

**As Pending in the Senate Finance and Financial Institutions
Committee**

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

Sub. H. B. No. 95

Representative Calvert

A B I L L

| | |
|---|----|
| To amend sections 9.01, 9.83, 101.34, 101.72, 101.82, | 1 |
| 102.02, 109.57, 109.572, 109.71, 117.101, 117.16, | 2 |
| 117.44, 117.45, 119.035, 121.04, 121.084, 121.41, | 3 |
| 121.48, 121.62, 122.011, 122.04, 122.08, 122.17, | 4 |
| 122.171, 122.25, 122.651, 122.658, 122.87, 122.88, | 5 |
| 123.01, 124.03, 124.15, 124.152, 124.181, 125.15, | 6 |
| 125.91, 125.92, 125.93, 125.95, 125.96, 125.98, | 7 |
| 127.16, 131.02, 131.23, 131.35, 145.38, 147.01, | 8 |
| 147.37, 149.011, 149.30, 149.31, 149.33, 149.331, | 9 |
| 149.332, 149.333, 149.34, 149.35, 153.65, 164.27, | 10 |
| 165.09, 173.06, 173.061, 173.062, 173.07, 173.071, | 11 |
| 173.14, 173.26, 175.03, 175.21, 175.22, 183.02, | 12 |
| 306.35, 306.99, 307.86, 307.87, 307.93, 311.17, | 13 |
| 317.32, 321.24, 323.01, 325.31, 329.03, 329.04, | 14 |
| 329.051, 340.021, 340.03, 341.05, 341.25, 504.03, | 15 |
| 504.04, 507.09, 511.12, 515.01, 515.07, 715.013, | 16 |
| 718.01, 718.02, 718.05, 718.11, 718.15, 718.151, | 17 |
| 731.14, 731.141, 735.05, 737.03, 753.22, 901.17, | 18 |
| 901.21, 901.22, 901.63, 902.11, 921.151, 927.53, | 19 |
| 927.69, 929.01, 955.51, 1309.109, 1317.07, | 20 |
| 1321.21, 1333.99, 1501.04, 1503.05, 1513.05, | 21 |
| 1515.08, 1519.05, 1521.06, 1521.063, 1531.26, | 22 |
| 1533.08, 1533.10, 1533.101, 1533.11, 1533.111, | 23 |
| 1533.112, 1533.13, 1533.151, 1533.19, 1533.23, | 24 |

| | |
|---|----|
| 1533.301, 1533.32, 1533.35, 1533.40, 1533.54, | 25 |
| 1533.631, 1533.632, 1533.71, 1533.82, 1541.10, | 26 |
| 1563.42, 1702.59, 1711.13, 1711.15, 1711.17, | 27 |
| 2101.16, 2117.06, 2117.25, 2151.352, 2151.3529, | 28 |
| 2151.3530, 2151.83, 2151.84, 2152.19, 2301.58, | 29 |
| 2305.234, 2329.07, 2329.66, 2505.13, 2715.041, | 30 |
| 2715.045, 2716.13, 2743.02, 2915.01, 2915.02, | 31 |
| 2915.08, 2915.09, 2915.091, 2915.092, 2915.093, | 32 |
| 2915.10, 2915.101, 2915.13, 2917.41, 2921.13, | 33 |
| 2923.35, 2925.44, 2929.38, 2933.43, 2935.01, | 34 |
| 2935.36, 2949.091, 3111.04, 3119.01, 3121.01, | 35 |
| 3123.952, 3301.0714, 3301.52, 3301.53, 3301.54, | 36 |
| 3301.55, 3301.57, 3301.58, 3301.68, 3301.80, | 37 |
| 3302.03, 3311.05, 3311.24, 3311.26, 3313.41, | 38 |
| 3313.843, 3313.979, 3313.981, 3314.02, 3314.041, | 39 |
| 3314.07, 3314.08, 3314.17, 3316.08, 3317.01, | 40 |
| 3317.012, 3317.013, 3317.014, 3317.022, 3317.023, | 41 |
| 3317.024, 3317.029, 3317.0217, 3317.03, 3317.032, | 42 |
| 3317.05, 3317.064, 3317.07, 3317.09, 3317.10, | 43 |
| 3317.15, 3317.16, 3318.01, 3318.03, 3318.042, | 44 |
| 3318.05, 3318.06, 3318.08, 3318.30, 3318.31, | 45 |
| 3318.37, 3318.41, 3319.01, 3319.02, 3319.03, | 46 |
| 3319.07, 3319.19, 3319.22, 3319.33, 3319.36, | 47 |
| 3323.16, 3327.01, 3327.011, 3329.06, 3329.08, | 48 |
| 3332.04, 3333.12, 3353.11, 3361.01, 3375.41, | 49 |
| 3377.01, 3377.06, 3383.01, 3383.07, 3501.18, | 50 |
| 3501.30, 3503.10, 3505.061, 3505.08, 3517.092, | 51 |
| 3701.02, 3701.021, 3701.022, 3701.024, 3701.141, | 52 |
| 3701.145, 3701.342, 3702.31, 3702.529, 3702.53, | 53 |
| 3702.532, 3702.54, 3702.544, 3702.55, 3702.60, | 54 |
| 3702.61, 3702.68, 3702.74, 3705.01, 3705.07, | 55 |
| 3705.08, 3705.09, 3705.23, 3705.24, 3709.09, | 56 |
| 3710.05, 3710.07, 3711.021, 3721.02, 3721.121, | 57 |

| | |
|--|----|
| 3721.19, 3721.51, 3721.56, 3722.151, 3733.43, | 58 |
| 3733.45, 3734.02, 3734.05, 3734.12, 3734.123, | 59 |
| 3734.124, 3734.18, 3734.28, 3734.42, 3734.44, | 60 |
| 3734.46, 3734.57, 3735.27, 3735.67, 3735.671, | 61 |
| 3737.81, 3745.04, 3745.11, 3745.14, 3745.40, | 62 |
| 3746.13, 3747.16, 3748.07, 3748.13, 3769.087, | 63 |
| 3770.07, 3770.10, 3770.99, 3773.33, 3773.43, | 64 |
| 3781.19, 3901.491, 3901.501, 4104.01, 4104.02, | 65 |
| 4104.04, 4104.06, 4104.07, 4104.08, 4104.15, | 66 |
| 4104.18, 4104.19, 4104.20, 4104.41, 4104.44, | 67 |
| 4104.45, 4104.46, 4105.17, 4112.15, 4115.10, | 68 |
| 4117.02, 4117.14, 4123.27, 4123.41, 4141.04, | 69 |
| 4141.09, 4141.23, 4301.03, 4301.30, 4303.02, | 70 |
| 4303.021, 4303.03, 4303.04, 4303.05, 4303.06, | 71 |
| 4303.07, 4303.08, 4303.09, 4303.10, 4303.11, | 72 |
| 4303.12, 4303.121, 4303.13, 4303.14, 4303.141, | 73 |
| 4303.15, 4303.151, 4303.16, 4303.17, 4303.171, | 74 |
| 4303.18, 4303.181, 4303.182, 4303.183, 4303.184, | 75 |
| 4303.19, 4303.20, 4303.201, 4303.202, 4303.203, | 76 |
| 4303.204, 4303.21, 4303.22, 4303.23, 4303.231, | 77 |
| 4501.06, 4503.101, 4503.103, 4505.06, 4508.08, | 78 |
| 4509.60, 4511.33, 4511.191, 4519.55, 4707.071, | 79 |
| 4707.072, 4707.10, 4709.12, 4717.07, 4717.09, | 80 |
| 4719.01, 4723.06, 4723.08, 4723.082, 4723.17, | 81 |
| 4731.65, 4731.71, 4734.15, 4736.12, 4743.05, | 82 |
| 4747.05, 4747.06, 4747.07, 4747.10, 4751.06, | 83 |
| 4751.07, 4755.03, 4759.08, 4771.22, 4903.24, | 84 |
| 4905.79, 4905.91, 4919.79, 4928.62, 4928.63, | 85 |
| 4931.45, 4931.47, 4931.48, 4973.17, 4981.20, | 86 |
| 5101.11, 5101.14, 5101.141, 5101.142, 5101.144, | 87 |
| 5101.145, 5101.146, 5101.16, 5101.18, 5101.181, | 88 |
| 5101.26, 5101.27, 5101.28, 5101.35, 5101.36, | 89 |
| 5101.58, 5101.59, 5101.75, 5101.80, 5101.83, | 90 |

| | |
|--|-----|
| 5101.97, 5103.031, 5103.033, 5103.034, 5103.036, | 91 |
| 5103.037, 5103.038, 5103.0312, 5103.0313, | 92 |
| 5103.0314, 5103.0315, 5103.0316, 5103.154, | 93 |
| 5104.01, 5104.011, 5104.02, 5104.04, 5104.30, | 94 |
| 5104.32, 5107.02, 5107.30, 5107.37, 5107.40, | 95 |
| 5107.60, 5108.01, 5108.03, 5108.06, 5108.07, | 96 |
| 5108.09, 5108.10, 5111.019, 5111.0112, 5111.02, | 97 |
| 5111.021, 5111.022, 5111.03, 5111.06, 5111.082, | 98 |
| 5111.111, 5111.17, 5111.171, 5111.20, 5111.21, | 99 |
| 5111.22, 5111.25, 5111.251, 5111.252, 5111.28, | 100 |
| 5111.29, 5111.30, 5111.31, 5111.34, 5111.85, | 101 |
| 5111.87, 5111.871, 5111.872, 5111.873, 5111.94, | 102 |
| 5112.03, 5112.08, 5112.17, 5112.31, 5112.99, | 103 |
| 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, | 104 |
| 5115.07, 5115.10, 5115.11, 5115.13, 5115.15, | 105 |
| 5115.20, 5119.61, 5119.611, 5120.52, 5123.01, | 106 |
| 5123.051, 5123.19, 5123.60, 5123.801, 5126.01, | 107 |
| 5126.042, 5126.11, 5126.12, 5126.121, 5126.15, | 108 |
| 5126.18, 5126.44, 5139.01, 5139.04, 5139.33, | 109 |
| 5139.34, 5139.36, 5139.41, 5139.43, 5139.87, | 110 |
| 5153.122, 5153.163, 5153.60, 5153.69, 5153.72, | 111 |
| 5153.78, 5301.68, 5301.691, 5310.15, 5502.01, | 112 |
| 5502.13, 5549.21, 5703.052, 5705.39, 5705.41, | 113 |
| 5705.412, 5709.61, 5709.62, 5709.63, 5709.632, | 114 |
| 5709.64, 5711.18, 5711.22, 5713.07, 5713.08, | 115 |
| 5713.081, 5713.082, 5713.10, 5713.30, 5715.27, | 116 |
| 5717.03, 5719.07, 5727.111, 5727.30, 5727.32, | 117 |
| 5727.33, 5727.56, 5728.04, 5728.06, 5728.99, | 118 |
| 5733.04, 5733.05, 5733.051, 5733.056, 5733.059, | 119 |
| 5733.0611, 5733.09, 5733.121, 5733.18, 5733.22, | 120 |
| 5733.45, 5733.98, 5735.05, 5735.14, 5735.15, | 121 |
| 5735.19, 5735.23, 5735.26, 5735.291, 5735.30, | 122 |
| 5735.99, 5739.01, 5739.011, 5739.012, 5739.02, | 123 |

