B) of this 2343  
section. 2344

(B) The director of commerce, with the approval of the 2345  
director of budget and management, shall prescribe procedures for 2346  
assessing the industrial compliance operating fund a proportionate 2347  
share of the administrative costs of the department of commerce. 2348  
The assessment shall be made in accordance with those procedures 2349  
and be paid from the industrial compliance operating fund to the 2350  
division of administration fund created in section 121.08 of the 2351  
Revised Code. 2352

**Sec. 121.62.** (A) Each executive agency lobbyist and each 2353  
employer shall file with the joint legislative ethics committee, 2354  
within ten days following the engagement of an executive agency 2355  
lobbyist, an initial registration statement showing all of the 2356  
following: 2357

(1) The name, business address, and occupation of the executive agency lobbyist; 2358  
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(2) The name and business address of the employer or of the real party in interest on whose behalf the executive agency lobbyist is acting, if it is different from the employer. For the purposes of division (A) of this section, where a trade association or other charitable or fraternal organization that is exempt from federal income taxation under subsection 501(c) of the federal Internal Revenue Code is the employer, the statement need not list the names and addresses of every member of the association or organization, so long as the association or organization itself is listed. 2360  
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(3) A brief description of the executive agency decision to which the engagement relates; 2370  
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(4) The name of the executive agency or agencies to which the engagement relates. 2372  
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(B) In addition to the initial registration statement required by division (A) of this section, each executive agency lobbyist and employer shall file with the joint committee, not later than the last day of January, May, and September of each year, an updated registration statement that confirms the continuing existence of each engagement described in an initial registration statement and that lists the specific executive agency decisions that the lobbyist sought to influence under the engagement during the period covered by the updated statement, and with it any statement of expenditures required to be filed by section 121.63 of the Revised Code and any details of financial transactions required to be filed by section 121.64 of the Revised Code. 2374  
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(C) If an executive agency lobbyist is engaged by more than one employer, the lobbyist shall file a separate initial and 2387  
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updated registration statement for each engagement. If an employer 2389  
engages more than one executive agency lobbyist, the employer need 2390  
file only one updated registration statement under division (B) of 2391  
this section, which shall contain the information required by 2392  
division (B) of this section regarding all of the executive agency 2393  
lobbyists engaged by the employer. 2394

(D)(1) A change in any information required by division 2395  
(A)(1), (2), or (B) of this section shall be reflected in the next 2396  
updated registration statement filed under division (B) of this 2397  
section. 2398

(2) Within thirty days following the termination of an 2399  
engagement, the executive agency lobbyist who was employed under 2400  
the engagement shall send written notification of the termination 2401  
to the joint committee. 2402

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2403  
charged for filing an initial registration statement. All money 2404  
collected from this fee shall be deposited into the ~~state treasury~~ 2405  
~~to the credit of the joint legislative ethics committee fund~~ 2406  
~~created under section 101.34 of the Revised Code~~ general revenue 2407  
fund of the state. 2408

(F) Upon registration pursuant to this section, an executive 2409  
agency lobbyist shall be issued a card by the joint committee 2410  
showing that the lobbyist is registered. The registration card and 2411  
the executive agency lobbyist's registration shall be valid from 2412  
the date of their issuance until the thirty-first day of January 2413  
of the year following the year in which the initial registration 2414  
was filed. 2415

(G) The executive director of the joint committee shall be 2416  
responsible for reviewing each registration statement filed with 2417  
the joint committee under this section and for determining whether 2418  
the statement contains all of the required information. If the 2419

joint committee determines that the registration statement does 2420  
not contain all of the required information or that an executive 2421  
agency lobbyist or employer has failed to file a registration 2422  
statement, the joint committee shall send written notification by 2423  
certified mail to the person who filed the registration statement 2424  
regarding the deficiency in the statement or to the person who 2425  
failed to file the registration statement regarding the failure. 2426  
Any person so notified by the joint committee shall, not later 2427  
than fifteen days after receiving the notice, file a registration 2428  
statement or an amended registration statement that contains all 2429  
of the required information. If any person who receives a notice 2430  
under this division fails to file a registration statement or such 2431  
an amended registration statement within this fifteen-day period, 2432  
the joint committee shall notify the attorney general, who may 2433  
take appropriate action as authorized by section 121.69 of the 2434  
Revised Code. 2435

If the joint committee notifies the attorney general pursuant 2436  
to this division, the joint committee shall also notify each 2437  
elected executive official and the director of each department 2438  
created under section 121.02 of the Revised Code of the pending 2439  
investigation. 2440

(H) On or before the fifteenth day of March of each year, the 2441  
joint committee shall, in the manner and form that it determines, 2442  
publish a report containing statistical information on the 2443  
registration statements filed with it under this section during 2444  
the preceding year. 2445

(I) If an employer who engages an executive agency lobbyist 2446  
is the recipient of a contract, grant, lease, or other financial 2447  
arrangement pursuant to which funds of the state or of an 2448  
executive agency are distributed or allocated, the executive 2449  
agency or any aggrieved party may consider the failure of the 2450  
employer or the executive agency lobbyist to comply with this 2451

section as a breach of a material condition of the contract, 2452  
grant, lease, or other financial arrangement. 2453

(J) Executive agency officials may require certification from 2454  
any person seeking the award of a contract, grant, lease, or 2455  
financial arrangement that the person and ~~his~~ the person's 2456  
employer are in compliance with this section. 2457

**Sec. 122.011.** (A) The department of development shall develop 2458  
and promote plans and programs designed to assure that state 2459  
resources are efficiently used, economic growth is properly 2460  
balanced, community growth is developed in an orderly manner, and 2461  
local governments are coordinated with each other and the state, 2462  
and for such purposes may do all of the following: 2463

(1) Serve as a clearinghouse for information, data, and other 2464  
materials that may be helpful or necessary to persons or local 2465  
governments, as provided in section 122.07 of the Revised Code; 2466

(2) Prepare and activate plans for the retention, 2467  
development, expansion, and use of the resources and commerce of 2468  
the state, as provided in section 122.04 of the Revised Code; 2469

(3) Assist and cooperate with federal, state, and local 2470  
governments and agencies of federal, state, and local governments 2471  
in the coordination of programs to carry out the functions and 2472  
duties of the department; 2473

(4) Encourage and foster research and development activities, 2474  
conduct studies related to the solution of community problems, and 2475  
develop recommendations for administrative or legislative actions, 2476  
as provided in section 122.03 of the Revised Code; 2477

(5) Serve as the economic and community development planning 2478  
agency, which shall prepare and recommend plans and programs for 2479  
the orderly growth and development of this state and which shall 2480  
provide planning assistance, as provided in section 122.06 of the 2481

Revised Code;	2482
(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;	2483 2484 2485 2486 2487 2488 2489
(7) Coordinate the activities of state agencies that have an impact on carrying out the functions and duties of the department;	2490 2491
(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;	2492 2493 2494 2495
(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 studies of legal provisions that affect problems related to carrying out the purposes of this section;	2496 2497 2498 2499 2500 2501 2502 2503
(10) Appoint, with the approval of the governor, technical and other advisory councils as it considers appropriate, as provided in section 122.09 of the Revised Code;	2504 2505 2506
(11) Create and operate a division of community development to develop and administer programs and activities that are authorized by federal statute or the Revised Code;	2507 2508 2509
(12) Until <del>July 1, 2003</del> <u>October 15, 2005</u> , establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan	2510 2511 2512

guarantees under the family farm loan program created under 2513  
sections 901.80 to 901.83 of the Revised Code; 2514

(13) Provide loan servicing for the loans purchased and loan 2515  
guarantees provided under section 901.80 of the Revised Code as 2516  
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2517

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2518  
by the controlling board under division (A)(3) of section 901.82 2519  
of the Revised Code of the release of money to be used for 2520  
purchasing a loan or providing a loan guarantee, request the 2521  
release of that money in accordance with division (B) of section 2522  
166.03 of the Revised Code for use for the purposes of the fund 2523  
created by section 166.031 of the Revised Code. 2524

(B) The director of development may request the attorney 2525  
general to, and the attorney general, in accordance with section 2526  
109.02 of the Revised Code, shall bring a civil action in any 2527  
court of competent jurisdiction. The director may be sued in the 2528  
director's official capacity, in connection with this chapter, in 2529  
accordance with Chapter 2743. of the Revised Code. 2530

**Sec. 122.04.** The department of development shall do the 2531  
following: 2532

(A) Maintain a continuing evaluation of the sources available 2533  
for the retention, development, or expansion of industrial and 2534  
commercial facilities in this state through both public and 2535  
private agencies; 2536

(B) Assist public and private agencies in obtaining 2537  
information necessary to evaluate the desirability of the 2538  
retention, construction, or expansion of industrial and commercial 2539  
facilities in the state; 2540

(C) Facilitate contracts between community improvement 2541  
corporations organized under Chapter 1724. of the Revised Code or 2542

Ohio development corporations organized under Chapter 1726. of the 2543  
Revised Code and industrial and commercial concerns seeking to 2544  
locate or expand in ~~Ohio~~ the state; 2545

(D) Upon request, consult with public agencies or authorities 2546  
in the preparation of studies of human and economic needs or 2547  
advantages relating to economic and community development; 2548

(E) Encourage, promote, and assist trade and commerce between 2549  
this state and foreign nations; 2550

(F) Promote and encourage persons to visit and travel within 2551  
this state; 2552

(G) Maintain membership in the national association of state 2553  
development agencies; 2554

(H) Assist in the development of facilities and technologies 2555  
that will lead to increased, environmentally sound use of Ohio 2556  
coal; 2557

(I) Promote economic growth in the state. 2558

**Sec. 122.08.** (A) There is hereby created within the 2559  
department of development an office to be known as the office of 2560  
small business. The office shall be under the supervision of a 2561  
manager appointed by the director of development. 2562

(B) The office shall do all of the following: 2563

(1) Act as liaison between the small business community and 2564  
state governmental agencies; 2565

(2) Furnish information and technical assistance to persons 2566  
and small businesses concerning the establishment and maintenance 2567  
of a small business, and concerning state laws and rules relevant 2568  
to the operation of a small business. In conjunction with these 2569  
duties, the office shall keep a record of all state agency rules 2570  
affecting individuals, small businesses, or small organizations, 2571

as defined in section 121.24 of the Revised Code, and may testify 2572  
before the joint committee on agency rule review concerning any 2573  
proposed rule affecting individuals, small businesses, or small 2574  
organizations. 2575

(3) Prepare and publish the small business register under 2576  
section 122.081 of the Revised Code; 2577

(4) Receive complaints from small businesses concerning 2578  
governmental activity, compile and analyze those complaints, and 2579  
periodically make recommendations to the governor and the general 2580  
assembly on changes in state laws or agency rules needed to 2581  
eliminate burdensome and unproductive governmental regulation to 2582  
improve the economic climate within which small businesses 2583  
operate; 2584

(5) Receive complaints or questions from small businesses and 2585  
direct ~~such~~ those businesses to the appropriate governmental 2586  
agency. If, within a reasonable period of time, a complaint is not 2587  
satisfactorily resolved or a question is not satisfactorily 2588  
answered, the office shall, on behalf of the small business, make 2589  
every effort to secure a satisfactory result. For this purpose, 2590  
the office may consult with any state governmental agency and may 2591  
make any suggestion or request that seems appropriate. 2592

(6) Utilize, to the maximum extent possible, the printed and 2593  
electronic media to disseminate information of current concern and 2594  
interest to the small business community and to make known to 2595  
small businesses the services available through the office. The 2596  
office shall publish such books, pamphlets, and other printed 2597  
materials, and shall participate in such trade association 2598  
meetings, conventions, fairs, and other meetings involving the 2599  
small business community, as the manager considers appropriate. 2600

(7) Prepare for inclusion in the department of development's 2601  
annual report to the governor and general assembly, a description 2602

of the activities of the office and a report of the number of 2603  
rules affecting individuals, small businesses, and small 2604  
organizations that were filed with the office under division 2605  
(B)(2) of section 121.24 of the Revised Code, during the preceding 2606  
calendar year; 2607

(8) Operate the Ohio ~~one-stop business permit center~~ 2608  
first-stop business connection to assist individuals in 2609  
identifying and preparing applications for business licenses, 2610  
permits, and certificates and to serve as the central public 2611  
distributor for all forms, applications, and other information 2612  
related to business licensing. Each state agency, board, and 2613  
commission shall cooperate in providing assistance, information, 2614  
and materials to enable the ~~center~~ connection to perform its 2615  
duties under this division ~~(B)(8) of this section.~~ 2616

(C) The office ~~of small business~~ may, upon the request of a 2617  
state agency, assist the agency with the preparation of any rule 2618  
that will affect individuals, small businesses, or small 2619  
organizations. 2620

(D) The director of development shall assign ~~such~~ employees 2621  
and furnish ~~such~~ equipment and supplies to the office as the 2622  
director considers necessary for the proper performance of the 2623  
duties assigned to the office. 2624

**Sec. 122.25.** (A) In administering the program established 2625  
under section 122.24 of the Revised Code, the director of 2626  
development shall do all of the following: 2627

(1) Annually designate, by the first day of January of each 2628  
year, the entities that constitute the eligible areas in this 2629  
state as defined in section 122.23 of the Revised Code; 2630

(2) Inform local governments and others in the state of the 2631  
availability of the program and financial assistance established 2632

under sections 122.23 to 122.27 of the Revised Code;	2633
(3) Report to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of representatives by the thirtieth day of June of each year on the activities carried out under the program during the preceding calendar year. The report shall include the number of loans made that year and the amount and recipient of each loan.	2634 2635 2636 2637 2638 2639 2640
(4) Work in conjunction with conventional lending institutions, local revolving loan funds, private investors, and other private and public financing sources to provide loans or loan guarantees to eligible applicants;	2641 2642 2643 2644
(5) Establish fees, charges, interest rates, payment schedules, local match requirements, and other terms and conditions for loans and loan guarantees provided under the loan program created by section 122.24 of the Revised Code;	2645 2646 2647 2648
(6) Require each applicant to demonstrate the suitability of any site for the assistance sought; that the site has been surveyed, has adequate or available utilities, and that there are no zoning restrictions, environmental regulations, or other matters impairing the use of the site for the purpose intended;	2649 2650 2651 2652 2653
(7) Require each applicant to provide a marketing plan and management strategy for the project;	2654 2655
(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:	2656 2657
(a) Forms and procedures by which eligible applicants may apply for assistance;	2658 2659
(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;	2660 2661 2662

(c) Reporting requirements and monitoring procedures;	2663
(d) Guidelines regarding situations in which industrial parks would be considered to compete against one another for the purposes of division (B)(2) of section 122.27 of the Revised Code;	2664 2665 2666
(e) Any other rules necessary to implement and administer the program created by section 122.24 of the Revised Code.	2667 2668
(B) The director may adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements governing the use of any industrial park site receiving assistance under section 122.24 of the Revised Code, such that a certain portion of the site must be used for manufacturing, distribution, high technology, research and development, or other businesses wherein a majority of the product or service produced is exported out of the state.	2669 2670 2671 2672 2673 2674 2675 2676
(C) As a condition to receiving assistance under section 122.24 of the Revised Code, and except as provided in division (D) of this section, an applicant must agree, for a period of five years, not to permit the use of a site that is developed or improved with such assistance to cause the relocation of jobs to that site from elsewhere in Ohio.	2677 2678 2679 2680 2681 2682
(D) A site developed or improved with assistance under section 122.24 of the Revised Code may be the site of jobs relocated from elsewhere in Ohio if the director of development does all of the following:	2683 2684 2685 2686
(1) Makes a written determination that the site from which the jobs would be relocated is inadequate to meet market or industry conditions, expansion plans, consolidation plans, or other business considerations affecting the relocating employer;	2687 2688 2689 2690
(2) Provides a copy of the determination required by division (D)(1) of this section to the members of the general assembly	2691 2692

whose legislative districts include the site from which the jobs 2693  
would be relocated, ~~and to the joint legislative committee on tax~~ 2694  
~~incentives;~~ 2695

(3) Determines that the governing body of the area from which 2696  
the jobs would be relocated has been notified in writing by the 2697  
relocating company of the possible relocation. 2698

(E) The director of development must obtain the approval of 2699  
the controlling board for any loan or loan guarantee provided 2700  
under sections 122.23 to 122.27 of the Revised Code. 2701

**Sec. 122.651.** (A) There is hereby created the clean Ohio 2702  
council consisting of the director of development or the 2703  
director's designee, the director of environmental protection or 2704  
the director's designee, the lieutenant governor or the lieutenant 2705  
governor's designee, the director of the Ohio public works 2706  
commission as a nonvoting, ex officio member, one member of the 2707  
majority party of the senate and one member of the minority party 2708  
of the senate to be appointed by the president of the senate, one 2709  
member of the majority party of the house of representatives and 2710  
one member of the minority party of the house of representatives 2711  
to be appointed by the speaker of the house of representatives, 2712  
and seven members to be appointed by the governor with the advice 2713  
and consent of the senate. Of the members appointed by the 2714  
governor, one shall represent the interests of counties, one shall 2715  
represent the interests of townships, one shall represent the 2716  
interests of municipal corporations, two shall represent the 2717  
interests of business and development, and two shall represent 2718  
statewide environmental advocacy organizations. The members 2719  
appointed by the governor shall reflect the demographic and 2720  
economic diversity of the population of the state. Additionally, 2721  
the governor's appointments shall represent all areas of the 2722  
state. All appointments to the council shall be made not later 2723

than one hundred twenty days after July 26, 2001. 2724

(B) The members appointed by the president of the senate and 2725  
speaker of the house of representatives shall serve at the 2726  
pleasure of their appointing authorities. Of the initial members 2727  
appointed by the governor to the clean Ohio council, four shall be 2728  
appointed for two years and three shall be appointed for one year. 2729  
Thereafter, terms of office for members appointed by the governor 2730  
shall be for two years, with each term ending on the same day of 2731  
the same month as did the term that it succeeds. Each of those 2732  
members shall hold office from the date of appointment until the 2733  
end of the term for which the member is appointed. 2734

Members may be reappointed. Vacancies shall be filled in the 2735  
same manner as provided for original appointments. Any member 2736  
appointed to fill a vacancy occurring prior to the expiration date 2737  
of the term for which the member was appointed shall hold office 2738  
for the remainder of that term. A member shall continue in office 2739  
after the expiration date of the member's term until the member's 2740  
successor takes office or until a period of sixty days has 2741  
elapsed, whichever occurs first. The governor may remove a member 2742  
appointed by the governor for misfeasance, nonfeasance, or 2743  
malfeasance in office. 2744

(C) ~~The director of development~~ governor shall appoint a 2745  
member of the clean Ohio council to serve as the chairperson of 2746  
the clean Ohio council. The director of development shall serve as 2747  
the vice-chairperson of the council unless appointed chairperson. 2748  
If the director is appointed chairperson, the council annually 2749  
shall select from among its members a vice-chairperson to serve 2750  
while the director is chairperson. The council annually shall 2751  
select from among its members ~~a vice-chairperson and~~ a secretary 2752  
to keep a record of its proceedings. A majority vote of a quorum 2753  
of the members of the council is necessary to take action on any 2754  
matter. The council may adopt bylaws governing its operation, 2755

including bylaws that establish the frequency of meetings, 2756  
procedures for reviewing eligible projects under sections 122.65 2757  
to 122.658 of the Revised Code and policies and requirements 2758  
established under section 122.657 of the Revised Code, and other 2759  
necessary procedures. 2760

(D) Members of the clean Ohio council shall be deemed to be 2761  
public officials or officers only for the purposes of section 9.86 2762  
and Chapters 102. and 2921. of the Revised Code. Serving as a 2763  
member of the clean Ohio council does not constitute holding a 2764  
public office or position of employment so as to constitute 2765  
grounds for removal of public officers or employees serving as 2766  
members of the council from their offices or positions of 2767  
employment. Members of the council shall file with the Ohio ethics 2768  
commission the disclosure statement described in division (A) of 2769  
section 102.02 of the Revised Code on the form prescribed by the 2770  
commission and be subject to divisions (C) and (D) of that 2771  
section. Members of the council shall serve without compensation 2772  
for attending council meetings, but shall receive their actual and 2773  
necessary traveling and other expenses incurred in the performance 2774  
of their official duties in accordance with the rules of the 2775  
office of budget and management. 2776

(E) Members appointed by the governor to represent the 2777  
interests of counties, townships, and municipal corporations do 2778  
not have a conflict of interest by virtue of their service in the 2779  
position. For the purposes of this division, "conflict of 2780  
interest" means the taking of any action as a member of the 2781  
council that affects a public agency the person serves as an 2782  
officer or employee. 2783

(F) The department of development shall provide office space 2784  
for the council. The council shall be assisted in its duties by 2785  
the staff of the department of development and the environmental 2786  
protection agency. 2787

(G) Sections 101.82 to 101.87 of the Revised Code do not 2788  
apply to the clean Ohio council. 2789

**Sec. 122.658.** (A) The clean Ohio revitalization fund is 2790  
hereby created in the state treasury. The fund shall consist of 2791  
moneys credited to it pursuant to section 151.40 of the Revised 2792  
Code. Moneys in the fund shall be used to make grants or loans for 2793  
projects that have been approved by the clean Ohio council in 2794  
accordance with section 122.653 of the Revised Code, except that 2795  
the council annually shall devote twenty per cent of the net 2796  
proceeds of obligations deposited in the clean Ohio revitalization 2797  
fund for the purposes of section 122.656 of the Revised Code. 2798

Moneys in the clean Ohio revitalization fund may be used to 2799  
pay reasonable costs incurred by the department of development and 2800  
the environmental protection agency in administering sections 2801  
122.65 to 122.658 of the Revised Code. All investment earnings of 2802  
the fund shall be credited to the fund. ~~For two years after July~~ 2803  
~~26, 2001, investment~~ Investment earnings credited to the clean 2804  
Ohio revitalization fund may be used to pay costs incurred by the 2805  
department of development and the environmental protection agency 2806  
pursuant to sections 122.65 to 122.658 of the Revised Code. 2807

The department of development shall administer the clean Ohio 2808  
revitalization fund in accordance with this section, policies and 2809  
requirements established under section 122.657 of the Revised 2810  
Code, and the terms of agreements entered into by the council 2811  
under section 122.653 of the Revised Code. 2812

(B) Grants awarded and loans made under section 122.653 of 2813  
the Revised Code shall provide not more than seventy-five per cent 2814  
of the estimated total cost of a project. A grant or loan to any 2815  
one project shall not exceed three million dollars. An applicant 2816  
shall provide at least twenty-five per cent of the estimated total 2817  
cost of a project. The applicant's share may consist of one or a 2818

combination of any of the following:	2819
(1) Payment of the cost of acquiring the property for the purposes of sections 122.65 to 122.658 of the Revised Code;	2820 2821
(2) Payment of the reasonable cost of an assessment at the property;	2822 2823
(3) The reasonable value, as determined by the council, of labor and materials that will be contributed by the applicant in performing the cleanup or remediation;	2824 2825 2826
(4) Moneys received by the applicant in any form for use in performing the cleanup or remediation;	2827 2828
(5) Loans secured by the applicant for the purpose of the cleanup or remediation of the brownfield.	2829 2830
Costs that were incurred more than two years prior to the submission of an application to the clean Ohio council for the acquisition of property, assessments, and labor and materials shall not be used as part of the applicant's matching share.	2831 2832 2833 2834
(C) The department of development shall not make any payment to an applicant from the clean Ohio revitalization fund to pay costs of the applicant that were not included in an application for a grant or loan under section 122.653 of the Revised Code or that exceed the amount of the estimated total cost of the project included in the application. If, upon completion of a project, the costs of the project are less than the amounts included in the application, the amounts included in the application less the amounts of the actual costs of the project shall be credited to the clean Ohio revitalization fund. However, the amounts credited shall be equivalent in percentage to the percentage of the costs of the project that were to be funded by the grant or loan from the fund.	2835 2836 2837 2838 2839 2840 2841 2842 2843 2844 2845 2846 2847
(D) Grants awarded or loans made under section 122.653 of the	2848

Revised Code from the clean Ohio revitalization fund shall be used 2849  
by an applicant only to pay the costs of the actual cleanup or 2850  
remediation of a brownfield and shall not be used by an applicant 2851  
to pay any administrative costs incurred by the applicant. Costs 2852  
related to the use of a certified professional for purposes of 2853  
section 122.654 of the Revised Code are not administrative costs 2854  
and may be paid with moneys from grants awarded or loans made 2855  
under section 122.653 of the Revised Code. 2856

(E) The portion of net proceeds of obligations devoted under 2857  
division (A) of this section for the purposes of section 122.656 2858  
of the Revised Code shall be used to make grants for assessments, 2859  
cleanup or remediation of brownfields, and public health projects 2860  
that have been approved by the director of development under that 2861  
section. The department of development shall administer section 2862  
122.656 of the Revised Code in accordance with this section, 2863  
policies and requirements established under section 122.657 of the 2864  
Revised Code, and the terms of agreements entered into by the 2865  
director under section 122.656 of the Revised Code. The director 2866  
shall not grant more than twenty-five million dollars for public 2867  
health projects under section 122.656 of the Revised Code. 2868

(F) Grants awarded under section 122.656 of the Revised Code 2869  
shall be used by an applicant only to pay the costs of actually 2870  
conducting an assessment, a cleanup or remediation of a 2871  
brownfield, or a public health project and shall not be used by an 2872  
applicant to pay any administrative costs incurred by the 2873  
applicant. Costs related to the use of a certified professional 2874  
for purposes of section 122.654 of the Revised Code are not 2875  
administrative costs and may be paid with moneys from grants 2876  
awarded under section 122.656 of the Revised Code. 2877

(G)(1) The clean Ohio revitalization revolving loan fund is 2878  
hereby created in the state treasury. Payments of principal and 2879  
interest on loans made from the clean Ohio revitalization fund 2880

shall be credited to this revolving loan fund, as shall payments 2881  
of principal and interest on loans made from the revolving loan 2882  
fund itself. The revolving loan fund's investment earnings shall 2883  
be credited to it. 2884

(2) The clean Ohio revitalization revolving loan fund shall 2885  
be used to make loans for the same purposes and subject to the 2886  
same policies, requirements, criteria, and application procedures 2887  
as loans made from the clean Ohio revitalization fund. 2888

**Sec. 122.87.** As used in sections 122.87 to ~~122.89~~ 122.90 of 2889  
the Revised Code: 2890

(A) "Surety company" means a company that is authorized by 2891  
the department of insurance to issue bonds as surety. 2892

(B) "Minority business" means any of the following 2893  
occupations: 2894

(1) Minority construction contractor; 2895

(2) Minority seller; 2896

(3) Minority service vendor. 2897

(C) "Minority construction contractor" means a person who is 2898  
both a construction contractor and an owner of a minority business 2899  
enterprise certified under division (B) of section 123.151 of the 2900  
Revised Code. 2901

(D) "Minority seller" means a person who is both a seller of 2902  
goods and an owner of a minority business enterprise listed on the 2903  
special minority business enterprise bid notification list under 2904  
division (B) of section 125.08 of the Revised Code. 2905

(E) "Minority service vendor" means a person who is both a 2906  
vendor of services and an owner of a minority business enterprise 2907  
listed on the special minority business enterprise bid 2908  
notification list under division (B) of section 125.08 of the 2909

Revised Code.	2910
(F) "Minority business enterprise" has the meaning given in section 122.71 of the Revised Code.	2911 2912
<u>(G) "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the director of administrative services under section 123.152 of the Revised Code.</u>	2913 2914 2915 2916 2917 2918
<b>Sec. 122.88.</b> (A) There is hereby created in the state treasury the minority business bonding fund, consisting of moneys deposited or credited to it pursuant to section 169.05 of the Revised Code; all grants, gifts, and contributions received pursuant to division (B)(9) of section 122.74 of the Revised Code; all moneys recovered following defaults; and any other moneys obtained by the director of development for the purposes of sections 122.87 to <del>122.89</del> <u>122.90</u> of the Revised Code. The fund shall be administered by the director. Moneys in the fund shall be held in trust for the purposes of sections 122.87 to <del>122.89</del> <u>122.90</u> of the Revised Code.	2919 2920 2921 2922 2923 2924 2925 2926 2927 2928 2929
(B) Any claims against the state arising from defaults shall be payable from the minority business bonding program administrative and loss reserve fund as provided in division (C) of this section or from the minority business bonding fund. Nothing in sections 122.87 to <del>122.89</del> <u>122.90</u> of the Revised Code grants or pledges to any obligee or other person any state moneys other than the moneys in the minority business bonding program administrative and loss reserve fund or the minority business bonding fund, or moneys available to the minority business bonding fund upon request of the director in accordance with division (B) of section 169.05 of the Revised Code.	2930 2931 2932 2933 2934 2935 2936 2937 2938 2939 2940

(C) There is hereby created in the state treasury the 2941  
minority business bonding program administrative and loss reserve 2942  
fund, consisting of all premiums charged and collected in 2943  
accordance with section 122.89 of the Revised Code and any 2944  
interest income earned from the moneys in the minority business 2945  
bonding fund. All expenses of the director and the minority 2946  
development financing advisory board in carrying out the purposes 2947  
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 2948  
paid from the minority business bonding program administrative and 2949  
loss reserve fund. 2950

Any moneys to the credit of the minority business bonding 2951  
program administrative and loss reserve fund in excess of the 2952  
amount necessary to fund the appropriation authority for the 2953  
minority business bonding program administrative and loss reserve 2954  
fund shall be held as a loss reserve to pay claims arising from 2955  
defaults on surety bonds underwritten in accordance with section 2956  
122.89 of the Revised Code or guaranteed in accordance with 2957  
section 122.90 of the Revised Code. If the balance of funds in the 2958  
minority business bonding program administrative and loss reserve 2959  
fund is insufficient to pay a claim against the state arising from 2960  
default, then such claim shall be payable from the minority 2961  
business bonding fund. 2962

**Sec. 122.90.** (A) The director of development may guarantee 2963  
bonds executed by sureties for minority businesses and EDGE 2964  
business enterprises certified under section 123.152 of the 2965  
Revised Code as principals on contracts with the state, any 2966  
political subdivision or instrumentality, or any person as the 2967  
obligee. The director, as guarantor, may exercise all the rights 2968  
and powers of a company authorized by the department of insurance 2969  
to guarantee bonds under Chapter 3929. of the Revised Code but 2970  
otherwise is not subject to any laws related to a guaranty company 2971

under Title XXXIX of the Revised Code nor to any rules of the 2972  
department of insurance. 2973

(B) The director shall adopt rules under Chapter 119. of the 2974  
Revised Code to establish procedures for the application for bond 2975  
guarantees and the review and approval of applications for bond 2976  
guarantees submitted by sureties that execute bonds eligible for 2977  
guarantees under division (A) of this section. 2978

(C) In accordance with rules adopted pursuant to this 2979  
section, the director may guarantee up to ninety per cent of the 2980  
loss incurred and paid by sureties on bonds guaranteed under 2981  
division (A) of this section. 2982

(D) The penal sum amounts of all outstanding guarantees made 2983  
by the director under this section shall not exceed three times 2984  
the difference between the amount of moneys in the minority 2985  
business bonding fund and available to the fund under division (B) 2986  
of section 169.05 of the Revised Code and the amount of all 2987  
outstanding bonds issued by the director in accordance with 2988  
division (A) of section 122.89 of the Revised Code. 2989

**Sec. 123.01.** (A) The department of administrative services, 2990  
in addition to those powers enumerated in Chapters 124. and 125. 2991  
of the Revised Code, and as provided elsewhere by law, shall 2992  
exercise the following powers: 2993

(1) To prepare, or contract to be prepared, by licensed 2994  
engineers or architects, surveys, general and detailed plans, 2995  
specifications, bills of materials, and estimates of cost for any 2996  
projects, improvements, or public buildings to be constructed by 2997  
state agencies that may be authorized by legislative 2998  
appropriations or any other funds made available therefor, 2999  
provided that the construction of the projects, improvements, or 3000  
public buildings is a statutory duty of the department. This 3001  
section does not require the independent employment of an 3002

architect or engineer as provided by section 153.01 of the Revised Code in the cases to which that section applies nor affect or alter the existing powers of the director of transportation.

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

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

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

(5) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent

domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code; 3035  
3036

(6) To make and provide all plans, specifications, and models for the construction and perfection of all systems of sewerage, drainage, and plumbing for the state in connection with buildings and grounds under the control of a state agency; 3037  
3038  
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3040

(7) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law; 3041  
3042  
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(8) To procure, by lease, storage accommodations for a state agency; 3044  
3045

(9) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses shall be granted for a period not to exceed fifteen years and shall be executed for the state by the director of administrative services and the governor and shall be approved as to form by the attorney general, provided that leases, easements, or licenses may be granted to any county, township, municipal corporation, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, conservancy district, or other political subdivision or taxing district, or any agency of the United States government, for the exclusive use of that agency, political subdivision, or taxing district, without any right of sublease or assignment, for a period not to exceed fifteen years, and provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant 3046  
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to section 123.77 of the Revised Code. 3067

(10) To lease office space in buildings for the use of a 3068  
state agency; 3069

(11) To have general supervision and care of the storerooms, 3070  
offices, and buildings leased for the use of a state agency; 3071

(12) To exercise general custodial care of all real property 3072  
of the state; 3073

(13) To assign and group together state offices in any city 3074  
in the state and to establish, in cooperation with the state 3075  
agencies involved, rules governing space requirements for office 3076  
or storage use; 3077

(14) To lease for a period not to exceed forty years, 3078  
pursuant to a contract providing for the construction thereof 3079  
under a lease-purchase plan, buildings, structures, and other 3080  
improvements for any public purpose, and, in conjunction 3081  
therewith, to grant leases, easements, or licenses for lands under 3082  
the control of a state agency for a period not to exceed forty 3083  
years. The lease-purchase plan shall provide that at the end of 3084  
the lease period, the buildings, structures, and related 3085  
improvements, together with the land on which they are situated, 3086  
shall become the property of the state without cost. 3087

(a) Whenever any building, structure, or other improvement is 3088  
to be so leased by a state agency, the department shall retain 3089  
either basic plans, specifications, bills of materials, and 3090  
estimates of cost with sufficient detail to afford bidders all 3091  
needed information or, alternatively, all of the following plans, 3092  
details, bills of materials, and specifications: 3093

(i) Full and accurate plans suitable for the use of mechanics 3094  
and other builders in the improvement; 3095

(ii) Details to scale and full sized, so drawn and 3096

represented as to be easily understood; 3097

(iii) Accurate bills showing the exact quantity of different 3098  
kinds of material necessary to the construction; 3099

(iv) Definite and complete specifications of the work to be 3100  
performed, together with such directions as will enable a 3101  
competent mechanic or other builder to carry them out and afford 3102  
bidders all needed information; 3103

(v) A full and accurate estimate of each item of expense and 3104  
of the aggregate cost thereof. 3105

(b) The department shall give public notice, in such 3106  
newspaper, in such form, and with such phraseology as the director 3107  
of administrative services prescribes, published once each week 3108  
for four consecutive weeks, of the time when and place where bids 3109  
will be received for entering into an agreement to lease to a 3110  
state agency a building, structure, or other improvement. The last 3111  
publication shall be at least eight days preceding the day for 3112  
opening the bids. The bids shall contain the terms upon which the 3113  
builder would propose to lease the building, structure, or other 3114  
improvement to the state agency. The form of the bid approved by 3115  
the department shall be used, and a bid is invalid and shall not 3116  
be considered unless that form is used without change, alteration, 3117  
or addition. Before submitting bids pursuant to this section, any 3118  
builder shall comply with Chapter 153. of the Revised Code. 3119

(c) On the day and at the place named for receiving bids for 3120  
entering into lease agreements with a state agency, the director 3121  
of administrative services shall open the bids and shall publicly 3122  
proceed immediately to tabulate the bids upon duplicate sheets. No 3123  
lease agreement shall be entered into until the bureau of workers' 3124  
compensation has certified that the person to be awarded the lease 3125  
agreement has complied with Chapter 4123. of the Revised Code, 3126  
until, if the builder submitting the lowest and best bid is a 3127

foreign corporation, the secretary of state has certified that the 3128  
corporation is authorized to do business in this state, until, if 3129  
the builder submitting the lowest and best bid is a person 3130  
nonresident of this state, the person has filed with the secretary 3131  
of state a power of attorney designating the secretary of state as 3132  
its agent for the purpose of accepting service of summons in any 3133  
action brought under Chapter 4123. of the Revised Code, and until 3134  
the agreement is submitted to the attorney general and the 3135  
attorney general's approval is certified thereon. Within thirty 3136  
days after the day on which the bids are received, the department 3137  
shall investigate the bids received and shall determine that the 3138  
bureau and the secretary of state have made the certifications 3139  
required by this section of the builder who has submitted the 3140  
lowest and best bid. Within ten days of the completion of the 3141  
investigation of the bids, the department shall award the lease 3142  
agreement to the builder who has submitted the lowest and best bid 3143  
and who has been certified by the bureau and secretary of state as 3144  
required by this section. If bidding for the lease agreement has 3145  
been conducted upon the basis of basic plans, specifications, 3146  
bills of materials, and estimates of costs, upon the award to the 3147  
builder the department, or the builder with the approval of the 3148  
department, shall appoint an architect or engineer licensed in 3149  
this state to prepare such further detailed plans, specifications, 3150  
and bills of materials as are required to construct the building, 3151  
structure, or improvement. The department shall adopt such rules 3152  
as are necessary to give effect to this section. The department 3153  
may reject any bid. Where there is reason to believe there is 3154  
collusion or combination among bidders, the bids of those 3155  
concerned therein shall be rejected. 3156

(15) To acquire by purchase, gift, devise, or grant and to 3157  
transfer, lease, or otherwise dispose of all real property 3158  
required to assist in the development of a conversion facility as 3159  
defined in section 5709.30 of the Revised Code; 3160

(16) To lease for a period not to exceed forty years, 3161  
notwithstanding any other division of this section, the 3162  
state-owned property located at 408-450 East Town Street, 3163  
Columbus, Ohio, formerly the state school for the deaf, to a 3164  
developer in accordance with this section. "Developer," as used in 3165  
this section, has the same meaning as in section 123.77 of the 3166  
Revised Code. 3167

Such a lease shall be for the purpose of development of the 3168  
land for use by senior citizens by constructing, altering, 3169  
renovating, repairing, expanding, and improving the site as it 3170  
existed on June 25, 1982. A developer desiring to lease the land 3171  
shall prepare for submission to the department a plan for 3172  
development. Plans shall include provisions for roads, sewers, 3173  
water lines, waste disposal, water supply, and similar matters to 3174  
meet the requirements of state and local laws. The plans shall 3175  
also include provision for protection of the property by insurance 3176  
or otherwise, and plans for financing the development, and shall 3177  
set forth details of the developer's financial responsibility. 3178

The department may employ, as employees or consultants, 3179  
persons needed to assist in reviewing the development plans. Those 3180  
persons may include attorneys, financial experts, engineers, and 3181  
other necessary experts. The department shall review the 3182  
development plans and may enter into a lease if it finds all of 3183  
the following: 3184

(a) The best interests of the state will be promoted by 3185  
entering into a lease with the developer; 3186

(b) The development plans are satisfactory; 3187

(c) The developer has established the developer's financial 3188  
responsibility and satisfactory plans for financing the 3189  
development. 3190

The lease shall contain a provision that construction or 3191

renovation of the buildings, roads, structures, and other 3192  
necessary facilities shall begin within one year after the date of 3193  
the lease and shall proceed according to a schedule agreed to 3194  
between the department and the developer or the lease will be 3195  
terminated. The lease shall contain such conditions and 3196  
stipulations as the director considers necessary to preserve the 3197  
best interest of the state. Moneys received by the state pursuant 3198  
to this lease shall be paid into the general revenue fund. The 3199  
lease shall provide that at the end of the lease period the 3200  
buildings, structures, and related improvements shall become the 3201  
property of the state without cost. 3202

(17) To lease to any person any tract of land owned by the 3203  
state and under the control of the department, or any part of such 3204  
a tract, for the purpose of drilling for or the pooling of oil or 3205  
gas. Such a lease shall be granted for a period not exceeding 3206  
forty years, with the full power to contract for, determine the 3207  
conditions governing, and specify the amount the state shall 3208  
receive for the purposes specified in the lease, and shall be 3209  
prepared as in other cases. 3210

(18) Biennially implement, by state agency location, a census 3211  
of agency employees assigned space; 3212

(19) Require each state agency to categorize periodically the 3213  
use of space allotted to the agency between office space, common 3214  
areas, storage space, and other uses and report its findings to 3215  
the department; 3216

(20) Create and update periodically a master space 3217  
utilization plan for all space allotted to state agencies. The 3218  
plan shall incorporate space utilization metrics. 3219

(21) Conduct periodically a cost-benefit analysis to 3220  
determine the effectiveness of state-owned buildings; 3221

(22) Assess periodically the alternatives associated with 3222

<u>consolidating the commercial leases for buildings located in</u>	3223
<u>Columbus;</u>	3224
<u>(23) Commission a comprehensive space utilization and</u>	3225
<u>capacity study in order to determine the feasibility of</u>	3226
<u>consolidating existing commercially leased space used by state</u>	3227
<u>agencies into a new state-owned facility.</u>	3228
(B) This section and section 125.02 of the Revised Code shall	3229
not interfere with any of the following:	3230
(1) The power of the adjutant general to purchase military	3231
supplies, or with the custody of the adjutant general of property	3232
leased, purchased, or constructed by the state and used for	3233
military purposes, or with the functions of the adjutant general	3234
as director of state armories;	3235
(2) The power of the director of transportation in acquiring	3236
rights-of-way for the state highway system, or the leasing of	3237
lands for division or resident district offices, or the leasing of	3238
lands or buildings required in the maintenance operations of the	3239
department of transportation, or the purchase of real property for	3240
garage sites or division or resident district offices, or in	3241
preparing plans and specifications for and constructing such	3242
buildings as the director may require in the administration of the	3243
department;	3244
(3) The power of the director of public safety and the	3245
registrar of motor vehicles to purchase or lease real property and	3246
buildings to be used solely as locations to which a deputy	3247
registrar is assigned pursuant to division (B) of section 4507.011	3248
of the Revised Code and from which the deputy registrar is to	3249
conduct the deputy registrar's business, the power of the director	3250
of public safety to purchase or lease real property and buildings	3251
to be used as locations for division or district offices as	3252
required in the maintenance of operations of the department of	3253

public safety, and the power of the superintendent of the state 3254  
highway patrol in the purchase or leasing of real property and 3255  
buildings needed by the patrol, to negotiate the sale of real 3256  
property owned by the patrol, to rent or lease real property owned 3257  
or leased by the patrol, and to make or cause to be made repairs 3258  
to all property owned or under the control of the patrol; 3259

(4) The power of the division of liquor control in the 3260  
leasing or purchasing of retail outlets and warehouse facilities 3261  
for the use of the division; 3262

(5) The power of the director of development to enter into 3263  
leases of real property, buildings, and office space to be used 3264  
solely as locations for the state's foreign offices to carry out 3265  
the purposes of section 122.05 of the Revised Code. 3266

(C) Purchases for, and the custody and repair of, buildings 3267  
under the management and control of the capitol square review and 3268  
advisory board, the rehabilitation services commission, the bureau 3269  
of workers' compensation, or the departments of public safety, job 3270  
and family services, mental health, mental retardation and 3271  
developmental disabilities, and rehabilitation and correction, and 3272  
buildings of educational and benevolent institutions under the 3273  
management and control of boards of trustees, are not subject to 3274  
the control and jurisdiction of the department of administrative 3275  
services. 3276

(D) Any instrument by which real property is acquired 3277  
pursuant to this section shall identify the agency of the state 3278  
that has the use and benefit of the real property as specified in 3279  
section 5301.012 of the Revised Code. 3280

**Sec. 123.152.** (A) As used in this section, "EDGE business 3281  
enterprise" means a sole proprietorship, association, partnership, 3282  
corporation, limited liability corporation, or joint venture 3283  
certified as a participant in the encouraging diversity, growth, 3284

and equity program by the director of administrative services 3285  
under this section of the Revised Code. 3286

(B) The director of administrative services shall establish a 3287  
business assistance program known as the encouraging diversity, 3288  
growth, and equity program and shall adopt rules in accordance 3289  
with Chapter 119. of the Revised Code to administer the program 3290  
and that do all of the following: 3291

(1) Establish procedures by which a sole proprietorship, 3292  
association, partnership, corporation, limited liability 3293  
corporation, or joint venture may apply for certification as an 3294  
EDGE business enterprise; 3295

(2) Establish agency procurement goals for contracting with 3296  
EDGE business enterprises in the award of contracts under Chapters 3297  
123., 125., and 153. of the Revised Code based on the availability 3298  
of eligible program participants by region or geographic area, as 3299  
determined by the director, and by standard industrial code. 3300

(a) Goals established under division (B)(2) of this section 3301  
shall be based on a percentage level of participation and a 3302  
percentage of contractor availability. 3303

(b) Goals established under division (B)(2) of this section 3304  
shall be applied at the contract level, relative to an overall 3305  
dollar goal for each state agency, in accordance with the 3306  
following certification categories: construction, architecture, 3307  
and engineering; professional services; goods and services; and 3308  
information technology services. 3309

(3) Establish a system of certifying EDGE business 3310  
enterprises based on a requirement that the business owner or 3311  
owners show both social and economic disadvantage based on the 3312  
following, as determined to be sufficient by the director: 3313

(a) Relative wealth of the business seeking certification as 3314  
well as the personal wealth of the owner or owners of the 3315

<u>business;</u>	3316
<u>(b) Social disadvantage based on any of the following:</u>	3317
<u>(i) A rebuttable presumption when the business owner or</u>	3318
<u>owners demonstrate membership in a racial minority group or show</u>	3319
<u>personal disadvantage due to color, ethnic origin, gender,</u>	3320
<u>physical disability, long-term residence in an environment</u>	3321
<u>isolated from the mainstream of American society, location in an</u>	3322
<u>area of high unemployment;</u>	3323
<u>(ii) Some other demonstration of personal disadvantage not</u>	3324
<u>common to other small businesses;</u>	3325
<u>(iii) By business location in a qualified census tract.</u>	3326
<u>(c) Economic disadvantage based on economic and business size</u>	3327
<u>thresholds and eligibility criteria designed to stimulate economic</u>	3328
<u>development through contract awards to businesses located in</u>	3329
<u>qualified census tracts.</u>	3330
<u>(4) Establish standards to determine when an EDGE business</u>	3331
<u>enterprise no longer qualifies for EDGE business enterprise</u>	3332
<u>certification;</u>	3333
<u>(5) Develop a process for evaluating and adjusting goals</u>	3334
<u>established by this section to determine what adjustments are</u>	3335
<u>necessary to achieve participation goals established by the</u>	3336
<u>director;</u>	3337
<u>(6) Establish a point system to evaluate bid proposals to</u>	3338
<u>encourage EDGE business enterprises to participate in the</u>	3339
<u>procurement of professional design and information technology</u>	3340
<u>services;</u>	3341
<u>(7) Establish a system to track data and analyze each</u>	3342
<u>certification category established under division (B)(2)(b) of</u>	3343
<u>this section;</u>	3344
<u>(8) Establish a process to mediate complaints and to review</u>	3345

<u>EDGE business enterprise certification appeals;</u>	3346
<u>(9) Implement an outreach program to educate potential</u>	3347
<u>participants about the encouraging diversity, growth, and equity</u>	3348
<u>program;</u>	3349
<u>(10) Establish a system to assist state agencies in</u>	3350
<u>identifying and utilizing EDGE business enterprises in their</u>	3351
<u>contracting processes;</u>	3352
<u>(11) Implement a system of self-reporting by EDGE business</u>	3353
<u>enterprises as well as an on-site inspection process to validate</u>	3354
<u>the qualifications of an EDGE business enterprise;</u>	3355
<u>(12) Establish a waiver mechanism to waive program goals or</u>	3356
<u>participation requirements for those companies that, despite their</u>	3357
<u>best-documented efforts, are unable to contract with certified</u>	3358
<u>EDGE business enterprises;</u>	3359
<u>(13) Establish a process for monitoring overall program</u>	3360
<u>compliance in which equal employment opportunity officers</u>	3361
<u>primarily are responsible for monitoring their respective</u>	3362
<u>agencies.</u>	3363
<u>(C) Not later than December 31, 2003, the director of</u>	3364
<u>administrative services shall prepare a detailed report to the</u>	3365
<u>governor outlining and evaluating the progress made in</u>	3366
<u>implementing the encouraging diversity, growth, and equity</u>	3367
<u>program.</u>	3368
<b><u>Sec. 123.153.</u></b> <u>The director of development shall do all of the</u>	3369
<u>following with regard to the encouraging diversity, growth, and</u>	3370
<u>equity program created under section 123.152 of the Revised Code:</u>	3371
	3372
<u>(A) Conduct outreach, marketing, and recruitment of EDGE</u>	3373
<u>business enterprises;</u>	3374
<u>(B) Provide assistance to the department of administrative</u>	3375

services, as needed, to certify new EDGE business enterprises and 3376  
to train appropriate state agency staff; 3377

(C) Provide business development services to EDGE business 3378  
enterprises in the developmental and transitional stages of the 3379  
program, including financial and bonding and management and 3380  
technical assistance; 3381

(D) Develop a mentor program to bring businesses into a 3382  
working relationship with EDGE business enterprises in a way that 3383  
commercially benefits both entities and serves the purpose of the 3384  
EDGE program; 3385

(E) Not later than December 31, 2003, prepare a detailed 3386  
report to the governor outlining and evaluating the progress made 3387  
in implementing the encouraging diversity, growth, and equity 3388  
program; 3389

(F) Establish processes by which an EDGE business enterprise 3390  
may apply for contract assistance, financial and bonding 3391  
assistance, management and technical assistance, and mentoring 3392  
opportunities. 3393

**Sec. 124.03.** The state personnel board of review shall 3394  
exercise the following powers and perform the following duties: 3395

(A) Hear appeals, as provided by law, of employees in the 3396  
classified state service from final decisions of appointing 3397  
authorities or the director of administrative services relative to 3398  
reduction in pay or position, job abolishments, layoff, 3399  
suspension, discharge, assignment or reassignment to a new or 3400  
different position classification, or refusal of the director, or 3401  
anybody authorized to perform the director's functions, to 3402  
reassign an employee to another classification or to reclassify 3403  
the employee's position with or without a job audit under division 3404  
(D) of section 124.14 of the Revised Code. As used in this 3405

division, "discharge" includes disability separations. ~~The~~ 3406

The board may affirm, disaffirm, or modify the decisions of 3407  
the appointing authorities or the director, as the case may be, 3408  
and its decision is final. The board's decisions shall be 3409  
consistent with the applicable classification specifications. ~~The~~ 3410

The board shall not be deprived of jurisdiction to hear any 3411  
appeal due to the failure of an appointing authority to file its 3412  
decision with the board. Any final decision of an appointing 3413  
authority or of the director not filed in the manner provided in 3414  
this chapter shall be disaffirmed. ~~The~~ 3415

The board may place an exempt employee, as defined in section 3416  
124.152 of the Revised Code, into a bargaining unit 3417  
classification, if the board determines that the bargaining unit 3418  
classification is the proper classification for that employee. 3419  
Notwithstanding Chapter 4117. of the Revised Code or instruments 3420  
and contracts negotiated under it, such placements are at the 3421  
board's discretion. 3422

In any hearing before the board, including any hearing at 3423  
which a record is taken that may be the basis of an appeal to a 3424  
court, an employee may be represented by a person permitted to 3425  
practice before the board who is not an attorney at law ~~so~~ as long 3426  
as the person does not receive any compensation from the employee 3427  
for ~~such~~ the representation. 3428

(B) Hear appeals, as provided by law, of appointing 3429  
authorities from final decisions of the director relative to the 3430  
classification or reclassification of any position in the 3431  
classified state service under the jurisdiction of ~~such~~ that 3432  
appointing authority. The board may affirm, disaffirm, or modify 3433  
the decisions of the director, and its decision is final. The 3434  
board's decisions shall be consistent with the applicable 3435  
classification specifications. 3436

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

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

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

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

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

(H) The board shall be funded by general revenue fund appropriations. All moneys received by the board for copies of documents, rule books, and transcriptions shall be paid into the state treasury to the credit of the transcript and other documents

fund, which is hereby created to defray the cost of ~~furnishing or~~ 3468  
~~making available such copies, rule books, and transcriptions~~ 3469  
producing an administrative record. 3470

**Sec. 125.05.** Except as provided in division (E) of this 3471  
section, no state agency shall purchase any supplies or services 3472  
except as provided in divisions (A) to (C) of this section. 3473

(A) Subject to division (D) of this section, a state agency 3474  
may, without competitive selection, make any purchase of services 3475  
that cost fifty thousand dollars or less or any purchase of 3476  
supplies that cost twenty-five thousand dollars or less. The 3477  
agency may make the purchase directly or may make the purchase 3478  
from or through the department of administrative services, 3479  
whichever the agency determines. The department shall establish 3480  
written procedures to assist state agencies when they make direct 3481  
purchases. If the agency makes the purchase directly, it shall 3482  
make the purchase by a term contract whenever possible. 3483

(B) ~~Subject~~ (1) Except as provided in division (B)(2) of this 3484  
section and subject to division (D) of this section, a state 3485  
agency wanting to purchase services that cost more than fifty 3486  
thousand dollars or supplies that cost more than twenty-five 3487  
thousand dollars shall, unless otherwise authorized by law, make 3488  
the purchase from or through the department. The department shall 3489  
make the purchase by competitive selection under section 125.07 of 3490  
the Revised Code. If the director of administrative services 3491  
determines that it is not possible or not advantageous to the 3492  
state for the department to make the purchase, the department 3493  
shall grant the agency a release and permit under section 125.06 3494  
of the Revised Code to make the purchase. Section 127.16 of the 3495  
Revised Code does not apply to purchases the department makes 3496  
under this section. 3497

(2) Subject to division (D) of this section, a state agency 3498

desiring to purchase services that cost more than fifty thousand 3499  
dollars or supplies that cost more than twenty-five thousand 3500  
dollars shall solicit, pursuant to the competitive selection 3501  
requirements specified in section 125.07 of the Revised Code, at 3502  
least three bids for the services or supplies and make the 3503  
purchase directly from the lowest bidder instead of from or 3504  
through the department, but only if the state agency determines 3505  
that it is possible to purchase the services or supplies directly 3506  
from that bidder at a lower price than making the purchase from or 3507  
through the department. If the agency makes a purchase pursuant to 3508  
division (B)(2) of this section, it shall provide the department 3509  
with written notification of the subject and amount of the 3510  
purchase. 3511

(C) An agency that has been granted a release and permit to 3512  
make a purchase may make the purchase without competitive 3513  
selection if after making the purchase the cumulative purchase 3514  
threshold as computed under division (F) of section 127.16 of the 3515  
Revised Code would: 3516

(1) Be exceeded and the controlling board approves the 3517  
purchase; 3518

(2) Not be exceeded and the department of administrative 3519  
services approves the purchase. 3520

(D) Not later than January 31, 1997, the amounts specified in 3521  
divisions (A) and (B) of this section and, not later than the 3522  
thirty-first day of January of each second year thereafter, any 3523  
amounts computed by adjustments made under this division, shall be 3524  
increased or decreased by the average percentage increase or 3525  
decrease in the consumer price index prepared by the United States 3526  
bureau of labor statistics (U.S. City Average for Urban Wage 3527  
Earners and Clerical Workers: "All Items 1982-1984=100") for the 3528  
twenty-four calendar month period prior to the immediately 3529  
preceding first day of January over the immediately preceding 3530

twenty-four calendar month period, as reported by the bureau. The 3531  
director of administrative services shall make this determination 3532  
and adjust the appropriate amounts accordingly. 3533

(E) If the Ohio SchoolNet commission, the department of 3534  
education, or the Ohio education computer network determines that 3535  
it can purchase software services or supplies for specified school 3536  
districts at a price less than the price for which the districts 3537  
could purchase the same software services or supplies for 3538  
themselves, the office, department, or network shall certify that 3539  
fact to the department of administrative services and, acting as 3540  
an agent for the specified school districts, shall make that 3541  
purchase without following the provisions in divisions (A) to (D) 3542  
of this section. 3543

**Sec. 125.06.** The department of administrative services may, 3544  
pursuant to division (B)(1) of section 125.05 of the Revised Code 3545  
and subject to such rules as the director of administrative 3546  
services may adopt, issue a release and permit to the agency to 3547  
secure supplies or services. A release and permit shall specify 3548  
the supplies or services to which it applies, the time during 3549  
which it is operative, and the reason for its issuance. A release 3550  
and permit for computer services shall also specify the type of 3551  
services to be rendered, the number and type of machines to be 3552  
employed, and may specify the amount of such services to be 3553  
performed. One copy of every release and permit shall be filed 3554  
with the agency to which it is issued, and one copy shall be 3555  
retained by the department. 3556

**Sec. 125.07.** The department of administrative services, in 3557  
making a purchase by competitive selection pursuant to division 3558  
(B)(1) of section 125.05 of the Revised Code, or a state agency, 3559  
in making a purchase by competitive selection pursuant to division 3560  
(B)(2) of section 125.02 of the Revised Code, shall give notice in 3561

the following manner: 3562

(A) The department or state agency shall advertise the 3563  
intended purchases by notice that is posted by mail or electronic 3564  
means and that is for the benefit of competing persons producing 3565  
or dealing in the supplies or services to be purchased, including, 3566  
but not limited to, the persons whose names appear on the 3567  
appropriate list provided for in section 125.08 of the Revised 3568  
Code. The notice may be in the form of the bid or proposal 3569  
document or of a listing in a periodic bulletin, or in any other 3570  
form the director of administrative services or state agency head 3571  
considers appropriate to sufficiently notify qualified competing 3572  
persons of the intended purchases. 3573

(B) The notice required under division (A) of this section 3574  
shall include the time and place where bids or proposals will be 3575  
accepted and opened, or, when bids are made in a reverse auction, 3576  
the time when bids will be accepted; the conditions under which 3577  
bids or proposals will be received; the terms of the proposed 3578  
purchases; and an itemized list of the supplies or services to be 3579  
purchased and the estimated quantities or amounts of them. 3580

(C) The posting of the notice required under division (A) of 3581  
this section shall be completed by the number of days the director 3582  
or state agency head determines preceding the day when the bids or 3583  
proposals will be opened or accepted. 3584

(D) The department or state agency also shall maintain, in a 3585  
public place in its office, a bulletin board upon which it shall 3586  
post and maintain a copy of the notice required under division (A) 3587  
of this section for at least the number of days the director or 3588  
state agency head determines under division (C) of this section 3589  
preceding the day of the opening or acceptance of the bids or 3590  
proposals. The failure to so additionally post the notice shall 3591  
invalidate all proceedings had and any contract entered into 3592  
pursuant to the proceedings. 3593

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

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

Sec. 125.15. All state agencies required to secure any equipment, materials, supplies, or services, ~~or contracts of insurance~~ from the department of administrative services shall make acquisition in the manner and upon forms prescribed by the director of administrative services and shall reimburse the department for the equipment, materials, supplies, or services, ~~or contracts of insurance,~~ including a reasonable sum to cover the department's administrative costs, whenever reimbursement is required by the department. The money so paid shall be deposited in the state treasury to the credit of the general services fund or the information technology fund, as appropriate. ~~Such~~ Those funds are hereby created.

Sec. 125.831. As used in sections 125.831 to 125.834 of the Revised Code:

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

(B) "Motor vehicle" means any automobile, automobile truck, tractor, or self-propelled vehicle not operated or driven on fixed rails or track, but does not include a motor vehicle used by a law enforcement officer or that has a one-ton or higher hauling capacity. 3624  
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(C) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, but does not include the general assembly, any legislative agency, the supreme court, other courts of record in the state, or any judicial agency. 3629  
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Sec. 125.832. The department of administrative services is hereby granted exclusive authority over the acquisition and management of all motor vehicles used by state agencies. In carrying out this authority, the department shall do all of the following: 3634  
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(A) Approve the purchase or lease of each motor vehicle. The department shall decide if a motor vehicle shall be leased or purchased. 3639  
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(B) Direct and approve all funds that are expended for the purchase, lease, repair, maintenance, registration, insuring, and all other costs related to the possession and operation of the motor vehicles; 3642  
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(C) Adopt rules pursuant to section 111.15 of the Revised Code establishing policies and procedures for the assignment of the motor vehicles to state agencies and to the employees and heads of state agencies. Where applicable, these policies and procedures shall include approval of the location of each state agency's motor vehicle pool. The pool may be at the central office of the state agency or at one or more of the state agency's regional offices. Assignment of motor vehicles to state agencies 3646  
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and to the employees and heads of state agencies shall be at the 3654  
sole discretion of the department. 3655

(D) Determine how the motor vehicles will be maintained, 3656  
insured, operated, financed, and licensed; 3657

(E) Negotiate with vendors to create fuel plans for the 3658  
provision of fuel for the motor vehicles; 3659

(F)(1) Pursuant to the formula in division (F)(2) of this 3660  
section, annually establish the minimum number of business miles 3661  
per year an employee or the head of a state agency must drive in 3662  
order to qualify for approval by the department to receive a 3663  
personal motor vehicle for business use. The department shall not 3664  
establish a minimum number that is less than fourteen thousand 3665  
miles. The minimum number shall not include business miles 3666  
traveled to and from the employee's home and work. 3667

(2) The department shall establish the minimum number of 3668  
business miles per year under division (F)(1) of this section at 3669  
an amount that results when the annual motor vehicle cost is 3670  
divided by the amount that is the reimbursement rate per mile 3671  
minus the amount that is the sum of the fuel cost, the operating 3672  
cost, and the insurance cost. 3673

As used in division (F)(2) of this section: 3674

(a) "Annual motor vehicle cost" means the price of an average 3675  
motor vehicle divided by the number of years an average motor 3676  
vehicle is used. 3677

(b) "Fuel cost" means the average price per gallon of motor 3678  
fuel divided by the miles per gallon fuel efficiency of an average 3679  
motor vehicle. 3680

(c) "Insurance cost" means the cost of insuring an average 3681  
motor vehicle per year divided by the number of miles an average 3682  
motor vehicle is driven per year. 3683

(d) "Operating cost" means the maintenance cost of an average motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used.

(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted pursuant to division (B) of section 126.31 of the Revised Code.

(G) By December 31, 2003, adopt rules under section 111.15 of the Revised Code establishing policies and procedures governing the receipt by an employee or the head of a state agency of any additional salary, stipend, reimbursement, or any other form of compensation from the state agency for the employee's or head's use, ownership, lease, or operation of a motor vehicle.

(H) Implement the recommendations from the 2002 report entitled "Administrative Analysis of the Ohio Fleet Management Program" related to the authority granted to the department by this section.

**Sec. 125.833.** (A) There is hereby established within the department of administrative services the vehicle management commission.

(B) The commission shall consist of the director of administrative services and six other members consisting of two members of the house of representatives appointed by the speaker of the house of representatives, two members of the senate appointed by the president of the senate, and two persons with experience in the vehicle leasing, purchasing, and maintenance industry in the state who are selected by the other five members of the commission. Initial appointments of legislative members to

the committee shall be made by September 1, 2003, and in the 3714  
manner prescribed in this section. Thereafter, appointments to the 3715  
committee shall be made within fifteen days after the commencement 3716  
of the first regular session of the general assembly and in the 3717  
manner prescribed in this section. The terms of legislative 3718  
members shall be for the duration of the session of the general 3719  
assembly in which they are appointed. Legislative members of the 3720  
committee shall continue to serve on the committee until the 3721  
appointments are made in the following session of the general 3722  
assembly, unless they cease to be members of the general assembly. 3723  
A vacancy on the committee shall be filled for the unexpired term 3724  
in the same manner as the original appointment. 3725

(C) The commission shall periodically review the 3726  
implementation of this section by the department of administrative 3727  
services and may recommend to the department and the general 3728  
assembly modifications to the department's procedures and 3729  
functions and other statutory changes. 3730

**Sec. 125.834.** (A) Motor vehicles shall be made available to 3731  
state agencies and the employees and heads of state agencies only 3732  
in the following ways: 3733

(1) Through provision by the department on an intermittent or 3734  
temporary basis under section 125.83 of the Revised Code; 3735

(2) Through a motor vehicle pool at the central office of the 3736  
state agency or at one or more of the state agency's regional 3737  
offices, as the department determines under division (C) of 3738  
section 125.832 of the Revised Code; 3739

(3) Through the provision of a personal motor vehicle at the 3740  
request of a state agency to an employee or the head of the state 3741  
agency who drives the minimum number of business miles per year 3742  
that the department determines under division (F)(1) of section 3743  
125.832 of the Revised Code and who receives approval for the 3744

motor vehicle from the department. If that individual drives less 3745  
than the minimum number of miles per year or is otherwise not 3746  
granted approval by the department for a personal motor vehicle, 3747  
the individual must use an agency pool motor vehicle or the 3748  
individual's own motor vehicle. If an individual uses the 3749  
individual's own motor vehicle, the individual shall be reimbursed 3750  
at the same mileage rate allowed for the reimbursement of travel 3751  
expenses as provided by rule of the director of budget and 3752  
management adopted pursuant to division (B) of section 126.31 of 3753  
the Revised Code. If a state agency requests and receives approval 3754  
for a personal motor vehicle for an individual and the individual 3755  
drives the motor vehicle less than the minimum number of business 3756  
miles per year, the state agency shall return that motor vehicle 3757  
to the department for reassignment pursuant to this section. The 3758  
state agency shall reimburse the department for all administrative 3759  
costs incurred in the return and reassignment of the motor 3760  
vehicle. 3761

(B) No employee or head of a state agency shall receive any 3762  
additional salary, stipend, reimbursement, or any other form of 3763  
compensation from the state agency with which the employee or head 3764  
serves for the employee's or head's use, ownership, lease, or 3765  
operation of a motor vehicle unless it is in accordance with rules 3766  
adopted by the department under division (G) of section 125.832 of 3767  
the Revised Code. 3768

(C) Each state agency shall reimburse the department for all 3769  
costs incurred in the assignment of motor vehicles to the state 3770  
agency. 3771

(D) Employees of the department shall be the only state 3772  
employees responsible for the purchase, lease, repair, 3773  
maintenance, registration, and insuring, and all other 3774  
responsibilities related to the possession and operation of motor 3775  
vehicles used by state agencies. 3776

(E) Except in the case of an emergency, all fuel for state vehicles must be purchased pursuant to fuel plans that the department negotiates under division (E) of section 125.832 of the Revised Code. In the case of an emergency, a state agency or its employee or head may purchase fuel other than pursuant to such a fuel plan and be reimbursed for expenses incurred upon the approval of the department.