| | |
|--|-----|
| 5739.021, 5739.022, 5739.023, 5739.025, 5739.026, | 124 |
| 5739.03, 5739.032, 5739.033, 5739.10, 5739.12, | 125 |
| 5739.121, 5739.122, 5739.17, 5739.21, 5739.33, | 126 |
| 5741.01, 5741.02, 5741.021, 5741.022, 5741.023, | 127 |
| 5741.121, 5743.05, 5743.21, 5743.45, 5745.01, | 128 |
| 5745.02, 5745.04, 5747.02, 5747.12, 5747.31, | 129 |
| 5901.021, 6101.09, 6109.21, 6115.09, 6117.02, and | 130 |
| 6119.06; to amend, for the purpose of adopting new | 131 |
| section numbers as indicated in parentheses, | 132 |
| sections 3301.33 (3301.40), 3701.145 (3701.0210), | 133 |
| 4104.46 (4104.48), 5108.06 (5108.04), 5108.07 | 134 |
| (5108.05), 5111.08 (5111.071), 5111.16 (5111.08), | 135 |
| 5111.252 (5123.199), 5115.02 (5115.04), 5115.04 | 136 |
| (5115.02), 5115.07 (5115.06), 5115.13 (5115.07), | 137 |
| and 5115.15 (5115.23); to enact new sections | 138 |
| 718.03, 3301.31, 3301.33, 3317.11, 3318.052, | 139 |
| 4104.42, 4104.43, 4104.46, 5108.06, 5108.07, | 140 |
| 5111.16, 5111.173, 5115.13, and 5739.034 and | 141 |
| sections 9.24, 107.12, 107.31, 107.32, 107.33, | 142 |
| 121.36, 121.482, 122.041, 122.90, 123.152, | 143 |
| 124.183, 125.073, 145.381, 173.08, 317.36, 319.63, | 144 |
| 511.181, 718.021, 718.031, 718.051, 718.121, | 145 |
| 901.85, 927.701, 1346.04, 1346.05, 1346.06, | 146 |
| 1346.07, 1346.08, 1346.09, 1346.10, 1501.25, | 147 |
| 1711.131, 2113.041, 2117.061, 3301.34, 3301.35, | 148 |
| 3301.36, 3301.37, 3301.38, 3511.059, 3314.033, | 149 |
| 3314.083, 3318.024, 3333.16, 3333.38, 3379.11, | 150 |
| 3501.011, 3701.029, 3701.61, 3702.63, 3721.561, | 151 |
| 3770.073, 4104.47, 4115.21, 4141.201, 4511.198, | 152 |
| 4707.24, 4723.063, 4755.031, 5101.12, 5101.1410, | 153 |
| 5101.214, 5101.271, 5103.155, 5108.11, 5108.12, | 154 |
| 5111.0113, 5111.025, 5111.151, 5111.172, 5111.174, | 155 |
| 5111.175, 5111.206, 5111.222, 5111.65, 5111.66, | 156 |

5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 157
5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 158
5111.681, 5111.682, 5111.683, 5111.684, 5111.685, 159
5111.686, 5111.687, 5111.688, 5111.689, 5111.6810, 160
5111.911, 5111.912, 5111.913, 5111.95, 5111.96, 161
5111.97, 5115.12, 5115.14, 5115.22, 5123.196, 162
5123.197, 5123.198, 5123.1910, 5123.38, 5123.851, 163
5139.44, 5502.03, 5703.56, 5703.58, 5703.80, 164
5717.011, 5733.0511, 5733.55, 5733.56, 5733.57, 165
5735.053, 5741.25, 5743.051, 5745.042, 5745.044, 166
and 5747.026; and to repeal sections 122.12, 167
125.931, 125.932, 125.933, 125.934, 125.935, 168
131.38, 173.45, 173.46, 173.47, 173.48, 173.49, 169
173.50, 173.51, 173.52, 173.53, 173.54, 173.55, 170
173.56, 173.57, 173.58, 173.59, 179.01, 179.02, 171
179.03, 179.04, 319.311, 504.21, 718.03, 1333.96, 172
1533.06, 1533.39, 1553.01, 1553.02, 1553.03, 173
1553.04, 1553.05, 1553.06, 1553.07, 1553.08, 174
1553.09, 1553.10, 1553.99, 2305.26, 3301.078, 175
3301.0719, 3301.0724, 3301.31, 3301.581, 3313.82, 176
3313.83, 3313.94, 3317.11, 3318.033, 3318.052, 177
3318.35, 3319.06, 3319.34, 3701.142, 3701.144, 178
3702.543, 3702.581, 4104.42, 4104.43, 4141.044, 179
4141.045, 5101.251, 5108.05, 5111.017, 5111.173, 180
5115.011, 5115.012, 5115.06, 5115.061, 5139.42, 181
5139.45, 5727.39, 5727.44, 5733.111, 5735.33, 182
5739.034, 5739.35, 5741.011, 5741.24, 5743.46, 183
5747.131, and 5747.60 of the Revised Code; to 184
amend Sections 11 and 11.04 of Am. Sub. H.B. 87 of 185
the 125th General Assembly; to amend Section 13.05 186
of Am. Sub. H.B. 87 of the 125th General Assembly; 187
to amend Section 2 of Am. Sub. H.B. 71 of the 188
120th General Assembly, and Section 6 of Am. Sub. 189

| | |
|--|-----|
| S.B. 67 of the 122nd General Assembly; to amend | 190 |
| Sections 1.09 and 35.03 of H.B. 675 of the 124th | 191 |
| General Assembly; to amend Sections 18.03 and | 192 |
| 18.04 of H.B. 675 of the 124th General Assembly; | 193 |
| to amend Sections 10 and 14 of Am. Sub. S.B. 242 | 194 |
| of the 124th General Assembly; to amend Section 3 | 195 |
| of Am. Sub. S.B. 143 of the 124th General | 196 |
| Assembly; to amend Section 3 of Am. Sub. H.B. 215 | 197 |
| of the 122nd General Assembly, as subsequently | 198 |
| amended; to amend Section 3 of Am. Sub. H.B. 621 | 199 |
| of the 122nd General Assembly, as subsequently | 200 |
| amended; to amend Section 153 of Am. Sub. H.B. 117 | 201 |
| of the 121st General Assembly, as subsequently | 202 |
| amended; to amend Section 27 of Sub H.B. 670 of | 203 |
| the 121st General Assembly, as subsequently | 204 |
| amended; to amend Section 5 of Am. Sub. S.B. 50 of | 205 |
| the 121st General Assembly, as subsequently | 206 |
| amended; to repeal section 63.37 of Am. Sub. H.B. | 207 |
| 94 of the 124th General Assembly, as subsequently | 208 |
| amended; to repeal Section 16 of Am. Sub. H.B. 87 | 209 |
| of the 125th General Assembly; to repeal Section | 210 |
| 129 of Am. Sub. H.B. 283 of the 123rd General | 211 |
| Assembly, as subsequently amended; to repeal | 212 |
| Section 3 of Sub. H.B. 403 of the 123rd General | 213 |
| Assembly; to repeal Section 3 of Am. Sub. S.B. 272 | 214 |
| of the 123rd General Assembly, as subsequently | 215 |
| amended; and to repeal Section 11 of Am. Sub. S.B. | 216 |
| 50 of the 121st General Assembly, as subsequently | 217 |
| amended; to levy taxes and provide for | 218 |
| implementation of those levies, to make operating | 219 |
| appropriations for the biennium beginning July 1, | 220 |
| 2003, and ending June 30, 2005, and to provide | 221 |
| authorization and conditions for the operation of | 222 |

state programs; to amend the version of section 223
921.22 of the Revised Code that is scheduled to 224
take effect July 1, 2004, to continue the 225
provisions of this act on and after that effective 226
date; to amend the version of section 2305.234 of 227
the Revised Code that is scheduled to take effect 228
January 1, 2004, to continue the provisions of 229
this act on and after that effective date; to 230
amend the version of section 3332.04 of the 231
Revised Code that is scheduled to take effect July 232
1, 2003; to amend the version of section 3734.44 233
of the Revised Code that is scheduled to take 234
effect January 1, 2004, to continue the provisions 235
of this act on and after that effective date; to 236
amend the versions of sections 307.93, 2152.19, 237
2929.38, 4511.33, and 4511.75 of the Revised Code 238
that are scheduled to take effect January 1, 2004; 239
to amend the version of section 5101.28 of the 240
Revised Code that is scheduled to take effect 241
January 1, 2004, to continue the provisions of 242
this act on and after that effective date; to 243
amend the version of section 5743.45 of the 244
Revised Code that is scheduled to take effect 245
January 1, 2004, to continue the provisions of 246
this act on and after that effective date; to 247
amend the version of section 5739.033 of the 248
Revised Code as it results from Am. Sub. S.B. 143 249
of the 124th General Assembly, as amended by H.B. 250
675 of the 124th General Assembly; and to 251
terminate certain provisions of this act on 252
December 31, 2013, by repealing section 4723.063 253
of the Revised Code on that date. 254
255

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, 256
102.02, 109.57, 109.572, 109.71, 117.101, 117.16, 117.44, 117.45, 257
119.035, 121.04, 121.084, 121.41, 121.48, 121.62, 122.011, 122.04, 258
122.08, 122.17, 122.171, 122.25, 122.651, 122.658, 122.87, 122.88, 259
123.01, 124.03, 124.15, 124.152, 124.181, 125.15, 125.91, 125.92, 260
125.93, 125.95, 125.96, 125.98, 127.16, 131.02, 131.23, 131.35, 261
145.38, 147.01, 147.37, 149.011, 149.30, 149.31, 149.33, 149.331, 262
149.332, 149.333, 149.34, 149.35, 153.65, 164.27, 165.09, 173.06, 263
173.061, 173.062, 173.07, 173.071, 173.14, 173.26, 175.03, 175.21, 264
175.22, 183.02, 306.35, 306.99, 307.86, 307.87, 307.93, 311.17, 265
317.32, 321.24, 323.01, 325.31, 329.03, 329.04, 329.051, 340.021, 266
340.03, 341.05, 341.25, 504.03, 504.04, 507.09, 511.12, 515.01, 267
515.07, 715.013, 718.01, 718.02, 718.05, 718.11, 718.15, 718.151, 268
731.14, 731.141, 735.05, 737.03, 753.22, 901.17, 901.21, 901.22, 269
901.63, 902.11, 921.151, 927.53, 927.69, 929.01, 955.51, 1309.109, 270
1317.07, 1321.21, 1333.99, 1501.04, 1503.05, 1513.05, 1515.08, 271
1519.05, 1521.06, 1521.063, 1531.26, 1533.08, 1533.10, 1533.101, 272
1533.11, 1533.111, 1533.112, 1533.13, 1533.151, 1533.19, 1533.23, 273
1533.301, 1533.32, 1533.35, 1533.40, 1533.54, 1533.631, 1533.632, 274
1533.71, 1533.82, 1541.10, 1563.42, 1702.59, 1711.13, 1711.15, 275
1711.17, 2101.16, 2117.06, 2117.25, 2151.352, 2151.3529, 276
2151.3530, 2151.83, 2151.84, 2152.19, 2301.58, 2305.234, 2329.07, 277
2329.66, 2505.13, 2715.041, 2715.045, 2716.13, 2743.02, 2915.01, 278
2915.02, 2915.08, 2915.09, 2915.091, 2915.092, 2915.093, 2915.10, 279
2915.101, 2915.13, 2917.41, 2921.13, 2923.35, 2925.44, 2929.38, 280
2933.43, 2935.01, 2935.36, 2949.091, 3111.04, 3119.01, 3121.01, 281
3123.952, 3301.0714, 3301.52, 3301.53, 3301.54, 3301.55, 3301.57, 282
3301.58, 3301.68, 3301.80, 3302.03, 3311.05, 3311.24, 3311.26, 283
3313.41, 3313.843, 3313.979, 3313.981, 3314.02, 3314.041, 3314.07, 284

| | |
|--|-----|
| 3314.08, 3314.17, 3316.08, 3317.01, 3317.012, 3317.013, 3317.014, | 285 |
| 3317.022, 3317.023, 3317.024, 3317.029, 3317.0217, 3317.03, | 286 |
| 3317.032, 3317.05, 3317.064, 3317.07, 3317.09, 3317.10, 3317.15, | 287 |
| 3317.16, 3318.01, 3318.03, 3318.042, 3318.05, 3318.06, 3318.08, | 288 |
| 3318.30, 3318.31, 3318.37, 3318.41, 3319.01, 3319.02, 3319.03, | 289 |
| 3319.07, 3319.19, 3319.22, 3319.33, 3319.36, 3323.16, 3327.01, | 290 |
| 3327.011, 3329.06, 3329.08, 3332.04, 3333.12, 3353.11, 3361.01, | 291 |
| 3375.41, 3377.01, 3377.06, 3383.01, 3383.07, 3501.18, 3501.30, | 292 |
| 3503.10, 3505.061, 3505.08, 3517.092, 3701.02, 3701.021, 3701.022, | 293 |
| 3701.024, 3701.141, 3701.145, 3701.342, 3702.31, 3702.529, | 294 |
| 3702.53, 3702.532, 3702.54, 3702.544, 3702.55, 3702.60, 3702.61, | 295 |
| 3702.68, 3702.74, 3705.01, 3705.07, 3705.08, 3705.09, 3705.23, | 296 |
| 3705.24, 3709.09, 3710.05, 3710.07, 3711.021, 3721.02, 3721.121, | 297 |
| 3721.19, 3721.51, 3721.56, 3722.151, 3733.43, 3733.45, 3734.02, | 298 |
| 3734.05, 3734.12, 3734.123, 3734.124, 3734.18, 3734.28, 3734.42, | 299 |
| 3734.44, 3734.46, 3734.57, 3735.27, 3735.67, 3735.671, 3737.81, | 300 |
| 3745.04, 3745.11, 3745.14, 3745.40, 3746.13, 3747.16, 3748.07, | 301 |
| 3748.13, 3769.087, 3770.07, 3770.10, 3770.99, 3773.33, 3773.43, | 302 |
| 3781.19, 3901.491, 3901.501, 4104.01, 4104.02, 4104.04, 4104.06, | 303 |
| 4104.07, 4104.08, 4104.15, 4104.18, 4104.19, 4104.20, 4104.41, | 304 |
| 4104.44, 4104.45, 4104.46, 4105.17, 4112.15, 4115.10, 4117.02, | 305 |
| 4117.14, 4123.27, 4123.41, 4141.04, 4141.09, 4141.23, 4301.03, | 306 |
| 4301.30, 4303.02, 4303.021, 4303.03, 4303.04, 4303.05, 4303.06, | 307 |
| 4303.07, 4303.08, 4303.09, 4303.10, 4303.11, 4303.12, 4303.121, | 308 |
| 4303.13, 4303.14, 4303.141, 4303.15, 4303.151, 4303.16, 4303.17, | 309 |
| 4303.171, 4303.18, 4303.181, 4303.182, 4303.183, 4303.184, | 310 |
| 4303.19, 4303.20, 4303.201, 4303.202, 4303.203, 4303.204, 4303.21, | 311 |
| 4303.22, 4303.23, 4303.231, 4501.06, 4503.101, 4503.103, 4505.06, | 312 |
| 4508.08, 4509.60, 4511.191, 4511.33, 4519.55, 4707.071, 4707.072, | 313 |
| 4707.10, 4709.12, 4717.07, 4717.09, 4719.01, 4723.06, 4723.08, | 314 |
| 4723.082, 4723.17, 4731.65, 4731.71, 4734.15, 4736.12, 4743.05, | 315 |
| 4747.05, 4747.06, 4747.07, 4747.10, 4751.06, 4751.07, 4755.03, | 316 |
| 4759.08, 4771.22, 4903.24, 4905.79, 4905.91, 4919.79, 4928.62, | 317 |

| | |
|--|-----|
| 4928.63, 4931.45, 4931.47, 4931.48, 4973.17, 4981.20, 5101.11, | 318 |
| 5101.14, 5101.141, 5101.142, 5101.144, 5101.145, 5101.146, | 319 |
| 5101.16, 5101.18, 5101.181, 5101.26, 5101.27, 5101.28, 5101.35, | 320 |
| 5101.36, 5101.58, 5101.59, 5101.75, 5101.80, 5101.83, 5101.97, | 321 |
| 5103.031, 5103.033, 5103.034, 5103.036, 5103.037, 5103.038, | 322 |
| 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, 5103.154, | 323 |
| 5104.01, 5104.011, 5104.02, 5104.04, 5104.30, 5104.32, 5107.02, | 324 |
| 5107.30, 5107.37, 5107.40, 5107.60, 5108.01, 5108.03, 5108.06, | 325 |
| 5108.07, 5108.09, 5108.10, 5111.019, 5111.0112, 5111.02, 5111.021, | 326 |
| 5111.022, 5111.03, 5111.06, 5111.082, 5111.111, 5111.17, 5111.171, | 327 |
| 5111.20, 5111.21, 5111.22, 5111.25, 5111.251, 5111.252, 5111.28, | 328 |
| 5111.29, 5111.30, 5111.31, 5111.34, 5111.85, 5111.87, 5111.871, | 329 |
| 5111.872, 5111.873, 5111.94, 5112.03, 5112.08, 5112.17, 5112.31, | 330 |
| 5112.99, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.07, | 331 |
| 5115.10, 5115.11, 5115.13, 5115.15, 5115.20, 5119.61, 5119.611, | 332 |
| 5120.52, 5123.01, 5123.051, 5123.19, 5123.60, 5123.801, 5126.01, | 333 |
| 5126.042, 5126.11, 5126.12, 5126.121, 5126.15, 5126.18, 5126.44, | 334 |
| 5139.04, 5139.04, 5139.33, 5139.34, 5139.36, 5139.41, 5139.43, | 335 |
| 5139.87, 5153.122, 5153.163, 5153.60, 5153.69, 5153.72, 5153.78, | 336 |
| 5301.68, 5301.691, 5310.15, 5502.01, 5502.13, 5549.21, 5703.052, | 337 |
| 5705.39, 5705.41, 5705.412, 5709.61, 5709.62, 5709.63, 5709.632, | 338 |
| 5709.64, 5711.18, 5711.22, 5713.07, 5713.08, 5713.081, 5713.082, | 339 |
| 5713.10, 5713.30, 5715.27, 5717.03, 5719.07, 5727.111, 5727.30, | 340 |
| 5727.32, 5727.33, 5727.56, 5728.04, 5728.06, 5728.99, 5733.04, | 341 |
| 5733.05, 5733.051, 5733.056, 5733.059, 5733.0611, 5733.09, | 342 |
| 5733.121, 5733.18, 5733.22, 5733.45, 5733.98, 5735.05, 5735.14, | 343 |
| 5735.15, 5735.19, 5735.23, 5735.26, 5735.291, 5735.30, 5735.99, | 344 |
| 5739.01, 5739.011, 5739.012, 5739.02, 5739.021, 5739.022, | 345 |
| 5739.023, 5739.025, 5739.026, 5739.03, 5739.032, 5739.033, | 346 |
| 5739.10, 5739.12, 5739.121, 5739.122, 5739.17, 5739.21, 5739.33, | 347 |
| 5741.01, 5741.02, 5741.021, 5741.022, 5741.023, 5741.121, 5743.05, | 348 |
| 5743.21, 5743.45, 5745.01, 5745.02, 5745.04, 5747.02, 5747.12, | 349 |
| 5747.31, 5901.021, 6101.09, 6109.21, 6115.09, 6117.02, and 6119.06 | 350 |