**Sec. 125.22.** (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:

- (1) State board of examiners of architects;
- (2) Barber board;
- (3) State chiropractic board;
- (4) State board of cosmetology;
- (5) Accountancy board;
- (6) State dental board;
- (7) State vision board ~~of optometry~~;
- (8) Ohio occupational therapy, physical therapy, and athletic trainers board;
- (9) State board of registration for professional engineers and surveyors;
- (10) State board of sanitarian registration;
- (11) Board of embalmers and funeral directors;
- (12) State board of psychology;
- (13) ~~Ohio optical dispensers board~~;
- ~~(14)~~ Board of speech pathology and audiology;
- ~~(15)~~(14) Counselor, social worker, and marriage and family

therapist board;	3804
<del>(16)</del> (15) State veterinary medical licensing board;	3805
<del>(17)</del> (16) Ohio board of dietetics;	3806
<del>(18)</del> (17) Commission on Hispanic-Latino affairs;	3807
<del>(19)</del> (18) Ohio respiratory care board;	3808
<del>(20)</del> (19) Ohio commission on African-American males;	3809
<del>(21)</del> (20) Chemical dependency professionals board.	3810
(B)(1) Notwithstanding any other section of the Revised Code,	3811
the agency shall perform the following routine support services	3812
for the boards and commissions named in division (A) of this	3813
section unless the controlling board exempts a board or commission	3814
from this requirement on the recommendation of the director of	3815
administrative services:	3816
(a) Preparing and processing payroll and other personnel	3817
documents;	3818
(b) Preparing and processing vouchers, purchase orders,	3819
encumbrances, and other accounting documents;	3820
(c) Maintaining ledgers of accounts and balances;	3821
(d) Preparing and monitoring budgets and allotment plans in	3822
consultation with the boards and commissions;	3823
(e) Other routine support services that the director of	3824
administrative services considers appropriate to achieve	3825
efficiency.	3826
(2) The agency may perform other services which a board or	3827
commission named in division (A) of this section delegates to the	3828
agency and the agency accepts.	3829
(3) The agency may perform any service for any professional	3830
or occupational licensing board not named in division (A) of this	3831
section or any commission if the board or commission requests such	3832

service and the agency accepts. 3833

(C) The director of administrative services shall be the 3834  
appointing authority for the agency. 3835

(D) The agency shall determine the fees to be charged to the 3836  
boards and commissions, which shall be in proportion to the 3837  
services performed for each board or commission. 3838

(E) Each board or commission named in division (A) of this 3839  
section and any other board or commission requesting services from 3840  
the agency shall pay these fees to the agency from the general 3841  
revenue fund maintenance account of the board or commission or 3842  
from such other fund as the operating expenses of the board or 3843  
commission are paid. Any amounts set aside for a fiscal year by a 3844  
board or commission to allow for the payment of fees shall be used 3845  
only for the services performed by the agency in that fiscal year. 3846  
All receipts collected by the agency shall be deposited in the 3847  
state treasury to the credit of the central service agency fund, 3848  
which is hereby created. All expenses incurred by the agency in 3849  
performing services for the boards or commissions shall be paid 3850  
from the fund. 3851

(F) Nothing in this section shall be construed as a grant of 3852  
authority for the central service agency to initiate or deny 3853  
personnel or fiscal actions for the boards and commissions. 3854

**Sec. 125.91.** As used in sections 125.92 to 125.98 of the 3855  
Revised Code: 3856

(A) "State agency" includes every department, bureau, board, 3857  
commission, office, or other organized body established by the 3858  
constitution and laws of the state for the exercise of any 3859  
function of state government, but does not include any 3860  
state-supported institution of higher education, the general 3861  
assembly or any legislative agency, the attorney general, the 3862

auditor of state, the secretary of state, the treasurer of state, 3863  
the bureau of workers' compensation, any court or judicial agency, 3864  
or any political subdivision or agency ~~thereof~~ of a political 3865  
subdivision. 3866

(B) "Form" means any document, device, or item used to convey 3867  
information, regardless of medium, that has blank spaces for the 3868  
insertion of information and that may have a predetermined format 3869  
and data elements to guide the entry, ~~interpretation~~ 3870  
interpretation, and use of the information. "Form" does not 3871  
include letterheads, envelopes, labels, tags, tickets, or note 3872  
pads, or forms mandated by the federal government, but does 3873  
include all computer-generated forms except those mandated by the 3874  
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 3875  
~~Revised Code, "form" applies only to a form that is used by a~~ 3876  
~~state agency and that is completed in whole or in part by private~~ 3877  
~~business, political subdivisions, or the public.~~ 3878

**Sec. 125.92.** There is hereby established in the department of 3879  
administrative services a state forms management ~~control center~~ 3880  
program, which shall be under the control and supervision of the 3881  
director of administrative services, ~~who shall appoint an~~ 3882  
~~administrator of the center~~ or the director's designee. 3883

The ~~center~~ state forms management program shall ~~develop,~~ 3884  
~~implement, and maintain a statewide forms management program that~~ 3885  
~~involves~~ be developed, implemented, and maintained for all state 3886  
agencies and ~~is~~ be designed to simplify, consolidate, or 3887  
eliminate, when expedient, forms, surveys, and other documents 3888  
used by state agencies. In developing the program, particular 3889  
emphasis shall be placed upon determining the actual need for any 3890  
information, records, and reports sought from private business, 3891  
agriculture, and local governments through the use of ~~such~~ forms, 3892  
surveys, and other documents. 3893

~~Sec. 125.93. The state forms management control center~~ 3894  
~~program shall do each of the following:~~ 3895

(A) Assist state agencies in establishing internal forms 3896  
management capabilities; 3897

(B) Study, develop, coordinate, and initiate forms of 3898  
interagency and common administrative usage, and establish basic 3899  
design and specification criteria to standardize state forms; 3900

(C) Assist state agencies to design economical forms and 3901  
~~compose art work for forms;~~ 3902

(D) ~~Establish and supervise control procedures to prevent the~~ 3903  
~~undue creation and reproduction of state forms;~~ 3904

~~(E)~~ Assist, train, and instruct state agencies and their 3905  
forms management representatives in forms management techniques, 3906  
and provide direct forms management assistance to new state 3907  
agencies as they are created; 3908

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 3909  
state forms to facilitate standardization of the forms, eliminate 3910  
redundant forms, and provide a central source of information on 3911  
forms usage and availability; 3912

~~(G)~~ Utilize existing functions within the department of 3913  
~~administrative services to design economical forms and compose art~~ 3914  
~~work, as well as use appropriate procurement techniques to take~~ 3915  
~~advantage of competitive selection, consolidated orders, and~~ 3916  
~~contract procurement of forms;~~ 3917

~~(H)~~ Conduct an annual evaluation of the effectiveness of the 3918  
~~forms management program and the forms management practices of~~ 3919  
~~individual state agencies, and maintain records that indicate~~ 3920  
~~dollar savings resulting from, and the number of forms eliminated,~~ 3921  
~~simplified, or standardized through, centralized forms management.~~ 3922  
The results of the evaluation shall be reported to the speaker of 3923

~~the house of representatives and president of the senate not later~~ 3924  
~~than the fifteenth day of January each year. The center shall~~ 3925  
~~report on the first day of each month to the state records~~ 3926  
~~administrator on its activities during the preceding month.~~ 3927

**Sec. 125.95.** (A) The ~~administrator of the state forms~~ 3928  
~~management control center~~ program may permit any state agency to 3929  
manage fully any forms used or proposed to be used by it, whenever 3930  
the ~~administrator~~ program determines that the delegation will 3931  
result in the most timely and economical method of accomplishing 3932  
the objectives of the ~~forms management~~ program as set forth in 3933  
section 125.93 of the Revised Code. A determination to delegate to 3934  
a state agency authority to manage forms may, among other matters, 3935  
take into consideration the benefits of central management of any 3936  
form in relation to the costs associated with ~~such~~ that 3937  
management. 3938

(B) To expedite the collection and disposition of general 3939  
state and local revenue, the ~~administrator~~ state forms management 3940  
program shall permit, without prior authorization, the tax 3941  
commissioner to design, print or have printed, distribute, and 3942  
require the use of those forms ~~which~~ that the tax commissioner 3943  
determines are necessary for the proper administration of those 3944  
taxes and programs ~~he~~ the tax commissioner administers except as 3945  
provided in division (A) of section 4307.05 of the Revised Code. 3946  
The tax commissioner shall report to the ~~administrator~~ program not 3947  
later than fifteen days after the close of each calendar quarter 3948  
with respect to the forms activities occurring within ~~his~~ the tax 3949  
commissioner's agency during the preceding calendar quarter. 3950

**Sec. 125.96.** The director of administrative services may 3951  
adopt, amend, or rescind rules necessary to carry out the powers 3952  
and duties imposed upon the state forms management ~~control center~~ 3953  
~~and its administrator~~ program and state agencies by sections 3954

125.92 to 125.98 of the Revised Code. The director shall adopt, 3955  
and may amend or rescind, rules providing ~~that~~ each of the 3956  
following: 3957

(A) After a date to be determined by the ~~administrator~~ state 3958  
forms management program, no state agency shall utilize any form, 3959  
other than a form subject to division (B) of section 125.95 of the 3960  
Revised Code, the management of which has not been delegated to 3961  
the agency by the ~~administrator~~ program under division (A) of that 3962  
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 3963  
by the ~~center~~ program. 3964

(B) The notice required by section 125.97 of the Revised Code 3965  
shall appear in a standard place and a standard manner on each 3966  
form to which the notice applies, and shall include specified 3967  
indicia of approval by the ~~administrator~~ state forms management 3968  
program. 3969

(C) Any form required by a state agency on an emergency basis 3970  
may be given interim approval by the ~~administrator~~ state forms 3971  
management program if the form is accompanied by a letter from the 3972  
director or other head of the agency setting forth the nature of 3973  
the emergency and requesting interim approval. 3974

**Sec. 125.98.** (A) Each state agency shall appoint a forms 3975  
management representative, who may be from existing personnel. The 3976  
appointee shall cooperate with, and provide other necessary 3977  
assistance to, the director of administrative services and the 3978  
~~administrator of the~~ state forms management ~~control center~~ program 3979  
in implementing the ~~state forms management~~ program. A forms 3980  
management representative shall do all of the following: 3981

(1) Manage the agency's forms management program and 3982  
cooperate with and provide other necessary assistance to the 3983  
director of administrative services in implementing the state 3984  
forms management program; 3985

(2) Monitor the use and reproduction of all forms to ensure 3986  
that all policies, procedures, guidelines, and standards 3987  
established by the agency and the director of administrative 3988  
services are followed; 3989

(3) Ensure that every form used by the agency is presented to 3990  
the state forms management ~~control center~~ program for registration 3991  
prior to its reproduction; 3992

(4) Maintain a master forms file history file, in numeric 3993  
order, of all agency forms; 3994

(5) Verify and update the information on all forms ~~computer~~ 3995  
~~file reports returned to the agency by the state forms management~~ 3996  
~~control center~~ in the central forms repository database. 3997

(B) Any state agency, as ~~such term is~~ defined in section 1.60 3998  
of the Revised Code, not included within the definition of a state 3999  
agency in section 125.91 of the Revised Code may elect to 4000  
participate in the state forms management program. The ~~center~~ 4001  
program may provide to any such agency any service required or 4002  
authorized by sections 125.92 to 125.98 of the Revised Code to be 4003  
performed for a state agency. 4004

**Sec. 126.03.** (A) The director of budget and management shall: 4005  
4006

(1) Prepare biennially a capital plan and, with the 4007  
concurrence of the governor, submit it to the general assembly. 4008  
The capital plan shall contain recommendations as to the 4009  
acquisition of real estate and the construction of public 4010  
improvements. The capital plan shall extend through a period of at 4011  
least six years in the future and shall identify the projects 4012  
which should be undertaken in each biennium of the period through 4013  
which the plan extends, together with estimated costs of all such 4014  
recommended projects. 4015

(2) Require biennially, from the chief administrative 4016  
authorities of affected state agencies, their recommendations as 4017  
to the acquisition of real estate and construction of public 4018  
improvements which will be needed through a period of at least six 4019  
years in the future, together with a description of each proposed 4020  
public improvement and the estimated capacity of the improvement 4021  
in terms of its proposed use; a demonstration of the need for the 4022  
real estate or public improvement, including the effects and 4023  
efficacy of any such improvement relative to meeting the projected 4024  
needs of affected clients, customers, constituents, patients, 4025  
inmates, or other persons based on a survey and analysis by the 4026  
agency of those needs; the benefits in governmental operations 4027  
expected to result from the acquisition or construction; the 4028  
state agencies ~~which~~ that will occupy or control the real estate 4029  
or improvement; and the location of the real estate or public 4030  
improvement. The director shall evaluate such recommended projects 4031  
as to their validity ~~and as to~~, the comparative degree of need 4032  
among them, and their efficacy in meeting client, customer, 4033  
constituent, patient, inmate, or other needs based on the 4034  
information submitted; notify the chief administrative authorities 4035  
of the recommending agencies of the action taken on each such 4036  
recommendation; and consult with and seek the recommendations of 4037  
the chief administrative authorities of the affected agencies on 4038  
all projects being considered for inclusion in the capital plan, 4039  
whether originally proposed by the director of budget and 4040  
management or by a state agency. 4041

(3) At the request and with the concurrence of the governor, 4042  
prepare and recommend to the general assembly a biennial capital 4043  
budget that includes the recommendations of the director as to 4044  
projects to be undertaken or revised during the fiscal biennium 4045  
following the latest biennium for which a capital appropriations 4046  
act was enacted. The capital budget shall include all projects 4047

~~which that~~ the director considers to be necessary and feasible, 4048  
whether originally proposed by the director or by a state agency. 4049  
Submitted with that budget shall be a summary of the client, 4050  
customer, constituent, patient, inmate, or other needs information 4051  
submitted under division (A)(2) of this section for the included 4052  
projects. 4053

(B) In the capital plan and capital budget prepared under 4054  
this section, the director of budget and management shall not 4055  
provide for the acquisition of rights-of-way for, construction of, 4056  
or reconstruction of transportation facilities by the director of 4057  
transportation, other than transportation facilities financed by 4058  
the Ohio building authority. Division (A)(2) of this section does 4059  
not require the director of transportation to provide to the 4060  
director of budget and management recommendations for the 4061  
acquisition of rights-of-way for, construction of, or 4062  
reconstruction of transportation facilities, other than 4063  
transportation facilities financed by the Ohio building authority. 4064

**Sec. 127.16.** (A) Upon the request of either a state agency or 4065  
the director of budget and management and after the controlling 4066  
board determines that an emergency or a sufficient economic reason 4067  
exists, the controlling board may approve the making of a purchase 4068  
without competitive selection as provided in division (B) of this 4069  
section. 4070

(B) Except as otherwise provided in this section, no state 4071  
agency, using money that has been appropriated to it directly, 4072  
shall: 4073

(1) Make any purchase from a particular supplier, that would 4074  
amount to fifty thousand dollars or more when combined with both 4075  
the amount of all disbursements to the supplier during the fiscal 4076  
year for purchases made by the agency and the amount of all 4077  
outstanding encumbrances for purchases made by the agency from the 4078

supplier, unless the purchase is made by competitive selection or 4079  
with the approval of the controlling board; 4080

(2) Lease real estate from a particular supplier, if the 4081  
lease would amount to seventy-five thousand dollars or more when 4082  
combined with both the amount of all disbursements to the supplier 4083  
during the fiscal year for real estate leases made by the agency 4084  
and the amount of all outstanding encumbrances for real estate 4085  
leases made by the agency from the supplier, unless the lease is 4086  
made by competitive selection or with the approval of the 4087  
controlling board. 4088

(C) Any person who authorizes a purchase in violation of 4089  
division (B) of this section shall be liable to the state for any 4090  
state funds spent on the purchase, and the attorney general shall 4091  
collect the amount from the person. 4092

(D) Nothing in division (B) of this section shall be 4093  
construed as: 4094

(1) A limitation upon the authority of the director of 4095  
transportation as granted in sections 5501.17, 5517.02, and 4096  
5525.14 of the Revised Code; 4097

(2) Applying to medicaid provider agreements under Chapter 4098  
5111. of the Revised Code or payments or provider agreements under 4099  
the disability ~~assistance~~ medical assistance program established 4100  
under Chapter 5115. of the Revised Code; 4101

(3) Applying to the purchase of examinations from a sole 4102  
supplier by a state licensing board under Title XLVII of the 4103  
Revised Code; 4104

(4) Applying to entertainment contracts for the Ohio state 4105  
fair entered into by the Ohio expositions commission, provided 4106  
that the controlling board has given its approval to the 4107  
commission to enter into such contracts and has approved a total 4108  
budget amount for such contracts as agreed upon by commission 4109

action, and that the commission causes to be kept itemized records 4110  
of the amounts of money spent under each contract and annually 4111  
files those records with the clerk of the house of representatives 4112  
and the clerk of the senate following the close of the fair; 4113

(5) Limiting the authority of the chief of the division of 4114  
mineral resources management to contract for reclamation work with 4115  
an operator mining adjacent land as provided in section 1513.27 of 4116  
the Revised Code; 4117

(6) Applying to investment transactions and procedures of any 4118  
state agency, except that the agency shall file with the board the 4119  
name of any person with whom the agency contracts to make, broker, 4120  
service, or otherwise manage its investments, as well as the 4121  
commission, rate, or schedule of charges of such person with 4122  
respect to any investment transactions to be undertaken on behalf 4123  
of the agency. The filing shall be in a form and at such times as 4124  
the board considers appropriate. 4125

(7) Applying to purchases made with money for the per cent 4126  
for arts program established by section 3379.10 of the Revised 4127  
Code; 4128

(8) Applying to purchases made by the rehabilitation services 4129  
commission of services, or supplies, that are provided to persons 4130  
with disabilities, or to purchases made by the commission in 4131  
connection with the eligibility determinations it makes for 4132  
applicants of programs administered by the social security 4133  
administration; 4134

(9) Applying to payments by the department of job and family 4135  
services under section 5111.13 of the Revised Code for group 4136  
health plan premiums, deductibles, coinsurance, and other 4137  
cost-sharing expenses; 4138

(10) Applying to any agency of the legislative branch of the 4139  
state government; 4140

(11) Applying to agreements or contracts entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;	4141 4142
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	4143 4144 4145 4146
(13) Applying to dues or fees paid for membership in an organization or association;	4147 4148
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	4149 4150
(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;	4151 4152 4153 4154
(16) Applying to purchases of tickets for passenger air transportation;	4155 4156
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4157 4158 4159
(18) Applying to the judicial branch of state government;	4160
(19) Applying to purchases of liquor for resale by the division of liquor control;	4161 4162
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4163 4164 4165
(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;	4166 4167 4168 4169

(22) Applying to purchases of books, periodicals, pamphlets,	4170
newspapers, maintenance subscriptions, and other published	4171
materials;	4172
(23) Applying to purchases from other state agencies,	4173
including state-assisted institutions of higher education;	4174
(24) Limiting the authority of the director of environmental	4175
protection to enter into contracts under division (D) of section	4176
3745.14 of the Revised Code to conduct compliance reviews, as	4177
defined in division (A) of that section;	4178
(25) Applying to purchases from a qualified nonprofit agency	4179
pursuant to sections 4115.31 to 4115.35 of the Revised Code;	4180
(26) Applying to payments by the department of job and family	4181
services to the United States department of health and human	4182
services for printing and mailing notices pertaining to the tax	4183
refund offset program of the internal revenue service of the	4184
United States department of the treasury;	4185
(27) Applying to contracts entered into by the department of	4186
mental retardation and developmental disabilities under sections	4187
5123.18, 5123.182, and <del>5111.252</del> <u>5123.199</u> of the Revised Code;	4188
(28) Applying to payments made by the department of mental	4189
health under a physician recruitment program authorized by section	4190
5119.101 of the Revised Code;	4191
(29) Applying to contracts entered into with persons by the	4192
director of commerce for unclaimed funds collection and remittance	4193
efforts as provided in division (F) of section 169.03 of the	4194
Revised Code. The director shall keep an itemized accounting of	4195
unclaimed funds collected by those persons and amounts paid to	4196
them for their services.	4197
(30) Applying to purchases made by a state institution of	4198
higher education in accordance with the terms of a contract	4199

between the vendor and an inter-university purchasing group 4200  
comprised of purchasing officers of state institutions of higher 4201  
education; 4202

(31) Applying to the department of job and family services' 4203  
purchases of health assistance services under the children's 4204  
health insurance program part I provided for under section 5101.50 4205  
of the Revised Code or the children's health insurance program 4206  
part II provided for under section 5101.51 of the Revised Code; 4207

(32) Applying to payments by the attorney general from the 4208  
reparations fund to hospitals and other emergency medical 4209  
facilities for performing medical examinations to collect physical 4210  
evidence pursuant to section 2907.28 of the Revised Code; 4211

(33) Applying to contracts with a contracting authority or 4212  
administrative receiver under division (G)(2) of section 5126.055 4213  
of the Revised Code. 4214

(E) Notwithstanding division (B)(1) of this section, the 4215  
cumulative purchase threshold shall be seventy-five thousand 4216  
dollars for the departments of mental retardation and 4217  
developmental disabilities, mental health, rehabilitation and 4218  
correction, and youth services. 4219

(F) When determining whether a state agency has reached the 4220  
cumulative purchase thresholds established in divisions (B)(1), 4221  
(B)(2), and (E) of this section, all of the following purchases by 4222  
such agency shall not be considered: 4223

(1) Purchases made through competitive selection or with 4224  
controlling board approval; 4225

(2) Purchases listed in division (D) of this section; 4226

(3) For the purposes of the thresholds of divisions (B)(1) 4227  
and (E) of this section only, leases of real estate. 4228

(G) As used in this section, "competitive selection," 4229

"purchase," "supplies," and "services" have the same meanings as 4230  
in section 125.01 of the Revised Code. 4231

**Sec. 131.02.** (A) Whenever any amount is payable to the state, 4232  
the officer, employee, or agent responsible for administering the 4233  
law under which the amount is payable shall immediately proceed to 4234  
collect the amount or cause the amount to be collected and shall 4235  
pay the amount into the state treasury or into the appropriate 4236  
custodial fund in the manner set forth pursuant to section 113.08 4237  
of the Revised Code. If the amount is not paid within forty-five 4238  
days after payment is due, the officer, employee, or agent shall 4239  
certify the amount due to the attorney general, in the form and 4240  
manner prescribed by the attorney general, and notify the director 4241  
of budget and management thereof. 4242

(B)(1) The attorney general shall give immediate notice by 4243  
mail or otherwise to the party indebted of the nature and amount 4244  
of the indebtedness. 4245

(2) If the amount payable to this state arises from a tax 4246  
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 4247  
Code, the notice also shall specify all of the following: 4248

(a) The assessment or case number; 4249

(b) The tax pursuant to which the assessment is made; 4250

(c) The reason for the liability, including, if applicable, 4251  
that a penalty or interest is due; 4252

(d) An explanation of how and when interest will be added to 4253  
the amount assessed; 4254

(e) That the attorney general and tax commissioner, acting 4255  
together, have the authority, but are not required, to compromise 4256  
the claim and accept payment over a reasonable time, if such 4257  
actions are in the best interest of the state. 4258

(C) The attorney general shall collect the claim or secure a 4259

judgment and issue an execution for its collection. 4260

(D) Each claim shall bear interest, from the day on which the 4261  
claim became due, at the ~~base~~ rate per annum ~~for advances and~~ 4262  
~~discounts to member banks in effect at the federal reserve bank in~~ 4263  
required by section 5703.47 of the second federal reserve district 4264  
Revised Code. 4265

(E) The attorney general and the chief officer of the agency 4266  
reporting a claim, acting together, may do ~~either or both~~ any of 4267  
the following if such action is in the best interests of the 4268  
state: 4269

(1) Compromise the claim; 4270

(2) Extend for a reasonable period the time for payment of 4271  
the claim by agreeing to accept monthly or other periodic 4272  
payments. The agreement may require security for payment of the 4273  
claim. 4274

(3) Add fees to recover the cost of processing checks or 4275  
other draft instruments returned for insufficient funds and the 4276  
cost of providing electronic payment options. 4277

**Sec. 131.23.** The various political subdivisions of this state 4278  
may issue bonds, and any indebtedness created by such issuance 4279  
shall not be subject to the limitations or included in the 4280  
calculation of indebtedness prescribed by sections 133.05, 133.06, 4281  
133.07, and 133.09 of the Revised Code, but such bonds may be 4282  
issued only under the following conditions: 4283

(A) The subdivision desiring to issue such bonds shall obtain 4284  
from the county auditor a certificate showing the total amount of 4285  
delinquent taxes due and unpayable to such subdivision at the last 4286  
semiannual tax settlement. 4287

(B) The fiscal officer of that subdivision shall prepare a 4288  
statement, from the books of the subdivision, verified by ~~him~~ the 4289

<u>fiscal officer</u> under oath, which shall contain the following facts	4290
of such subdivision:	4291
(1) The total bonded indebtedness;	4292
(2) The aggregate amount of notes payable or outstanding	4293
accounts of the subdivision, incurred prior to the commencement of	4294
the current fiscal year, which shall include all evidences of	4295
indebtedness issued by the subdivision except notes issued in	4296
anticipation of bond issues and the indebtedness of any	4297
nontax-supported public utility;	4298
(3) Except in the case of school districts, the aggregate	4299
current year's requirement for disability <u>financial assistance and</u>	4300
<u>disability medical</u> assistance provided under Chapter 5115. of the	4301
Revised Code that the subdivision is unable to finance except by	4302
the issue of bonds;	4303
(4) The indebtedness outstanding through the issuance of any	4304
bonds or notes pledged or obligated to be paid by any delinquent	4305
taxes;	4306
(5) The total of any other indebtedness;	4307
(6) The net amount of delinquent taxes unpledged to pay any	4308
bonds, notes, or certificates, including delinquent assessments on	4309
improvements on which the bonds have been paid;	4310
(7) The budget requirements for the fiscal year for bond and	4311
note retirement;	4312
(8) The estimated revenue for the fiscal year.	4313
(C) The certificate and statement provided for in divisions	4314
(A) and (B) of this section shall be forwarded to the tax	4315
commissioner together with a request for authority to issue bonds	4316
of such subdivision in an amount not to exceed seventy per cent of	4317
the net unobligated delinquent taxes and assessments due and owing	4318
to such subdivision, as set forth in division (B)(6) of this	4319

section. 4320

(D) No subdivision may issue bonds under this section in 4321  
excess of a sufficient amount to pay the indebtedness of the 4322  
subdivision as shown by division (B)(2) of this section and, 4323  
except in the case of school districts, to provide funds for 4324  
disability financial assistance and disability medical assistance, 4325  
as shown by division (B)(3) of this section. 4326

(E) The tax commissioner shall grant to such subdivision 4327  
authority requested by such subdivision as restricted by divisions 4328  
(C) and (D) of this section and shall make a record of the 4329  
certificate, statement, and grant in a record book devoted solely 4330  
to such recording and which shall be open to inspection by the 4331  
public. 4332

(F) The commissioner shall immediately upon issuing the 4333  
authority provided in division (E) of this section notify the 4334  
proper authority having charge of the retirement of bonds of such 4335  
subdivision by forwarding a copy of such grant of authority and of 4336  
the statement provided for in division (B) of this section. 4337

(G) Upon receipt of authority, the subdivision shall proceed 4338  
according to law to issue the amount of bonds authorized by the 4339  
commissioner, and authorized by the taxing authority, provided the 4340  
taxing authority of that subdivision may by resolution submit to 4341  
the electors of that subdivision the question of issuing such 4342  
bonds. Such resolution shall make the declarations and statements 4343  
required by section 133.18 of the Revised Code. The county auditor 4344  
and taxing authority shall thereupon proceed as set forth in 4345  
divisions (C) and (D) of such section. The election on the 4346  
question of issuing such bonds shall be held under divisions (E), 4347  
(F), and (G) of such section, except that publication of the 4348  
notice of such election shall be made on four separate days prior 4349  
to such election in one or more newspapers of general circulation 4350  
in the subdivisions. Such bonds may be exchanged at their face 4351

value with creditors of the subdivision in liquidating the 4352  
indebtedness described and enumerated in division (B)(2) of this 4353  
section or may be sold as provided in Chapter 133. of the Revised 4354  
Code, and in either event shall be uncontestable. 4355

(H) The per cent of delinquent taxes and assessments 4356  
collected for and to the credit of the subdivision after the 4357  
exchange or sale of bonds as certified by the commissioner shall 4358  
be paid to the authority having charge of the sinking fund of the 4359  
subdivision, which money shall be placed in a separate fund for 4360  
the purpose of retiring the bonds so issued. The proper authority 4361  
of the subdivisions shall provide for the levying of a tax 4362  
sufficient in amount to pay the debt charges on all such bonds 4363  
issued under this section. 4364

(I) This section is for the sole purpose of assisting the 4365  
various subdivisions in paying their unsecured indebtedness, and 4366  
providing funds for disability financial assistance and disability 4367  
medical assistance. The bonds issued under authority of this 4368  
section shall not be used for any other purpose and any exchange 4369  
for other purposes, or the use of the money derived from the sale 4370  
of such bonds by the subdivision for any other purpose, is 4371  
misapplication of funds. 4372

(J) The bonds authorized by this section shall be redeemable 4373  
or payable in not to exceed ten years from date of issue and shall 4374  
not be subject to or considered in calculating the net 4375  
indebtedness of the subdivision. The budget commission of the 4376  
county in which the subdivision is located shall annually allocate 4377  
such portion of the then delinquent levy due such subdivision 4378  
which is unpledged for other purposes to the payment of debt 4379  
charges on the bonds issued under authority of this section. 4380

(K) The issue of bonds under this section shall be governed 4381  
by Chapter 133. of the Revised Code, respecting the terms used, 4382  
forms, manner of sale, and redemption except as otherwise provided 4383

in this section. 4384

The board of county commissioners of any county may issue 4385  
bonds authorized by this section and distribute the proceeds of 4386  
such bond issues to any or all of the cities and townships of such 4387  
counties, according to their relative needs for disability 4388  
financial assistance and disability medical assistance as 4389  
determined by such county. 4390

All sections of the Revised Code inconsistent with or 4391  
prohibiting the exercise of the authority conferred by this 4392  
section are inoperative respecting bonds issued under this 4393  
section. 4394

**Sec. 131.35.** (A) With respect to the federal funds received 4395  
into any fund of the state from which transfers may be made under 4396  
division (D) of section 127.14 of the Revised Code: 4397

(1) No state agency may make expenditures of any federal 4398  
funds, whether such funds are advanced prior to expenditure or as 4399  
reimbursement, unless such expenditures are made pursuant to 4400  
specific appropriations of the general assembly ~~identifying the~~ 4401  
~~federal program that is the source of funds, are authorized~~ 4402  
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 4403  
the controlling board pursuant to division (A)(5) of this section, 4404  
or are authorized by an executive order issued in accordance with 4405  
section 107.17 of the Revised Code, and until an allotment has 4406  
been approved by the director of budget and management. All 4407  
federal funds received by a state agency shall be reported to the 4408  
director within fifteen days of the receipt of such funds or the 4409  
notification of award, whichever occurs first. The director shall 4410  
prescribe the forms and procedures to be used when reporting the 4411  
receipt of federal funds. 4412

(2) If the federal funds received are greater than the amount 4413  
of such funds appropriated by the general assembly for a specific 4414

purpose, the total appropriation of federal and state funds for 4415  
such purpose shall remain at the amount designated by the general 4416  
assembly, except that the expenditure of federal funds received in 4417  
excess of such specific appropriation may be authorized by the 4418  
controlling board. 4419

(3) To the extent that the expenditure of excess federal 4420  
funds is authorized, the controlling board may transfer a like 4421  
amount of general revenue fund appropriation authority from the 4422  
affected agency to the emergency purposes appropriation of the 4423  
controlling board, if such action is permitted under federal 4424  
regulations. 4425

(4) Additional funds may be created by the controlling board 4426  
to receive revenues not anticipated in an appropriations act for 4427  
the biennium in which such new revenues are received. Expenditures 4428  
from such additional funds may be authorized by the controlling 4429  
board, but such authorization shall not extend beyond the end of 4430  
the biennium in which such funds are created. 4431

(5) Controlling board authorization for a state agency to 4432  
make an expenditure of federal funds constitutes authority for the 4433  
agency to participate in the federal program providing the funds, 4434  
and the agency is not required to obtain an executive order under 4435  
section 107.17 of the Revised Code to participate in the federal 4436  
program. 4437

(B) With respect to nonfederal funds received into the 4438  
waterways safety fund, the wildlife fund, and any fund of the 4439  
state from which transfers may be made under division (D) of 4440  
section 127.14 of the Revised Code: 4441

(1) No state agency may make expenditures of any such funds 4442  
unless the expenditures are made pursuant to specific 4443  
appropriations of the general assembly. 4444

(2) If the receipts received into any fund are greater than 4445

the amount appropriated, the appropriation for that fund shall 4446  
remain at the amount designated by the general assembly or as 4447  
increased and approved by the controlling board. 4448

(3) Additional funds may be created by the controlling board 4449  
to receive revenues not anticipated in an appropriations act for 4450  
the biennium in which such new revenues are received. Expenditures 4451  
from such additional funds may be authorized by the controlling 4452  
board, but such authorization shall not extend beyond the end of 4453  
the biennium in which such funds are created. 4454

(C) The controlling board shall not authorize more than ten 4455  
per cent of additional spending from the occupational licensing 4456  
and regulatory fund, created in section 4743.05 of the Revised 4457  
Code, in excess of any appropriation made by the general assembly 4458  
to a licensing agency except an appropriation for costs related to 4459  
the examination or reexamination of applicants for a license. As 4460  
used in this division, "licensing agency" and "license" have the 4461  
same meanings as in section 4745.01 of the Revised Code. 4462

**Sec. 135.22.** (A) For purposes of this section: 4463

(1) "Treasurer" has the same meaning as in section 135.01 of 4464  
the Revised Code, but does not include the treasurer of state. 4465  
"Treasurer" includes any person whose duties include making 4466  
investment decisions with respect to the investment or deposit of 4467  
interim moneys. 4468

(2) "Subdivision" has the same meaning as in section 135.01 4469  
of the Revised Code. 4470

(B) To enhance the background and working knowledge of 4471  
treasurers in investments, cash management, and ethics, the 4472  
treasurer of state shall provide annual continuing education 4473  
programs for treasurers. A treasurer ~~annually~~ on a biennial basis 4474  
shall complete the continuing education programs described in this 4475

section, unless the treasurer ~~annually~~ provides a notice of 4476  
exemption described in division (E) of this section. 4477

(C) The treasurer of state shall determine the manner, 4478  
content, and length of the continuing education programs after 4479  
consultation with appropriate statewide organizations of local 4480  
government officials. 4481

(D) Upon successful completion of a continuing education 4482  
program required by this section, the treasurer of state shall 4483  
issue a certificate indicating that the treasurer has successfully 4484  
completed the continuing education program prescribed by the 4485  
treasurer of state. The treasurer of state shall forward to the 4486  
auditor of state any certificates issued pursuant to this division 4487  
by the treasurer of state. The auditor of state shall maintain in 4488  
the ~~auditor's~~ auditor of state's records any certificates 4489  
forwarded by the treasurer of state pursuant to this division. As 4490  
part of the auditor of state's audit of the subdivision conducted 4491  
in accordance with section 117.11 of the Revised Code, the auditor 4492  
of state shall report whether the treasurer is in compliance with 4493  
this section of the Revised Code. 4494

(E) Division (B) of this section does not apply to any 4495  
treasurer who ~~annually~~ provides a notice of exemption to the 4496  
auditor of state. The notice shall be certified by the treasurer 4497  
of state and shall provide that the treasurer is not subject to 4498  
the continuing education requirements set forth in division (B) of 4499  
this section, because the treasurer invests or deposits public 4500  
moneys in the following investments only: 4501

(1) Interim deposits pursuant to division (B)(3) of section 4502  
135.14 of the Revised Code; 4503

(2) No-load money market mutual funds pursuant to division 4504  
(B)(5) of section 135.14 of the Revised Code; 4505

(3) The Ohio subdivision's fund pursuant to division (B)(6) 4506

of section 135.14 of the Revised Code. 4507

(F) In carrying out the duties required by this section, the 4508  
treasurer of state may charge the subdivision served by the 4509  
treasurer a registration fee that will meet actual and necessary 4510  
expenses in connection with the training of the treasurer, 4511  
including instruction fees, site acquisition costs, and the cost 4512  
of course materials. Any necessary personal expenses of a 4513  
treasurer incurred as a result of attending the continuing 4514  
education courses shall be borne by the subdivision represented by 4515  
the treasurer. 4516

(G) The treasurer of state may allow any other interested 4517  
person to attend any of the continuing education programs that are 4518  
held pursuant to this section, provided that before attending any 4519  
such continuing education program, the interested person has paid 4520  
to the treasurer of state the full registration fee set for the 4521  
continuing education program. 4522

(H) All funds collected pursuant to this section shall be 4523  
paid into the county treasurer education fund created pursuant to 4524  
section 321.46 of the Revised Code, and the actual and necessary 4525  
expenses of the treasurer of state in conducting the continuing 4526  
education programs required by this section shall be paid from 4527  
this fund. 4528

(I) The treasurer of state may adopt reasonable rules not 4529  
inconsistent with this section for the implementation of this 4530  
section. 4531

**Sec. 147.01.** (A) The secretary of state may appoint and 4532  
commission as notaries public as many persons who meet the 4533  
qualifications of division (B) of this section as the secretary of 4534  
state considers necessary. 4535

(B) In order for a person to qualify to be appointed and 4536

commissioned as a notary public, the person must satisfy both of 4537  
the following: 4538

(1) The person has attained the age of eighteen years. 4539

(2) One of the following applies: 4540

(a) The person is a ~~citizen~~ legal resident of this state who 4541  
is not an attorney admitted to the practice of law in this state 4542  
by the Ohio supreme court. 4543

(b) The person is a ~~citizen~~ legal resident of this state who 4544  
is an attorney admitted to the practice of law in this state by 4545  
the Ohio supreme court. 4546

(c) The person is not a ~~citizen~~ legal resident of this state, 4547  
is an attorney admitted to the practice of law in this state by 4548  
the Ohio supreme court, and has the person's principal place of 4549  
business or the person's primary practice in this state. 4550

(C) A notary public shall be appointed and commissioned as a 4551  
notary public for the state. The secretary of state may revoke a 4552  
commission issued to a notary public upon presentation of 4553  
satisfactory evidence of official misconduct or incapacity. 4554

**Sec. 147.37.** Each person receiving a commission as notary 4555  
public, ~~except~~ including an attorney admitted to the practice of 4556  
law in this state by the Ohio supreme court, shall pay a fee of 4557  
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 4558  
~~receiving a commission as a notary public who is an attorney~~ 4559  
~~admitted to the practice of law in this state by the Ohio supreme~~ 4560  
~~court shall pay a fee of ten dollars to the secretary of state.~~ 4561

**Sec. 149.011.** As used in this chapter: 4562

(A) "Public office" includes any state agency, public 4563  
institution, political subdivision, or ~~any~~ other organized body, 4564  
office, agency, institution, or entity established by the laws of 4565

this state for the exercise of any function of government. 4566

(B) "State agency" includes every department, bureau, board, 4567  
commission, office, or other organized body established by the 4568  
constitution and laws of this state for the exercise of any 4569  
function of state government, including any state-supported 4570  
institution of higher education, the general assembly, ~~or~~ any 4571  
legislative agency, any court or judicial agency, or any political 4572  
subdivision or agency ~~thereof~~ of a political subdivision. 4573

(C) "Public money" includes all money received or collected 4574  
by or due a public official, whether in accordance with or under 4575  
authority of any law, ordinance, resolution, or order, under color 4576  
of office, or otherwise. It also includes any money collected by 4577  
any individual on behalf of a public office or as a purported 4578  
representative or agent of the public office. 4579

(D) "Public official" includes all officers, employees, or 4580  
duly authorized representatives or agents of a public office. 4581

(E) "Color of office" includes any act purported or alleged 4582  
to be done under any law, ordinance, resolution, order, or other 4583  
pretension to official right, power, or authority. 4584

(F) "Archive" includes any public record that is transferred 4585  
to the state archives or other designated archival institutions 4586  
because of the historical information contained on it. 4587

(G) "Records" includes any document, device, or item, 4588  
regardless of physical form or characteristic, including an 4589  
electronic record as defined in section 1306.01 of the Revised 4590  
Code, created or received by or coming under the jurisdiction of 4591  
any public office of the state or its political subdivisions, 4592  
which serves to document the organization, functions, policies, 4593  
decisions, procedures, operations, or other activities of the 4594  
office. 4595

Sec. 149.30. The Ohio historical society, chartered by this 4596  
state as a corporation not for profit to promote a knowledge of 4597  
history and archaeology, especially of Ohio, and operated 4598  
continuously in the public interest since 1885, may perform public 4599  
functions as prescribed by law. 4600

The general assembly may appropriate money to the Ohio 4601  
historical society each biennium to carry out the public functions 4602  
of the society as enumerated in this section. An appropriation by 4603  
the general assembly to the society constitutes an offer to 4604  
contract with the society to carry out those public functions for 4605  
which appropriations are made. An acceptance by the society of the 4606  
appropriated funds constitutes an acceptance by the society of the 4607  
offer and is considered an agreement by the society to perform 4608  
those functions in accordance with the terms of the appropriation 4609  
and the law and to expend the funds only for the purposes for 4610  
which appropriated. The governor may request on behalf of the 4611  
society, and the controlling board may release, additional funds 4612  
to the society for survey, salvage, repair, or rehabilitation of 4613  
an emergency nature for which funds have not been appropriated, 4614  
and acceptance by the society of those funds constitutes an 4615  
agreement on the part of the society to expend those funds only 4616  
for the purpose for which released by the controlling board. 4617

The society shall faithfully expend and apply all moneys 4618  
received from the state to the uses and purposes directed by law 4619  
and for necessary administrative expenses. The society shall 4620  
perform the public function of sending notice by certified mail to 4621  
the owner of any property at the time it is listed on the national 4622  
register of historic places. The society shall accurately record 4623  
all expenditures of such funds in conformity with generally 4624  
accepted accounting principles. 4625

The auditor of state shall audit all funds and fiscal records 4626

of the society. 4627

The public functions to be performed by the Ohio historical 4628  
society shall include all of the following: 4629

(A) Creating, supervising, operating, protecting, 4630  
maintaining, and promoting for public use a system of state 4631  
memorials, titles to which may reside wholly or in part with this 4632  
state or wholly or in part with the society as provided in and in 4633  
conformity to appropriate acts and resolves of the general 4634  
assembly, and leasing for renewable periods of two years or less, 4635  
with the advice and consent of the attorney general and the 4636  
director of administrative services, lands and buildings owned by 4637  
the state which are in the care, custody, and control of the 4638  
society, all of which shall be maintained and kept for public use 4639  
at reasonable hours; 4640

(B) Making alterations and improvements, marking, and 4641  
constructing, reconstructing, protecting, or restoring structures, 4642  
earthworks, and monuments in its care, and equipping such 4643  
facilities with appropriate educational maintenance facilities; 4644

(C) Serving as the archives administration for the state and 4645  
its political subdivisions as provided in sections 149.31 to 4646  
149.42 of the Revised Code; 4647

(D) Administering a state historical museum, to be the 4648  
headquarters of the society and its principal museum and library, 4649  
which shall be maintained and kept for public use at reasonable 4650  
hours; 4651

(E) Establishing a marking system to identify all designated 4652  
historic and archaeological sites within the state and marking or 4653  
causing to be marked historic sites and communities considered by 4654  
the society to be historically or archaeologically significant; 4655

(F) Publishing books, pamphlets, periodicals, and other 4656  
publications about history, archaeology, and natural science and 4657

~~supplying~~ offering one copy of each regular periodical issue to 4658  
all public libraries in this state ~~without charge~~ at a reasonable 4659  
price, which shall not exceed ten per cent of the total cost of 4660  
publication; 4661

(G) Engaging in research in history, archaeology, and natural 4662  
science and providing historical information upon request to all 4663  
state agencies; 4664

(H) Collecting, preserving, and making available by all 4665  
appropriate means and under approved safeguards all manuscript, 4666  
print, or near-print library collections and all historical 4667  
objects, specimens, and artifacts which pertain to the history of 4668  
Ohio and its people, including the following original documents: 4669  
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 4670  
Ohio Constitution of 1875; design and the letters of patent and 4671  
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 4672  
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 4673  
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 4674  
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 4675  
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 4676  
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 4677  
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 4678  
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 4679  
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 4680  
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 4681  
(1947); 4682

(I) Encouraging and promoting the organization and 4683  
development of county and local historical societies; 4684

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 4685  
~~near cost~~ as the society may prepare to facilitate the instruction 4686  
of Ohio history at a reasonable price, which shall not exceed ten 4687  
per cent of the total cost of preparation; 4688

(K) Providing advisory and technical assistance to local societies for the preservation and restoration of historic and archaeological sites;

(L) Devising uniform criteria for the designation of historic and archaeological sites throughout the state and advising local historical societies of the criteria and their application;

(M) Taking inventory, in cooperation with the Ohio arts council, the Ohio archaeological council, and the archaeological society of Ohio, of significant designated and undesignated state and local sites and keeping an active registry of all designated sites within the state;

(N) Contracting with the owners or persons having an interest in designated historic or archaeological sites or property adjacent or contiguous to those sites, or acquiring, by purchase, gift, or devise, easements in those sites or in property adjacent or contiguous to those sites, in order to control or restrict the use of those historic or archaeological sites or adjacent or contiguous property for the purpose of restoring or preserving the historical or archaeological significance or educational value of those sites;

(O) Constructing a monument honoring Governor James A. Rhodes, which shall stand on the northeast quadrant of the grounds surrounding the capitol building. The monument shall be constructed with private funds donated to the Ohio historical society and designated for this purpose. No public funds shall be expended to construct this monument. The department of administrative services shall cooperate with the Ohio historical society in carrying out this function and shall maintain the monument in a manner compatible with the grounds of the capitol building.

(P) Commissioning a portrait of each departing governor,

which shall be displayed in the capitol building. The Ohio 4720  
historical society may accept private contributions designated for 4721  
this purpose and, at the discretion of its board of trustees, also 4722  
may apply for the same purpose funds appropriated by the general 4723  
assembly to the society pursuant to this section. 4724

(Q) Planning and developing a center at the capitol building 4725  
for the purpose of educating visitors about the history of Ohio, 4726  
including its political, economic, and social development and the 4727  
design and erection of the capitol building and its grounds. The 4728  
Ohio historical society may accept contributions of private moneys 4729  
and in-kind services designated for this purpose and may, at the 4730  
discretion of its board of trustees, also apply, for the same 4731  
purpose, personnel and other resources paid in whole or in part by 4732  
its state subsidy. 4733

(R) Submitting an annual report of its activities, programs, 4734  
and operations to the governor within two months after the close 4735  
of each fiscal year of the state. 4736

The society shall not sell, mortgage, transfer, or dispose of 4737  
historical or archaeological sites to which it has title and in 4738  
which the state has monetary interest except by action of the 4739  
general assembly. 4740

In consideration of the public functions performed by the 4741  
Ohio historical society for the state, employees of the society 4742  
shall be considered public employees within the meaning of section 4743  
145.01 of the Revised Code. 4744

**Sec. 149.33.** (A) The department of administrative services 4745  
shall have ~~full~~ responsibility for establishing and administering 4746  
a state records program for all state agencies, except for 4747  
state-supported institutions of higher education. The department 4748  
shall apply efficient and economical management methods to the 4749  
creation, utilization, maintenance, retention, preservation, and 4750

disposition of state records. 4751

There is hereby established within the department of 4752  
administrative services ~~an office of a~~ state records 4753  
~~administration~~ program, which shall be under the control and 4754  
supervision of the director of administrative services or ~~his~~ the 4755  
director's appointed deputy. ~~The director shall designate an~~ 4756  
~~administrator of the office of state records administration.~~ 4757

(B) The boards of trustees of state-supported institutions of 4758  
higher education shall have full responsibility for establishing 4759  
and administering a records program for their respective 4760  
institutions. The boards shall apply efficient and economical 4761  
management methods to the creation, utilization, maintenance, 4762  
retention, preservation, and disposition of the records of their 4763  
respective institutions. 4764

**Sec. 149.331.** The state ~~record administration~~ records program 4765  
of the department of administrative services shall do all of the 4766  
following: 4767

(A) Establish and promulgate in consultation with the state 4768  
archivist standards, procedures, and techniques for the effective 4769  
management of state records; 4770

~~(B) Make continuing surveys of record keeping operations and 4771  
recommend improvements in current records management practices 4772  
including the use of space, equipment, and supplies employed in 4773  
creating, maintaining, storing, and servicing records;~~ 4774

~~(C) Establish and operate such state records centers and 4775  
auxiliary facilities as may be authorized by appropriation and 4776  
provide such related services as are deemed necessary for the 4777  
preservation, screening, storage, and servicing of state records 4778  
pending disposition;~~ 4779

~~(D) Review applications for one-time records disposal and 4780~~

schedules of records retention and destruction submitted by state 4781  
agencies in accordance with section 149.333 of the Revised Code; 4782

~~(E)~~(C) Establish "general schedules" proposing the disposal, 4783  
after the lapse of specified periods of time, of records of 4784  
specified form or character common to several or all agencies that 4785  
either have accumulated or may accumulate in such agencies and 4786  
that apparently will not, after the lapse of the periods 4787  
specified, have sufficient administrative, legal, fiscal, or other 4788  
value to warrant their further preservation by the state; 4789

~~(F)~~(D) Establish and maintain a records management training 4790  
program, and provide a basic consulting service, for personnel 4791  
involved in record-making and record-keeping functions of 4792  
departments, offices, and institutions; 4793

~~(G) Obtain reports from departments, offices, and 4794  
institutions necessary for the effective administration of the 4795  
program;~~ 4796

~~(H)~~(E) Provide for the disposition of any remaining records 4797  
of any state agency, board, or commission, whether in the 4798  
executive, judicial, or legislative branch of government, that has 4799  
terminated its operations. After the closing of the Ohio veterans' 4800  
children's home, the resident records of the home and the resident 4801  
records of the home when it was known as the soldiers' and 4802  
sailors' orphans' home required to be maintained by approved 4803  
records retention schedules shall be administered by the state 4804  
department of education pursuant to this chapter, the 4805  
administrative records of the home required to be maintained by 4806  
approved records retention schedules shall be administered by the 4807  
department of administrative services pursuant to this chapter, 4808  
and historical records of the home shall be transferred to an 4809  
appropriate archival institution in this state prescribed by the 4810  
state ~~record administration~~ records program. 4811

~~(I)~~(F) Establish a centralized program coordinating 4812  
micrographics standards, training, and services for the benefit of 4813  
all state agencies; 4814

~~(J)~~(G) Establish and publish in accordance with the 4815  
applicable law necessary procedures and rules for the retention 4816  
and disposal of state records. 4817

This section does not apply to the records of state-supported 4818  
institutions of higher education, which shall keep their own 4819  
records. 4820

**Sec. 149.332.** Upon request the ~~state records administrator~~ 4821  
director of administrative services and the state archivist shall 4822  
assist and advise in the establishment of records management 4823  
programs in the legislative and judicial branches of state 4824  
government and shall, as required by them, provide program 4825  
services similar to those available to the executive branch 4826  
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 4827  
disposal of any records, the state archivist shall be allowed 4828  
sixty days to select for preservation in the state archives those 4829  
records ~~he~~ the state archivist determines to have continuing 4830  
historical value. 4831

**Sec. 149.333.** No state agency shall retain, destroy, or 4832  
otherwise transfer its state records in violation of this section. 4833  
This section does not apply to state-supported institutions of 4834  
higher education. 4835

Each state agency shall submit to the state records 4836  
~~administrator~~ program under the director of administrative 4837  
services all applications for records disposal or transfer and all 4838  
schedules of records retention and destruction. The state records 4839  
~~administrator~~ program shall review ~~such~~ the applications and 4840  
schedules and provide written approval, rejection, or modification 4841

of ~~the~~ an application or schedule. The state records ~~administrator~~ 4842  
program shall then forward the application for records disposal or 4843  
transfer or the schedule for retention or destruction, with the 4844  
~~administrator's~~ program's recommendation attached, to the auditor 4845  
of state for review and approval. The decision of the auditor of 4846  
state to approve, reject, or modify the ~~applications~~ application 4847  
or ~~schedules~~ schedule shall be based upon the continuing 4848  
administrative and fiscal value of the state records to the state 4849  
or to its citizens. If the auditor of state disapproves the action 4850  
by the state agency, ~~he~~ the auditor of state shall so inform the 4851  
state agency through the state records ~~administrator~~ program 4852  
within sixty days, and ~~these~~ the records shall not be destroyed. 4853  
~~At~~ 4854

At the same time, the state records ~~administrator~~ program 4855  
shall forward the application for records disposal or transfer or 4856  
the schedule for retention or destruction to the state archivist 4857  
for review and approval. The state archivist shall have sixty days 4858  
to select for custody ~~such~~ the state records ~~as he~~ that the state 4859  
archivist determines to be of continuing historical value. Records 4860  
not ~~so~~ selected shall be disposed of in accordance with this 4861  
section. 4862

**Sec. 149.34.** The head of each state agency, office, 4863  
institution, board, or commission shall do the following: 4864

(A) Establish, maintain, and direct an active continuing 4865  
program for the effective management of the records of the state 4866  
agency; 4867

(B) ~~Cooperate with the state records administrator in the~~ 4868  
~~conduct of surveys pursuant to section 149.331 of the Revised~~ 4869  
~~Code;~~ 4870

(C) Submit to the state records ~~administrator~~ program, in 4871  
accordance with applicable standards and procedures, schedules 4872

proposing the length of time each record series warrants retention 4873  
for administrative, legal, or fiscal purposes after it has been 4874  
received or created by the agency. The head ~~of each state agency~~ 4875  
also shall submit to the state records ~~administrator~~ program 4876  
applications for disposal of records in ~~his~~ the head's custody 4877  
that are not needed in the transaction of current business and are 4878  
not otherwise scheduled for retention or destruction. 4879

~~(D) Transfer to a state records center or auxiliary 4880  
facilities, in the manner prescribed by the state records 4881  
administrator, those records of the agency that can be retained 4882  
more efficiently and economically in such a center;~~ 4883

~~(E)~~(C) Within one year after their date of creation or 4884  
receipt, schedule all records for disposition or retention in the 4885  
manner prescribed by applicable law and procedures. 4886

This section does not apply to state-supported institutions 4887  
of higher education. 4888

**Sec. 149.35.** If any law prohibits the destruction of records, 4889  
~~neither the state records administrator nor director of~~ 4890  
administrative services, the director's designee, or the boards of 4891  
trustees of state-supported institutions of higher education shall 4892  
not order their destruction or other disposition, ~~and, if.~~ If any 4893  
law provides that records shall be kept for a specified period of 4894  
time, ~~neither the administrator nor director of administrative~~ 4895  
services, the director's designee, or the boards shall not order 4896  
their destruction or other disposition prior to the expiration of 4897  
~~such~~ that period. 4898

**Sec. 153.65.** As used in sections 153.65 to 153.71 of the 4899  
Revised Code: 4900

(A) "Public authority" means the state, ~~or~~ a county, 4901  
township, municipal corporation, school district, or other 4902

political subdivision, or any public agency, authority, board, 4903  
commission, instrumentality, or special district of the state or a 4904  
county, township, municipal corporation, school district, or other 4905  
political subdivision. 4906

(B) "Professional design firm" means any person legally 4907  
engaged in rendering professional design services. 4908

(C) "Professional design services" means services within the 4909  
scope of practice of an architect or landscape architect 4910  
registered under Chapter 4703. of the Revised Code or a 4911  
professional engineer or surveyor registered under Chapter 4733. 4912  
of the Revised Code. 4913

(D) "Qualifications" means all of the following: 4914

(1) Competence of the professional design firm to perform the 4915  
required professional design services as indicated by the 4916  
technical training, education, and experience of the firm's 4917  
personnel, especially the technical training, education, and 4918  
experience of the employees within the firm who would be assigned 4919  
to perform the services; 4920

(2) Ability of the firm in terms of its workload and the 4921  
availability of qualified personnel, equipment, and facilities to 4922  
perform the required professional design services competently and 4923  
expeditiously; 4924

(3) Past performance of the firm as reflected by the 4925  
evaluations of previous clients with respect to such factors as 4926  
control of costs, quality of work, and meeting of deadlines; 4927

(4) ~~Other similar~~ Any other relevant factors as determined by 4928  
the public authority. 4929

Sec. 153.691. No public authority planning to contract for 4930  
professional design services, prior to selecting and ranking 4931  
professional design firms and negotiating a contract with the firm 4932

ranked most qualified to perform the required services under 4933  
section 153.69 of the Revised Code, shall seek any form of fee 4934  
estimate, fee proposal, or other estimate or measure of 4935  
compensation. 4936

**Sec. 164.27.** (A) The clean Ohio conservation fund is hereby 4937  
created in the state treasury. Seventy-five per cent of the net 4938  
proceeds of obligations issued and sold by the issuing authority 4939  
pursuant to sections 151.01 and 151.09 of the Revised Code shall 4940  
be deposited into the fund. Investment earnings of the fund shall 4941  
be credited to the fund. ~~For two years after the effective date of~~ 4942  
~~this section, investment earnings credited to the fund and~~ 4943  
used to pay costs incurred by the Ohio public works commission in 4944  
administering sections 164.20 to 164.27 of the Revised Code. 4945  
Moneys in the clean Ohio conservation fund shall be used to make 4946  
grants to local political subdivisions and nonprofit organizations 4947  
for projects that have been approved for grants under sections 4948  
164.20 to 164.27 of the Revised Code. 4949

The clean Ohio conservation fund shall be administered by the 4950  
Ohio public works commission. 4951

(B) For the purpose of grants issued under sections 164.20 to 4952  
164.27 of the Revised Code, moneys shall be allocated on an annual 4953  
basis from the clean Ohio conservation fund to districts 4954  
represented by natural resources assistance councils as follows: 4955

(1) Each district shall receive an amount that is equal to 4956  
one-fourth of one per cent of the total annual amount allocated to 4957  
all districts each year for each county that is represented by the 4958  
district. 4959

(2) The remaining moneys shall be allocated to each district 4960  
annually on a per capita basis. 4961

(C) A grant that is awarded under sections 164.20 to 164.27 4962

of the Revised Code may provide up to seventy-five per cent of the 4963  
estimated cost of a project. Matching funds from a grant recipient 4964  
may consist of contributions of money by any person, any local 4965  
political subdivision, or the federal government or of 4966  
contributions in-kind by such entities through the purchase or 4967  
donation of equipment, land, easements, interest in land, labor, 4968  
or materials necessary to complete the project. 4969

(D) The director of the Ohio public works commission shall 4970  
notify the director of budget and management of the amounts 4971  
allocated pursuant to this section, and that information shall be 4972  
entered in the state accounting system. The director of budget and 4973  
management may establish appropriate line items or other 4974  
mechanisms that are needed to track the allocations. 4975

(E) Grants awarded under sections 164.20 to 164.27 of the 4976  
Revised Code from the clean Ohio conservation fund shall be used 4977  
by a local political subdivision or nonprofit organization only to 4978  
pay the costs related to the purposes for which grants may be 4979  
issued under section 164.22 of the Revised Code and shall not be 4980  
used by a local political subdivision or nonprofit organization to 4981  
pay any administrative costs incurred by the local political 4982  
subdivision or nonprofit organization. 4983

Sec. 173.08. (A) The resident services coordinator program is 4984  
established in the department of aging to fund resident services 4985  
coordinators. The coordinators shall provide information to 4986  
low-income and special-needs tenants, including the elderly, who 4987  
live in subsidized rental housing complexes, and assist those 4988  
tenants in identifying and obtaining community and program 4989  
services and other benefits for which they are eligible. 4990

(B) The resident services coordinator program fund is hereby 4991  
created in the state treasury to support the resident services 4992  
coordinator program established pursuant to this section. The fund 4993

consists of all moneys the department of development sets aside 4994  
pursuant to division (A)(4) of section 175.21 of the Revised Code 4995  
and moneys the general assembly appropriates to the fund. 4996

**Sec. 173.26.** (A) Each of the following facilities shall 4997  
annually pay to the department of aging three dollars for each bed 4998  
maintained by the facility for use by a resident during any part 4999  
of the previous year: 5000

(1) Nursing homes, residential care facilities, and homes for 5001  
the aging as defined in section 3721.01 of the Revised Code; 5002

(2) Facilities authorized to provide extended care services 5003  
under Title XVIII of the "Social Security Act," 49 Stat. 620 5004  
(1935), 42 U.S.C. 301, as amended; 5005

(3) County homes and district homes operated pursuant to 5006  
Chapter 5155. of the Revised Code; 5007

(4) Adult care facilities as defined in section 3722.01 of 5008  
the Revised Code; 5009

(5) ~~Adult foster homes certified under section 173.36 of the~~ 5010  
~~Revised Code;~~ 5011

~~(6)~~ Facilities approved by the Veterans Administration under 5012  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 5013  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 5014  
the placement and care of veterans. 5015

The department shall, by rule adopted ~~under section 111.15 in~~ 5016  
accordance with Chapter 119. of the Revised Code, establish 5017  
deadlines for payments required by this section. 5018

(B) All money collected under this section shall be deposited 5019  
in the state treasury to the credit of the office of the state 5020  
long-term care ~~ombudsman~~ ombudsperson program fund, which is 5021  
hereby created. Money credited to the fund shall be used solely to 5022  
pay the costs of operating the regional long-term care ~~ombudsman~~ 5023

ombudsperson programs. 5024

(C) The state long-term care ~~ombudsman~~ ombudsperson and the 5025  
regional programs may solicit and receive contributions to support 5026  
the operation of the office or a regional program, except that no 5027  
contribution shall be solicited or accepted that would interfere 5028  
with the independence or objectivity of the office or program. 5029

**Sec. 175.03.** (A)(1) The Ohio housing finance agency shall 5030  
consist of eleven members. Nine of the members shall be appointed 5031  
by the governor with the advice and consent of the senate. The 5032  
director of commerce and the director of development, or their 5033  
respective designees, shall also be voting members of the agency. 5034  
Of the nine appointed members, at least one shall have experience 5035  
in residential housing construction; at least one shall have 5036  
experience in residential housing mortgage lending, loan 5037  
servicing, or brokering; at least one shall have experience in the 5038  
licensed residential housing brokerage business; at least one 5039  
shall have experience with the housing needs of senior citizens; 5040  
at least one shall be from a background in labor representation in 5041  
the construction industry; at least one shall represent the 5042  
interests of nonprofit multifamily housing development 5043  
corporations; at least one shall represent the interests of 5044  
for-profit multifamily housing development organizations; and two 5045  
shall be public members. The governor shall receive 5046  
recommendations from the Ohio housing council for appointees to 5047  
represent the interests of nonprofit multifamily housing 5048  
development corporations and for-profit multifamily housing 5049  
development organizations. Each appointee representing multifamily 5050  
housing interests currently shall be employed with an organization 5051  
that is active in the area of affordable housing development or 5052  
management. No more than six of the appointed members of the 5053  
agency shall be of the same political party. Of the appointments 5054  
made to the agency for the eighth and ninth appointed members in 5055

accordance with this amendment, one shall be for a term ending on 5056  
January 31, 2005, and one shall be for a term ending on January 5057  
31, 2006. Thereafter, each appointed member shall serve for a term 5058  
ending on the thirty-first day of January which is six years 5059  
following the date of termination of the term which it succeeds. 5060  
Each member shall hold office from the date of the member's 5061  
appointment until the end of the term for which the member was 5062  
appointed. Any member appointed to fill a vacancy occurring prior 5063  
to the expiration of the term for which the member's predecessor 5064  
was appointed shall hold office for the remainder of such term. 5065  
Any appointed member shall continue in office subsequent to the 5066  
expiration date of the member's term until the member's successor 5067  
takes office, or until a period of sixty days has elapsed, 5068  
whichever occurs first. Each appointed member may be removed from 5069  
office by the governor for misfeasance, nonfeasance, malfeasance 5070  
in office, or for failure to attend in person three consecutive 5071  
meetings of the agency. 5072

(2) The ~~director of development or the director's designee~~ 5073  
governor shall ~~be~~ appoint the chairperson of the agency. The 5074  
agency shall elect one of its ~~appointed~~ members as 5075  
vice-chairperson and such other officers as it deems necessary, 5076  
who need not be members of the agency. Each appointed member of 5077  
the agency shall receive compensation at the rate of one hundred 5078  
fifty dollars per agency meeting attended in person, not to exceed 5079  
a maximum of three thousand dollars per year. All members shall be 5080  
reimbursed for their actual and necessary expenses incurred in the 5081  
discharge of their official duties. 5082

(3) Six members of the agency constitute a quorum, and the 5083  
affirmative vote of six members shall be necessary for any action 5084  
taken by the agency. No vacancy in membership of the agency 5085  
impairs the right of a quorum to exercise all the rights and 5086  
perform all the duties of the agency. Meetings of the agency may 5087

be held at any place within the state. Meetings of the agency, 5088  
including notice of the place of meetings, shall comply with 5089  
section 121.22 of the Revised Code. 5090

(B)(1) The appointed members of the agency are not subject to 5091  
section 102.02 of the Revised Code. Each such appointed member 5092  
shall file with the agency a signed written statement setting 5093  
forth the general nature of sales of goods, property or services 5094  
or of loans to the agency in which such member has a pecuniary 5095  
interest or in which any member of the member's immediate family, 5096  
as defined in section 102.01 of the Revised Code, or any 5097  
corporation, partnership or enterprise of which the member is an 5098  
officer, director, or partner, or of which the member or a member 5099  
of the member's immediate family, as so defined, owns more than a 5100  
five per cent interest, has a pecuniary interest, and of which 5101  
sale, loan and interest such member has knowledge. The statement 5102  
shall be supplemented from time to time to reflect changes in the 5103  
general nature of any such sales or loans. No member shall 5104  
participate in portions of agency meetings dealing with, or vote 5105  
concerning, any such matter. 5106

(2) The requirements of this section pertaining to disclosure 5107  
and prohibition from participation and voting do not apply to 5108  
agency loans to lending institutions or contracts between the 5109  
agency and lending institutions for the purchase, administration, 5110  
or servicing of loans notwithstanding that such lending 5111  
institution has a director, officer, employee, or owner who is a 5112  
member of the agency, and no such loans or contracts shall be 5113  
deemed to be prohibited or otherwise regulated by reason of any 5114  
other law or rule. 5115

(3) The members of the agency representing multifamily 5116  
housing interests are not in violation of division (A) of section 5117  
2921.42, division (D) of section 102.03, or division (E) of 5118  
section 102.03 of the Revised Code in regard to a contract the 5119

agency enters into if both of the following apply: 5120

(a) The contract is entered into for a loan, grant, or 5121  
participation in a program administered or funded by the agency 5122  
and the contract was awarded pursuant to rules or guidelines the 5123  
agency adopted. 5124

(b) The member does not participate in the discussion or vote 5125  
on the contract if the contract secured a grant or loan that would 5126  
directly benefit the member, a family member, or a business 5127  
associate of the member. 5128

**Sec. 175.21.** (A) The low- and moderate-income housing trust 5129  
fund is hereby created in the state treasury. The fund shall 5130  
consist of all appropriations, grants, gifts, loan repayments, and 5131  
contributions of money made from any source to the department of 5132  
development for deposit in the fund. All investment earnings of 5133  
the fund shall be credited to the fund. The director of 5134  
development shall allocate a portion of the money in the fund to 5135  
an account of the Ohio housing finance agency. The department 5136  
shall administer the fund. The agency shall use money allocated to 5137  
it in the fund for implementing and administering its programs and 5138  
duties under sections 175.22 and 175.24 of the Revised Code, and 5139  
the department shall use the remaining money in the fund for 5140  
implementing and administering its programs and duties under 5141  
sections 175.22 to 175.25 of the Revised Code. Use of all money in 5142  
the fund is subject to the following restrictions: 5143

(1) Not more than six per cent of any current year 5144  
appropriation authority for the fund shall be used for the 5145  
transitional and permanent housing program to make grants to 5146  
municipal corporations, counties, townships, and nonprofit 5147  
organizations for the acquisition, rehabilitation, renovation, 5148  
construction, conversion, operation, and cost of supportive 5149  
services for new and existing transitional and permanent housing 5150

for homeless persons. 5151

(2)(a) Not more than five per cent of any current year 5152  
appropriation authority for the fund shall be used for grants and 5153  
loans to community development corporations and the Ohio community 5154  
development finance fund, a private nonprofit corporation. 5155

(b) In any year in which the amount in the fund exceeds one 5156  
hundred thousand dollars, not less than one hundred thousand 5157  
dollars shall be used to provide training, technical assistance, 5158  
and capacity building assistance to nonprofit development 5159  
organizations in areas of the state the director designates as 5160  
underserved. 5161

(c) For monies awarded in any fiscal year, priority shall be 5162  
given to proposals submitted by nonprofit development 5163  
organizations from areas of the state the director designates as 5164  
underserved. 5165

(3) Not more than seven per cent of any current year 5166  
appropriation authority for the fund shall be used for the 5167  
emergency shelter housing grants program to make grants to 5168  
private, nonprofit organizations and municipal corporations, 5169  
counties, and townships for emergency shelter housing for the 5170  
homeless. The grants shall be distributed pursuant to rules the 5171  
director adopts and qualify as matching funds for funds obtained 5172  
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 5173  
11371 to 11378. 5174

(4) In any fiscal year in which the amount in the fund 5175  
exceeds the amount awarded pursuant to division (A)(2)(b) of this 5176  
section by at least two hundred fifty thousand dollars, at least 5177  
two hundred fifty thousand dollars from the fund shall be provided 5178  
to the department of aging for the resident services coordinator 5179  
program. 5180

(5) Of all money in the fund: 5181

(a) Not more than six per cent shall be used for 5182  
administration. 5183

(b) Not less than forty-five per cent of the ~~amount of~~ funds 5184  
awarded during any one fiscal year shall be ~~used to make for~~ 5185  
grants and loans to nonprofit organizations under section 175.22 5186  
of the Revised Code, ~~not.~~ 5187

(c) Not less than fifty per cent of the ~~amount of~~ funds 5188  
awarded during any one fiscal year, excluding the amounts awarded 5189  
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 5190  
shall be ~~used to make for~~ grants and loans for activities that 5191  
~~will~~ provide housing and housing assistance to families and 5192  
individuals in rural areas and small cities that ~~would~~ are not be 5193  
eligible to participate as a participating jurisdiction under the 5194  
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 5195  
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 5196  
~~in the fund shall be used for administration, and no.~~ 5197

(d) No money in the fund shall be used to pay for any legal 5198  
services other than the usual and customary legal services 5199  
associated with the acquisition of housing. 5200

(6) Except as otherwise provided by the director under 5201  
division (B) of this section, money in the fund may be used as 5202  
matching money for federal funds received by the state, counties, 5203  
municipal corporations, and townships for the activities listed in 5204  
section 175.22 of the Revised Code. 5205

(B) If after the second quarter of any year it appears to the 5206  
director that the full amount of the money in the ~~low and~~ 5207  
~~moderate-income housing trust~~ fund designated in that year for 5208  
activities that ~~will~~ provide housing and housing assistance to 5209  
families and individuals in rural areas and small cities under 5210  
division (A) of this section will not be ~~so~~ used for that purpose, 5211  
the director may reallocate all or a portion of that amount for 5212

other housing activities. In determining whether or how to 5213  
reallocate money under this division, the director may consult 5214  
with and shall receive advice from the housing trust fund advisory 5215  
committee. 5216

**Sec. 175.22.** (A) The department of development and the Ohio 5217  
housing finance agency shall each develop programs under which, in 5218  
accordance with rules adopted under this section, ~~it~~ they may make 5219  
grants, loans, loan guarantees, and loan subsidies to counties, 5220  
municipal corporations, townships, local housing authorities, and 5221  
nonprofit organizations and may make loans, loan guarantees, and 5222  
loan subsidies to private developers and private lenders to assist 5223  
~~them~~ in activities that ~~will~~ provide housing and housing 5224  
assistance for specifically targeted low- and moderate-income 5225  
families and individuals. There ~~shall be~~ is no minimum housing 5226  
project size for awards under this division for any project that 5227  
is ~~being~~ developed for a special needs population and that is 5228  
supported by a social service agency where the housing project 5229  
~~will be~~ is located. Activities for which grants, loans, loan 5230  
guarantees, and loan subsidies may be made under this section 5231  
include all of the following: 5232

(1) Acquiring, financing, constructing, leasing, 5233  
rehabilitating, remodeling, improving, and equipping publicly or 5234  
privately owned housing; 5235

(2) Providing supportive services related to housing and the 5236  
homeless, including housing counseling. Not more than twenty per 5237  
cent of the current year appropriation authority for the low- and 5238  
moderate-income housing trust fund that remains after the 5239  
expenditures made pursuant to divisions (A)(1), (A)(2), and (A)(3) 5240  
of section 175.21 of the Revised Code, shall be awarded in any 5241  
fiscal year for ~~such~~ supportive services. 5242

(3) Providing rental assistance payments or other project 5243

operating subsidies that lower tenant rents. 5244

(B) Grants, loans, loan guarantees, and loan subsidies may be 5245  
made to counties, municipal corporations, townships, and nonprofit 5246  
organizations for the additional purposes of providing technical 5247  
assistance, design and finance services and consultation, and 5248  
payment of pre-development and administrative costs related to any 5249  
of the activities listed above. 5250

(C) In developing programs under this section, the department 5251  
and the agency shall invite, accept, and consider public comment, 5252  
and recommendations from the housing trust fund advisory committee 5253  
created under section 175.25 of the Revised Code, on how the 5254  
programs should be designed to most effectively benefit low- and 5255  
moderate-income families and individuals. The programs developed 5256  
under this section shall respond collectively to housing and 5257  
housing assistance needs of low- and moderate-income families and 5258  
individuals statewide. 5259

(D) The department and the agency, in accordance with Chapter 5260  
119. of the Revised Code, shall each adopt rules ~~under which it~~ 5261  
~~shall to~~ administer programs developed ~~by it~~ under this section. 5262  
The rules shall prescribe procedures and forms ~~whereby that~~ 5263  
counties, municipal corporations, townships, local housing 5264  
authorities, and nonprofit organizations ~~may apply~~ shall use in 5265  
applying for grants, loans, loan guarantees, and loan subsidies 5266  
and that private developers and private lenders ~~may apply~~ shall 5267  
use in applying for loans, loan guarantees, and loan subsidies; 5268  
eligibility criteria for the receipt of funds; procedures for 5269  
reviewing and granting or denying applications; procedures for 5270  
paying out funds; conditions on the use of funds; procedures for 5271  
monitoring the use of funds; and procedures under which a 5272  
recipient shall be required to repay funds that are improperly 5273  
used. The rules ~~adopted by the department~~ shall do both of the 5274  
following: 5275

(1) Require each recipient of a grant or loan made from the 5276  
low- and moderate-income housing trust fund for activities that 5277  
~~will~~ provide, or assist in providing, a rental housing project, to 5278  
reasonably ensure that the rental housing project will ~~be~~ remain 5279  
affordable to those families and individuals targeted for the 5280  
rental housing project for the useful life of the rental housing 5281  
project or for thirty years, whichever is longer; 5282

(2) Require each recipient of a grant or loan made from the 5283  
low- and moderate-income housing trust fund for activities that 5284  
~~will~~ provide, or assist in providing, a housing project to prepare 5285  
and implement a plan to reasonably assist any families and 5286  
individuals displaced by the housing project in obtaining decent 5287  
affordable housing. 5288

(E) In prescribing eligibility criteria and conditions for 5289  
the use of funds, neither the department nor the agency is limited 5290  
to the criteria and conditions specified in this section and each 5291  
may prescribe additional eligibility criteria and conditions that 5292  
relate to the purposes for which grants, loans, loan guarantees, 5293  
and loan subsidies may be made. However, the department and agency 5294  
are limited by the following specifically targeted low- and 5295  
moderate-income guidelines: 5296

(1) Not less than seventy-five per cent of the money granted 5297  
and loaned under this section in any fiscal year shall be for 5298  
activities that ~~will~~ provide affordable housing and housing 5299  
assistance to families and individuals ~~in a county~~ whose incomes 5300  
are equal to or less than fifty per cent of the median income for 5301  
~~that~~ the county in which they live, as determined by the 5302  
department under section 175.23 of the Revised Code. 5303

(2) ~~The remainder of the~~ Any money granted and loaned under 5304  
this section in any fiscal year that is not granted or loaned 5305  
pursuant to division (E)(1) of this section shall be for 5306

activities that ~~will~~ provide affordable housing and housing 5307  
assistance to families and individuals ~~in a county~~ whose incomes 5308  
are equal to or less than eighty per cent of the median income for 5309  
~~that~~ the county in which they live, as determined by the 5310  
department under section 175.23 of the Revised Code. 5311

(F) In making grants, loans, loan guarantees, and loan 5312  
subsidies under this section, the department and the agency shall 5313  
give preference to viable projects and activities that ~~will~~ 5314  
benefit those families and individuals ~~in a county~~ whose incomes 5315  
are equal to or less than thirty-five per cent of the median 5316  
income for ~~that~~ the county in which they live, as determined by 5317  
the department under section 175.23 of the Revised Code. 5318

(G) The department and the agency shall monitor the programs 5319  
developed under this section to ensure that money granted and 5320  
loaned under this section is not used in a manner that violates 5321  
division (H) of section 4112.02 of the Revised Code or 5322  
discriminates against families with children. 5323

**Sec. 183.02.** This section's references to years mean state 5324  
fiscal years. 5325

All payments received by the state pursuant to the tobacco 5326  
master settlement agreement shall be deposited into the state 5327  
treasury to the credit of the tobacco master settlement agreement 5328  
fund, which is hereby created. All investment earnings of the fund 5329  
shall also be credited to the fund. Except as provided in division 5330  
(K) of this section, payments and interest credited to the fund 5331  
shall be transferred by the director of budget and management as 5332  
follows: 5333

(A)(1) Of the first payment credited to the tobacco master 5334  
settlement agreement fund in 2000 and the net amounts credited to 5335  
the fund annually from 2000 to 2006 and in 2012, the following 5336  
amount or percentage shall be transferred to the tobacco use 5337

prevention and cessation trust fund, created in section 183.03 of 5338  
the Revised Code: 5339

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$104,855,222.85	5341
2000 (net amount credited)	70.30%	5342
2001	62.84	5343
2002	61.41	5344
2003	63.24	5345
2004	66.65	5346
2005	66.24	5347
2006	65.97	5348
2012	56.01	5349

(2) Of the net amounts credited to the tobacco master 5350  
settlement agreement fund in 2013, the director shall transfer to 5351  
the tobacco use prevention and cessation trust fund the amount not 5352  
transferred to the tobacco use prevention and cessation trust fund 5353  
from the net amounts credited to the tobacco master settlement 5354  
agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. 5355  
S.B. No. 242 of the 124th general assembly. Of the net amounts 5356  
credited to the tobacco master settlement agreement fund in 2014, 5357  
the director shall transfer to the tobacco use prevention and 5358  
cessation trust fund the amount not transferred to the tobacco use 5359  
prevention and cessation trust fund from the net amounts credited 5360  
to the tobacco master settlement agreement fund in 2003 due to Am. 5361  
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 5362  
assembly. Of the net amounts credited to the tobacco master 5363  
settlement agreement fund in 2015, the director shall transfer to 5364  
the tobacco use prevention and cessation trust fund the amount not 5365  
transferred to the tobacco use prevention and cessation trust fund 5366  
from the net amounts credited to the tobacco master settlement 5367  
agreement fund in 2004 due to H.B. of the 125th general 5368  
assembly. 5369

(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:

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$10,000,000	5377
2000 (net amount credited)	5.41%	5378
2001	2.32	5379

~~(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:

YEAR	PERCENTAGE	
2000 (first payment credited)	5.00%	5387
2000 (net amount credited)	8.73	5388
2001	8.12	5389
2002	9.18	5390
2003	8.91	5391
2004	7.84	5392
2005	7.79	5393
2006	7.76	5394
2007	17.39	5395
2008 through 2011	17.25	5396

~~(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 5400  
and community development trust fund from the net amounts credited 5401  
to the tobacco master settlement agreement fund in 2002 due to Am. 5402  
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 5403  
assembly. Of the net amounts credited to the tobacco master 5404  
settlement agreement fund in 2014, the director shall transfer to 5405  
the southern Ohio agricultural and community development trust 5406  
fund the amount not transferred to the southern Ohio agricultural 5407  
and community development trust fund from the net amounts credited 5408  
to the tobacco master settlement agreement fund in 2003 due to Am. 5409  
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 5410  
assembly. 5411~~

(D)(1) The following percentages of the net amounts credited 5412  
to the tobacco master settlement agreement fund annually shall be 5413  
transferred to Ohio's public health priorities trust fund, created 5414  
in section 183.18 of the Revised Code: 5415

YEAR	PERCENTAGE	
2000	5.41	5417
2001	6.68	5418
2002	6.79	5419
2003	6.90	5420
2004	7.82	5421
2005	8.18	5422
2006	8.56	5423
2007	19.83	5424
2008	19.66	5425
2009	20.48	5426
2010	21.30	5427
2011	22.12	5428
2012	10.47	5429

~~(2) Of the net amounts credited to the tobacco master 5430  
settlement agreement fund in 2013, the director shall transfer to 5431~~

~~Ohio's public health priorities trust fund the amount not 5432  
transferred to Ohio's public health priorities trust fund from the 5433  
net amounts credited to the tobacco master settlement agreement 5434  
fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 5435  
242 of the 124th general assembly. Of the net amounts credited to 5436  
the tobacco master settlement agreement fund in 2014, the director 5437  
shall transfer to Ohio's public health priorities trust fund the 5438  
amount not transferred to Ohio's public health priorities trust 5439  
fund from the net amounts credited to the tobacco master 5440  
settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and 5441  
Am. Sub. S.B. No. 242 of the 124th general assembly. 5442~~

(E) The following percentages of the net amounts credited to 5443  
the tobacco master settlement agreement fund annually shall be 5444  
transferred to the biomedical research and technology transfer 5445  
trust fund, created in section 183.19 of the Revised Code: 5446

YEAR	PERCENTAGE	5447
2000	2.71	5448
2001	14.03	5449
2002	13.29	5450
2003	12.73	5451
2004	13.78	5452
2005	14.31	5453
2006	14.66	5454
2007	49.57	5455
2008 to 2011	45.06	5456
2012	18.77	5457

(F) Of the amounts credited to the tobacco master settlement 5458  
agreement fund annually, the following amounts shall be 5459  
transferred to the education facilities trust fund, created in 5460  
section 183.26 of the Revised Code: 5461

YEAR	AMOUNT	5462
2000	\$133,062,504.95	5463

2001	128,938,732.73	5464
2002	185,804,475.78	5465
2003	180,561,673.11	5466
2004	122,778,219.49	5467
2005	121,389,325.80	5468
2006	120,463,396.67	5469
2007	246,389,369.01	5470
2008 to 2011	267,531,291.85	5471
2012	110,954,545.28	5472

(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	5481
2014	33.36	5482
2015 to 2025	40.90	5483

(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	5489
2001	6.01	5490
2002	9.33	5491
2003	8.22	5492
2004	3.91	5493
2005	3.48	5494
2006	3.05	5495

2007	13.21	5496
2008	18.03	5497
2009	17.21	5498
2010	16.39	5499
2011	15.57	5500
2012	14.75	5501

(I) In each year from 2003 to 2025, after the transfers made 5502  
under divisions (F) and (G) of this section but prior to the 5503  
transfers made under divisions (A) to (E) of this section, the 5504  
director of budget and management shall transfer to the tobacco 5505  
settlement oversight, administration, and enforcement fund created 5506  
in section 183.34 of the Revised Code such amount as the director 5507  
determines necessary to pay the costs incurred by the attorney 5508  
general in tobacco settlement oversight, administration, and 5509  
enforcement. 5510

(J) In each year from 2003 to 2025, after the transfers made 5511  
under divisions (F) and (G) of this section but prior to the 5512  
transfers made under divisions (A) to (E) of this section, the 5513  
director of budget and management shall transfer to the tobacco 5514  
settlement enforcement fund created in section 183.35 of the 5515  
Revised Code such amount as the director determines necessary to 5516  
pay the costs incurred by the tax commissioner in the enforcement 5517  
of divisions (F) and (G) of section 5743.03 of the Revised Code. 5518

(K) If in any year from 2001 to 2012 the payments and 5519  
interest credited to the tobacco master settlement agreement fund 5520  
during the year amount to less than the amounts required to be 5521  
transferred to the education facilities trust fund and the 5522  
education facilities endowment fund that year, the director of 5523  
budget and management shall make none of the transfers required by 5524  
divisions (A) to (J) of this section. 5525

(L) If in any year from 2000 to 2025 the payments credited to 5526  
the tobacco master settlement agreement fund during the year 5527

exceed the following amounts, the director of budget and 5528  
management shall transfer the excess to the income tax reduction 5529  
fund, created in section 131.44 of the Revised Code: 5530

YEAR	AMOUNT	
2000	\$443,892,767.51	5531
2001	348,780,049.22	5532
2002	418,783,038.09	5533
2003	422,746,368.61	5534
2004	352,827,184.57	5535
2005	352,827,184.57	5536
2006	352,827,184.57	5537
2007	352,827,184.57	5538
2008 to 2017	383,779,323.15	5539
2018 to 2025	403,202,282.16	5540

**Sec. 307.86.** Anything to be purchased, leased, leased with an 5542  
option or agreement to purchase, or constructed, including, but 5543  
not limited to, any product, structure, construction, 5544  
reconstruction, improvement, maintenance, repair, or service, 5545  
except the services of an accountant, architect, attorney at law, 5546  
physician, professional engineer, construction project manager, 5547  
consultant, surveyor, or appraiser, by or on behalf of the county 5548  
or contracting authority, as defined in section 307.92 of the 5549  
Revised Code, at a cost in excess of ~~fifteen~~ twenty-five thousand 5550  
dollars, except as otherwise provided in division (D) of section 5551  
713.23 and in sections 125.04, 307.022, 307.041, 307.861, 339.05, 5552  
340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5553  
5713.01, and 6137.05 of the Revised Code, shall be obtained 5554  
through competitive bidding. However, competitive bidding is not 5555  
required when any of the following applies: 5556

(A) The board of county commissioners, by a unanimous vote of 5557  
its members, makes a determination that a real and present 5558  
emergency exists, and that determination and the reasons for it 5559

are entered in the minutes of the proceedings of the board, when 5560  
either of the following applies: 5561