be amended; that sections 3301.33 (3301.40), 3701.145 (3701.0210), 351
4104.46 (4104.48), 5108.06 (5108.04), 5108.07 (5108.05), 5111.08 352
(5111.071), 5111.16 (5111.08), 5111.252 (5123.199), 5115.02 353
(5115.04), 5115.04 (5115.02), 5115.07 (5115.06), 5115.13 354
(5115.07), and 5115.15 (5115.23) be amended for the purpose of 355
adopting new section numbers as indicated in parentheses; and that 356
new sections 718.03, 3301.31, 3301.33, 3317.11, 3318.052, 4104.42, 357
4104.43, 4104.46, 5108.06, 5108.07, 5111.16, 5111.173, 5115.13, 358
and 5739.034 and sections 9.24, 107.12, 107.31, 107.32, 107.33, 359
121.36, 121.482, 122.041, 122.90, 123.152, 124.183, 125.073, 360
145.381, 173.08, 317.36, 319.63, 511.181, 718.021, 718.031, 361
718.051, 718.121, 901.85, 927.701, 1346.04, 1346.05, 1346.06, 362
1346.07, 1346.08, 1346.09, 1346.10, 1501.25, 1711.131, 2113.041, 363
2117.061, 3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 3311.059, 364
3314.033, 3314.083, 3318.024, 3333.16, 3333.38, 3379.11, 3501.011, 365
3701.029, 3701.61, 3702.63, 3721.561, 3770.073, 4104.47, 4115.21, 366
4141.201, 4511.198, 4707.24, 4723.063, 4755.031, 5101.12, 367
5101.1410, 5101.214, 5101.271, 5103.155, 5108.11, 5108.12, 368
5111.0113, 5111.025, 5111.151, 5111.172, 5111.174, 5111.175, 369
5111.206, 5111.222, 5111.65, 5111.66, 5111.661, 5111.67, 5111.671, 370
5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 5111.677, 371
5111.68, 5111.681, 5111.682, 5111.683, 5111.684, 5111.685, 372
5111.686, 5111.687, 5111.688, 5111.689, 5111.6810, 5111.911, 373
5111.912, 5111.913, 5111.95, 5111.96, 5111.97, 5115.12, 5115.14, 374
5115.22, 5123.196, 5123.197, 5123.198, 5123.1910, 5123.38, 375
5123.851, 5139.44, 5502.03, 5703.56, 5703.58, 5703.80, 5717.011, 376
5733.0511, 5733.55, 5733.56, 5733.57, 5735.053, 5741.25, 5743.051, 377
5745.042, 5745.044, and 5747.026 of the Revised Code be enacted to 378
read as follows: 379

Sec. 9.01. When any officer, office, court, commission, 380
board, institution, department, agent, or employee of the state, 381
~~or~~ of a county, or of any other political subdivision, who is 382

charged with the duty or authorized or required by law to record, 383
preserve, keep, maintain, or file any record, document, plat, 384
court file, paper, or instrument in writing, or to make or furnish 385
copies of any ~~thereof~~ of them, deems it necessary or advisable, 386
when recording ~~any such document, plat, court file, paper, or~~ 387
~~instrument in writing,~~ or ~~when~~ making a copy or reproduction of 388
any ~~thereof~~ of them or of any such record, for the purpose of 389
recording or copying, preserving, and protecting ~~the same~~ them, 390
reducing space required for storage, or any similar purpose, to do 391
so by means of any photostatic, photographic, miniature 392
photographic, film, microfilm, or microphotographic process, or 393
perforated tape, magnetic tape, other magnetic means, electronic 394
data processing, machine readable means, or graphic or video 395
display, or any combination ~~thereof~~ of those processes, means, or 396
displays, which correctly and accurately copies, records, or 397
reproduces, or provides a medium of copying, recording, or 398
reproducing, the original record, document, plat, court file, 399
paper, or instrument in writing, such use of any ~~such photographic~~ 400
~~or electromagnetic~~ of those processes, means, or displays for any 401
such purpose, is hereby authorized. Any such records, copies, or 402
reproductions may be made in duplicate, and ~~such~~ the duplicates 403
shall be stored in different buildings. The film or paper used for 404
~~this~~ a process shall comply with the minimum standards of quality 405
approved for permanent photographic records by the national bureau 406
of standards. All such records, copies, or reproductions shall 407
carry a certificate of authenticity and completeness, on a form 408
specified by the director of administrative services through the 409
state records ~~administrator~~ program. 410

Any such officer, office, court, commission, board, 411
institution, department, agent, or employee of the state, of a 412
county, or of any other political subdivision may purchase or rent 413
required equipment for any such photographic process and may enter 414
into contracts with private concerns or other governmental 415

agencies for the development of film and the making of 416
reproductions ~~thereof~~ of film as a part of any such photographic 417
process. When so recorded, or copied or reproduced to reduce space 418
required for storage or filing of such records, ~~said~~ such 419
photographs, microphotographs, microfilms, perforated tape, 420
magnetic tape, other magnetic means, electronic data processing, 421
machine readable means, graphic or video display, or ~~any~~ 422
combination ~~thereof~~ of these processes, means, or displays, or 423
films, or prints made therefrom, when properly identified by the 424
officer by whom or under whose supervision ~~the same~~ they were 425
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 426
at law as the original record or of a record made by any other 427
legally authorized means, and may be offered in like manner and 428
shall be received in evidence in any court where ~~such~~ the original 429
record, or record made by other legally authorized means, could 430
have been so introduced and received. Certified or authenticated 431
copies or prints of such photographs, microphotographs, films, 432
microfilms, perforated tape, magnetic tape, other magnetic means, 433
electronic data processing, machine readable means, graphic or 434
video display, or ~~any~~ combination ~~thereof~~ of these processes, 435
means, or displays, shall be admitted in evidence equally with the 436
original ~~photographs, microphotographs, films, or microfilms.~~ 437

Such photographs, microphotographs, microfilms, or films 438
shall be placed and kept in conveniently accessible, fireproof, 439
and insulated files, cabinets, or containers, and provisions shall 440
be made for preserving, safekeeping, using, examining, exhibiting, 441
projecting, and enlarging ~~the same~~ them whenever requested, during 442
office hours. 443

All persons utilizing the methods described in this section 444
for keeping records and information shall keep and make readily 445
available to the public the machines and equipment necessary to 446
reproduce the records and information in a readable form. 447

Sec. 9.24. (A) No state agency and no political subdivision shall award a contract for goods, services, or construction, paid for in whole or in part with state funds, to a person who owes a debt to the state if the debt at the time the contract is awarded is unresolved. 448
449
450
451
452

(B) For purposes of this section, a debt is unresolved unless one of the following criteria applies to the debt: 453
454

(1) The debt is certified as paid in full by the state agency or political subdivision to whom the debt was owed; 455
456

(2) The debtor has entered into a repayment plan that is approved by the attorney general and the state agency or political subdivision to whom the debt is owed. A repayment plan may include a provision permitting a state agency or political subdivision to withhold payment to a debtor for goods, services, or construction provided to or for the state agency or political subdivision pursuant to a contract that is entered into with the debtor after the date the unresolved debt was incurred. 457
458
459
460
461
462
463
464

(3) The attorney general waives a repayment plan described in division (B)(2) of this section for good cause; 465
466

(4) The debtor and state agency or political subdivision to whom the debt is owed have agreed to a payment plan established through a settlement. 467
468
469

(5) The state agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true: 470
471
472

(a) Essential services the state agency or political subdivision is seeking to obtain from the debtor cannot be provided by any other person besides the debtor; 473
474
475

(b) Awarding a contract to the debtor for the essential services described in division (B)(5)(a) is in the best interest 476
477

of the state; 478

(c) Good faith efforts have been made to collect the debt 479
owed. 480

(C) The auditor of state shall maintain a database, 481
accessible to the public, listing persons who owe an unresolved 482
debt to the state and the amount of the unresolved debt. The 483
auditor of state shall have this database operational on or before 484
January 1, 2004. The initial database shall contain the 485
information required under division (C) of this section for 486
calendar years 2001, 2002, and 2003. 487

(D) Before awarding a contract for goods, services, or 488
construction, paid for in whole or in part with state funds, a 489
state agency or political subdivision shall verify that the person 490
to whom the state agency or political subdivision plans to award 491
the contract does not appear in the database described in division 492
(C) of this section. 493

(E) As used in this section, "state agency" has the same 494
meaning as in section 9.66 of the Revised Code. 495

Sec. 9.83. (A) The state and any political subdivision may 496
procure a policy or policies of insurance insuring its officers 497
and employees against liability for injury, death, or loss to 498
person or property that arises out of the operation of an 499
automobile, truck, motor vehicle with auxiliary equipment, 500
self-propelling equipment or trailer, aircraft, or watercraft by 501
the officers or employees while engaged in the course of their 502
employment or official responsibilities for the state or the 503
political subdivision. The state is authorized to expend funds to 504
pay judgments that are rendered in any court against its officers 505
or employees and that result from such operation, and is 506
authorized to expend funds to compromise claims for liability 507
against its officers or employees that result from such operation. 508

No insurer shall deny coverage under such a policy, and the state shall not refuse to pay judgments or compromise claims, on the ground that an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft was not being used in the course of an officer's or employee's employment or official responsibilities for the state or a political subdivision unless the officer or employee who was operating an automobile, truck, motor vehicle with auxiliary equipment, or self-propelling equipment or trailer is convicted of a violation of section 124.71 of the Revised Code as a result of the same events.