(1) The estimated cost is less than fifty thousand dollars. 5562

(2) There is actual physical disaster to structures, radio 5563  
communications equipment, or computers. 5564

For purposes of this division, "unanimous vote" means all 5565  
three members of a board of county commissioners when all three 5566  
members are present, or two members of the board if only two 5567  
members, constituting a quorum, are present. 5568

Whenever a contract of purchase, lease, or construction is 5569  
exempted from competitive bidding under division (A)(1) of this 5570  
section because the estimated cost is less than fifty thousand 5571  
dollars, but the estimated cost is ~~fifteen~~ twenty-five thousand 5572  
dollars or more, the county or contracting authority shall solicit 5573  
informal estimates from no fewer than three persons who could 5574  
perform the contract, before awarding the contract. With regard to 5575  
each such contract, the county or contracting authority shall 5576  
maintain a record of such estimates, including the name of each 5577  
person from whom an estimate is solicited. The county or 5578  
contracting authority shall maintain the record for the longer of 5579  
at least one year after the contract is awarded or the amount of 5580  
time the federal government requires. 5581

(B)(1) The purchase consists of supplies or a replacement or 5582  
supplemental part or parts for a product or equipment owned or 5583  
leased by the county, and the only source of supply for the 5584  
supplies, part, or parts is limited to a single supplier. 5585

(2) The purchase consists of services related to information 5586  
technology, such as programming services, that are proprietary or 5587  
limited to a single source. 5588

(C) The purchase is from the federal government, the state, 5589  
another county or contracting authority of another county, or a 5590

board of education, township, or municipal corporation. 5591

(D) Public family services or workforce development 5592  
activities are purchased for provision by the county department of 5593  
job and family services under section 329.04 of the Revised Code, 5594  
or program services, such as direct and ancillary client services, 5595  
child day-care, case management services, residential services, 5596  
and family resource services, are purchased for provision by a 5597  
county board of mental retardation and developmental disabilities 5598  
under section 5126.05 of the Revised Code. 5599

(E) The purchase consists of criminal justice services, 5600  
social services programs, family services, or workforce 5601  
development activities by the board of county commissioners from 5602  
nonprofit corporations or associations under programs funded by 5603  
the federal government or by state grants. 5604

(F) The purchase consists of any form of an insurance policy 5605  
or contract authorized to be issued under Title XXXIX of the 5606  
Revised Code or any form of health care plan authorized to be 5607  
issued under Chapter 1751. of the Revised Code, or any combination 5608  
of such policies, contracts, or plans that the contracting 5609  
authority is authorized to purchase, and the contracting authority 5610  
does all of the following: 5611

(1) Determines that compliance with the requirements of this 5612  
section would increase, rather than decrease, the cost of the 5613  
purchase; 5614

(2) Employs a competent consultant to assist the contracting 5615  
authority in procuring appropriate coverages at the best and 5616  
lowest prices; 5617

(3) Requests issuers of the policies, contracts, or plans to 5618  
submit proposals to the contracting authority, in a form 5619  
prescribed by the contracting authority, setting forth the 5620  
coverage and cost of the policies, contracts, or plans as the 5621

contracting authority desires to purchase;	5622
(4) Negotiates with the issuers for the purpose of purchasing	5623
the policies, contracts, or plans at the best and lowest price	5624
reasonably possible.	5625
(G) The purchase consists of computer hardware, software, or	5626
consulting services that are necessary to implement a computerized	5627
case management automation project administered by the Ohio	5628
prosecuting attorneys association and funded by a grant from the	5629
federal government.	5630
(H) Child day-care services are purchased for provision to	5631
county employees.	5632
(I)(1) Property, including land, buildings, and other real	5633
property, is leased for offices, storage, parking, or other	5634
purposes, and all of the following apply:	5635
(a) The contracting authority is authorized by the Revised	5636
Code to lease the property.	5637
(b) The contracting authority develops requests for proposals	5638
for leasing the property, specifying the criteria that will be	5639
considered prior to leasing the property, including the desired	5640
size and geographic location of the property.	5641
(c) The contracting authority receives responses from	5642
prospective lessors with property meeting the criteria specified	5643
in the requests for proposals by giving notice in a manner	5644
substantially similar to the procedures established for giving	5645
notice under section 307.87 of the Revised Code.	5646
(d) The contracting authority negotiates with the prospective	5647
lessors to obtain a lease at the best and lowest price reasonably	5648
possible considering the fair market value of the property and any	5649
relocation and operational costs that may be incurred during the	5650
period the lease is in effect.	5651

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

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

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

Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under 5684  
division (F) of this section shall request proposals and 5685  
renegotiate with issuers in accordance with that division at least 5686  
every three years from the date of the signing of such a contract. 5687

Any consultant employed pursuant to division (F) of this 5688  
section and any real estate appraiser employed pursuant to 5689  
division (I) of this section shall disclose any fees or 5690  
compensation received from any source in connection with that 5691  
employment. 5692

**Sec. 307.87.** Where competitive bidding is required by section 5693  
307.86 of the Revised Code, notice thereof shall be given in the 5694  
following manner: 5695

(A) Notice shall be published once a week for not less than 5696  
two consecutive weeks preceding the day of the opening of bids in 5697  
a newspaper of general circulation within the county for any 5698  
purchase, lease, lease with option or agreement to purchase, or 5699  
construction contract in excess of ~~ten~~ twenty-five thousand 5700  
dollars. The contracting authority may also cause notice to be 5701  
inserted in trade papers or other publications designated by it or 5702  
to be distributed by electronic means, including posting the 5703  
notice on the contracting authority's internet site on the world 5704  
wide web. If the contracting authority posts the notice on that 5705  
location on the world wide web, it may eliminate the second notice 5706  
otherwise required to be published in a newspaper of general 5707  
circulation within the county, provided that the first notice 5708  
published in such a newspaper meets all of the following 5709  
requirements: 5710

(1) It is published at least two weeks before the opening of 5711  
bids. 5712

(2) It includes a statement that the notice is posted on the 5713

contracting authority's internet site on the world wide web. 5714

(3) It includes the internet address of the contracting authority's internet site on the world wide web. 5715  
5716

(4) It includes instructions describing how the notice may be accessed on the contracting authority's internet site on the world wide web. 5717  
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(B) Notices shall state all of the following: 5720

(1) A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and estimated quantities can be obtained or examined; 5721  
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5723  
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(2) The time and place where bids will be opened; 5725

(3) The time and place for filing bids; 5726

(4) The terms of the proposed purchase; 5727

(5) Conditions under which bids will be received; 5728

(6) The existence of a system of preference, if any, for products mined and produced in Ohio and the United States adopted pursuant to section 307.90 of the Revised Code. 5729  
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~~(B)~~(C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids. 5732  
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**Sec. 307.93.** (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal corporations located in that county or those counties for the 5737  
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joint establishment of a municipal-county or multicounty-municipal 5743  
correctional center. The center shall augment county and, where 5744  
applicable, municipal jail programs and facilities by providing 5745  
custody and rehabilitative programs for those persons under the 5746  
charge of the sheriff of any of the contracting counties or of the 5747  
officer or officers of the contracting municipal corporation or 5748  
municipal corporations having charge of persons incarcerated in 5749  
the municipal jail, workhouse, or other correctional facility who, 5750  
in the opinion of the sentencing court, need programs of custody 5751  
and rehabilitation not available at the county or municipal jail 5752  
and by providing custody and rehabilitative programs in accordance 5753  
with division (C) of this section, if applicable. The contract may 5754  
include, but need not be limited to, provisions regarding the 5755  
acquisition, construction, maintenance, repair, termination of 5756  
operations, and administration of the center. The contract shall 5757  
prescribe the manner of funding of, and debt assumption for, the 5758  
center and the standards and procedures to be followed in the 5759  
operation of the center. Except as provided in division (H) of 5760  
this section, the contracting counties and municipal corporations 5761  
shall form a corrections commission to oversee the administration 5762  
of the center. Members of the commission shall consist of the 5763  
sheriff of each participating county, the president of the board 5764  
of county commissioners of each participating county, the 5765  
presiding judge of the court of common pleas of each participating 5766  
county, or, if the court of common pleas of a participating county 5767  
has only one judge, then that judge, the chief of police of each 5768  
participating municipal corporation, the mayor or city manager of 5769  
each participating municipal corporation, and the presiding judge 5770  
or the sole judge of the municipal court of each participating 5771  
municipal corporation. Any of the foregoing officers may appoint a 5772  
designee to serve in the officer's place on the corrections 5773  
commission. The standards and procedures shall be formulated and 5774  
agreed to by the commission and may be amended at any time during 5775

the life of the contract by agreement of the parties to the 5776  
contract upon the advice of the commission. The standards and 5777  
procedures formulated by the commission shall include, but need 5778  
not be limited to, designation of the person in charge of the 5779  
center, the categories of employees to be employed at the center, 5780  
the appointing authority of the center, and the standards of 5781  
treatment and security to be maintained at the center. The person 5782  
in charge of, and all persons employed to work at, the center 5783  
shall have all the powers of police officers that are necessary 5784  
for the proper performance of the duties relating to their 5785  
positions at the center. 5786

(B) Each board of county commissioners that enters a contract 5787  
under division (A) of this section may appoint a building 5788  
commission pursuant to section 153.21 of the Revised Code. If any 5789  
commissions are appointed, they shall function jointly in the 5790  
construction of a multicounty or multicounty-municipal 5791  
correctional center with all the powers and duties authorized by 5792  
law. 5793

(C) Prior to the acceptance for custody and rehabilitation 5794  
into a center established under this section of any persons who 5795  
are designated by the department of rehabilitation and correction, 5796  
who plead guilty to or are convicted of a felony of the fourth or 5797  
fifth degree, and who satisfy the other requirements listed in 5798  
section 5120.161 of the Revised Code, the corrections commission 5799  
of a center established under this section shall enter into an 5800  
agreement with the department of rehabilitation and correction 5801  
under section 5120.161 of the Revised Code for the custody and 5802  
rehabilitation in the center of persons who are designated by the 5803  
department, who plead guilty to or are convicted of a felony of 5804  
the fourth or fifth degree, and who satisfy the other requirements 5805  
listed in that section, in exchange for a per diem fee per person. 5806  
Persons incarcerated in the center pursuant to an agreement 5807

entered into under this division shall be subject to supervision 5808  
and control in the manner described in section 5120.161 of the 5809  
Revised Code. This division does not affect the authority of a 5810  
court to directly sentence a person who is convicted of or pleads 5811  
guilty to a felony to the center in accordance with section 5812  
2929.16 of the Revised Code. 5813

(D) Pursuant to section 2929.37 of the Revised Code, each 5814  
board of county commissioners and the legislative authority of 5815  
each municipal corporation that enters into a contract under 5816  
division (A) of this section may require a person who was 5817  
convicted of an offense, who is under the charge of the sheriff of 5818  
their county or of the officer or officers of the contracting 5819  
municipal corporation or municipal corporations having charge of 5820  
persons incarcerated in the municipal jail, workhouse, or other 5821  
correctional facility, and who is confined in the multicounty, 5822  
municipal-county, or multicounty-municipal correctional center as 5823  
provided in that division, to reimburse the applicable county or 5824  
municipal corporation for its expenses incurred by reason of the 5825  
person's confinement in the center. 5826

(E) Notwithstanding any contrary provision in this section or 5827  
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 5828  
the corrections commission of a center may establish a policy that 5829  
complies with section 2929.38 of the Revised Code and that 5830  
requires any person who is not indigent and who is confined in the 5831  
multicounty, municipal-county, or multicounty-municipal 5832  
correctional center to pay a reception fee, a fee for medical 5833  
treatment or service requested by and provided to that person, or 5834  
the fee for a random drug test assessed under division (E) of 5835  
section 341.26 of the Revised Code. 5836

(F)(1) The corrections commission of a center established 5837  
under this section may establish a commissary for the center. The 5838  
commissary may be established either in-house or by another 5839

arrangement. If a commissary is established, all persons 5840  
incarcerated in the center shall receive commissary privileges. A 5841  
person's purchases from the commissary shall be deducted from the 5842  
person's account record in the center's business office. The 5843  
commissary shall provide for the distribution to indigent persons 5844  
incarcerated in the center of necessary hygiene articles and 5845  
writing materials. 5846

(2) If a commissary is established, the corrections 5847  
commission of a center established under this section shall 5848  
establish a commissary fund for the center. The management of 5849  
funds in the commissary fund shall be strictly controlled in 5850  
accordance with procedures adopted by the auditor of state. 5851  
Commissary fund revenue over and above operating costs and reserve 5852  
shall be considered profits. All profits from the commissary fund 5853  
shall be used to purchase supplies and equipment for the benefit 5854  
of persons incarcerated in the center and to pay salary and 5855  
benefits for employees of the center, or for any other persons, 5856  
who work in or are employed for the sole purpose of providing 5857  
service to the commissary. The corrections commission shall adopt 5858  
rules and regulations for the operation of any commissary fund it 5859  
establishes. 5860

(G) In lieu of forming a corrections commission to administer 5861  
a multicounty correctional center or a municipal-county or 5862  
multicounty-municipal correctional center, the boards of county 5863  
commissioners and the legislative authorities of the municipal 5864  
corporations contracting to establish the center may also agree to 5865  
contract for the private operation and management of the center as 5866  
provided in section 9.06 of the Revised Code, but only if the 5867  
center houses only misdemeanor inmates. In order to enter into a 5868  
contract under section 9.06 of the Revised Code, all the boards 5869  
and legislative authorities establishing the center shall approve 5870  
and be parties to the contract. 5871

(H) If a person who is convicted of or pleads guilty to an offense is sentenced to a term in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center or is incarcerated in the center in the manner described in division (C) of this section, or if a person who is arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center pending trial, at the time of reception and at other times the officer, officers, or other person in charge of the operation of the center determines to be appropriate, the officer, officers, or other person in charge of the operation of the center may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The officer, officers, or other person in charge of the operation of the center may cause a convicted or accused offender in the center who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

(I) As used in this section, "multicounty-municipal" means more than one county and a municipal corporation, or more than one municipal corporation and a county, or more than one municipal corporation and more than one county.

**Sec. 311.17.** For the services specified in this section, the sheriff shall charge the following fees, which the court or its clerk ~~thereof~~ shall tax in the bill of costs against the judgment debtor or those legally liable therefor for the judgment:

(A) For the service and return of the following writs and orders:

(1) Execution:	5903
(a) When money is paid without levy or when no property is found, <del>five</del> <u>twenty</u> dollars;	5904 5905
(b) When levy is made on real property, for the first tract, <del>twenty</del> <u>twenty-five</u> dollars, and for each additional tract, <del>five</del> <u>ten</u> dollars;	5906 5907 5908
(c) When levy is made on goods and chattels, including inventory, <del>twenty-five</del> <u>fifty</u> dollars+.	5909 5910
(2) Writ of attachment of property, except for purpose of garnishment, <del>twenty</del> <u>forty</u> dollars;	5911 5912
(3) Writ of attachment for the purpose of garnishment, <del>five</del> <u>ten</u> dollars;	5913 5914
(4) Writ of replevin, <del>twenty</del> <u>forty</u> dollars;	5915
(5) Warrant to arrest, for each person named in the writ, <del>five</del> <u>ten</u> dollars;	5916 5917
(6) Attachment for contempt, for each person named in the writ, <del>three</del> <u>six</u> dollars;	5918 5919
(7) Writ of possession or restitution, <del>twenty</del> <u>sixty</u> dollars;	5920
(8) Subpoena, for each person named in the writ, <del>if in either a civil or criminal case three, six</del> <u>dollars, if in a criminal case one-dollar;</u>	5921 5922 5923
(9) Venire, for each person named in the writ, <del>if in either a civil or criminal case three, six</del> <u>dollars, if in a criminal case one-dollar;</u>	5924 5925 5926
(10) Summoning each juror, other than on venire, <del>if in either a civil or criminal case three, six</del> <u>dollars, if in a criminal case one-dollar;</u>	5927 5928 5929
(11) Writ of partition, <del>fifteen</del> <u>twenty-five</u> dollars;	5930

(12) Order of sale on partition, for the first tract,	5931
<del>twenty-five</del> <u>fifty</u> dollars, and for each additional tract, <del>five</del>	5932
<u>twenty-five</u> dollars;	5933
(13) Other order of sale of real property, for the first	5934
tract, <del>twenty</del> <u>fifty</u> dollars, and for each additional tract, <del>five</del>	5935
<u>twenty-five</u> dollars;	5936
(14) Administering oath to appraisers, <del>one dollar and fifty</del>	5937
<del>cents</del> <u>three dollars</u> each;	5938
(15) Furnishing copies for advertisements, <del>fifty cents</del> <u>one</u>	5939
<u>dollar</u> for each hundred words;	5940
(16) Copy of indictment, for each defendant, <del>two</del> <u>five</u>	5941
dollars;	5942
(17) All summons, writs, orders, or notices, for the first	5943
name, <del>three</del> <u>six</u> dollars, and for each additional name, <del>fifty cents</del>	5944
<u>one dollar</u> .	5945
(B) In addition to the fee for service and return, <del>the</del>	5946
<del>sheriff may charge:</del>	5947
(1) On each summons, writ, order, or notice, a fee of <del>fifty</del>	5948
<del>cents</del> <u>one dollar</u> per mile for the first mile, and <del>twenty</del> <u>fifty</u>	5949
cents per mile for each additional mile, going and returning,	5950
actual mileage to be charged on each additional name;	5951
(2) Taking bail bond, <del>one dollar</del> <u>three dollars</u> ;	5952
(3) Jail fees, as follows:	5953
(a) For receiving a prisoner, <del>four</del> <u>five</u> dollars <u>each time a</u>	5954
<u>prisoner is received</u> , and for discharging or surrendering a	5955
prisoner, <del>four</del> <u>five</u> dollars; <u>each time a prisoner is discharged or</u>	5956
<u>surrendered. The departure or return of a prisoner from or to a</u>	5957
<u>jail in connection with a program established under section</u>	5958
<u>5147.28 of the Revised Code is not a receipt, discharge, or</u>	5959
<u>surrender of the prisoner for purposes of this division.</u>	5960

(b) Taking a prisoner before a judge or court, per day, <del>three</del>	5961
<u>five</u> dollars;	5962
(c) Calling action, <del>fifty cents</del> <u>one dollar</u> ;	5963
(d) Calling jury, <del>one dollar</del> <u>three dollars</u> ;	5964
(e) Calling each witness, <del>one dollar</del> <u>three dollars</u> ;	5965
(f) Bringing prisoner before court on habeas corpus, <del>four</del> <u>six</u>	5966
dollars <del>+</del> .	5967
(4) Poundage on all moneys actually made and paid to the	5968
sheriff on execution, decree, or sale of real estate, one <u>and</u>	5969
<u>one-half</u> per cent;	5970
(5) Making and executing a deed of land sold on execution,	5971
decree, or order of the court, to be paid by the purchaser,	5972
<del>twenty-five</del> <u>fifty</u> dollars.	5973
When any of the <del>foregoing</del> services <u>described in division (A)</u>	5974
<u>or (B) of this section</u> are rendered by an officer or employee,	5975
whose salary or per diem compensation is paid by the county, the	5976
<u>applicable</u> legal fees <u>and any other extraordinary expenses,</u>	5977
<u>including overtime,</u> provided for <del>such the</del> service <del>in this section</del>	5978
shall be taxed in the costs in the case, and, when <del>such fees are</del>	5979
collected <del>they,</del> shall be paid into the general fund of the county.	5980
The sheriff shall charge the same fees for the execution of	5981
process issued in any other state as <del>he</del> <u>the sheriff</u> charges for	5982
the execution of process of a substantively similar nature that is	5983
issued in this state.	5984
<b>Sec. 323.01.</b> Except as otherwise provided, as used in Chapter	5985
323. of the Revised Code:	5986
(A) "Subdivision" means any county, township, school	5987
district, or municipal corporation.	5988
(B) "Municipal corporation" includes charter municipalities.	5989

(C) "Taxes" means the total amount of all charges against an entry appearing on a tax list and the duplicate thereof that was prepared and certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and all of such charges which remain unpaid from any previous tax year.

(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.

(E) "Delinquent taxes" means:

(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular 6021  
taxes, the calendar year in which the first installment of taxes 6022  
is due prior to any extension granted under section 323.17 of the 6023  
Revised Code. 6024

(G) "Liquidated claim" means: 6025

(1) Any sum of money due and payable, upon a written 6026  
contractual obligation executed between the subdivision and the 6027  
taxpayer, but excluding any amount due on general and special 6028  
assessment bonds and notes; 6029

(2) Any sum of money due and payable, for disability 6030  
financial assistance or disability medical assistance provided 6031  
under Chapter 5115. of the Revised Code that is furnished to or in 6032  
behalf of a subdivision, provided that such claim is recognized by 6033  
a resolution or ordinance of the legislative body of such 6034  
subdivision; 6035

(3) Any sum of money advanced and paid to or received and 6036  
used by a subdivision, pursuant to a resolution or ordinance of 6037  
such subdivision or its predecessor in interest, and the moral 6038  
obligation to repay which sum, when in funds, shall be recognized 6039  
by resolution or ordinance by the subdivision. 6040

**Sec. 325.31.** (A) On the first business day of each month, and 6041  
at the end of the officer's term of office, each officer named in 6042  
section 325.27 of the Revised Code shall pay into the county 6043  
treasury, to the credit of the general county fund, on the warrant 6044  
of the county auditor, all fees, costs, penalties, percentages, 6045  
allowances, and perquisites collected by the officer's office 6046  
during the preceding month or part thereof for official services, 6047  
except the fees allowed the county auditor by division (B) of 6048  
section 319.54 of the Revised Code, which shall be paid into the 6049  
county treasury to the credit of the real estate assessment fund 6050

hereby created. 6051

(B) Moneys to the credit of the real estate assessment fund 6052  
may be expended, upon appropriation by the board of county 6053  
commissioners, for ~~the purpose of defraying~~ one or more of the 6054  
following purposes: 6055

(1) Defraying the cost incurred by the county auditor in 6056  
assessing real estate pursuant to Chapter 5713. of the Revised 6057  
Code and manufactured and mobile homes pursuant to Chapter 4503. 6058  
of the Revised Code, ~~and, at;~~ 6059

(2) At the county auditor's discretion, for any costs related 6060  
to county tax maps and also for the expenses incurred by the 6061  
county board of revision under Chapter 5715. of the Revised Code- 6062  
~~Any;~~ 6063

(3) Defraying expenses incurred by the county auditor for 6064  
geographic information systems and mapping programs; 6065

(4) Defraying expenses incurred by the county auditor in the 6066  
collection of tangible personal property taxes under Chapters 6067  
5711. and 5719. of the Revised Code; 6068

(5) Deferring expenses and fees incurred by the county 6069  
auditor in the collection of estate taxes under Chapter 5731. of 6070  
the Revised Code. 6071

Any expenditures made from the real estate assessment fund 6072  
shall comply with rules that the tax commissioner adopts under 6073  
division (O) of section 5703.05 of the Revised Code. Those rules 6074  
shall include a requirement that a copy of any appraisal plans, 6075  
progress of work reports, contracts, or other documents required 6076  
to be filed with the tax commissioner shall be filed also with the 6077  
board of county commissioners. 6078

The board of county commissioners shall not transfer moneys 6079  
required to be deposited in the real estate assessment fund to any 6080

other fund. Following an assessment of real property pursuant to 6081  
Chapter 5713. of the Revised Code, or an assessment of a 6082  
manufactured or mobile home pursuant to Chapter 4503. of the 6083  
Revised Code, any moneys not expended for the purpose of defraying 6084  
the cost incurred in assessing real estate or manufactured or 6085  
mobile homes, or for costs related to county tax maps, or for the 6086  
purpose of defraying the expenses ~~of the county board of revision~~ 6087  
described in divisions (B)(2), (3), (4), and (5) of this section, 6088  
and thereby remaining to the credit of the real estate assessment 6089  
fund, shall be apportioned ratably and distributed to those taxing 6090  
authorities that contributed to the fund. However, no such 6091  
distribution shall be made if the amount of such unexpended moneys 6092  
remaining to the credit of the real estate assessment fund does 6093  
not exceed five thousand dollars. 6094

(C) None of the officers named in section 325.27 of the 6095  
Revised Code shall collect any fees from the county. Each of such 6096  
officers shall, at the end of each calendar year, make and file a 6097  
sworn statement with the board of county commissioners of all such 6098  
fees, costs, penalties, percentages, allowances, and perquisites 6099  
which have been due in the officer's office and unpaid for more 6100  
than one year prior to the date such statement is required to be 6101  
made. 6102

**Sec. 329.03.** (A) As used in this section: 6103

(1) "Applicant" or "recipient" means an applicant for or 6104  
participant in the Ohio works first program established under 6105  
Chapter 5107. of the Revised Code or an applicant for or recipient 6106  
of disability financial assistance under Chapter 5115. of the 6107  
Revised Code. 6108

(2) "Voluntary direct deposit" means a system established 6109  
pursuant to this section under which cash assistance payments to 6110  
recipients who agree to direct deposit are made by direct deposit 6111

by electronic transfer to an account in a financial institution 6112  
designated under this section. 6113

(3) "Mandatory direct deposit" means a system established 6114  
pursuant to this section under which cash assistance payments to 6115  
all participants in the Ohio works first program or recipients of 6116  
disability financial assistance, other than those exempt under 6117  
division (E) of this section, are made by direct deposit by 6118  
electronic transfer to an account in a financial institution 6119  
designated under this section. 6120

(B) A board of county commissioners may by adoption of a 6121  
resolution require the county department of job and family 6122  
services to establish a direct deposit system for distributing 6123  
cash assistance payments under Ohio works first, disability 6124  
financial assistance, or both, unless the director of job and 6125  
family services has provided for those payments to be made by 6126  
electronic benefit transfer pursuant to section 5101.33 of the 6127  
Revised Code. Voluntary or mandatory direct deposit may be applied 6128  
to either of the programs. The resolution shall specify for each 6129  
program for which direct deposit is to be established whether 6130  
direct deposit is voluntary or mandatory. The board may require 6131  
the department to change or terminate direct deposit by adopting a 6132  
resolution to change or terminate it. Within ninety days after 6133  
adopting a resolution under this division, the board shall certify 6134  
one copy of the resolution to the director of job and family 6135  
services and one copy to the office of budget and management. The 6136  
director of job and family services may adopt rules governing 6137  
establishment of direct deposit by county departments of job and 6138  
family services. 6139

The county department of job and family services shall 6140  
determine what type of account will be used for direct deposit and 6141  
negotiate with financial institutions to determine the charges, if 6142  
any, to be imposed by a financial institution for establishing and 6143

maintaining such accounts. Under voluntary direct deposit, the 6144  
county department of job and family services may pay all charges 6145  
imposed by a financial institution for establishing and 6146  
maintaining an account in which direct deposits are made for a 6147  
recipient. Under mandatory direct deposit, the county department 6148  
of job and family services shall pay all charges imposed by a 6149  
financial institution for establishing and maintaining such an 6150  
account. No financial institution shall impose any charge for such 6151  
an account that the institution does not impose on its other 6152  
customers for the same type of account. Direct deposit does not 6153  
affect the exemption of Ohio works first and disability financial 6154  
assistance from attachment, garnishment, or other like process 6155  
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 6156  
Code. 6157

(C) The county department of job and family services shall, 6158  
within sixty days after a resolution requiring the establishment 6159  
of direct deposit is adopted, establish procedures governing 6160  
direct deposit. 6161

Within one hundred eighty days after the resolution is 6162  
adopted, the county department shall: 6163

(1) Inform each applicant or recipient of the procedures 6164  
governing direct deposit, including in the case of voluntary 6165  
direct deposit those that prescribe the conditions under which a 6166  
recipient may change from one method of payment to another; 6167

(2) Obtain from each applicant or recipient an authorization 6168  
form to designate a financial institution equipped for and 6169  
authorized by law to accept direct deposits by electronic transfer 6170  
and the account into which the applicant or recipient wishes the 6171  
payments to be made, or in the case of voluntary direct deposit 6172  
states the applicant's or recipient's election to receive such 6173  
payments in the form of a paper warrant. 6174

The department may require a recipient to complete a new authorization form whenever the department considers it necessary.

A recipient's designation of a financial institution and account shall remain in effect until withdrawn in writing or dishonored by the financial institution, except that no change may be made in the authorization form until the next eligibility redetermination of the recipient unless the department feels that good grounds exist for an earlier change.

(D) An applicant or recipient without an account who either agrees or is required to receive payments by direct deposit shall have ten days after receiving the authorization form to designate an account suitable for direct deposit. If within the required time the applicant or recipient does not make the designation or requests that the department make the designation, the department shall designate a financial institution and help the recipient to open an account.

(E) At the time of giving an applicant or recipient the authorization form, the county department of job and family services of a county with mandatory direct deposit shall inform each applicant or recipient of the basis for exemption and the right to request exemption from direct deposit.

Under mandatory direct deposit, an applicant or recipient who wishes to receive payments in the form of a paper warrant shall record on the authorization form a request for exemption under this division and the basis for the exemption.

The department shall exempt from mandatory direct deposit any recipient who requests exemption and is any of the following:

- (1) Over age sixty-five;
- (2) Blind or disabled;
- (3) Likely, in the judgment of the department, to be caused

personal hardship by direct deposit. 6205

A recipient granted an exemption under this division shall 6206  
receive payments for which the recipient is eligible in the form 6207  
of paper warrants. 6208

(F) The county department of job and family services shall 6209  
bear the full cost of the amount of any replacement warrant issued 6210  
to a recipient for whom an authorization form as provided in this 6211  
section has not been obtained within one hundred eighty days after 6212  
the later of the date the board of county commissioners adopts a 6213  
resolution requiring payments of financial assistance by direct 6214  
deposit to accounts of recipients of Ohio works first or 6215  
disability financial assistance or the date the recipient made 6216  
application for assistance, and shall not be reimbursed by the 6217  
state for any part of the cost. Thereafter, the county department 6218  
of job and family services shall continue to bear the full cost of 6219  
each replacement warrant issued until the board of county 6220  
commissioners requires the county department of job and family 6221  
services to obtain from each such recipient the authorization 6222  
forms as provided in this section. 6223

**Sec. 329.04.** (A) The county department of job and family 6224  
services shall have, exercise, and perform the following powers 6225  
and duties: 6226

(1) Perform any duties assigned by the state department of 6227  
job and family services regarding the provision of public family 6228  
services, including the provision of the following services to 6229  
prevent or reduce economic or personal dependency and to 6230  
strengthen family life: 6231

(a) Services authorized by a Title IV-A program, as defined 6232  
in section 5101.80 of the Revised Code; 6233

(b) Social services authorized by Title XX of the "Social 6234

Security Act" and provided for by section 5101.46 of the Revised Code; 6235  
6236

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 6237  
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(2) Administer disability financial assistance ~~under Chapter 5115. of the Revised Code,~~ as required by the state department of job and family services under section 5115.03 of the Revised Code; 6245  
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(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code; 6248  
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~~(3)~~(4) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 6251  
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~~(4)~~(5) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 6254  
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~~(5)~~(6) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services at the close of each fiscal year; 6257  
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~~(6)~~(7) Exercise any powers and duties relating to family services or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace; 6260  
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~~(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 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 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 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 human 6296  
services approves the changes. 6297

**Sec. 329.051.** The county department of job and family 6298  
services shall make voter registration applications as prescribed 6299  
by the secretary of state under section 3503.10 of the Revised 6300  
Code available to persons who are applying for, receiving 6301  
assistance from, or participating in any of the following: 6302

(A) The disability financial assistance program established 6303  
under Chapter 5115. of the Revised Code; 6304

(B) The disability medical assistance program established 6305  
under Chapter 5115. of the Revised Code; 6306

(C) The medical assistance program established under Chapter 6307  
5111. of the Revised Code; 6308

~~(C)~~(D) The Ohio works first program established under Chapter 6309  
5107. of the Revised Code; 6310

~~(D)~~(E) The prevention, retention, and contingency program 6311  
established under Chapter 5108. of the Revised Code. 6312

**Sec. 340.021.** (A) In an alcohol, drug addiction, and mental 6313  
health service district comprised of a county with a population of 6314  
two hundred fifty thousand or more on ~~the effective date of this~~ 6315  
~~section~~ October 10, 1989, the board of county commissioners shall, 6316  
within thirty days of ~~the effective date of this section~~ October 6317  
10, 1989, establish an alcohol and drug addiction services board 6318  
as the entity responsible for providing alcohol and drug addiction 6319  
services in the county, unless, prior to that date, the board 6320  
adopts a resolution providing that the entity responsible for 6321  
providing the services is a board of alcohol, drug addiction, and 6322  
mental health services. If the board of county commissioners 6323  
establishes an alcohol and drug addiction services board, the 6324  
community mental health board established under former section 6325

340.02 of the Revised Code shall serve as the entity responsible 6326  
for providing mental health services in the county. A community 6327  
mental health board has all the powers, duties, and obligations of 6328  
a board of alcohol, drug addiction, and mental health services 6329  
with regard to mental health services. An alcohol and drug 6330  
addiction services board has all the powers, duties, and 6331  
obligations of a board of alcohol, drug addiction, and mental 6332  
health services with regard to alcohol and drug addiction 6333  
services. Any provision of the Revised Code that refers to a board 6334  
of alcohol, drug addiction, and mental health services with regard 6335  
to mental health services also refers to a community mental health 6336  
board and any provision that refers to a board of alcohol, drug 6337  
addiction, and mental health services with regard to alcohol and 6338  
drug addiction services also refers to an alcohol and drug 6339  
addiction services board. 6340

An alcohol and drug addiction services board shall consist of 6341  
eighteen members, six of whom shall be appointed by the director 6342  
of alcohol and drug addiction services and twelve of whom shall be 6343  
appointed by the board of county commissioners. Of the members 6344  
appointed by the director, one shall be a person who has received 6345  
or is receiving services for alcohol or drug addiction, one shall 6346  
be a parent or relative of such a person, one shall be a 6347  
professional in the field of alcohol or drug addiction services, 6348  
and one shall be an advocate for persons receiving treatment for 6349  
alcohol or drug addiction. The membership of the board shall, as 6350  
nearly as possible, reflect the composition of the population of 6351  
the service district as to race and sex. Members shall be 6352  
residents of the service district and shall be interested in 6353  
alcohol and drug addiction services. Requirements for membership, 6354  
including prohibitions against certain family and business 6355  
relationships, and terms of office shall be the same as those for 6356  
members of boards of alcohol, drug addiction, and mental health 6357  
services. 6358

~~(B)~~ A community mental health board shall consist of eighteen 6359  
members, six of whom shall be appointed by the director of mental 6360  
health and twelve of whom shall be appointed by the board of 6361  
county commissioners. Of the members appointed by the director, 6362  
one shall be a person who has received or is receiving mental 6363  
health services, one shall be a parent or relative of such a 6364  
person, one shall be a psychiatrist or a physician, and one shall 6365  
be a mental health professional. The membership of the board as 6366  
nearly as possible shall reflect the composition of the population 6367  
of the service district as to race and sex. Members shall be 6368  
residents of the service district and shall be interested in 6369  
mental health services. Requirements for membership, including 6370  
prohibitions against certain family and business relationships, 6371  
and terms of office shall be the same as those for members of 6372  
boards of alcohol, drug addiction, and mental health services. 6373

(B) If a board of county commissioners subject to division 6374  
(A) of this section did not adopt a resolution providing for a 6375  
board of alcohol, drug addiction, and mental health services, the 6376  
board of county commissioners may adopt a resolution providing for 6377  
such a board, subject to both of the following: 6378

(1) The resolution shall be adopted not later than January 1, 6379  
2004. 6380

(2) Before adopting the resolution, the board of county 6381  
commissioners shall provide notice of the proposed resolution to 6382  
the alcohol and drug services board and the community mental 6383  
health board and shall provide both boards an opportunity to 6384  
comment on the proposed resolution. 6385

**Sec. 340.03.** (A) Subject to rules issued by the director of 6386  
mental health after consultation with relevant constituencies as 6387  
required by division (A)(11) of section 5119.06 of the Revised 6388  
Code, with regard to mental health services, the board of alcohol, 6389

drug addiction, and mental health services shall: 6390

(1) Serve as the community mental health planning agency for 6391  
the county or counties under its jurisdiction, and in so doing it 6392  
shall: 6393

(a) Evaluate the need for facilities and community mental 6394  
health services; 6395

(b) In cooperation with other local and regional planning and 6396  
funding bodies and with relevant ethnic organizations, assess the 6397  
community mental health needs, set priorities, and develop plans 6398  
for the operation of facilities and community mental health 6399  
services; 6400

(c) In accordance with guidelines issued by the director of 6401  
mental health after consultation with board representatives, 6402  
develop and submit to the department of mental health, no later 6403  
than six months prior to the conclusion of the fiscal year in 6404  
which the board's current plan is scheduled to expire, a community 6405  
mental health plan listing community mental health needs, 6406  
including the needs of all residents of the district now residing 6407  
in state mental institutions and severely mentally disabled 6408  
adults, children, and adolescents; all children subject to a 6409  
determination made pursuant to section 121.38 of the Revised Code; 6410  
and all the facilities and community mental health services that 6411  
are or will be in operation or provided during the period for 6412  
which the plan will be in operation in the service district to 6413  
meet such needs. 6414

The plan shall include, but not be limited to, a statement of 6415  
which of the services listed in section 340.09 of the Revised Code 6416  
the board intends to provide or purchase, an explanation of how 6417  
the board intends to make any payments that it may be required to 6418  
pay under section 5119.62 of the Revised Code, a statement of the 6419  
inpatient and community-based services the board proposes that the 6420

department operate, an assessment of the number and types of 6421  
residential facilities needed, and such other information as the 6422  
department requests, and a budget for moneys the board expects to 6423  
receive. The board shall also submit an allocation request for 6424  
state and federal funds. Within sixty days after the department's 6425  
determination that the plan and allocation request are complete, 6426  
the department shall approve or disapprove the plan and request, 6427  
in whole or in part, according to the criteria developed pursuant 6428  
to section 5119.61 of the Revised Code. The department's statement 6429  
of approval or disapproval shall specify the inpatient and the 6430  
community-based services that the department will operate for the 6431  
board. Eligibility for financial support shall be contingent upon 6432  
an approved plan or relevant part of a plan. 6433

If the director disapproves all or part of any plan, the 6434  
director shall inform the board of the reasons for the disapproval 6435  
and of the criteria that must be met before the plan may be 6436  
approved. The director shall provide the board an opportunity to 6437  
present its case on behalf of the plan. The director shall give 6438  
the board a reasonable time in which to meet the criteria, and 6439  
shall offer the board technical assistance to help it meet the 6440  
criteria. 6441

If the approval of a plan remains in dispute thirty days 6442  
prior to the conclusion of the fiscal year in which the board's 6443  
current plan is scheduled to expire, the board or the director may 6444  
request that the dispute be submitted to a mutually agreed upon 6445  
third-party mediator with the cost to be shared by the board and 6446  
the department. The mediator shall issue to the board and the 6447  
department recommendations for resolution of the dispute. Prior to 6448  
the conclusion of the fiscal year in which the current plan is 6449  
scheduled to expire, the director, taking into consideration the 6450  
recommendations of the mediator, shall make a final determination 6451  
and approve or disapprove the plan, in whole or in part. 6452

If a board determines that it is necessary to amend a plan or an allocation request that has been approved under division (A)(1)(c) of this section, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. If the director does not approve all or part of the amendment within thirty days after it is submitted, the amendment or part of it shall be considered to have been approved. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the department.

(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;

(e) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community mental health agency as defined in section 5122.01 of the Revised Code, or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) For the purpose of section 5119.611 of the Revised Code, 6484  
cooperate with the director of mental health in visiting and 6485  
evaluating whether the services of a community mental health 6486  
agency satisfy the certification standards established by rules 6487  
adopted under that section; 6488

(4) In accordance with criteria established under division 6489  
(G) of section 5119.61 of the Revised Code, review and evaluate 6490  
the quality, effectiveness, and efficiency of services provided 6491  
through its community mental health plan and submit its findings 6492  
and recommendations to the department of mental health; 6493

(5) In accordance with section 5119.22 of the Revised Code, 6494  
review applications for residential facility licenses and 6495  
recommend to the department of mental health approval or 6496  
disapproval of applications; 6497

(6) Audit, in accordance with rules adopted by the auditor of 6498  
state pursuant to section 117.20 of the Revised Code, at least 6499  
annually all programs and services provided under contract with 6500  
the board. In so doing, the board may contract for or employ the 6501  
services of private auditors. A copy of the fiscal audit report 6502  
shall be provided to the director of mental health, the auditor of 6503  
state, and the county auditor of each county in the board's 6504  
district. 6505

(7) Recruit and promote local financial support for mental 6506  
health programs from private and public sources; 6507

(8)(a) Enter into contracts with public and private 6508  
facilities for the operation of facility services included in the 6509  
board's community mental health plan and enter into contracts with 6510  
public and private community mental health agencies for the 6511  
provision of community mental health services listed in section 6512  
340.09 of the Revised Code and included in the board's community 6513  
mental health plan. Contracts with community mental health 6514

agencies are subject to section 5119.611 of the Revised Code. 6515  
Section 307.86 of the Revised Code does not apply to contracts 6516  
entered into under this division. In contracting with a community 6517  
mental health agency, a board shall consider the cost 6518  
effectiveness of services provided by that agency and the quality 6519  
and continuity of care, and may review cost elements, including 6520  
salary costs, of the services to be provided. A utilization review 6521  
process shall be established as part of the contract for services 6522  
entered into between a board and a community mental health agency. 6523  
The board may establish this process in a way that is most 6524  
effective and efficient in meeting local needs. In the case of a 6525  
contract with a community mental health facility ~~described, as~~ 6526  
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 6527  
to provide services ~~established by~~ listed in division ~~(A)(B)~~ of 6528  
that section, the contract shall provide for the facility to be 6529  
paid in accordance with the contract entered into between the 6530  
departments of job and family services and mental health under 6531  
~~division (E) of that~~ section 5111.91 of the Revised Code and any 6532  
rules adopted under division (A) of section 5119.61 of the Revised 6533  
Code. 6534

If either the board or a facility or community mental health 6535  
agency with which the board contracts under division (A)(8)(a) of 6536  
this section proposes not to renew the contract or proposes 6537  
substantial changes in contract terms, the other party shall be 6538  
given written notice at least one hundred twenty days before the 6539  
expiration date of the contract. During the first sixty days of 6540  
this one hundred twenty-day period, both parties shall attempt to 6541  
resolve any dispute through good faith collaboration and 6542  
negotiation in order to continue to provide services to persons in 6543  
need. If the dispute has not been resolved sixty days before the 6544  
expiration date of the contract, either party may notify the 6545  
department of mental health of the unresolved dispute. The 6546  
director may require both parties to submit the dispute to a third 6547

party with the cost to be shared by the board and the facility or 6548  
community mental health agency. The third party shall issue to the 6549  
board, the facility or agency, and the department recommendations 6550  
on how the dispute may be resolved twenty days prior to the 6551  
expiration date of the contract, unless both parties agree to a 6552  
time extension. The director shall adopt rules establishing the 6553  
procedures of this dispute resolution process. 6554

(b) With the prior approval of the director of mental health, 6555  
a board may operate a facility or provide a community mental 6556  
health service as follows, if there is no other qualified private 6557  
or public facility or community mental health agency that is 6558  
immediately available and willing to operate such a facility or 6559  
provide the service: 6560

(i) In an emergency situation, any board may operate a 6561  
facility or provide a community mental health service in order to 6562  
provide essential services for the duration of the emergency; 6563

(ii) In a service district with a population of at least one 6564  
hundred thousand but less than five hundred thousand, a board may 6565  
operate a facility or provide a community mental health service 6566  
for no longer than one year; 6567

(iii) In a service district with a population of less than 6568  
one hundred thousand, a board may operate a facility or provide a 6569  
community mental health service for no longer than one year, 6570  
except that such a board may operate a facility or provide a 6571  
community mental health service for more than one year with the 6572  
prior approval of the director and the prior approval of the board 6573  
of county commissioners, or of a majority of the boards of county 6574  
commissioners if the district is a joint-county district. 6575

The director shall not give a board approval to operate a 6576  
facility or provide a community mental health service under 6577  
division (A)(8)(b)(ii) or (iii) of this section unless the 6578

director determines that it is not feasible to have the department 6579  
operate the facility or provide the service. 6580

The director shall not give a board approval to operate a 6581  
facility or provide a community mental health service under 6582  
division (A)(8)(b)(iii) of this section unless the director 6583  
determines that the board will provide greater administrative 6584  
efficiency and more or better services than would be available if 6585  
the board contracted with a private or public facility or 6586  
community mental health agency. 6587

The director shall not give a board approval to operate a 6588  
facility previously operated by a person or other government 6589  
entity unless the board has established to the director's 6590  
satisfaction that the person or other government entity cannot 6591  
effectively operate the facility or that the person or other 6592  
government entity has requested the board to take over operation 6593  
of the facility. The director shall not give a board approval to 6594  
provide a community mental health service previously provided by a 6595  
community mental health agency unless the board has established to 6596  
the director's satisfaction that the agency cannot effectively 6597  
provide the service or that the agency has requested the board 6598  
take over providing the service. 6599

The director shall review and evaluate a board's operation of 6600  
a facility and provision of community mental health service under 6601  
division (A)(8)(b) of this section. 6602

Nothing in division (A)(8)(b) of this section authorizes a 6603  
board to administer or direct the daily operation of any facility 6604  
or community mental health agency, but a facility or agency may 6605  
contract with a board to receive administrative services or staff 6606  
direction from the board under the direction of the governing body 6607  
of the facility or agency. 6608

(9) Approve fee schedules and related charges or adopt a unit 6609

cost schedule or other methods of payment for contract services 6610  
provided by community mental health agencies in accordance with 6611  
guidelines issued by the department as necessary to comply with 6612  
state and federal laws pertaining to financial assistance; 6613

(10) Submit to the director and the county commissioners of 6614  
the county or counties served by the board, and make available to 6615  
the public, an annual report of the programs under the 6616  
jurisdiction of the board, including a fiscal accounting; 6617

(11) Establish, to the extent resources are available, a 6618  
community support system, which provides for treatment, support, 6619  
and rehabilitation services and opportunities. The essential 6620  
elements of the system include, but are not limited to, the 6621  
following components in accordance with section 5119.06 of the 6622  
Revised Code: 6623

(a) To locate persons in need of mental health services to 6624  
inform them of available services and benefits mechanisms; 6625

(b) Assistance for clients to obtain services necessary to 6626  
meet basic human needs for food, clothing, shelter, medical care, 6627  
personal safety, and income; 6628

(c) Mental health care, including, but not limited to, 6629  
outpatient, partial hospitalization, and, where appropriate, 6630  
inpatient care; 6631

(d) Emergency services and crisis intervention; 6632

(e) Assistance for clients to obtain vocational services and 6633  
opportunities for jobs; 6634

(f) The provision of services designed to develop social, 6635  
community, and personal living skills; 6636

(g) Access to a wide range of housing and the provision of 6637  
residential treatment and support; 6638

(h) Support, assistance, consultation, and education for 6639

families, friends, consumers of mental health services, and 6640  
others; 6641

(i) Recognition and encouragement of families, friends, 6642  
neighborhood networks, especially networks that include racial and 6643  
ethnic minorities, churches, community organizations, and 6644  
meaningful employment as natural supports for consumers of mental 6645  
health services; 6646

(j) Grievance procedures and protection of the rights of 6647  
consumers of mental health services; 6648

(k) Case management, which includes continual individualized 6649  
assistance and advocacy to ensure that needed services are offered 6650  
and procured. 6651

(12) Designate the treatment program, agency, or facility for 6652  
each person involuntarily committed to the board pursuant to 6653  
Chapter 5122. of the Revised Code and authorize payment for such 6654  
treatment. The board shall provide the least restrictive and most 6655  
appropriate alternative that is available for any person 6656  
involuntarily committed to it and shall assure that the services 6657  
listed in section 340.09 of the Revised Code are available to 6658  
severely mentally disabled persons residing within its service 6659  
district. The board shall establish the procedure for authorizing 6660  
payment for services, which may include prior authorization in 6661  
appropriate circumstances. The board may provide for services 6662  
directly to a severely mentally disabled person when life or 6663  
safety is endangered and when no community mental health agency is 6664  
available to provide the service. 6665

(13) Establish a method for evaluating referrals for 6666  
involuntary commitment and affidavits filed pursuant to section 6667  
5122.11 of the Revised Code in order to assist the probate 6668  
division of the court of common pleas in determining whether there 6669  
is probable cause that a respondent is subject to involuntary 6670

hospitalization and what alternative treatment is available and 6671  
appropriate, if any; 6672

(14) Ensure that apartments or rooms built, subsidized, 6673  
renovated, rented, owned, or leased by the board or a community 6674  
mental health agency have been approved as meeting minimum fire 6675  
safety standards and that persons residing in the rooms or 6676  
apartments are receiving appropriate and necessary services, 6677  
including culturally relevant services, from a community mental 6678  
health agency. This division does not apply to residential 6679  
facilities licensed pursuant to section 5119.22 of the Revised 6680  
Code. 6681

(15) Establish a mechanism for involvement of consumer 6682  
recommendation and advice on matters pertaining to mental health 6683  
services in the alcohol, drug addiction, and mental health service 6684  
district; 6685

(16) Perform the duties under section 3722.18 of the Revised 6686  
Code required by rules adopted under section 5119.61 of the 6687  
Revised Code regarding referrals by the board or mental health 6688  
agencies under contract with the board of individuals with mental 6689  
illness or severe mental disability to adult care facilities and 6690  
effective arrangements for ongoing mental health services for the 6691  
individuals. The board is accountable in the manner specified in 6692  
the rules for ensuring that the ongoing mental health services are 6693  
effectively arranged for the individuals. 6694

(B) The board shall establish such rules, operating 6695  
procedures, standards, and bylaws, and perform such other duties 6696  
as may be necessary or proper to carry out the purposes of this 6697  
chapter. 6698

(C) A board of alcohol, drug addiction, and mental health 6699  
services may receive by gift, grant, devise, or bequest any 6700  
moneys, lands, or property for the benefit of the purposes for 6701

which the board is established, and may hold and apply it 6702  
according to the terms of the gift, grant, or bequest. All money 6703  
received, including accrued interest, by gift, grant, or bequest 6704  
shall be deposited in the treasury of the county, the treasurer of 6705  
which is custodian of the alcohol, drug addiction, and mental 6706  
health services funds to the credit of the board and shall be 6707  
available for use by the board for purposes stated by the donor or 6708  
grantor. 6709

(D) No board member or employee of a board of alcohol, drug 6710  
addiction, and mental health services shall be liable for injury 6711  
or damages caused by any action or inaction taken within the scope 6712  
of the board member's official duties or the employee's 6713  
employment, whether or not such action or inaction is expressly 6714  
authorized by this section, section 340.033, or any other section 6715  
of the Revised Code, unless such action or inaction constitutes 6716  
willful or wanton misconduct. Chapter 2744. of the Revised Code 6717  
applies to any action or inaction by a board member or employee of 6718  
a board taken within the scope of the board member's official 6719  
duties or employee's employment. For the purposes of this 6720  
division, the conduct of a board member or employee shall not be 6721  
considered willful or wanton misconduct if the board member or 6722  
employee acted in good faith and in a manner that the board member 6723  
or employee reasonably believed was in or was not opposed to the 6724  
best interests of the board and, with respect to any criminal 6725  
action or proceeding, had no reasonable cause to believe the 6726  
conduct was unlawful. 6727

(E) The meetings held by any committee established by a board 6728  
of alcohol, drug addiction, and mental health services shall be 6729  
considered to be meetings of a public body subject to section 6730  
121.22 of the Revised Code. 6731

**Sec. 341.05.** (A) The sheriff shall assign sufficient staff to 6732

ensure the safe and secure operation of the county jail, but staff 6733  
shall be assigned only to the extent such staff can be provided 6734  
with funds appropriated to the sheriff at the discretion of the 6735  
board of county commissioners. The staff may include any of the 6736  
following: 6737

(1) An administrator for the jail; 6738

(2) Jail officers, including civilian jail officers who are 6739  
not sheriff's deputies, to conduct security duties; 6740

(3) Other necessary employees to assist in the operation of 6741  
the county jail. 6742

(B) The sheriff shall employ a sufficient number of female 6743  
staff to be available to perform all reception and release 6744  
procedures for female prisoners. These female employees shall be 6745  
on duty for the duration of the confinement of the female 6746  
prisoners. 6747

(C) The jail administrator and civilian jail officers 6748  
appointed by the sheriff shall have all the powers of police 6749  
officers on the jail grounds as are necessary for the proper 6750  
performance of the duties relating to their positions at the jail 6751  
and as are consistent with their level of training. 6752

(D) The sheriff may authorize civilian jail officers to wear 6753  
a standard uniform consistent with their prescribed authority, in 6754  
accordance with section 311.281 of the Revised Code. Civilian jail 6755  
officer uniforms shall be differentiated clearly from the uniforms 6756  
worn by sheriff's deputies. 6757

(E) The Except as provided in division (B) of section 341.25 6758  
of the Revised Code, the compensation of jail staff shall be 6759  
payable from the general fund of the county, upon the warrant of 6760  
the auditor, in accordance with standard county payroll 6761  
procedures. 6762

**Sec. 341.25.** (A) The sheriff may establish a commissary for 6763  
the jail. The commissary may be established either in-house or by 6764  
another arrangement. If a commissary is established, all persons 6765  
incarcerated in the jail shall receive commissary privileges. A 6766  
person's purchases from the commissary shall be deducted from the 6767  
person's account record in the jail's business office. The 6768  
commissary shall provide for the distribution to indigent persons 6769  
incarcerated in the jail necessary hygiene articles and writing 6770  
materials. 6771

(B) If a commissary is established, the sheriff shall 6772  
establish a commissary fund for the jail. The management of funds 6773  
in the commissary fund shall be strictly controlled in accordance 6774  
with procedures adopted by the auditor of state. Commissary fund 6775  
revenue over and above operating costs and reserve shall be 6776  
considered profits. All profits from the commissary fund shall be 6777  
used to purchase supplies and equipment, and to provide life 6778  
skills training and education or treatment services, or both, for 6779  
the benefit of persons incarcerated in the jail, and to pay salary 6780  
and benefits for employees of the sheriff who work in or are 6781  
employed for the purpose of providing service to the commissary. 6782  
The sheriff shall adopt rules for the operation of any commissary 6783  
fund the sheriff establishes. 6784

**Sec. 504.03.** (A)(1) If a limited home rule government is 6785  
adopted pursuant to section 504.02 of the Revised Code, it shall 6786  
remain in effect for at least three years except as otherwise 6787  
provided in division (B) of this section. At the end of that 6788  
period, if the board of township trustees determines that that 6789  
government is not in the best interests of the township, it may 6790  
adopt a resolution causing the board of elections to submit to the 6791  
electors of the unincorporated area of the township the question 6792  
of whether the township should continue the limited home rule 6793

government. The question shall be voted upon at the next general 6794  
election occurring at least seventy-five days after the 6795  
certification of the resolution to the board of elections. After 6796  
certification of the resolution, the board of elections shall 6797  
submit the question to the electors of the unincorporated area of 6798  
the township, and the ballot language shall be substantially as 6799  
follows: 6800

"Shall the township of ..... (name) continue the 6801  
limited home rule government under which it is operating? 6802  
..... For continuation of the limited home rule government 6803  
..... Against continuation of the limited home rule government" 6804

(2) At least forty-five days before the election on the 6805  
question of continuing the limited home rule government, the board 6806  
of township trustees shall have notice of the election published 6807  
in a newspaper of general circulation in the township for three 6808  
consecutive weeks and have the notice posted in five conspicuous 6809  
places in the unincorporated area of the township. 6810

(B) The electors of a township that has adopted a limited 6811  
home rule government may propose at any time by initiative 6812  
petition, in accordance with section 504.14 of the Revised Code, a 6813  
resolution submitting to the electors in the unincorporated area 6814  
of the township, in an election, the question set forth in 6815  
division (A)(1) of this section. 6816

(C) If a majority of the votes cast under division (A) or (B) 6817  
of this section on the proposition of continuing the limited home 6818  
rule government is in the negative, that government is terminated 6819  
effective on the first day of January immediately following the 6820  
election, and a limited home rule government shall not be adopted 6821  
in the unincorporated area of the township pursuant to section 6822  
504.02 of the Revised Code for at least three years after that 6823  
date. 6824

(D) If a limited home rule government is terminated under 6825  
this section, the board of township trustees immediately shall 6826  
adopt a resolution repealing all resolutions adopted pursuant to 6827  
this chapter that are not authorized by any other section of the 6828  
Revised Code outside this chapter, effective on the first day of 6829  
January immediately following the election described in division 6830  
(A) or (B) of this section. However, no resolution adopted under 6831  
this division shall affect or impair the obligations of the 6832  
township under any security issued or contracts entered into by 6833  
the township in connection with the financing of any water supply 6834  
facility or sewer improvement under sections 504.18 to 504.20 of 6835  
the Revised Code or the authority of the township to collect or 6836  
enforce any assessments or other revenues constituting security 6837  
for or source of payments of debt service charges of those 6838  
securities. 6839

(E) Upon the termination of a limited home rule government 6840  
under this section, if the township had converted its board of 6841  
township trustees to a five-member board ~~under section 504.21 of~~ 6842  
~~the Revised Code before the effective date of this amendment~~, the 6843  
current board member who received the lowest number of votes of 6844  
the current board members who were elected at the most recent 6845  
election for township trustees, and the current board member who 6846  
received the lowest number of votes of the current board members 6847  
who were elected at the second most recent election for township 6848  
trustees, shall cease to be township trustees on the date that the 6849  
limited home rule government terminates. Their offices likewise 6850  
shall cease to exist at that time, and the board shall continue as 6851  
a three-member board as provided in section 505.01 of the Revised 6852  
Code. 6853

**Sec. 504.04.** (A) A township that adopts a limited home rule 6854  
government may do all of the following by resolution, provided 6855

that any of these resolutions, other than a resolution to supply 6856  
water or sewer services in accordance with sections 504.18 to 6857  
504.20 of the Revised Code, may be enforced only by the imposition 6858  
of civil fines as authorized in this chapter: 6859

(1) Exercise all powers of local self-government within the 6860  
unincorporated area of the township, other than powers that are in 6861  
conflict with general laws, except that the township shall comply 6862  
with the requirements and prohibitions of this chapter, and shall 6863  
enact no taxes other than those authorized by general law, and 6864  
except that no resolution adopted pursuant to this chapter shall 6865  
encroach upon the powers, duties, and privileges of elected 6866  
township officers or change, alter, combine, eliminate, or 6867  
otherwise modify the form or structure of the township government 6868  
unless the change is required or permitted by this chapter; 6869

(2) Adopt and enforce within the unincorporated area of the 6870  
township local police, sanitary, and other similar regulations 6871  
that are not in conflict with general laws or otherwise prohibited 6872  
by division (B) of this section; 6873

(3) Supply water and sewer services to users within the 6874  
unincorporated area of the township in accordance with sections 6875  
504.18 to 504.20 of the Revised Code. 6876

(B) No resolution adopted pursuant to this chapter shall do 6877  
any of the following: 6878

(1) Create a criminal offense or impose criminal penalties, 6879  
except as authorized by division (A) of this section; 6880

(2) Impose civil fines other than as authorized by this 6881  
chapter; 6882

(3) Establish or revise subdivision regulations, road 6883  
construction standards, urban sediment rules, or storm water and 6884  
drainage regulations; 6885

(4) Establish or revise building standards, building codes, 6886  
and other standard codes except as provided in section 504.13 of 6887  
the Revised Code; 6888

(5) Increase, decrease, or otherwise alter the powers or 6889  
duties of a township under any other chapter of the Revised Code 6890  
pertaining to agriculture or the conservation or development of 6891  
natural resources; 6892

(6) Establish regulations affecting hunting, trapping, 6893  
fishing, or the possession, use, or sale of firearms; 6894

(7) Establish or revise water or sewer regulations, except in 6895  
accordance with sections 504.18 and 504.19 of the Revised Code. 6896

Nothing in this chapter shall be construed as affecting the 6897  
powers of counties with regard to the subjects listed in divisions 6898  
(B)(3) to (5) of this section. 6899

(C) Under a limited home rule government, all officers shall 6900  
have the qualifications, and be nominated, elected, or appointed, 6901  
as provided in Chapter 505. of the Revised Code, except that the 6902  
board of township trustees shall appoint a full-time or part-time 6903  
law director pursuant to section 504.15 of the Revised Code, and 6904  
except that ~~section 504.21 of the Revised Code also shall apply if~~ 6905  
a five-member board of township trustees ~~is~~ approved for the 6906  
township before the effective date of this amendment shall 6907  
continue to serve as the legislative authority with successive 6908  
members serving for four-year terms of office until a termination 6909  
of a limited home rule government under section 504.03 of the 6910  
Revised Code. 6911

(D) In case of conflict between resolutions enacted by a 6912  
board of township trustees and municipal ordinances or 6913  
resolutions, the ordinance or resolution enacted by the municipal 6914  
corporation prevails. In case of conflict between resolutions 6915  
enacted by a board of township trustees and any county resolution, 6916

the resolution enacted by the board of township trustees prevails. 6917

**Sec. 507.09.** (A) Except as otherwise provided in division (D) 6918  
of this section, the township clerk shall be entitled to 6919  
compensation as follows: 6920

(1) In townships having a budget of fifty thousand dollars or 6921  
less, three thousand five hundred dollars; 6922

(2) In townships having a budget of more than fifty thousand 6923  
but not more than one hundred thousand dollars, five thousand five 6924  
hundred dollars; 6925

(3) In townships having a budget of more than one hundred 6926  
thousand but not more than two hundred fifty thousand dollars, 6927  
seven thousand seven hundred dollars; 6928

(4) In townships having a budget of more than two hundred 6929  
fifty thousand but not more than five hundred thousand dollars, 6930  
nine thousand nine hundred dollars; 6931

(5) In townships having a budget of more than five hundred 6932  
thousand but not more than seven hundred fifty thousand dollars, 6933  
eleven thousand dollars; 6934

(6) In townships having a budget of more than seven hundred 6935  
fifty thousand but not more than one million five hundred thousand 6936  
dollars, thirteen thousand two hundred dollars; 6937

(7) In townships having a budget of more than one million 6938  
five hundred thousand but not more than three million five hundred 6939  
thousand dollars, fifteen thousand four hundred dollars; 6940

(8) In townships having a budget of more than three million 6941  
five hundred thousand dollars but not more than six million 6942  
dollars, sixteen thousand five hundred dollars; 6943

(9) In townships having a budget of more than six million 6944  
dollars, seventeen thousand six hundred dollars. 6945

(B) Any township clerk may elect to receive less than the compensation the clerk is entitled to under division (A) of this section. Any clerk electing to do this shall so notify the board of township trustees in writing, and the board shall include this notice in the minutes of its next board meeting.

(C) The compensation of the township clerk shall be paid in equal monthly payments. If the office of clerk is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the office.

(D) Beginning in calendar year 1999, the township clerk shall be entitled to compensation as follows:

(1) In calendar year 1999, the compensation specified in division (A) of this section increased by three per cent;

(2) In calendar year 2000, the compensation determined under division (D)(1) of this section increased by three per cent;

(3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent;

(4) In calendar year 2002, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, nineteen thousand eight hundred ten dollars; and in townships having a budget of more than ten million dollars, twenty thousand nine hundred dollars;

(5) In calendar year 2003, the compensation determined under division (D)(4) of this section increased by three per cent;

(6) In calendar year 2004, except in townships having a

budget of more than six million dollars, the compensation 6976  
determined under division (D)(5) of this section for the calendar 6977  
year 2003 increased by three per cent; in townships having a 6978  
budget of more than six million but not more than ten million 6979  
dollars, twenty-two thousand eighty-seven dollars; and in 6980  
townships having a budget of more than ten million dollars, 6981  
twenty-five thousand five hundred fifty-three dollars; 6982

(7) In calendar years ~~2003~~ 2005 through 2008, the 6983  
compensation determined under division (D) of this section for the 6984  
immediately preceding calendar year increased by the lesser of the 6985  
following: 6986

(a) Three per cent; 6987

(b) The percentage increase, if any, in the consumer price 6988  
index over the twelve-month period that ends on the thirtieth day 6989  
of September of the immediately preceding calendar year, rounded 6990  
to the nearest one-tenth of one per cent; 6991

~~(6)~~(8) In calendar year 2009 and thereafter, the amount 6992  
determined under division (D) of this section for calendar year 6993  
2008. 6994

As used in this division, "consumer price index" has the same 6995  
meaning as in section 325.18 of the Revised Code. 6996

**Sec. 511.181.** If the board of park commissioners of a 6997  
township park district created before 1955 is appointed by the 6998  
board of township trustees, the board of township trustees may 6999  
adopt a resolution to convert the parks owned and operated by the 7000  
park district into parks owned and operated by the township if the 7001  
township has a population of less than thirty-five thousand and a 7002  
geographical area of less than fifteen square miles. Upon the 7003  
adoption of that resolution, the township park district shall 7004  
cease to exist, all real and personal property owned by the park 7005

district shall be transferred to the township, and the township 7006  
shall assume liability with respect to all contracts and debts of 7007  
the park district. All employees of the township park district 7008  
whose parks are so converted into township parks shall become 7009  
township employees, and the board of township trustees may retain 7010  
the former park commissioners, on the terms that the trustees 7011  
consider appropriate, to operate the property formerly owned by 7012  
the township park district. 7013

The township shall continue to collect any taxes levied 7014  
within the former township park district, and the taxes shall be 7015  
deposited into the township treasury as funds to be used for the 7016  
park purposes for which they were levied. 7017

Within fifteen days after the adoption of a township park 7018  
district conversion resolution under this section, the clerk of 7019  
the board of township trustees shall certify a copy of that 7020  
resolution to the county auditor. 7021

**Sec. 715.013.** (A) Except as otherwise expressly authorized by 7022  
the Revised Code, no municipal corporation shall levy a tax that 7023  
is the same as or similar to a tax levied under Chapter 322., 7024  
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 7025  
5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 7026  
5741., 5743., or 5749. of the Revised Code. 7027

(B) This section does not prohibit a municipal corporation 7028  
from levying a tax on ~~amounts~~ any of the following: 7029

(1) Amounts received for admission to any place ~~or, on and~~ 7030  
~~after January 1, 2002, on the;~~ 7031

(2) The income of an electric company or combined company, as 7032  
defined in section 5727.01 of the Revised Code; 7033

(3) On and after January 1, 2004, the income of a telephone 7034  
company, as defined in section 5727.01 of the Revised Code. 7035

Sec. 718.01. (A) As used in this chapter: 7036

(1) "Adjusted federal taxable income" means federal taxable 7037  
income before net operating losses and special deductions as 7038  
determined under the Internal Revenue Code, adjusted as follows: 7039

(a) Deduct intangible income to the extent included in 7040  
federal taxable income; 7041

(b) Add expenses incurred in the production of intangible 7042  
income; 7043

(c) Add the amounts described in section 5745.042 of the 7044  
Revised Code, except that "taxpayer" as used in section 5745.042 7045  
of the Revised Code has the same meaning as in this section; and 7046

(d) If the taxpayer is not a C corporation and is not an 7047  
individual, the taxpayer shall compute "adjusted federal taxable 7048  
income" as if the taxpayer were a C corporation, but with respect 7049  
to each owner-employee of the taxpayer, amounts paid or accrued to 7050  
a qualified self-employed retirement plan and amounts paid or 7051  
accrued to or for health insurance or life insurance shall not be 7052  
allowed as a deduction. 7053

Nothing in division (A)(1) of section 718.01 of the Revised 7054  
Code shall be construed as allowing the taxpayer to deduct any 7055  
amount more than once. 7056

(2) "Internal Revenue Code" means the Internal Revenue Code 7057  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 7058

~~(2)~~(3) "Schedule C" means internal revenue service schedule C 7059  
filed by a taxpayer pursuant to the Internal Revenue Code. 7060

~~(3)~~(4) "Form 2106" means internal revenue service form 2106 7061  
filed by a taxpayer pursuant to the Internal Revenue Code. 7062

~~(4)~~(5) "Intangible income" means income of any of the 7063  
following types: income yield, interest, dividends, or other 7064

income arising from the ownership, sale, exchange, or other 7065  
disposition of intangible property including, but not limited to, 7066  
investments, deposits, money, or credits as those terms are 7067  
defined in Chapter 5701. of the Revised Code. 7068

~~(5)~~(6) "S corporation" means a corporation that has made an 7069  
election under subchapter S of Chapter 1 of Subtitle A of the 7070  
Internal Revenue Code for its taxable year. 7071

(7) For taxable years beginning on or after January 1, 2004, 7072  
"net profit" means adjusted federal taxable income calculated on 7073  
the basis of the Internal Revenue Code. 7074

(8) "Taxpayer" means a person subject to a tax on income 7075  
levied by a municipal corporation. 7076

(9) "Taxable year" means the corresponding tax reporting 7077  
period as prescribed for the taxpayer under the Internal Revenue 7078  
Code. 7079

(10) "Tax administrator" means the individual charged with 7080  
direct responsibility for administration of a tax on income levied 7081  
by a municipal corporation. 7082

(B) No municipal corporation ~~with respect to that income that~~ 7083  
~~it may tax~~ shall tax ~~such~~ income at other than a uniform rate. 7084

(C) No municipal corporation shall levy a tax on income at a 7085  
rate in excess of one per cent without having obtained the 7086  
approval of the excess by a majority of the electors of the 7087  
municipality voting on the question at a general, primary, or 7088  
special election. The legislative authority of the municipal 7089  
corporation shall file with the board of elections at least 7090  
seventy-five days before the day of the election a copy of the 7091  
ordinance together with a resolution specifying the date the 7092  
election is to be held and directing the board of elections to 7093  
conduct the election. The ballot shall be in the following form: 7094  
"Shall the Ordinance providing for a ... per cent levy on income 7095

for (Brief description of the purpose of the proposed levy) be 7096  
passed? 7097

FOR THE INCOME TAX 7098

AGAINST THE INCOME TAX" 7099

In the event of an affirmative vote, the proceeds of the levy 7100  
may be used only for the specified purpose. 7101

(D)(1) Except as ~~otherwise~~ provided in division ~~(D)(2)~~ ~~or~~ 7102  
~~(F)(9)~~(E) of this section, no municipal corporation shall exempt 7103  
from a tax on income, compensation for personal services of 7104  
individuals over eighteen years of age or the net profit from a 7105  
business or profession. 7106

~~(2) The legislative authority of a municipal corporation may,~~ 7107  
~~by ordinance or resolution, exempt from a tax on income any~~ 7108  
~~compensation arising from the grant, sale, exchange, or other~~ 7109  
~~disposition of a stock option; the exercise of a stock option; or~~ 7110  
~~the sale, exchange, or other disposition of stock purchased under~~ 7111  
~~a stock option. (a) For taxable years beginning on or after~~ 7112  
January 1, 2004, no municipal corporation shall tax the net profit 7113  
from a business or profession using any base other than the 7114  
taxpayer's adjusted federal taxable income. 7115

(b) Division (D)(2)(a) of this section does not apply to any 7116  
taxpayer required to file a return under section 5745.03 of the 7117  
Revised Code or to the net profit from a sole proprietorship. 7118

~~(E) Nothing in this section shall prevent~~ Except as provided 7119  
in division (D)(2) of this section, a municipal corporation ~~from~~ 7120  
~~permitting~~ may permit lawful deductions as prescribed by 7121  
ordinance. The legislative authority of a municipal corporation 7122  
may, by ordinance or resolution, exempt from a tax on income any 7123  
compensation arising from the grant, sale, exchange, or other 7124  
disposition of a stock option, the exercise of a stock option, or 7125  
the sale, exchange, or other disposition of stock purchased under 7126

a stock option. If ~~a taxpayer's~~ an individual's taxable income 7127  
includes income against which the taxpayer has taken a deduction 7128  
for federal income tax purposes as reportable on the taxpayer's 7129  
form 2106, and against which a like deduction has not been allowed 7130  
by the municipal corporation, the municipal corporation shall 7131  
deduct from the taxpayer's taxable income an amount equal to the 7132  
deduction shown on such form allowable against such income, to the 7133  
extent not otherwise so allowed as a deduction by the municipal 7134  
corporation. ~~In~~ 7135

In the case of a taxpayer who has a net profit from a 7136  
business or profession that is operated as a sole proprietorship, 7137  
no municipal corporation may tax or use as the base for 7138  
determining the amount of the net profit that shall be considered 7139  
as having a taxable situs in the municipal corporation, ~~a greater~~ 7140  
~~amount than the net profit reported by the taxpayer on schedule C~~ 7141  
~~filed in reference to the year in question as taxable income from~~ 7142  
~~such sole proprietorship, except as otherwise specifically~~ 7143  
~~provided by ordinance or regulation~~ an amount other than the net 7144  
profit required to be reported by the taxpayer on schedule C as 7145  
taxable income from such sole proprietorship for the taxable year, 7146  
but such amount shall be increased in accordance with the 7147  
principles and concepts described in section 5745.042 of the 7148  
Revised Code as if the taxpayer were a C corporation. 7149

(F) A municipal corporation shall not tax any of the 7150  
following: 7151

(1) The military pay or allowances of members of the armed 7152  
forces of the United States and of members of their reserve 7153  
components, including the Ohio national guard; 7154

(2) The income of religious, fraternal, charitable, 7155  
scientific, literary, or educational institutions to the extent 7156  
that such income is derived from tax-exempt real estate, 7157  
tax-exempt tangible or intangible property, or tax-exempt 7158

activities;	7159
(3) Except as otherwise provided in division (G) of this section, intangible income;	7160 7161
(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars may be subjected to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.	7162 7163 7164 7165 7166 7167 7168
(5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the municipal corporation, or the headquarters of the authority or commission is located within the municipal corporation;	7169 7170 7171 7172 7173 7174 7175 7176 7177
(6) The income of a public utility, when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code, <del>except starting January 1, 2002, the income of an electric company or combined company, as defined in section 5727.01 of the Revised Code, may be taxed by</del> a municipal corporation <u>may tax the following</u> , subject to Chapter 5745. of the Revised Code:	7178 7179 7180 7181 7182 7183 7184
<u>(a) Beginning January 1, 2002, the income of an electric company or combined company;</u>	7185 7186
<u>(b) Beginning January 1, 2004, the income of a telephone company.</u>	7187 7188
<u>As used in division (F)(6) of this section, "combined</u>	7189

company," "electric company," and "telephone company" have the 7190  
same meanings as in section 5727.01 of the Revised Code. 7191

(7) On and after January 1, 2003, items excluded from federal 7192  
gross income pursuant to section 107 of the Internal Revenue Code; 7193

(8) On and after January 1, 2001, compensation paid to a 7194  
nonresident individual to the extent prohibited under section 7195  
718.011 of the Revised Code; 7196

(9) Except as provided in division (H) of this section, an S 7197  
corporation shareholder's distributive share of net profits of the 7198  
S corporation, other than any part of the distributive share of 7199  
net profits that represents wages as defined in section 3121(a) of 7200  
the Internal Revenue Code or net earnings from self-employment as 7201  
defined in section 1402(a) of the Internal Revenue Code, to the 7202  
extent such distributive share would not be allocated or 7203  
apportioned to this state under division (B)(1) and (2) of section 7204  
5733.05 of the Revised Code if the S corporation were a 7205  
corporation subject to the taxes imposed under Chapter 5733. of 7206  
the Revised Code. 7207

(G) Any municipal corporation that taxes any type of 7208  
intangible income on March 29, 1988, pursuant to Section 3 of 7209  
Amended Substitute Senate Bill No. 238 of the 116th general 7210  
assembly, may continue to tax that type of income after 1988 if a 7211  
majority of the electors of the municipal corporation voting on 7212  
the question of whether to permit the taxation of that type of 7213  
intangible income after 1988 vote in favor thereof at an election 7214  
held on November 8, 1988. 7215

(H) Any municipal corporation that, on December 6, 2002, 7216  
taxes an S corporation shareholder's distributive share of net 7217  
profits of the S corporation to any greater extent than that 7218  
permitted under division (F)(9) of this section may continue after 7219  
2002 to tax such distributive shares to such greater extent only 7220

if a majority of the electors of the municipal corporation voting 7221  
on the question of such continuation vote in favor thereof at an 7222  
election held on November 4, 2003. If a majority of electors vote 7223  
in favor of that question, then, for purposes of section 718.14 of 7224  
the Revised Code, "pass-through entity" includes S corporations, 7225  
"income from a pass-through entity" includes distributive shares 7226  
from an S corporation, and "owner" includes a shareholder of an S 7227  
corporation, notwithstanding that section to the contrary. 7228

(I) Nothing in this section or section 718.02 of the Revised 7229  
Code shall authorize the levy of any tax on income that a 7230  
municipal corporation is not authorized to levy under existing 7231  
laws or shall require a municipal corporation to allow a deduction 7232  
from taxable income for losses incurred from a sole proprietorship 7233  
or partnership. 7234

**Sec. 718.02.** This section does not apply to ~~electric~~ 7235  
~~companies or combined companies, or to electric light companies~~ 7236  
~~for which an election made under section 5745.031~~ taxpayers that 7237  
are subject to and required to file reports under Chapter 5745. of 7238  
the Revised Code ~~is in effect.~~ 7239

(A) ~~In the taxation of income that is subject to municipal~~ 7240  
~~income taxes, if the books and records of a taxpayer conducting a~~ 7241  
~~business or profession both within and without the boundaries of a~~ 7242  
~~municipal corporation disclose with reasonable accuracy what~~ 7243  
~~portion of its net profit is attributable to that part of the~~ 7244  
~~business or profession conducted within the boundaries of the~~ 7245  
~~municipal corporation, then only such portion shall be considered~~ 7246  
~~as having a taxable situs in such municipal corporation for~~ 7247  
~~purposes of municipal income taxation. In the absence of such~~ 7248  
~~records, net~~ Net profit from a business or profession conducted 7249  
both within and without the boundaries of a municipal corporation 7250  
shall be considered as having a taxable situs in such municipal 7251

corporation for purposes of municipal income taxation in the same 7252  
proportion as the average ratio of the following: 7253

(1) The average ~~net book value~~ original cost of the real and 7254  
tangible personal property owned or used by the taxpayer in the 7255  
business or profession in such municipal corporation during the 7256  
taxable period to the average ~~net book value~~ original cost of all 7257  
of the real and tangible personal property owned or used by the 7258  
taxpayer in the business or profession during the same period, 7259  
wherever situated. 7260

As used in the preceding paragraph, real property shall 7261  
include property rented or leased by the taxpayer and the value of 7262  
such property shall be determined by multiplying the annual rental 7263  
thereon by eight; 7264

(2) Wages, salaries, and other compensation paid during the 7265  
taxable period to persons employed in the business or profession 7266  
for services performed in such municipal corporation to wages, 7267  
salaries, and other compensation paid during the same period to 7268  
persons employed in the business or profession, wherever their 7269  
services are performed, excluding compensation that is not taxable 7270  
by the municipal corporation under section 718.011 of the Revised 7271  
Code; 7272

(3) Gross receipts of the business or profession from sales 7273  
made and services performed during the taxable period in such 7274  
municipal corporation to gross receipts of the business or 7275  
profession during the same period from sales and services, 7276  
wherever made or performed. 7277

If the foregoing ~~allocation~~ apportionment formula does not 7278  
produce an equitable result, another basis may be substituted, 7279  
under uniform regulations, so as to produce an equitable result. 7280  
If, for any taxable year, the application of the foregoing 7281  
apportionment formula produces an amount less than zero, the 7282

taxpayer shall not be entitled to a refund with respect to that 7283  
taxable year of any amounts other than amounts the taxpayer has 7284  
paid in estimated taxes for the taxable year and any overpayment 7285  
from a previous taxable year credited towards the taxable year for 7286  
which the foregoing apportionment formula produces an amount less 7287  
than zero. 7288

(B) As used in division (A) of this section, "sales made in a 7289  
municipal corporation" mean: 7290

(1) All sales of tangible personal property delivered within 7291  
such municipal corporation regardless of where title passes if 7292  
shipped or delivered from a stock of goods within such municipal 7293  
corporation; 7294

(2) All sales of tangible personal property delivered within 7295  
such municipal corporation regardless of where title passes even 7296  
though transported from a point outside such municipal corporation 7297  
if the taxpayer is regularly engaged through its own employees in 7298  
the solicitation or promotion of sales within such municipal 7299  
corporation and the sales result from such solicitation or 7300  
promotion; 7301

(3) All sales of tangible personal property shipped from a 7302  
place within such municipal corporation to purchasers outside such 7303  
municipal corporation regardless of where title passes if the 7304  
taxpayer is not, through its own employees, regularly engaged in 7305  
the solicitation or promotion of sales at the place where delivery 7306  
is made. 7307

Sec. 718.021. (A) As used in this section: 7308

(1) "Apportioned net income" means the amount derived from 7309  
the application of the apportionment formula described in section 7310  
718.02 of the Revised Code. 7311

(2) "Loss-generating taxable year" means a taxable year in 7312

which the taxpayer has negative apportioned net income. 7313

(3) "Negative apportioned net income" means apportioned net 7314  
income that is less than zero, except that if, for any taxable 7315  
year, a taxpayer was not subject to the income tax imposed by a 7316  
municipal corporation or was exempt from that tax, then the 7317  
taxpayer's negative apportioned net income with respect to that 7318  
municipal corporation is zero for that taxable year. 7319

(4) "Positive apportioned net income" means apportioned net 7320  
income greater than zero. 7321

(B)(1) If a taxpayer has negative apportioned net income for 7322  
a taxable year beginning on or after January 1, 2004, with respect 7323  
to a municipal income tax, then for each of the next five ensuing 7324  
taxable years, the taxpayer may reduce any positive apportioned 7325  
net income with respect to the municipal corporation in which the 7326  
negative apportioned net income was generated by the lesser of: 7327

(a) The positive apportioned net income for that ensuing 7328  
taxable year; or 7329

(b) The absolute value of the negative apportioned net income 7330  
attributable to the loss-generating taxable year reduced by any 7331  
amount the taxpayer was allowed to deduct under this section in 7332  
any of the previous taxable years. 7333

(2) If, during a period of five consecutive taxable years, a 7334  
taxpayer has negative apportioned net income in more than one 7335  
taxable year, the negative apportioned net income generated in the 7336  
earliest of those taxable years shall be the first negative 7337  
apportioned net income deducted under this section. 7338

(C) Nothing in this section allows any negative apportioned 7339  
net income for a taxable year to be deducted more than once in any 7340  
subsequent taxable year. 7341

(D) Nothing in this section allows any negative apportioned 7342

net income for a taxable year to be deducted in any subsequent 7343  
taxable year beginning more than five years after the beginning of 7344  
the loss-generating taxable year. 7345

(E) Nothing in this section denies a taxpayer any net 7346  
operating loss deductions for any losses arising in taxable years 7347  
beginning before 2004 if such deductions are permitted by a 7348  
municipal corporation's ordinance. 7349

**Sec. 718.03.** (A) As used in this section: 7350

(1) "Other payer" means any person, other than an 7351  
individual's employer or the employer's agent, that pays an 7352  
individual any item included in the taxable income of the 7353  
individual. 7354

(2) "Qualifying wages" means wages, as defined in section 7355  
3121 of the Internal Revenue Code, adjusted as follows: 7356

(a) Deduct any amount included in wages to the extent the 7357  
amount constitutes compensation attributable to a nonqualified 7358  
deferred compensation plan or program described in section 7359  
3121(v)(2)(C) of the Internal Revenue Code and is not included in 7360  
any person's federal gross income. 7361

(b) Add any amount not included in wages to the extent the 7362  
amount constitutes compensation attributable to a nonqualified 7363  
deferred compensation plan or program described in section 7364  
3121(v)(2)(C) of the Internal Revenue Code if the amount is 7365  
included in any person's federal gross income, but only to the 7366  
extent the municipal corporation did not impose its tax on that 7367  
amount of nonqualified deferred compensation at the time the 7368  
compensation was deferred. 7369

(c) Add any amount not included in wages to the extent the 7370  
amount has been directly or indirectly paid to or for the benefit 7371  
of any employee, payee, or former employee and is excluded from 7372

the employee's, payee's, or former employee's federal gross income 7373  
under section 125 of the Internal Revenue Code. 7374

(B) For taxable years beginning after 2003, no municipal 7375  
corporation shall require any employer or any agent of any 7376  
employer or any other payer, to withhold tax from any compensation 7377  
greater than qualifying wages directly or indirectly paid to or 7378  
for the benefit of any employee or payee or former employee. 7379  
Nothing in this section prohibits an employer from withholding 7380  
amounts on a basis greater than qualifying wages. 7381

(C)(1) The failure of an employer to withhold tax as required 7382  
by a municipal corporation does not relieve an employee from 7383  
liability for the tax. 7384

(2) The failure of an employer to remit to the municipal 7385  
corporation the tax withheld relieves the employee from liability 7386  
for that tax unless the employee colluded with the employer to 7387  
fail to remit the tax withheld. 7388

(D) The exemption of compensation from withholding under this 7389  
section does not exempt that compensation from taxation as 7390  
otherwise provided by law. 7391

**Sec. 718.031.** The tax administrator may require each 7392  
employer, on or before the last day of February of each year, to 7393  
notify the administrator of the name, address, and social security 7394  
number of each employee for whom the employer deferred 7395  
compensation, other than qualified deferred compensation, during 7396  
the previous calendar year. The notification shall also include 7397  
the amount so deferred for each employee. 7398

**Sec. 718.05.** (A) As used in this section: 7399

(1) "Generic form" means an electronic or paper form designed 7400  
for reporting estimated municipal income taxes and annual 7401  
municipal income tax liability or for filing a refund claim that 7402

is not prescribed by a particular municipal corporation for the 7403  
reporting of that municipal corporation's tax on income. 7404

(2) "Return preparer" means any person other than a taxpayer 7405  
that is authorized by a taxpayer to complete or file an income tax 7406  
return, report, or other document for or on behalf of the 7407  
taxpayer. 7408

(B) A municipal corporation shall not require a taxpayer to 7409  
file an annual income tax return or report prior to the filing 7410  
date for the corresponding tax reporting period as prescribed for 7411  
such a taxpayer under the Internal Revenue Code. For taxable years 7412  
beginning after 2003, except as otherwise provided in section 7413  
718.051 of the Revised Code and division (D) of this section, a 7414  
municipal corporation shall not require a taxpayer to file an 7415  
annual income tax return or report on any date other than the 7416  
fifteenth day of the fourth month following the end of the 7417  
taxpayer's taxable year. 7418

(C) On and after January 1, 2001, any municipal corporation 7419  
that requires taxpayers to file income tax returns, reports, or 7420  
other documents shall accept for filing a generic form of such a 7421  
return, report, or document if the generic form, once completed 7422  
and filed, contains all of the information required to be 7423  
submitted with the municipal corporation's prescribed returns, 7424  
reports, or documents, and if the taxpayer or return preparer 7425  
filing the generic form otherwise complies with rules or 7426  
ordinances of the municipal corporation governing the filing of 7427  
returns, reports, or documents. 7428

(D) ~~Beginning~~ Except as otherwise provided in section 718.051 7429  
of the Revised Code, beginning January 1, 2001, any taxpayer that 7430  
has requested an extension for filing a federal income tax return 7431  
may request an extension for the filing of a municipal income tax 7432  
return. The taxpayer shall make the request by filing a copy of 7433  
the taxpayer's request for a federal filing extension with the 7434

individual or office charged with the administration of the 7435  
municipal income tax. The request for extension shall be filed not 7436  
later than the last day for filing the municipal income tax return 7437  
as prescribed by ordinance or rule of the municipal corporation. A 7438  
municipal corporation shall grant such a request for extension 7439  
filed before January 1, 2004, for a period not less than the 7440  
period of the federal extension request. For taxable years 7441  
beginning after 2003, the extended due date of the municipal 7442  
income tax return shall be the last day of the month to which the 7443  
due date of the federal income tax return has been extended. A 7444  
municipal corporation may deny a taxpayer's request for extension 7445  
only if the taxpayer fails to timely file the request, fails to 7446  
file a copy of the request for the federal extension, owes the 7447  
municipal corporation any delinquent income tax or any penalty, 7448  
interest, assessment, or other charge for the late payment or 7449  
nonpayment of income tax, or has failed to file any required 7450  
income tax return, report, or other related document for a prior 7451  
tax period. The granting of an extension for filing a municipal 7452  
corporation income tax return does not extend the last date for 7453  
paying the tax without penalty unless the municipal corporation 7454  
grants an extension of that date. 7455

Sec. 718.051. (A) As used in this section, "Ohio business 7456  
gateway" means the online computer network system, initially 7457  
created by the department of administrative services under section 7458  
125.30 of the Revised Code, that allows private businesses to 7459  
electronically file business reply forms with state agencies. 7460

(B) Notwithstanding section 718.05 of the Revised Code, on 7461  
and after January 1, 2005, any taxpayer that is subject to any 7462  
municipal corporation's tax on the net profit from a business or 7463  
profession and has received an extension to file the federal 7464  
income tax return shall not be required to notify the municipal 7465  
corporation of the federal extension and shall not be required to 7466

file any municipal income tax return until the last day of the 7467  
month to which the due date for filing the federal return has been 7468  
extended, provided that, on or before the date for filing the 7469  
municipal income tax return, the person notifies the tax 7470  
commissioner of the federal extension through the Ohio business 7471  
gateway or any successor electronic filing and payment system. 7472

(C) For taxable years beginning on or after January 1, 2005, 7473  
a taxpayer subject to any municipal corporation's tax on the net 7474  
profit from a business or profession may file any municipal income 7475  
tax return or estimated municipal income return, and may make 7476  
payment of amounts shown to be due on such returns, by using the 7477  
Ohio business gateway or any successor electronic filing and 7478  
payment system. 7479

(D)(1) As used in this division, "qualifying wages" has the 7480  
same meaning as in section 718.03 of the Revised Code. 7481

(2) Any employer may report the amount of municipal income 7482  
tax withheld from qualifying wages paid on or after January 1, 7483  
2007, and may make remittance of such amounts, by using the Ohio 7484  
business gateway or any successor electronic filing and payment 7485  
system. 7486

(E) Nothing in this section affects the due dates for filing 7487  
income tax returns or employer withholding tax returns or for 7488  
paying any amounts shown to be due on such returns. 7489

(F) No municipal corporation shall be required to pay any fee 7490  
or charge for the operation or maintenance of the Ohio business 7491  
gateway. 7492

(G) The use of the Ohio business gateway by municipal 7493  
corporations, taxpayers, or other persons pursuant to this section 7494  
does not affect the legal rights of municipalities or taxpayers as 7495  
otherwise permitted by law. This state shall not be a party to the 7496  
administration of municipal income taxes or to an appeal of a 7497

municipal income tax matter, except as otherwise specifically 7498  
provided by law. 7499

~~Sec. 718.11. As used in this section, "tax administrator"~~ 7500  
~~means the individual charged with direct responsibility for~~ 7501  
~~administration of a tax levied by a municipal corporation on~~ 7502  
~~income.~~ 7503

~~Not later than one hundred eighty days after the effective~~ 7504  
~~date of this section, the~~ The legislative authority of each 7505  
municipal corporation that imposes a tax on income ~~on that~~ 7506  
~~effective date shall establish by ordinance~~ maintain a board to 7507  
hear appeals as provided in this section. The legislative 7508  
authority of any municipal corporation that does not impose a tax 7509  
on income on the effective date of this ~~section~~ amendment, but 7510  
that imposes such a tax after that date, shall establish such a 7511  
board by ordinance not later than one hundred eighty days after 7512  
the tax takes effect. 7513

Whenever a tax administrator issues a decision regarding a 7514  
municipal income tax obligation that is subject to appeal as 7515  
provided in this section or in an ordinance or regulation of the 7516  
municipal corporation, the tax administrator shall notify the 7517  
taxpayer in writing at the same time of the taxpayer's right to 7518  
appeal the decision and of the manner in which the taxpayer may 7519  
appeal the decision. 7520

Any person who is aggrieved by a decision by the tax 7521  
administrator and who has filed with the municipal corporation the 7522  
required returns or other documents pertaining to the municipal 7523  
income tax obligation at issue in the decision may appeal the 7524  
decision to the board created pursuant to this section by filing a 7525  
request with the board. The request shall be in writing, shall 7526  
state why the decision should be deemed incorrect or unlawful, and 7527  
shall be filed within thirty days after the tax administrator 7528

issues the decision complained of. 7529

The board shall schedule a hearing within forty-five days 7530  
after receiving the request, unless the taxpayer waives a hearing. 7531  
If the taxpayer does not waive the hearing, the taxpayer may 7532  
appear before the board and may be represented by an attorney at 7533  
law, certified public accountant, or other representative. 7534

The board may affirm, reverse, or modify the tax 7535  
administrator's decision or any part of that decision. The board 7536  
shall issue a final decision on the appeal within ninety days 7537  
after the board's final hearing on the appeal, and send ~~notice~~ a 7538  
copy of its final decision by ordinary mail to the petitioner 7539  
within fifteen days after issuing the decision. The taxpayer may  
appeal the board's decision to the board of tax appeals as 7540  
provided in section 5717.011 of the Revised Code. 7541  
7542

Each board of appeal created pursuant to this section shall 7543  
adopt rules governing its procedures and shall keep a record of 7544  
its transactions. Such records are not public records available 7545  
for inspection under section 149.43 of the Revised Code. Hearings 7546  
requested by a taxpayer before a board of appeal created pursuant 7547  
to this section are not meetings of a public body subject to 7548  
section 121.22 of the Revised Code. 7549

Sec. 718.121. (A) If tax or withholding is erroneously paid 7550  
to a municipal corporation on income or wages, and if another 7551  
municipal corporation imposes a tax on that income or wages after 7552  
the time period allowed for a refund of the tax or withholding 7553  
paid to the first municipal corporation, the second municipal 7554  
corporation shall allow a nonrefundable credit, against the tax or 7555  
withholding the second municipality claims is due, equal to the 7556  
tax or withholding paid to the first municipal corporation. 7557

(B) If tax or withholding was paid to a municipal corporation 7558  
on nonqualified deferred compensation for a previous taxable year 7559

in which the compensation was deferred, and if another municipal 7560  
corporation imposes tax for the current taxable year on the 7561  
compensation when it is paid in that current taxable year, then 7562  
the second municipal corporation shall allow a credit for the tax 7563  
paid to the first municipal corporation to the same extent that 7564  
the second municipal corporation would allow a credit if the tax 7565  
had been paid to the first municipal corporation in the current 7566  
taxable year. 7567

**Sec. 753.22.** (A) The director of public safety or the joint 7568  
board established pursuant to section 753.15 of the Revised Code 7569  
may establish a commissary for the workhouse. The commissary may 7570  
be established either in-house or by another arrangement. If a 7571  
commissary is established, all persons incarcerated in the 7572  
workhouse shall receive commissary privileges. A person's 7573  
purchases from the commissary shall be deducted from the person's 7574  
account record in the workhouse's business office. The commissary 7575  
shall provide for the distribution to indigent persons 7576  
incarcerated in the workhouse necessary hygiene articles and 7577  
writing materials. 7578

(B) If a commissary is established, the director of public 7579  
safety or the joint board established pursuant to section 753.15 7580  
of the Revised Code shall establish a commissary fund for the 7581  
workhouse. The management of funds in the commissary fund shall be 7582  
strictly controlled in accordance with procedures adopted by the 7583  
auditor of state. Commissary fund revenue over and above operating 7584  
costs and reserve shall be considered profits. All profits from 7585  
the commissary fund shall be used to purchase supplies and 7586  
equipment for the benefit of persons incarcerated in the workhouse 7587  
and to pay salary and benefits for employees of the workhouse, or 7588  
for any other persons, who work in or are employed for the sole 7589  
purpose of providing service to the commissary. The director of 7590  
public safety or the joint board established pursuant to section 7591

753.15 of the Revised Code shall adopt rules and regulations for 7592  
the operation of any commissary fund the director or the joint 7593  
board establishes. 7594

**Sec. 901.17.** ~~(A)~~ The division of markets ~~shall~~ may do all of 7595  
the following: 7596

~~(1)~~(A) Investigate the cost of production and marketing in 7597  
all its phases; 7598

~~(2)~~(B) Gather and disseminate information concerning supply, 7599  
demand, prevailing prices, and commercial movements, including 7600  
common and cold storage of food products, and maintain market news 7601  
service for disseminating such information; 7602

~~(3)~~(C) Promote, assist, and encourage the organization and 7603  
operation of cooperative and other associations and organizations 7604  
for improving the relations and services among producers, 7605  
distributors, and consumers of food products; 7606

~~(4)~~(D) Investigate the practice, methods, and any specific 7607  
transaction of commission merchants and others who receive, 7608  
solicit, buy, or handle on commission or otherwise, food products; 7609

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 7610  
controversy or issue that arises between producers and 7611  
distributors and that affects the interest of the consumer; 7612

~~(6)~~(F) Act on behalf of the consumers in conserving and 7613  
protecting their interests in every practicable way against 7614  
excessive prices; 7615

~~(7)~~(G) Act as market adviser for producers and distributors, 7616  
assisting them in economical and efficient distribution of good 7617  
products at fair prices; 7618

~~(8)~~(H) Encourage the establishment of retail municipal 7619  
markets and develop direct dealing between producers and 7620  
consumers; 7621

~~(9)(I) Encourage the consumption of Ohio-grown products 7622  
within the state, nationally, and internationally, and inspect and 7623  
determine the grade and condition of farm produce, both at 7624  
collecting and receiving centers within the state; 7625~~

~~(10)(J) Take such means and use such powers, relative to 7626  
shipment, transportation, and storage of foodstuffs of any kind, 7627  
as are necessary, advisable, or desirable in case of an emergency 7628  
creating or threatening to create a scarcity of food within the 7629  
state; 7630~~

~~(K) Participate in trade missions between states and foreign 7631  
countries in order to encourage the sale and promotion of 7632  
Ohio-grown products. 7633~~

~~(B)(1) The director of agriculture shall adopt and may amend 7634  
schedules of fees to be charged for inspecting farm produce at 7635  
collecting and receiving centers or such other services as may be 7636  
rendered under this section. All such fees shall be made with a 7637  
view to the minimum cost and to make this branch of the department 7638  
of agriculture self-sustaining. 7639~~

~~The fees shall be deposited in the state treasury and 7640  
credited to the inspection fund, which is hereby created, for use 7641  
in carrying out the purposes of this section. All investment 7642  
earnings of the inspection fund shall be credited to the fund. If, 7643  
in any year, the balance in the inspection fund is not sufficient 7644  
to meet the expenses incurred pursuant to this section, the 7645  
deficit shall be paid from funds appropriated for the use of the 7646  
department. 7647~~

~~(2) The director may adopt a schedule of fees to be charged 7648  
for inspecting any agricultural product for the purposes of the 7649  
issuance of an export certificate, as may be required by the 7650  
United States department of agriculture or foreign purchasers. 7651  
Such fees shall be credited to the general revenue fund. 7652~~

Sec. 901.21. (A) As used in this section and section 901.22 7653  
of the Revised Code: 7654

(1) "Agricultural easement" has the same meaning as in 7655  
section 5301.67 of the Revised Code. 7656

(2) "Agriculture" means those activities occurring on land 7657  
devoted exclusively to agricultural use, as defined in section 7658  
5713.30 of the Revised Code, or on land that constitutes a 7659  
homestead. 7660

(3) "Homestead" means the portion of a farm on which is 7661  
located a dwelling house, yard, or outbuildings such as a barn or 7662  
garage. 7663

(B) The director of agriculture may acquire real property 7664  
used predominantly in agriculture and agricultural easements by 7665  
gift, devise, or bequest if, at the time an easement is granted, 7666  
such an easement is on land that is valued for purposes of real 7667  
property taxation at its current value for agricultural use under 7668  
section 5713.31 of the Revised Code or that constitutes a 7669  
homestead. Any terms may be included in an agricultural easement 7670  
so acquired that are necessary or appropriate to preserve on 7671  
behalf of the grantor of the easement the favorable tax 7672  
consequences of the gift, devise, or bequest under the "Internal 7673  
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7674  
The director, by any such means or by purchase or lease, may 7675  
acquire, or acquire the use of, stationary personal property or 7676  
equipment that is located on land acquired in fee by the director 7677  
under this section and that is necessary or appropriate for the 7678  
use of the land predominantly in agriculture. 7679

(C) The director may do all things necessary or appropriate 7680  
to retain the use of real property acquired in fee under division 7681  
(B) of this section predominantly in agriculture, including, 7682

without limitation, performing any of the activities described in 7683  
division (A)(1) or (2) of section 5713.30 of the Revised Code or 7684  
entering into contracts to lease or rent the real property so 7685  
acquired to persons or governmental entities that will use the 7686  
land predominantly in agriculture. 7687

(D)(1) When the director considers it to be necessary or 7688  
appropriate, the director may sell real property acquired in fee, 7689  
and stationary personal property or equipment acquired by gift, 7690  
devise, bequest, or purchase, under division (B) of this section 7691  
on such terms as the director considers to be advantageous to this 7692  
state. 7693

(2) An agricultural easement acquired under division (B) of 7694  
this section may be extinguished under the circumstances 7695  
prescribed, and in accordance with the terms and conditions set 7696  
forth, in the instrument conveying the agricultural easement. 7697

(E) There is hereby created in the state treasury the 7698  
agricultural easement purchase fund. The fund shall consist of the 7699  
proceeds received from the sale of real and personal property 7700  
under division (D) of this section; moneys received due to the 7701  
extinguishment of agricultural easements acquired by the director 7702  
under division (B) of this section or section 5301.691 of the 7703  
Revised Code; moneys received due to the extinguishment of 7704  
agricultural easements purchased with the assistance of matching 7705  
grants made under section 901.22 of the Revised Code; gifts, 7706  
bequests, devises, and contributions received by the director for 7707  
the purpose of acquiring agricultural easements; and grants 7708  
received from public or private sources for the purpose of 7709  
purchasing agricultural easements. The fund shall be administered 7710  
by the director, and moneys in the fund shall be used by the 7711  
director exclusively to purchase agricultural easements under 7712  
division (A) of section 5301.691 of the Revised Code and provide 7713  
matching grants under section 901.22 of the Revised Code to 7714

municipal corporations, counties, townships, and charitable 7715  
organizations for the purchase of agricultural easements. Money in 7716  
the fund shall be used only to purchase agricultural easements on 7717  
land that is valued for purposes of real property taxation at its 7718  
current value for agricultural use under section 5713.31 of the 7719  
Revised Code or that constitutes a homestead when the easement is 7720  
purchased. 7721

(F) There is hereby created in the state treasury the clean 7722  
Ohio agricultural easement fund. Twelve and one-half per cent of 7723  
net proceeds of obligations issued and sold pursuant to sections 7724  
151.01 and 151.09 of the Revised Code shall be deposited into the 7725  
fund. The fund shall be used by the director for the purposes of 7726  
sections 901.21 and 901.22 and the provisions of sections 5301.67 7727  
to 5301.70 of the Revised Code governing agricultural easements. 7728  
Investment earnings of the fund shall be credited to the fund. ~~For~~ 7729  
~~two years after the effective date of this amendment, investment~~ 7730  
~~earnings credited to the fund~~ and may be used to pay costs 7731  
incurred by the director in administering those sections and 7732  
provisions. 7733

(G) The term of an agricultural easement purchased wholly or 7734  
in part with money from the clean Ohio agricultural easement fund 7735  
or the agricultural easement purchase fund shall be perpetual and 7736  
shall run with the land. 7737

**Sec. 921.151.** The pesticide program fund is hereby created in 7738  
the state treasury. ~~All~~ The portion of the money in the fund that 7739  
is collected under this chapter shall be used to carry out the 7740  
purposes of this chapter. The portion of the money in the fund 7741  
that is collected under section 927.53 of the Revised Code shall 7742  
be used to carry out the purposes specified in that section, the 7743  
portion of the money in the fund that is collected under section 7744  
927.69 of the Revised Code shall be used to carry out the purposes 7745

specified in that section, and the portion of the money in the 7746  
fund that is collected under section 927.701 of the Revised Code 7747  
shall be used to carry out the purposes of that section. The fund 7748  
shall consist of fees collected under sections 921.01 to 921.15 7749  
and section 927.69 of the Revised Code, money collected under 7750  
section 927.701 of the Revised Code, and all fines, penalties, 7751  
costs, and damages, except court costs, ~~which that~~ are collected 7752  
by either the director of agriculture or the attorney general in 7753  
consequence of any violation of sections 921.01 to 921.29 of the 7754  
Revised Code. Not later than the thirtieth day of June of each 7755  
year, the director of budget and management shall determine 7756  
whether the amount credited to the pesticide program fund under 7757  
this chapter is in excess of the amount necessary to meet the 7758  
expenses of the director of agriculture in administering this 7759  
chapter and shall transfer any such excess from the pesticide 7760  
program fund to the general revenue fund. 7761

**Sec. 927.53.** (A) Each collector or dealer who sells, offers, 7762  
or exposes for sale, or distributes nursery stock within this 7763  
state, or ships nursery stock to other states, shall pay an annual 7764  
license fee of fifty dollars to the director of agriculture for 7765  
each place of business ~~he~~ the collector or dealer operates. 7766

(B)(1) Each dealer shall furnish the director, annually, an 7767  
affidavit that ~~he~~ the dealer will buy and sell only nursery stock 7768  
which has been inspected and certified by an official state or 7769  
federal inspector. 7770

(2) Each dealer's license expires on the thirty-first day of 7771  
December of each year. Each licensed dealer shall apply for 7772  
renewal of ~~his~~ the dealer's license prior to the first day of 7773  
January of each year and in accordance with the standard renewal 7774  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 7775

(C) Each licensed ~~nurseryman~~ nurseryperson shall post 7776

conspicuously in ~~his~~ the nurseryperson's principal place of 7777  
business, the certificate which is issued to ~~him~~ the nurseryperson 7778  
in accordance with section 927.61 of the Revised Code. 7779

(D) Each licensed ~~nurseryman~~ nurseryperson, or dealer, shall 7780  
post conspicuously in each place of business, each certificate or 7781  
license which is issued to ~~him~~ the nurseryperson or dealer in 7782  
compliance with this section or section 927.61 of the Revised 7783  
Code. 7784

(E)(1) Each ~~nurseryman~~ nurseryperson who produces, sells, 7785  
offers for sale, or distributes woody nursery stock within the 7786  
state, or ships woody nursery stock to other states, shall pay to 7787  
the director an annual inspection fee of fifty dollars plus four 7788  
dollars per acre, or fraction thereof, of growing nursery stock in 7789  
intensive production areas and two dollars per acre, or fraction 7790  
thereof, of growing nursery stock in nonintensive production 7791  
areas, as applicable. 7792

(2) Each ~~nurseryman~~ nurseryperson who limits ~~his~~ production 7793  
and sales of nursery stock to brambles, herbaceous, perennial, and 7794  
other nonwoody plants, shall pay to the director an inspection fee 7795  
of thirty dollars, plus four dollars per acre, or fraction 7796  
thereof, of growing nursery stock in intensive and nonintensive 7797  
production areas. 7798

(F) On and after the effective date of this amendment, the 7799  
following additional fees shall be assessed: 7800

(1) Each collector or dealer who pays a fee under division 7801  
(A) of this section shall pay an additional fee of twenty-five 7802  
dollars. 7803

(2) Each nurseryperson who pays fees under division (E)(1) of 7804  
this section shall pay additional fees as follows: 7805

(a) Fifteen dollars for the inspection fee; 7806

(b) Fifty cents per acre, or fraction thereof, of growing nursery stock in intensive production areas; 7807  
7808

(c) One dollar and fifty cents per acre, or fraction thereof, of growing nursery stock in nonintensive production areas. 7809  
7810

(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows: 7811  
7812

(a) Thirty-five dollars for the inspection fee; 7813

(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. 7814  
7815

The fees collected under division (F) of this section shall be deposited into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in employing a minimum of two additional inspectors. 7816  
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7821

**Sec. 927.69.** To effect the purpose of sections 927.51 to 927.74, ~~inclusive,~~ of the Revised Code, the director of agriculture, or ~~his~~ the director's authorized representative, may: 7822  
7823  
7824

(A) Make reasonable inspection of any premises in this state and any property therein or thereon; 7825  
7826

(B) Stop and inspect in a reasonable manner, any means of conveyance moving within this state upon probable cause to believe it contains or carries any pest, host, commodity, or other article ~~which~~ that is subject to sections 927.51 to 927.72, ~~inclusive,~~ of the Revised Code; 7827  
7828  
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(C) Conduct inspections of agricultural products that are required by other states, the United States department of agriculture, other federal agencies, or foreign countries to determine whether the products are infested. If, upon making such 7832  
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7835

an inspection, the director or the director's authorized 7836  
representative determines that an agricultural product is not 7837  
infested, the director or the director's authorized representative 7838  
may issue a certificate, as required by other states, the United 7839  
States department of agriculture, other federal agencies, or 7840  
foreign countries, indicating that the product is not infested. 7841

If the director charges fees for any of the certificates, 7842  
agreements, or inspections specified in this division, the fees 7843  
shall be as follows: 7844

(1) Phyto sanitary certificates, twenty-five dollars; 7845

(2) Compliance agreements, twenty dollars; 7846

(3) Solid wood packing certificates, twenty dollars; 7847

(4) Vegetable, fruit, and field crop inspections, sixty-five 7848  
dollars. 7849

The director may adopt rules under section 927.52 of the 7850  
Revised Code that define the certificates, agreements, and 7851  
inspections. 7852

The fees shall be deposited into the state treasury to the 7853  
credit of the pesticide program fund created in Chapter 921. of 7854  
the Revised Code. Money credited to the fund shall be used to pay 7855  
the costs incurred by the department of agriculture in employing a 7856  
minimum of two additional inspectors. 7857

**Sec. 927.701.** (A) As used in this section, "gypsy moth" means 7858  
the live insect, Lymantria dispar, in any stage of development. 7859

(B) The director of agriculture may establish a voluntary 7861  
gypsy moth suppression program under which a landowner may request 7862  
that the department of agriculture have the landowner's property 7863  
aerially sprayed to suppress the presence of gypsy moths in 7864  
exchange for payment from the landowner of a portion of the cost 7865

of the spraying. To determine the amount of payment that is due 7866  
from a landowner, the department first shall determine the 7867  
projected cost per acre to the department of gypsy moth 7868  
suppression activities for the year in which the landowner's 7869  
request is made. The cost shall be calculated by determining the 7870  
total expense of aerial spraying for gypsy moths to be incurred by 7871  
the department in that year divided by the total number of acres 7872  
proposed to be sprayed in that year. With respect to a landowner, 7873  
the department shall multiply the cost per acre by the number of 7874  
acres that the landowner requests to be sprayed. The department 7875  
shall add to that amount any administrative costs that it incurs 7876  
in billing the landowner and collecting payment. The amount that 7877  
the landowner shall pay to the department shall not exceed fifty 7878  
per cent of the resulting amount. 7879

(C) The director shall adopt rules under Chapter 119. of the 7880  
Revised Code to establish procedures under which a landowner may 7881  
make a request under division (B) of this section and to establish 7882  
provisions governing agreements between the department and 7883  
landowners concerning gypsy moth suppression together with any 7884  
other provisions that the director considers appropriate to 7885  
administer this section. 7886

(D) The director shall deposit all money collected under this 7887  
section into the state treasury to the credit of the pesticide 7888  
program fund created in Chapter 921. of the Revised Code. Money 7889  
credited to the fund under this section shall be used for the 7890  
suppression of gypsy moths in accordance with this section. 7891

**"Sec. 1306.20.** (A) Subject to section 1306.11 and to sections 7892  
1306.25 to 1306.29 of the Revised Code, each state agency shall 7893  
determine if, and the extent to which, it will send and receive 7894  
electronic records and electronic signatures to and from other 7895  
persons and otherwise create, generate, communicate, store, 7896

process, use, and rely upon electronic records and electronic signatures. 7897  
7898

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following: 7899  
7900  
7901  
7902

(a) The method of posting or displaying records; 7903

(b) The manner of sending, communicating, or transmitting records; 7904  
7905

(c) The manner of formatting records. 7906

(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply: 7907  
7908  
7909

(a) The requirement relates to a matter over which the state agency has jurisdiction. 7910  
7911

(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code. 7912  
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(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply: 7919  
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(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code. 7921  
7922  
7923  
7924

(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the 7925  
7926

Revised Code. 7927

(D) If a state agency creates, uses, or receives electronic 7928  
signatures, the state agency shall create, use, or receive the 7929  
signatures in accordance with rules adopted by the department of 7930  
administrative services pursuant to division (A) of section 7931  
1306.21 of the Revised Code. 7932

(E)(1) To the extent a state agency retains an electronic 7933  
record, the state agency may retain a record in a format that is 7934  
different from the format in which the record was originally 7935  
created, used, sent, or received only if it can be demonstrated 7936  
that the alternative format used accurately and completely 7937  
reflects the record as it was originally created, used, sent, or 7938  
received. 7939

(2) If a state agency in retaining any set of electronic 7940  
records pursuant to division (E)(1) of this section alters the 7941  
format of the records, the state agency shall create a certificate 7942  
of authenticity for each set of records that is altered. 7943

(3) The department of administrative services, in 7944  
consultation with the state archivist, shall adopt rules in 7945  
accordance with section 111.15 of the Revised Code that establish 7946  
the methods for creating certificates of authenticity pursuant to 7947  
division (E)(2) of this section. 7948

(F) Whenever any rule of law requires or authorizes the 7949  
filing of any information, notice, lien, or other document or 7950  
record with any state agency, a filing made by an electronic 7951  
record shall have the same force and effect as a filing made on 7952  
paper in all cases where the state agency has authorized or agreed 7953  
to such electronic filing and the filing is made in accordance 7954  
with applicable rules or agreement. 7955

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 7956  
Code shall be construed to require any state agency to use or 7957

permit the use of electronic records and electronic signatures. 7958

(H)(1) Notwithstanding division (C)(1) or (D) of this 7959  
section, any state agency that, prior to ~~the effective date of~~ 7960  
~~this section~~ September 14, 2000, used or permitted the use of 7961  
electronic records or electronic signatures pursuant to laws 7962  
enacted, rules adopted, or agency policies adopted before ~~the~~ 7963  
~~effective date of this section~~ September 14, 2000, may use or 7964  
permit the use of electronic records or electronic signatures 7965  
pursuant to those previously enacted laws, adopted rules, or 7966  
adopted policies for a period of two years after ~~the effective~~ 7967  
~~date of this section~~ September 14, 2000. 7968

(2) Subject to division (H)(3) of this section, after the 7969  
two-year period described in division (H)(1) of this section has 7970  
concluded, all state agencies that use or permit the use of 7971  
electronic records or electronic signatures before ~~the effective~~ 7972  
~~date of this section~~ September 14, 2000, shall only use or permit 7973  
the use of electronic records or electronic signatures consistent 7974  
with rules adopted by the department of administrative services 7975  
pursuant to division (A) of section 1306.21 of the Revised Code. 7976

(3) After the two-year period described in division (H)(1) of 7977  
this section has concluded, the department of administrative 7978  
services may permit a state agency to use electronic records or 7979  
electronic signatures that do not comply with division (H)(2) of 7980  
this section, if the state agency files a written request with the 7981  
department. 7982

(I) For the purposes of this section, "state agency" means 7983  
every organized body, office, or agency established by the laws of 7984  
the state for the exercise of any function of state government, 7985  
but does not include the general assembly, any legislative agency, 7986  
the supreme court, the other courts of record in this state, or 7987  
any judicial agency. 7988

Sec. 1306.25. As used in sections 1306.25 to 1306.29 of the 7989  
Revised Code: 7990

(A) "Commercial activity" means performing services or 7991  
providing goods that normally can be obtained from a private 7992  
enterprise. 7993

(B) "Direct costs" means all costs, whether capital costs, 7994  
operating costs, or otherwise, that would be eliminated if the 7995  
service or function to which the costs relate is discontinued. 7996

(C) "Electronic commerce services" means services relating to 7997  
commercial activity that are the same as, similar to, or overlap 7998  
information technology-based services provided to the public by 7999  
two or more competing private enterprises. "Electronic commerce 8000  
services" includes services made in connection with a transaction 8001  
completed over a computer network, such as the buying of goods or 8002  
services over the internet. 8003

(D) "Full cost accounting" means, in accordance with 8004  
generally accepted accounting principles, accounting for all 8005  
direct costs and indirect costs, including capital costs, that are 8006  
incurred in the ownership, management, or operation of electronic 8007  
commerce services. 8008

(E) "Government agency" means either of the following: 8009

(1) A state agency as defined in section 117.01 of the 8010  
Revised Code or a similar agency of a county, township, municipal 8011  
corporation, or other political subdivision of this state, but 8012  
does not include the general assembly, any legislative agency, the 8013  
supreme court, any court of record in the state, or any judicial 8014  
agency; 8015

(2) Any entity that is not majority-owned as private property 8016  
and is established by law or by order or action of a state agency 8017  
or similar agency of a county, township, municipal corporation, or 8018

other political subdivision, or an officer of that state or 8019  
similar agency, but does not include an entity established by the 8020  
general assembly, any legislative agency, the supreme court, any 8021  
court of record in the state, or any judicial agency. 8022

(F) "Indirect costs" means all costs, whether capital costs, 8023  
operating costs, or otherwise, that are not direct costs. 8024

(G) "Private enterprise" means an individual, firm, 8025  
partnership, joint venture, corporation, association, or other 8026  
legal entity engaging, in the private sector, in the 8027  
manufacturing, processing, sale, offering for sale, rental, 8028  
leasing, delivery, dispensing, distributing, or advertising of 8029  
goods or services for profit. 8030

**Sec. 1306.26.** (A) The general assembly finds and declares 8031  
that the growth of private enterprises is essential to the health, 8032  
welfare, and prosperity of this state, and that government 8033  
competes with the private sector when it provides goods and 8034  
services to the public. 8035

(B) It is the intent of the general assembly and the purpose 8036  
of sections 1306.25 to 1306.29 of the Revised Code to protect 8037  
economic opportunities for private industry against unfair 8038  
competition by government agencies and to enhance the efficient 8039  
provision of public goods and services. 8040

(C) Sections 1306.25 to 1306.29 of the Revised Code may be 8041  
cited as the "electronic government services act." 8042

**Sec. 1306.27.** (A) Except as provided in section 1306.28 of 8043  
the Revised Code, if two or more competing private enterprises 8044  
provide electronic commerce services, a government agency shall 8045  
not engage, through the expenditure of public moneys, in any 8046  
activity to provide or offer those electronic commerce services to 8047  
the public or expand similar electronic commerce services to the 8048

public. 8049

(B) Any provider of electronic commerce services that resides 8050  
or does business in this state has standing to bring a cause of 8051  
action for appropriate relief in a court of competent jurisdiction 8052  
challenging the provision of electronic commerce services by a 8053  
government agency not made in accordance with sections 1306.25 to 8054  
1306.29 of the Revised Code. 8055

(C) Nothing in sections 1306.25 to 1306.29 of the Revised 8056  
Code prohibits a government agency from providing electronic 8057  
commerce services to the public in the absence of two or more 8058  
competing private enterprises providing those services. 8059

(D) This section and section 1306.28 of the Revised Code do 8060  
not apply to any county, township, municipal corporation, or other 8061  
political subdivision of the state that has expended public funds 8062  
for the construction, deployment, or operation of a fiber optic 8063  
network for a public purpose before the effective date of this 8064  
section. 8065

**Sec. 1306.28.** (A) A government agency may provide duplicative 8066  
or competing electronic commerce services to the public if the 8067  
agency complies with this section. 8068

(B)(1) Before a government agency provides duplicative or 8069  
competing electronic commerce services to the public, the 8070  
government agency shall hold a public hearing to allow public 8071  
comment about the agency's proposed electronic commerce services. 8072

(2) The government agency shall provide at least thirty days' 8073  
public notice of the time and place of the public hearing 8074  
described in division (B)(1) of this section in one or more 8075  
newspapers of general circulation in the county or counties within 8076  
the jurisdiction of the government agency. During the thirty-day 8077  
period before the public hearing, the government agency shall make 8078

its proposal for providing duplicative or competing electronic 8079  
commerce services to the public available for public inspection in 8080  
a prominent public location within the county or counties where 8081  
the public notice described in this division is provided. 8082

(C) The public notice described in division (B) of this 8083  
section also shall set forth all of the following: 8084

(1) The government agency's proposed findings of fact and 8085  
conclusions of law describing the reasons why it believes it is 8086  
necessary and in the public interest to provide duplicative or 8087  
competing electronic commerce services to the public and citing 8088  
the legal authority that permits the government agency to do so; 8089

(2) The initial and total lifecycle costs of the proposed 8090  
duplicative or competing electronic commerce services, which 8091  
include, but are not limited to, all technology, infrastructure, 8092  
services, contracts, and direct or indirect personnel costs; 8093

(3) The individual per taxpayer cost of the proposed 8094  
duplicative or competing electronic commerce services on an 8095  
annualized basis and the cost of these services per user on an 8096  
annualized basis; 8097

(4) The government agency's reasons for believing that the 8098  
cost benefits of providing duplicative or competing electronic 8099  
commerce services require the expenditure of public moneys; 8100

(5) An identification of unmet needs in the consumer 8101  
marketplace that the proposed duplicative or competing electronic 8102  
commerce services would fulfill; 8103

(6) A description of how the proposed duplicative or 8104  
competing electronic commerce services would differ from those 8105  
provided by two or more competing private enterprises; 8106

(7) An economic impact analysis demonstrating that the 8107  
offering of the proposed duplicative or competing electronic 8108

commerce services by the government agency will not be 8109  
anticompetitive in its effect on the existing industry and will 8110  
not adversely impact or distort the marketplace of two or more 8111  
competing private enterprises providing the same or similar 8112  
electronic commerce services. 8113

(D)(1) After reviewing comments from the public following the 8114  
public hearing described in this section, if the head of a 8115  
government agency decides to proceed with offering duplicative or 8116  
competing electronic commerce services to the public, the head of 8117  
the government agency shall sign factual and legal conclusions 8118  
addressing the comments and each of the factors set forth in the 8119  
public notice described in division (C) of this section, and send 8120  
a written notice to the controlling board that sets forth these 8121  
conclusions and the government agency's decision to proceed. 8122

(2) A government agency shall not offer duplicative or 8123  
competing electronic commerce services to the public without the 8124  
approval of the controlling board. 8125

(3) The controlling board may continue to exercise oversight 8126  
with respect to any approval decision it makes under division 8127  
(D)(2) of this section. 8128

(E)(1) Any government agency providing electronic commerce 8129  
services in a jurisdiction where a private enterprise provides the 8130  
same electronic commerce services shall prepare and publish an 8131  
annual report about its electronic commerce services. 8132

(2) The annual report described in division (E)(1) of this 8133  
section substantially shall be in accordance with full cost 8134  
accounting and shall disclose the amount, source, and cost of 8135  
working capital utilized by the government agency for providing 8136  
electronic commerce services. 8137

(F) For purposes of providing the public notice and preparing 8138  
and publishing the annual report described in this section, a 8139

government agency, by any reasonable method consistent with 8140  
applicable generally accepted accounting principles, shall 8141  
allocate indirect costs that support multiple electronic commerce 8142  
services or functions among those services and functions in 8143  
proportion to the relative burden each service or function places 8144  
on the cost category. 8145

**Sec. 1306.29.** (A) Nothing in sections 1306.25 to 1306.28 of 8146  
the Revised Code applies to the installation, construction, 8147  
expansion, maintenance, or operation of any physical 8148  
infrastructure by a political subdivision that is a public cable 8149  
service provider, in accordance with Chapter 1332. of the Revised 8150  
Code and whether on its own or in conjunction with other public 8151  
cable service providers or private cable service providers, for 8152  
the sole purpose of providing cable service under such authority 8153  
as otherwise conferred by law. 8154

(B) For purposes of division (A) of this section, "public 8155  
cable service provider," "private cable service provider," and 8156  
"cable service" have the same meanings as in section 1332.01 of 8157  
the Revised Code. 8158

**Sec. 1309.109.** (A) Except as otherwise provided in divisions 8159  
(C) and (D) of this section, this chapter applies to the 8160  
following: 8161

(1) A transaction, regardless of its form, that creates a 8162  
security interest in personal property or fixtures by contract; 8163

(2) An agricultural lien; 8164

(3) A sale of accounts, chattel paper, payment intangibles, 8165  
or promissory notes; 8166

(4) A consignment; 8167

(5) A security interest arising under section 1302.42 or 8168

1302.49, division (C) of section 1302.85, or division (E) of	8169
section 1310.54 of the Revised Code, as provided in section	8170
1309.110 of the Revised Code; and	8171
(6) A security interest arising under section 1304.20 or	8172
1305.18 of the Revised Code.	8173
(B) The application of this chapter to a security interest in	8174
a secured obligation is not affected by the fact that the	8175
obligation is itself secured by a transaction or interest to which	8176
this chapter does not apply.	8177
(C) This chapter does not apply to the extent that:	8178
(1) A statute, regulation, or treaty of the United States	8179
preempts this chapter; or	8180
(2) The rights of a transferee beneficiary or nominated	8181
person under a letter of credit are independent and superior under	8182
section 1305.13 of the Revised Code.	8183
(D) This chapter does not apply to <u>the following</u> :	8184
(1) A landlord's lien, other than an agricultural lien;	8185
(2)(a) A lien, not enumerated in division (D)(2) of this	8186
section and other than an agricultural lien, given by statute or	8187
other rule of law for services or materials, including any lien	8188
created under any provision of Chapter 926., sections 1311.55 to	8189
1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter	8190
4585. of the Revised Code;	8191
(b) Notwithstanding division (D)(2)(a) of this section,	8192
section 1309.333 of the Revised Code applies with respect to	8193
priority of the lien.	8194
(3) An assignment of a claim for wages, salary, or other	8195
compensation of an employee;	8196
(4) A sale of accounts, chattel paper, payment intangibles,	8197
or promissory notes as part of a sale of the business out of which	8198

they arose;	8199
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	8200 8201 8202
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	8203 8204
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	8205 8206 8207
(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;	8208 8209 8210 8211 8212 8213
(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	8214 8215
(10) A right of recoupment or set-off, but:	8216
(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	8217 8218 8219
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	8220 8221
(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:	8222 8223 8224
(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;	8225 8226
(b) Fixtures in section 1309.334 of the Revised Code;	8227

(c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 8228  
1309.516, and 1309.519 of the Revised Code; and 8229

(d) Security agreements covering personal and real property 8230  
in section 1309.604 of the Revised Code. 8231

(12) An assignment of a claim arising in tort, other than a 8232  
commercial tort claim, but sections 1309.315 and 1309.322 of the 8233  
Revised Code apply with respect to proceeds and priorities in 8234  
proceeds; 8235

(13) An assignment of a deposit account in a consumer 8236  
transaction, but sections 1309.315 and 1309.322 of the Revised 8237  
Code apply with respect to proceeds and priorities in proceeds; or 8238

(14) A transfer by a government, state, or governmental unit. 8239

(E) The granting of a security interest in all or any part of 8240  
a lottery prize award for consideration is subject to the 8241  
prohibition of division ~~(A)(3)(C)~~ of section 3770.07 of the 8242  
Revised Code. The sale, assignment, or other redirection of a 8243  
lottery prize award for consideration is subject to the provisions 8244  
of division ~~(A)(4)(D)~~ of section 3770.07 and sections 3770.10 to 8245  
3770.14 of the Revised Code. 8246

**Sec. 1321.21.** All fees, charges, penalties, and forfeitures 8247  
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 8248  
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 8249  
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 8250  
the superintendent of financial institutions and shall be 8251  
deposited by the superintendent into the state treasury to the 8252  
credit of the consumer finance fund, which is hereby created. The 8253  
fund may be expended or obligated by the superintendent for the 8254  
defrayment of the costs of administration of Chapters 1321., 8255  
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 8256  
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 8257

the Revised Code by the division of financial institutions. All 8258  
actual and necessary expenses incurred by the superintendent, 8259  
including any services rendered by the department of commerce for 8260  
the division's administration of Chapters 1321., 1322., 4712., 8261  
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 8262  
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 8263  
Code, shall be paid from the fund. The fund shall be assessed a 8264  
proportionate share of the administrative costs of the department 8265  
and the division. The proportionate share of the administrative 8266  
costs of the division of financial institutions shall be 8267  
determined in accordance with procedures prescribed by the 8268  
superintendent and approved by the director of budget and 8269  
management. Such assessment shall be paid from the consumer 8270  
finance fund to the division of administration fund or the 8271  
financial institutions fund. 8272

**Sec. 1333.99.** (A) Whoever violates sections 1333.01 to 8273  
1333.04 of the Revised Code is guilty of a minor misdemeanor. 8274

(B) Whoever violates section 1333.12 of the Revised Code is 8275  
guilty of a misdemeanor of the fourth degree. 8276

(C) Whoever violates section 1333.36 of the Revised Code is 8277  
guilty of a misdemeanor of the third degree. 8278

(D) A prosecuting attorney may file an action to restrain any 8279  
person found in violation of section 1333.36 of the Revised Code. 8280  
Upon the filing of such an action, the common pleas court may 8281  
receive evidence of such violation and forthwith grant a temporary 8282  
restraining order as may be prayed for, pending a hearing on the 8283  
merits of said cause. 8284

(E) Whoever violates division (A)(1) of section 1333.52 or 8285  
section 1333.81 of the Revised Code is guilty of a misdemeanor of 8286  
the first degree. 8287

(F) Whoever violates division (A)(2) or (B) of section 8288  
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 8289  
Code is guilty of a misdemeanor of the second degree. 8290

(G) Except as otherwise provided in this division, whoever 8291  
violates section 1333.92 of the Revised Code is guilty of a 8292  
misdemeanor of the first degree. If the value of the compensation 8293  
is five hundred dollars or more and less than five thousand 8294  
dollars, whoever violates section 1333.92 of the Revised Code is 8295  
guilty of a felony of the fifth degree. If the value of the 8296  
compensation is five thousand dollars or more and less than one 8297  
hundred thousand dollars, whoever violates section 1333.92 of the 8298  
Revised Code is guilty of a felony of the fourth degree. If the 8299  
value of the compensation is one hundred thousand dollars or more, 8300  
whoever violates section 1333.92 of the Revised Code is guilty of 8301  
a felony of the third degree. 8302

~~(H) Whoever violates division (B), (C), or (I) of section 8303  
1333.96 of the Revised Code is guilty of a misdemeanor of the 8304  
third degree. 8305~~

~~(I) Any person not registered as a travel agency or tour 8306  
promoter as provided in divisions (B) and (C) of section 1333.96 8307  
of the Revised Code who states that the person is so registered is 8308  
guilty of a misdemeanor of the first degree. 8309~~

**Sec. 1501.04.** There is hereby created in the department of 8310  
natural resources a recreation and resources commission composed 8311  
of the ~~chairman~~ chairperson of the wildlife council created under 8312  
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 8313  
the parks and recreation council created under section 1541.40 of 8314  
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 8315  
council created under section 1547.73 of the Revised Code, the 8316  
~~chairman~~ chairperson of the technical advisory council on oil and 8317  
gas created under section 1509.38 of the Revised Code, the 8318

chairman of the forestry advisory council created under section 8319  
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 8320  
soil and water conservation commission created under section 8321  
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 8322  
natural areas council created under section 1517.03 of the Revised 8323  
Code, the ~~chairman~~ chairperson of the Ohio water advisory council 8324  
created under section 1521.031 of the Revised Code, the 8325  
chairperson of the recycling and litter prevention advisory 8326  
council created under section 1502.04 of the Revised Code, ~~the~~ 8327  
~~chairperson of the civilian conservation advisory council created~~ 8328  
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 8329  
chairperson of the Ohio geology advisory council created under 8330  
section 1505.11 of the Revised Code, and five members appointed by 8331  
the governor with the advice and consent of the senate, not more 8332  
than three of whom shall belong to the same political party. The 8333  
director of natural resources shall be an ex officio member of the 8334  
commission, with a voice in its deliberations, but without the 8335  
power to vote. 8336

Terms of office of members of the commission appointed by the 8337  
governor shall be for five years, commencing on the second day of 8338  
February and ending on the first day of February. Each member 8339  
shall hold office from the date of ~~his~~ appointment until the end 8340  
of the term for which ~~he~~ the member was appointed. 8341

In the event of the death, removal, resignation, or 8342  
incapacity of a member of the commission, the governor, with the 8343  
advice and consent of the senate, shall appoint a successor who 8344  
shall hold office for the remainder of the term for which ~~his~~ the 8345  
member's predecessor was appointed. Any member shall continue in 8346  
office subsequent to the expiration date of ~~his~~ the member's term 8347  
until ~~his~~ the member's successor takes office, or until a period 8348  
of sixty days has elapsed, whichever occurs first. 8349

The governor may remove any appointed member of the 8350

commission for misfeasance, nonfeasance, or malfeasance in office. 8351

The commission shall exercise no administrative function, but 8352  
may: 8353

(A) Advise with and recommend to the director ~~of natural~~ 8354  
~~resources~~ as to plans and programs for the management, 8355  
development, utilization, and conservation of the natural 8356  
resources of the state; 8357

(B) Advise with and recommend to the director as to methods 8358  
of coordinating the work of the divisions of the department; 8359

(C) Consider and make recommendations upon any matter ~~which~~ 8360  
that the director may submit to it; 8361

(D) Submit to the governor biennially recommendations for 8362  
amendments to the conservation laws of the state. 8363

~~Before~~ Each member of the commission, before entering upon 8364  
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 8365  
~~commission~~ shall take and subscribe to an oath of office, which 8366  
oath, in writing, shall be filed in the office of the secretary of 8367  
state. 8368

The members of the commission shall serve without 8369  
compensation, but shall be entitled to receive their actual and 8370  
necessary expenses incurred in the performance of their official 8371  
duties. 8372

The commission, by a majority vote of all its members, shall 8373  
adopt and amend bylaws. 8374

To be eligible for appointment, a person shall be a citizen 8375  
of the United States and an elector of the state and shall possess 8376  
a knowledge of and have an interest in the natural resources of 8377  
this state. 8378

The commission shall hold at least four regular quarterly 8379  
meetings each year. Special meetings shall be held at such times 8380

as the bylaws of the commission provide. Notices of all meetings 8381  
shall be given in such manner as the bylaws provide. The 8382  
commission shall choose annually from among its members a ~~chairman~~ 8383  
chairperson to preside over its meetings and a secretary to keep a 8384  
record of its proceedings. A majority of the members of the 8385  
commission constitutes a quorum. No advice shall be given or 8386  
recommendation made without a majority of the members of the 8387  
commission concurring therein. 8388

**Sec. 1503.05.** (A) The chief of the division of forestry may 8389  
sell timber and other forest products from the state forest and 8390  
state forest nurseries whenever the chief considers such a sale 8391  
desirable and, with the approval of the attorney general and the 8392  
director of natural resources, may sell portions of the state 8393  
forest lands when such a sale is advantageous to the state. 8394

(B) Except as otherwise provided in this section, a timber 8395  
sale agreement shall not be executed unless the person or 8396  
governmental entity bidding on the sale executes and files a 8397  
surety bond conditioned on completion of the timber sale in 8398  
accordance with the terms of the agreement in an amount equal to 8399  
twenty-five per cent of the highest value cutting section. All 8400  
bonds shall be given in a form prescribed by the chief and shall 8401  
run to the state as obligee. 8402

The chief shall not approve any bond until it is personally 8403  
signed and acknowledged by both principal and surety, or as to 8404  
either by the attorney in fact thereof, with a certified copy of 8405  
the power of attorney attached. The chief shall not approve the 8406  
bond unless there is attached a certificate of the superintendent 8407  
of insurance that the company is authorized to transact a fidelity 8408  
and surety business in this state. 8409

In lieu of a bond, the bidder may deposit any of the 8410  
following: 8411

(1) Cash in an amount equal to the amount of the bond;	8412
(2) United States government securities having a par value equal to or greater than the amount of the bond;	8413 8414
(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.	8415 8416 8417 8418
The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.	8419 8420 8421 8422 8423 8424 8425 8426 8427 8428
Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A bidder making a deposit of cash, securities, certificates of deposit, or letters of credit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, certificates of deposit, or letters of credit upon depositing with the treasurer of state cash, other United States government securities, or other negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state, equal in par value to the par value of the cash, securities, certificates	8429 8430 8431 8432 8433 8434 8435 8436 8437 8438 8439 8440 8441 8442

of deposit, or letters of credit withdrawn. 8443

A bidder may demand and receive from the treasurer of state 8444  
all interest or other income from any such securities or 8445  
certificates as it becomes due. If securities so deposited with 8446  
and in the possession of the treasurer of state mature or are 8447  
called for payment by their issuer, the treasurer of state, at the 8448  
request of the bidder who deposited them, shall convert the 8449  
proceeds of the redemption or payment of the securities into other 8450  
United States government securities, negotiable certificates of 8451  
deposit, or cash as the bidder designates. 8452

When the chief finds that a person or governmental agency has 8453  
failed to comply with the conditions of the person's or 8454  
governmental agency's bond, the chief shall make a finding of that 8455  
fact and declare the bond, cash, securities, certificates, or 8456  
letters of credit forfeited. The chief thereupon shall certify the 8457  
total forfeiture to the attorney general, who shall proceed to 8458  
collect the amount of the bond, cash, securities, certificates, or 8459  
letters of credit. 8460

In lieu of total forfeiture, the surety, at its option, may 8461  
cause the timber sale to be completed or pay to the treasurer of 8462  
state the cost thereof. 8463

All moneys collected as a result of forfeitures of bonds, 8464  
cash, securities, certificates, and letters of credit under this 8465  
section shall be credited to the state forest fund created in this 8466  
section. 8467

(C) The chief may grant easements and leases on portions of 8468  
the state forest lands and state forest nurseries under terms that 8469  
are advantageous to the state, and the chief may grant mineral 8470  
rights on a royalty basis on those lands and nurseries, with the 8471  
approval of the attorney general and the director. 8472

(D) All moneys received from the sale of state forest lands, 8473

or in payment for easements or leases on or as rents from those 8474  
lands or from state forest nurseries, shall be paid into the state 8475  
treasury to the credit of the state forest fund, which is hereby 8476  
created. All moneys received from the sale of standing timber 8477  
taken from the state forest lands shall be deposited into the 8478  
state treasury. Twenty per cent of the moneys so deposited shall 8479  
be credited to the state forest fund. Eighty per cent of the 8480  
moneys so deposited shall be credited to the general revenue fund. 8481  
All moneys received from the sale of forest products, other than 8482  
standing timber, and minerals taken from the state forest lands 8483  
and state forest nurseries, together with royalties from mineral 8484  
rights, shall be paid into the state treasury to the credit of the 8485  
state forest fund. 8486

At the time of making such a ~~payment or deposit~~ into the 8487  
state treasury to the credit of the general revenue fund, the 8488  
chief shall determine the amount and gross value of all such 8489  
~~products~~ standing timber sold ~~or royalties received~~ from lands and 8490  
nurseries in each county, in each township within the county, and 8491  
in each school district within the county. Afterward the chief 8492  
shall send to each county treasurer a copy of the determination 8493  
and shall provide for payment to the county treasurer, for the use 8494  
of the general fund of that county from the amount so received as 8495  
provided in this division, an amount equal to ~~eighty~~ seventy per 8496  
cent of the gross value of the ~~products~~ standing timber sold ~~or~~ 8497  
~~royalties received~~ from lands and nurseries located in that 8498  
county. The county auditor shall do all of the following: 8499

(1) Retain for the use of the general fund of the county 8500  
one-fourth of the amount received by the county under division (D) 8501  
of this section; 8502

(2) Pay into the general fund of any township located within 8503  
the county and containing such lands and nurseries one-fourth of 8504  
the amount received by the county from ~~products~~ standing timber 8505

sold ~~or royalties received~~ from lands and nurseries located in the township; 8506  
8507

(3) Request the board of education of any school district 8508  
located within the county and containing such lands and nurseries 8509  
to identify which fund or funds of the district should receive the 8510  
moneys available to the school district under division (D)(3) of 8511  
this section. After receiving notice from the board, the county 8512  
auditor shall pay into the fund or funds so identified one-half of 8513  
the amount received by the county from ~~products~~ standing timber 8514  
sold ~~or royalties received~~ from lands and nurseries located in the 8515  
school district, distributed proportionately as identified by the 8516  
board. 8517

The division of forestry shall not supply logs, lumber, or 8518  
other forest products or minerals, taken from the state forest 8519  
lands or state forest nurseries, to any other agency or 8520  
subdivision of the state unless payment is made therefor in the 8521  
amount of the actual prevailing value thereof. This section is 8522  
applicable to the moneys so received. All moneys received from the 8523  
sale of reforestation tree stock or other revenues derived from 8524  
the operation of the state forests, facilities, or equipment shall 8525  
be paid into the state forest fund. 8526

The fund shall not be expended for any purpose other than the 8527  
administration, operation, maintenance, development, or 8528  
utilization of the state forests, forest nurseries, and forest 8529  
programs, for facilities or equipment incident to them, or for the 8530  
further purchase of lands for state forest or forest nursery 8531  
purposes. 8532

**Sec. 1513.05.** There is hereby created a reclamation 8533  
commission consisting of seven members appointed by the governor 8534  
with the advice and consent of the senate. For the purposes of 8535  
hearing appeals under section 1513.13 of the Revised Code that 8536

involve mine safety issues, the reclamation commission shall 8537  
consist of two additional members appointed specifically for that 8538  
function by the governor with the advice and consent of the 8539  
senate. All terms of office shall be for five years, commencing on 8540  
the twenty-ninth day of June and ending on the twenty-eighth day 8541  
of June. Each member shall hold office from the date of 8542  
appointment until the end of the term for which the appointment 8543  
was made. Each vacancy occurring on the commission shall be filled 8544  
by appointment within sixty days after the vacancy occurs. Any 8545  
member appointed to fill a vacancy occurring prior to the 8546  
expiration of the term for which the member's predecessor was 8547  
appointed shall hold office for the remainder of such term. Any 8548  
member shall continue in office subsequent to the expiration date 8549  
of the member's term until the member's successor takes office, or 8550  
until a period of sixty days has elapsed, whichever occurs first. 8551

Two of the appointees to the commission shall be persons who, 8552  
at the time of their appointment, own and operate a farm or are 8553  
retired farmers. Notwithstanding section 1513.04 of the Revised 8554  
Code, one of the appointees to the commission shall be a person 8555  
who, at the time of appointment, is the representative of an 8556  
operator of a coal mine. One of the appointees to the commission 8557  
shall be a person who, by reason of the person's previous 8558  
vocation, employment, or affiliations, can be classed as a 8559  
representative of the public. One of the appointees to the 8560  
commission shall be a person who, by reason of previous training 8561  
and experience, can be classed as one learned and experienced in 8562  
modern forestry practices. One of the appointees to the commission 8563  
shall be a person who, by reason of previous training and 8564  
experience, can be classed as one learned and experienced in 8565  
agronomy. One of the appointees to the commission shall be either 8566  
a person who, by reason of previous training and experience, can 8567  
be classed as one capable and experienced in earth-grading 8568  
problems, or a civil engineer. Beginning not later than five years 8569

after the effective date of this amendment, at least one of the 8570  
seven appointees to the commission shall be an attorney at law who 8571  
is admitted to practice in this state and is familiar with mining 8572  
issues. Not more than four members shall be members of the same 8573  
political party. 8574

The two additional members of the commission who are 8575  
appointed specifically to hear appeals that involve mine safety 8576  
issues shall be individuals who, because of previous vocation, 8577  
employment, or affiliation, can be classified as representatives 8578  
of employees currently engaged in mining operations. One shall be 8579  
a representative of coal miners, and one shall be a representative 8580  
of aggregates miners. Prior to making the appointment, the 8581  
governor shall request the highest ranking officer in the major 8582  
employee organization representing coal miners in this state to 8583  
submit to the governor the names and qualifications of three 8584  
nominees and shall request the highest ranking officer in the 8585  
major employee organization representing aggregates miners in this 8586  
state to do the same. The governor shall appoint one person 8587  
nominated by each organization to the commission. The nominees 8588  
shall have not less than five years of practical experience in 8589  
dealing with mine health and safety issues and at the time of the 8590  
nomination shall be employed in positions that involve the 8591  
protection of the health and safety of miners. The major employee 8592  
organization representing coal miners and the major employee 8593  
organization representing aggregates miners shall represent a 8594  
membership consisting of the largest number of coal miners and 8595  
aggregates miners, respectively, in this state compared to other 8596  
employee organizations in the year prior to the year in which the 8597  
appointments are made. 8598

When the commission hears an appeal that involves a coal 8599  
mining safety issue, one of the commission members who owns and 8600  
operates a farm or is a retired farmer shall be replaced by the 8601

additional member who is a representative of coal miners. When the 8602  
commission hears an appeal that involves an aggregates mining 8603  
safety issue, one of the commission members who owns and operates 8604  
a farm or is a retired farmer shall be replaced by the additional 8605  
member who is a representative of aggregates miners. Neither of 8606  
the additional members who are appointed specifically to hear 8607  
appeals that involve mine safety issues shall be considered to be 8608  
members of the commission for any other purpose, and they shall 8609  
not participate in any other matters that come before the 8610  
commission. 8611

The commission may appoint a secretary to hold office at its 8612  
pleasure. A commission member may serve as secretary. The 8613  
secretary shall perform such duties as the commission prescribes, 8614  
and shall receive such compensation as the commission fixes in 8615  
accordance with such schedules as are provided by law for the 8616  
compensation of state employees. 8617

The commission shall appoint one or more hearing officers who 8618  
shall be attorneys at law admitted to practice in this state to 8619  
conduct hearings under this chapter. 8620

Four members constitute a quorum, and no action of the 8621  
commission shall be valid unless it has the concurrence of at 8622  
least four members. The commission shall keep a record of its 8623  
proceedings. 8624

Each member shall be paid as compensation for work as a 8625  
member one hundred fifty dollars per day when actually engaged in 8626  
the performance of work as a member and when engaged in travel 8627  
necessary in connection with such work. In addition to such 8628  
compensation each member shall be reimbursed for all traveling, 8629  
hotel, and other expenses, in accordance with the current travel 8630  
rules of the office of budget and management, necessarily incurred 8631  
in the performance of the member's work as a member. 8632

Annually one member shall be elected as chairperson and 8633  
another member shall be elected as vice-chairperson for terms of 8634  
one year. 8635

The governor may remove any member of the commission from 8636  
office for inefficiency, neglect of duty, malfeasance, 8637  
misfeasance, or nonfeasance, after delivering to the member the 8638  
charges against the member in writing with at least ten days' 8639  
written notice of the time and place at which the governor will 8640  
publicly hear the member, either in person or by counsel, in 8641  
defense of the charges against the member. If the member is 8642  
removed from office, the governor shall file in the office of the 8643  
secretary of state a complete statement of the charges made 8644  
against the member and a complete report of the proceedings. The 8645  
action of the governor removing a member from office is final. 8646

The commission shall adopt rules governing procedure of 8647  
appeals under section 1513.13 of the Revised Code and may, for its 8648  
own internal management, adopt rules that do not affect private 8649  
rights. 8650

**Sec. 1519.05.** (A) As used in this section, "local political 8651  
subdivision" and "nonprofit organization" have the same meanings 8652  
as in section 164.20 of the Revised Code. 8653

(B) There is hereby created in the state treasury the clean 8654  
Ohio trail fund. Twelve and one-half per cent of the net proceeds 8655  
of obligations issued and sold pursuant to sections 151.01 and 8656  
151.09 of the Revised Code shall be deposited into the fund. 8657

Investment earnings of the fund shall be credited to the 8658  
fund. ~~For two years after the effective date of this section,~~ 8659  
~~investment earnings credited to the fund~~ and may be used to pay 8660  
costs incurred by the director of natural resources in 8661  
administering this section. 8662

Money in the clean Ohio trail fund shall not be used for the 8663  
appropriation of land, rights, rights-of-way, franchises, 8664  
easements, or other property through the exercise of the right of 8665  
eminent domain. 8666

The director shall use moneys in the fund exclusively to 8667  
provide matching grants to nonprofit organizations and to local 8668  
political subdivisions for the purposes of purchasing land or 8669  
interests in land for recreational trails and for the construction 8670  
of such trails. A matching grant may provide up to seventy-five 8671  
per cent of the cost of a recreational trail project, and the 8672  
recipient of the matching grant shall provide not less than 8673  
twenty-five per cent of that cost. 8674

(C) The director shall establish policies for the purposes of 8675  
this section. The policies shall establish all of the following: 8676

(1) Procedures for providing matching grants to nonprofit 8677  
organizations and local political subdivisions for the purposes of 8678  
purchasing land or interests in land for recreational trails and 8679  
for the construction of such trails, including, without 8680  
limitation, procedures for both of the following: 8681

(a) Developing a grant application form and soliciting, 8682  
accepting, and approving grant applications; 8683

(b) Participation by nonprofit organizations and local 8684  
political subdivisions in the application process. 8685

(2) A requirement that an application for a matching grant 8686  
for a recreational trail project include a copy of a resolution 8687  
supporting the project from each county in which the proposed 8688  
project is to be conducted and whichever of the following is 8689  
applicable: 8690

(a) If the proposed project is to be conducted wholly within 8691  
the geographical boundaries of one township, a copy of a 8692

resolution supporting the project from the township; 8693

(b) If the proposed project is to be conducted wholly within 8694  
the geographical boundaries of one municipal corporation, a copy 8695  
of a resolution supporting the project from the municipal 8696  
corporation; 8697

(c) If the proposed project is to be conducted in more than 8698  
one, but fewer than five townships or municipal corporations, a 8699  
copy of a resolution supporting the project from at least one-half 8700  
of the total number of townships and municipal corporations in 8701  
which the proposed project is to be conducted; 8702

(d) If the proposed project is to be conducted in five or 8703  
more municipal corporations, a copy of a resolution supporting the 8704  
project from at least three-fifths of the total number of 8705  
townships and municipal corporations in which the proposed project 8706  
is to be conducted. 8707

(3) Eligibility criteria that must be satisfied by an 8708  
applicant in order to receive a matching grant and that emphasize 8709  
the following: 8710

(a) Synchronization with the statewide trail plan; 8711

(b) Complete regional systems and links to the statewide 8712  
trail system; 8713

(c) A combination of funds from various state agencies; 8714

(d) The provision of links in urban areas that support 8715  
commuter access and show economic impact on local communities; 8716

(e) The linkage of population centers with public outdoor 8717  
recreation areas and facilities; 8718

(f) The purchase of rail lines that are linked to the 8719  
statewide trail plan; 8720

(g) The preservation of natural corridors. 8721

(4) Items of value, such as in-kind contributions of land, 8722  
easements or other interests in land, labor, or materials, that 8723  
may be considered as contributing toward the percentage of the 8724  
cost of a recreational trails project that must be provided by a 8725  
matching grant recipient. 8726

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 8727  
of storing, conserving, or retarding water, or for any other 8728  
purpose, nor shall any dike or levee be constructed for the 8729  
purpose of diverting or retaining flood water, unless the person 8730  
or governmental agency desiring the construction has a 8731  
construction permit for the dam, dike, or levee issued by the 8732  
chief of the division of water. 8733

A construction permit is not required under this section for: 8734

(1) A dam ~~which~~ that is or will be less than ten feet in 8735  
height and ~~which~~ that has or will have a storage capacity of not 8736  
more than fifty acre-feet at the elevation of the top of the dam, 8737  
as determined by the chief. For the purposes of this section, the 8738  
height of a dam shall be measured from the natural stream bed or 8739  
lowest ground elevation at the downstream or outside limit of the 8740  
dam to the elevation of the top of the dam. 8741

(2) A dam, regardless of height, ~~which~~ that has or will have 8742  
a storage capacity of not more than fifteen acre-feet at the 8743  
elevation of the top of the dam, as determined by the chief; 8744

(3) A dam, regardless of storage capacity, ~~which~~ that is or 8745  
will be six feet or less in height, as determined by the chief; 8746

(4) A dam, dike, or levee ~~which~~ that belongs to a class 8747  
exempted by the chief; 8748

(5) The repair, maintenance, improvement, alteration, or 8749  
removal of a dam, dike, or levee ~~which~~ that is subject to section 8750  
1521.062 of the Revised Code, unless the construction constitutes 8751

an enlargement of the structure as determined by the chief; 8752

(6) A dam or impoundment constructed under Chapter 1513. of 8753  
the Revised Code. 8754

(B) Before a construction permit may be issued, three copies 8755  
of the plans and specifications, including a detailed cost 8756  
estimate, for the proposed construction, prepared by a registered 8757  
professional engineer, together with the filing fee specified by 8758  
this section and the bond or other security required by section 8759  
1521.061 of the Revised Code, shall be filed with the chief. The 8760  
detailed estimate of the cost shall include all costs associated 8761  
with the construction of the dam, dike, or levee, including 8762  
supervision and inspection of the construction by a registered 8763  
professional engineer. ~~Except for a political subdivision, the~~ The 8764  
filing fee shall be based on the detailed cost estimate for the 8765  
proposed construction as filed with and approved by the chief, and 8766  
shall be determined by the following schedule unless otherwise 8767  
provided by rules adopted under this section: 8768