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

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

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

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

which the prisoner is required to operate a motor vehicle, as 541
defined in section 4509.01 of the Revised Code, and who is engaged 542
in the operation of a motor vehicle in the course of the work 543
program. 544

(F) There is hereby created in the state treasury the vehicle 545
liability fund. All contributions collected by the director of 546
administrative services under division (I) of this section shall 547
be deposited into the fund. The fund shall be used to provide 548
insurance and self-insurance for the state under this section. All 549
investment earnings of the fund shall be credited to it. 550

(G) The director of administrative services, through the 551
office of risk management, shall operate the vehicle liability 552
fund on an actuarially sound basis. 553

(H) Reserves shall be maintained in the vehicle liability 554
fund in any amount that is necessary and adequate, in the exercise 555
of sound and prudent actuarial judgment, to cover potential 556
liability claims, expenses, fees, or damages. Money in the fund 557
may be applied to the payment of liability claims that are filed 558
against the state in the court of claims and determined in the 559
manner provided in Chapter 2743. of the Revised Code. The director 560
of administrative services may procure the services of a qualified 561
actuarial firm for the purpose of recommending the specific amount 562
of money that is required to maintain adequate reserves for a 563
specified period of time. 564

(I) The director of administrative services shall collect 565
from each state agency or any participating state body its 566
contribution to the vehicle liability fund for the purpose of 567
purchasing insurance or administering self-insurance programs for 568
coverage authorized under this section. The amount of the 569
contribution shall be determined by the director, with the 570
approval of the director of budget and management. It shall be 571
based upon actuarial assumptions and the relative risk and loss 572

experience of each state agency or participating state body. The 573
amount of the contribution also shall include a reasonable sum to 574
cover administrative costs of the department of administrative 575
services. 576

Sec. 101.34. (A) There is hereby created a joint legislative 577
ethics committee to serve the general assembly. The committee 578
shall be composed of twelve members, six each from the two major 579
political parties, and each member shall serve on the committee 580
during the member's term as a member of that general assembly. Six 581
members of the committee shall be members of the house of 582
representatives appointed by the speaker of the house of 583
representatives, not more than three from the same political 584
party, and six members of the committee shall be members of the 585
senate appointed by the president of the senate, not more than 586
three from the same political party. A vacancy in the committee 587
shall be filled for the unexpired term in the same manner as an 588
original appointment. The members of the committee shall be 589
appointed within fifteen days after the first day of the first 590
regular session of each general assembly and the committee shall 591
meet and proceed to recommend an ethics code not later than thirty 592
days after the first day of the first regular session of each 593
general assembly. 594

In the first regular session of each general assembly, the 595
speaker of the house of representatives shall appoint the 596
chairperson of the committee from among the house members of the 597
committee and the president of the senate shall appoint the 598
vice-chairperson of the committee from among the senate members of 599
the committee. In the second regular session of each general 600
assembly, the president of the senate shall appoint the 601
chairperson of the committee from among the senate members of the 602
committee and the speaker of the house of representatives shall 603
appoint the vice-chairperson of the committee from among the house 604

members of the committee. The chairperson, vice-chairperson, and 605
members of the committee shall serve until their respective 606
successors are appointed or until they are no longer members of 607
the general assembly. 608

The committee shall meet at the call of the chairperson or 609
upon the written request of seven members of the committee. 610

(B) The joint legislative ethics committee: 611

(1) Shall recommend a code of ethics which is consistent with 612
law to govern all members and employees of each house of the 613
general assembly and all candidates for the office of member of 614
each house; 615

(2) May receive and hear any complaint which alleges a breach 616
of any privilege of either house, or misconduct of any member, 617
employee, or candidate, or any violation of the appropriate code 618
of ethics; 619

(3) May obtain information with respect to any complaint 620
filed pursuant to this section and to that end may enforce the 621
attendance and testimony of witnesses, and the production of books 622
and papers; 623

(4) May recommend whatever sanction is appropriate with 624
respect to a particular member, employee, or candidate as will 625
best maintain in the minds of the public a good opinion of the 626
conduct and character of members and employees of the general 627
assembly; 628

(5) May recommend legislation to the general assembly 629
relating to the conduct and ethics of members and employees of and 630
candidates for the general assembly; 631

(6) Shall employ an executive director for the committee and 632
may employ such other staff as the committee determines necessary 633
to assist it in exercising its powers and duties. The executive 634

director and staff of the committee shall be known as the office 635
of legislative inspector general. At least one member of the staff 636
of the committee shall be an attorney at law licensed to practice 637
law in this state. The appointment and removal of the executive 638
director shall require the approval of at least eight members of 639
the committee. 640

(7) May employ a special counsel to assist the committee in 641
exercising its powers and duties. The appointment and removal of a 642
special counsel shall require the approval of at least eight 643
members of the committee. 644

(8) Shall act as an advisory body to the general assembly and 645
to individual members, candidates, and employees on questions 646
relating to ethics, possible conflicts of interest, and financial 647
disclosure; 648

(9) Shall provide for the proper forms on which the statement 649
required pursuant to section 102.02 of the Revised Code shall be 650
filed and instructions as to the filing of the statement; 651

(10) Exercise the powers and duties prescribed under sections 652
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 653

(11) Adopt in accordance with section 111.15 of the Revised 654
Code any rules that are necessary to implement and clarify Chapter 655
102. and sections 2921.42 and 2921.43 of the Revised Code. 656

(C) There is hereby created in the state treasury the joint 657
legislative ethics committee fund. ~~All money collected from~~ 658
~~registration fees and late filing fees prescribed under sections~~ 659
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 660
~~state treasury to the credit of the fund.~~ Money credited to the 661
fund and any interest and earnings from the fund shall be used 662
solely for the operation of the joint legislative ethics committee 663
and the office of legislative inspector general and for the 664
purchase of data storage and computerization facilities for the 665

statements filed with the joint committee under sections 101.73, 666
101.74, 121.63, and 121.64 of the Revised Code. 667

(D) The chairperson of the joint committee shall issue a 668
written report, not later than the thirty-first day of January of 669
each year, to the speaker and minority leader of the house of 670
representatives and to the president and minority leader of the 671
senate that lists the number of committee meetings and 672
investigations the committee conducted during the immediately 673
preceding calendar year and the number of advisory opinions it 674
issued during the immediately preceding calendar year. 675

(E) Any investigative report that contains facts and findings 676
regarding a complaint filed with the committee and that is 677
prepared by the staff of the committee or a special counsel to the 678
committee shall become a public record upon its acceptance by a 679
vote of the majority of the members of the committee, except for 680
any names of specific individuals and entities contained in the 681
report. If the committee recommends disciplinary action or reports 682
its findings to the appropriate prosecuting authority for 683
proceedings in prosecution of the violations alleged in the 684
complaint, the investigatory report regarding the complaint shall 685
become a public record in its entirety. 686

(F)(1) Any file obtained by or in the possession of the 687
former house ethics committee or former senate ethics committee 688
shall become the property of the joint legislative ethics 689
committee. Any such file is confidential if either of the 690
following applies: 691

(a) It is confidential under section 102.06 of the Revised 692
Code or the legislative code of ethics. 693

(b) If the file was obtained from the former house ethics 694
committee or from the former senate ethics committee, it was 695
confidential under any statute or any provision of a code of 696

ethics that governed the file. 697

(2) As used in this division, "file" includes, but is not 698
limited to, evidence, documentation, or any other tangible thing. 699

Sec. 101.72. (A) Each legislative agent and employer, within 700
ten days following an engagement of a legislative agent, shall 701
file with the joint legislative ethics committee an initial 702
registration statement showing all of the following: 703

(1) The name, business address, and occupation of the 704
legislative agent; 705

(2) The name and business address of the employer and the 706
real party in interest on whose behalf the legislative agent is 707
actively advocating, if it is different from the employer. For the 708
purposes of division (A) of this section, where a trade 709
association or other charitable or fraternal organization that is 710
exempt from federal income taxation under subsection 501(c) of the 711
federal Internal Revenue Code is the employer, the statement need 712
not list the names and addresses of each member of the association 713
or organization, so long as the association or organization itself 714
is listed. 715

(3) A brief description of the type of legislation to which 716
the engagement relates. 717

(B) In addition to the initial registration statement 718
required by division (A) of this section, each legislative agent 719
and employer shall file with the joint committee, not later than 720
the last day of January, May, and September of each year, an 721
updated registration statement that confirms the continuing 722
existence of each engagement described in an initial registration 723
statement and that lists the specific bills or resolutions on 724
which the agent actively advocated under that engagement during 725
the period covered by the updated statement, and with it any 726

statement of expenditures required to be filed by section 101.73 727
of the Revised Code and any details of financial transactions 728
required to be filed by section 101.74 of the Revised Code. 729

(C) If a legislative agent is engaged by more than one 730
employer, the agent shall file a separate initial and updated 731
registration statement for each engagement. If an employer engages 732
more than one legislative agent, the employer need file only one 733
updated registration statement under division (B) of this section, 734
which shall contain the information required by division (B) of 735
this section regarding all of the legislative agents engaged by 736
the employer. 737

(D)(1) A change in any information required by division 738
(A)(1), (2), or (B) of this section shall be reflected in the next 739
updated registration statement filed under division (B) of this 740
section. 741

(2) Within thirty days after the termination of an 742
engagement, the legislative agent who was employed under the 743
engagement shall send written notification of the termination to 744
the joint committee. 745

(E) Except as otherwise provided in this division, a 746
registration fee of ~~ten~~ twenty-five dollars shall be charged for 747
filing an initial registration statement. All money collected from 748
registration fees under this division and late filing fees under 749
division (G) of this section shall be deposited ~~to the credit of~~ 750
~~the joint legislative ethics committee fund created under section~~ 751
~~101.34 of the Revised Code~~ into the general revenue fund of the 752
state. 753

An officer or employee of a state agency who actively 754
advocates in a fiduciary capacity as a representative of that 755
state agency need not pay the registration fee prescribed by this 756
division or file expenditure statements under section 101.73 of 757

the Revised Code. As used in this division, "state agency" does 758
not include a state institution of higher education as defined in 759
section 3345.011 of the Revised Code. 760

(F) Upon registration pursuant to division (A) of this 761
section, the legislative agent shall be issued a card by the joint 762
committee showing that the legislative agent is registered. The 763
registration card and the legislative agent's registration shall 764
be valid from the date of their issuance until the next 765
thirty-first day of December of an even-numbered year. 766

(G) The executive director of the joint committee shall be 767
responsible for reviewing each registration statement filed with 768
the joint committee under this section and for determining whether 769
the statement contains all of the information required by this 770
section. If the joint committee determines that the registration 771
statement does not contain all of the required information or that 772
a legislative agent or employer has failed to file a registration 773
statement, the joint committee shall send written notification by 774
certified mail to the person who filed the registration statement 775
regarding the deficiency in the statement or to the person who 776
failed to file the registration statement regarding the failure. 777
Any person so notified by the joint committee shall, not later 778
than fifteen days after receiving the notice, file a registration 779
statement or an amended registration statement that does contain 780
all of the information required by this section. If any person who 781
receives a notice under this division fails to file a registration 782
statement or such an amended registration statement within this 783
fifteen-day period, the joint committee shall assess a late filing 784
fee equal to twelve dollars and fifty cents per day, up to a 785
maximum of one hundred dollars, upon that person. The joint 786
committee may waive the late filing fee for good cause shown. 787

(H) On or before the fifteenth day of March of each year, the 788
joint committee shall, in the manner and form that it determines, 789

publish a report containing statistical information on the 790
registration statements filed with it under this section during 791
the preceding year. 792

Sec. 101.82. As used in sections 101.82 to 101.87 of the 793
Revised Code: 794

(A) "Agency" means any board, commission, committee, or 795
council, or any other similar state public body required to be 796
established pursuant to state statutes for the exercise of any 797
function of state government and to which members are appointed or 798
elected. "Agency" does not include the following: 799

(1) The general assembly, or any commission, committee, or 800
other body composed entirely of members ~~thereof~~ of the general 801
assembly; 802

(2) Any court; 803

(3) Any public body created by or directly pursuant to the 804
constitution of this state; 805

(4) The board of trustees of any institution of higher 806
education financially supported in whole or in part by the state; 807

(5) Any public body that has the authority to issue bonds or 808
notes or that has issued bonds or notes that have not been fully 809
repaid; 810

(6) The public utilities commission of Ohio; 811

(7) The consumers' council governing board; 812

(8) The Ohio board of regents; 813

(9) Any state board or commission that has the authority to 814
issue any final adjudicatory order that may be appealed to the 815
court of common pleas under Chapter 119. of the Revised Code; 816

(10) Any board of elections; 817

| | |
|--|---------------------------------|
| (11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association; | 818 819 820 |
| (12) The Ohio public employees deferred compensation board; | 821 |
| (13) The Ohio retirement study council; | 822 |
| (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; | 823 824 825 826 |
| (15) The industrial commission. | 827 |
| (B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (H) <u>(E)</u> of section 149.331 of the Revised Code. | 828 829 830 831 |
| (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. | 832 833 834 835 |
| (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. | 836 837 838 |
| (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. | 839 840 841 |
| Sec. 102.02. (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 fill a vacancy for an unexpired term in such an elective office; | 842 843 844 845 846 |

all members of the state board of education; the director, 847
assistant directors, deputy directors, division chiefs, or persons 848
of equivalent rank of any administrative department of the state; 849
the president or other chief administrative officer of every state 850
institution of higher education as defined in section 3345.011 of 851
the Revised Code; the chief executive officer of each state 852
retirement system; all members of the board of commissioners on 853
grievances and discipline of the supreme court and the ethics 854
commission created under section 102.05 of the Revised Code; every 855
business manager, treasurer, or superintendent of a city, local, 856
exempted village, joint vocational, or cooperative education 857
school district or an educational service center; every person who 858
is elected to or is a candidate for the office of member of a 859
board of education of a city, local, exempted village, joint 860
vocational, or cooperative education school district or of a 861
governing board of an educational service center that has a total 862
student count of twelve thousand or more as most recently 863
determined by the department of education pursuant to section 864
3317.03 of the Revised Code; every person who is appointed to the 865
board of education of a municipal school district pursuant to 866
division (B) or (F) of section 3311.71 of the Revised Code; all 867
members of the board of directors of a sanitary district 868
established under Chapter 6115. of the Revised Code and organized 869
wholly for the purpose of providing a water supply for domestic, 870
municipal, and public use that includes two municipal corporations 871
in two counties; every public official or employee who is paid a 872
salary or wage in accordance with schedule C of section 124.15 or 873
schedule E-2 of section 124.152 of the Revised Code; members of 874
the board of trustees and the executive director of the tobacco 875
use prevention and control foundation; members of the board of 876
trustees and the executive director of the southern Ohio 877
agricultural and community development foundation; and every other 878
public official or employee who is designated by the appropriate 879

ethics commission pursuant to division (B) of this section shall 880
file with the appropriate ethics commission on a form prescribed 881
by the commission, a statement disclosing all of the following: 882

(1) The name of the person filing the statement and each 883
member of the person's immediate family and all names under which 884
the person or members of the person's immediate family do 885
business; 886

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 887
and except as otherwise provided in section 102.022 of the Revised 888
Code, identification of every source of income, other than income 889
from a legislative agent identified in division (A)(2)(b) of this 890
section, received during the preceding calendar year, in the 891
person's own name or by any other person for the person's use or 892
benefit, by the person filing the statement, and a brief 893
description of the nature of the services for which the income was 894
received. If the person filing the statement is a member of the 895
general assembly, the statement shall identify the amount of every 896
source of income received in accordance with the following ranges 897
of amounts: zero or more, but less than one thousand dollars; one 898
thousand dollars or more, but less than ten thousand dollars; ten 899
thousand dollars or more, but less than twenty-five thousand 900
dollars; twenty-five thousand dollars or more, but less than fifty 901
thousand dollars; fifty thousand dollars or more, but less than 902
one hundred thousand dollars; and one hundred thousand dollars or 903
more. Division (A)(2)(a) of this section shall not be construed to 904
require a person filing the statement who derives income from a 905
business or profession to disclose the individual items of income 906
that constitute the gross income of that business or profession, 907
except for those individual items of income that are attributable 908
to the person's or, if the income is shared with the person, the 909
partner's, solicitation of services or goods or performance, 910
arrangement, or facilitation of services or provision of goods on 911

behalf of the business or profession of clients, including 912
corporate clients, who are legislative agents as defined in 913
section 101.70 of the Revised Code. A person who files the 914
statement under this section shall disclose the identity of and 915
the amount of income received from a person who the public 916
official or employee knows or has reason to know is doing or 917
seeking to do business of any kind with the public official's or 918
employee's agency. 919

(b) If the person filing the statement is a member of the 920
general assembly, the statement shall identify every source of 921
income and the amount of that income that was received from a 922
legislative agent, as defined in section 101.70 of the Revised 923
Code, during the preceding calendar year, in the person's own name 924
or by any other person for the person's use or benefit, by the 925
person filing the statement, and a brief description of the nature 926
of the services for which the income was received. Division 927
(A)(2)(b) of this section requires the disclosure of clients of 928
attorneys or persons licensed under section 4732.12 of the Revised 929
Code, or patients of persons certified under section 4731.14 of 930
the Revised Code, if those clients or patients are legislative 931
agents. Division (A)(2)(b) of this section requires a person 932
filing the statement who derives income from a business or 933
profession to disclose those individual items of income that 934
constitute the gross income of that business or profession that 935
are received from legislative agents. 936

(c) Except as otherwise provided in division (A)(2)(c) of 937
this section, division (A)(2)(a) of this section applies to 938
attorneys, physicians, and other persons who engage in the 939
practice of a profession and who, pursuant to a section of the 940
Revised Code, the common law of this state, a code of ethics 941
applicable to the profession, or otherwise, generally are required 942
not to reveal, disclose, or use confidences of clients, patients, 943

or other recipients of professional services except under 944
specified circumstances or generally are required to maintain 945
those types of confidences as privileged communications except 946
under specified circumstances. Division (A)(2)(a) of this section 947
does not require an attorney, physician, or other professional 948
subject to a confidentiality requirement as described in division 949
(A)(2)(c) of this section to disclose the name, other identity, or 950
address of a client, patient, or other recipient of professional 951
services if the disclosure would threaten the client, patient, or 952
other recipient of professional services, would reveal details of 953
the subject matter for which legal, medical, or professional 954
advice or other services were sought, or would reveal an otherwise 955
privileged communication involving the client, patient, or other 956
recipient of professional services. Division (A)(2)(a) of this 957
section does not require an attorney, physician, or other 958
professional subject to a confidentiality requirement as described 959
in division (A)(2)(c) of this section to disclose in the brief 960
description of the nature of services required by division 961
(A)(2)(a) of this section any information pertaining to specific 962
professional services rendered for a client, patient, or other 963
recipient of professional services that would reveal details of 964
the subject matter for which legal, medical, or professional 965
advice was sought or would reveal an otherwise privileged 966
communication involving the client, patient, or other recipient of 967
professional services. 968

(3) The name of every corporation on file with the secretary 969
of state that is incorporated in this state or holds a certificate 970
of compliance authorizing it to do business in this state, trust, 971
business trust, partnership, or association that transacts 972
business in this state in which the person filing the statement or 973
any other person for the person's use and benefit had during the 974
preceding calendar year an investment of over one thousand dollars 975
at fair market value as of the thirty-first day of December of the 976

preceding calendar year, or the date of disposition, whichever is 977
earlier, or in which the person holds any office or has a 978
fiduciary relationship, and a description of the nature of the 979
investment, office, or relationship. Division (A)(3) of this 980
section does not require disclosure of the name of any bank, 981
savings and loan association, credit union, or building and loan 982
association with which the person filing the statement has a 983
deposit or a withdrawable share account. 984