(1) For the first one hundred thousand dollars of estimated 8769  
cost, a fee of ~~two~~ four per cent; 8770

(2) For the next four hundred thousand dollars of estimated 8771  
cost, a fee of ~~one and one-half~~ three per cent; 8772

(3) For the next five hundred thousand dollars of estimated 8773  
cost, a fee of ~~one~~ two per cent; 8774

(4) For all costs in excess of one million dollars, a fee of 8775  
~~one-quarter~~ one-half of one per cent. 8776

In no case shall the filing fee be less than ~~two hundred~~ one 8777  
thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 8778  
If the actual cost exceeds the estimated cost by more than fifteen 8779  
per cent, an additional filing fee shall be required equal to the 8780  
fee determined by the preceding schedule less the original filing 8781  
fee. ~~The filing fee for a political subdivision shall be two~~ 8782

~~hundred dollars.~~ All fees collected pursuant to this section, and 8783  
all fines collected pursuant to section 1521.99 of the Revised 8784  
Code, shall be deposited in the state treasury to the credit of 8785  
the dam safety fund, which is hereby created. Expenditures from 8786  
the fund shall be made by the chief for the purpose of 8787  
administering this section and sections 1521.061 and 1521.062 of 8788  
the Revised Code. 8789

(C) The chief shall, within thirty days from the date of the 8790  
receipt of the application, fee, and bond or other security, issue 8791  
or deny a construction permit for the construction or may issue a 8792  
construction permit conditioned upon the making of such changes in 8793  
the plans and specifications for the construction as ~~he~~ the chief 8794  
considers advisable if ~~he~~ the chief determines that the 8795  
construction of the proposed dam, dike, or levee, in accordance 8796  
with the plans and specifications filed, would endanger life, 8797  
health, or property. 8798

(D) The chief may deny a construction permit ~~if he finds~~ 8799  
after finding that a dam, dike, or levee built in accordance with 8800  
the plans and specifications would endanger life, health, or 8801  
property, because of improper or inadequate design, or for such 8802  
other reasons as the chief may determine. 8803

In the event the chief denies a permit for the construction 8804  
of the dam, dike, or levee, or issues a permit conditioned upon a 8805  
making of changes in the plans or specifications for the 8806  
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 8807  
and so notify, in writing, the person or governmental agency 8808  
making the application for a permit. If the permit is denied, the 8809  
chief shall return the bond or other security to the person or 8810  
governmental agency making application for the permit. 8811

The decision of the chief conditioning or denying a 8812  
construction permit is subject to appeal as provided in Chapter 8813  
119. of the Revised Code. A dam, dike, or levee built 8814

substantially at variance from the plans and specifications upon 8815  
which a construction permit was issued is in violation of this 8816  
section. The chief may at any time inspect any dam, dike, or 8817  
levee, or site upon which any dam, dike, or levee is to be 8818  
constructed, in order to determine whether it complies with this 8819  
section. 8820

(E) A registered professional engineer shall inspect the 8821  
construction for which the permit was issued during all phases of 8822  
construction and shall furnish to the chief such regular reports 8823  
of ~~his~~ the engineer's inspections as the chief may require. When 8824  
the chief finds that construction has been fully completed in 8825  
accordance with the terms of the permit and the plans and 8826  
specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 8827  
approve the construction. When one year has elapsed after approval 8828  
of the completed construction, and the chief finds that within 8829  
this period no fact has become apparent to indicate that the 8830  
construction was not performed in accordance with the terms of the 8831  
permit and the plans and specifications approved by the chief, or 8832  
that the construction as performed would endanger life, health, or 8833  
property, ~~he~~ the chief shall release the bond or other security. 8834  
No bond or other security shall be released until one year after 8835  
final approval by the chief, unless the dam, dike, or levee has 8836  
been modified so that it will not retain water and has been 8837  
approved as nonhazardous after determination by the chief that the 8838  
dam, dike, or levee as modified will not endanger life, health, or 8839  
property. 8840

(F) When inspections required by this section are not being 8841  
performed, the chief shall notify the person or governmental 8842  
agency to which the permit has been issued that inspections are 8843  
not being performed by the registered professional engineer and 8844  
that the chief will inspect the remainder of the construction. 8845  
Thereafter, the chief shall inspect the construction and the cost 8846

of inspection shall be charged against the owner. Failure of the 8847  
registered professional engineer to submit required inspection 8848  
reports shall be deemed notice that ~~his~~ the engineer's inspections 8849  
are not being performed. 8850

(G) The chief may order construction to cease on any dam, 8851  
dike, or levee ~~which~~ that is being built in violation of ~~the~~ 8852  
~~provisions of~~ this section, and may prohibit the retention of 8853  
water behind any dam, dike, or levee ~~which~~ that has been built in 8854  
violation of ~~the provisions of~~ this section. The attorney general, 8855  
upon written request of the chief, may bring an action for an 8856  
injunction against any person who violates this section or to 8857  
enforce an order or prohibition of the chief made pursuant to this 8858  
section. 8859

(H) The chief may adopt rules in accordance with Chapter 119. 8860  
of the Revised Code, for the design and construction of dams, 8861  
dikes, and levees for which a construction permit is required by 8862  
this section or for which periodic inspection is required by 8863  
section 1521.062 of the Revised Code, for establishing a filing 8864  
fee schedule in lieu of the schedule established under division 8865  
(B) of this section, for deposit and forfeiture of bonds and other 8866  
securities required by section 1521.061 of the Revised Code, for 8867  
the periodic inspection, operation, repair, improvement, 8868  
alteration, or removal of all dams, dikes, and levees, as 8869  
specified in section 1521.062 of the Revised Code, and for 8870  
establishing classes of dams, dikes, or levees ~~which~~ that are 8871  
exempt from the requirements of sections 1521.06 and 1521.062 of 8872  
the Revised Code as being of a size, purpose, or situation ~~which~~ 8873  
that does not present a substantial hazard to life, health, or 8874  
property. The chief may, by rule, limit the period during which a 8875  
construction permit issued under this section is valid. If a 8876  
construction permit expires before construction is completed, the 8877  
person or agency shall apply for a new permit, and shall not 8878

continue construction until the new permit is issued. 8879

~~(I) As used in this section and section 1521.063 of the 8880  
Revised Code, "political subdivision" includes townships, 8881  
municipal corporations, counties, school districts, municipal 8882  
universities, park districts, sanitary districts, and conservancy 8883  
districts and subdivisions thereof. 8884~~

**Sec. 1521.063.** (A) Except for a ~~political subdivision~~ the 8885  
federal government, the owner of any dam subject to section 8886  
1521.062 of the Revised Code shall pay an annual fee, based upon 8887  
the height of the dam, to the division of water on or before June 8888  
30, 1988, and on or before the thirtieth day of June of each 8889  
succeeding year. The annual fee shall be as follows until 8890  
otherwise provided by rules adopted under this section: 8891

(1) For any dam classified as a class I dam under rules 8892  
adopted by the chief of the division of water under section 8893  
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 8894  
per foot of height of dam; 8895

(2) For any dam classified as a class II dam under those 8896  
rules, thirty dollars plus one dollar per foot of height of dam; 8897

(3) For any dam classified as a class III dam under those 8898  
rules, thirty dollars. 8899

For purposes of this section, the height of a dam is the 8900  
vertical height, to the nearest foot, as determined by the 8901  
division under section 1521.062 of the Revised Code. All fees 8902  
collected under this section shall be deposited in the dam safety 8903  
fund created in section 1521.06 of the Revised Code. Any owner who 8904  
fails to pay any annual fee required by this section within sixty 8905  
days after the due date shall be assessed a penalty of ten per 8906  
cent of the annual fee plus interest at the rate of one-half per 8907  
cent per month from the due date until the date of payment. 8908

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

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

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

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

**Sec. 1531.26.** There is hereby created in the state treasury the nongame and endangered wildlife fund, which shall consist of moneys paid into it by the tax commissioner under section 5747.113 of the Revised Code, moneys deposited in the fund from the issuance of wildlife conservation license plates under section 4503.57 of the Revised Code, moneys deposited in the fund from the issuance of bald eagle license plates under section 4503.572 of the Revised Code, moneys credited to the fund under section 1533.151 of the Revised Code, and ~~of~~ contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code. Moneys in the fund shall be disbursed pursuant to vouchers approved by the director of natural resources for use by the division of wildlife solely for the purchase, management, preservation, propagation,

protection, and stocking of wild animals that are not commonly 8940  
taken for sport or commercial purposes, including the acquisition 8941  
of title and easements to lands, biological investigations, law 8942  
enforcement, production of educational materials, sociological 8943  
surveys, habitat development, and personnel and equipment costs; 8944  
and for carrying out section 1531.25 of the Revised Code. Moneys 8945  
in the fund also may be used to promote and develop nonconsumptive 8946  
wildlife recreational opportunities involving wild animals. Moneys 8947  
in the fund from the issuance of bald eagle license plates under 8948  
section 4503.572 of the Revised Code shall be expended by the 8949  
division only to pay the costs of acquiring, developing, and 8950  
restoring habitat for bald eagles within this state. Moneys in the 8951  
fund from any other source also may be used to pay the costs of 8952  
acquiring, developing, and restoring habitat for bald eagles 8953  
within this state. 8954

All investment earnings of the fund shall be credited to the 8955  
fund. Subject to the approval of the director, the chief of the 8956  
division of wildlife may enter into agreements that the chief 8957  
considers appropriate to obtain additional moneys for the 8958  
protection of nongame native wildlife under the "Endangered 8959  
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 8960  
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 8961  
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 8962  
from the fund are not intended to replace other moneys 8963  
appropriated for these purposes. 8964

**Sec. 1533.08.** Except as otherwise provided by division rule, 8965  
any person desiring to collect wild animals that are protected by 8966  
law or their nests or eggs for scientific study, school 8967  
instruction, other educational uses, or rehabilitation shall make 8968  
application to the chief of the division of wildlife for a wild 8969  
animal collecting permit on a form furnished by the chief. Each 8970  
applicant for a wild animal collecting permit, other than an 8971

applicant desiring to rehabilitate wild animals, shall pay an 8972  
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 8973  
shall be charged to an applicant desiring to rehabilitate wild 8974  
animals. When it appears that the application is made in good 8975  
faith, the chief shall issue to the applicant a permit to take, 8976  
possess, and transport at any time and in any manner specimens of 8977  
wild animals protected by law or their nests and eggs for 8978  
scientific study, school instruction, other educational uses, or 8979  
rehabilitation and under any additional rules recommended by the 8980  
wildlife council. Upon the receipt of a permit, the holder may 8981  
take, possess, and transport those wild animals in accordance with 8982  
the permit. 8983

Each holder of a permit engaged in collecting such wild 8984  
animals shall carry the permit at all times and shall exhibit it 8985  
upon demand to any wildlife officer, constable, sheriff, deputy 8986  
sheriff, or police officer, to the owner or person in lawful 8987  
control of the land upon which the permit holder is collecting, or 8988  
to any other person. Failure to so carry or exhibit the permit 8989  
constitutes an offense under this section. 8990

Each permit holder shall keep a daily record of all specimens 8991  
collected under the permit and the disposition of the specimens 8992  
and shall exhibit the daily record to any official of the division 8993  
upon demand. 8994

Each permit shall remain in effect for one year from the date 8995  
of issuance unless it is revoked sooner by the chief. 8996

All moneys received as fees for the issuance of a wild animal 8997  
collecting permit shall be transmitted to the director of natural 8998  
resources to be paid into the state treasury to the credit of the 8999  
fund created by section 1533.15 of the Revised Code. 9000

**Sec. 1533.10.** Except as provided in this section or division 9001  
(A) of section 1533.12 of the Revised Code, no person shall hunt 9002

any wild bird or wild quadruped without a hunting license. Each 9003  
day that any person hunts within the state without procuring such 9004  
a license constitutes a separate offense. ~~Every~~ Except as 9005  
otherwise provided in this section, every applicant for a hunting 9006  
license who is a resident of the state and sixteen years of age or 9007  
more shall procure a resident hunting license, the fee for which 9008  
shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under 9009  
division (B) of section 1533.12 of the Revised Code provide for 9010  
issuance of a resident hunting license to the applicant free of 9011  
charge. Except as provided in rules adopted under division (B)(2) 9012  
of that section, each applicant who is a resident of this state 9013  
and who at the time of application is sixty-six years of age or 9014  
older shall procure a special senior hunting license, the fee for 9015  
which shall be one-half of the regular hunting license fee. Every 9016  
applicant who is a resident of the state and under the age of 9017  
sixteen years shall procure a special youth hunting license, the 9018  
fee for which shall be one-half of the regular hunting license 9019  
fee. The owner of lands in the state and the owner's children of 9020  
any age and grandchildren under eighteen years of age may hunt on 9021  
the lands without a hunting license. The tenant ~~or manager~~ and 9022  
children of the tenant ~~or manager~~, residing on lands in the state, 9023  
may hunt on them without a hunting license. Every applicant for a 9024  
hunting license who is a nonresident of the state shall procure a 9025  
nonresident hunting license, the fee for which shall be ~~ninety one~~ 9026  
hundred twenty-four dollars, unless the applicant is a resident of 9027  
a state that is a party to an agreement under section 1533.91 of 9028  
the Revised Code, in which case the fee shall be ~~fourteen~~ eighteen 9029  
dollars. 9030

The chief of the division of wildlife may issue a ~~tourist's~~ 9031  
small game hunting license expiring three days from the effective 9032  
date of the license to a nonresident of the state, the fee for 9033  
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 9034  
take or possess deer, wild turkeys, fur-bearing animals, ducks, 9035

geese, brant, or any nongame animal while possessing only a 9036  
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 9037  
hunting license does not authorize the taking or possessing of 9038  
ducks, geese, or brant without having obtained, in addition to the 9039  
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 9040  
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 9041  
small game hunting license does not authorize the taking or 9042  
possessing of deer, wild turkeys, or fur-bearing animals. A 9043  
nonresident of the state who wishes to take or possess deer, wild 9044  
turkeys, or fur-bearing animals in this state shall procure, 9045  
respectively, a special deer or wild turkey permit as provided in 9046  
section 1533.11 of the Revised Code or a fur taker permit as 9047  
provided in section 1533.111 of the Revised Code in addition to a 9048  
nonresident hunting license as provided in this section. 9049

No person shall procure or attempt to procure a hunting 9050  
license by fraud, deceit, misrepresentation, or any false 9051  
statement. 9052

This section does not authorize the taking and possessing of 9053  
deer or wild turkeys without first having obtained, in addition to 9054  
the hunting license required by this section, a special deer or 9055  
wild turkey permit as provided in section 1533.11 of the Revised 9056  
Code or the taking and possessing of ducks, geese, or brant 9057  
without first having obtained, in addition to the hunting license 9058  
required by this section, a wetlands habitat stamp as provided in 9059  
section 1533.112 of the Revised Code. 9060

This section does not authorize the hunting or trapping of 9061  
fur-bearing animals without first having obtained, in addition to 9062  
a hunting license required by this section, a fur taker permit as 9063  
provided in section 1533.111 of the Revised Code. 9064

No hunting license shall be issued unless it is accompanied 9065  
by a written explanation of the law in section 1533.17 of the 9066  
Revised Code and the penalty for its violation, including a 9067

description of terms of imprisonment and fines that may be 9068  
imposed. 9069

No hunting license shall be issued unless the applicant 9070  
presents to the agent authorized to issue the license a previously 9071  
held hunting license or evidence of having held such a license in 9072  
content and manner approved by the chief, a certificate of 9073  
completion issued upon completion of a hunter education and 9074  
conservation course approved by the chief, or evidence of 9075  
equivalent training in content and manner approved by the chief. 9076

No person shall issue a hunting license to any person who 9077  
fails to present the evidence required by this section. No person 9078  
shall purchase or obtain a hunting license without presenting to 9079  
the issuing agent the evidence required by this section. Issuance 9080  
of a hunting license in violation of the requirements of this 9081  
section is an offense by both the purchaser of the illegally 9082  
obtained hunting license and the clerk or agent who issued the 9083  
hunting license. Any hunting license issued in violation of this 9084  
section is void. 9085

The chief, with approval of the wildlife council, shall adopt 9086  
rules prescribing a hunter education and conservation course for 9087  
first-time hunting license buyers and for volunteer instructors. 9088  
The course shall consist of subjects including, but not limited 9089  
to, hunter safety and health, use of hunting implements, hunting 9090  
tradition and ethics, the hunter and conservation, the law in 9091  
section 1533.17 of the Revised Code along with the penalty for its 9092  
violation, including a description of terms of imprisonment and 9093  
fines that may be imposed, and other law relating to hunting. 9094  
Authorized personnel of the division or volunteer instructors 9095  
approved by the chief shall conduct such courses with such 9096  
frequency and at such locations throughout the state as to 9097  
reasonably meet the needs of license applicants. The chief shall 9098  
issue a certificate of completion to each person who successfully 9099

completes the course and passes an examination prescribed by the 9100  
chief. 9101

**Sec. 1533.101.** Any person who has been issued a hunting or 9102  
fishing license, a wetlands habitat stamp, a deer or wild turkey 9103  
permit, or a fur taker permit for the current license, stamp, or 9104  
permit year or for the license, stamp, or permit year next 9105  
preceding the current such year pursuant to this chapter, and if 9106  
the license, stamp, or permit has been lost, destroyed, or stolen, 9107  
may be issued a reissued hunting or fishing license, wetlands 9108  
habitat stamp, deer or wild turkey permit, or fur taker permit. 9109  
The person shall file with the clerk of the court of common pleas 9110  
an application in affidavit form or, if the chief of the division 9111  
of wildlife authorizes it, apply for a reissued license, stamp, or 9112  
permit to an authorized agent designated by the chief, and pay a 9113  
fee for each license, stamp, or permit of ~~two~~ four dollars plus 9114  
one dollar to the clerk or agent, who shall issue a reissued 9115  
license, stamp, or permit that shall allow the applicant to hunt, 9116  
fish, or trap, as the case may be. The clerk or agent shall 9117  
administer the oath to the applicant and shall send a copy of the 9118  
reissued license, stamp, or permit to the division of wildlife. 9119

All moneys received as fees for the issuance of reissued 9120  
licenses, stamps, or permits shall be transmitted to the director 9121  
of natural resources to be paid into the state treasury to the 9122  
credit of the funds to which the fees for the original licenses, 9123  
stamps, and permits were credited. 9124

No person shall knowingly or willfully secure, attempt to 9125  
secure, or use a reissued hunting or fishing license, wetlands 9126  
habitat stamp, deer or wild turkey permit, or fur taker permit to 9127  
which the person is not entitled. No person shall knowingly or 9128  
willfully issue a reissued hunting or fishing license, wetlands 9129  
habitat stamp, deer or wild turkey permit, or fur taker permit 9130

under this section to any person who is not entitled to receive 9131  
and use such a reissued license, stamp, or permit. 9132

**Sec. 1533.11.** (A) Except as provided in this section, no 9133  
person shall hunt deer on lands of another without first obtaining 9134  
an annual special deer permit. Except as provided in this section, 9135  
no person shall hunt wild turkeys on lands of another without 9136  
first obtaining an annual special wild turkey permit. Each 9137  
applicant for a special deer or wild turkey permit shall pay an 9138  
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 9139  
together with the one-dollar ~~as a~~ fee to the clerk or other 9140  
issuing agent established in section 1533.13 of the Revised Code, 9141  
for the permit unless the rules adopted under division (B) of 9142  
section 1533.12 of the Revised Code provide for issuance of a deer 9143  
or wild turkey permit to the applicant free of charge. Except as 9144  
provided in division (A) of section 1533.12 of the Revised Code, a 9145  
deer or wild turkey permit shall run concurrently with the hunting 9146  
license. The money received, other than the ~~one-dollar~~ issuing 9147  
agent's fee ~~provided for above~~, shall be paid into the state 9148  
treasury to the credit of the wildlife fund, created in section 9149  
1531.17 of the Revised Code, exclusively for the use of the 9150  
division of wildlife in the acquisition and development of land 9151  
for deer or wild turkey management, for investigating deer or wild 9152  
turkey problems, and for the stocking, management, and protection 9153  
of deer or wild turkey. Every person, while hunting deer or wild 9154  
turkey on lands of another, shall carry the person's special deer 9155  
or wild turkey permit and exhibit it to any enforcement officer so 9156  
requesting. Failure to so carry and exhibit such a permit 9157  
constitutes an offense under this section. The chief of the 9158  
division of wildlife shall adopt any additional rules the chief 9159  
considers necessary to carry out this section and section 1533.10 9160  
of the Revised Code. 9161

The owner and the children of the owner of lands in this 9162

state may hunt deer or wild turkey thereon without a special deer 9163  
or wild turkey permit. The tenant ~~or manager~~ and children of the 9164  
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 9165  
reside without a special deer or wild turkey permit. 9166

(B) A special deer or wild turkey permit is not transferable. 9167  
No person shall carry a special deer or wild turkey permit issued 9168  
in the name of another person. 9169

(C) The wildlife refunds fund is hereby created in the state 9170  
treasury. The fund shall consist of money received from 9171  
application fees for special deer permits that are not issued. 9172  
Money in the fund shall be used to make refunds of such 9173  
application fees. 9174

**Sec. 1533.111.** Except as provided in this section or division 9175  
(A) of section 1533.12 of the Revised Code, no person shall hunt 9176  
or trap fur-bearing animals on land of another without first 9177  
obtaining an annual fur taker permit. Each applicant for a fur 9178  
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 9179  
together with one dollar as a fee to the clerk or other issuing 9180  
agent, for the permit, except as otherwise provided in this 9181  
section or unless the rules adopted under division (B) of section 9182  
1533.12 of the Revised Code provide for issuance of a fur taker 9183  
permit to the applicant free of charge. Except as provided in 9184  
rules adopted under division (B)(2) of that section, each 9185  
applicant who is a resident of this state and who at the time of 9186  
application is sixty-six years of age or older shall procure a 9187  
special senior fur taker permit, the fee for which shall be 9188  
one-half of the regular fur taker permit fee and which shall be 9189  
paid together with the one-dollar fee to the clerk or other 9190  
issuing agent established in section 1533.13 of the Revised Code. 9191  
Each applicant who is a resident of the state and under the age of 9192  
sixteen years shall procure a special youth fur taker permit, the 9193

fee for which shall be one-half of the regular fur taker permit 9194  
fee and which shall be paid together with the one-dollar ~~as a~~ fee 9195  
to the clerk or other issuing agent established in section 1533.13 9196  
of the Revised Code. The fur taker permit shall run concurrently 9197  
with the hunting license. The money received, other than the ~~one-~~ 9198  
~~dollar~~ issuing agent's fee ~~provided for in this section~~, shall be 9199  
paid into the state treasury to the credit of the fund established 9200  
in section 1533.15 of the Revised Code. 9201

No fur taker permit shall be issued unless it is accompanied 9202  
by a written explanation of the law in section 1533.17 of the 9203  
Revised Code and the penalty for its violation, including a 9204  
description of terms of imprisonment and fines that may be 9205  
imposed. 9206

No fur taker permit shall be issued unless the applicant 9207  
presents to the agent authorized to issue a fur taker permit a 9208  
previously held hunting license or trapping or fur taker permit or 9209  
evidence of having held such a license or permit in content and 9210  
manner approved by the chief of the division of wildlife, a 9211  
certificate of completion issued upon completion of a trapper 9212  
education course approved by the chief, or evidence of equivalent 9213  
training in content and manner approved by the chief. 9214

No person shall issue a fur taker permit to any person who 9215  
fails to present the evidence required by this section. No person 9216  
shall purchase or obtain a fur taker permit without presenting to 9217  
the issuing agent the evidence required by this section. Issuance 9218  
of a fur taker permit in violation of the requirements of this 9219  
section is an offense by both the purchaser of the illegally 9220  
obtained permit and the clerk or agent who issued the permit. Any 9221  
fur taker permit issued in violation of this section is void. 9222

The chief, with approval of the wildlife council, shall adopt 9223  
rules prescribing a trapper education course for first-time fur 9224  
taker permit buyers and for volunteer instructors. The course 9225

shall consist of subjects that include, but are not limited to, 9226  
trapping techniques, animal habits and identification, trapping 9227  
tradition and ethics, the trapper and conservation, the law in 9228  
section 1533.17 of the Revised Code along with the penalty for its 9229  
violation, including a description of terms of imprisonment and 9230  
fines that may be imposed, and other law relating to trapping. 9231  
Authorized personnel of the division of wildlife or volunteer 9232  
instructors approved by the chief shall conduct the courses with 9233  
such frequency and at such locations throughout the state as to 9234  
reasonably meet the needs of permit applicants. The chief shall 9235  
issue a certificate of completion to each person who successfully 9236  
completes the course and passes an examination prescribed by the 9237  
chief. 9238

Every person, while hunting or trapping fur-bearing animals 9239  
on lands of another, shall carry the person's fur taker permit 9240  
affixed to the person's hunting license with the person's 9241  
signature written across the face of the permit. Failure to carry 9242  
such a signed permit constitutes an offense under this section. 9243  
The chief shall adopt any additional rules the chief considers 9244  
necessary to carry out this section. 9245

The owner and the children of the owner of lands in this 9246  
state may hunt or trap fur-bearing animals thereon without a fur 9247  
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 9248  
~~manager~~ may hunt or trap fur-bearing animals on lands where they 9249  
reside without a fur taker permit. 9250

A fur taker permit is not transferable. No person shall carry 9251  
a fur taker permit issued in the name of another person. 9252

A fur taker permit entitles a nonresident to take from this 9253  
state fur-bearing animals taken and possessed by the nonresident 9254  
as provided by law or division rule. 9255

**Sec. 1533.112.** Except as provided in this section or unless 9256

otherwise provided by division rule, no person shall hunt ducks, 9257  
geese, or brant on the lands of another without first obtaining an 9258  
annual wetlands habitat stamp. The annual fee for the wetlands 9259  
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 9260  
together with the one-dollar ~~as a~~ fee to the clerk or other 9261  
issuing agent established in section 1533.13 of the Revised Code, 9262  
unless the rules adopted under division (B) of section 1533.12 9263  
provide for issuance of a wetlands habitat stamp to the applicant 9264  
free of charge. 9265

Moneys received from the stamp fee, other than the ~~one-~~ 9266  
~~dollar clerk's~~ issuing agent's fee, shall be paid into the state 9267  
treasury to the credit of the wetlands habitat fund, which is 9268  
hereby established. Moneys shall be paid from the fund on the 9269  
order of the director of natural resources for the following 9270  
purposes: 9271

(A) Sixty per cent for projects that the division approves 9272  
for the acquisition, development, management, or preservation of 9273  
waterfowl areas within the state; 9274

(B) Forty per cent for contribution by the division to an 9275  
appropriate nonprofit organization for the acquisition, 9276  
development, management, or preservation of lands and waters 9277  
within the United States or Canada that provide or will provide 9278  
habitat for waterfowl with migration routes that cross this state. 9279

No moneys derived from the issuance of wetlands habitat 9280  
stamps shall be spent for purposes other than those specified by 9281  
this section. All investment earnings of the fund shall be 9282  
credited to the fund. 9283

Wetlands habitat stamps shall be furnished by and in a form 9284  
prescribed by the chief of the division of wildlife and issued by 9285  
clerks and other agents authorized to issue licenses and permits 9286  
under section 1533.13 of the Revised Code. The record of stamps 9287

kept by the clerks and other agents shall be uniform throughout 9288  
the state, in such form or manner as the director prescribes, and 9289  
open at all reasonable hours to the inspection of any person. 9290  
Unless otherwise provided by rule, each stamp shall remain in 9291  
force until midnight of the thirty-first day of August next 9292  
ensuing. Wetlands habitat stamps may be issued in any manner to 9293  
any person on any date, whether or not that date is within the 9294  
period in which they are effective. 9295

Every person to whom this section applies, while hunting 9296  
ducks, geese, or brant, shall carry an unexpired wetlands habitat 9297  
stamp that is validated by the person's signature written on the 9298  
stamp in ink and shall exhibit the stamp to any enforcement 9299  
officer so requesting. No person shall fail to carry and exhibit 9300  
the person's stamp. 9301

A wetlands habitat stamp is not transferable. 9302

The chief shall establish a procedure to obtain subject 9303  
matter to be printed on the wetlands habitat stamp and shall use, 9304  
dispose of, or distribute the subject matter as the chief 9305  
considers necessary. The chief also shall adopt rules necessary to 9306  
administer this section. 9307

This section does not apply to persons under sixteen years of 9308  
age nor to persons exempted from procuring a hunting license under 9309  
section 1533.10 or division (A) of section 1533.12 of the Revised 9310  
Code. 9311

**Sec. 1533.12.** (A) Every person on active duty in the armed 9312  
forces of the United States, while on leave or furlough, may take 9313  
or catch fish of the kind lawfully permitted to be taken or caught 9314  
within the state, may hunt any wild bird or wild quadruped 9315  
lawfully permitted to be hunted within the state, and may trap 9316  
fur-bearing animals lawfully permitted to be trapped within the 9317  
state, without procuring a fishing license, a hunting license, a 9318

fur taker permit, or a wetlands habitat stamp required by this 9319  
chapter, provided that the person shall carry on ~~self~~ the person 9320  
when fishing, hunting, or trapping, a card or other evidence 9321  
identifying the person as being on active duty in the armed forces 9322  
of the United States, and provided that the person is not 9323  
otherwise violating any of the hunting, fishing, and trapping laws 9324  
of this state. 9325

In order to hunt deer or wild turkey, any such person shall 9326  
obtain a special deer or wild turkey permit, as applicable, under 9327  
section 1533.11 of the Revised Code. However, the person need not 9328  
obtain a hunting license in order to obtain such a permit. 9329

(B) The chief of the division of wildlife shall provide by 9330  
rule adopted under section 1531.10 of the Revised Code all of the 9331  
following: 9332

(1) Every resident of this state with a disability that has 9333  
been determined by the veterans administration to be permanently 9334  
and totally disabling, who receives a pension or compensation from 9335  
the veterans administration, and who received an honorable 9336  
discharge from the armed forces of the United States, and every 9337  
veteran to whom the registrar of motor vehicles has issued a set 9338  
of license plates under section 4503.41 of the Revised Code, shall 9339  
be issued an annual fishing license, hunting license, fur taker 9340  
permit, deer or wild turkey permit, or wetlands habitat stamp, or 9341  
any combination of those licenses, permits, and stamp, free of 9342  
charge when application is made to the chief in the manner 9343  
prescribed by and on forms provided by the chief. 9344

(2) Every resident of the state who ~~is sixty six years of age~~ 9345  
~~or older~~ was born on or before December 31, 1937, shall be issued 9346  
an annual fishing license, hunting license, fur taker permit, deer 9347  
or wild turkey permit, or wetlands habitat stamp, or any 9348  
combination of those licenses, permits, and stamp, free of charge 9349  
when application is made to the chief in the manner prescribed by 9350

and on forms provided by the chief. 9351

(3) Every resident of state or county institutions, 9352  
charitable institutions, and military homes in this state shall be 9353  
issued an annual fishing license free of charge when application 9354  
is made to the chief in the manner prescribed by and on forms 9355  
provided by the chief. 9356

(4) Any mobility impaired or blind person, as defined in 9357  
section 955.011 of the Revised Code, who is a resident of this 9358  
state and who is unable to engage in fishing without the 9359  
assistance of another person shall be issued an annual fishing 9360  
license free of charge when application is made to the chief in 9361  
the manner prescribed by and on forms provided by the chief. The 9362  
person who is assisting the mobility impaired or blind person may 9363  
assist in taking or catching fish of the kind permitted to be 9364  
taken or caught without procuring the license required under 9365  
section 1533.32 of the Revised Code, provided that only one line 9366  
is used by both persons. 9367

(5) As used in division (B)(5) of this section, "prisoner of 9368  
war" means any regularly appointed, enrolled, enlisted, or 9369  
inducted member of the military forces of the United States who 9370  
was captured, separated, and incarcerated by an enemy of the 9371  
United States. 9372

Any person who has been a prisoner of war, was honorably 9373  
discharged from the military forces, and is a resident of this 9374  
state shall be issued an annual fishing license, hunting license, 9375  
fur taker permit, or wetlands habitat stamp, or any combination of 9376  
those licenses, permits, and stamp, free of charge when 9377  
application is made to the chief in the manner prescribed by and 9378  
on forms provided by the chief. 9379

(C) The chief shall adopt rules pursuant to section 1531.08 9380  
of the Revised Code designating not more than two days, which need 9381

not be consecutive, in each year as "free sport fishing days" on 9382  
which any resident may exercise the privileges accorded the holder 9383  
of a fishing license issued under section 1533.32 of the Revised 9384  
Code without procuring such a license, provided that the person is 9385  
not otherwise violating any of the fishing laws of this state. 9386

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat 9387  
stamps, deer and wild turkey permits, and fur taker permits shall 9388  
be issued by the clerk of the court of common pleas, village and 9389  
township clerks, and other authorized agents designated by the 9390  
chief of the division of wildlife. When required by the chief, a 9391  
clerk or agent shall give bond in the manner provided by the 9392  
chief. All bonds, reports, except records prescribed by the 9393  
auditor of state, and moneys received by those persons shall be 9394  
handled under rules adopted by the director of natural resources. 9395

The premium of any bond prescribed by the chief under this 9396  
section may be paid by the chief. Any person who is designated and 9397  
authorized by the chief to issue licenses, stamps, and permits as 9398  
provided in this section, except the clerk of the court of common 9399  
pleas and the village and township clerks, shall pay to the chief 9400  
a premium in an amount that represents the person's portion of the 9401  
premium paid by the chief under this section, which amount shall 9402  
be established by the chief and approved by the wildlife council 9403  
created under section 1531.03 of the Revised Code. The chief shall 9404  
pay all moneys that the chief receives as premiums under this 9405  
section into the state treasury to the credit of the wildlife fund 9406  
created under section 1531.17 of the Revised Code. 9407

Every authorized agent, for the purpose of issuing hunting 9408  
and fishing licenses, deer and wild turkey permits, and fur taker 9409  
permits, may administer oaths to and take affidavits from 9410  
applicants for the licenses or permits when required. An 9411  
authorized agent may appoint deputies to perform any acts that the 9412

agent is authorized to perform, consistent with division rules. 9413

Every applicant for a hunting or fishing license, deer or 9414  
wild turkey permit, or fur taker permit, unless otherwise provided 9415  
by division rule, shall make and subscribe an affidavit setting 9416  
forth the applicant's name, age, weight, height, occupation, place 9417  
of residence, personal description, and citizenship. The clerk or 9418  
other agent authorized to issue licenses, stamps, and permits 9419  
shall charge each applicant a fee of one dollar for taking the 9420  
affidavit and issuing the license, stamp, or permit unless a 9421  
different fee for the issuance of a fishing license is established 9422  
in division rule as authorized by section 1533.32 of the Revised 9423  
Code. The application, license, permit, and other blanks required 9424  
by this section shall be prepared and furnished by the chief, in 9425  
such form as the chief provides, to the clerk or other agent 9426  
authorized to issue them. The licenses and permits shall be issued 9427  
to applicants by the clerk or other agent. The record of licenses 9428  
and permits kept by the clerk and other authorized agents shall be 9429  
uniform throughout the state and in such form or manner as the 9430  
auditor of state prescribes and shall be open at all reasonable 9431  
hours to the inspection of any person. Unless otherwise provided 9432  
by division rule, each hunting license, deer or wild turkey 9433  
permit, and fur taker permit issued shall remain in force until 9434  
midnight of the thirty-first day of August next ensuing. 9435  
Application for any such license or permit may be made and a 9436  
license or permit issued prior to the date upon which it becomes 9437  
effective. 9438

The chief may require an applicant who wishes to purchase a 9439  
license, stamp, or permit by mail or telephone to pay a nominal 9440  
fee for postage and handling. 9441

The court before whom a violator of any laws or division 9442  
rules for the protection of wild animals is tried, as a part of 9443  
the punishment, shall revoke the license, stamp, or permit of any 9444

person convicted. The license, stamp, or permit fee paid by that 9445  
person shall not be returned to the person. The person shall not 9446  
procure or use any other license, stamp, or permit or engage in 9447  
hunting wild animals or trapping fur-bearing animals during the 9448  
period of revocation as ordered by the court. 9449

No person under sixteen years of age shall engage in hunting 9450  
unless accompanied by the person's parent or another adult person. 9451

**Sec. 1533.151.** The chief of the division of wildlife, with 9452  
the approval of the director of natural resources, ~~is hereby~~ 9453  
~~authorized to~~ may print and issue stamps portraying wild animals 9454  
of the state. This stamp shall be identified as a wildlife 9455  
conservation stamp ~~and the~~. The fee for each stamp shall be ~~five~~ 9456  
~~dollars not more than the fee for a wetlands habitat stamp issued~~ 9457  
under section 1533.112 of the Revised Code together with the 9458  
one-dollar fee to the issuing agent established in section 1533.13 9459  
of the Revised Code unless otherwise provided by division rule. 9460

The purchase of wildlife conservation stamps shall provide no 9461  
privileges to the purchaser, but merely recognizes ~~such~~ the person 9462  
as voluntarily contributing to the management, protection, and the 9463  
perpetuation of the wildlife resources of the state. All moneys 9464  
received from the sale of wildlife conservation stamps shall be 9465  
paid into the state treasury to the credit of the nongame and 9466  
endangered wildlife fund to be used exclusively by the division of 9467  
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 9468  
the Revised Code ~~and for the management of all forms of wildlife~~ 9469  
~~for its ecological and non consumptive recreational value.~~ 9470

**Sec. 1533.19.** Except as otherwise provided by division rule, 9471  
recognized field trial clubs may shoot domestically raised quails, 9472  
chukar partridges, ducks, pheasants, or other game birds and 9473  
common pigeons at any time during the daylight hours from the 9474

first day of September to the thirtieth day of April of the 9475  
following year, both dates inclusive. Such domestically raised 9476  
quails, chukar partridges, ducks, pheasants, and other game birds 9477  
shall be banded prior to release and approved by the division of 9478  
wildlife for field trial use, provided that permission for the 9479  
holding of such a trial shall be obtained from the division. 9480  
Permission shall be requested in writing at least thirty days in 9481  
advance of the trial. The request shall contain the name of the 9482  
recognized field trial club and the names of its officers, the 9483  
date and location of the trial, and the name of the licensed 9484  
breeders from whom the quails, chukar partridges, ducks, 9485  
pheasants, or other game birds will be obtained. The division may 9486  
grant a written permit when it is satisfied that the trial is a 9487  
bona fide one conducted by a bona fide club under this section. 9488  
When an application is approved, a permit shall be issued after 9489  
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 9490  
upon which the trials are conducted. Participants in such trials 9491  
need not possess a hunter's license while participating in the 9492  
trials. The division shall supervise all such trials and shall 9493  
enforce all laws and division rules governing them. If unbanded 9494  
quails, chukar partridges, ducks, pheasants, or other game birds 9495  
are accidentally shot during such trials, they immediately shall 9496  
be replaced by the club by the releasing of an equal number of 9497  
live quails, chukar partridges, ducks, pheasants, or other game 9498  
birds under the supervision of the division. 9499

**Sec. 1533.23.** No person shall deal in or buy green or dried 9500  
furs, skins, or parts thereof, taken from fur-bearing animals of 9501  
the state, except domesticated rabbits, without a fur dealer's 9502  
permit. Every applicant for a fur dealer's permit shall make and 9503  
subscribe a statement setting forth ~~his~~ the applicant's name, 9504  
place of residence, and whom ~~he~~ the applicant represents. Every 9505  
applicant for a dealer's permit who is a nonresident of the state, 9506

or who is a resident of the state and is an agent or 9507  
representative of a nonresident person, firm, or corporation, 9508  
shall pay an annual fee of two hundred dollars to the chief of the 9509  
division of wildlife issuing such permit, and every applicant for 9510  
a dealer's permit who is a resident of the state shall pay an 9511  
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 9512  
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 9513  
dealer shall operate under such additional ~~regulations~~ rules as 9514  
are provided by the chief ~~of the division of wildlife~~. The chief 9515  
shall pay ~~such~~ the fees into the state treasury to the credit of 9516  
the fund created by section 1533.15 of the Revised Code for the 9517  
use of the division of wildlife in the purchase, preservation, 9518  
protection, and stocking of fur-bearing animals and for the 9519  
necessary clerical help and forms required by this section and 9520  
section 1533.24 of the Revised Code. 9521

All permits shall be procured from the chief and the 9522  
application, license, and other blanks required by this section 9523  
and section 1533.24 of the Revised Code shall be in such form as 9524  
the chief prescribes. Each such permit shall expire on the 9525  
thirtieth day of April next after its issuance. 9526

**Sec. 1533.301.** Any person may apply for a permit to transport 9527  
fish that are for sale, sold, or purchased. The chief of the 9528  
division of wildlife shall issue an annual permit granting the 9529  
applicant the privilege to transport such fish, upon filing of an 9530  
application on a form prescribed by the chief and payment of a fee 9531  
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 9532  
part thereof that is for sale, sold, or purchased, whether 9533  
acquired in or outside this state, unless the consignor has a 9534  
permit ~~issued to him~~ for the calendar year in which the fish is 9535  
transported, except that no such permit is required for any of the 9536  
following: 9537

(A) Fish transported from a point outside this state to 9538  
another point outside this state if the fish are not unloaded in 9539  
this state. A fish is not to be considered unloaded for purposes 9540  
of this section if it remains under the control of a common 9541  
carrier. 9542

(B) Fish being transported by a person holding a valid 9543  
license under section 1533.34 of the Revised Code from the place 9544  
of taking to ~~his~~ the person's usual place of processing or 9545  
temporary storage as designated by ~~him~~ the person in the 9546  
application for the license under that section; 9547

(C) Fish being transported from a premises designated in a 9548  
valid permit issued under section 1533.631 of the Revised Code to 9549  
a premises where fish are to be sold at retail, sold for immediate 9550  
consumption, or consumed if inspection of the designated premises 9551  
as required by that section has not been denied during the 9552  
preceding thirty days; 9553

(D) Any quantity of fish the total weight of which does not 9554  
exceed five hundred pounds in one vehicle; 9555

(E) Minnows for which a permit is required under section 9556  
1533.40 of the Revised Code. 9557

If a fish for which a permit is required under this section 9558  
is transported in this state from a consignor who does not have a 9559  
valid permit at the time of transportation, or if such a fish is 9560  
transported in this state from a consignor who has a valid permit 9561  
at the time of transportation, but the fish is part of the 9562  
contents of a box, package, or receptacle that was or could be the 9563  
basis for conviction of a violation of this chapter or a division 9564  
rule, the fish may be seized by any law enforcement officer 9565  
authorized by section 1531.13 of the Revised Code to enforce laws 9566  
and division rules, and the fish shall escheat to the state unless 9567  
a court of this state makes a specific finding that the consignor 9568

at the time of seizure had a valid permit under this section 9569  
~~1533.301 of the Revised Code~~ and that the fish are lawful under 9570  
the requirements of this chapter or a division rule relating 9571  
thereto. 9572

A fish for which a permit is required under this section may 9573  
be transported only if each box, package, or other receptacle 9574  
bears a label showing the total weight in pounds, the species of 9575  
the fish, the name of the consignor and consignee, the initial 9576  
point of billing, the destination, and a statement that each 9577  
species of fish by weight in the box, package, or other receptacle 9578  
that are undersized under ~~the provisions of~~ section 1533.63 of the 9579  
Revised Code or division rule is ten per cent or less or is in 9580  
excess of ten per cent, whichever the fact may be. If fish are not 9581  
boxed or packaged, each compartment of a tank or other receptacle 9582  
shall be considered a separate receptacle, but in lieu of a label 9583  
on the compartment or tank a written statement containing the same 9584  
information required to be contained on a label, and clearly 9585  
identifying the tank or receptacle concerned, may be carried in 9586  
the vehicle. Species may be designated in any manner, but the 9587  
label also shall bear either the common name indicated in section 9588  
1533.63 of the Revised Code or the scientific name contained in 9589  
section 1531.01 of the Revised Code. The consignor shall ascertain 9590  
that labels are attached or statements carried as required herein 9591  
and that the facts stated thereon are true. 9592

The permit required by this section may be suspended by the 9593  
chief for a period not to exceed five days upon conviction of the 9594  
permittee of a violation of this chapter or Chapter 1531. of the 9595  
Revised Code or a division rule if the permittee has been 9596  
convicted of another such violation during the preceding 9597  
twelve-month period. If the permittee has had two or more such 9598  
convictions during the twelve-month period preceding such a 9599  
conviction, ~~his~~ the permittee's permit may be suspended as 9600

provided herein for a period not to exceed twenty days. A permit 9601  
is invalid during the period of suspension, but in no case is a 9602  
permit invalid until fifteen days after mailing by certified mail 9603  
a notice of the rule of suspension by the chief. 9604

The chief may not suspend more than one permit of the same 9605  
permittee, or suspend a permit of the same permittee more than 9606  
once, for convictions resulting from violations that occur in a 9607  
load in one vehicle. 9608

A driver or other person in charge of a vehicle transporting 9609  
fish that are for sale, sold, or purchased, upon demand by any law 9610  
enforcement officer authorized by section 1531.13 of the Revised 9611  
Code to enforce laws and division rules, shall stop and open the 9612  
vehicle and allow inspection of the load, and any box, package, or 9613  
receptacle, and the contents thereof, for the purpose of 9614  
determining whether this chapter or a division rule is being 9615  
violated. 9616

The word "fish" in the English language, at least eight 9617  
inches high and maintained in a clear, conspicuous, and legible 9618  
condition at all times, shall appear on both sides of the vehicle 9619  
body of all vehicles transporting fresh water fish in this state 9620  
when the fish are for sale or sold, except those fish exempt from 9621  
a transportation permit in divisions (A), (B), and (E) of this 9622  
section. 9623

The chief may refuse to issue a permit to any person whose 9624  
purpose in applying for the permit is to allow it to be used by 9625  
another person to whom a permit has been refused or revoked. The 9626  
chief also may revoke a person's permit when it is used for that 9627  
purpose. 9628

No civil action may be brought in any court in the state for 9629  
the value or agreed price of fish that have escheated to the state 9630  
under this section. 9631

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

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

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

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

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

The fee for an annual license shall be ~~twenty-three~~ 9663  
thirty-nine dollars, unless otherwise provided by division rule, 9664  
for a resident of a state that is not a party to an agreement 9665  
under section 1533.91 of the Revised Code. The fee for an annual 9666  
license shall be ~~fourteen~~ eighteen dollars, unless otherwise 9667  
provided by division rule, for a resident of a state that is a 9668  
party to such an agreement. The fee for an annual license for 9669  
residents of this state shall be ~~fourteen~~ eighteen dollars unless 9670  
otherwise provided by division rule or unless the rules adopted 9671  
under division (B) of section 1533.12 of the Revised Code provide 9672  
for issuance of a resident fishing license to the applicant free 9673  
of charge. 9674

Any person under the age of sixteen years may take or catch 9675  
frogs and turtles and take or catch fish by angling without a 9676  
license. ~~Any~~ Except as provided in rules adopted under division 9677  
(B)(2) of section 1533.12 of the Revised Code, each applicant who 9678  
is a resident of this state and who at the time of application is 9679  
sixty-six years of age or older ~~may take or catch frogs and~~ 9680  
~~turtles without~~ shall procure a special senior fishing license, 9681  
the fee for which shall be one-half of the annual resident fishing 9682  
license fee. 9683

The chief of the division of wildlife may issue a tourist's 9684  
license expiring three days from the effective date of the license 9685  
to a resident of a state that is not a party to an agreement under 9686  
section 1533.91 of the Revised Code. The fee for a tourist's 9687  
license shall be ~~fourteen~~ eighteen dollars unless otherwise 9688  
provided by division rule. 9689

The chief shall adopt rules under section 1531.10 of the 9690  
Revised Code providing for the issuance of a one-day fishing 9691  
license to a resident of this state or of any other state. The fee 9692  
for such a license shall be ~~forty~~ fifty-five per cent of the 9693  
amount established under this section for a tourist's license, 9694

rounded up to the nearest whole dollar. A one-day fishing license 9695  
shall allow the holder to take or catch fish by angling in the 9696  
waters in the state, engage in fishing in those waters, or take or 9697  
catch frogs or turtles in those waters for one day without 9698  
obtaining an annual license or a tourist's license under this 9699  
section. At the request of a holder of a one-day fishing license 9700  
who wishes to obtain an annual license, a clerk or agent 9701  
authorized to issue licenses under section 1533.13 of the Revised 9702  
Code, not later than the last day on which the one-day license 9703  
would be valid if it were an annual license, shall credit the 9704  
amount of the fee paid for the one-day license toward the fee 9705  
charged for the annual license if so authorized by the chief. The 9706  
clerk or agent shall issue the annual license upon presentation of 9707  
the one-day license and payment of a fee in an amount equal to the 9708  
difference between the fee for the annual license and the fee for 9709  
the one-day license. 9710

A fee of one dollar for each license issued under this 9711  
section shall be paid to the issuing clerk or agent in accordance 9712  
with section 1533.13 of the Revised Code unless otherwise provided 9713  
by division rule. 9714

Unless otherwise provided by division rule, each annual 9715  
license shall begin on the first day of March of the current year 9716  
and expire on the last day of February of the following year. 9717

No person shall alter a fishing license or possess a fishing 9718  
license that has been altered. 9719

No person shall procure or attempt to procure a fishing 9720  
license by fraud, deceit, misrepresentation, or any false 9721  
statement. 9722

Owners of land over, through, upon, or along which any water 9723  
flows or stands, except where the land is in or borders on state 9724  
parks or state-owned lakes, together with the members of the 9725

immediate families of such owners, may take frogs and turtles and 9726  
may take or catch fish of the kind permitted to be taken or caught 9727  
therefrom without procuring a license provided for in this 9728  
section. This exemption extends to tenants actually residing upon 9729  
such lands and to the members of the immediate families of the 9730  
tenants. Residents of state or county institutions, charitable 9731  
institutions, and military homes in this state may take frogs and 9732  
turtles without procuring the required license, provided that a 9733  
member of the institution or home has an identification card, 9734  
which shall be carried on that person when fishing. 9735

Every fisher required to be licensed, while fishing or taking 9736  
or attempting to take frogs or turtles, shall carry the license 9737  
and exhibit it to any person. Failure to so carry and exhibit the 9738  
license constitutes an offense under this section. 9739

**Sec. 1533.35.** (A) Commercial fishing devices shall be 9740  
annually licensed as follows: 9741

(1) Trap and fyke nets, for the first twenty nets or any 9742  
portion thereof, eight hundred dollars; and for each additional 9743  
group of ten such nets or any portion thereof, four hundred 9744  
dollars; 9745

(2) For each seine of one hundred fifty rods or less in 9746  
length other than an inland fishing district seine, four hundred 9747  
dollars; 9748

(3) For each seine over one hundred fifty rods in length 9749  
other than an inland fishing district seine, six hundred dollars; 9750

(4) For each inland fishing district seine, one hundred 9751  
dollars; 9752

(5) For each carp apron, one hundred dollars; 9753

(6) For one trotline with seventy hooks or less attached 9754  
thereto, twenty dollars; 9755

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

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

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.

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.

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.

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

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

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

All royalty fees established or provided for in this section

shall be paid by the license holder to the division. No person may 9786  
be issued a commercial fishing license until all royalty fees due 9787  
from that person for the preceding fishing season have been paid 9788  
in full. The chief may request the attorney general to recover any 9789  
royalty fee or amount thereof that is not paid by the opening date 9790  
of the next fishing season, and the attorney general shall 9791  
commence appropriate legal proceedings to recover the unpaid fee 9792  
or amount. 9793

All commercial fishing license moneys and all other fees 9794  
collected from commercial ~~fishermen~~ fishers shall be deposited in 9795  
the state treasury in accordance with section 1533.33 of the 9796  
Revised Code. 9797

No person shall fail to comply with any provision of this 9798  
section or a division rule adopted pursuant to it. 9799

In addition to other penalties provided in the Revised Code, 9800  
the license of any person who is convicted of one or more 9801  
violations of this section shall be suspended upon the conviction 9802  
by operation of law for a period of eighteen fishing season months 9803  
immediately following the conviction. 9804

During any period of suspension, no person shall use or 9805  
engage in fishing with commercial gear owned, used, or controlled 9806  
at the time of conviction by the licensee whose license has been 9807  
suspended. 9808

**Sec. 1533.40.** Each person, firm, partnership, association, or 9809  
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 9810  
or hellgrammites or collects the listed species for sale shall 9811  
obtain, annually, from the chief of the division of wildlife a 9812  
permit and shall operate under such rules as the chief ~~of the~~ 9813  
~~division of wildlife prescribes~~ adopts. Such A permit shall be 9814  
issued upon application and the payment of a fee of ~~twenty-five~~ 9815  
forty dollars. This permit expires at midnight, on the 9816

thirty-first day of December ~~31~~. Nonresidents engaging in the 9817  
collecting, seining, or picking of minnows, crayfish, or 9818  
hellgrammites for bait shall have a nonresident fishing license as 9819  
prescribed in section 1533.32 of the Revised Code. 9820

**Sec. 1533.54.** No person shall draw, set, place, locate, 9821  
maintain, or possess a pound net, crib net, trammel net, fyke net, 9822  
set net, seine, bar net, or fish trap, or any part thereof, or 9823  
throw or hand line, with more than three hooks attached thereto, 9824  
or any other device for catching fish, except a line with not more 9825  
than three hooks attached thereto or lure with not more than three 9826  
sets of three hooks each, in the inland fishing district of this 9827  
state, except for taking carp, mullet, sheepshead, and grass pike 9828  
as provided in section 1533.62 of the Revised Code, and except as 9829  
provided in section 1533.60 of the Revised Code, or as otherwise 9830  
provided for by division rule. No person shall catch or kill a 9831  
fish in that fishing district with what are known as bob lines, 9832  
trotlines, or float lines, or by grabbing with the hands, or by 9833  
spearing or shooting, or with any other device other than by 9834  
angling. In the waters of the inland fishing district, except 9835  
those lakes, harbors, and reservoirs controlled by the state, a 9836  
trotline may be used with not more than fifty hooks, and no two 9837  
hooks less than three feet apart, by the owner or person having 9838  
the owner's consent in that part of the stream bordering on or 9839  
running through that owner's lands. 9840

Notwithstanding this section, any resident who is licensed to 9841  
fish with nets in the Ohio river may possess fish nets for the 9842  
sole purpose of storage, repair, drying, and tarring in the area 9843  
between United States route fifty and the Ohio river from the 9844  
Indiana state line to Cincinnati, Ohio, and in the area between 9845  
United States route fifty-two and the Ohio river from Cincinnati, 9846  
Ohio, to Chesapeake, Ohio, and in the area between state route 9847  
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 9848

Ohio. 9849

Any person possessing a net in this reserve district shall 9850  
have an Ohio permit for each net in ~~his~~ the person's possession. 9851  
The permit shall be issued annually by the chief of the division 9852  
of wildlife upon application of the owner of the net and 9853  
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 9854  
valid fishing license permitting ~~him~~ the owner to fish with nets 9855  
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 9856  
net for which an application is made and a permit is issued. The 9857  
permit shall expire at twelve midnight on the fifteenth day of 9858  
March of each year. 9859

**Sec. 1533.631.** Any person may apply for a permit to handle 9860  
commercial fish, or other fish that may be bought or sold under 9861  
the Revised Code or division rule, at wholesale. The chief of the 9862  
division of wildlife shall issue an annual permit granting the 9863  
applicant the privilege to handle such fish at wholesale at one or 9864  
more designated premises upon filing of an application on a form 9865  
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 9866  
dollars. No person or ~~his~~ a person's agent shall handle at 9867  
wholesale any fresh water fish or part thereof unless a permit has 9868  
been issued for the calendar year in which the fish is handled at 9869  
wholesale for the premises at which the fish is handled. 9870

A fish is handled at wholesale for purposes of this section 9871  
when it is on a premises within the state and is being held, 9872  
stored, handled, or processed for the purpose of sale to a person 9873  
who ordinarily resells the fish. 9874

The permit required by this section shall be issued subject 9875  
to the right of entry and inspection of the designated premises of 9876  
the permittee by any law enforcement officer authorized by section 9877  
1531.13 of the Revised Code to enforce the laws and rules of the 9878  
division of wildlife. Such an officer may enter and inspect the 9879

designated premises and any box, package, or receptacle, and the 9880  
contents thereof, for the purpose of determining whether any 9881  
provision of this chapter or Chapter 1531. of the Revised Code or 9882  
division rule is being violated. 9883

No person holding a permit under this section shall remove a 9884  
label required by section 1533.301 of the Revised Code unless the 9885  
box, package, or receptacle bearing the label has been opened or 9886  
unless the label is replaced with another label that meets the 9887  
requirements of that section. 9888

No person shall fail to comply with any provision of this 9889  
section or division rule adopted pursuant to it. 9890

In addition to other penalties provided in the Revised Code, 9891  
the permit of any person who is convicted of two violations of 9892  
this section that occurred within a twelve-month period is 9893  
suspended upon the second such conviction by operation of law for 9894  
a period of five fishing season days immediately following that 9895  
conviction. 9896

In addition to other penalties provided in the Revised Code, 9897  
the permit of any person who is convicted of three or more 9898  
violations of this section that occurred within a twelve-month 9899  
period is suspended upon the third or subsequent such conviction 9900  
by operation of law for a period of twenty fishing season days 9901  
immediately following that conviction. 9902

During any period of suspension, no person shall use or 9903  
engage in handling commercial fish at wholesale with equipment or 9904  
facilities owned, used, or controlled at the time of conviction by 9905  
the permittee whose permit has been suspended. 9906

**Sec. 1533.632.** (A) As used in this section: 9907

(1) "Aquaculture" means a form of agriculture that involves 9908  
the propagation and rearing of aquatic species in controlled 9909

environments under private control, including, but not limited to, 9910  
for the purpose of sale for consumption as food. 9911

(2) "Aquaculture species" means any aquatic species that may 9912  
be raised through aquaculture that is either a class A aquaculture 9913  
species or a class B aquaculture species. 9914

(3) "Class A aquaculture species" includes all of the 9915  
following: 9916

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., 9917  
*Salvelinus* sp.); 9918

(b) Walleye (*Stizostedion vitreum*); 9919

(c) Sauger (*Stizostedion canadense*); 9920

(d) Bluegill (*Lepomis machrochirus*); 9921

(e) Redear sunfish (*Lepomis microlophus*); 9922

(f) Green sunfish (*Lepomis cyanellus*); 9923

(g) White crappie (*Pomoxis annularis*); 9924

(h) Black crappie (*Pomoxis nigromaculatus*); 9925

(i) Blue catfish (*Ictalurus furcatus*); 9926

(j) Any species added by rule under division (B) of this 9927  
section or listed as commercial fish under section 1531.01 of the 9928  
Revised Code except white perch (*Morone americana*). 9929

(4) "Class B aquaculture species" includes any species, 9930  
except for class A aquaculture species, designated as such by the 9931  
chief of the division of wildlife. 9932

(5) "Aquaculture production facility" means a facility used 9933  
for aquaculture. 9934

(B) The chief, in accordance with Chapter 119. of the Revised 9935  
Code, shall adopt rules for the regulation of aquaculture and may 9936  
issue permits to persons wishing to engage in aquaculture for the 9937

production of aquaculture species. Rules adopted under this 9938  
section shall ensure the protection and preservation of the 9939  
wildlife and natural resources of this state. The legal length and 9940  
weight limitations established under section 1533.63 of the 9941  
Revised Code do not apply to class A or class B aquaculture 9942  
species. 9943

A permit may be issued upon application to any person who 9944  
satisfies the chief that the person has suitable equipment, of 9945  
which ~~he~~ the person is the owner or lessee, to engage in 9946  
aquaculture for a given aquaculture species or group of 9947  
aquaculture species. Each permit shall be in such form as the 9948  
chief prescribes. The permits shall be classified as either class 9949  
A or class B. A class A permit shall be required for all class A 9950  
aquaculture species that are specified in this section or 9951  
designated by rule as a class A aquaculture species. Class B 9952  
permits shall be issued on a case-by-case basis. In determining 9953  
whether to issue a class B permit, the chief shall take into 9954  
account the species for which the class B permit is requested, the 9955  
location of the aquaculture production facility, and any other 9956  
information determined by the chief to be necessary to protect the 9957  
wildlife and natural resources of this state. The annual fee for a 9958  
class A permit shall be fifty dollars unless otherwise provided by 9959  
rule by the chief. The annual fee for a class B permit shall be 9960  
set by the chief at a level between one hundred and five hundred 9961  
dollars. In determining the fee to be charged for a class B 9962  
permit, the chief shall take into account the additional costs to 9963  
the division for the inspection of aquaculture facilities used to 9964  
raise a given class B aquaculture species. 9965

The chief may revoke a permit upon a determination that the 9966  
person to whom the permit was issued has violated any rule adopted 9967  
under this section. The permit shall be reissued upon a showing by 9968  
the person that ~~he~~ the person is in compliance with the rules 9969

adopted under this section. A holder of an aquaculture permit may 9970  
receive a permit issued under section 1533.301, ~~1533.39~~, or 9971  
1533.40 of the Revised Code without payment of the fee for that 9972  
permit if the conditions for the issuance of the permit have been 9973  
met. 9974

(C) No person shall knowingly sell any aquatic species under 9975  
an aquaculture permit issued under this section that was not 9976  
raised in an aquaculture production facility. In addition to any 9977  
other penalties prescribed for violation of this division, the 9978  
chief may revoke the permit of any person convicted of a violation 9979  
of this division for any period of time ~~he~~ the chief considers 9980  
necessary. 9981

(D) No person who does not hold a current valid aquaculture 9982  
permit shall knowingly sell an aquaculture species while claiming 9983  
to possess an aquaculture permit. 9984

**Sec. 1533.71.** Unless otherwise provided by division rule, any 9985  
person desiring to engage in the business of raising and selling 9986  
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 9987  
animals in a wholly enclosed preserve of which the person is the 9988  
owner or lessee, or to have game birds, game quadrupeds, reptiles, 9989  
amphibians, or fur-bearing animals in captivity, shall apply in 9990  
writing to the division of wildlife for a license to do so. 9991

The division, when it appears that the application is made in 9993  
good faith and upon the payment of the fee for each license, ~~shall~~ 9994  
may issue to the applicant any of the following licenses that may 9995  
be applied for: 9996

(A) "Commercial propagating license" permitting the licensee 9997  
to propagate game birds, game quadrupeds, reptiles, amphibians, or 9998  
fur-bearing animals in the wholly enclosed preserve the location 9999  
of which is stated in the license and the application therefor, 10000

and to sell the propagated game birds, game quadrupeds, reptiles, 10001  
amphibians, or fur-bearing animals and ship them from the state 10002  
alive at any time, and permitting the licensee and the licensee's 10003  
employees to kill the propagated game birds, game quadrupeds, or 10004  
fur-bearing animals and sell the carcasses for food subject to 10005  
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 10006  
a license is ~~twenty-five~~ forty dollars per annum. 10007

(B) "Noncommercial propagating license" permitting the 10008  
licensee to propagate game birds, game quadrupeds, reptiles, 10009  
amphibians, or fur-bearing animals and to hold the animals in 10010  
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 10011  
fur-bearing animals propagated or held in captivity by authority 10012  
of a noncommercial propagating license are for the licensee's own 10013  
use and shall not be sold. The fee for such a license is ~~ten~~ 10014  
twenty-five dollars per annum. 10015

(C) A free "raise to release license" permitting duly 10016  
organized clubs, associations, or individuals approved by the 10017  
division to engage in the raising of game birds, game quadrupeds, 10018  
or fur-bearing animals for release only and not for sale or 10019  
personal use. 10020

Except as provided by law, no person shall possess game 10021  
birds, game quadrupeds, or fur-bearing animals in closed season, 10022  
provided that municipal or governmental zoological parks are not 10023  
required to obtain the licenses provided for in this section. 10024

All licenses issued under this section shall expire on the 10025  
fifteenth day of March of each year. 10026

The chief of the division of wildlife shall pay all moneys 10027  
received as fees for the issuance of licenses under this section 10028  
into the state treasury to the credit of the fund created by 10029  
section 1533.15 of the Revised Code for the use of the division in 10030  
the purchase, preservation, and protection of wild animals and for 10031

the necessary clerical help and forms required by sections 1533.70 10032  
to 1533.80 of the Revised Code. 10033

This section does not authorize the taking or the release for 10034  
taking of the following: 10035

(1) Game birds, without first obtaining a commercial bird 10036  
shooting preserve license issued under section 1533.72 of the 10037  
Revised Code; 10038

(2) Game or nonnative wildlife, without first obtaining a 10039  
wild animal hunting preserve license issued under section 1533.721 10040  
of the Revised Code. 10041

**Sec. 1533.82.** (A) On receipt of a notice pursuant to section 10042  
3123.43 of the Revised Code, the chief of the division of wildlife 10043  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 10044  
and any applicable rules adopted under section 3123.63 of the 10045  
Revised Code with respect to a license, permit, or certificate 10046  
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 10047  
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 10048  
1533.881 of the Revised Code. 10049

(B) On receipt of a notice pursuant to section 3123.62 of the 10050  
Revised Code, the chief shall comply with that section and any 10051  
applicable rules adopted under section 3123.63 of the Revised Code 10052  
with respect to a license, permit, or stamp issued pursuant to 10053  
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 10054  
Revised Code. 10055

**Sec. 1551.11.** (A) To achieve the purposes of ~~this chapter~~ 10056  
sections 1551.01 to 1551.25 of the Revised Code, the director of 10057  
development may: 10058

(1) Identify, plan, organize, initiate, and sponsor studies, 10059  
research, and experimental, pilot, and demonstration facilities 10060  
and projects ~~which~~ that would lead to the development and more 10061

efficient utilization of present, new, or alternative energy 10062  
sources in ~~the~~ this state, to the conservation of energy, to the 10063  
attraction of federal and other development funding in emerging 10064  
and established national or state priority areas, or to the 10065  
enhancement of the economic development of the state; 10066

(2) Promote, assist, and provide financial assistance for the 10067  
development of nonprofit corporations organized and established 10068  
under Chapter 1702. of the Revised Code to further the purposes of 10069  
this section; 10070

(3) Seek out, apply for, receive, and accept grants, gifts, 10071  
contributions, loans, and other assistance in any form from public 10072  
and private sources, including assistance from any governmental 10073  
agency; 10074

(4) Make grants under division (F) of section 1551.12 of the 10075  
Revised Code from funds that are appropriated by the general 10076  
assembly and from gifts or grants obtained under division (A)(3) 10077  
of this section for the purposes of developing, constructing, or 10078  
operating experimental, pilot, and demonstration facilities or 10079  
programs which develop, test, or demonstrate more efficient and 10080  
environmentally acceptable methods of extracting energy resources; 10081  
new concepts, programs, or technology for the conservation of 10082  
energy; new concepts, programs, or technology for the efficient 10083  
and environmentally acceptable utilization of present, new, or 10084  
alternative energy sources; or concepts, programs, or technology 10085  
which develop resources of the state. Grants may be made, without 10086  
limitation, for projects and programs such as experimental 10087  
demonstrations of the use of Ohio coal in processes which would 10088  
facilitate its widespread use as a source of energy; experimental 10089  
demonstrations of new or improved coal, natural gas, and natural 10090  
petroleum extraction techniques and of reclamation techniques at 10091  
the extraction sites; experimental demonstrations or development 10092  
of solar heating and cooling and potentially energy-efficient 10093

construction in public buildings, schools, offices, commercial 10094  
establishments, and residential homes; development of programs or 10095  
experimental demonstrations of the utilization of waste products 10096  
in energy production and mineral and energy conservation; and 10097  
development of programs or experimental demonstrations of 10098  
technologies which would permit utility pricing policies which may 10099  
reduce the consumer costs of energy. 10100

(5) Enter into agreements with persons and governmental 10101  
agencies, in any combination, for the purposes of this section. 10102

(B) Any materials or data submitted to, made available by or 10103  
to, or received by the director under division (A) of this 10104  
section, division (F) of section 1551.12, or division (B) of 10105  
section 1551.15 of the Revised Code, and any information taken 10106  
from those materials or data for any purpose, to the extent that 10107  
those materials or data consist of trade secrets or other 10108  
proprietary information, are not public information or public 10109  
documents and shall not be open to public inspection. 10110

(C) The exercise by the director of the powers conferred by 10111  
~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code for 10112  
the preservation or creation of jobs and employment opportunities 10113  
for the people of ~~the~~ this state through the development and 10114  
efficient utilization of energy resources of the state is in all 10115  
respects for the benefit of the people of the state, and is 10116  
determined to be an essential government function and public 10117  
purpose of the state. 10118

**Sec. 1551.12.** The director of development may: 10119

(A) Seek, solicit, or acquire personal property or any 10120  
estate, interest, or right in real property, or services, funds, 10121  
and other things of value of any kind or character by purchase, 10122  
lease, gift, grant, contribution, exchange, or otherwise from any 10123  
person or governmental agency to be held, used, and applied in 10124

accordance with and for the purposes of ~~this chapter~~ sections 10125  
1551.01 to 1551.25 of the Revised Code; 10126

(B) Contract for the operation of, and establish rules for 10127  
the use of, facilities over which the director has supervision or 10128  
control, which rules may include the limitation of ingress to or 10129  
egress from such facilities as may be necessary to maintain the 10130  
security of such facilities and to provide for the safety of those 10131  
on the premises of such facilities; 10132

(C) Purchase such fire and extended coverage insurance and 10133  
insurance protecting against liability for damage to property or 10134  
injury to or death of persons as the director may consider 10135  
necessary and proper under ~~this chapter~~ sections 1551.01 to 10136  
1551.25 of the Revised Code; 10137

(D) Sponsor, conduct, assist, and encourage conferences, 10138  
seminars, meetings, institutes, and other forms of meetings; 10139  
authorize, prepare, publish, and disseminate any form of studies, 10140  
reports, and other publications; originate, prepare, and assist 10141  
proposals for the expenditure or granting of funds by any 10142  
governmental agency or person for purposes of energy resource 10143  
development; and investigate, initiate, sponsor, participate in, 10144  
and assist with cooperative activities and programs involving 10145  
governmental agencies and other entities of other states and 10146  
jurisdictions; 10147

(E) Do all acts and things necessary and proper to carry out 10148  
the powers granted and the duties imposed by ~~this chapter~~ sections 10149  
1551.01 to 1551.25 of the Revised Code; 10150

(F) Make grants of funds to any person, organization, or 10151  
governmental agency of the state for the furnishing of goods or 10152  
performance of services. 10153

Any person or governmental agency that receives funds from 10154  
the department of development, or utilizes the facilities of the 10155

department under ~~this chapter~~ sections 1551.01 to 1551.25 of the 10156  
Revised Code shall agree in writing that all know-how, trade 10157  
secrets, and other forms of property, rights, and interest arising 10158  
out of developments, discoveries, or inventions, including 10159  
patents, copyrights, or royalties thereon, which result in whole 10160  
or in part from research, studies, or testing conducted by use of 10161  
such funds or facilities shall be the sole property of the 10162  
department, except as may be otherwise negotiated and provided by 10163  
contract in advance of such research, studies, or testing. 10164  
However, such exceptions do not apply to the director or employees 10165  
of the department participating in or performing research, tests, 10166  
or studies. 10167

Rights retained by the department may be assigned, licensed, 10168  
transferred, sold, or otherwise disposed of, in whole or in part, 10169  
to any person or governmental agency. Any and all income, 10170  
royalties, or proceeds derived or retained from such dispositions 10171  
shall be paid to the state and credited to the general revenue 10172  
fund. 10173

Any instrument by which real property is acquired pursuant to 10174  
this section shall identify the agency of ~~the~~ this state that has 10175  
the use and benefit of the real property as specified in section 10176  
5301.012 of the Revised Code. 10177

**Sec. 1551.15.** (A) All general revenue fund moneys required by 10178  
the department of development for purposes of ~~this chapter~~ 10179  
sections 1551.01 to 1551.25 of the Revised Code are subject to 10180  
appropriation by the general assembly. 10181

(B) The director of development may enter into agreements, 10182  
make grants, or enter into contracts for the purposes of effecting 10183  
the construction and operation in this state of experimental, 10184  
pilot, or demonstration energy resource development facilities. 10185  
Before making grants or entering contracts, the director shall 10186

determine that all of the following criteria are met: 10187

(1) The urgency of public need for the potential results of 10188  
the experimental, pilot, or demonstration project is high, and 10189  
there is little likelihood that similar results would be achieved 10190  
in this state in a timely manner in the absence of state 10191  
assistance; 10192

(2) The potential opportunities for private interests to 10193  
recapture the investment in the undertaking through the normal 10194  
commercial exploitation of proprietary knowledge appear to be 10195  
inadequate to encourage timely results in this state; 10196

(3) The extent of the problems treated and the objectives 10197  
sought by the project are consistent with the purposes of ~~this~~ 10198  
~~chapter~~ sections 1551.01 to 1551.25 of the Revised Code and of 10199  
general significance to the state. 10200

This determination by the director shall include the facts or 10201  
reasons justifying it and shall be journalized by the director. 10202

(C) The director may use funds as appropriated, donated, 10203  
granted, or received for any of the following purposes: 10204

(1) Construction and related architectural or engineering 10205  
studies or purchase of physical plant and equipment for an 10206  
experimental, pilot, or demonstration energy resource development 10207  
facility; 10208

(2) Acquisition and improvement of land, construction of 10209  
roads, and provision of other public facilities incidental and 10210  
necessary to the accomplishment of experimental, pilot, or 10211  
demonstration energy resource development facilities; 10212

(3) Operation of an energy resource development experimental, 10213  
pilot, or demonstration project or facility, which could include 10214  
but not be limited to labor, feedstocks, and repair or replacement 10215  
parts; 10216

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

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

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

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

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

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

(5) The termination of the department's financial support at such time the project or facility is commercially viable and the

repayment of the department through the future profits, if any, of 10248  
the project or facility. 10249

**Sec. 1551.311.** The general assembly hereby finds and declares 10250  
that the future of the Ohio coal industry lies in the development 10251  
of clean coal technology and that the disproportionate economic 10252  
impact on the state under Title IV of the "Clean Air Act 10253  
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 10254  
maximum federal assistance to ~~the~~ this state for such development. 10255  
It is therefore imperative that the ~~department of development~~ Ohio 10256  
air quality development authority created under Chapter 3706. of 10257  
the Revised Code, its Ohio coal development office, the Ohio coal 10258  
industry, the Ohio Washington office in the office of the 10259  
governor, and the state's congressional delegation make every 10260  
effort to acquire any federal assistance available for the 10261  
development of clean coal technology, including assisting entities 10262  
eligible for grants in their acquisition. The Ohio coal 10263  
development agenda required by section 1551.34 of the Revised Code 10264  
shall include, in addition to the other information required by 10265  
that section, a description of such efforts and a description of 10266  
the current status of the development of clean coal technology in 10267  
this state and elsewhere. 10268

**Sec. 1551.32.** (A) There is hereby established within the 10269  
~~department of development~~ Ohio air quality development authority 10270  
the Ohio coal development office whose purposes are to do all of 10271  
the following: 10272

(1) Encourage, promote, and support siting, financing, 10273  
construction, and operation of commercially available or scaled 10274  
facilities and technologies, including, without limitation, 10275  
commercial-scale demonstration facilities and, when necessary or 10276  
appropriate to demonstrate the commercial acceptability of a 10277  
specific technology, up to three installations within this state 10278

utilizing the specific technology, to more efficiently produce, 10279  
beneficiate, market, or use Ohio coal; 10280

(2) Encourage, promote, and support the market acceptance and 10281  
increased market use of Ohio coal through technology and market 10282  
development; 10283

(3) Assist in the financing of coal development facilities; 10284

(4) Encourage, promote, and support, in state-owned 10285  
buildings, facilities, and operations, use of Ohio coal and 10286  
electricity sold by utilities and others in this state that use 10287  
Ohio coal for generation; 10288

(5) Improve environmental quality, particularly through 10289  
cleaner use of Ohio coal; 10290

(6) Assist and cooperate with governmental agencies, 10291  
universities and colleges, coal producers, coal miners, electric 10292  
utilities and other coal users, public and private sector coal 10293  
development interests, and others in achieving these purposes. 10294

(B) The office shall give priority to improvement or 10295  
reconstruction of existing facilities and equipment when 10296  
economically feasible, to construction and operation of 10297  
commercial-scale facilities, and to technologies, equipment, and 10298  
other techniques that enable maximum use of Ohio coal in an 10299  
environmentally acceptable, cost-effective manner. 10300

**Sec. 1551.33.** (A) ~~The director of development~~ Ohio air 10301  
quality development authority, by the affirmative vote of a 10302  
majority of its members, shall appoint and fix the compensation of 10303  
the director of the Ohio coal development office ~~established under~~ 10304  
~~section 1551.32 of the Revised Code.~~ The director ~~of the office~~ 10305  
shall serve at the pleasure of the ~~director of development~~ 10306  
authority. 10307

(B) The director of the office shall do all of the following: 10308

- (1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code; 10309  
10310
- (2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda; 10311  
10312  
10313
- (3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda; 10314  
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- (4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person; 10318  
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- (5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office+. Any such employees shall be in the unclassified service and shall serve at the pleasure of the authority. 10322  
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- (6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code; 10327  
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- (7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public 10330  
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utilities commission a report recommending that the commission 10340  
allow the recovery of costs associated with the facility or 10341  
project under section 4905.304 of the Revised Code and including 10342  
the reasons for the recommendation. 10343

(8) Establish such policies, procedures, and guidelines as 10344  
are necessary to achieve the office's purposes. 10345

(C) ~~With the approval of the director of development~~ By the 10346  
affirmative vote of a majority of the members of the Ohio air 10347  
quality development authority, the director of the office may 10348  
exercise any of the powers and duties of the director of 10349  
development as the ~~directors~~ authority and the director of the 10350  
office consider appropriate or desirable to achieve the office's 10351  
purposes, including, but not limited to, the powers and duties 10352  
enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of 10353  
the Revised Code. 10354

Additionally, the director of the office may make loans to 10355  
governmental agencies or persons for projects to carry out the 10356  
office's purposes. Fees, charges, rates of interest, times of 10357  
payment of interest and principal, and other terms, conditions, 10358  
and provisions of the loans shall be such as the director of the 10359  
office determines to be appropriate and in furtherance of the 10360  
purposes for which the loans are made. The mortgage lien securing 10361  
any moneys lent by the director of the office may be subordinate 10362  
to the mortgage lien securing any moneys lent or invested by a 10363  
financial institution, but shall be superior to that securing any 10364  
moneys lent or expended by any other person. The moneys used in 10365  
making the loans shall be disbursed upon order of the director of 10366  
the office. 10367

**Sec. 1551.35.** (A) There is hereby established a technical 10368  
advisory committee to assist the director of the Ohio coal 10369  
development office ~~established under section 1551.32 of the~~ 10370

~~Revised Code~~ in achieving the office's purposes. The director 10371  
shall appoint to the committee one member of the public utilities 10372  
commission and one representative each of coal production 10373  
companies, the united mine workers of America, electric utilities, 10374  
manufacturers that use Ohio coal, and environmental organizations, 10375  
as well as two people with a background in coal research and 10376  
development technology, one of whom is employed at the time of the 10377  
member's appointment by a state university, as defined in section 10378  
3345.011 of the Revised Code. In addition, the committee shall 10379  
include four legislative members. The speaker and minority leader 10380  
of the house of representatives each shall appoint one member of 10381  
the house of representatives, and the president and minority 10382  
leader of the senate each shall appoint one member of the senate, 10383  
to the committee. The director of environmental protection, 10384  
~~representing the environmental protection agency, the Ohio air~~ 10385  
~~quality director of development authority, and one member of the~~ 10386  
Ohio water development authority designated by that authority, 10387  
shall serve on the committee as members ex officio. Any member of 10388  
the committee may designate in writing a substitute to serve in 10389  
the member's absence on the committee. The director of 10390  
environmental protection may designate in writing the chief of the 10391  
air pollution control division of the agency to represent the 10392  
agency. Members shall serve on the committee at the pleasure of 10393  
their appointing authority. Members of the committee appointed by 10394  
the director of the office and, notwithstanding section 101.26 of 10395  
the Revised Code, legislative members of the committee, when 10396  
engaged in their official duties as members of the committee, 10397  
shall be compensated on a per diem basis in accordance with 10398  
division (J) of section 124.15 of the Revised Code, except that 10399  
the member of the public utilities commission and, while employed 10400  
by a state university, the member with a background in coal 10401  
research, shall not be so compensated. Members shall receive their 10402  
actual and necessary expenses incurred in the performance of their 10403

duties. 10404

(B) The technical advisory committee shall review and make 10405  
recommendations concerning the Ohio coal development agenda 10406  
required under section 1551.34 of the Revised Code, project 10407  
proposals, research and development projects submitted to the 10408  
office by public utilities for the purpose of section 4905.304 of 10409  
the Revised Code, proposals for grants, loans, and loan guarantees 10410  
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 10411  
and such other topics as the director of the office considers 10412  
appropriate. 10413

(C) The technical advisory committee may hold an executive 10414  
session at any regular or special meeting for the purpose of 10415  
considering research and development project proposals or 10416  
applications for assistance submitted to the Ohio coal development 10417  
office under section 1551.33, or sections 1555.01 to 1555.06, of 10418  
the Revised Code, to the extent that such proposals or 10419  
applications consist of trade secrets or other proprietary 10420  
information. 10421

Any materials or data submitted to, made available to, or 10422  
received by the ~~director of Ohio air quality development authority~~ 10423  
or the director of the Ohio coal development office in connection 10424  
with agreements for assistance entered into under this chapter or 10425  
Chapter 1555. of the Revised Code, or any information taken from 10426  
such materials or data for any purpose, to the extent that the 10427  
materials or data consist of trade secrets or other proprietary 10428  
information, are not public records for the purposes of section 10429  
149.43 of the Revised Code. 10430

As used in this division, "trade secrets" has the same 10431  
meaning as in section 1333.61 of the Revised Code. 10432

**Sec. 1555.02.** It is hereby declared to be the public policy 10433  
of ~~the~~ this state through the operations of the Ohio coal 10434

development office under this chapter to contribute toward one or 10435  
more of the following: to provide for the comfort, health, safety, 10436  
and general welfare of all employees and other inhabitants of ~~the~~ 10437  
this state through research and development directed toward the 10438  
discovery of new technologies or the demonstration or application 10439  
of existing technologies to enable the conversion or use of Ohio 10440  
coal as a fuel or chemical feedstock in an environmentally 10441  
acceptable manner thereby enhancing the marketability and 10442  
fostering the use of this state's vast reserves of coal, to assist 10443  
in the financing of coal research and development and coal 10444  
research and development projects or facilities for persons doing 10445  
business in this state and educational and scientific institutions 10446  
located in this state, to create or preserve jobs and employment 10447  
opportunities or improve the economic welfare of the people of ~~the~~ 10448  
this state, or to assist and cooperate with such persons and 10449  
educational and scientific institutions in conducting coal 10450  
research and development. In furtherance of ~~such~~ this public 10451  
policy, the Ohio coal development office ~~may~~, with the advice of 10452  
the technical advisory committee created in section 1551.35 of the 10453  
Revised Code and the ~~approval of the director of development~~ 10454  
affirmative vote of a majority of the members of the Ohio air 10455  
quality development authority, may make loans, guarantee loans, 10456  
and make grants to persons doing business in this state or to 10457  
educational or scientific institutions located in this state for 10458  
coal research and development projects by such persons or 10459  
educational or scientific institutions; may, with the advice of 10460  
the technical advisory committee and the ~~approval of the director~~ 10461  
~~of development~~ affirmative vote of a majority of the members of 10462  
the Ohio air quality development authority, request the issuance 10463  
of coal research and development general obligations under section 10464  
151.07 of the Revised Code to provide funds for making such loans, 10465  
loan guarantees, and grants; and may, with the advice of the 10466  
technical advisory committee and the ~~approval of the director of~~ 10467

~~development~~ affirmative vote of a majority of the members of the 10468  
Ohio air quality development authority, expend moneys credited to 10469  
the coal research and development fund created in section 1555.15 10470  
of the Revised Code for the purpose of making such loans, loan 10471  
guarantees, and grants. Determinations by the director of the Ohio 10472  
coal development office that coal research and development or a 10473  
coal research and development facility is a coal research and 10474  
development project under this chapter and is consistent with the 10475  
purposes of Section 15 of Article VIII, Ohio Constitution, and 10476  
this chapter shall be conclusive as to the validity and 10477  
enforceability of the coal research and development general 10478  
obligations issued to finance such project and of the 10479  
authorizations, trust agreements or indentures, loan agreements, 10480  
loan guarantee agreements, or grant agreements, and other 10481  
agreements made in connection therewith, all in accordance with 10482  
their terms. 10483

**Sec. 1555.03.** For the purposes of this chapter, the director 10484  
of the Ohio coal development office may: 10485

(A) With the advice of the technical advisory committee 10486  
created in section 1551.35 of the Revised Code and the ~~approval of~~ 10487  
~~the director of development~~ affirmative vote of a majority of the 10488  
members of the Ohio air quality development authority, make loans, 10489  
guarantee loans, and make grants to persons doing business in this 10490  
state or to educational or scientific institutions located in this 10491  
state for coal research and development projects by any such 10492  
person or educational or scientific institution and adopt rules 10493  
under Chapter 119. of the Revised Code for making such loans, 10494  
guarantees, and grants. 10495

(B) In making loans, loan guarantees, and grants under 10496  
division (A) of this section and section 1555.04 of the Revised 10497  
Code, the director of the office shall ensure that an adequate 10498

portion of the total amount of those loans, loan guarantees, and grants, as determined by the director with the advice of the technical advisory committee, ~~be~~ is used for conducting research on fundamental scientific problems related to the utilization of Ohio coal and shall ensure, to the maximum feasible extent, joint financial participation by the federal government or other investors or interested parties in conjunction with any such loan, loan guarantee, or grant. The director, in each grant agreement or contract under division (A) of this section, loan contract or agreement under this division or section 1555.04 of the Revised Code, and contract of guarantee under section 1555.05 of the Revised Code, shall require that the facility or project be maintained and kept in good condition and repair by the person or educational or scientific institution to whom the grant or loan was made or for whom the guarantee was made.