(4) All fee simple and leasehold interests to which the 985
person filing the statement holds legal title to or a beneficial 986
interest in real property located within the state, excluding the 987
person's residence and property used primarily for personal 988
recreation; 989

(5) The names of all persons residing or transacting business 990
in the state to whom the person filing the statement owes, in the 991
person's own name or in the name of any other person, more than 992
one thousand dollars. Division (A)(5) of this section shall not be 993
construed to require the disclosure of debts owed by the person 994
resulting from the ordinary conduct of a business or profession or 995
debts on the person's residence or real property used primarily 996
for personal recreation, except that the superintendent of 997
financial institutions shall disclose the names of all 998
state-chartered savings and loan associations and of all service 999
corporations subject to regulation under division (E)(2) of 1000
section 1151.34 of the Revised Code to whom the superintendent in 1001
the superintendent's own name or in the name of any other person 1002
owes any money, and that the superintendent and any deputy 1003
superintendent of banks shall disclose the names of all 1004
state-chartered banks and all bank subsidiary corporations subject 1005
to regulation under section 1109.44 of the Revised Code to whom 1006
the superintendent or deputy superintendent owes any money. 1007

(6) The names of all persons residing or transacting business 1008

in the state, other than a depository excluded under division 1009
(A)(3) of this section, who owe more than one thousand dollars to 1010
the person filing the statement, either in the person's own name 1011
or to any person for the person's use or benefit. Division (A)(6) 1012
of this section shall not be construed to require the disclosure 1013
of clients of attorneys or persons licensed under section 4732.12 1014
or 4732.15 of the Revised Code, or patients of persons certified 1015
under section 4731.14 of the Revised Code, nor the disclosure of 1016
debts owed to the person resulting from the ordinary conduct of a 1017
business or profession. 1018

(7) Except as otherwise provided in section 102.022 of the 1019
Revised Code, the source of each gift of over seventy-five 1020
dollars, or of each gift of over twenty-five dollars received by a 1021
member of the general assembly from a legislative agent, received 1022
by the person in the person's own name or by any other person for 1023
the person's use or benefit during the preceding calendar year, 1024
except gifts received by will or by virtue of section 2105.06 of 1025
the Revised Code, or received from spouses, parents, grandparents, 1026
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1027
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1028
fathers-in-law, mothers-in-law, or any person to whom the person 1029
filing the statement stands in loco parentis, or received by way 1030
of distribution from any inter vivos or testamentary trust 1031
established by a spouse or by an ancestor; 1032

(8) Except as otherwise provided in section 102.022 of the 1033
Revised Code, identification of the source and amount of every 1034
payment of expenses incurred for travel to destinations inside or 1035
outside this state that is received by the person in the person's 1036
own name or by any other person for the person's use or benefit 1037
and that is incurred in connection with the person's official 1038
duties, except for expenses for travel to meetings or conventions 1039
of a national or state organization to which any state agency, 1040

including, but not limited to, any legislative agency or state 1041
institution of higher education as defined in section 3345.011 of 1042
the Revised Code, pays membership dues, or any political 1043
subdivision or any office or agency of a political subdivision 1044
pays membership dues; 1045

(9) Except as otherwise provided in section 102.022 of the 1046
Revised Code, identification of the source of payment of expenses 1047
for meals and other food and beverages, other than for meals and 1048
other food and beverages provided at a meeting at which the person 1049
participated in a panel, seminar, or speaking engagement or at a 1050
meeting or convention of a national or state organization to which 1051
any state agency, including, but not limited to, any legislative 1052
agency or state institution of higher education as defined in 1053
section 3345.011 of the Revised Code, pays membership dues, or any 1054
political subdivision or any office or agency of a political 1055
subdivision pays membership dues, that are incurred in connection 1056
with the person's official duties and that exceed one hundred 1057
dollars aggregated per calendar year; 1058

(10) If the financial disclosure statement is filed by a 1059
public official or employee described in division (B)(2) of 1060
section 101.73 of the Revised Code or division (B)(2) of section 1061
121.63 of the Revised Code who receives a statement from a 1062
legislative agent, executive agency lobbyist, or employer that 1063
contains the information described in division (F)(2) of section 1064
101.73 of the Revised Code or division (G)(2) of section 121.63 of 1065
the Revised Code, all of the nondisputed information contained in 1066
the statement delivered to that public official or employee by the 1067
legislative agent, executive agency lobbyist, or employer under 1068
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1069
the Revised Code. As used in division (A)(10) of this section, 1070
"legislative agent," "executive agency lobbyist," and "employer" 1071
have the same meanings as in sections 101.70 and 121.60 of the 1072

Revised Code. 1073

A person may file a statement required by this section in 1074
person or by mail. A person who is a candidate for elective office 1075
shall file the statement no later than the thirtieth day before 1076
the primary, special, or general election at which the candidacy 1077
is to be voted on, whichever election occurs soonest, except that 1078
a person who is a write-in candidate shall file the statement no 1079
later than the twentieth day before the earliest election at which 1080
the person's candidacy is to be voted on. A person who holds 1081
elective office shall file the statement on or before the 1082
fifteenth day of April of each year unless the person is a 1083
candidate for office. A person who is appointed to fill a vacancy 1084
for an unexpired term in an elective office shall file the 1085
statement within fifteen days after the person qualifies for 1086
office. Other persons shall file an annual statement on or before 1087
the fifteenth day of April or, if appointed or employed after that 1088
date, within ninety days after appointment or employment. No 1089
person shall be required to file with the appropriate ethics 1090
commission more than one statement or pay more than one filing fee 1091
for any one calendar year. 1092

The appropriate ethics commission, for good cause, may extend 1093
for a reasonable time the deadline for filing a statement under 1094
this section. 1095

A statement filed under this section is subject to public 1096
inspection at locations designated by the appropriate ethics 1097
commission except as otherwise provided in this section. 1098

(B) The Ohio ethics commission, the joint legislative ethics 1099
committee, and the board of commissioners on grievances and 1100
discipline of the supreme court, using the rule-making procedures 1101
of Chapter 119. of the Revised Code, may require any class of 1102
public officials or employees under its jurisdiction and not 1103
specifically excluded by this section whose positions involve a 1104

substantial and material exercise of administrative discretion in 1105
the formulation of public policy, expenditure of public funds, 1106
enforcement of laws and rules of the state or a county or city, or 1107
the execution of other public trusts, to file an annual statement 1108
on or before the fifteenth day of April under division (A) of this 1109
section. The appropriate ethics commission shall send the public 1110
officials or employees written notice of the requirement by the 1111
fifteenth day of February of each year the filing is required 1112
unless the public official or employee is appointed after that 1113
date, in which case the notice shall be sent within thirty days 1114
after appointment, and the filing shall be made not later than 1115
ninety days after appointment. 1116

Except for disclosure statements filed by members of the 1117
board of trustees and the executive director of the tobacco use 1118
prevention and control foundation and members of the board of 1119
trustees and the executive director of the southern Ohio 1120
agricultural and community development foundation, disclosure 1121
statements filed under this division with the Ohio ethics 1122
commission by members of boards, commissions, or bureaus of the 1123
state for which no compensation is received other than reasonable 1124
and necessary expenses shall be kept confidential. Disclosure 1125
statements filed with the Ohio ethics commission under division 1126
(A) of this section by business managers, treasurers, and 1127
superintendents of city, local, exempted village, joint 1128
vocational, or cooperative education school districts or 1129
educational service centers shall be kept confidential, except 1130
that any person conducting an audit of any such school district or 1131
educational service center pursuant to section 115.56 or Chapter 1132
117. of the Revised Code may examine the disclosure statement of 1133
any business manager, treasurer, or superintendent of that school 1134
district or educational service center. The Ohio ethics commission 1135
shall examine each disclosure statement required to be kept 1136
confidential to determine whether a potential conflict of interest 1137

exists for the person who filed the disclosure statement. A 1138
potential conflict of interest exists if the private interests of 1139
the person, as indicated by the person's disclosure statement, 1140
might interfere with the public interests the person is required 1141
to serve in the exercise of the person's authority and duties in 1142
the person's office or position of employment. If the commission 1143
determines that a potential conflict of interest exists, it shall 1144
notify the person who filed the disclosure statement and shall 1145
make the portions of the disclosure statement that indicate a 1146
potential conflict of interest subject to public inspection in the 1147
same manner as is provided for other disclosure statements. Any 1148
portion of the disclosure statement that the commission determines 1149
does not indicate a potential conflict of interest shall be kept 1150
confidential by the commission and shall not be made subject to 1151
public inspection, except as is necessary for the enforcement of 1152
Chapters 102. and 2921. of the Revised Code and except as 1153
otherwise provided in this division. 1154

(C) No person shall knowingly fail to file, on or before the 1155
applicable filing deadline established under this section, a 1156
statement that is required by this section. 1157

(D) No person shall knowingly file a false statement that is 1158
required to be filed under this section. 1159

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1160
section, the statement required by division (A) or (B) of this 1161
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1162
dollars. 1163

(2) The statement required by division (A) of this section 1164
shall be accompanied by a the following filing fee to be paid by 1165
the person who is elected or appointed to, or is a candidate for, 1166
any of the following offices: 1167