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

(D) Include as a condition of any loan, loan guarantee, or grant contract or agreement with any such person or educational or scientific institution that the director of the office receive, in addition to payments of principal and interest on any such loan or service charges for any such guarantee, as appropriate, as authorized by Section 15, Article VIII, Ohio Constitution, a reasonable royalty or portion of the income or profits arising out of the developments, discoveries, or inventions, including patents

or copyrights ~~which, that~~ result in whole or in part from coal 10531  
research and development projects conducted under any such 10532  
contract or agreement, in such amounts and for such period of 10533  
years as may be negotiated and provided by the contract or 10534  
agreement in advance of the making of the grant, loan, or loan 10535  
guarantee. Moneys so received by the director of the office shall 10536  
be credited to the coal research and development bond service 10537  
fund. 10538

(E) Employ managers, superintendents, and other employees and 10539  
retain or contract with consulting engineers, financial 10540  
consultants, accounting experts, architects, and such other 10541  
consultants and independent contractors as are necessary in the 10542  
judgment of the director of the office to carry out this chapter, 10543  
and fix the compensation thereof. 10544

(F) Receive and accept from any federal agency, subject to 10545  
the approval of the governor, grants for or in aid of the 10546  
construction or operation of any coal research and development 10547  
project or for coal research and development, and receive and 10548  
accept aid or contributions from any source of money, property, 10549  
labor, or other things of value, to be held, used, and applied 10550  
only for the purposes for which such grants and contributions are 10551  
made. 10552

(G) Purchase fire and extended coverage and liability 10553  
insurance for any coal research and development project, insurance 10554  
protecting the office and its officers and employees against 10555  
liability for damage to property or injury to or death of persons 10556  
arising from its operations, and any other insurance the director 10557  
of the office determines necessary or proper under this chapter. 10558  
Any moneys received by the director from the proceeds of any such 10559  
insurance with respect to a coal research and development project 10560  
and any moneys received by the director from the proceeds of any 10561  
settlement, judgment, foreclosure, or other insurance with respect 10562

to a coal research and development project or facility shall be 10563  
credited to the coal research and development bond service fund. 10564

(H) In the exercise of the powers of the director of the 10565  
office under this chapter, call to the director's assistance, 10566  
temporarily, from time to time, any engineers, technical experts, 10567  
financial experts, and other employees in any state department, 10568  
agency, or commission, or in the Ohio state university, or other 10569  
educational institutions financed wholly or partially by ~~the~~ this 10570  
state for purposes of assisting the director of the office with 10571  
reviewing and evaluating applications for financial assistance 10572  
under this chapter, monitoring performance of coal research and 10573  
development projects receiving financial assistance under this 10574  
chapter, and reviewing and evaluating the progress and findings of 10575  
those projects. Such engineers, experts, and employees shall not 10576  
receive any additional compensation over that which they receive 10577  
from the department, agency, commission, or educational 10578  
institution by which they are employed, but they shall be 10579  
reimbursed for their actual and necessary expenses incurred while 10580  
working under the direction of the director. 10581

(I) Do all acts necessary or proper to carry out the powers 10582  
expressly granted in this chapter. 10583

**Sec. 1555.04.** (A) With respect to coal research and 10584  
development projects financed wholly or partially from a loan or 10585  
loan guarantee under this chapter, the director of the Ohio coal 10586  
development office ~~may~~, in addition to other powers under this 10587  
chapter, with the advice of the technical advisory committee 10588  
created in section 1551.35 of the Revised Code and the ~~approval~~ 10589  
affirmative vote of the director of development a majority of the 10590  
members of the Ohio air quality development authority, may enter 10591  
into loan agreements, accept notes and other forms of obligation 10592  
to evidence such indebtedness and mortgages, liens, pledges, 10593

assignments, or other security interests to secure such 10594  
indebtedness, which may be prior or subordinate to or on a parity 10595  
with other indebtedness, obligations, mortgages, pledges, 10596  
assignments, other security interests, or liens or encumbrances, 10597  
and take such actions as ~~he~~ the director of the office considers 10598  
appropriate to protect such security and safeguard against losses, 10599  
including, without limitation, foreclosure and the bidding upon 10600  
and purchase of property upon foreclosure or other sale~~+~~. 10601

(B) The authority granted by this section is cumulative and 10602  
supplementary to all other authority granted in this chapter. The 10603  
authority granted by this section does not alter or impair any 10604  
similar authority granted elsewhere in this chapter with respect 10605  
to other projects. 10606

**Sec. 1555.05.** (A) Subject to any limitations as to aggregate 10607  
amounts thereof that may from time to time be prescribed by the 10608  
general assembly and to other applicable provisions of this 10609  
chapter, and subject to the ~~one hundred million dollar~~ 10610  
one-hundred-million-dollar limitation provided in Section 15 of 10611  
Article VIII, Ohio Constitution, the director of the Ohio coal 10612  
development office ~~may~~, on behalf of ~~the~~ this state, with the 10613  
advice of the technical advisory committee created in section 10614  
1551.35 of the Revised Code and the ~~approval~~ affirmative vote of a 10615  
majority of the members of the director of development Ohio air 10616  
quality development authority, may enter into contracts to 10617  
guarantee the repayment or payment of the unpaid principal amount 10618  
of loans made to pay the costs of coal research and development 10619  
projects. 10620

(B) The contract of guarantee may make provision for the 10621  
conditions of, time for, and manner of fulfillment of the 10622  
guarantee commitment, subrogation of ~~the~~ this state to the rights 10623  
of the parties guaranteed and exercise of such parties' rights by 10624

the state, giving the state the option of making payment of the 10625  
principal amount guaranteed in one or more installments and, if 10626  
deferred, to pay interest thereon from the source specified in 10627  
division (A) of this section, and any other terms or conditions 10628  
customary to such guarantees and as the director of the office may 10629  
approve, and may contain provisions for securing the guarantee in 10630  
the manner consistent with this section, covenants on behalf of 10631  
~~the~~ this state to issue obligations under section 1555.08 of the 10632  
Revised Code to provide moneys to fulfill such guarantees and 10633  
covenants, and covenants restricting the aggregate amount of 10634  
guarantees that may be contracted under this section and 10635  
obligations that may be issued under section 151.07 of the Revised 10636  
Code, and terms pertinent to either, to better secure the parties 10637  
guaranteed. 10638

(C) The director of the office may fix service charges for 10639  
making a guarantee. Such charges shall be payable at such times 10640  
and place and in such amounts and manner as may be prescribed by 10641  
the director. Moneys received from such charges shall be credited 10642  
to the coal research and development bond service fund. 10643

(D) Any guaranteed parties under this section, by any 10644  
suitable form of legal proceedings and except to the extent that 10645  
their rights are restricted by the guarantee documents, may ~~by any~~ 10646  
~~suitable form of legal proceedings,~~ protect and enforce any rights 10647  
under the laws of this state or granted by such guarantee or 10648  
guarantee documents. Such rights include the right to compel the 10649  
performance of all duties of the office required by this section 10650  
or the guarantee or guarantee documents; and in the event of 10651  
default with respect to the payment of any guarantees, to apply to 10652  
a court having jurisdiction of the cause to appoint a receiver to 10653  
receive and administer the moneys pledged to such guarantee with 10654  
full power to pay, and to provide for payment of, such guarantee, 10655  
and with such powers, subject to the direction of the court, as 10656

are accorded receivers in general equity cases, excluding any 10657  
power to pledge or apply additional revenues or receipts or other 10658  
income or moneys of ~~the~~ this state. Each duty of the office and 10659  
its director and employees required or undertaken under this 10660  
section or a guarantee made under this section is hereby 10661  
established as a duty of the office and of its director and each 10662  
such employee having authority to perform such duty, specifically 10663  
enjoined by the law resulting from an office, trust, or station 10664  
within the meaning of section 2731.01 of the Revised Code. The 10665  
persons who are at the time the director of the office, or its 10666  
employees, are not liable in their personal capacities on any 10667  
guarantees or contracts to make guarantees by the director. 10668

**Sec. 1555.06.** Upon application by the director of the Ohio 10669  
coal development office with the ~~approval~~ affirmative vote of a 10670  
majority of the director of development members of the Ohio air 10671  
quality development authority, the controlling board ~~may~~, from 10672  
appropriations available to the board, may provide funds for 10673  
surveys or studies by the office of any proposed coal research and 10674  
development project subject to repayment by the office from funds 10675  
available to it, within the time fixed by the board. Funds to be 10676  
repaid shall be charged by the office to the appropriate coal 10677  
research and development project and the amount thereof shall be a 10678  
cost of the project. This section does not abrogate the authority 10679  
of the controlling board to otherwise provide funds for use by the 10680  
office in the exercise of the powers granted to it by this 10681  
chapter. 10682

**Sec. 1555.08.** (A) Subject to the limitations provided in 10683  
Section 15 of Article VIII, Ohio Constitution, the commissioners 10684  
of the sinking fund, upon certification by the director of the 10685  
Ohio coal development office of the amount of moneys or additional 10686  
moneys needed in the coal research and development fund for the 10687

purpose of making grants or loans for allowable costs, or needed 10688  
for capitalized interest, for funding reserves, and for paying 10689  
costs and expenses incurred in connection with the issuance, 10690  
carrying, securing, paying, redeeming, or retirement of the 10691  
obligations or any obligations refunded thereby, including payment 10692  
of costs and expenses relating to letters of credit, lines of 10693  
credit, insurance, put agreements, standby purchase agreements, 10694  
indexing, marketing, remarketing and administrative arrangements, 10695  
interest swap or hedging agreements, and any other credit 10696  
enhancement, liquidity, remarketing, renewal, or refunding 10697  
arrangements, all of which are authorized by this section, or 10698  
providing moneys for loan guarantees, shall issue obligations of 10699  
the state under this section in amounts authorized by the general 10700  
assembly; provided that such obligations may be issued to the 10701  
extent necessary to satisfy the covenants in contracts of 10702  
guarantee made under section 1555.05 of the Revised Code to issue 10703  
obligations to meet such guarantees, notwithstanding limitations 10704  
otherwise applicable to the issuance of obligations under this 10705  
section except the one-hundred-million-dollar limitation provided 10706  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 10707  
such obligations, except for the portion to be deposited in the 10708  
coal research and development bond service fund as may be provided 10709  
in the bond proceedings, shall as provided in the bond proceedings 10710  
be deposited in the coal research and development fund. The 10711  
commissioners of the sinking fund may appoint trustees, paying 10712  
agents, and transfer agents and may retain the services of 10713  
financial advisors, accounting experts, and attorneys, and retain 10714  
or contract for the services of marketing, remarketing, indexing, 10715  
and administrative agents, other consultants, and independent 10716  
contractors, including printing services, as are necessary in 10717  
their judgment to carry out this section. 10718

(B) The full faith and credit of the state of Ohio is hereby 10719  
pledged to obligations issued under this section. The right of the 10720

holders and owners to payment of bond service charges is limited 10721  
to all or that portion of the moneys pledged thereto pursuant to 10722  
the bond proceedings in accordance with this section, and each 10723  
such obligation shall bear on its face a statement to that effect. 10724

(C) Obligations shall be authorized by resolution of the 10725  
commissioners of the sinking fund on request of the director of 10726  
the Ohio coal development office as provided in section 1555.02 of 10727  
the Revised Code and the bond proceedings shall provide for the 10728  
purpose thereof and the principal amount or amounts, and shall 10729  
provide for or authorize the manner or agency for determining the 10730  
principal maturity or maturities, not exceeding forty years from 10731  
the date of issuance, the interest rate or rates or the maximum 10732  
interest rate, the date of the obligations and the dates of 10733  
payment of interest thereon, their denomination, and the 10734  
establishment within or without the state of a place or places of 10735  
payment of bond service charges. Sections 9.98 to 9.983 of the 10736  
Revised Code apply to obligations issued under this section. The 10737  
purpose of such obligations may be stated in the bond proceedings 10738  
in terms describing the general purpose or purposes to be served. 10739  
The bond proceedings shall also provide, subject to the provisions 10740  
of any other applicable bond proceedings, for the pledge of all, 10741  
or such part as the commissioners of the sinking fund may 10742  
determine, of the moneys credited to the coal research and 10743  
development bond service fund to the payment of bond service 10744  
charges, which pledges may be made either prior or subordinate to 10745  
other expenses, claims, or payments and may be made to secure the 10746  
obligations on a parity with obligations theretofore or thereafter 10747  
issued, if and to the extent provided in the bond proceedings. The 10748  
moneys so pledged and thereafter received by the state are 10749  
immediately subject to the lien of such pledge without any 10750  
physical delivery thereof or further act, and the lien of any such 10751  
pledges is valid and binding against all parties having claims of 10752  
any kind against the state or any governmental agency of the 10753

state, irrespective of whether such parties have notice thereof, 10754  
and shall create a perfected security interest for all purposes of 10755  
Chapter 1309. of the Revised Code, without the necessity for 10756  
separation or delivery of funds or for the filing or recording of 10757  
the bond proceedings by which such pledge is created or any 10758  
certificate, statement or other document with respect thereto; and 10759  
the pledge of such moneys is effective and the money therefrom and 10760  
thereof may be applied to the purposes for which pledged without 10761  
necessity for any act of appropriation. Every pledge, and every 10762  
covenant and agreement made with respect thereto, made in the bond 10763  
proceedings may therein be extended to the benefit of the owners 10764  
and holders of obligations authorized by this section, and to any 10765  
trustee therefor, for the further security of the payment of the 10766  
bond service charges. 10767

(D) The bond proceedings may contain additional provisions as 10768  
to: 10769

(1) The redemption of obligations prior to maturity at the 10770  
option of the commissioners of the sinking fund at such price or 10771  
prices and under such terms and conditions as are provided in the 10772  
bond proceedings; 10773

(2) Other terms of the obligations; 10774

(3) Limitations on the issuance of additional obligations; 10775

(4) The terms of any trust agreement or indenture securing 10776  
the obligations or under which the obligations may be issued; 10777

(5) The deposit, investment, and application of the coal 10778  
research and development bond service fund, and the safeguarding 10779  
of moneys on hand or on deposit, without regard to Chapter 131. or 10780  
135. of the Revised Code, but subject to any special provisions of 10781  
this chapter, with respect to particular moneys; provided, that 10782  
any bank or trust company which acts as depository of any moneys 10783  
in the fund may furnish such indemnifying bonds or may pledge such 10784

securities as required by the commissioners of the sinking fund; 10785

(6) Any other provision of the bond proceedings being binding 10786  
upon the commissioners of the sinking fund, or such other body or 10787  
person as may from time to time have the authority under law to 10788  
take such actions as may be necessary to perform all or any part 10789  
of the duty required by such provision; 10790

(7) Any provision which may be made in a trust agreement or 10791  
indenture; 10792

(8) Any other or additional agreements with the holders of 10793  
the obligations, or the trustee therefor, relating to the 10794  
obligations or the security therefor, including the assignment of 10795  
mortgages or other security obtained or to be obtained for loans 10796  
under this chapter. 10797

(E) The obligations may have the great seal of the state or a 10798  
facsimile thereof affixed thereto or printed thereon. The 10799  
obligations shall be signed by such members of the commissioners 10800  
of the sinking fund as are designated in the resolution 10801  
authorizing the obligations or bear the facsimile signatures of 10802  
such members. Any coupons attached to the obligations shall bear 10803  
the facsimile signature of the treasurer of state. Any obligations 10804  
may be executed by the persons who, on the date of execution, are 10805  
the commissioners although on the date of such bonds the persons 10806  
were not the commissioners. Any coupons may be executed by the 10807  
person who, on the date of execution, is the treasurer of state 10808  
although on the date of such coupons the person was not the 10809  
treasurer of state. In case any officer or commissioner whose 10810  
signature or a facsimile of whose signature appears on any such 10811  
obligations or any coupons ceases to be such officer or 10812  
commissioner before delivery thereof, such signature or facsimile 10813  
is nevertheless valid and sufficient for all purposes as if the 10814  
individual had remained such officer or commissioner until such 10815  
delivery; and in case the seal to be affixed to obligations has 10816

been changed after a facsimile of the seal has been imprinted on 10817  
such obligations, such facsimile seal shall continue to be 10818  
sufficient as to such obligations and obligations issued in 10819  
substitution or exchange therefor. 10820

(F) All obligations except loan guarantees are negotiable 10821  
instruments and securities under Chapter 1308. of the Revised 10822  
Code, subject to the provisions of the bond proceedings as to 10823  
registration. The obligations may be issued in coupon or in 10824  
registered form, or both, as the commissioners of the sinking fund 10825  
determine. Provision may be made for the registration of any 10826  
obligations with coupons attached thereto as to principal alone or 10827  
as to both principal and interest, their exchange for obligations 10828  
so registered, and for the conversion or reconversion into 10829  
obligations with coupons attached thereto of any obligations 10830  
registered as to both principal and interest, and for reasonable 10831  
charges for such registration, exchange, conversion, and 10832  
reconversion. 10833

(G) Obligations may be sold at public sale or at private 10834  
sale, as determined in the bond proceedings. 10835

(H) Pending preparation of definitive obligations, the 10836  
commissioners of the sinking fund may issue interim receipts or 10837  
certificates which shall be exchanged for such definitive 10838  
obligations. 10839

(I) In the discretion of the commissioners of the sinking 10840  
fund, obligations may be secured additionally by a trust agreement 10841  
or indenture between the commissioners and a corporate trustee, 10842  
which may be any trust company or bank having its principal place 10843  
of business within the state. Any such agreement or indenture may 10844  
contain the resolution authorizing the issuance of the 10845  
obligations, any provisions that may be contained in any bond 10846  
proceedings, and other provisions that are customary or 10847  
appropriate in an agreement or indenture of such type, including, 10848

but not limited to:	10849
(1) Maintenance of each pledge, trust agreement, indenture,	10850
or other instrument comprising part of the bond proceedings until	10851
the state has fully paid the bond service charges on the	10852
obligations secured thereby, or provision therefor has been made;	10853
(2) In the event of default in any payments required to be	10854
made by the bond proceedings, or any other agreement of the	10855
commissioners of the sinking fund made as a part of the contract	10856
under which the obligations were issued, enforcement of such	10857
payments or agreement by mandamus, the appointment of a receiver,	10858
suit in equity, action at law, or any combination of the	10859
foregoing;	10860
(3) The rights and remedies of the holders of obligations and	10861
of the trustee, and provisions for protecting and enforcing them,	10862
including limitations on rights of individual holders of	10863
obligations;	10864
(4) The replacement of any obligations that become mutilated	10865
or are destroyed, lost, or stolen;	10866
(5) Such other provisions as the trustee and the	10867
commissioners of the sinking fund agree upon, including	10868
limitations, conditions, or qualifications relating to any of the	10869
foregoing.	10870
(J) Any holder of obligations or a trustee under the bond	10871
proceedings, except to the extent that the holder's rights are	10872
restricted by the bond proceedings, may by any suitable form of	10873
legal proceedings protect and enforce any rights under the laws of	10874
this state or granted by such bond proceedings. Such rights	10875
include the right to compel the performance of all duties of the	10876
commissioners of the sinking fund, the <del>director of development</del>	10877
<u>Ohio air quality development authority</u> , or the Ohio coal	10878
development office required by this chapter and Chapter 1551. of	10879

the Revised Code or the bond proceedings; to enjoin unlawful 10880  
activities; and in the event of default with respect to the 10881  
payment of any bond service charges on any obligations or in the 10882  
performance of any covenant or agreement on the part of the 10883  
commissioners, the ~~director~~ authority, or the office in the bond 10884  
proceedings, to apply to a court having jurisdiction of the cause 10885  
to appoint a receiver to receive and administer the moneys 10886  
pledged, other than those in the custody of the treasurer of 10887  
state, that are pledged to the payment of the bond service charges 10888  
on such obligations or that are the subject of the covenant or 10889  
agreement, with full power to pay, and to provide for payment of 10890  
bond service charges on, such obligations, and with such powers, 10891  
subject to the direction of the court, as are accorded receivers 10892  
in general equity cases, excluding any power to pledge additional 10893  
revenues or receipts or other income or moneys of the 10894  
commissioners of the sinking fund or the state or governmental 10895  
agencies of the state to the payment of such principal and 10896  
interest and excluding the power to take possession of, mortgage, 10897  
or cause the sale or otherwise dispose of any project. 10898

Each duty of the commissioners of the sinking fund and their 10899  
employees, and of each governmental agency and its officers, 10900  
members, or employees, undertaken pursuant to the bond proceedings 10901  
or any grant, loan, or loan guarantee agreement made under 10902  
authority of this chapter, and in every agreement by or with the 10903  
commissioners, is hereby established as a duty of the 10904  
commissioners, and of each such officer, member, or employee 10905  
having authority to perform such duty, specifically enjoined by 10906  
the law resulting from an office, trust, or station within the 10907  
meaning of section 2731.01 of the Revised Code. 10908

The persons who are at the time the commissioners of the 10909  
sinking fund, or their employees, are not liable in their personal 10910  
capacities on any obligations issued by the commissioners or any 10911

agreements of or with the commissioners. 10912

(K) Obligations issued under this section are lawful 10913  
investments for banks, societies for savings, savings and loan 10914  
associations, deposit guarantee associations, trust companies, 10915  
trustees, fiduciaries, insurance companies, including domestic for 10916  
life and domestic not for life, trustees or other officers having 10917  
charge of sinking and bond retirement or other special funds of 10918  
political subdivisions and taxing districts of this state, the 10919  
commissioners of the sinking fund of the state, the administrator 10920  
of workers' compensation, the state teachers retirement system, 10921  
the public employees retirement system, the school employees 10922  
retirement system, and the Ohio police and fire pension fund, 10923  
notwithstanding any other provisions of the Revised Code or rules 10924  
adopted pursuant thereto by any governmental agency of the state 10925  
with respect to investments by them, and are also acceptable as 10926  
security for the deposit of public moneys. 10927

(L) If the law or the instrument creating a trust pursuant to 10928  
division (I) of this section expressly permits investment in 10929  
direct obligations of the United States or an agency of the United 10930  
States, unless expressly prohibited by the instrument, such moneys 10931  
also may be invested in no-front-end-load money market mutual 10932  
funds consisting exclusively of obligations of the United States 10933  
or an agency of the United States and in repurchase agreements, 10934  
including those issued by the fiduciary itself, secured by 10935  
obligations of the United States or an agency of the United 10936  
States; and in collective investment funds established in 10937  
accordance with section 1111.14 of the Revised Code and consisting 10938  
exclusively of any such securities, notwithstanding division 10939  
(A)(1)(c) of that section. The income from such investments shall 10940  
be credited to such funds as the commissioners of the sinking fund 10941  
determine, and such investments may be sold at such times as the 10942  
commissioners determine or authorize. 10943

(M) Provision may be made in the applicable bond proceedings 10944  
for the establishment of separate accounts in the bond service 10945  
fund and for the application of such accounts only to the 10946  
specified bond service charges on obligations pertinent to such 10947  
accounts and bond service fund and for other accounts therein 10948  
within the general purposes of such fund. Moneys to the credit of 10949  
the bond service fund shall be disbursed on the order of the 10950  
treasurer of state; provided, that no such order is required for 10951  
the payment from the bond service fund when due of bond service 10952  
charges on obligations. 10953

(N) The commissioners of the sinking fund may pledge all, or 10954  
such portion as they determine, of the receipts of the bond 10955  
service fund to the payment of bond service charges on obligations 10956  
issued under this section, and for the establishment and 10957  
maintenance of any reserves, as provided in the bond proceedings, 10958  
and make other provisions therein with respect to pledged receipts 10959  
as authorized by this chapter, which provisions control 10960  
notwithstanding any other provisions of law pertaining thereto. 10961

(O) The commissioners of the sinking fund may covenant in the 10962  
bond proceedings, and any such covenants control notwithstanding 10963  
any other provision of law, that the state and applicable officers 10964  
and governmental agencies of the state, including the general 10965  
assembly, so long as any obligations are outstanding, shall: 10966

(1) Maintain statutory authority for and cause to be levied 10967  
and collected taxes so that the pledged receipts are sufficient in 10968  
amount to meet bond service charges, and the establishment and 10969  
maintenance of any reserves and other requirements provided for in 10970  
the bond proceedings, and, as necessary, to meet covenants 10971  
contained in any loan guarantees made under this chapter; 10972

(2) Take or permit no action, by statute or otherwise, that 10973  
would impair the exemption from federal income taxation of the 10974

interest on the obligations. 10975

(P) All moneys received by or on account of the state and 10976  
required by the applicable bond proceedings, consistent with this 10977  
section, to be deposited, transferred, or credited to the coal 10978  
research and development bond service fund, and all other moneys 10979  
transferred or allocated to or received for the purposes of the 10980  
fund, shall be credited to such fund and to any separate accounts 10981  
therein, subject to applicable provisions of the bond proceedings, 10982  
but without necessity for any act of appropriation. During the 10983  
period beginning with the date of the first issuance of 10984  
obligations and continuing during such time as any such 10985  
obligations are outstanding, and so long as moneys in the bond 10986  
service fund are insufficient to pay all bond service charges on 10987  
such obligations becoming due in each year, a sufficient amount of 10988  
moneys of the state are committed and shall be paid to the bond 10989  
service fund in each year for the purpose of paying the bond 10990  
service charges becoming due in that year without necessity for 10991  
further act of appropriation for such purpose. The bond service 10992  
fund is a trust fund and is hereby pledged to the payment of bond 10993  
service charges to the extent provided in the applicable bond 10994  
proceedings, and payment thereof from such fund shall be made or 10995  
provided for by the treasurer of state in accordance with such 10996  
bond proceedings without necessity for any act of appropriation. 10997  
All investment earnings of the fund shall be credited to the fund. 10998

(Q) For purposes of establishing the limitations contained in 10999  
Section 15 of Article VIII, Ohio Constitution, the "principal 11000  
amount" refers to the aggregate of the offering price of the bonds 11001  
or notes. "Principal amount" does not refer to the aggregate value 11002  
at maturity or redemption of the bonds or notes. 11003

(R) This section applies only with respect to obligations 11004  
issued and delivered prior to September 30, 2000. 11005

**Sec. 1555.17.** All final actions of the director of the Ohio coal development office shall be journalized and such journal shall be open to inspection of the public at all reasonable times. Any materials or data, to the extent that they consist of trade secrets, as defined in section 1333.61 of the Revised Code, or other proprietary information, that are submitted or made available to, or received by, the ~~director of development~~ Ohio air quality development authority or the director of the Ohio coal development office, in connection with agreements for assistance entered into under this chapter or Chapter ~~1555.~~ 1551. of the Revised Code, or any information taken from those materials or data, are not public records for the ~~proposes~~ purposes of section 149.43 of the Revised Code.

**Sec. 1711.09.** Except as otherwise provided in this section, county agricultural societies, independent agricultural societies, and the Ohio expositions commission shall not permit during any fair, or for one week before or three days after any fair, any dealing in spirituous liquors, or at any time allow or tolerate immoral shows, lottery devices, games of chance, or gambling of any kind, including pool selling and paddle wheels, anywhere on the fairground; and shall permit no person at any time to operate any side show, amusement, game, or device, or offer for sale any novelty by auction or solicitation, on the fairground who has not first obtained from the director of agriculture a license under section 1711.11 of the Revised Code. This section does not prohibit the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair, or the sale of rights to participate in lotteries conducted by the commission, if authorized by sections 3770.21 to 3770.30 of the Revised Code. In addition, a county or independent agricultural society may permit,

at any time except during a fair or for one week before or three 11037  
days after a fair, a charitable organization to conduct in 11038  
accordance with Chapter 2915. of the Revised Code games of chance 11039  
or bingo on the fairground of a county with a population of five 11040  
hundred thousand or less. A charitable organization may lease all 11041  
or part of the fairground from the agricultural society for that 11042  
purpose. 11043

Any sales of intoxicating liquor transacted on the fairground 11044  
shall be subject to Chapters 4301., 4303., and 4399. of the 11045  
Revised Code. 11046

Any agricultural society that permits the sale of 11047  
intoxicating liquor on its fairground shall apply any proceeds 11048  
gained by the society from the permit holder and from activities 11049  
coincident to the sale of intoxicating liquor first to pay the 11050  
cost of insurance on all buildings on the fairground, and then for 11051  
any other purpose authorized by law. 11052

**Sec. 1711.11.** (A) No person shall operate any concession at 11053  
any fair or exposition conducted by a county or independent 11054  
agricultural society or by the Ohio expositions commission without 11055  
first obtaining from the director of agriculture a license to do 11056  
so under division (B) of this section, nor shall any officer, 11057  
agent, or employee of a county or independent agricultural society 11058  
or of the Ohio expositions commission grant a privilege or 11059  
concession to any person to do so, unless the person holds a 11060  
license. 11061

For the purposes of this section, "concession" means any 11062  
show, amusement other than an amusement ride as defined in section 11063  
1711.50 of the Revised Code, game, or novelty stand operation at a 11064  
fair or exposition, but does not include food or drink operations. 11065

(B) A license shall be issued by the director only upon a 11066  
written application containing a detailed description of the 11067

concession. Blank applications for licenses shall be prepared and 11068  
furnished by the director. 11069

(C) No license shall be issued until the applicant has paid a 11070  
fee of seventy dollars to the director, except that no fee shall 11071  
be collected from nonprofit organizations which are recorded as 11072  
such by the secretary of state or with the internal revenue 11073  
service. The director shall pay the fee into the state treasury to 11074  
the credit of the amusement ride inspection fund established by 11075  
section 1711.53 of the Revised Code. 11076

(D) A license issued under this section shall contain a 11077  
detailed description of the concession licensed, shall expire on 11078  
the thirty-first day of December following the date of issue, and 11079  
shall be kept by the licensee in a conspicuous place where the 11080  
licensee's concession is in operation. 11081

(E)(1) The director shall employ and provide training for a 11082  
chief inspector and additional inspectors and employees as 11083  
necessary to administer and enforce this section. The director may 11084  
appoint or contract with other persons to perform inspections of 11085  
concessions, provided that the persons meet the qualifications for 11086  
inspectors established by rules adopted under division (G) of this 11087  
section and are not owners or employees of owners of any 11088  
concession subject to inspection under this section. No person 11089  
shall inspect a concession who, within six months prior to the 11090  
date of inspection, was an employee of the owner of the 11091  
concession. 11092

(2) Before the director contracts with other persons to 11093  
inspect concessions, the director shall seek the advice of the 11094  
advisory council on amusement ride safety on whether to contract 11095  
with those persons. The advice shall not be binding upon the 11096  
director. After having received the advice of the council the 11097  
director may proceed to contract for amusement ride inspectors and 11098  
award the contract to the lowest responsive and responsible bidder 11099

in accordance with section 9.312 of the Revised Code. In order to 11100  
determine the lowest responsive and responsible bid, the director, 11101  
with the advice of the council, shall adopt rules governing the 11102  
terms of the contract between the department of agriculture and 11103  
the inspector. The rules shall prescribe the training and work 11104  
experience required of an inspector, any insurance or bonds 11105  
required of an inspector, and all the services the inspector will 11106  
be required to perform on behalf of the department in an efficient 11107  
professional manner. 11108

(F) This section does not require the officers of any county 11109  
or independent agricultural society or of the Ohio expositions 11110  
commission to grant any privilege or concession to any licensee. 11111

(G) The director shall enforce this section and, in 11112  
accordance with Chapter 119. of the Revised Code, adopt all rules 11113  
that are necessary for its enforcement. If the director finds that 11114  
this section has been violated or that the licensee has been 11115  
dishonest or has been fraudulent in dealings with the public, the 11116  
director, in accordance with Chapter 119. of the Revised Code, 11117  
shall revoke the licensee's license or fine the licensee not more 11118  
than one thousand dollars, or both. The director, for a period not 11119  
exceeding two years from the date of revocation, may refuse to 11120  
issue another license to a person for a concession for which the 11121  
person's license has been revoked. Notwithstanding section 119.12 11122  
of the Revised Code, all appeals from any fine by, or order of, 11123  
the director shall be to the court of common pleas of the county 11124  
where the place of business of the person is located or to the 11125  
common pleas court of the county in which the person is a resident 11126  
or in which the concession is located. 11127

(H) Any person holding a license issued under this section 11128  
who permits or tolerates at any place on the fairground where the 11129  
person's concession is in operation, any immoral show, lottery 11130  
device, game of chance, or gambling of any kind, including pool 11131

selling and paddle wheels, or who violates the terms of the 11132  
license issued to the person, shall forfeit the license, and the 11133  
director shall not issue any other license to the person until 11134  
after a period of two years from the forfeiture. For the purposes 11135  
of this division, "lottery device," "game of chance," and 11136  
"gambling of any kind" do not include the sale of ~~lottery tickets~~ 11137  
rights to participate in lotteries by the state lottery commission 11138  
pursuant to Chapter 3770. of the Revised Code ~~at the state~~ 11139  
~~fairground during the state fair~~. For the purposes of this section 11140  
and section 1711.09 of the Revised Code, contests, games, 11141  
tournaments, and other activities, the outcome of which is 11142  
predominantly determined by the skill of the contestants, 11143  
participants, or players, whether or not the contestants, 11144  
participants, or players pay a price for the opportunity to win a 11145  
prize, do not constitute a game of chance or gambling within the 11146  
meaning, purpose, and intent of this section and section 1711.09 11147  
of the Revised Code or sections 2915.01 to 2915.04 of the Revised 11148  
Code. The foregoing definition does not apply where the contest, 11149  
game, tournament, or other activity contains or includes any 11150  
mechanical or physical device ~~which~~ that directly or indirectly 11151  
impedes, impairs, or thwarts the skill of the contestant, 11152  
participant, or player. 11153

**Sec. 2101.16.** (A) The fees enumerated in this division shall 11154  
be charged and collected, if possible, by the probate judge and 11155  
shall be in full for all services rendered in the respective 11156  
proceedings: 11157

- |  |         |       |
|--|---------|-------|
| (1) Account, in addition to advertising charges .....  | \$12.00 | 11158 |
| Waivers and proof of notice of hearing on account, per |         | 11159 |
| page, minimum one dollar .....                         | \$ 1.00 | 11160 |
| (2) Account of distribution, in addition to            |         | 11161 |
| advertising charges .....                              | \$ 7.00 | 11162 |
| (3) Adoption of child, petition for .....              | \$50.00 | 11163 |

(4) Alter or cancel contract for sale or purchase of real estate, petition to .....		11164
	\$20.00	11165
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section .....	\$ 5.00	11168
(6) Appropriation suit, per day, hearing in .....	\$20.00	11169
(7) Birth, application for registration of .....	\$ 7.00	11170
(8) Birth record, application to correct .....	\$ 5.00	11171
(9) Bond, application for new or additional .....	\$ 5.00	11172
(10) Bond, application for release of surety or reduction of .....	\$ 5.00	11174
(11) Bond, receipt for securities deposited in lieu of ....	\$ 5.00	11175
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar .....	\$ 1.00	11177
(13) Citation and issuing citation, application for .....	\$ 5.00	11178
(14) Change of name, petition for .....	\$20.00	11179
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own .....	\$10.00	11181
(16) Claim, application to compromise or settle .....	\$10.00	11182
(17) Claim, authority to present .....	\$10.00	11183
(18) Commissioner, appointment of .....	\$ 5.00	11184
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for .....	\$ 5.00	11186
(20) Competency, application to procure adjudication of ...	\$20.00	11187
(21) Complete contract, application to .....	\$10.00	11188
(22) Concealment of assets, citation for .....	\$10.00	11189
(23) Construction of will, petition for .....	\$20.00	11190
(24) Continue decedent's business, application to .....	\$10.00	11191
Monthly reports of operation .....	\$ 5.00	11192
(25) Declaratory judgment, petition for .....	\$20.00	11193
(26) Deposit of will .....	\$ 5.00	11194
(27) Designation of heir .....	\$20.00	11195
(28) Distribution in kind, application, assent, and		11196

order for .....	\$ 5.00	11197
(29) Distribution under section 2109.36 of the Revised Code, application for an order of .....	\$ 7.00	11198 11199
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars .....	\$15.00	11200 11201 11202
(31) Exceptions to any proceeding named in this section, contest of appointment or .....	\$10.00	11203 11204
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to .....	\$10.00	11205 11206
(33) Election of surviving spouse under will .....	\$ 5.00	11207
(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	11208 11209 11210
(35) Foreign will, application to record .....	\$10.00	11211
Record of foreign will, additional, per page .....	\$ 1.00	11212
(36) Forms when supplied by the probate court, not to exceed .....	\$10.00	11213 11214
(37) Heirship, petition to determine .....	\$20.00	11215
(38) Injunction proceedings .....	\$20.00	11216
(39) Improve real estate, petition to .....	\$20.00	11217
(40) Inventory with appraisement .....	\$10.00	11218
(41) Inventory without appraisement .....	\$ 7.00	11219
(42) Investment or expenditure of funds, application for ..	\$10.00	11220
(43) Invest in real estate, application to .....	\$10.00	11221
(44) Lease for oil, gas, coal, or other mineral, petition to .....	\$20.00	11222 11223
(45) Lease or lease and improve real estate, petition to ..	\$20.00	11224
(46) Marriage license .....	\$10.00	11225
Certified abstract of each marriage .....	\$ 2.00	11226
(47) Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of .....	\$10.00	11227 11228
(48) Mortgage or mortgage and repair or improve real		11229

estate, petition to .....	\$20.00	11230
(49) Newly discovered assets, report of .....	\$ 7.00	11231
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by .....	\$20.00	11232 11233
(51) Power of attorney or revocation of power, bonding company .....	\$10.00	11234 11235
(52) Presumption of death, petition to establish .....	\$20.00	11236
(53) Probating will .....	\$15.00	11237
Proof of notice to beneficiaries .....	\$ 5.00	11238
(54) Purchase personal property, application of surviving spouse to .....	\$10.00	11239 11240
(55) Purchase real estate at appraised value, petition of surviving spouse to .....	\$20.00	11241 11242
(56) Receipts in addition to advertising charges, application and order to record .....	\$ 5.00	11243 11244
Record of those receipts, additional, per page .....	\$ 1.00	11245
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page .....	\$ 1.00	11246 11247
(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	11248
(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	11249 11250 11251 11252
(60) Removal of fiduciary, application for .....	\$10.00	11253
(61) Requalification of executor or administrator .....	\$10.00	11254
(62) Resignation of fiduciary .....	\$ 5.00	11255
(63) Sale bill, public sale of personal property .....	\$10.00	11256
(64) Sale of personal property and report, application for .....	\$10.00	11257 11258
(65) Sale of real estate, petition for .....	\$25.00	11259
(66) Terminate guardianship, petition to .....	\$10.00	11260
(67) Transfer of real estate, application, entry, and certificate for .....	\$ 7.00	11261 11262

(68) Unclaimed money, application to invest .....	\$ 7.00	11263
(69) Vacate approval of account or order of distribution, motion to .....	\$10.00	11264 11265
(70) Writ of execution .....	\$ 5.00	11266
(71) Writ of possession .....	\$ 5.00	11267
(72) Wrongful death, application and settlement of claim for .....	\$20.00	11268 11269
(73) Year's allowance, petition to review .....	\$ 7.00	11270
(74) Guardian's report, filing and review of .....	\$ 5.00	11271
(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.		11272 11273 11274 11275 11276 11277 11278 11279 11280 11281 11282 11283
(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.		11284 11285 11286 11287 11288 11289 11290 11291 11292
(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of		11293 11294

the sixty-dollar fee collected pursuant to division (A)(59) of 11295  
this section shall be deposited by the county treasurer in the 11296  
indigent guardianship fund created pursuant to section 2111.51 of 11297  
the Revised Code. 11298

(D) The fees of witnesses, jurors, sheriffs, coroners, and 11299  
constables for services rendered in the probate court or by order 11300  
of the probate judge shall be the same as provided for like 11301  
services in the court of common pleas. 11302

(E) The probate court, by rule, may require an advance 11303  
deposit for costs, not to exceed one hundred twenty-five dollars, 11304  
at the time application is made for an appointment as executor or 11305  
administrator or at the time a will is presented for probate. 11306

(F) The probate court, by rule, shall establish a reasonable 11307  
fee, not to exceed fifty dollars, for the filing of a petition for 11308  
the release of information regarding an adopted person's name by 11309  
birth and the identity of the adopted person's biological parents 11310  
and biological siblings pursuant to section 3107.41 of the Revised 11311  
Code, all proceedings relative to the petition, the entry of an 11312  
order relative to the petition, and all services required to be 11313  
performed in connection with the petition. The probate court may 11314  
use a reasonable portion of a fee charged under authority of this 11315  
division to reimburse any agency, as defined in section 3107.39 of 11316  
the Revised Code, for any services it renders in performing a task 11317  
described in section 3107.41 of the Revised Code relative to or in 11318  
connection with the petition for which the fee was charged. 11319

(G)(1) Thirty dollars of the fifty-dollar fee collected 11320  
pursuant to division (A)(3) of this section shall be deposited 11321  
into the "putative father registry fund," which is hereby created 11322  
in the state treasury. The department of job and family services 11323  
shall use the money in the fund to fund the department's costs of 11324  
performing its duties related to the putative father registry 11325  
established under section 3107.062 of the Revised Code. 11326

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division (C) of section 2151.3529, division (B) of section 2151.3530, or section 5103.155 of the Revised Code. 11327  
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**Sec. 2113.041.** (A) The administrator of the estate recovery program established pursuant to section 5111.11 of the Revised Code may present an affidavit to a financial institution requesting that the financial institution release account proceeds to recover the cost of services correctly provided to a medicaid recipient. The affidavit shall include all of the following information: 11333  
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(1) The name of the decedent; 11340

(2) The name of any person who gave notice that the decedent was a medicaid recipient and that person's relationship to the decedent; 11341  
11342  
11343

(3) The name of the financial institution; 11344

(4) The account number; 11345

(5) A description of the claim for estate recovery; 11346

(6) The amount of funds to be recovered. 11347

(B) A financial institution may release account proceeds to the administrator of the estate recovery program if all of the following apply: 11348  
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11350

(1) The decedent held an account at the financial institution that was in the decedent's name only. 11351  
11352

(2) No estate has been, and it is reasonable to assume that no estate will be, opened for the decedent. 11353  
11354

(3) The decedent has no outstanding debts known to the 11355

administrator of the estate recovery program. 11356

(4) The financial institution has received no objections or 11357  
has determined that no valid objections to release of proceeds 11358  
have been received. 11359

(C) If proceeds have been released pursuant to division (B) 11360  
of this section and the department of job and family services 11361  
receives notice of a valid claim to the proceeds that has a higher 11362  
priority under section 2117.25 of the Revised Code than the claim 11363  
of the estate recovery program, the department may refund the 11364  
proceeds to the financial institution or pay them to the person or 11365  
government entity with the claim. 11366

**Sec. 2117.06.** (A) All creditors having claims against an 11367  
estate, including claims arising out of contract, out of tort, on 11368  
cognovit notes, or on judgments, whether due or not due, secured 11369  
or unsecured, liquidated or unliquidated, shall present their 11370  
claims in one of the following manners: 11371

(1) To the executor or administrator in a writing; 11372

(2) To the executor or administrator in a writing, and to the 11373  
probate court by filing a copy of the writing with it; 11374

(3) In a writing that is sent by ordinary mail addressed to 11375  
the decedent and that is actually received by the executor or 11376  
administrator within the appropriate time specified in division 11377  
(B) of this section. For purposes of this division, if an executor 11378  
or administrator is not a natural person, the writing shall be 11379  
considered as being actually received by the executor or 11380  
administrator only if the person charged with the primary 11381  
responsibility of administering the estate of the decedent 11382  
actually receives the writing within the appropriate time 11383  
specified in division (B) of this section. 11384

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 11385

Code, all claims shall be presented within one year after the 11386  
death of the decedent, whether or not the estate is released from 11387  
administration or an executor or administrator is appointed during 11388  
that one-year period. Every claim presented shall set forth the 11389  
claimant's address. 11390

(C) A Except as provided in section 2117.061 of the Revised 11391  
Code, a claim that is not presented within one year after the 11392  
death of the decedent shall be forever barred as to all parties, 11393  
including, but not limited to, devisees, legatees, and 11394  
distributees. No payment shall be made on the claim and no action 11395  
shall be maintained on the claim, except as otherwise provided in 11396  
sections 2117.37 to 2117.42 of the Revised Code with reference to 11397  
contingent claims. 11398

(D) In the absence of any prior demand for allowance, the 11399  
executor or administrator shall allow or reject all claims, except 11400  
tax assessment claims, within thirty days after their 11401  
presentation, provided that failure of the executor or 11402  
administrator to allow or reject within that time shall not 11403  
prevent the executor or administrator from doing so after that 11404  
time and shall not prejudice the rights of any claimant. Upon the 11405  
allowance of a claim, the executor or the administrator, on demand 11406  
of the creditor, shall furnish the creditor with a written 11407  
statement or memorandum of the fact and date of the allowance. 11408

(E) If the executor or administrator has actual knowledge of 11409  
a pending action commenced against the decedent prior to the 11410  
decedent's death in a court of record in this state, the executor 11411  
or administrator shall file a notice of the appointment of the 11412  
executor or administrator in the pending action within ten days 11413  
after acquiring that knowledge. If the administrator or executor 11414  
is not a natural person, actual knowledge of a pending suit 11415  
against the decedent shall be limited to the actual knowledge of 11416  
the person charged with the primary responsibility of 11417

administering the estate of the decedent. Failure to file the 11418  
notice within the ten-day period does not extend the claim period 11419  
established by this section. 11420

(F) This section applies to any person who is required to 11421  
give written notice to the executor or administrator of a motion 11422  
or application to revive an action pending against the decedent at 11423  
the date of the death of the decedent. 11424

(G) Nothing in this section or in section 2117.07 of the 11425  
Revised Code shall be construed to reduce the time mentioned in 11426  
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 11427  
of the Revised Code, provided that no portion of any recovery on a 11428  
claim brought pursuant to any of those sections shall come from 11429  
the assets of an estate unless the claim has been presented 11430  
against the estate in accordance with Chapter 2117. of the Revised 11431  
Code. 11432

(H) Any person whose claim has been presented and has not 11433  
been rejected after presentment is a creditor as that term is used 11434  
in Chapters 2113. to 2125. of the Revised Code. Claims that are 11435  
contingent need not be presented except as provided in sections 11436  
2117.37 to 2117.42 of the Revised Code, but, whether presented 11437  
pursuant to those sections or this section, contingent claims may 11438  
be presented in any of the manners described in division (A) of 11439  
this section. 11440

(I) If a creditor presents a claim against an estate in 11441  
accordance with division (A)(2) of this section, the probate court 11442  
shall not close the administration of the estate until that claim 11443  
is allowed or rejected. 11444

(J) The probate court shall not require an executor or 11445  
administrator to make and return into the court a schedule of 11446  
claims against the estate. 11447

(K) If the executor or administrator makes a distribution of 11448

the assets of the estate prior to the expiration of the time for 11449  
the filing of claims as set forth in this section, the executor or 11450  
administrator shall provide notice on the account delivered to 11451  
each distributee that the distributee may be liable to the estate 11452  
up to the value of the distribution and may be required to return 11453  
all or any part of the value of the distribution if a valid claim 11454  
is subsequently made against the estate within the time permitted 11455  
under this section. 11456

Sec. 2117.061. (A) As used in this section, "person 11457  
responsible for the estate" means the executor, administrator, 11458  
commissioner, or person who filed pursuant to section 2113.03 of 11459  
the Revised Code for release from administration of an estate. 11460

(B) If the decedent was fifty-five years of age or older at 11461  
the time of death, the person responsible for an estate shall 11462  
determine whether the decedent was a recipient of medical 11463  
assistance under Chapter 5111. of the Revised Code. If the 11464  
decedent was a recipient, the person responsible for the estate 11465  
shall give written notice to that effect to the administrator of 11466  
the estate recovery program instituted under section 5111.11 of 11467  
the Revised Code not later than thirty days after the occurrence 11468  
of any of the following: 11469

(1) The granting of letters testamentary; 11470

(2) The administration of the estate; 11471

(3) The filing of an application for release from 11472  
administration or summary release from administration. 11473

(C) The person responsible for an estate shall mark the 11474  
appropriate box on the appropriate probate form to indicate 11475  
compliance with the requirements of division (B) of this section. 11476

(D) The estate recovery program administrator shall present a 11477  
claim for estate recovery to the person responsible for the estate 11478

or the person's legal representative not later than ninety days 11479  
after the date on which notice is received under division (B) of 11480  
this section or one year after the decedent's death, whichever is 11481  
later. 11482

**Sec. 2117.25.** (A) Every executor or administrator shall 11483  
proceed with diligence to pay the debts of the decedent and shall 11484  
apply the assets in the following order: 11485

(1) Costs and expenses of administration; 11486

(2) An amount, not exceeding two thousand dollars, for 11487  
funeral expenses that are included in the bill of a funeral 11488  
director, funeral expenses other than those in the bill of a 11489  
funeral director that are approved by the probate court, and an 11490  
amount, not exceeding two thousand dollars, for burial and 11491  
cemetery expenses, including that portion of the funeral 11492  
director's bill allocated to cemetery expenses that have been paid 11493  
to the cemetery by the funeral director. 11494

For purposes of this division, burial and cemetery expenses 11495  
shall be limited to the following: 11496

(a) The purchase of a place of interment; 11497

(b) Monuments or other markers; 11498

(c) The outer burial container; 11499

(d) The cost of opening and closing the place of interment; 11500

(e) The urn. 11501

(3) The allowance for support made to the surviving spouse, 11502  
minor children, or both under section 2106.13 of the Revised Code; 11503

(4) Debts entitled to a preference under the laws of the 11504  
United States; 11505

(5) Expenses of the last sickness of the decedent; 11506

(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 11538  
presented. The executor or administrator shall pay debts included 11539  
in divisions (A)(4) and (7) of this section, of which the executor 11540  
or administrator has knowledge, regardless of presentation. 11541

(2) The giving of written notice to an executor or 11542  
administrator of a motion or application to revive an action 11543  
pending against the decedent at the date of death shall be 11544  
equivalent to the presentation of a claim to the executor or 11545  
administrator for the purpose of determining the order of payment 11546  
of any judgment rendered or decree entered in such an action. 11547

(E) No payments shall be made to creditors of one class until 11548  
all those of the preceding class are fully paid or provided for. 11549  
If the assets are insufficient to pay all the claims of one class, 11550  
the creditors of that class shall be paid ratably. 11551

(F) If it appears at any time that the assets have been 11552  
exhausted in paying prior or preferred charges, allowances, or 11553  
claims, those payments shall be a bar to an action on any claim 11554  
not entitled to that priority or preference. 11555

**Sec. 2151.011.** (A) As used in the Revised Code: 11556

(1) "Juvenile court" means whichever of the following is 11557  
applicable that has jurisdiction under this chapter and Chapter 11558  
2152. of the Revised Code: 11559

(a) The division of the court of common pleas specified in 11560  
section 2101.022 or 2301.03 of the Revised Code as having 11561  
jurisdiction under this chapter and Chapter 2152. of the Revised 11562  
Code or as being the juvenile division or the juvenile division 11563  
combined with one or more other divisions; 11564

(b) The juvenile court of Cuyahoga county or Hamilton county 11565  
that is separately and independently created by section 2151.08 or 11566  
Chapter 2153. of the Revised Code and that has jurisdiction under 11567

this chapter and Chapter 2152. of the Revised Code; 11568

(c) If division (A)(1)(a) or (b) of this section does not 11569  
apply, the probate division of the court of common pleas. 11570

(2) "Juvenile judge" means a judge of a court having 11571  
jurisdiction under this chapter. 11572

(3) "Private child placing agency" means any association, as 11573  
defined in section 5103.02 of the Revised Code, that is certified 11574  
under section 5103.03 of the Revised Code to accept temporary, 11575  
permanent, or legal custody of children and place the children for 11576  
either foster care or adoption. 11577

(4) "Private noncustodial agency" means any person, 11578  
organization, association, or society certified by the department 11579  
of job and family services that does not accept temporary or 11580  
permanent legal custody of children, that is privately operated in 11581  
this state, and that does one or more of the following: 11582

(a) Receives and cares for children for two or more 11583  
consecutive weeks; 11584

(b) Participates in the placement of children in certified 11585  
foster homes; 11586

(c) Provides adoption services in conjunction with a public 11587  
children services agency or private child placing agency. 11588

(B) As used in this chapter: 11589

(1) "Adequate parental care" means the provision by a child's 11590  
parent or parents, guardian, or custodian of adequate food, 11591  
clothing, and shelter to ensure the child's health and physical 11592  
safety and the provision by a child's parent or parents of 11593  
specialized services warranted by the child's physical or mental 11594  
needs. 11595

(2) "Adult" means an individual who is eighteen years of age 11596  
or older. 11597

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(6) "Child day camp," "child day-care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code.

(7) "Child day-care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education.

- (8) "Chronic truant" has the same meaning as in section 11629  
2152.02 of the Revised Code. 11630
- (9) "Commit" means to vest custody as ordered by the court. 11631
- (10) "Counseling" includes both of the following: 11632
- (a) General counseling services performed by a public 11633  
children services agency or shelter for victims of domestic 11634  
violence to assist a child, a child's parents, and a child's 11635  
siblings in alleviating identified problems that may cause or have 11636  
caused the child to be an abused, neglected, or dependent child. 11637
- (b) Psychiatric or psychological therapeutic counseling 11638  
services provided to correct or alleviate any mental or emotional 11639  
illness or disorder and performed by a licensed psychiatrist, 11640  
licensed psychologist, or a person licensed under Chapter 4757. of 11641  
the Revised Code to engage in social work or professional 11642  
counseling. 11643
- (11) "Custodian" means a person who has legal custody of a 11644  
child or a public children services agency or private child 11645  
placing agency that has permanent, temporary, or legal custody of 11646  
a child. 11647
- (12) "Delinquent child" has the same meaning as in section 11648  
2152.02 of the Revised Code. 11649
- (13) "Detention" means the temporary care of children pending 11650  
court adjudication or disposition, or execution of a court order, 11651  
in a public or private facility designed to physically restrict 11652  
the movement and activities of children. 11653
- (14) "Developmental disability" has the same meaning as in 11654  
section 5123.01 of the Revised Code. 11655
- (15) "Foster caregiver" has the same meaning as in section 11656  
5103.02 of the Revised Code. 11657
- (16) "Guardian" means a person, association, or corporation 11658

that is granted authority by a probate court pursuant to Chapter 11659  
2111. of the Revised Code to exercise parental rights over a child 11660  
to the extent provided in the court's order and subject to the 11661  
residual parental rights of the child's parents. 11662

(17) "Habitual truant" means any child of compulsory school 11663  
age who is absent without legitimate excuse for absence from the 11664  
public school the child is supposed to attend for five or more 11665  
consecutive school days, seven or more school days in one school 11666  
month, or twelve or more school days in a school year. 11667

(18) "Juvenile traffic offender" has the same meaning as in 11668  
section 2152.02 of the Revised Code. 11669

(19) "Legal custody" means a legal status that vests in the 11670  
custodian the right to have physical care and control of the child 11671  
and to determine where and with whom the child shall live, and the 11672  
right and duty to protect, train, and discipline the child and to 11673  
provide the child with food, shelter, education, and medical care, 11674  
all subject to any residual parental rights, privileges, and 11675  
responsibilities. An individual granted legal custody shall 11676  
exercise the rights and responsibilities personally unless 11677  
otherwise authorized by any section of the Revised Code or by the 11678  
court. 11679

(20) A "legitimate excuse for absence from the public school 11680  
the child is supposed to attend" includes, but is not limited to, 11681  
any of the following: 11682

(a) The fact that the child in question has enrolled in and 11683  
is attending another public or nonpublic school in this or another 11684  
state; 11685

(b) The fact that the child in question is excused from 11686  
attendance at school for any of the reasons specified in section 11687  
3321.04 of the Revised Code; 11688

(c) The fact that the child in question has received an age 11689

and schooling certificate in accordance with section 3331.01 of 11690  
the Revised Code. 11691

(21) "Mental illness" and "mentally ill person subject to 11692  
hospitalization by court order" have the same meanings as in 11693  
section 5122.01 of the Revised Code. 11694

(22) "Mental injury" means any behavioral, cognitive, 11695  
emotional, or mental disorder in a child caused by an act or 11696  
omission that is described in section 2919.22 of the Revised Code 11697  
and is committed by the parent or other person responsible for the 11698  
child's care. 11699

(23) "Mentally retarded person" has the same meaning as in 11700  
section 5123.01 of the Revised Code. 11701

(24) "Nonsecure care, supervision, or training" means care, 11702  
supervision, or training of a child in a facility that does not 11703  
confine or prevent movement of the child within the facility or 11704  
from the facility. 11705

(25) "Of compulsory school age" has the same meaning as in 11706  
section 3321.01 of the Revised Code. 11707

(26) "Organization" means any institution, public, 11708  
semipublic, or private, and any private association, society, or 11709  
agency located or operating in the state, incorporated or 11710  
unincorporated, having among its functions the furnishing of 11711  
protective services or care for children, or the placement of 11712  
children in certified foster homes or elsewhere. 11713

(27) "Out-of-home care" means detention facilities, shelter 11714  
facilities, certified foster homes, placement in a prospective 11715  
adoptive home prior to the issuance of a final decree of adoption, 11716  
organizations, certified organizations, child day-care centers, 11717  
type A family day-care homes, child day-care provided by type B 11718  
family day-care home providers and by in-home aides, group home 11719  
providers, group homes, institutions, state institutions, 11720

residential facilities, residential care facilities, residential 11721  
camps, day camps, hospitals, and medical clinics that are 11722  
responsible for the care, physical custody, or control of 11723  
children. 11724

(28) "Out-of-home care child abuse" means any of the 11725  
following when committed by a person responsible for the care of a 11726  
child in out-of-home care: 11727

(a) Engaging in sexual activity with a child in the person's 11728  
care; 11729

(b) Denial to a child, as a means of punishment, of proper or 11730  
necessary subsistence, education, medical care, or other care 11731  
necessary for a child's health; 11732

(c) Use of restraint procedures on a child that cause injury 11733  
or pain; 11734

(d) Administration of prescription drugs or psychotropic 11735  
medication to the child without the written approval and ongoing 11736  
supervision of a licensed physician; 11737

(e) Commission of any act, other than by accidental means, 11738  
that results in any injury to or death of the child in out-of-home 11739  
care or commission of any act by accidental means that results in 11740  
an injury to or death of a child in out-of-home care and that is 11741  
at variance with the history given of the injury or death. 11742

(29) "Out-of-home care child neglect" means any of the 11743  
following when committed by a person responsible for the care of a 11744  
child in out-of-home care: 11745

(a) Failure to provide reasonable supervision according to 11746  
the standards of care appropriate to the age, mental and physical 11747  
condition, or other special needs of the child; 11748

(b) Failure to provide reasonable supervision according to 11749  
the standards of care appropriate to the age, mental and physical 11750

condition, or other special needs of the child, that results in 11751  
sexual or physical abuse of the child by any person; 11752

(c) Failure to develop a process for all of the following: 11753

(i) Administration of prescription drugs or psychotropic 11754  
drugs for the child; 11755

(ii) Assuring that the instructions of the licensed physician 11756  
who prescribed a drug for the child are followed; 11757

(iii) Reporting to the licensed physician who prescribed the 11758  
drug all unfavorable or dangerous side effects from the use of the 11759  
drug. 11760

(d) Failure to provide proper or necessary subsistence, 11761  
education, medical care, or other individualized care necessary 11762  
for the health or well-being of the child; 11763

(e) Confinement of the child to a locked room without 11764  
monitoring by staff; 11765

(f) Failure to provide ongoing security for all prescription 11766  
and nonprescription medication; 11767

(g) Isolation of a child for a period of time when there is 11768  
substantial risk that the isolation, if continued, will impair or 11769  
retard the mental health or physical well-being of the child. 11770

(30) "Permanent custody" means a legal status that vests in a 11771  
public children services agency or a private child placing agency, 11772  
all parental rights, duties, and obligations, including the right 11773  
to consent to adoption, and divests the natural parents or 11774  
adoptive parents of all parental rights, privileges, and 11775  
obligations, including all residual rights and obligations. 11776

(31) "Permanent surrender" means the act of the parents or, 11777  
if a child has only one parent, of the parent of a child, by a 11778  
voluntary agreement authorized by section 5103.15 of the Revised 11779  
Code, to transfer the permanent custody of the child to a public 11780

children services agency or a private child placing agency. 11781

(32) "Person responsible for a child's care in out-of-home 11782  
care" means any of the following: 11783

(a) Any foster caregiver, in-home aide, or provider; 11784

(b) Any administrator, employee, or agent of any of the 11785  
following: a public or private detention facility; shelter 11786  
facility; organization; certified organization; child day-care 11787  
center; type A family day-care home; certified type B family 11788  
day-care home; group home; institution; state institution; 11789  
residential facility; residential care facility; residential camp; 11790  
day camp; hospital; or medical clinic; 11791

(c) Any other person who performs a similar function with 11792  
respect to, or has a similar relationship to, children. 11793

(33) "Physically impaired" means having one or more of the 11794  
following conditions that substantially limit one or more of an 11795  
individual's major life activities, including self-care, receptive 11796  
and expressive language, learning, mobility, and self-direction: 11797

(a) A substantial impairment of vision, speech, or hearing; 11798

(b) A congenital orthopedic impairment; 11799

(c) An orthopedic impairment caused by disease, rheumatic 11800  
fever or any other similar chronic or acute health problem, or 11801  
amputation or another similar cause. 11802

(34) "Placement for adoption" means the arrangement by a 11803  
public children services agency or a private child placing agency 11804  
with a person for the care and adoption by that person of a child 11805  
of whom the agency has permanent custody. 11806

(35) "Placement in foster care" means the arrangement by a 11807  
public children services agency or a private child placing agency 11808  
for the out-of-home care of a child of whom the agency has 11809  
temporary custody or permanent custody. 11810

(36) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(37) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(38) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

(39) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(40) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(41) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(42) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for

recreational or recreational and educational purposes. 11841

(43) "Residential care facility" means an institution, 11842  
residence, or facility that is licensed by the department of 11843  
mental health under section 5119.22 of the Revised Code and that 11844  
provides care for a child. 11845

(44) "Residential facility" means a home or facility that is 11846  
licensed by the department of mental retardation and developmental 11847  
disabilities under section 5123.19 of the Revised Code and in 11848  
which a child with a developmental disability resides. 11849

(45) "Residual parental rights, privileges, and 11850  
responsibilities" means those rights, privileges, and 11851  
responsibilities remaining with the natural parent after the 11852  
transfer of legal custody of the child, including, but not 11853  
necessarily limited to, the privilege of reasonable visitation, 11854  
consent to adoption, the privilege to determine the child's 11855  
religious affiliation, and the responsibility for support. 11856

(46) "School day" means the school day established by the 11857  
~~state~~ board of education of the applicable school district 11858  
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 11859

(47) "School ~~month~~ and "school year" ~~have~~ has the same 11860  
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 11861

(48) "Secure correctional facility" means a facility under 11862  
the direction of the department of youth services that is designed 11863  
to physically restrict the movement and activities of children and 11864  
used for the placement of children after adjudication and 11865  
disposition. 11866

(49) "Sexual activity" has the same meaning as in section 11867  
2907.01 of the Revised Code. 11868

(50) "Shelter" means the temporary care of children in 11869  
physically unrestricted facilities pending court adjudication or 11870

disposition. 11871

(51) "Shelter for victims of domestic violence" has the same 11872  
meaning as in section 3113.33 of the Revised Code. 11873

(52) "Temporary custody" means legal custody of a child who 11874  
is removed from the child's home, which custody may be terminated 11875  
at any time at the discretion of the court or, if the legal 11876  
custody is granted in an agreement for temporary custody, by the 11877  
person who executed the agreement. 11878

(C) For the purposes of this chapter, a child shall be 11879  
presumed abandoned when the parents of the child have failed to 11880  
visit or maintain contact with the child for more than ninety 11881  
days, regardless of whether the parents resume contact with the 11882  
child after that period of ninety days. 11883

**Sec. 2151.352.** A Except as otherwise provided in this 11884  
section, a child, or the child's parents, or custodian, or any 11885  
other person in loco parentis of ~~such~~ the child is entitled to 11886  
representation by legal counsel at all stages of the proceedings 11887  
under this chapter or Chapter 2152. of the Revised Code ~~and if,~~ 11888  
If, as an indigent person, any such person a party is unable to 11889  
employ counsel, the party is entitled to have counsel provided for 11890  
the person pursuant to Chapter 120. of the Revised Code. If a 11891  
party appears without counsel, the court shall ascertain whether 11892  
the party knows of the party's right to counsel and of the party's 11893  
right to be provided with counsel if the party is an indigent 11894  
person. The court may continue the case to enable a party to 11895  
obtain counsel or to be represented by the county public defender 11896  
or the joint county public defender and shall provide counsel upon 11897  
request pursuant to Chapter 120. of the Revised Code. Counsel must 11898  
be provided for a child not represented by the child's parent, 11899  
guardian, or custodian. If the interests of two or more ~~such~~ 11900  
parties conflict, separate counsel shall be provided for each of 11901

them. 11902

This section does not confer the right to court-appointed 11903  
counsel in civil actions arising under division (A)(2), (D), or 11904  
(F) of section 2151.23 or division (C) of section 3111.13 of the 11905  
Revised Code. 11906

Section 2935.14 of the Revised Code applies to any child 11907  
taken into custody. The parents, custodian, or guardian of ~~such a~~ 11908  
child taken into custody, and any attorney at law representing 11909  
them or the child, shall be entitled to visit ~~such~~ the child at 11910  
any reasonable time, be present at any hearing involving the 11911  
child, and be given reasonable notice of ~~such~~ the hearing. 11912

Any report or part ~~thereof~~ of a report concerning ~~such the~~ 11913  
child, which is used in the hearing and is pertinent ~~thereto to~~ 11914  
the hearing, shall for good cause shown be made available to any 11915  
attorney at law representing ~~such the~~ child and to any attorney at 11916  
law representing the parents, custodian, or guardian of ~~such the~~ 11917  
child, upon written request prior to any hearing involving ~~such~~ 11918  
the child. 11919

**Sec. 2151.3529.** (A) The director of job and family services 11920  
shall promulgate forms designed to gather pertinent medical 11921  
information concerning a deserted child and the child's parents. 11922  
The forms shall clearly and unambiguously state on each page that 11923  
the information requested is to facilitate medical care for the 11924  
child, that the forms may be fully or partially completed or left 11925  
blank, that completing the forms or parts of the forms is 11926  
completely voluntary, and that no adverse legal consequence will 11927  
result from failure to complete any part of the forms. 11928

(B) The director shall promulgate written materials to be 11929  
given to the parents of a child delivered pursuant to section 11930  
2151.3516 of the Revised Code. The materials shall describe 11931  
services available to assist parents and newborns and shall 11932

include information directly relevant to situations that might 11933  
cause parents to desert a child and information on the procedures 11934  
for a person to follow in order to reunite with a child the person 11935  
delivered under section 2151.3516 of the Revised Code, including 11936  
notice that the person will be required to submit to a DNA test, 11937  
at that person's expense, to prove that the person is the parent 11938  
of the child. 11939

(C) If the department of job and family services determines 11940  
that money in the putative father registry fund created under 11941  
section 2101.16 of the Revised Code is more than is needed for its 11942  
duties related to the putative father registry, the department may 11943  
use surplus moneys in the fund for costs related to the 11944  
development and publication of forms and materials promulgated 11945  
pursuant to divisions (A) and (B) of this section. 11946

**Sec. 2151.3530.** (A) The director of job and family services 11947  
shall distribute the medical information forms and written 11948  
materials promulgated under section 2151.3529 of the Revised Code 11949  
to entities permitted to receive a deserted child, to public 11950  
children services agencies, and to other public or private 11951  
agencies that, in the discretion of the director, are best able to 11952  
disseminate the forms and materials to the persons who are most in 11953  
need of the forms and materials. 11954

(B) If the department of job and family services determines 11955  
that money in the putative father registry fund created under 11956  
section 2101.16 of the Revised Code is more than is needed to 11957  
perform its duties related to the putative father registry, the 11958  
department may use surplus moneys in the fund for costs related to 11959  
the distribution of forms and materials pursuant to this section. 11960

**Sec. 2151.83.** (A) A public children services agency or 11961  
private child placing agency, on the request of a young adult, 11962

shall enter into a jointly prepared written agreement with the 11963  
young adult that obligates the agency to ensure that independent 11964  
living services are provided to the young adult and sets forth the 11965  
responsibilities of the young adult regarding the services. The 11966  
agreement shall be developed based on the young adult's strengths, 11967  
needs, and circumstances ~~and the availability of funds provided~~ 11968  
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 11969  
shall be designed to promote the young adult's successful 11970  
transition to independent adult living and emotional and economic 11971  
self-sufficiency. 11972

(B) If the young adult appears to be eligible for services 11973  
from one or more of the following entities, the agency must 11974  
contact the appropriate entity to determine eligibility: 11975

(1) An entity, other than the agency, that is represented on 11976  
a county family and children first council established pursuant to 11977  
section 121.37 of the Revised Code. If the entity is a board of 11978  
alcohol, drug addiction, and mental health services, an alcohol 11979  
and drug addiction services board, or a community mental health 11980  
board, the agency shall contact the provider of alcohol, drug 11981  
addiction, or mental health services that has been designated by 11982  
the board to determine the young adult's eligibility for services. 11983

(2) The rehabilitation services commission; 11984

(3) A metropolitan housing authority established pursuant to 11985  
section 3735.27 of the Revised Code. 11986

If an entity described in this division determines that the 11987  
young adult qualifies for services from the entity, that entity, 11988  
the young adult, and the agency to which the young adult made the 11989  
request for independent living services shall enter into a written 11990  
addendum to the jointly prepared agreement entered into under 11991  
division (A) of this section. The addendum shall indicate how 11992  
services under the agreement and addendum are to be coordinated 11993

and allocate the service responsibilities among the entities and 11994  
agency that signed the addendum. 11995

**Sec. 2151.84.** The department of job and family services shall 11996  
establish model agreements that may be used by public children 11997  
services agencies and private child placing agencies required to 11998  
provide services under an agreement with a young adult pursuant to 11999  
section 2151.83 of the Revised Code. The model agreements shall 12000  
include provisions describing the specific independent living 12001  
services to be provided ~~to the extent funds are provided pursuant~~ 12002  
~~to this section~~, the duration of the services and the agreement, 12003  
the duties and responsibilities of each party under the agreement, 12004  
and grievance procedures regarding disputes that arise regarding 12005  
the agreement or services provided under it. 12006

~~To facilitate the provision of independent living services,~~ 12007  
~~the department shall provide funds to meet the requirement of~~ 12008  
~~state matching funds needed to qualify for federal funds under the~~ 12009  
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 12010  
~~U.S.C. 677, as amended. The department shall seek controlling~~ 12011  
~~board approval of any fund transfers necessary to meet this~~ 12012  
~~requirement.~~ 12013

**Sec. 2301.58.** (A) The director of the community-based 12014  
correctional facility or district community-based correctional 12015  
facility may establish a commissary for the facility. The 12016  
commissary may be established either in-house or by another 12017  
arrangement. If a commissary is established, all persons 12018  
incarcerated in the facility shall receive commissary privileges. 12019  
A person's purchases from the commissary shall be deducted from 12020  
the person's account record in the facility's business office. The 12021  
commissary shall provide for the distribution to indigent persons 12022  
incarcerated in the facility necessary hygiene articles and 12023  
writing materials. 12024

(B) If a commissary is established, the director of the community-based correctional facility or district community-based correctional facility shall establish a commissary fund for the facility. The management of funds in the commissary fund shall be strictly controlled in accordance with procedures adopted by the auditor of state. Commissary fund revenue over and above operating costs and reserve shall be considered profits. All profits from the commissary fund shall be used to purchase supplies and equipment for the benefit of persons incarcerated in the facility and to pay salary and benefits for employees of the facility, or for any other persons, who work in or are employed for the sole purpose of providing service to the commissary. The director of the community-based correctional facility or district community-based correctional facility shall adopt rules and regulations for the operation of any commissary fund the director establishes.

**Sec. 2305.234.** (A) As used in this section:

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.

(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised

Code to practice medicine and surgery or osteopathic medicine and surgery;	12055 12056
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	12057 12058
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	12059 12060
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	12061 12062
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	12063 12064
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	12065 12066
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	12067 12068
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	12069 12070
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	12071 12072
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	12073 12074
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	12075 12076 12077 12078
(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, dental assistants, orderlies, aides, and individuals acting in	12079 12080 12081 12082 12083 12084

similar capacities. 12085

(6) "Indigent and uninsured person" means a person who meets 12086  
all of the following requirements: 12087

(a) The person's income is not greater than one hundred fifty 12088  
per cent of the current poverty line as defined by the United 12089  
States office of management and budget and revised in accordance 12090  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 12091  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 12092

(b) The person is not eligible to receive medical assistance 12093  
under Chapter 5111., ~~disability assistance~~ medical assistance 12094  
under Chapter 5115. of the Revised Code, or assistance under any 12095  
other governmental health care program. 12096

(c) Either of the following applies: 12097

(i) The person is not a policyholder, certificate holder, 12098  
insured, contract holder, subscriber, enrollee, member, 12099  
beneficiary, or other covered individual under a health insurance 12100  
or health care policy, contract, or plan. 12101

(ii) The person is a policyholder, certificate holder, 12102  
insured, contract holder, subscriber, enrollee, member, 12103  
beneficiary, or other covered individual under a health insurance 12104  
or health care policy, contract, or plan, but the insurer, policy, 12105  
contract, or plan denies coverage or is the subject of insolvency 12106  
or bankruptcy proceedings in any jurisdiction. 12107

(7) "Operation" means any procedure that involves cutting or 12108  
otherwise infiltrating human tissue by mechanical means, including 12109  
surgery, laser surgery, ionizing radiation, therapeutic 12110  
ultrasound, or the removal of intraocular foreign bodies. 12111  
"Operation" does not include the administration of medication by 12112  
injection, unless the injection is administered in conjunction 12113  
with a procedure infiltrating human tissue by mechanical means 12114  
other than the administration of medicine by injection. 12115

(8) "Nonprofit shelter or health care facility" means a 12116  
charitable nonprofit corporation organized and operated pursuant 12117  
to Chapter 1702. of the Revised Code, or any charitable 12118  
organization not organized and not operated for profit, that 12119  
provides shelter, health care services, or shelter and health care 12120  
services to indigent and uninsured persons, except that "shelter 12121  
or health care facility" does not include a hospital as defined in 12122  
section 3727.01 of the Revised Code, a facility licensed under 12123  
Chapter 3721. of the Revised Code, or a medical facility that is 12124  
operated for profit. 12125

(9) "Tort action" means a civil action for damages for 12126  
injury, death, or loss to person or property other than a civil 12127  
action for damages for a breach of contract or another agreement 12128  
between persons or government entities. 12129

(10) "Volunteer" means an individual who provides any 12130  
medical, dental, or other health-care related diagnosis, care, or 12131  
treatment without the expectation of receiving and without receipt 12132  
of any compensation or other form of remuneration from an indigent 12133  
and uninsured person, another person on behalf of an indigent and 12134  
uninsured person, any shelter or health care facility, or any 12135  
other person or government entity. 12136

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 12137  
health care professional who is a volunteer and complies with 12138  
division (B)(2) of this section is not liable in damages to any 12139  
person or government entity in a tort or other civil action, 12140  
including an action on a medical, dental, chiropractic, 12141  
optometric, or other health-related claim, for injury, death, or 12142  
loss to person or property that allegedly arises from an action or 12143  
omission of the volunteer in the provision at a nonprofit shelter 12144  
or health care facility to an indigent and uninsured person of 12145  
medical, dental, or other health-related diagnosis, care, or 12146  
treatment, including the provision of samples of medicine and 12147

other medical products, unless the action or omission constitutes 12148  
willful or wanton misconduct. 12149

(2) To qualify for the immunity described in division (B)(1) 12150  
of this section, a health care professional shall do all of the 12151  
following prior to providing diagnosis, care, or treatment: 12152

(a) Determine, in good faith, that the indigent and uninsured 12153  
person is mentally capable of giving informed consent to the 12154  
provision of the diagnosis, care, or treatment and is not subject 12155  
to duress or under undue influence; 12156

(b) Inform the person of the provisions of this section; 12157

(c) Obtain the informed consent of the person and a written 12158  
waiver, signed by the person or by another individual on behalf of 12159  
and in the presence of the person, that states that the person is 12160  
mentally competent to give informed consent and, without being 12161  
subject to duress or under undue influence, gives informed consent 12162  
to the provision of the diagnosis, care, or treatment subject to 12163  
the provisions of this section. 12164

(3) A physician or podiatrist who is not covered by medical 12165  
malpractice insurance, but complies with division (B)(2) of this 12166  
section, is not required to comply with division (A) of section 12167  
4731.143 of the Revised Code. 12168

(C) Subject to divisions (E) and (F)(3) of this section, 12169  
health care workers who are volunteers are not liable in damages 12170  
to any person or government entity in a tort or other civil 12171  
action, including an action upon a medical, dental, chiropractic, 12172  
optometric, or other health-related claim, for injury, death, or 12173  
loss to person or property that allegedly arises from an action or 12174  
omission of the health care worker in the provision at a nonprofit 12175  
shelter or health care facility to an indigent and uninsured 12176  
person of medical, dental, or other health-related diagnosis, 12177  
care, or treatment, unless the action or omission constitutes 12178

willful or wanton misconduct. 12179

(D) Subject to divisions (E) and (F)(3) of this section and 12180  
section 3701.071 of the Revised Code, a nonprofit shelter or 12181  
health care facility associated with a health care professional 12182  
described in division (B)(1) of this section or a health care 12183  
worker described in division (C) of this section is not liable in 12184  
damages to any person or government entity in a tort or other 12185  
civil action, including an action on a medical, dental, 12186  
chiropractic, optometric, or other health-related claim, for 12187  
injury, death, or loss to person or property that allegedly arises 12188  
from an action or omission of the health care professional or 12189  
worker in providing for the shelter or facility medical, dental, 12190  
or other health-related diagnosis, care, or treatment to an 12191  
indigent and uninsured person, unless the action or omission 12192  
constitutes willful or wanton misconduct. 12193

(E)(1) Except as provided in division (E)(2) of this section, 12194  
the immunities provided by divisions (B), (C), and (D) of this 12195  
section are not available to an individual or to a nonprofit 12196  
shelter or health care facility if, at the time of an alleged 12197  
injury, death, or loss to person or property, the individuals 12198  
involved are providing one of the following: 12199

(a) Any medical, dental, or other health-related diagnosis, 12200  
care, or treatment pursuant to a community service work order 12201  
entered by a court under division (F) of section 2951.02 of the 12202  
Revised Code as a condition of probation or other suspension of a 12203  
term of imprisonment or imposed by a court as a community control 12204  
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 12205  
Code. 12206

(b) Performance of an operation. 12207

(c) Delivery of a baby. 12208

(2) Division (E)(1) of this section does not apply to an 12209

individual who provides, or a nonprofit shelter or health care 12210  
facility at which the individual provides, diagnosis, care, or 12211  
treatment that is necessary to preserve the life of a person in a 12212  
medical emergency. 12213

(F)(1) This section does not create a new cause of action or 12214  
substantive legal right against a health care professional, health 12215  
care worker, or nonprofit shelter or health care facility. 12216

(2) This section does not affect any immunities from civil 12217  
liability or defenses established by another section of the 12218  
Revised Code or available at common law to which an individual or 12219  
a nonprofit shelter or health care facility may be entitled in 12220  
connection with the provision of emergency or other diagnosis, 12221  
care, or treatment. 12222

(3) This section does not grant an immunity from tort or 12223  
other civil liability to an individual or a nonprofit shelter or 12224  
health care facility for actions that are outside the scope of 12225  
authority of health care professionals or health care workers. 12226

(4) This section does not affect any legal responsibility of 12227  
a health care professional or health care worker to comply with 12228  
any applicable law of this state or rule of an agency of this 12229  
state. 12230

(5) This section does not affect any legal responsibility of 12231  
a nonprofit shelter or health care facility to comply with any 12232  
applicable law of this state, rule of an agency of this state, or 12233  
local code, ordinance, or regulation that pertains to or regulates 12234  
building, housing, air pollution, water pollution, sanitation, 12235  
health, fire, zoning, or safety. 12236

**Sec. 2329.07.** If neither execution on a judgment rendered in 12237  
a court of record or certified to the clerk of the court of common 12238  
pleas in the county in which the judgment was rendered is issued, 12239

nor a certificate of judgment for obtaining a lien upon lands and 12240  
tenements is issued and filed, as provided in sections 2329.02 and 12241  
2329.04 of the Revised Code, within five years from the date of 12242  
the judgment or within five years from the date of the issuance of 12243  
the last execution thereon or the issuance and filing of the last 12244  
such certificate, whichever is later, then, unless the judgment is 12245  
in favor of the state, the judgment shall be dormant and shall not 12246  
operate as a lien upon the estate of the judgment debtor. 12247

If the judgment is in favor of the state, the judgment shall 12248  
not become dormant and shall not cease to operate as a lien 12249  
against the estate of the judgment debtor ~~unless neither such~~ 12250  
provided that either execution on the judgment is issued ~~nor such~~ 12251  
or a certificate of judgment is issued and filed, as provided in 12252  
sections 2329.02 and 2329.04 of the Revised Code, within ten years 12253  
from the date of the judgment ~~or within ten years from the date of~~ 12254  
~~the issuance of the last execution thereon or the issuance and~~ 12255  
~~filing of the last such certificate, whichever is later.~~ 12256

If, in any county other than that in which a judgment was 12257  
rendered, the judgment has become a lien by reason of the filing, 12258  
in the office of the clerk of the court of common pleas of that 12259  
county, of a certificate of the judgment as provided in sections 12260  
2329.02 and 2329.04 of the Revised Code, and if no execution is 12261  
issued for the enforcement of the judgment within that county, or 12262  
no further certificate of the judgment is filed in that county, 12263  
within five years ~~or, if the judgment is in favor of the state,~~ 12264  
~~within ten years~~ from the date of issuance of the last execution 12265  
for the enforcement of the judgment within that county or the date 12266  
of filing of the last certificate in that county, whichever is the 12267  
later, then the judgment shall cease to operate as a lien upon 12268  
lands and tenements of the judgment debtor within that county, 12269  
unless the judgment is in favor of the state, in which case the 12270  
judgment shall not become dormant. 12271

~~This section applies to judgments in favor of the state.~~ 12272

**Sec. 2329.66.** (A) Every person who is domiciled in this state 12273  
may hold property exempt from execution, garnishment, attachment, 12274  
or sale to satisfy a judgment or order, as follows: 12275

(1)(a) In the case of a judgment or order regarding money 12276  
owed for health care services rendered or health care supplies 12277  
provided to the person or a dependent of the person, one parcel or 12278  
item of real or personal property that the person or a dependent 12279  
of the person uses as a residence. Division (A)(1)(a) of this 12280  
section does not preclude, affect, or invalidate the creation 12281  
under this chapter of a judgment lien upon the exempted property 12282  
but only delays the enforcement of the lien until the property is 12283  
sold or otherwise transferred by the owner or in accordance with 12284  
other applicable laws to a person or entity other than the 12285  
surviving spouse or surviving minor children of the judgment 12286  
debtor. Every person who is domiciled in this state may hold 12287  
exempt from a judgment lien created pursuant to division (A)(1)(a) 12288  
of this section the person's interest, not to exceed five thousand 12289  
dollars, in the exempted property. 12290

(b) In the case of all other judgments and orders, the 12291  
person's interest, not to exceed five thousand dollars, in one 12292  
parcel or item of real or personal property that the person or a 12293  
dependent of the person uses as a residence. 12294

(2) The person's interest, not to exceed one thousand 12295  
dollars, in one motor vehicle; 12296

(3) The person's interest, not to exceed two hundred dollars 12297  
in any particular item, in wearing apparel, beds, and bedding, and 12298  
the person's interest, not to exceed three hundred dollars in each 12299  
item, in one cooking unit and one refrigerator or other food 12300  
preservation unit; 12301

(4)(a) The person's interest, not to exceed four hundred 12302  
dollars, in cash on hand, money due and payable, money to become 12303  
due within ninety days, tax refunds, and money on deposit with a 12304  
bank, savings and loan association, credit union, public utility, 12305  
landlord, or other person. Division (A)(4)(a) of this section 12306  
applies only in bankruptcy proceedings. This exemption may include 12307  
the portion of personal earnings that is not exempt under division 12308  
(A)(13) of this section. 12309

(b) Subject to division (A)(4)(d) of this section, the 12310  
person's interest, not to exceed two hundred dollars in any 12311  
particular item, in household furnishings, household goods, 12312  
appliances, books, animals, crops, musical instruments, firearms, 12313  
and hunting and fishing equipment, that are held primarily for the 12314  
personal, family, or household use of the person; 12315

(c) Subject to division (A)(4)(d) of this section, the 12316  
person's interest in one or more items of jewelry, not to exceed 12317  
four hundred dollars in one item of jewelry and not to exceed two 12318  
hundred dollars in every other item of jewelry; 12319

(d) Divisions (A)(4)(b) and (c) of this section do not 12320  
include items of personal property listed in division (A)(3) of 12321  
this section. 12322

If the person does not claim an exemption under division 12323  
(A)(1) of this section, the total exemption claimed under division 12324  
(A)(4)(b) of this section shall be added to the total exemption 12325  
claimed under division (A)(4)(c) of this section, and the total 12326  
shall not exceed two thousand dollars. If the person claims an 12327  
exemption under division (A)(1) of this section, the total 12328  
exemption claimed under division (A)(4)(b) of this section shall 12329  
be added to the total exemption claimed under division (A)(4)(c) 12330  
of this section, and the total shall not exceed one thousand five 12331  
hundred dollars. 12332

(5) The person's interest, not to exceed an aggregate of	12333
seven hundred fifty dollars, in all implements, professional	12334
books, or tools of the person's profession, trade, or business,	12335
including agriculture;	12336
(6)(a) The person's interest in a beneficiary fund set apart,	12337
appropriated, or paid by a benevolent association or society, as	12338
exempted by section 2329.63 of the Revised Code;	12339
(b) The person's interest in contracts of life or endowment	12340
insurance or annuities, as exempted by section 3911.10 of the	12341
Revised Code;	12342
(c) The person's interest in a policy of group insurance or	12343
the proceeds of a policy of group insurance, as exempted by	12344
section 3917.05 of the Revised Code;	12345
(d) The person's interest in money, benefits, charity,	12346
relief, or aid to be paid, provided, or rendered by a fraternal	12347
benefit society, as exempted by section 3921.18 of the Revised	12348
Code;	12349
(e) The person's interest in the portion of benefits under	12350
policies of sickness and accident insurance and in lump sum	12351
payments for dismemberment and other losses insured under those	12352
policies, as exempted by section 3923.19 of the Revised Code.	12353
(7) The person's professionally prescribed or medically	12354
necessary health aids;	12355
(8) The person's interest in a burial lot, including, but not	12356
limited to, exemptions under section 517.09 or 1721.07 of the	12357
Revised Code;	12358
(9) The person's interest in the following:	12359
(a) Moneys paid or payable for living maintenance or rights,	12360
as exempted by section 3304.19 of the Revised Code;	12361
(b) Workers' compensation, as exempted by section 4123.67 of	12362

the Revised Code;	12363
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	12364 12365
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	12366 12367
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	12368 12369 12370
(f) Disability <u>financial</u> assistance payments, as exempted by section <del>5115.07</del> <u>5115.06</u> of the Revised Code.	12371 12372
(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;	12373 12374 12375 12376 12377 12378 12379 12380 12381 12382 12383 12384 12385 12386 12387 12388 12389
(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	12390 12391 12392 12393

profit-sharing plan or a payment included in division (A)(6)(b) or 12394  
(10)(a) of this section, on account of illness, disability, death, 12395  
age, or length of service, to the extent reasonably necessary for 12396  
the support of the person and any of the person's dependents, 12397  
except if all the following apply: 12398

(i) The plan or contract was established by or under the 12399  
auspices of an insider that employed the person at the time the 12400  
person's rights under the plan or contract arose. 12401

(ii) The payment is on account of age or length of service. 12402

(iii) The plan or contract is not qualified under the 12403  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 12404  
amended. 12405

(c) Except for any portion of the assets that were deposited 12406  
for the purpose of evading the payment of any debt and except as 12407  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 12408  
3123.06 of the Revised Code, the person's right in the assets held 12409  
in, or to receive any payment under, any individual retirement 12410  
account, individual retirement annuity, "Roth IRA," or education 12411  
individual retirement account that provides benefits by reason of 12412  
illness, disability, death, or age, to the extent that the assets, 12413  
payments, or benefits described in division (A)(10)(c) of this 12414  
section are attributable to any of the following: 12415

(i) Contributions of the person that were less than or equal 12416  
to the applicable limits on deductible contributions to an 12417  
individual retirement account or individual retirement annuity in 12418  
the year that the contributions were made, whether or not the 12419  
person was eligible to deduct the contributions on the person's 12420  
federal tax return for the year in which the contributions were 12421  
made; 12422

(ii) Contributions of the person that were less than or equal 12423  
to the applicable limits on contributions to a Roth IRA or 12424

education individual retirement account in the year that the 12425  
contributions were made; 12426

(iii) Contributions of the person that are within the 12427  
applicable limits on rollover contributions under subsections 219, 12428  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 12429  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 12430  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 12431

(d) Except for any portion of the assets that were deposited 12432  
for the purpose of evading the payment of any debt and except as 12433  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 12434  
3123.06 of the Revised Code, the person's right in the assets held 12435  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 12436  
that provides benefits by reason of illness, disability, death, or 12437  
age, to the extent reasonably necessary for the support of the 12438  
person and any of the person's dependents. 12439

(11) The person's right to receive spousal support, child 12440  
support, an allowance, or other maintenance to the extent 12441  
reasonably necessary for the support of the person and any of the 12442  
person's dependents; 12443

(12) The person's right to receive, or moneys received during 12444  
the preceding twelve calendar months from, any of the following: 12445

(a) An award of reparations under sections 2743.51 to 2743.72 12446  
of the Revised Code, to the extent exempted by division (D) of 12447  
section 2743.66 of the Revised Code; 12448

(b) A payment on account of the wrongful death of an 12449  
individual of whom the person was a dependent on the date of the 12450  
individual's death, to the extent reasonably necessary for the 12451  
support of the person and any of the person's dependents; 12452

(c) Except in cases in which the person who receives the 12453  
payment is an inmate, as defined in section 2969.21 of the Revised 12454  
Code, and in which the payment resulted from a civil action or 12455

appeal against a government entity or employee, as defined in 12456  
section 2969.21 of the Revised Code, a payment, not to exceed five 12457  
thousand dollars, on account of personal bodily injury, not 12458  
including pain and suffering or compensation for actual pecuniary 12459  
loss, of the person or an individual for whom the person is a 12460  
dependent; 12461

(d) A payment in compensation for loss of future earnings of 12462  
the person or an individual of whom the person is or was a 12463  
dependent, to the extent reasonably necessary for the support of 12464  
the debtor and any of the debtor's dependents. 12465

(13) Except as provided in sections 3119.80, 3119.81, 12466  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 12467  
earnings of the person owed to the person for services in an 12468  
amount equal to the greater of the following amounts: 12469

(a) If paid weekly, thirty times the current federal minimum 12470  
hourly wage; if paid biweekly, sixty times the current federal 12471  
minimum hourly wage; if paid semimonthly, sixty-five times the 12472  
current federal minimum hourly wage; or if paid monthly, one 12473  
hundred thirty times the current federal minimum hourly wage that 12474  
is in effect at the time the earnings are payable, as prescribed 12475  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 12476  
U.S.C. 206(a)(1), as amended; 12477

(b) Seventy-five per cent of the disposable earnings owed to 12478  
the person. 12479

(14) The person's right in specific partnership property, as 12480  
exempted by division (B)(3) of section 1775.24 of the Revised 12481  
Code; 12482

(15) A seal and official register of a notary public, as 12483  
exempted by section 147.04 of the Revised Code; 12484

(16) The person's interest in a tuition credit or a payment 12485  
under section 3334.09 of the Revised Code pursuant to a tuition 12486

credit contract, as exempted by section 3334.15 of the Revised Code;	12487 12488
(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;	12489 12490 12491 12492
(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings.	12493 12494 12495
(B) As used in this section:	12496
(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.	12497 12498 12499 12500
(2) "Insider" means:	12501
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	12502 12503 12504 12505 12506
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;	12507 12508 12509 12510 12511 12512
(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a	12513 12514 12515 12516

general partner of, or a person in control of the partnership;	12517
(d) An entity or person to which or whom any of the following applies:	12518
	12519
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	12520
	12521
	12522
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(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.	12527
	12528
	12529
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	12531
(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.	12532
	12533
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	12535
(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.	12536
	12537
	12538
(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	12539
	12540
	12541
	12542
(f) A managing agent of the person who claims an exemption.	12543
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	12544
	12545
(4) "Government unit" has the same meaning as in section	12546

148.06 of the Revised Code. 12547

(C) For purposes of this section, "interest" shall be 12548  
determined as follows: 12549

(1) In bankruptcy proceedings, as of the date a petition is 12550  
filed with the bankruptcy court commencing a case under Title 11 12551  
of the United States Code; 12552

(2) In all cases other than bankruptcy proceedings, as of the 12553  
date of an appraisal, if necessary under section 2329.68 of the 12554  
Revised Code, or the issuance of a writ of execution. 12555

An interest, as determined under division (C)(1) or (2) of 12556  
this section, shall not include the amount of any lien otherwise 12557  
valid pursuant to section 2329.661 of the Revised Code. 12558

**Sec. 2715.041.** (A) Upon the filing of a motion for an order 12559  
of attachment pursuant to section 2715.03 of the Revised Code, the 12560  
plaintiff shall file with the clerk of the court a praecipe 12561  
instructing the clerk to issue to the defendant against whom the 12562  
motion was filed a notice of the proceeding. Upon receipt of the 12563  
praecipe, the clerk shall issue the notice which shall be in 12564  
substantially the following form: 12565

"(Name and Address of Court) 12566

Case No..... 12567

(Case Caption) 12568

NOTICE 12569

You are hereby notified that (name and address of plaintiff), 12570  
the plaintiff in this proceeding, has applied to this court for 12571  
the attachment of property in your possession. The basis for this 12572  
application is indicated in the documents that are enclosed with 12573  
this notice. 12574

The law of Ohio and the United States provides that certain 12575  
benefit payments cannot be taken from you to pay a debt. Typical 12576

among the benefits that cannot be attached or executed on by a	12577
creditor are:	12578
(1) Workers' compensation benefits;	12579
(2) Unemployment compensation payments;	12580
(3) Cash assistance payments under the Ohio works first	12581
program;	12582
(4) Benefits and services under the prevention, retention,	12583
and contingency program;	12584
(5) Disability <u>financial</u> assistance administered by the Ohio	12585
department of job and family services;	12586
(6) Social security benefits;	12587
(7) Supplemental security income (S.S.I.);	12588
(8) Veteran's benefits;	12589
(9) Black lung benefits;	12590
(10) Certain pensions.	12591
Additionally, your wages never can be taken to pay a debt	12592
until a judgment has been obtained against you. There may be other	12593
benefits not included in this list that apply in your case.	12594
If you dispute the plaintiff's claim and believe that you are	12595
entitled to retain possession of the property because it is exempt	12596
or for any other reason, you may request a hearing before this	12597
court by disputing the claim in the request for hearing form	12598
appearing below, or in a substantially similar form, and	12599
delivering the request for the hearing to this court, at the	12600
office of the clerk of this court, not later than the end of the	12601
fifth business day after you receive this notice. You may state	12602
your reasons for disputing the claim in the space provided on the	12603
form, but you are not required to do so. If you do state your	12604
reasons for disputing the claim in the space provided on the form,	12605

you are not prohibited from stating any other reasons at the 12606  
hearing, and if you do not state your reasons, it will not be held 12607  
against you by the court and you can state your reasons at the 12608  
hearing. 12609

If you request a hearing, it will be conducted in 12610  
..... courtroom ....., (address of court), at 12611  
.....m. on ....., ..... 12612

You may avoid having a hearing but retain possession of the 12613  
property until the entry of final judgment in the action by filing 12614  
with the court, at the office of the clerk of this court, not 12615  
later than the end of the fifth business day after you receive 12616  
this notice, a bond executed by an acceptable surety in the amount 12617  
of \$..... 12618

If you do not request a hearing or file a bond on or before 12619  
the end of the fifth business day after you receive this notice, 12620  
the court, without further notice to you, may order a law 12621  
enforcement officer or bailiff to take possession of the property. 12622  
Notice of the dates, times, places, and purposes of any subsequent 12623  
hearings and of the date, time, and place of the trial of the 12624  
action will be sent to you. 12625

..... 12626

Clerk of Court 12627

Date:....." 12628

(B) Along with the notice required by division (A) of this 12629  
section, the clerk of the court also shall deliver to the 12630  
defendant, in accordance with division (C) of this section, a 12631  
request for hearing form together with a postage-paid, 12632  
self-addressed envelope or a request for hearing form on a 12633  
postage-paid, self-addressed postcard. The request for hearing 12634  
shall be in substantially the following form: 12635

"(Name and Address of Court) 12636

Case Number ..... Date ..... 12637

REQUEST FOR HEARING

12638

I dispute the claim for the attachment of property in the  
above case and request that a hearing in this matter be held at  
the time and place set forth in the notice that I previously  
received.

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I dispute the claim for the following reasons:

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(Optional)

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(Name of Defendant)

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.....

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(Signature)

12651

.....

12652

(Date)

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WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,  
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE  
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."

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(C) The notice required by division (A) of this section shall  
be served on the defendant in duplicate not less than seven  
business days prior to the date on which the hearing is scheduled,  
together with a copy of the complaint and summons, if not  
previously served, and a copy of the motion for the attachment of  
property and the affidavit attached to the motion, in the same  
manner as provided in the Rules of Civil Procedure for the service  
of process. Service may be effected by publication as provided in  
the Rules of Civil Procedure except that the number of weeks for

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publication may be reduced by the court to the extent appropriate. 12668

**Sec. 2715.045.** (A) Upon the filing of a motion for 12669  
attachment, a court may issue an order of attachment without 12670  
issuing notice to the defendant against whom the motion was filed 12671  
and without conducting a hearing if the court finds that there is 12672  
probable cause to support the motion and that the plaintiff that 12673  
filed the motion for attachment will suffer irreparable injury if 12674  
the order is delayed until the defendant against whom the motion 12675  
has been filed has been given the opportunity for a hearing. The 12676  
court's findings shall be based upon the motion and affidavit 12677  
filed pursuant to section 2715.03 of the Revised Code and any 12678  
other relevant evidence that it may wish to consider. 12679

(B) A finding by the court that the plaintiff will suffer 12680  
irreparable injury may be made only if the court finds the 12681  
existence of either of the following circumstances: 12682

(1) There is present danger that the property will be 12683  
immediately disposed of, concealed, or placed beyond the 12684  
jurisdiction of the court. 12685

(2) The value of the property will be impaired substantially 12686  
if the issuance of an order of attachment is delayed. 12687

(C)(1) Upon the issuance by a court of an order of attachment 12688  
without notice and hearing pursuant to this section, the plaintiff 12689  
shall file the order with the clerk of the court, together with a 12690  
praecipe instructing the clerk to issue to the defendant against 12691  
whom the order was issued a copy of the motion, affidavit, and 12692  
order of attachment, and a notice that an order of attachment was 12693  
issued and that the defendant has a right to a hearing on the 12694  
matter. The clerk then immediately shall serve upon the defendant, 12695  
in the manner provided by the Rules of Civil Procedure for service 12696  
of process, a copy of the complaint and summons, if not previously 12697  
served, a copy of the motion, affidavit, and order of attachment, 12698



benefits not included in this list that apply in your case. 12728

If you dispute the plaintiff's claim and believe that you are 12729  
entitled to possession of the property because it is exempt or for 12730  
any other reason, you may request a hearing before this court by 12731  
disputing the claim in the request for hearing form, appearing 12732  
below, or in a substantially similar form, and delivering the 12733  
request for hearing to this court at the above address, at the 12734  
office of the clerk of this court, no later than the end of the 12735  
fifth business day after you receive this notice. You may state 12736  
your reasons for disputing the claim in the space provided on the 12737  
form; however, you are not required to do so. If you do state your 12738  
reasons for disputing the claim, you are not prohibited from 12739  
stating any other reasons at the hearing, and if you do not state 12740  
your reasons, it will not be held against you by the court and you 12741  
can state your reasons at the hearing. If you request a hearing, 12742  
it will be held within three business days after delivery of your 12743  
request for hearing and notice of the date, time, and place of the 12744  
hearing will be sent to you. 12745

You may avoid a hearing but recover and retain possession of 12746  
the property until the entry of final judgment in the action by 12747  
filing with the court, at the office of the clerk of this court, 12748  
not later than the end of the fifth business day after you receive 12749  
this notice, a bond executed by an acceptable surety in the amount 12750  
of \$..... 12751

If you do not request a hearing or file a bond before the end 12752  
of the fifth business day after you receive this notice, 12753  
possession of the property will be withheld from you during the 12754  
pendency of the action. Notice of the dates, times, places, and 12755  
purposes of any subsequent hearings and of the date, time, and 12756  
place of the trial of the action will be sent to you. 12757

..... 12758

Clerk of the Court 12759



(D) The defendant may receive a hearing in accordance with 12790  
section 2715.043 of the Revised Code by delivering a written 12791  
request for hearing to the court within five business days after 12792  
receipt of the notice provided pursuant to division (C) of this 12793  
section. The request may set forth the defendant's reasons for 12794  
disputing the plaintiff's claim for possession of property. 12795  
However, neither the defendant's inclusion of nor failure to 12796  
include such reasons upon the request constitutes a waiver of any 12797  
defense of the defendant or affects the defendant's right to 12798  
produce evidence at any hearing or at the trial of the action. If 12799  
the request is made by the defendant, the court shall schedule a 12800  
hearing within three business days after the request is made, send 12801  
notice to the parties of the date, time, and place of the hearing, 12802  
and hold the hearing accordingly. 12803

(E) If, after hearing, the court finds that there is not 12804  
probable cause to support the motion, it shall order that the 12805  
property be redelivered to the defendant without the condition of 12806  
bond. 12807

**Sec. 2716.13.** (A) Upon the filing of a proceeding in 12808  
garnishment of property, other than personal earnings, under 12809  
section 2716.11 of the Revised Code, the court shall cause the 12810  
matter to be set for hearing within twelve days after that filing. 12811

(B) Upon the scheduling of a hearing relative to a proceeding 12812  
in garnishment of property, other than personal earnings, under 12813  
division (A) of this section, the clerk of the court immediately 12814  
shall issue to the garnishee three copies of the order of 12815  
garnishment of property, other than personal earnings, and of a 12816  
written notice that the garnishee answer as provided in section 12817  
2716.21 of the Revised Code and the garnishee's fee required by 12818  
section 2716.12 of the Revised Code. The copies of the order and 12819  
of the notice shall be served upon the garnishee in the same 12820

manner as a summons is served. The copies of the order and of the 12821  
notice shall not be served later than seven days prior to the date 12822  
on which the hearing is scheduled. The order shall bind the 12823  
property, other than personal earnings, of the judgment debtor in 12824  
the possession of the garnishee at the time of service. 12825

The order of garnishment of property, other than personal 12826  
earnings, and notice to answer shall be in substantially the 12827  
following form: 12828

"ORDER AND NOTICE OF GARNISHMENT 12829  
OF PROPERTY OTHER THAN PERSONAL EARNINGS 12830  
AND ANSWER OF GARNISHEE 12831

Docket No. .... 12832  
Case No. .... 12833  
In the ..... Court 12834  
....., Ohio 12835

The State of Ohio 12836

County of ....., ss 12837

....., Judgment Creditor 12838

vs. 12839

....., Judgment Debtor 12840

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 12841

To: ....., Garnishee 12842

The judgment creditor in the above case has filed an 12843  
affidavit, satisfactory to the undersigned, in this Court stating 12844  
that you have money, property, or credits, other than personal 12845  
earnings, in your hands or under your control that belong to the 12846  
judgment debtor, and that some of the money, property, or credits 12847  
may not be exempt from garnishment under the laws of the State of 12848  
Ohio or the laws of the United States. 12849

You are therefore ordered to complete the "ANSWER OF 12850



2. That property is described as:	12882
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.	12883 12884 12885 12886
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.	12887 12888 12889 12890
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.	12891 12892 12893 12894 12895
6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.	12896 12897
I certify that the statements above are true.	12898
.....	12899
(Print Name of Garnishee)	12900
.....	12901
(Print Name and Title of	12902
Person Who Completed Form)	12903
Signed.....	12904
(Signature of Person Completing Form)	12905
Dated this ..... day of ....., ....."	12906
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	12907 12908 12909 12910 12911

signed copy of the form and shall deliver the other completed and 12912  
signed copy of the form to the judgment debtor. 12913

If several affidavits seeking orders of garnishment of 12914  
property, other than personal earnings, are filed against the same 12915  
judgment debtor in accordance with section 2716.11 of the Revised 12916  
Code, the court involved shall issue the requested orders in the 12917  
same order in which the clerk received the associated affidavits. 12918

(C)(1) At the time of the filing of a proceeding in 12919  
garnishment of property, other than personal earnings, under 12920  
section 2716.11 of the Revised Code, the judgment creditor also 12921  
shall file with the clerk of the court a praecipe instructing the 12922  
clerk to issue to the judgment debtor a notice to the judgment 12923  
debtor form and a request for hearing form. Upon receipt of the 12924  
praecipe and the scheduling of a hearing relative to an action in 12925  
garnishment of property, other than personal earnings, under 12926  
division (A) of this section, the clerk of the court immediately 12927  
shall serve upon the judgment debtor, in accordance with division 12928  
(D) of this section, two copies of the notice to the judgment 12929  
debtor form and of the request for hearing form. The copies of the 12930  
notice to the judgment debtor form and of the request for hearing 12931  
form shall not be served later than seven days prior to the date 12932  
on which the hearing is scheduled. 12933

(a) The notice to the judgment debtor that must be served 12934  
upon the judgment debtor shall be in substantially the following 12935  
form: 12936

"(Name and Address of the Court) 12937

(Case Caption) ..... Case No. .... 12938

NOTICE TO THE JUDGMENT DEBTOR 12939

You are hereby notified that this court has issued an order 12940  
in the above case in favor of (name and address of judgment 12941  
creditor), the judgment creditor in this proceeding, directing 12942

that some of your money, property, or credits, other than personal 12943  
earnings, now in the possession of (name and address of 12944  
garnishee), the garnishee in this proceeding, be used to satisfy 12945  
your debt to the judgment creditor. This order was issued on the 12946  
basis of the judgment creditor's judgment against you that was 12947  
obtained in (name of court) in (case number) on (date). Upon your 12948  
receipt of this notice, you are prohibited from removing or 12949  
attempting to remove the money, property, or credits until 12950  
expressly permitted by the court. Any violation of this 12951  
prohibition subjects you to punishment for contempt of court. 12952

The law of Ohio and the United States provides that certain 12953  
benefit payments cannot be taken from you to pay a debt. Typical 12954  
among the benefits that cannot be attached or executed upon by a 12955  
creditor are the following: 12956

(1) Workers' compensation benefits; 12957

(2) Unemployment compensation payments; 12958

(3) Cash assistance payments under the Ohio works first 12959  
program; 12960

(4) Benefits and services under the prevention, retention, 12961  
and contingency program; 12962

(5) Disability financial assistance administered by the Ohio 12963  
department of job and family services; 12964

(6) Social security benefits; 12965

(7) Supplemental security income (S.S.I.); 12966

(8) Veteran's benefits; 12967

(9) Black lung benefits; 12968

(10) Certain pensions. 12969

There may be other benefits not included in the above list 12970  
that apply in your case. 12971

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted in ..... courtroom ....., (address of court), at ..... m. on ....., ..... You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a

hearing by delivering your request for a hearing no later than the 13004  
end of the fifth business day after you receive this notice, some 13005  
of your money, property, or credits, other than personal earnings, 13006  
will be paid to the judgment creditor. 13007

If you have any questions concerning this matter, you may 13008  
contact the office of the clerk of this court. If you want legal 13009  
representation, you should contact your lawyer immediately. If you 13010  
need the name of a lawyer, contact the local bar association. 13011

..... 13012  
Clerk of the Court 13013  
..... 13014  
Date" 13015

(b) The request for hearing form that must be served upon the 13016  
judgment debtor shall have attached to it a postage-paid, 13017  
self-addressed envelope or shall be on a postage-paid 13018  
self-addressed postcard, and shall be in substantially the 13019  
following form: 13020

"(Name and Address of Court) 13021

Case Number ..... Date ..... 13022

REQUEST FOR HEARING 13023

I dispute the judgment creditor's right to garnish my money, 13024  
property, or credits, other than personal earnings, in the above 13025  
case and request that a hearing in this matter be held 13026

..... 13027

(Insert "on" or "earlier than") 13028

the date and time set forth in the document entitled "NOTICE TO 13029  
THE JUDGMENT DEBTOR" that I received with this request form. 13030

I dispute the judgment creditor's right to garnish my 13031  
property for the following reasons: 13032

..... 13033

(Optional)	13034
.....	13035
.....	13036
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	13037
BE HEARD OR CONSIDERED AT THE HEARING.	13038
.....	13039
(Name of Judgment Debtor)	13040
.....	13041
(Signature)	13042
.....	13043
(Date)	13044
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	13045
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	13046
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	13047
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	13048
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	13049
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	13050
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	13051
CREDITOR'S NAME)."	13052
(2) The judgment debtor may receive a hearing in accordance	13053
with this division by delivering a written request for hearing to	13054
the court within five business days after receipt of the notice	13055
provided pursuant to division (C)(1) of this section. The request	13056
may set forth the judgment debtor's reasons for disputing the	13057
judgment creditor's right to garnish the money, property, or	13058
credits, other than personal earnings; however, neither the	13059
judgment debtor's inclusion of nor failure to include those	13060
reasons upon the request constitutes a waiver of any defense of	13061
the judgment debtor or affects the judgment debtor's right to	13062
produce evidence at the hearing. If the request is made by the	13063
judgment debtor within the prescribed time, the hearing shall be	13064

limited to a consideration of the amount of money, property, or 13065  
credits, other than personal earnings, of the judgment debtor in 13066  
the hands of the garnishee, if any, that can be used to satisfy 13067  
all or part of the debt owed by the judgment debtor to the 13068  
judgment creditor. If a request for a hearing is not received by 13069  
the court within the prescribed time, the hearing scheduled 13070  
pursuant to division (A) of this section shall be canceled unless 13071  
the court grants the judgment debtor a continuance in accordance 13072  
with division (C)(3) of this section. 13073

(3) If the judgment debtor does not request a hearing in the 13074  
action within the prescribed time pursuant to division (C)(2) of 13075  
this section, the court nevertheless may grant a continuance of 13076  
the scheduled hearing if the judgment debtor, prior to the time at 13077  
which the hearing was scheduled, as indicated on the notice to the 13078  
judgment debtor required by division (C)(1) of this section, 13079  
establishes a reasonable justification for failure to request the 13080  
hearing within the prescribed time. If the court grants a 13081  
continuance of the hearing, it shall cause the matter to be set 13082  
for hearing as soon as practicable thereafter. The continued 13083  
hearing shall be conducted in accordance with division (C)(2) of 13084  
this section. 13085

(4) The court may conduct the hearing on the matter prior to 13086  
the time at which the hearing was scheduled, as indicated on the 13087  
notice to the judgment debtor required by division (C)(1) of this 13088  
section, upon the request of the judgment debtor. The parties 13089  
shall be sent notice, by the clerk of the court, by regular mail, 13090  
of any change in the date, time, or place of the hearing. 13091

(5) If the scheduled hearing is canceled and no continuance 13092  
is granted, the court shall issue an order to the garnishee to pay 13093  
all or some of the money, property, or credits, other than 13094  
personal earnings, of the judgment debtor in the possession of the 13095  
garnishee at the time of service of the notice and order into 13096

court if they have not already been paid to the court. This order 13097  
shall be based on the answer of the garnishee filed pursuant to 13098  
this section. If the scheduled hearing is conducted or if it is 13099  
continued and conducted, the court shall determine at the hearing 13100  
the amount of the money, property, or credits, other than personal 13101  
earnings, of the judgment debtor in the possession of the 13102  
garnishee at the time of service of the notice and order, if any, 13103  
that can be used to satisfy all or part of the debt owed by the 13104  
judgment debtor to the judgment creditor, and issue an order, 13105  
accordingly, to the garnishee to pay that amount into court if it 13106  
has not already been paid to the court. 13107

(D) The notice to the judgment debtor form and the request 13108  
for hearing form described in division (C) of this section shall 13109  
be sent by the clerk by ordinary or regular mail service unless 13110  
the judgment creditor requests that service be made in accordance 13111  
with the Rules of Civil Procedure, in which case the forms shall 13112  
be served in accordance with the Rules of Civil Procedure. Any 13113  
court of common pleas that issues an order of garnishment of 13114  
property, other than personal earnings, under this section has 13115  
jurisdiction to serve process pursuant to this section upon a 13116  
garnishee who does not reside within the jurisdiction of the 13117  
court. Any county court or municipal court that issues an order of 13118  
garnishment of property, other than personal earnings, under this 13119  
section has jurisdiction to serve process pursuant to this section 13120  
upon a garnishee who does not reside within the jurisdiction of 13121  
the court. 13122

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity 13123  
from liability, except as provided for the office of the state 13124  
fire marshal in division (G)(1) of section 9.60 and division (B) 13125  
of section 3737.221 of the Revised Code and subject to division 13126  
(H) of this section, and consents to be sued, and have its 13127  
liability determined, in the court of claims created in this 13128

chapter in accordance with the same rules of law applicable to 13129  
suits between private parties, except that the determination of 13130  
liability is subject to the limitations set forth in this chapter 13131  
and, in the case of state universities or colleges, in section 13132  
3345.40 of the Revised Code, and except as provided in division 13133  
(A)(2) of this section. To the extent that the state has 13134  
previously consented to be sued, this chapter has no 13135  
applicability. 13136

Except in the case of a civil action filed by the state, 13137  
filing a civil action in the court of claims results in a complete 13138  
waiver of any cause of action, based on the same act or omission, 13139  
which the filing party has against any officer or employee, as 13140  
defined in section 109.36 of the Revised Code. The waiver shall be 13141  
void if the court determines that the act or omission was 13142  
manifestly outside the scope of the officer's or employee's office 13143  
or employment or that the officer or employee acted with malicious 13144  
purpose, in bad faith, or in a wanton or reckless manner. 13145

(2) If a claimant proves in the court of claims that an 13146  
officer or employee, as defined in section 109.36 of the Revised 13147  
Code, would have personal liability for the officer's or 13148  
employee's acts or omissions but for the fact that the officer or 13149  
employee has personal immunity under section 9.86 of the Revised 13150  
Code, the state shall be held liable in the court of claims in any 13151  
action that is timely filed pursuant to section 2743.16 of the 13152  
Revised Code and that is based upon the acts or omissions. 13153

(B) The state hereby waives the immunity from liability of 13154  
all hospitals owned or operated by one or more political 13155  
subdivisions and consents for them to be sued, and to have their 13156  
liability determined, in the court of common pleas, in accordance 13157  
with the same rules of law applicable to suits between private 13158  
parties, subject to the limitations set forth in this chapter. 13159  
This division is also applicable to hospitals owned or operated by 13160

political subdivisions which have been determined by the supreme 13161  
court to be subject to suit prior to July 28, 1975. 13162

(C) Any hospital, as defined in section 2305.113 of the 13163  
Revised Code, may purchase liability insurance covering its 13164  
operations and activities and its agents, employees, nurses, 13165  
interns, residents, staff, and members of the governing board and 13166  
committees, and, whether or not such insurance is purchased, may, 13167  
to such extent as its governing board considers appropriate, 13168  
indemnify or agree to indemnify and hold harmless any such person 13169  
against expense, including attorney's fees, damage, loss, or other 13170  
liability arising out of, or claimed to have arisen out of, the 13171  
death, disease, or injury of any person as a result of the 13172  
negligence, malpractice, or other action or inaction of the 13173  
indemnified person while acting within the scope of the 13174  
indemnified person's duties or engaged in activities at the 13175  
request or direction, or for the benefit, of the hospital. Any 13176  
hospital electing to indemnify such persons, or to agree to so 13177  
indemnify, shall reserve such funds as are necessary, in the 13178  
exercise of sound and prudent actuarial judgment, to cover the 13179  
potential expense, fees, damage, loss, or other liability. The 13180  
superintendent of insurance may recommend, or, if such hospital 13181  
requests the superintendent to do so, the superintendent shall 13182  
recommend, a specific amount for any period that, in the 13183  
superintendent's opinion, represents such a judgment. This 13184  
authority is in addition to any authorization otherwise provided 13185  
or permitted by law. 13186

(D) Recoveries against the state shall be reduced by the 13187  
aggregate of insurance proceeds, disability award, or other 13188  
collateral recovery received by the claimant. This division does 13189  
not apply to civil actions in the court of claims against a state 13190  
university or college under the circumstances described in section 13191  
3345.40 of the Revised Code. The collateral benefits provisions of 13192

division (B)(2) of that section apply under those circumstances. 13193

(E) The only defendant in original actions in the court of 13194  
claims is the state. The state may file a third-party complaint or 13195  
counterclaim in any civil action, except a civil action for two 13196  
thousand five hundred dollars or less, that is filed in the court 13197  
of claims. 13198

(F) A civil action against an officer or employee, as defined 13199  
in section 109.36 of the Revised Code, that alleges that the 13200  
officer's or employee's conduct was manifestly outside the scope 13201  
of the officer's or employee's employment or official 13202  
responsibilities, or that the officer or employee acted with 13203  
malicious purpose, in bad faith, or in a wanton or reckless manner 13204  
shall first be filed against the state in the court of claims, 13205  
which has exclusive, original jurisdiction to determine, 13206  
initially, whether the officer or employee is entitled to personal 13207  
immunity under section 9.86 of the Revised Code and whether the 13208  
courts of common pleas have jurisdiction over the civil action. 13209

The filing of a claim against an officer or employee under 13210  
this division tolls the running of the applicable statute of 13211  
limitations until the court of claims determines whether the 13212  
officer or employee is entitled to personal immunity under section 13213  
9.86 of the Revised Code. 13214

(G) Whenever a claim lies against an officer or employee who 13215  
is a member of the Ohio national guard, and the officer or 13216  
employee was, at the time of the act or omission complained of, 13217  
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 13218  
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 13219  
exclusive remedy of the claimant and the state has no liability 13220  
under this section. 13221

(H) If an inmate of a state correctional institution has a 13222  
claim against the state for the loss of or damage to property and 13223

the amount claimed does not exceed three hundred dollars, before 13224  
commencing an action against the state in the court of claims, the 13225  
inmate shall file a claim for the loss or damage under the rules 13226  
adopted by the director of rehabilitation and correction pursuant 13227  
to this division. The inmate shall file the claim within the time 13228  
allowed for commencement of a civil action under section 2743.16 13229  
of the Revised Code. If the state admits or compromises the claim, 13230  
the director shall make payment from a fund designated by the 13231  
director for that purpose. If the state denies the claim or does 13232  
not compromise the claim at least sixty days prior to expiration 13233  
of the time allowed for commencement of a civil action based upon 13234  
the loss or damage under section 2743.16 of the Revised Code, the 13235  
inmate may commence an action in the court of claims under this 13236  
chapter to recover damages for the loss or damage. 13237

The director of rehabilitation and correction shall adopt 13238  
rules pursuant to Chapter 119. of the Revised Code to implement 13239  
this division. 13240

**Sec. 2921.13.** (A) No person shall knowingly make a false 13241  
statement, or knowingly swear or affirm the truth of a false 13242  
statement previously made, when any of the following applies: 13243

(1) The statement is made in any official proceeding. 13244

(2) The statement is made with purpose to incriminate 13245  
another. 13246

(3) The statement is made with purpose to mislead a public 13247  
official in performing the public official's official function. 13248

(4) The statement is made with purpose to secure the payment 13249  
of unemployment compensation; Ohio works first; prevention, 13250  
retention, and contingency benefits and services; disability 13251  
financial assistance; retirement benefits; economic development 13252  
assistance, as defined in section 9.66 of the Revised Code; or 13253

other benefits administered by a governmental agency or paid out 13254  
of a public treasury. 13255

(5) The statement is made with purpose to secure the issuance 13256  
by a governmental agency of a license, permit, authorization, 13257  
certificate, registration, release, or provider agreement. 13258

(6) The statement is sworn or affirmed before a notary public 13259  
or another person empowered to administer oaths. 13260

(7) The statement is in writing on or in connection with a 13261  
report or return that is required or authorized by law. 13262

(8) The statement is in writing and is made with purpose to 13263  
induce another to extend credit to or employ the offender, to 13264  
confer any degree, diploma, certificate of attainment, award of 13265  
excellence, or honor on the offender, or to extend to or bestow 13266  
upon the offender any other valuable benefit or distinction, when 13267  
the person to whom the statement is directed relies upon it to 13268  
that person's detriment. 13269

(9) The statement is made with purpose to commit or 13270  
facilitate the commission of a theft offense. 13271

(10) The statement is knowingly made to a probate court in 13272  
connection with any action, proceeding, or other matter within its 13273  
jurisdiction, either orally or in a written document, including, 13274  
but not limited to, an application, petition, complaint, or other 13275  
pleading, or an inventory, account, or report. 13276

(11) The statement is made on an account, form, record, 13277  
stamp, label, or other writing that is required by law. 13278

(12) The statement is made in connection with the purchase of 13279  
a firearm, as defined in section 2923.11 of the Revised Code, and 13280  
in conjunction with the furnishing to the seller of the firearm of 13281  
a fictitious or altered driver's or commercial driver's license or 13282  
permit, a fictitious or altered identification card, or any other 13283

document that contains false information about the purchaser's 13284  
identity. 13285

(13) The statement is made in a document or instrument of 13286  
writing that purports to be a judgment, lien, or claim of 13287  
indebtedness and is filed or recorded with the secretary of state, 13288  
a county recorder, or the clerk of a court of record. 13289

(B) No person, in connection with the purchase of a firearm, 13290  
as defined in section 2923.11 of the Revised Code, shall knowingly 13291  
furnish to the seller of the firearm a fictitious or altered 13292  
driver's or commercial driver's license or permit, a fictitious or 13293  
altered identification card, or any other document that contains 13294  
false information about the purchaser's identity. 13295

(C) It is no defense to a charge under division (A)(4) of 13296  
this section that the oath or affirmation was administered or 13297  
taken in an irregular manner. 13298

(D) If contradictory statements relating to the same fact are 13299  
made by the offender within the period of the statute of 13300  
limitations for falsification, it is not necessary for the 13301  
prosecution to prove which statement was false but only that one 13302  
or the other was false. 13303

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 13304  
(6), (7), (8), (10), (11), or (13) of this section is guilty of 13305  
falsification, a misdemeanor of the first degree. 13306

(2) Whoever violates division (A)(9) of this section is 13307  
guilty of falsification in a theft offense. Except as otherwise 13308  
provided in this division, falsification in a theft offense is a 13309  
misdemeanor of the first degree. If the value of the property or 13310  
services stolen is five hundred dollars or more and is less than 13311  
five thousand dollars, falsification in a theft offense is a 13312  
felony of the fifth degree. If the value of the property or 13313  
services stolen is five thousand dollars or more and is less than 13314

one hundred thousand dollars, falsification in a theft offense is 13315  
a felony of the fourth degree. If the value of the property or 13316  
services stolen is one hundred thousand dollars or more, 13317  
falsification in a theft offense is a felony of the third degree. 13318

(3) Whoever violates division (A)(12) or (B) of this section 13319  
is guilty of falsification to purchase a firearm, a felony of the 13320  
fifth degree. 13321

(F) A person who violates this section is liable in a civil 13322  
action to any person harmed by the violation for injury, death, or 13323  
loss to person or property incurred as a result of the commission 13324  
of the offense and for reasonable attorney's fees, court costs, 13325  
and other expenses incurred as a result of prosecuting the civil 13326  
action commenced under this division. A civil action under this 13327  
division is not the exclusive remedy of a person who incurs 13328  
injury, death, or loss to person or property as a result of a 13329  
violation of this section. 13330

**Sec. 2929.38.** (A) A board of commissioners of a county, in an 13331  
agreement with the sheriff, a legislative authority of a municipal 13332  
corporation, a corrections commission, a judicial corrections 13333  
board, or any other public or private entity that operates a local 13334  
detention facility described in division (A) of section 2929.37 of 13335  
the Revised Code, may establish a policy that requires any 13336  
prisoner who is confined in the facility as a result of pleading 13337  
guilty to or having been convicted of an offense to pay a one-time 13338  
reception fee for the costs of processing the prisoner into the 13339  
facility at the time of the prisoner's initial entry into the 13340  
facility under the confinement in question, to pay a reasonable 13341  
fee for any medical or dental treatment or service requested by 13342  
and provided to that prisoner, and to pay the fee for a random 13343  
drug test assessed under division (E) of section 341.26, and 13344  
division (E) of section 753.33 of the Revised Code. The fee for 13345

the medical treatment or service shall not exceed the actual cost 13346  
of the treatment or service provided. No prisoner confined in the 13347  
local detention facility shall be denied any necessary medical 13348  
care because of inability to pay the fees. 13349

(B) Upon assessment of a one-time reception fee as described 13350  
in division (A) of this section, the provision of the requested 13351  
medical treatment or service, or the assessment of a fee for a 13352  
random drug test, payment of the required fee may be automatically 13353  
deducted from the prisoner's inmate account in the business office 13354  
of the local detention facility in which the prisoner is confined. 13355  
If there is no money in the account, a deduction may be made at a 13356  
later date during the prisoner's confinement if the money becomes 13357  
available in the account. If, after release, the prisoner has an 13358  
unpaid balance of those fees, the sheriff, legislative authority 13359  
of the municipal corporation, corrections commission, judicial 13360  
corrections board, or other entity that operates the local 13361  
detention facility described in division (A) of section 2929.37 of 13362  
the Revised Code may bill the prisoner for the payment of the 13363  
unpaid fees. Fees received for medical or dental treatment or 13364  
services shall be paid to the commissary fund, if one exists for 13365  
the facility, or if no commissary fund exists, to the general fund 13366  
of the treasury of the political subdivision that incurred the 13367  
expenses, in the same proportion as those expenses were borne by 13368  
the political subdivision. Fees received for medical treatment or 13369  
services that are placed in the commissary fund under this 13370  
division shall be used for the same purposes as profits from the 13371  
commissary fund, except that they shall not be used to pay any 13372  
salary or benefits of any person who works in or is employed for 13373  
the sole purpose of providing service to the commissary. 13374

(C) Any fee paid by a person under this section shall be 13375  
deducted from any medical or dental costs that the person is 13376  
ordered to reimburse under section 2929.36 of the Revised Code or 13377

to repay under a policy adopted under section 2929.37 of the Revised Code. 13378  
13379

(D) As used in this section, "inmate account" has the same meaning as in section 2969.21 of the Revised Code. 13380  
13381

**Sec. 2935.36.** (A) The prosecuting attorney may establish pre-trial diversion programs for adults who are accused of committing criminal offenses and whom the prosecuting attorney believes probably will not offend again. The prosecuting attorney may require, as a condition of an accused's participation in the program, the accused to pay a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing. The programs shall be operated pursuant to written standards approved by journal entry by the presiding judge or, in courts with only one judge, the judge of the court of common pleas and shall not be applicable to any of the following: 13382  
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(1) Repeat offenders or dangerous offenders; 13393

(2) Persons accused of an offense of violence, of a violation of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a violation of section 2905.01, 2905.02, or 2919.23 of the Revised Code that, had it occurred prior to July 1, 1996, would have been a violation of section 2905.04 of the Revised Code as it existed prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following: 13394  
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(a) The accused did not cause, threaten, or intend serious physical harm to any person; 13405  
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(b) The offense was the result of circumstances not likely to 13407

recur; 13408

(c) The accused has no history of prior delinquency or 13409  
criminal activity; 13410

(d) The accused has led a law-abiding life for a substantial 13411  
time before commission of the alleged offense; 13412

(e) Substantial grounds tending to excuse or justify the 13413  
alleged offense. 13414

(3) Persons accused of a violation of Chapter 2925. or 3719. 13415  
of the Revised Code; 13416

(4) Drug dependent persons or persons in danger of becoming 13417  
drug dependent persons, as defined in section 3719.011 of the 13418  
Revised Code. However, this division does not affect the 13419  
eligibility of such persons for intervention in lieu of conviction 13420  
pursuant to section 2951.041 of the Revised Code. 13421

(5) Persons accused of a violation of section 4511.19 of the 13422  
Revised Code or a violation of any substantially similar municipal 13423  
ordinance. 13424

(B) An accused who enters a diversion program shall do all of 13425  
the following: 13426

(1) Waive, in writing and contingent upon the accused's 13427  
successful completion of the program, the accused's right to a 13428  
speedy trial, the preliminary hearing, the time period within 13429  
which the grand jury may consider an indictment against the 13430  
accused, and arraignment, unless the hearing, indictment, or 13431  
arraignment has already occurred; 13432

(2) Agree, in writing, to the tolling while in the program of 13433  
all periods of limitation established by statutes or rules of 13434  
court, that are applicable to the offense with which the accused 13435  
is charged and to the conditions of the diversion program 13436  
established by the prosecuting attorney; 13437

(3) Agree, in writing, to pay any reasonable fee for 13438  
supervision services established by the prosecuting attorney. 13439

(C) The trial court, upon the application of the prosecuting 13440  
attorney, shall order the release from confinement of any accused 13441  
who has agreed to enter a pre-trial diversion program and shall 13442  
discharge and release any existing bail and release any sureties 13443  
on recognizances and shall release the accused on a recognizance 13444  
bond conditioned upon the accused's compliance with the terms of 13445  
the diversion program. The prosecuting attorney shall notify every 13446  
victim of the crime and the arresting officers of the prosecuting 13447  
attorney's intent to permit the accused to enter a pre-trial 13448  
diversion program. The victim of the crime and the arresting 13449  
officers shall have the opportunity to file written objections 13450  
with the prosecuting attorney prior to the commencement of the 13451  
pre-trial diversion program. 13452

(D) If the accused satisfactorily completes the diversion 13453  
program, the prosecuting attorney shall recommend to the trial 13454  
court that the charges against the accused be dismissed, and the 13455  
court, upon the recommendation of the prosecuting attorney, shall 13456  
dismiss the charges. If the accused chooses not to enter the 13457  
prosecuting attorney's diversion program, or if the accused 13458  
violates the conditions of the agreement pursuant to which the 13459  
accused has been released, the accused may be brought to trial 13460  
upon the charges in the manner provided by law, and the waiver 13461  
executed pursuant to division (B)(1) of this section shall be void 13462  
on the date the accused is removed from the program for the 13463  
violation. 13464

(E) As used in this section: 13465

(1) "Repeat offender" means a person who has a history of 13466  
persistent criminal activity and whose character and condition 13467  
reveal a substantial risk that the person will commit another 13468

offense. It is prima-facie evidence that a person is a repeat offender if any of the following applies:

(a) Having been convicted of one or more offenses of violence and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense of violence;

(b) Having been convicted of one or more sexually oriented offenses as defined in section 2950.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense;

(c) Having been convicted of one or more theft offenses as defined in section 2913.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those theft offenses, the person commits a subsequent theft offense;

(d) Having been convicted of one or more felony drug abuse offenses as defined in section 2925.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;

(e) Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;

(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.

(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive,

compulsive, or aggressive behavior with heedless indifference to 13500  
the consequences. 13501

**Sec. 2949.091.** (A)(1) The court, in which any person is 13502  
convicted of or pleads guilty to any offense other than a traffic 13503  
offense that is not a moving violation, shall impose the sum of 13504  
~~eleven~~ fifteen dollars as costs in the case in addition to any 13505  
other court costs that the court is required by law to impose upon 13506  
the offender. All such moneys collected during a month shall be 13507  
transmitted on or before the twentieth day of the following month 13508  
by the clerk of the court to the treasurer of state and deposited 13509  
by the treasurer of state into the general revenue fund. The court 13510  
shall not waive the payment of the additional ~~eleven~~ fifteen 13511  
dollars court costs, unless the court determines that the offender 13512  
is indigent and waives the payment of all court costs imposed upon 13513  
the indigent offender. 13514

(2) The juvenile court, in which a child is found to be a 13515  
delinquent child or a juvenile traffic offender for an act which, 13516  
if committed by an adult, would be an offense other than a traffic 13517  
offense that is not a moving violation, shall impose the sum of 13518  
~~eleven~~ fifteen dollars as costs in the case in addition to any 13519  
other court costs that the court is required or permitted by law 13520  
to impose upon the delinquent child or juvenile traffic offender. 13521  
All such moneys collected during a month shall be transmitted on 13522  
or before the twentieth day of the following month by the clerk of 13523  
the court to the treasurer of state and deposited by the treasurer 13524  
of state into the general revenue fund. The ~~eleven~~ fifteen dollars 13525  
court costs shall be collected in all cases unless the court 13526  
determines the juvenile is indigent and waives the payment of all 13527  
court costs, or enters an order on its journal stating that it has 13528  
determined that the juvenile is indigent, that no other court 13529  
costs are to be taxed in the case, and that the payment of the 13530  
~~eleven~~ fifteen dollars court costs is waived. 13531

(B) Whenever a person is charged with any offense other than 13532  
a traffic offense that is not a moving violation and posts bail, 13533  
the court shall add to the amount of the bail the ~~eleven~~ fifteen 13534  
dollars required to be paid by division (A)(1) of this section. 13535  
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 13536  
court until the person is convicted, pleads guilty, forfeits bail, 13537  
is found not guilty, or has the charges dismissed. If the person 13538  
is convicted, pleads guilty, or forfeits bail, the clerk shall 13539  
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 13540  
of the month following the month in which the person was 13541  
convicted, pleaded guilty, or forfeited bail to the treasurer of 13542  
state, who shall deposit it into the general revenue fund. If the 13543  
person is found not guilty or the charges are dismissed, the clerk 13544  
shall return the ~~eleven~~ fifteen dollars to the person. 13545

(C) No person shall be placed or held in a detention facility 13546  
for failing to pay the additional ~~eleven~~ fifteen dollars court 13547  
costs or bail that are required to be paid by this section. 13548

(D) As used in this section: 13549

(1) "Moving violation" and "bail" have the same meanings as 13550  
in section 2743.70 of the Revised Code. 13551

(2) "Detention facility" has the same meaning as in section 13552  
2921.01 of the Revised Code. 13553

**Sec. 3111.04.** (A) An action to determine the existence or 13554  
nonexistence of the father and child relationship may be brought 13555  
by the child or the child's personal representative, the child's 13556  
mother or her personal representative, a man alleged or alleging 13557  
himself to be the child's father, the child support enforcement 13558  
agency of the county in which the child resides if the child's 13559  
mother is a recipient of public assistance or of services under 13560  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13561

U.S.C.A. 651, as amended, or the alleged father's personal 13562  
representative. 13563

(B) An agreement does not bar an action under this section. 13564

(C) If an action under this section is brought before the 13565  
birth of the child and if the action is contested, all 13566  
proceedings, except service of process and the taking of 13567  
depositions to perpetuate testimony, may be stayed until after the 13568  
birth. 13569

(D) A recipient of public assistance or of services under 13570  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13571  
U.S.C.A. 651, as amended, shall cooperate with the child support 13572  
enforcement agency of the county in which a child resides to 13573  
obtain an administrative determination pursuant to sections 13574  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 13575  
determination pursuant to sections 3111.01 to 3111.18 of the 13576  
Revised Code, of the existence or nonexistence of a parent and 13577  
child relationship between the father and the child. If the 13578  
recipient fails to cooperate, the agency may commence an action to 13579  
determine the existence or nonexistence of a parent and child 13580  
relationship between the father and the child pursuant to sections 13581  
3111.01 to 3111.18 of the Revised Code. 13582

(E) As used in this section, "public assistance" means 13583  
medical assistance under Chapter 5111. of the Revised Code, 13584  
assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 13585  
financial assistance under Chapter 5115. of the Revised Code, or 13586  
disability medical assistance under Chapter 5115. of the Revised 13587  
Code. 13588

**Sec. 3111.72.** (A) The contract between the department of job 13589  
and family services and a local hospital shall require all of the 13590  
following: 13591

~~(A)~~(1) That the hospital provide a staff person to meet with 13592  
each unmarried mother who gave birth in or en route to the 13593  
hospital within twenty-four hours of the birth or before the 13594  
mother is released from the hospital; 13595

~~(B)~~(2) That the staff person attempt to meet with the father 13596  
of the unmarried mother's child if possible; 13597

~~(C)~~(3) That the staff person explain to the unmarried mother 13598  
and the father, if he is present, the benefit to the child of 13599  
establishing a parent and child relationship between the father 13600  
and the child and the various proper procedures for establishing a 13601  
parent and child relationship; 13602

~~(D)~~(4) That the staff person present to the unmarried mother 13603  
and, if possible, the father, the pamphlet or statement regarding 13604  
the rights and responsibilities of a natural parent that is 13605  
prepared and provided by the department of job and family services 13606  
pursuant to section 3111.32 of the Revised Code; 13607

~~(E)~~(5) That the staff person provide the mother and, if 13608  
possible, the father, all forms and statements necessary to 13609  
voluntarily establish a parent and child relationship, including, 13610  
but not limited to, the acknowledgment of paternity affidavit 13611  
prepared by the department of job and family services pursuant to 13612  
section 3111.31 of the Revised Code; 13613

~~(F)~~(6) That the staff person, at the request of both the 13614  
mother and father, help the mother and father complete any form or 13615  
statement necessary to establish a parent and child relationship; 13616

~~(G)~~(7) That the hospital provide a notary public to notarize 13617  
an acknowledgment of paternity affidavit signed by the mother and 13618  
father; 13619

~~(H)~~(8) That the staff person present to an unmarried mother 13620  
who is not participating in the Ohio works first program 13621

established under Chapter 5107. or receiving medical assistance 13622  
under Chapter 5111. of the Revised Code an application for Title 13623  
IV-D services; 13624

~~(I)~~(9) That the staff person forward any completed 13625  
acknowledgment of paternity, no later than ten days after it is 13626  
completed, to the office of child support in the department of job 13627  
and family services; 13628

~~(J)~~(10) That the department of job and family services pay 13629  
the hospital twenty dollars for every correctly signed and 13630  
notarized acknowledgment of paternity affidavit from the hospital; 13631

(11) That, if an acknowledgment of paternity application is 13632  
not completed and signed by the mother and father, at the request 13633  
of either the mother or father and on completion by the mother or 13634  
father of an application for services under Title IV-D of the 13635  
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 13636  
amended, including paternity determination, the hospital staff 13637  
immediately collect genetic samples from the mother, father, and 13638  
child at no cost to either parent; 13639

(12) That the department pay the hospital thirty dollars for 13640  
each sample collected pursuant to division (A)(11) of this 13641  
section; 13642

(13) That the department pay the cost of genetic tests of 13643  
samples collected pursuant to division (A)(11) of this section. 13644

(B) The director of job and family services shall adopt rules 13645  
under Chapter 119. of the Revised Code to implement this section. 13646

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 13647  
enforcement agency" means a child support enforcement agency 13648  
designated under former section 2301.35 of the Revised Code prior 13649  
to October 1, 1997, or a private or government entity designated 13650  
as a child support enforcement agency under section 307.981 of the 13651

Revised Code.	13652
(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:	13653
	13654
(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.	13655
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	13661
(2) "Child support order" means either a court child support order or an administrative child support order.	13662
	13663
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	13664
	13665
(4) "Obligor" means the person who is required to pay support under a support order.	13666
	13667
(5) "Support order" means either an administrative child support order or a court support order.	13668
	13669
(C) As used in this chapter:	13670
(1) "Combined gross income" means the combined gross income of both parents.	13671
	13672
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	13673
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	13679
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse	13680
	13681

issued pursuant to Chapter 3115. of the Revised Code, section 13682  
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) 13683  
of former section 3113.21 of the Revised Code. 13684

(4) "Extraordinary medical expenses" means any uninsured 13685  
medical expenses incurred for a child during a calendar year that 13686  
exceed one hundred dollars. 13687

(5) "Income" means either of the following: 13688

(a) For a parent who is employed to full capacity, the gross 13689  
income of the parent; 13690

(b) For a parent who is unemployed or underemployed, the sum 13691  
of the gross income of the parent and any potential income of the 13692  
parent. 13693

(6) "Insurer" means any person authorized under Title XXXIX 13694  
of the Revised Code to engage in the business of insurance in this 13695  
state, any health insuring corporation, and any legal entity that 13696  
is self-insured and provides benefits to its employees or members. 13697

(7) "Gross income" means, except as excluded in division 13698  
(C)(7) of this section, the total of all earned and unearned 13699  
income from all sources during a calendar year, whether or not the 13700  
income is taxable, and includes income from salaries, wages, 13701  
overtime pay, and bonuses to the extent described in division (D) 13702  
of section 3119.05 of the Revised Code; commissions; royalties; 13703  
tips; rents; dividends; severance pay; pensions; interest; trust 13704  
income; annuities; social security benefits, including retirement, 13705  
disability, and survivor benefits that are not means-tested; 13706  
workers' compensation benefits; unemployment insurance benefits; 13707  
disability insurance benefits; benefits that are not means-tested 13708  
and that are received by and in the possession of the veteran who 13709  
is the beneficiary for any service-connected disability under a 13710  
program or law administered by the United States department of 13711  
veterans' affairs or veterans' administration; spousal support 13712

actually received; and all other sources of income. "Gross income" 13713  
includes income of members of any branch of the United States 13714  
armed services or national guard, including, amounts representing 13715  
base pay, basic allowance for quarters, basic allowance for 13716  
subsistence, supplemental subsistence allowance, cost of living 13717  
adjustment, specialty pay, variable housing allowance, and pay for 13718  
training or other types of required drills; self-generated income; 13719  
and potential cash flow from any source. 13720

"Gross income" does not include any of the following: 13721

(a) Benefits received from means-tested government 13722  
administered programs, including Ohio works first; prevention, 13723  
retention, and contingency; means-tested veterans' benefits; 13724  
supplemental security income; food stamps; disability financial 13725  
assistance; or other assistance for which eligibility is 13726  
determined on the basis of income or assets; 13727

(b) Benefits for any service-connected disability under a 13728  
program or law administered by the United States department of 13729  
veterans' affairs or veterans' administration that are not 13730  
means-tested, that have not been distributed to the veteran who is 13731  
the beneficiary of the benefits, and that are in the possession of 13732  
the United States department of veterans' affairs or veterans' 13733  
administration; 13734

(c) Child support received for children who were not born or 13735  
adopted during the marriage at issue; 13736

(d) Amounts paid for mandatory deductions from wages such as 13737  
union dues but not taxes, social security, or retirement in lieu 13738  
of social security; 13739

(e) Nonrecurring or unsustainable income or cash flow items; 13740

(f) Adoption assistance and foster care maintenance payments 13741  
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 13742  
501, 42 U.S.C.A. 670 (1980), as amended. 13743

(8) "Nonrecurring or unsustainable income or cash flow item" 13744  
means an income or cash flow item the parent receives in any year 13745  
or for any number of years not to exceed three years that the 13746  
parent does not expect to continue to receive on a regular basis. 13747  
"Nonrecurring or unsustainable income or cash flow item" does not 13748  
include a lottery prize award that is not paid in a lump sum or 13749  
any other item of income or cash flow that the parent receives or 13750  
expects to receive for each year for a period of more than three 13751  
years or that the parent receives and invests or otherwise uses to 13752  
produce income or cash flow for a period of more than three years. 13753

(9)(a) "Ordinary and necessary expenses incurred in 13754  
generating gross receipts" means actual cash items expended by the 13755  
parent or the parent's business and includes depreciation expenses 13756  
of business equipment as shown on the books of a business entity. 13757

(b) Except as specifically included in "ordinary and 13758  
necessary expenses incurred in generating gross receipts" by 13759  
division (C)(9)(a) of this section, "ordinary and necessary 13760  
expenses incurred in generating gross receipts" does not include 13761  
depreciation expenses and other noncash items that are allowed as 13762  
deductions on any federal tax return of the parent or the parent's 13763  
business. 13764

(10) "Personal earnings" means compensation paid or payable 13765  
for personal services, however denominated, and includes wages, 13766  
salary, commissions, bonuses, draws against commissions, profit 13767  
sharing, vacation pay, or any other compensation. 13768

(11) "Potential income" means both of the following for a 13769  
parent who the court pursuant to a court support order, or a child 13770  
support enforcement agency pursuant to an administrative child 13771  
support order, determines is voluntarily unemployed or voluntarily 13772  
underemployed: 13773

(a) Imputed income that the court or agency determines the 13774

parent would have earned if fully employed as determined from the	13775
following criteria:	13776
(i) The parent's prior employment experience;	13777
(ii) The parent's education;	13778
(iii) The parent's physical and mental disabilities, if any;	13779
(iv) The availability of employment in the geographic area in	13780
which the parent resides;	13781
(v) The prevailing wage and salary levels in the geographic	13782
area in which the parent resides;	13783
(vi) The parent's special skills and training;	13784
(vii) Whether there is evidence that the parent has the	13785
ability to earn the imputed income;	13786
(viii) The age and special needs of the child for whom child	13787
support is being calculated under this section;	13788
(ix) The parent's increased earning capacity because of	13789
experience;	13790
(x) Any other relevant factor.	13791
(b) Imputed income from any nonincome-producing assets of a	13792
parent, as determined from the local passbook savings rate or	13793
another appropriate rate as determined by the court or agency, not	13794
to exceed the rate of interest specified in division (A) of	13795
section 1343.03 of the Revised Code, if the income is significant.	13796
(12) "Schedule" means the basic child support schedule set	13797
forth in section 3119.021 of the Revised Code.	13798
(13) "Self-generated income" means gross receipts received by	13799
a parent from self-employment, proprietorship of a business, joint	13800
ownership of a partnership or closely held corporation, and rents	13801
minus ordinary and necessary expenses incurred by the parent in	13802
generating the gross receipts. "Self-generated income" includes	13803

expense reimbursements or in-kind payments received by a parent 13804  
from self-employment, the operation of a business, or rents, 13805  
including company cars, free housing, reimbursed meals, and other 13806  
benefits, if the reimbursements are significant and reduce 13807  
personal living expenses. 13808

(14) "Split parental rights and responsibilities" means a 13809  
situation in which there is more than one child who is the subject 13810  
of an allocation of parental rights and responsibilities and each 13811  
parent is the residential parent and legal custodian of at least 13812  
one of those children. 13813

(15) "Worksheet" means the applicable worksheet that is used 13814  
to calculate a parent's child support obligation as set forth in 13815  
sections 3119.022 and 3119.023 of the Revised Code. 13816

**Sec. 3123.952.** A child support enforcement agency may submit 13817  
the name of a delinquent obligor to the office of child support 13818  
for inclusion on a poster only if all of the following apply: 13819

(A) The obligor is subject to a support order and there has 13820  
been an attempt to enforce the order through a public notice, a 13821  
wage withholding order, a lien on property, a financial 13822  
institution deduction order, or other court-ordered procedures. 13823

(B) The department of job and family services reviewed the 13824  
obligor's records and confirms the child support enforcement 13825  
agency's finding that the obligor's name and photograph may be 13826  
submitted to be displayed on a poster. 13827

(C) The agency does not know or is unable to verify the 13828  
obligor's whereabouts. 13829

(D) The obligor is not a participant in Ohio works first or 13830  
the prevention, retention, and contingency program or a recipient 13831  
of disability financial assistance, supplemental security income, 13832  
or food stamps. 13833

(E) The child support enforcement agency does not have 13834  
evidence that the obligor has filed for protection under the 13835  
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 13836

(F) The obligee gave written authorization to the agency to 13837  
display the obligor on a poster. 13838

(G) A legal representative of the agency and a child support 13839  
enforcement administrator reviewed the case. 13840

(H) The agency is able to submit to the department a 13841  
description and photograph of the obligor, a statement of the 13842  
possible locations of the obligor, and any other information 13843  
required by the department. 13844

Sec. 3301.20. (A) Not later than July 1, 2004, the department 13845  
of education shall establish the Ohio regional education delivery 13846  
system to provide services and technical assistance to school 13847  
districts. The system shall provide services that were formerly 13848  
provided by regional professional development centers, special 13849  
education regional resource centers, area media centers, school 13850  
improvement facilitators, Ohio SchoolNet regional faculty, and 13851  
other regional service providers. 13852

(B) The number of regional service centers established under 13853  
the Ohio regional education delivery system shall not exceed 13854  
nineteen. Such service centers shall be distributed geographically 13855  
throughout the state. 13856

(C) The department, in consultation with stakeholders, shall 13857  
develop an accountability system for the Ohio regional education 13858  
delivery system. The accountability system shall include minimum 13859  
standards for operation and the provision of services. It shall 13860  
also include benchmarks against performance measures based on each 13861  
of the following: 13862

(1) Student achievement; 13863

<u>(2) The effectiveness and efficiency of service delivery;</u>	13864
<u>(3) The quality of implementation of state initiatives;</u>	13865
<u>(4) Satisfaction expressed by school districts and other</u>	13866
<u>entities that use the Ohio regional education delivery system with</u>	13867
<u>the quality of the system.</u>	13868
<u>(D) The department, in consultation with stakeholders, shall</u>	13869
<u>develop accountability systems for educational service centers,</u>	13870
<u>data acquisition sites established under section 3301.075 of the</u>	13871
<u>Revised Code, and educational technology centers.</u>	13872
<b><u>Sec. 3301.31. As used in this section and sections 3301.32 to</u></b>	13873
<b><u>3301.37 of the Revised Code:</u></b>	13874
<u>(A) "Eligible individual" means an individual eligible for</u>	13875
<u>Title IV-A services.</u>	13876
<u>(B) "Head start agency" means any of the following:</u>	13877
<u>(1) An entity in this state that has been approved to be an</u>	13878
<u>agency for purposes of the "Head Start Act," 95 Stat. 489 (1981),</u>	13879
<u>42 U.S.C. 9831, as amended;</u>	13880
<u>(2) A Title IV-A head start agency;</u>	13881
<u>(3) A Title IV-A head start plus agency.</u>	13882
<u>(C) "Head start program" has the same meaning as in section</u>	13883
<u>5104.01 of the Revised Code.</u>	13884
<u>(D) "Title IV-A services" means benefits and services that</u>	13885
<u>are allowable under Title IV-A of the "Social Security Act," as</u>	13886
<u>specified in 42 U.S.C.A 604(a), except that they shall not be</u>	13887
<u>benefits and services included in the term "assistance" as defined</u>	13888
<u>in 45 C.F.R. 260.31(a) and shall be benefits and services that are</u>	13889
<u>excluded from the definition of the term "assistance" under 45</u>	13890
<u>C.F.R. 260.31(b).</u>	13891

(E) "Title IV-A head start agency" means an agency receiving funds to operate a head start program as prescribed in section 3301.34 of the Revised Code. 13892  
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(F) "Title IV-A head start plus agency" means an agency receiving funds to operate a head start program as prescribed in section 3301.35 of the Revised Code. 13895  
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**Sec. 3301.33.** (A) There is hereby established the Title IV-A head start program to provide head start program services to eligible individuals. 13898  
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(B) There is hereby established the Title IV-A head start plus program to provide year-long head start program services and child care services to eligible individuals. 13901  
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(C) The programs established under divisions (A) and (B) of this section shall be administered by the department of education in accordance with an interagency agreement entered into with the department of job and family services under section 5101.801 of the Revised Code. The programs shall provide Title IV-A services to eligible individuals who meet eligibility requirements established in rules and administrative orders adopted by the department of job and family services under Chapter 5104. of the Revised Code. The department of job and family services and the department of education jointly shall adopt policies and procedures establishing program requirements for eligibility, services, program administration, fiscal accountability, and other criteria necessary to comply with the provisions of Title IV-A of the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), as amended. 13904  
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The department of education shall be responsible for approving all Title IV-A head start agencies and Title IV-A head start plus agencies for provision of services under the programs 13919  
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established under this section. An agency that is not approved by 13922  
the department shall not be reimbursed for the cost of providing 13923  
services under the programs. 13924

Sec. 3301.34. In administering the Title IV-A head start 13925  
program established under division (A) of section 3301.33 of the 13926  
Revised Code, the department of education shall enter into a 13927  
contract with each Title IV-A head start agency establishing the 13928  
terms and conditions applicable to the provision of Title IV-A 13929  
services for eligible individuals. The contracts shall specify the 13930  
respective duties of the Title IV-A head start agencies and the 13931  
department of education, reporting requirements, eligibility 13932  
requirements, procedures for obtaining verification of eligibility 13933  
for Title IV-A services from a county department of job and family 13934  
services, reimbursement methodology, audit requirements, and other 13935  
provisions determined necessary. The department of education shall 13936  
reimburse the Title IV-A head start agencies for Title IV-A 13937  
services provided to eligible individuals in accordance with the 13938  
terms of the contract, policies and procedures adopted by the 13939  
department of education and the department of job and family 13940  
services under section 3301.33 of the Revised Code, and the 13941  
interagency agreement entered into by the departments. 13942

The department of education shall ensure that all 13943  
reimbursements paid to a Title IV-A head start agency are only for 13944  
Title IV-A services. 13945

The department of education shall ensure that all 13946  
reimbursements paid to a Title IV-A head start agency are for only 13947  
those individuals for whom the Title IV-A head start agency has 13948  
obtained verification of eligibility for Title IV-A services from 13949  
the appropriate county department of job and family services, as 13950  
provided for in section 3301.36 of the Revised Code. 13951

Sec. 3301.35. (A) In administering the Title IV-A head start plus program established under division (B) of section 3301.33, the department of education shall enter into a contract with each county department of job and family services to administer the program within its respective county. The county departments shall verify the eligibility for Title IV-A services of individuals and reimburse Title IV-A head start plus agencies for Title IV-A services provided to eligible individuals under the program. The department of education shall reimburse the county departments for allowable payments made to Title IV-A head start plus agencies.

The contract entered into by the department of education and each county department shall specify the duties of the county department and the department of education, reporting requirements, reimbursement methodology, audit requirements, and other provisions determined necessary. The department of education shall reimburse each county department for reimbursements the county department pays to Title IV-A head start plus agencies for Title IV-A services in accordance with the terms of the contract and with policies and procedures adopted by the department of education and the state department of job and family services under section 3301.33 of the Revised Code.

Each county department shall deposit all reimbursements received under this section into the county public assistance fund.

(B) Each county department shall administer the program within its respective county in accordance with requirements established by the state department of job and family services under section 5101.801 of the Revised Code. The county department shall ensure that all reimbursements paid to a Title IV-A head start plus agency are for only Title IV-A services.

The administration of the Title IV-A head start plus program

by the county department shall include all of the following: 13983

(1) Determining eligibility of individuals and establishing 13984  
co-payment requirements in accordance with rules adopted by the 13985  
state department of job and family services; 13986

(2) Ensuring that any reimbursements paid by the county 13987  
department to a Title IV-A head start plus agency comply with 13988  
requirements of Title IV-A of the "Social Security Act," 110 Stat. 13989  
2113, 42 U.S.C. 601 (1996), as amended, including eligibility of 13990  
individuals, reporting requirements, allowable benefits and 13991  
services, use of funds, and audit requirements, as specified in 13992  
state and federal laws and regulations, United States office of 13993  
management and budget circulars, and the Title IV-A state plan; 13994

(3) Monitoring each Title IV-A head start plus agency that 13995  
receives funds from the county department. The county department 13996  
is responsible for assuring that all Title IV-A funds are used 13997  
solely for purposes allowable under federal regulations, section 13998  
5101.801 of the Revised Code, and the Title IV-A state plan and 13999  
shall take prompt action to recover funds that are not expended 14000  
accordingly. 14001

(C) Each county department shall enter into contracts with 14002  
Title IV-A head start plus agencies to provide Title IV-A services 14003  
to eligible individuals who meet eligibility requirements 14004  
established in rules adopted by the department of job and family 14005  
services. 14006

The county department shall enter into contracts with only 14007  
those agencies that have been approved by the department of 14008  
education as a Title IV-A head start plus agency and that have 14009  
been licensed in accordance with section 3301.37 of the Revised 14010  
Code. Each contract entered into by a county department under this 14011  
division shall specify all of the following: 14012

(1) Requirements for financial management and accountability 14013

<u>for the funds, including the prompt repayment of funds that were</u>	14014
<u>not spent in accordance with these requirements;</u>	14015
<u>(2) Requirements applicable to the allowable use of and</u>	14016
<u>accountability for Title IV-A funds;</u>	14017
<u>(3) Requirements for access, inspection, and examination of</u>	14018
<u>the agency's financial and program records by the county</u>	14019
<u>department, the state department of job and family services, the</u>	14020
<u>department of education, the auditor of state, and any other state</u>	14021
<u>or federal agency with authority to inspect and examine such</u>	14022
<u>records;</u>	14023
<u>(4) Audit requirements applicable to funds received under the</u>	14024
<u>contract;</u>	14025
<u>(5) Requirements for the prompt repayment to the county</u>	14026
<u>department of any funds that are the subject of any federal or</u>	14027
<u>state adverse audit findings;</u>	14028
<u>(6) Procedures for adjustments and reconciliation of</u>	14029
<u>overpayments, underpayments, advanced funds, or other accounting</u>	14030
<u>procedures required by the county department, state department of</u>	14031
<u>job and family services, or department of education;</u>	14032
<u>(7) Reimbursement rates;</u>	14033
<u>(8) Billing dates, payment dates, and other reimbursement</u>	14034
<u>procedures established by the county department;</u>	14035
<u>(9) Reporting requirements by and for the county department,</u>	14036
<u>the state department of job and family services, and the</u>	14037
<u>department of education;</u>	14038
<u>(10) Provisions for the county department to withhold</u>	14039
<u>reimbursement, or to suspend, modify, or terminate the contract if</u>	14040
<u>the department of education suspends or removes the agency from</u>	14041
<u>the list of approved Title IV-A head start plus agencies or if the</u>	14042
<u>state department of job and family services denies or revokes a</u>	14043

license for the agency. 14044

Sec. 3301.36. At the request of a Title IV-A head start 14045  
agency or Title IV-A head start plus agency, each county 14046  
department of job and family services shall provide verification 14047  
of eligibility for Title IV-A services for individuals seeking 14048  
Title IV-A services from the agency. 14049

Sec. 3301.37. (A) Each entity operating a head start program 14050  
shall be licensed by the department of job and family services in 14051  
accordance with Chapter 5104. of the Revised Code. 14052

(B) Notwithstanding division (A) of this section, any current 14053  
license issued under section 3301.58 of the Revised Code by the 14054  
department of education to an entity operating a head start 14055  
program prior to the effective date of this section is hereby 14056  
deemed to be a license issued by the department of job and family 14057  
services under Chapter 5104. of the Revised Code. The expiration 14058  
date of the license shall be the earlier of the expiration date 14059  
specified in the license as issued under section 3301.58 of the 14060  
Revised Code or July 1, 2005. In order to continue operation of 14061  
its head start program after that expiration date, the entity 14062  
shall obtain a license as prescribed in division (A) of this 14063  
section. 14064

Sec. ~~3301.33~~ 3301.40. (A) As used in this section, "adult 14065  
education" has the meaning as established under the "adult 14066  
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 14067  
amended. 14068

(B) Beginning July 1, 1996, the department of education may 14069  
distribute state funds to organizations that qualify for federal 14070  
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 14071  
1201 to 1213d, as amended. The funds shall be used by qualifying 14072  
organizations to provide adult education services. State funds 14073

distributed pursuant to this section shall be distributed in 14074  
accordance with the rules adopted by the state board of education 14075  
pursuant to this section. 14076

Each organization that receives funds under this section 14077  
shall file program performance reports with the department. The 14078  
reports shall be filed at times required by state board of 14079  
education rule and contain assessments of individual students as 14080  
they enter, progress through, and exit the adult education 14081  
program; records regarding individual student program 14082  
participation time; reports of individual student retention rates; 14083  
and any other information required by rule. 14084

(C) The state board of education shall adopt rules for the 14085  
distribution of funds under this section. The rules shall include 14086  
the following: 14087

(1) Requirements for program performance reports. 14088

(2) Indicators of adult education program quality, including 14089  
indicators of learner achievement, program environment, program 14090  
planning, curriculum and instruction, staff development, support 14091  
services, and recruitment and retention. 14092

(3) A formula for the distribution of funds under this 14093  
section. The formula shall include as a factor an organization's 14094  
quantifiable success in meeting the indicators of program quality 14095  
established pursuant to division (C)(2) of this section. 14096

(4) Standards and procedures for reducing or discontinuing 14097  
funding to organizations that fail to meet the requirements of 14098  
this section. 14099

(5) Any other requirements or standards considered 14100  
appropriate by the board. 14101

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 14102  
Revised Code: 14103

(A) "Preschool program" means either of the following:	14104
(1) A child day-care program for preschool children that is operated by a school district board of education, <u>or</u> an eligible nonpublic school, <del>a head start grantee, or a head start delegate agency.</del>	14105 14106 14107 14108
(2) A child day-care program for preschool children age three or older that is operated by a county MR/DD board.	14109 14110
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	14111 14112
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	14113 14114 14115
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	14116 14117 14118
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	14119 14120 14121
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	14122 14123 14124
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	14125 14126 14127 14128
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	14129 14130 14131 14132 14133

(I) "County MR/DD board" means a county board of mental 14134  
retardation and developmental disabilities. 14135

(J) "School child program" means a child day-care program for 14136  
only school children that is operated by a school district board 14137  
of education, county MR/DD board, or eligible nonpublic school. 14138

(K) "School child" and "child day-care" have the same 14139  
meanings as in section 5104.01 of the Revised Code. 14140

(L) "School child program staff member" means an employee 14141  
whose primary responsibility is the care, teaching, or supervision 14142  
of children in a school child program. 14143

~~(M) "Head start" means a program operated in accordance with 14144  
subchapter II of the "Community Economic Development Act," 95 14145  
Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto. 14146~~

**Sec. 3301.53.** (A) Not later than July 1, 1988, the state 14147  
board of education, in consultation with the director of job and 14148  
family services, shall formulate and prescribe by rule adopted 14149  
under Chapter 119. of the Revised Code minimum standards to be 14150  
applied to preschool programs operated by school district boards 14151  
of education, county MR/DD boards, or eligible nonpublic schools, 14152  
~~head start grantees, and head start delegate agencies.~~ The rules 14153  
shall include the following: 14154

(1) Standards ensuring that the preschool program is located 14155  
in a safe and convenient facility that accommodates the enrollment 14156  
of the program, is of the quality to support the growth and 14157  
development of the children according to the program objectives, 14158  
and meets the requirements of section 3301.55 of the Revised Code; 14159

(2) Standards ensuring that supervision, discipline, and 14160  
programs will be administered according to established objectives 14161  
and procedures; 14162

(3) Standards ensuring that preschool staff members and 14163

nonteaching employees are recruited, employed, assigned, 14164  
evaluated, and provided inservice education without discrimination 14165  
on the basis of age, color, national origin, race, or sex; and 14166  
that preschool staff members and nonteaching employees are 14167  
assigned responsibilities in accordance with written position 14168  
descriptions commensurate with their training and experience; 14169

(4) A requirement that boards of education intending to 14170  
establish a preschool program on or after March 17, 1989, 14171  
demonstrate a need for a preschool program that is not being met 14172  
by any existing program providing child day-care, prior to 14173  
establishing the program; 14174

(5) Requirements that children participating in preschool 14175  
programs have been immunized to the extent considered appropriate 14176  
by the state board to prevent the spread of communicable disease; 14177

(6) Requirements that the parents of preschool children 14178  
complete the emergency medical authorization form specified in 14179  
section 3313.712 of the Revised Code. 14180

(B) The state board of education in consultation with the 14181  
director of job and family services shall ensure that the rules 14182  
adopted by the state board under sections 3301.52 to 3301.58 of 14183  
the Revised Code are consistent with and meet or exceed the 14184  
requirements of Chapter 5104. of the Revised Code with regard to 14185  
child day-care centers. The state board and the director of job 14186  
and family services shall review all such rules at least once 14187  
every five years. 14188

(C) On or before January 1, 1992, the state board of 14189  
education, in consultation with the director of job and family 14190  
services, shall adopt rules for school child programs that are 14191  
consistent with and meet or exceed the requirements of the rules 14192  
adopted for school child day-care centers under Chapter 5104. of 14193  
the Revised Code. 14194

**Sec. 3301.54.** (A)(1) Each preschool program shall be directed 14195  
and supervised by a director, a head teacher, an elementary 14196  
principal, or a site administrator who is on site and responsible 14197  
for supervision of the program. Except as otherwise provided in 14198  
division (A)(2), (3), or (4) of this section, this person shall 14199  
hold a valid educator license designated as appropriate for 14200  
teaching or being an administrator in a preschool setting issued 14201  
pursuant to section 3319.22 of the Revised Code and have completed 14202  
at least four courses in child development or early childhood 14203  
education from an accredited college, university, or technical 14204  
college. 14205

(2) If the person was employed prior to July 1, 1988, by a 14206  
school district board of education or an eligible nonpublic school 14207  
to direct a preschool program, the person shall be considered to 14208  
meet the requirements of this section if the person holds a valid 14209  
kindergarten-primary certificate described under former division 14210  
(A) of section 3319.22 of the Revised Code as it existed on 14211  
January 1, 1996. 14212

(3) If the person is employed to direct a preschool program 14213  
operated by an eligible, nontax-supported, nonpublic school, the 14214  
person shall be considered to meet the requirements of this 14215  
section if the person holds a valid teaching certificate issued in 14216  
accordance with section 3301.071 of the Revised Code. 14217

~~(4) If the person is a site administrator for a head start 14218  
grantee or head start delegate agency, the person shall be 14219  
considered to meet the requirements of this section if the person 14220  
provides evidence that the person has attained at least a high 14221  
school diploma or certification of high school equivalency issued 14222  
by the state board of education or a comparable agency of another 14223  
state, and that the person meets at least one of the following 14224  
requirements:~~ 14225

~~(a) Two years of experience working as a child care staff member in a child day care center or preschool program and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child care staff member in a particular day care center or preschool program and who has been promoted to or designated director shall have one year from the time the person was promoted or designated to complete the required four courses;~~

~~(b) Two years of training in an accredited college, university, or technical college that includes at least four courses in child development or early childhood education;~~

~~(c) A child development associate credential issued by the national child development associate credentialing commission;~~

~~(d) An associate or higher degree in child development or early childhood education from an accredited college, university, or technical college.~~

(B) Each preschool staff member shall be at least eighteen years of age and have a high school diploma or a certification of high school equivalency issued by the state board of education or a comparable agency of another state, except that a staff member may be less than eighteen years of age if the staff member is a graduate of a two-year vocational child-care training program approved by the state board of education, or is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school.

A preschool staff member shall annually complete fifteen

hours of inservice training in child development or early 14257  
childhood education, child abuse recognition and prevention, and 14258  
first aid, and in the prevention, recognition, and management of 14259  
communicable diseases, until a total of forty-five hours has been 14260  
completed, unless the staff member holds an associate or higher 14261  
degree in child development or early childhood education from an 14262  
accredited college, university, or technical college, or any type 14263  
of educator license designated as appropriate for teaching in an 14264  
associate teaching position in a preschool setting issued by the 14265  
state board of education pursuant to section 3319.22 of the 14266  
Revised Code. 14267

**Sec. 3301.55.** (A) A school district, county MR/DD board, or 14268  
eligible nonpublic school, ~~head start grantee, or head start~~ 14269  
~~delegate agency~~ operating a preschool program shall house the 14270  
program in buildings that meet the following requirements: 14271

(1) The building is operated by the district, county MR/DD 14272  
board, or eligible nonpublic school, ~~head start grantee, or head~~ 14273  
~~start delegate agency~~ and has been approved by the division of 14274  
industrial compliance in the department of commerce or a certified 14275  
municipal, township, or county building department for the purpose 14276  
of operating a program for preschool children. Any such structure 14277  
shall be constructed, equipped, repaired, altered, and maintained 14278  
in accordance with applicable provisions of Chapters 3781. and 14279  
3791. and with rules adopted by the board of building standards 14280  
under Chapter 3781. of the Revised Code for the safety and 14281  
sanitation of structures erected for this purpose. 14282

(2) The building is in compliance with fire and safety laws 14283  
and regulations as evidenced by reports of annual school fire and 14284  
safety inspections as conducted by appropriate local authorities. 14285

(3) The school is in compliance with rules established by the 14286  
state board of education regarding school food services. 14287

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of education. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county MR/DD board, or school, ~~grantee, or agency~~ to meet the requirements.

**Sec. 3301.57.** (A) For the purpose of improving programs, facilities, and implementation of the standards promulgated by the state board of education under section 3301.53 of the Revised Code, the state department of education shall provide consultation and technical assistance to school districts, county MR/DD boards, and eligible nonpublic schools, ~~head start grantees, and head~~

~~start delegate agencies~~ operating preschool programs or school 14319  
child programs, and inservice training to preschool staff members, 14320  
school child program staff members, and nonteaching employees. 14321

(B) The department and the school district board of 14322  
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 14323  
~~start grantee, or head start delegate agency~~ shall jointly monitor 14324  
each preschool program and each school child program. 14325

If the program receives any grant or other funding from the 14326  
state or federal government, the department annually shall monitor 14327  
all reports on attendance, financial support, and expenditures 14328  
according to provisions for use of the funds. 14329

(C) ~~The department of job and family services and the~~ 14330  
~~department of education shall enter into a contract pursuant to~~ 14331  
~~which the department of education inspects preschool programs and~~ 14332  
~~school child programs in accordance with sections 3301.52 to~~ 14333  
~~3301.59 of the Revised Code, the rules adopted under those~~ 14334  
~~sections, and any applicable procedures in Chapter 5104. of the~~ 14335  
~~Revised Code and investigates any complaints filed pursuant to~~ 14336  
~~those sections or rules. The contract shall require the department~~ 14337  
~~of job and family services to pay the department of education for~~ 14338  
~~conducting the inspections and investigations an amount equal to~~ 14339  
~~the amount that the department of job and family services would~~ 14340  
~~expend conducting the same number of inspections and~~ 14341  
~~investigations with its employees under Chapter 5104. of the~~ 14342  
~~Revised Code.~~ 14343

~~(D)~~ The department of education, at least twice during every 14344  
twelve-month period of operation of a preschool program or a 14345  
licensed school child program, shall inspect the program and 14346  
provide a written inspection report to the superintendent of the 14347  
school district, county MR/DD board, eligible nonpublic school, 14348  
head start grantee, or head start delegate agency. At least one 14349  
inspection shall be unannounced, and all inspections may be 14350

unannounced. No person shall interfere with any inspection 14351  
conducted pursuant to this division or to the rules adopted 14352  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 14353

Upon receipt of any complaint that a preschool program or a 14354  
licensed school child program is out of compliance with the 14355  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 14356  
the rules adopted under those sections, the department shall 14357  
investigate and may inspect the program. 14358

~~(E)~~(D) If a preschool program or a licensed school child 14359  
program is determined to be out of compliance with the 14360  
requirements of sections 3301.52 to 3301.59 of the Revised Code or 14361  
the rules adopted under those sections, the department of 14362  
education shall notify the appropriate superintendent, county 14363  
MR/DD board, eligible nonpublic school, head start grantee, or 14364  
head start delegate agency in writing regarding the nature of the 14365  
violation, what must be done to correct the violation, and by what 14366  
date the correction must be made. If the correction is not made by 14367  
the date established by the department, it may commence action 14368  
under Chapter 119. of the Revised Code to close the program or to 14369  
revoke the license of the program. If a program does not comply 14370  
with an order to cease operation issued in accordance with Chapter 14371  
119. of the Revised Code, the department shall notify the attorney 14372  
general, the prosecuting attorney of the county in which the 14373  
program is located, or the city attorney, village solicitor, or 14374  
other chief legal officer of the municipal corporation in which 14375  
the program is located that the program is operating in violation 14376  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 14377  
adopted under those sections and in violation of an order to cease 14378  
operation issued in accordance with Chapter 119. of the Revised 14379  
Code. Upon receipt of the notification, the attorney general, 14380  
prosecuting attorney, city attorney, village solicitor, or other 14381  
chief legal officer shall file a complaint in the court of common 14382

pleas of the county in which the program is located requesting the 14383  
court to issue an order enjoining the program from operating. The 14384  
court shall grant the requested injunctive relief upon a showing 14385  
that the program named in the complaint is operating in violation 14386  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 14387  
adopted under those sections and in violation of an order to cease 14388  
operation issued in accordance with Chapter 119. of the Revised 14389  
Code. 14390

~~(F)~~(E) The department of education shall prepare an annual 14391  
report on inspections conducted under this section. The report 14392  
shall include the number of inspections conducted, the number and 14393  
types of violations found, and the steps taken to address the 14394  
violations. The department shall file the report with the 14395  
governor, the president and minority leader of the senate, and the 14396  
speaker and minority leader of the house of representatives on or 14397  
before the first day of January of each year, beginning in 1999. 14398

**Sec. 3301.58.** (A) The department of education is responsible 14399  
for the licensing of preschool programs and school child programs 14400  
and for the enforcement of sections 3301.52 to 3301.59 of the 14401  
Revised Code and of any rules adopted under those sections. No 14402  
school district board of education, county MR/DD board, or 14403  
eligible nonpublic school, ~~head start grantee, or head start~~ 14404  
~~delegate agency~~ shall operate, establish, manage, conduct, or 14405  
maintain a preschool program without a license issued under this 14406  
section. A school district board of education, county MR/DD board, 14407  
or eligible nonpublic school may obtain a license under this 14408  
section for a school child program. The school district board of 14409  
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 14410  
~~start grantee, or head start delegate agency~~ shall post the 14411  
current license for each preschool program and licensed school 14412  
child program it operates, establishes, manages, conducts, or 14413  
maintains in a conspicuous place in the preschool program or 14414

licensed school child program that is accessible to parents, 14415  
custodians, or guardians and employees and staff members of the 14416  
program at all times when the program is in operation. 14417

(B) Any school district board of education, county MR/DD 14418  
board, or eligible nonpublic school, ~~head start grantee, or head~~ 14419  
~~start delegate agency~~ that desires to operate, establish, manage, 14420  
conduct, or maintain a preschool program shall apply to the 14421  
department of education for a license on a form that the 14422  
department shall prescribe by rule. Any school district board of 14423  
education, county MR/DD board, or eligible nonpublic school that 14424  
desires to obtain a license for a school child program shall apply 14425  
to the department for a license on a form that the department 14426  
shall prescribe by rule. The department shall provide at no charge 14427  
to each applicant for a license under this section a copy of the 14428  
requirements under sections 3301.52 to 3301.59 of the Revised Code 14429  
and any rules adopted under those sections. The department shall 14430  
mail application forms for the renewal of a license at least one 14431  
hundred twenty days prior to the date of the expiration of the 14432  
license, and the application for renewal of a license shall be 14433  
filed with the department at least sixty days before the date of 14434  
the expiration of the existing license. The department may 14435  
establish application fees by rule adopted under Chapter 119. of 14436  
the Revised Code, and all applicants for a license shall pay any 14437  
fee established by the department at the time of making an 14438  
application for a license. All fees collected pursuant to this 14439  
section shall be paid into the state treasury to the credit of the 14440  
general revenue fund. 14441

(C) Upon the filing of an application for a license, the 14442  
department of education shall investigate and inspect the 14443  
preschool program or school child program to determine the license 14444  
capacity for each age category of children of the program and to 14445  
determine whether the program complies with sections 3301.52 to 14446

3301.59 of the Revised Code and any rules adopted under those 14447  
sections. When, after investigation and inspection, the department 14448  
of education is satisfied that sections 3301.52 to 3301.59 of the 14449  
Revised Code and any rules adopted under those sections are 14450  
complied with by the applicant, the department of education shall 14451  
issue the program a provisional license as soon as practicable in 14452  
the form and manner prescribed by the rules of the department. The 14453  
provisional license shall be valid for six months from the date of 14454  
issuance unless revoked. 14455

(D) The department of education shall investigate and inspect 14456  
a preschool program or school child program that has been issued a 14457  
provisional license at least once during operation under the 14458  
provisional license. If, after the investigation and inspection, 14459  
the department of education determines that the requirements of 14460  
sections 3301.52 to 3301.59 of the Revised Code and any rules 14461  
adopted under those sections are met by the provisional licensee, 14462  
the department of education shall issue a license that is 14463  
effective for two years from the date of the issuance of the 14464  
provisional license. 14465

(E) Upon the filing of an application for the renewal of a 14466  
license by a preschool program or school child program, the 14467  
department of education shall investigate and inspect the 14468  
preschool program or school child program. If the department of 14469  
education determines that the requirements of sections 3301.52 to 14470  
3301.59 of the Revised Code and any rules adopted under those 14471  
sections are met by the applicant, the department of education 14472  
shall renew the license for two years from the date of the 14473  
expiration date of the previous license. 14474

(F) The license or provisional license shall state the name 14475  
of the school district board of education, county MR/DD board, or 14476  
eligible nonpublic school, ~~head start grantee, or head start~~ 14477  
~~delegate agency~~ that operates the preschool program or school 14478

child program and the license capacity of the program. The license 14479  
shall include any other information required by section 5104.03 of 14480  
the Revised Code for the license of a child day-care center. 14481

(G) The department of education may revoke the license of any 14482  
preschool program or school child program that is not in 14483  
compliance with the requirements of sections 3301.52 to 3301.59 of 14484  
the Revised Code and any rules adopted under those sections. 14485

(H) If the department of education revokes a license or 14486  
refuses to renew a license to a program, the department shall not 14487  
issue a license to the program within two years from the date of 14488  
the revocation or refusal. All actions of the department with 14489  
respect to licensing preschool programs and school child programs 14490  
shall be in accordance with Chapter 119. of the Revised Code. 14491

**Sec. 3311.24.** (A) Except as provided in division (B) of this 14492  
section, if the board of education of a city, exempted village, or 14493  
local school district deems it advisable to transfer territory 14494  
from such district to an adjoining city, exempted village, or 14495  
local school district, or if a petition, signed by seventy-five 14496  
per cent of the qualified electors residing within that portion of 14497  
a city, exempted village, or local school district proposed to be 14498  
transferred voting at the last general election, requests such a 14499  
transfer, the board of education of the district in which such 14500  
proposal originates shall file such proposal, together with a map 14501  
showing the boundaries of the territory proposed to be 14502  
transferred, with the state board of education prior to the first 14503  
day of April in any even-numbered year. The state board of 14504  
education may, if it is advisable, provide for a hearing in any 14505  
suitable place in any of the school districts affected by such 14506  
proposed transfer of territory. The state board of education or 14507  
its representatives shall preside at any such hearing. 14508

A board of education of a city, exempted village, or local 14509

school district that receives a petition of transfer under this 14510  
division shall cause the board of elections to check the 14511  
sufficiency of signatures on the petition. 14512

Not later than the first day of September the state board of 14513  
education shall either approve or disapprove a proposed transfer 14514  
of territory filed with it as provided by this section and shall 14515  
notify, in writing, the boards of education of the districts 14516  
affected by such proposed transfer of territory of its decision. 14517

If the decision of the state board of education is an 14518  
approval of the proposed transfer of territory then the board of 14519  
education of the district in which the territory is located shall, 14520  
within thirty days after receiving the state board of education's 14521  
decision, adopt a resolution transferring the territory and shall 14522  
forthwith submit a copy of such resolution to the treasurer of the 14523  
board of education of the city, exempted village, or local school 14524  
district to which the territory is transferred. Such transfer 14525  
shall not be complete however, until: 14526

(1) A resolution accepting the transfer has been passed by a 14527  
majority vote of the full membership of the board of education of 14528  
the city, exempted village, or local school district to which the 14529  
territory is transferred; 14530

(2) An equitable division of the funds and indebtedness 14531  
between the districts involved has been made by the board of 14532  
education making the transfer; 14533

(3) A map showing the boundaries of the territory transferred 14534  
has been filed, by the board of education accepting the transfer, 14535  
with the county auditor of each county affected by the transfer. 14536

When such transfer is complete the legal title of the school 14537  
property in the territory transferred shall be vested in the board 14538  
of education or governing board of the school district to which 14539  
the territory is transferred. 14540

(B) Whenever the transfer of territory pursuant to this section is initiated by a board of education, the board shall, before filing a proposal for transfer with the state board of education under this section, make a good faith effort to negotiate the terms of transfer with any other school district whose territory would be affected by the transfer. Before the state board may hold a hearing on the transfer, or approve or disapprove any such transfer, it must receive the following:

(1) A resolution requesting approval of the transfer, passed by the school district submitting the proposal;

(2) Evidence determined to be sufficient by the state board to show that good faith negotiations have taken place or that the district requesting the transfer has made a good faith effort to hold such negotiations;

(3) If any negotiations took place, a statement signed by all boards that participated in the negotiations, listing the terms agreed on and the points on which no agreement could be reached.

Negotiations held pursuant to this section shall be governed by the rules adopted by the state board under division (D) of section 3311.06 of the Revised Code. Districts involved in a transfer under division (B) of this section may agree to share revenues from the property included in the territory to be transferred, establish cooperative programs between the participating districts, and establish mechanisms for the settlement of any future boundary disputes.

**Sec. 3311.52.** A cooperative education school district may be established pursuant to divisions (A) to (C) of this section or pursuant to section 3311.521 of the Revised Code.

(A) A cooperative education school district may be established upon the adoption of identical resolutions within a

sixty-day period by a majority of the members of the board of 14571  
education of each city, local, and exempted village school 14572  
district that is within the territory of a county school financing 14573  
district. 14574

A copy of each resolution shall be filed with the board of 14575  
education of the educational service center which created the 14576  
county school financing district. Upon the filing of the last such 14577  
resolution, the educational service center governing board shall 14578  
immediately notify each board of education filing such a 14579  
resolution of the date on which the last resolution was filed. 14580

Ten days after the date on which the last resolution is filed 14581  
with the educational service center governing board or ten days 14582  
after the last of any notices required under division (C) of this 14583  
section is received by the educational service center governing 14584  
board, whichever is later, the county school financing district 14585  
shall be dissolved and the new cooperative education school 14586  
district and the board of education of the cooperative education 14587  
school district shall be established. 14588

On the date that any county school financing district is 14589  
dissolved and a cooperative education school district is 14590  
established under this section, each of the following shall apply: 14591

(1) The territory of the dissolved district becomes the 14592  
territory of the new district. 14593

(2) Any outstanding tax levy in force in the dissolved 14594  
district shall be spread over the territory of the new district 14595  
and shall remain in force in the new district until the levy 14596  
expires or is renewed. 14597

(3) Any funds of the dissolved district shall be paid over in 14598  
full to the new district. 14599

(4) Any net indebtedness of the dissolved district shall be 14600  
assumed in full by the new district. As used in division (A)(4) of 14601

this section, "net indebtedness" means the difference between the 14602  
par value of the outstanding and unpaid bonds and notes of the 14603  
dissolved district and the amount held in the sinking fund and 14604  
other indebtedness retirement funds for their redemption. 14605

When a county school financing district is dissolved and a 14606  
cooperative education school district is established under this 14607  
section, the governing board of the educational service center 14608  
that created the dissolved district shall give written notice of 14609  
this fact to the county auditor and the board of elections of each 14610  
county having any territory in the new district. 14611

(B) The resolutions adopted under division (A) of this 14612  
section shall include all of the following provisions: 14613

(1) Provision that the governing board of the educational 14614  
service center which created the county school financing district 14615  
shall be the board of education of the cooperative education 14616  
school district, except that provision may be made for the 14617  
composition, selection, and terms of office of an alternative 14618  
board of education of the cooperative district, which board shall 14619  
include at least one member selected from or by the members of the 14620  
board of education of each city, local, and exempted village 14621  
school district and at least one member selected from or by the 14622  
members of the educational service center governing board within 14623  
the territory of the cooperative district; 14624

(2) Provision that the treasurer and superintendent of the 14625  
educational service center which created the county school 14626  
financing district shall be the treasurer and superintendent of 14627  
the cooperative education school district, except that provision 14628  
may be made for the selection of a treasurer or superintendent of 14629  
the cooperative district other than the treasurer or 14630  
superintendent of the educational service center, which provision 14631  
shall require one of the following: 14632

(a) The selection of one person as both the treasurer and 14633  
superintendent of the cooperative district, which provision may 14634  
require such person to be the treasurer or superintendent of any 14635  
city, local, or exempted village school district or educational 14636  
service center within the territory of the cooperative district; 14637

(b) The selection of one person as the treasurer and another 14638  
person as the superintendent of the cooperative district, which 14639  
provision may require either one or both such persons to be 14640  
treasurers or superintendents of any city, local, or exempted 14641  
village school districts or educational service center within the 14642  
territory of the cooperative district. 14643

(3) A statement of the educational program the board of 14644  
education of the cooperative education school district will 14645  
conduct, including but not necessarily limited to the type of 14646  
educational program, the grade levels proposed for inclusion in 14647  
the program, the timetable for commencing operation of the 14648  
program, and the facilities proposed to be used or constructed to 14649  
be used by the program; 14650

(4) A statement of the annual amount, or the method for 14651  
determining that amount, of funds or services or facilities that 14652  
each city, local, and exempted village school district within the 14653  
territory of the cooperative district is required to pay to or 14654  
provide for the use of the board of education of the cooperative 14655  
education school district; 14656

(5) Provision for adopting amendments to the provisions of 14657  
divisions (B)(2) to (4) of this section. 14658

(C) If the resolutions adopted under division (A) of this 14659  
section provide for a board of education of the cooperative 14660  
education school district that is not the governing board of the 14661  
educational service center that created the county school 14662  
financing district, each board of education of each city, local, 14663

or exempted village school district and the governing board of the 14664  
educational service center within the territory of the cooperative 14665  
district shall, within thirty days after the date on which the 14666  
last resolution is filed with the educational service center 14667  
governing board under division (A) of this section, select one or 14668  
more members of the board of education of the cooperative district 14669  
as provided in the resolutions filed with the educational service 14670  
center governing board. Each such board shall immediately notify 14671  
the educational ~~services~~ service center governing board of each 14672  
such selection. 14673

(D) Except for the powers and duties in this chapter and 14674  
Chapters 124., 3317., 3318., 3323., and 3331. of the Revised Code, 14675  
a cooperative education school district established pursuant to 14676  
divisions (A) to (C) of this section or pursuant to section 14677  
3311.521 of the Revised Code has all the powers of a city school 14678  
district and its board of education has all the powers and duties 14679  
of a board of education of a city school district with respect to 14680  
the educational program specified in the resolutions adopted under 14681  
division (A) of this section. All laws applicable to a city school 14682  
district or the board of education or the members of the board of 14683  
education of a city school district, except such laws in this 14684  
chapter and Chapters 124., 3317., 3318., 3323., and 3331. of the 14685  
Revised Code, are applicable to a cooperative education school 14686  
district and its board. 14687

The treasurer and superintendent of a cooperative education 14688  
school district shall have the same respective duties and powers 14689  
as a treasurer and superintendent of a city school district, 14690  
except for any powers and duties in this chapter and Chapters 14691  
124., 3317., 3318., 3323., and 3331. of the Revised Code. 14692

(E) For purposes of this title, any student included in the 14693  
formula ADM or average daily attendance certified for any city, 14694  
exempted village, or local school district under section 3317.03 14695

or 3317.034 of the Revised Code by virtue of being counted, in 14696  
whole or in part, in the average daily membership or average daily 14697  
attendance of a cooperative education school district under 14698  
~~division (A)(2)(f) of that~~ either section shall be construed to be 14699  
enrolled both in that city, exempted village, or ~~village~~ local 14700  
school district and in that cooperative education school district. 14701  
This division shall not be construed to mean that any such 14702  
individual student may be counted more than once for purposes of 14703  
determining the average daily membership or average daily 14704  
attendance of any one school district. 14705

**Sec. 3313.647.** As used in this division, "graduate" means a 14706  
person who has received a diploma from a district pursuant to 14707  
section 3313.61 of the Revised Code. 14708

Pursuant to rules adopted by the state board of education, a 14709  
city, local, exempted village, or joint vocational school district 14710  
may establish a policy guaranteeing a specific level of competency 14711  
of certain graduates of the district. The guarantee policy shall 14712  
specify that any graduate meeting specified criteria established 14713  
by the board is capable of performing specified functions at a 14714  
level established in the policy. Any employer or potential 14715  
employer of a graduate who is guaranteed under such a policy may 14716  
submit a written statement to the board of education stating the 14717  
guaranteed graduate of its district does not meet the level of 14718  
competency specified in the district's guarantee policy. Upon 14719  
receipt of such statement the board of education shall provide an 14720  
opportunity for additional education to the graduate, regardless 14721  
of the graduate's age or place of residence, until such individual 14722  
attains the competency level specified in the policy. No fee shall 14723  
be charged to any person or government entity for such additional 14724  
education. A school board may expend school funds for a guarantee 14725  
program; however, no student participating in the program shall be 14726  
included in the formula ADM or average daily attendance of the 14727

district as determined under section 3317.03 or 3317.034 of the 14728  
Revised Code or included as a participant in any other program, if 14729  
such inclusion would result in additional state funds to the 14730  
school district. 14731

The state board of education shall adopt rules for the 14732  
adoption of a policy under this section and for the additional 14733  
education program described under this section. 14734

**Sec. 3313.90.** As used in this section, "formula ADM" ~~has~~ and 14735  
"average daily attendance" have the same ~~meaning~~ meanings as in 14736  
section 3317.02 of the Revised Code. Notwithstanding division (D) 14737  
of section 3311.19 and division (D) of section 3311.52 of the 14738  
Revised Code, the provisions of this section that apply to a city 14739  
school district do not apply to any joint vocational or 14740  
cooperative education school district. 14741

(A) Each city, local, and exempted village school district 14742  
shall, by one of the following means, provide vocational education 14743  
adequate to prepare a pupil enrolled therein for an occupation: 14744

(1) Establishing and maintaining a vocational education 14745  
program that meets standards adopted by the state board of 14746  
education; 14747

(2) Being a member of a joint vocational school district that 14748  
meets standards adopted by the state board; 14749

(3) Contracting for vocational education with a joint 14750  
vocational school district or another school district that meets 14751  
the standards adopted by the state board. 14752

The standards of the state board of education shall include 14753  
criteria for the participation by nonpublic students in vocational 14754  
education programs without financial assessment, charge, or 14755  
tuition to such student except such assessments, charges, or 14756  
tuition paid by resident public school students in such programs. 14757

Such nonpublic school students shall be included in the formula 14758  
ADM or average daily attendance of the school district maintaining 14759  
the vocational education program as part-time students in 14760  
proportion to the time spent in the vocational education program. 14761

By the thirtieth day of October of each year, the 14762  
superintendent of public instruction shall determine and certify 14763  
to the superintendent of each school district subject to this 14764  
section either that the district is in compliance with the 14765  
requirements of this section for the current school year or that 14766  
the district is not in compliance. If the superintendent certifies 14767  
that the district is not in compliance, he shall notify the board 14768  
of education of the district of the actions necessary to bring the 14769  
district into compliance with this section. 14770

In meeting standards established by the state board of 14771  
education, school districts, where practicable, shall provide 14772  
vocational programs in high schools. A minimum enrollment of 14773  
fifteen hundred pupils in grades nine through twelve is 14774  
established as a base for comprehensive vocational course 14775  
offerings. A school district may meet this requirement alone, 14776  
through a cooperative arrangement pursuant to section 3313.92 of 14777  
the Revised Code, through school district consolidation, by 14778  
membership in a joint vocational school district, by contract with 14779  
a school district, by contract with a school licensed by any state 14780  
agency established by the Revised Code which school operates its 14781  
courses offered for contracting with public schools under 14782  
standards as to staffing and facilities comparable to those 14783  
prescribed by the state board of education for public schools 14784  
provided no instructor in such courses shall be required to be 14785  
certificated by the state department of education, or in a 14786  
combination of such ways. Exceptions to the minimum requirement of 14787  
fifteen hundred pupils may be made by the state board of education 14788  
based on sparsity of population or other factors indicating that 14789

comprehensive educational and vocational programs as required by 14790  
this section can be provided through an alternate plan. 14791

(B) Approval of state funds for the construction and 14792  
operation of vocational facilities in any city, local, or exempted 14793  
village school district shall be contingent upon a comprehensive 14794  
vocational program plan approved by the state board of education 14795  
no later than July 1, 1970. The state board of education shall not 14796  
approve a school district plan unless the plan proposed reasonably 14797  
meets the vocational needs of other school districts in the 14798  
general area of the school districts in the general area of the 14799  
school district submitting the plan. The plan shall be submitted 14800  
to the state board of education no later than April 1, 1970. Such 14801  
plan shall contain: 14802

(1) The organization for vocational education pursuant to the 14803  
requirements of this section; 14804

(2) Vocational programs to be offered in the respective 14805  
comprehensive high schools, in specialized schools or skill 14806  
centers, and in joint vocational schools; 14807

(3) Remodeled, additional, and new vocational facilities 14808  
required at the respective locations. 14809

In approving the organization for vocational education the 14810  
state board of education shall provide that no city, local, or 14811  
exempted village school district is excluded in the statewide 14812  
plan. 14813

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 14814  
(F), and (G) of this section, when a board of education decides to 14815  
dispose of real or personal property that it owns in its corporate 14816  
capacity, and that exceeds in value ten thousand dollars, it shall 14817  
sell the property at public auction, after giving at least thirty 14818  
days' notice of the auction by publication in a newspaper of 14819

general circulation or by posting notices in five of the most 14820  
public places in the school district in which the property, if it 14821  
is real property, is situated, or, if it is personal property, in 14822  
the school district of the board of education that owns the 14823  
property. The board may offer real property for sale as an entire 14824  
tract or in parcels. 14825

(B) When the board of education has offered real or personal 14826  
property for sale at public auction at least once pursuant to 14827  
division (A) of this section, and the property has not been sold, 14828  
the board may sell it at a private sale. Regardless of how it was 14829  
offered at public auction, at a private sale, the board shall, as 14830  
it considers best, sell real property as an entire tract or in 14831  
parcels, and personal property in a single lot or in several lots. 14832

(C) If a board of education decides to dispose of real or 14833  
personal property that it owns in its corporate capacity and that 14834  
exceeds in value ten thousand dollars, it may sell the property to 14835  
the adjutant general; to any subdivision or taxing authority as 14836  
respectively defined in divisions (A) and (C) of section 5705.01 14837  
of the Revised Code, township park district, board of park 14838  
commissioners established under Chapter 755. of the Revised Code, 14839  
or park district established under Chapter 1545. of the Revised 14840  
Code; to a wholly or partially tax-supported university, 14841  
university branch, or college; or to the board of trustees of a 14842  
school district library, upon such terms as are agreed upon. The 14843  
sale of real or personal property to the board of trustees of a 14844  
school district library is limited, in the case of real property, 14845  
to a school district library within whose boundaries the real 14846  
property is situated, or, in the case of personal property, to a 14847  
school district library whose boundaries lie in whole or in part 14848  
within the school district of the selling board of education. 14849

(D) When a board of education decides to trade as a part or 14850  
an entire consideration, an item of personal property on the 14851

purchase price of an item of similar personal property, it may 14852  
trade the same upon such terms as are agreed upon by the parties 14853  
to the trade. 14854

(E) The president and the treasurer of the board of education 14855  
shall execute and deliver deeds or other necessary instruments of 14856  
conveyance to complete any sale or trade under this section. 14857

(F) When a board of education has identified a parcel of real 14858  
property that it determines is needed for school purposes, the 14859  
board may, upon a majority vote of the members of the board, 14860  
acquire that property by exchanging real property that the board 14861  
owns in its corporate capacity for the identified real property or 14862  
by using real property that the board owns in its corporate 14863  
capacity as part or an entire consideration for the purchase price 14864  
of the identified real property. Any exchange or acquisition made 14865  
pursuant to this division shall be made by a conveyance executed 14866  
by the president and the treasurer of the board. 14867

(G)(1) When a school district board of education decides to 14868  
dispose of real property suitable for use as classroom space, 14869  
prior to disposing of such property under division (A) through (F) 14870  
of this section, it shall first offer that property for sale to 14871  
the governing authorities of the start-up community schools, 14872  
established under Chapter 3314. of the Revised Code and located 14873  
within the territory of the school district, at a price that is 14874  
not higher than the appraised fair market value of that property. 14875  
If more than one community school governing authority accepts the 14876  
offer made by the school district board, the board shall sell the 14877  
property to the governing authority that accepted the offer first 14878  
in time. If no community school governing authority accepts the 14879  
offer within sixty days after the offer is made by the school 14880  
district board, the board may dispose of the property in the 14881  
applicable manner prescribed under divisions (A) to (F) of this 14882  
section. 14883

(2) If disposal of real property is planned as a part of a school district project under Chapter 3318. of the Revised Code, the Ohio school facilities commission shall not release any state funds to a school district until the district has complied with the provisions of division (G)(1) of this section.

**Sec. 3313.48.** The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. ~~Except as provided in section 3313.481 of the Revised Code, each~~ Each school so provided and each nonpublic school shall be open for instruction with pupils in attendance for not less than one hundred eighty-two days four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, as defined in section 3317.029 of the Revised Code, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through eight; and one thousand one hours in the case of pupils in grades nine through twelve in each school year, which may include all of the following:

(A) ~~Up to four school days ten hours per year in which classes are dismissed one half day early or the equivalent amount of time during a different number of days during which pupils would otherwise be in attendance but are not required to attend~~ for the purpose of individualized parent-teacher conferences and reporting periods;

(B) ~~Up to two days~~ ten hours per year for professional meetings of teachers when such ~~days~~ hours occur during a regular school week and schools are not in session;

(C) ~~The number of days the school is closed as a result of~~

~~public calamity, as provided in section 3317.01 of the Revised Code Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.~~ 14915  
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~~The state board of education shall adopt standards for defining "school day" as used in sections 3313.48 and 3317.01 of the Revised Code.~~ 14919  
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~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five elock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five elock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~ 14922  
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Sec. 3313.481. Wherever in Title XXXIII of the Revised Code the term "school day" is used, unless otherwise specified, that term shall be construed to mean the time during a calendar day that a school is open for instruction pursuant to the schedule adopted by the board of education of the school district or the governing authority of the nonpublic school in accordance with section 3313.48 of the Revised Code. 14932  
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**Sec. 3313.533.** (A) The board of education of a city, exempted village, or local school district may adopt a resolution to establish and maintain an alternative school in accordance with this section. The resolution shall specify, but not necessarily be limited to, all of the following: 14939  
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(1) The purpose of the school, which purpose shall be to 14944

serve students who are on suspension, who are having truancy 14945  
problems, who are experiencing academic failure, who have a 14946  
history of class disruption, or who are exhibiting other academic 14947  
or behavioral problems specified in the resolution; 14948

(2) The grades served by the school, which may include any of 14949  
grades kindergarten through twelve; 14950

(3) A requirement that the school be operated in accordance 14951  
with this section. The board of education adopting the resolution 14952  
under division (A) of this section shall be the governing board of 14953  
the alternative school. The board shall develop and implement a 14954  
plan for the school in accordance with the resolution establishing 14955  
the school and in accordance with this section. Each plan shall 14956  
include, but not necessarily be limited to, all of the following: 14957

(a) Specification of the reasons for which students will be 14958  
accepted for assignment to the school and any criteria for 14959  
admission that are to be used by the board to approve or 14960  
disapprove the assignment of students to the school; 14961

(b) Specification of the criteria and procedures that will be 14962  
used for returning students who have been assigned to the school 14963  
back to the regular education program of the district; 14964

(c) An evaluation plan for assessing the effectiveness of the 14965  
school and its educational program and reporting the results of 14966  
the evaluation to the public. 14967

(B) Notwithstanding any provision of Title XXXIII of the 14968  
Revised Code to the contrary, the alternative school plan may 14969  
include any of the following: 14970

(1) A requirement that on each school day students must 14971  
attend school or participate in other programs specified in the 14972  
plan or by the chief administrative officer of the school for a 14973  
period equal to the minimum school day set by the ~~state~~ board of 14974  
education under section 3313.48 of the Revised Code plus any 14975

additional time required in the plan or by the chief	14976
administrative officer;	14977
(2) Restrictions on student participation in extracurricular	14978
or interscholastic activities;	14979
(3) A requirement that students wear uniforms prescribed by	14980
the district board of education.	14981
(C) In accordance with the alternative school plan, the	14982
district board of education may employ teachers and nonteaching	14983
employees necessary to carry out its duties and fulfill its	14984
responsibilities or may contract with a nonprofit or for profit	14985
entity to operate the alternative school, including the provision	14986
of personnel, supplies, equipment, or facilities.	14987
(D) An alternative school may be established in all or part	14988
of a school building.	14989
(E) If a district board of education elects under this	14990
section, or is required by section 3313.534 of the Revised Code,	14991
to establish an alternative school, the district board may join	14992
with the board of education of one or more other districts to form	14993
a joint alternative school by forming a cooperative education	14994
school district under section 3311.52 or 3311.521 of the Revised	14995
Code, or a joint educational program under section 3313.842 of the	14996
Revised Code. The authority to employ personnel or to contract	14997
with a nonprofit or for profit entity under division (C) of this	14998
section applies to any alternative school program established	14999
under this division.	15000
(F) Any individual employed as a teacher at an alternative	15001
school operated by a nonprofit or for profit entity under this	15002
section shall be licensed and shall be subject to background	15003
checks, as described in section 3319.39 of the Revised Code, in	15004
the same manner as an individual employed by a school district.	15005
(G) Division (G) of this section applies only to any	15006

alternative school that is operated by a nonprofit or for profit 15007  
entity under contract with the school district. 15008

(1) In addition to the specifications authorized under 15009  
division (B) of this section, any plan adopted under that division 15010  
for an alternative school to which division (G) of this section 15011  
also applies shall include the following: 15012

(a) A description of the educational program provided at the 15013  
alternative school, which shall include: 15014

(i) Provisions for the school to be configured in clusters or 15015  
small learning communities; 15016

(ii) Provisions for the incorporation of education technology 15017  
into the curriculum; 15018

(iii) Provisions for accelerated learning programs in reading 15019  
and mathematics. 15020

(b) A method to determine the reading and mathematics level 15021  
of each student assigned to the alternative school and a method to 15022  
continuously monitor each student's progress in those areas. The 15023  
methods employed under this division shall be aligned with the 15024  
curriculum adopted by the school district board of education under 15025  
section 3313.60 of the Revised Code. 15026

(c) A plan for social services to be provided at the 15027  
alternative school, such as, but not limited to, counseling 15028  
services, psychological support services, and enrichment programs; 15029

(d) A plan for a student's transition from the alternative 15030  
school back to a school operated by the school district; 15031

(e) A requirement that the alternative school maintain 15032  
financial records in a manner that is compatible with the form 15033  
prescribed for school districts by the auditor of state to enable 15034  
the district to comply with any rules adopted by the auditor of 15035  
state. 15036

(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.

(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.

(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.

(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of at least two consecutive weeks prior to the date specified by the board for receiving proposals. Notices of requests for proposals shall contain a general description of the subject of the proposed contract and the location where the request for proposals may be obtained. The request for proposals shall include all of the following information:

(a) Instructions and information to respondents concerning the submission of proposals, including the name and address of the office where proposals are to be submitted;

(b) Instructions regarding communications, including at least the names, titles, and telephone numbers of persons to whom questions concerning a proposal may be directed;

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined;

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed; 15067  
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(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond; 15070  
15071

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties. 15072  
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(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following: 15076  
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(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school; 15082  
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(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board; 15087  
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15089

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school; 15090  
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(d) Financial responsibility. 15093

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the 15094  
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students and the district. If fewer than three proposals are 15097  
submitted, the board shall select each proposal submitted. The 15098  
board may cancel a request for proposals or reject all proposals 15099  
at any time prior to the execution of a contract. 15100

The board may hold discussions with any of the three selected 15101  
respondents to clarify or revise the provisions of a proposal or 15102  
the proposed contract to ensure complete understanding between the 15103  
board and the respondent of the terms under which a contract will 15104  
be entered. Respondents shall be accorded fair and equal treatment 15105  
with respect to any opportunity for discussion regarding 15106  
clarifications or revisions. The board may terminate or 15107  
discontinue any further discussion with a respondent upon written 15108  
notice. 15109

(4) Upon further review of the three proposals selected by 15110  
the board, the board shall award a contract to the respondent the 15111  
board considers to have the most merit, taking into consideration 15112  
the scope, complexity, and nature of the services to be performed 15113  
by the respondent under the contract. 15114

(5) Except as provided in division (H)(6) of this section, 15115  
the request for proposals, submitted proposals, and related 15116  
documents shall become public records under section 149.43 of the 15117  
Revised Code after the award of the contract. 15118

(6) Any respondent may request in writing that the board not 15119  
disclose confidential or proprietary information or trade secrets 15120  
contained in the proposal submitted by the respondent to the 15121  
board. Any such request shall be accompanied by an offer of 15122  
indemnification from the respondent to the board. The board shall 15123  
determine whether to agree to the request and shall inform the 15124  
respondent in writing of its decision. If the board agrees to 15125  
nondisclosure of specified information in a proposal, such 15126  
information shall not become a public record under section 149.43 15127  
of the Revised Code. If the respondent withdraws its proposal at 15128

any time prior to the execution of a contract, the proposal shall 15129  
not be a public record under section 149.43 of the Revised Code. 15130

(I) Upon a recommendation from the department and in 15131  
accordance with section 3301.16 of the Revised Code, the state 15132  
board of education may revoke the charter of any alternative 15133  
school operated by a school district that violates this section. 15134

**Sec. 3313.62.** The school year shall begin on the first day of 15135  
July of each calendar year and close on the thirtieth day of June 15136  
of the succeeding calendar year. ~~A school week shall consist of 15137  
five days, and a school month of four school weeks.~~ 15138

**Sec. 3313.979.** Each scholarship ~~or grant~~ to be used for 15139  
payments to a registered private school ~~or to an approved tutorial 15140  
assistance provider~~ is payable to the parents of the student 15141  
entitled to the scholarship ~~or grant~~. Each scholarship to be used 15142  
for payments to a public school in an adjacent school district is 15143  
payable to the school district of attendance by the superintendent 15144  
of public instruction. Each grant to be used for payments to an 15145  
approved tutorial assistance provider is payable to the approved 15146  
tutorial assistance provider. 15147

(A)(1) By the fifteenth day of each month of the school year 15148  
that any scholarship students are enrolled in a registered private 15149  
school, the chief administrator of that school shall notify the 15150  
state superintendent of: 15151

(a) The number of students who were reported to the school 15152  
district as having been admitted by that private school pursuant 15153  
to division (A)(2)(b) of section 3313.978 of the Revised Code and 15154  
who were still enrolled in the private school as of the first day 15155  
of such month, and the numbers of such students who qualify for 15156  
seventy-five and ninety per cent of the scholarship amount; 15157

(b) The number of students who were reported to the school 15158

district as having been admitted by another private school 15159  
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 15160  
Code and since the date of admission have transferred to the 15161  
school providing the notification under division (A)(1) of this 15162  
section, and the numbers of such students who qualify for 15163  
seventy-five and ninety per cent of the scholarship amount. 15164

(2) From time to time, the state superintendent shall make a 15165  
payment to the parent of each student entitled to a scholarship. 15166  
Each payment shall include for each student reported under 15167  
division (A)(1) of this section, a portion of seventy-five or 15168  
ninety per cent, as applicable, of the scholarship amount 15169  
specified in divisions (C)(1) and (2) of section 3313.978 of the 15170  
Revised Code. This amount shall be proportionately reduced in the 15171  
case of any such student who is not enrolled in a registered 15172  
private school for the entire school year. 15173

(3) The first payment under this division shall be made by 15174  
the last day of November and shall equal one-third of seventy-five 15175  
or ninety per cent, as applicable, of the estimated total amount 15176  
that will be due to the parent for the school year pursuant to 15177  
division (A)(2) of this section. 15178

(B) The state superintendent, on behalf of the parents of a 15179  
scholarship student enrolled in a public school in an adjacent 15180  
school district pursuant to section 3327.06 of the Revised Code, 15181  
shall make the tuition payments required by that section to the 15182  
school district admitting the student, except that, 15183  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 15184  
Revised Code, the total payments in any school year shall not 15185  
exceed seventy-five or ninety per cent, as applicable, of the 15186  
scholarship amount provided in divisions (C)(1) and (2) of section 15187  
3313.978 of the Revised Code. 15188

(C) Whenever an approved provider provides tutorial 15189  
assistance to a student, the state superintendent shall pay the 15190

~~parent approved provider~~ for such costs upon receipt of a 15191  
statement ~~from the parent~~ specifying the services provided and the 15192  
costs of the services, which statement shall be signed by the 15193  
provider and verified by the chief administrator having 15194  
supervisory control over the tutoring site. The total payments to 15195  
any ~~parent approved provider~~ under this division for all provider 15196  
services to any individual student in any school year shall not 15197  
exceed seventy-five or ninety per cent, as applicable, of the 15198  
grant amount provided in division (C)(3) of section 3313.978 of 15199  
the Revised Code. 15200

**Sec. 3313.981.** (A) The state board shall adopt rules 15201  
requiring all of the following: 15202

(1) The board of education of each city, exempted village, 15203  
and local school district to annually report to the department of 15204  
education all of the following: 15205

(a) The number of adjacent district or other district 15206  
students, as applicable, and adjacent district or other district 15207  
joint vocational students, as applicable, enrolled in the district 15208  
and the number of native students enrolled in adjacent or other 15209  
districts, in accordance with a policy adopted under division (B) 15210  
of section 3313.98 of the Revised Code; 15211

(b) Each adjacent district or other district student's or 15212  
adjacent district or other district joint vocational student's 15213  
date of enrollment in the district; 15214

(c) The full-time equivalent number of adjacent district or 15215  
other district students enrolled in vocational education programs 15216  
or classes described in division (A) of section 3317.014 of the 15217  
Revised Code and the full-time equivalent number of such students 15218  
enrolled in vocational education programs or classes described in 15219  
division (B) of that section; 15220

(d) Each native student's date of enrollment in an adjacent or other district.	15221 15222
(2) The board of education of each joint vocational school district to annually report to the department all of the following:	15223 15224 15225
(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;	15226 15227
(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;	15228 15229 15230 15231 15232 15233
(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.	15234 15235 15236
(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.	15237 15238 15239 15240 15241 15242 15243 15244 15245 15246
The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.	15247 15248 15249 15250

(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually subtract both of the following:

(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount for the district;

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For the full-time equivalent number of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section;

(2) The excess costs computed in accordance with division (E)

of this section for any adjacent district or other district 15282  
students, except for any adjacent or other district joint 15283  
vocational students, receiving special education and related 15284  
services in the district; 15285

(3) For the full-time equivalent number of the adjacent or 15286  
other district students who are not adjacent district or other 15287  
district joint vocational students and are reported under division 15288  
(A)(1)(c) of this section as enrolled in vocational education 15289  
programs or classes described in section 3317.014 of the Revised 15290  
Code, an amount equal to the formula amount times the applicable 15291  
multiple prescribed by that section; 15292

(4) An amount equal to the number of adjacent district or 15293  
other district joint vocational students reported under division 15294  
(A)(1) of this section multiplied by an amount equal to one-fourth 15295  
of the adjusted formula amount for the district. 15296

(D) To the payments made to a joint vocational school 15297  
district under Chapter 3317. of the Revised Code, the department 15298  
of education shall add, for each adjacent district or other 15299  
district joint vocational student reported under division (A)(2) 15300  
of this section, both of the following: 15301

(1) An amount equal to the adjusted formula amount of the 15302  
city, exempted village, or local school district in which the 15303  
student is also enrolled; 15304

(2) An amount equal to the full-time equivalent number of 15305  
students reported pursuant to division (A)(2)(b) of this section 15306  
times the formula amount times the applicable multiple prescribed 15307  
by section 3317.014 of the Revised Code. 15308

(E)(1) A city, exempted village, or local school board 15309  
providing special education and related services to an adjacent or 15310  
other district student in accordance with an IEP shall, pursuant 15311  
to rules of the state board, compute the excess costs to educate 15312

such student as follows: 15313

(a) Subtract the adjusted formula amount for the district 15314  
from the actual costs to educate the student; 15315

(b) From the amount computed under division (E)(1)(a) of this 15316  
section subtract the amount of any funds received by the district 15317  
under Chapter 3317. of the Revised Code to provide special 15318  
education and related services to the student. 15319

(2) The board shall report the excess costs computed under 15320  
this division to the department of education. 15321

(3) If any student for whom excess costs are computed under 15322  
division (E)(1) of this section is an adjacent or other district 15323  
joint vocational student, the department of education shall add 15324  
the amount of such excess costs to the payments made under Chapter 15325  
3317. of the Revised Code to the joint vocational school district 15326  
enrolling the student. 15327

(F) As provided in division (D)(1)(b) of section 3317.03 and 15328  
division (A)(2)(d) of section 3317.034 of the Revised Code, no 15329  
joint vocational school district shall count any adjacent or other 15330  
district joint vocational student enrolled in the district in its 15331  
formula ADM or average daily attendance certified under section 15332  
3317.03 or 3317.034 of the Revised Code. 15333

(G) No city, exempted village, or local school district shall 15334  
receive a payment under division (C) of this section for a 15335  
student, and no joint vocational school district shall receive a 15336  
payment under division (D) of this section for a student, ~~if~~ for 15337  
the same school ~~year~~ month that the student is counted in the 15338  
district's ~~formula ADM~~ average daily attendance certified under 15339  
section ~~3317.03~~ 3317.034 of the Revised Code. 15340

(H) Upon request of a parent, and provided the board offers 15341  
transportation to native students of the same grade level and 15342  
distance from school under section 3327.01 of the Revised Code, a 15343

city, exempted village, or local school board enrolling an 15344  
adjacent or other district student shall provide transportation 15345  
for the student within the boundaries of the board's district, 15346  
except that the board shall be required to pick up and drop off a 15347  
nonhandicapped student only at a regular school bus stop 15348  
designated in accordance with the board's transportation policy. 15349  
Pursuant to rules of the state board of education, such board may 15350  
reimburse the parent from funds received under division (D) of 15351  
section 3317.022 of the Revised Code for the reasonable cost of 15352  
transportation from the student's home to the designated school 15353  
bus stop if the student's family has an income below the federal 15354  
poverty line. 15355

**Sec. 3314.02.** (A) As used in this chapter: 15356

(1) "Sponsor" means an entity listed in division (C)(1) of 15357  
this section, which has been approved by the department of 15358  
education to sponsor community schools and with which the 15359  
governing authority of the proposed community school enters into a 15360  
contract pursuant to this section. 15361

(2) "Pilot project area" means the school districts included 15362  
in the territory of the former community school pilot project 15363  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 15364  
the 122nd general assembly. 15365

(3) "Challenged school district" means any of the following: 15366

(a) A school district that is part of the pilot project area; 15367

(b) A school district that is either in a state of academic 15368  
emergency or in a state of academic watch under section 3302.03 of 15369  
the Revised Code; 15370

(c) A big eight school district; 15371

(d) An urban school district. 15372

(4) "Big eight school district" means a school district that 15373

for fiscal year 1997 had both of the following: 15374

(a) A percentage of children residing in the district and 15375  
participating in the predecessor of Ohio works first greater than 15376  
thirty per cent, as reported pursuant to section 3317.10 of the 15377  
Revised Code; 15378

(b) An average daily membership greater than twelve thousand, 15379  
as reported pursuant to former division (A) of section 3317.03 of 15380  
the Revised Code. 15381

(5) "New start-up school" means a community school other than 15382  
one created by converting all or part of an existing public 15383  
school, as designated in the school's contract pursuant to 15384  
division (A)(17) of section 3314.03 of the Revised Code. 15385

(6) "Urban school district" means one of the state's 15386  
twenty-one urban school districts as defined in division (O) of 15387  
section 3317.02 of the Revised Code as that section existed prior 15388  
to July 1, 1998. 15389

(7) "Internet- or computer-based community school" means a 15390  
community school established under this chapter in which the 15391  
enrolled students ~~work~~ participate primarily ~~from their residences~~ 15392  
~~on assignments in non-classroom-based learning opportunities~~ 15393  
provided via ~~an internet- or~~ internet-based, other computer-based 15394  
instructional ~~method that does not rely on regular classroom~~ 15395  
~~instruction~~ methods, or noncomputer-based instructional methods. 15396

(B) Any person or group of individuals may initially propose 15397  
under this division the conversion of all or a portion of a public 15398  
school to a community school. No conversion community school shall 15399  
be an internet- or computer-based community school. The proposal 15400  
shall be made to the board of education of the city, local, or 15401  
exempted village school district in which the public school is 15402  
proposed to be converted. Upon receipt of a proposal, a board may 15403  
enter into a preliminary agreement with the person or group 15404

proposing the conversion of the public school, indicating the 15405  
intention of the board of education to support the conversion to a 15406  
community school. A proposing person or group that has a 15407  
preliminary agreement under this division may proceed to finalize 15408  
plans for the school, establish a governing authority for the 15409  
school, and negotiate a contract with the board of education. 15410  
Provided the proposing person or group adheres to the preliminary 15411  
agreement and all provisions of this chapter, the board of 15412  
education shall negotiate in good faith to enter into a contract 15413  
in accordance with section 3314.03 of the Revised Code and 15414  
division (C) of this section. 15415

(C)(1) Any person or group of individuals may propose under 15416  
this division the establishment of a new start-up school to be 15417  
located in a challenged school district. The proposal may be made 15418  
to any of the following entities: 15419

(a) The board of education of the district in which the 15420  
school is proposed to be located; 15421

(b) The board of education of any joint vocational school 15422  
district with territory in the county in which is located the 15423  
majority of the territory of the district in which the school is 15424  
proposed to be located; 15425

(c) The board of education of any other city, local, or 15426  
exempted village school district having territory in the same 15427  
county where the district in which the school is proposed to be 15428  
located has the major portion of its territory; 15429

(d) The governing board of any educational service center ~~as~~ 15430  
~~long as the proposed school will be located in a county within the~~ 15431  
~~territory of the service center or in a county contiguous to such~~ 15432  
~~county;~~ 15433

(e) A sponsoring authority designated by the board of 15434  
trustees of any of the thirteen state universities listed in 15435

section 3345.011 of the Revised Code or the board of trustees 15436  
itself as long as a mission of the proposed school to be specified 15437  
in the contract under division (A)(2) of section 3314.03 of the 15438  
Revised Code and as approved by the department of education under 15439  
division (B)(2) of section 3314.015 of the Revised Code will be 15440  
the practical demonstration of teaching methods, educational 15441  
technology, or other teaching practices that are included in the 15442  
curriculum of the university's teacher preparation program 15443  
approved by the state board of education; 15444

(f) Any qualified tax-exempt entity under section 501(c)(3) 15445  
of the Internal Revenue Code as long as all of the following 15446  
conditions are satisfied: 15447

(i) The entity has been in operation for at least five years 15448  
prior to applying to be a community school sponsor. 15449

(ii) The entity has assets of at least five hundred thousand 15450  
dollars. 15451

(iii) The department of education has determined that the 15452  
entity is an education-oriented entity under division (B)(3) of 15453  
section 3314.015 of the Revised Code. 15454

Until July 1, 2005, any entity described in division 15455  
(C)(1)(f) of this section may sponsor only schools that formerly 15456  
were sponsored by the state board of education under division 15457  
(C)(1)(d) of this section, as it existed prior to ~~the effective~~ 15458  
~~date of this amendment~~ April 8, 2003. After July 1, 2005, such 15459  
entity may sponsor any new or existing school. 15460

Any entity described in division (C)(1) of this section may 15461  
enter into a preliminary agreement pursuant to division (C)(2) of 15462  
this section with the proposing person or group. 15463

(2) A preliminary agreement indicates the intention of an 15464  
entity described in division (C)(1) of this section to sponsor the 15465  
community school. A proposing person or group that has such a 15466