For state office, except member of the 1168

state board of education \$50 65 1169

| | | |
|---|----------------|------|
| For office of member of United States | | 1170 |
| congress or member of general assembly | \$25 <u>40</u> | 1171 |
| For county office | \$25 <u>40</u> | 1172 |
| For city office | \$10 <u>25</u> | 1173 |
| For office of member of <u>the</u> state board | | 1174 |
| of education | \$20 <u>25</u> | 1175 |
| For office of member of <u>a</u> city, local, | | 1176 |
| exempted village, or cooperative | | 1177 |
| education board of | | 1178 |
| education or educational service | | 1179 |
| center governing board | \$ 5 <u>20</u> | 1180 |
| For position of business manager, | | 1181 |
| treasurer, or superintendent of <u>a</u> | | 1182 |
| city, local, exempted village, joint | | 1183 |
| vocational, or cooperative education | | 1184 |
| school district or | | 1185 |
| educational service center | \$ 5 <u>20</u> | 1186 |
| (3) No judge of a court of record or candidate for judge of a | | 1187 |
| court of record, and no referee or magistrate serving a court of | | 1188 |
| record, shall be required to pay the fee required under division | | 1189 |
| (E)(1) or (2) or (F) of this section. | | 1190 |
| (4) For any public official who is appointed to a nonelective | | 1191 |
| office of the state and for any employee who holds a nonelective | | 1192 |
| position in a public agency of the state, the state agency that is | | 1193 |
| the primary employer of the state official or employee shall pay | | 1194 |
| the fee required under division (E)(1) or (F) of this section. | | 1195 |
| (F) If a statement required to be filed under this section is | | 1196 |
| not filed by the date on which it is required to be filed, the | | 1197 |
| appropriate ethics commission shall assess the person required to | | 1198 |
| file the statement a late filing fee equal to one-half of the | | 1199 |
| applicable filing fee <u>ten dollars</u> for each day the statement is | | 1200 |
| not filed, except that the total amount of the late filing fee | | 1201 |

shall not exceed ~~one~~ two hundred fifty dollars. 1202

(G)(1) The appropriate ethics commission other than the Ohio 1203
ethics commission shall deposit all fees it receives under 1204
divisions (E) and (F) of this section into the general revenue 1205
fund of the state. 1206

(2) The Ohio ethics commission shall deposit all receipts, 1207
including, but not limited to, fees it receives under divisions 1208
(E) and (F) of this section and all moneys it receives from 1209
settlements under division (G) of section 102.06 of the Revised 1210
Code, into the Ohio ethics commission fund, which is hereby 1211
created in the state treasury. All moneys credited to the fund 1212
shall be used solely for expenses related to the operation and 1213
statutory functions of the commission. 1214

(H) Division (A) of this section does not apply to a person 1215
elected or appointed to the office of precinct, ward, or district 1216
committee member under Chapter 3517. of the Revised Code; a 1217
presidential elector; a delegate to a national convention; village 1218
or township officials and employees; any physician or psychiatrist 1219
who is paid a salary or wage in accordance with schedule C of 1220
section 124.15 or schedule E-2 of section 124.152 of the Revised 1221
Code and whose primary duties do not require the exercise of 1222
administrative discretion; or any member of a board, commission, 1223
or bureau of any county or city who receives less than one 1224
thousand dollars per year for serving in that position. 1225

Sec. 107.12. (A) As used in this section, "organization" 1226
means a faith-based or other organization that is exempt from 1227
federal income taxation under section 501(c)(3) of the Internal 1228
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1229
provides charitable services to needy residents of this state. 1230

(B) There is hereby established within the office of the 1231
governor the governor's office for faith-based nonprofit and other 1232

nonprofit organizations. The office shall: 1233

(1) Serve as a clearinghouse of information on federal, 1234
state, and local funding for charitable services performed by 1235
organizations; 1236

(2) Encourage organizations to seek public funding for their 1237
charitable services; 1238

(3) Act as a liaison between state agencies and 1239
organizations; 1240

(4) Advise the governor, general assembly, and the advisory 1241
board of the governor's office for faith-based nonprofit or other 1242
nonprofit organizations on the barriers that exist to 1243
collaboration between organizations and governmental entities and 1244
on ways to remove the barriers. 1245

(C) The governor shall appoint an executive assistant to 1246
manage the office and perform or oversee the performance of the 1247
duties of the office. 1248

(D)(1) There is hereby created the advisory board of the 1249
governor's office for faith-based nonprofit and other nonprofit 1250
organizations. The board shall consist of members appointed as 1251
follows: 1252

(a) The directors of aging, alcohol and drug addiction 1253
services, rehabilitation and correction, health, job and family 1254
services, mental health, and youth services shall each appoint to 1255
the board one employee of that director's department. 1256

(b) The speaker of the house of representatives shall appoint 1257
to the board two members of the house of representatives, not more 1258
than one of whom shall be from the same political party and at 1259
least one of whom shall be from the legislative black caucus. The 1260
speaker of the house of representatives shall consult with the 1261
president of the legislative black caucus in making the 1262

legislative black caucus member appointment. The president of the 1263
senate shall appoint to the board two members of the senate, not 1264
more than one of whom shall be from the same political party. 1265

(c) The governor, speaker of the house of representatives, 1266
and president of the senate shall each appoint to the board three 1267
representatives of the nonprofit, faith-based and other nonprofit 1268
community. 1269

(2) The appointments to the board shall be made within thirty 1270
days after the effective date of this section. Terms of the office 1271
shall be one year. Any vacancy that occurs on the board shall be 1272
filled in the same manner as the original appointment. The members 1273
of the board shall serve without compensation. 1274

(3) At its initial meeting, the board shall elect a 1275
chairperson. The chairperson shall be a member of the board who is 1276
a member of the house of representatives. 1277

(E) The board shall do both of the following: 1278

(1) Provide direction, guidance, and oversight to the office; 1279

(2) Publish a report of its activities on or before the first 1280
day of August of each year, and deliver copies of the report to 1281
the governor, the speaker and minority leader of the house of 1282
representatives, and the president and minority leader of the 1283
senate. 1284

Sec. 107.31. (A) As used in this section: 1285

(1) "State institutional facility" means any institution or 1286
other facility, in operation on or after January 1, 2003, for the 1287
housing of any person that is under the control of the department 1288
of rehabilitation and correction, the department of youth 1289
services, the department of mental retardation and developmental 1290
disabilities, the department of mental health, or any other agency 1291
or department of state government. 1292

(2) "Target state agency" means the agency of state government that operates the institutional facility or facilities that the governor believes should be closed. 1293
1294
1295

(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. 1296
1297
1298
1299
1300
1301
1302
1303
1304
1305

Sec. 107.32. (A) As used in this section and section 107.33 of the Revised Code: 1306
1307

(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. 1308
1309
1310
1311
1312
1313

(2) "Target state agency" means the agency of state government that the governor identifies in a notice provided under division (C)(1) of this section and that operates an institutional facility or facilities the governor believes should be closed. 1314
1315
1316
1317

(B) Notwithstanding any other provision of law, the governor shall not order the closure of any state institutional facility, for the purpose of expenditure reductions or budget cuts, other than in accordance with this section. 1318
1319
1320
1321

(C) If the governor determines that necessary expenditure 1322

reductions and budget cuts cannot be made without closing one or 1323
more state institutional facilities, all of the following apply: 1324

(1) The governor shall determine which state agency's 1325
institutional facility or facilities the governor believes should 1326
be closed, shall notify the general assembly and that agency of 1327
that determination, and shall specify in the notice the number of 1328
facilities of that agency that the governor believes should be 1329
closed and the anticipated savings to be obtained through that 1330
closure or those closures. 1331

(2) Upon the governor's provision of the notice described in 1332
division (C)(1) of this section, a state facilities closure 1333
commission shall be created as described in division (D) of this 1334
section regarding the target state agency. Not later than seven 1335
days after the governor provides that notice, the officials with 1336
the duties to appoint members of the commission for the target 1337
state agency, as described in division (D) of this section, shall 1338
appoint the specified members of the commission, and, as soon as 1339
possible after the appointments, the commission shall meet for the 1340
purposes described in that division. Not later than thirty days 1341
after the governor provides the notice described in division 1342
(C)(1) of this section, the state facilities closure commission 1343
shall provide to the general assembly, the governor, and the 1344
target state agency a report that contains the commission's 1345
recommendation as to the state institutional facility or 1346
facilities of the target state agency that the governor may close. 1347
The anticipated savings to be obtained by the commission's 1348
recommendation shall be approximately the same as the anticipated 1349
savings the governor specified in the governor's notice provided 1350
under division (C)(1) of this section, and, if the recommendation 1351
identifies more than one facility, it shall list them in order of 1352
the commission's preference for closure. A state facilities 1353
closure commission created for a particular target state agency 1354

shall make a report only regarding that target state agency and 1355
shall include no recommendations regarding any other state agency 1356
or department in its report. 1357

(3) Upon receipt of the report of the state facilities 1358
closure commission under division (C)(2) of this section for a 1359
target state agency, if the governor still believes that necessary 1360
expenditure reductions and budget cuts cannot be made without 1361
closing one or more state institutional facilities, the governor 1362
may close state institutional facilities of the target state 1363
agency that are identified in the commission's recommendation 1364
contained in the report. Except as otherwise provided in this 1365
division, the governor shall not close any state institutional 1366
facility of the target state agency that is not listed in the 1367
commission's recommendation, and shall not close multiple 1368
institutions in any order other than the order of the commission's 1369
preference as specified in the recommendation. The governor is not 1370
required to follow the recommendation of the commission in closing 1371
an institutional facility if the governor determines that a 1372
significant change in circumstances makes the recommendation 1373
unworkable. 1374

(D) A state facilities closure commission shall be created at 1375
the time and in the manner specified in division (C)(2) of this 1376
section. If more than one state agency or department is a target 1377
state agency, a separate state facilities closure commission shall 1378
be created for each such target state agency. Each commission 1379
consists of eleven members. Three members shall be members of the 1380
house of representatives appointed by the speaker of the house of 1381
representatives, none of the members so appointed may have a state 1382
institutional facility of the target state agency in the member's 1383
district, two of the members so appointed shall be members of the 1384
majority political party in the house of representatives, and one 1385
of the members so appointed shall not be a member of the majority 1386

political party in the house of representatives. Three members 1387
shall be members of the senate appointed by the president of the 1388
senate, none of the members so appointed may have a state 1389
institutional facility of the target state agency in the member's 1390
district, two of the members so appointed shall be members of the 1391
majority political party in the senate, and one of the members so 1392
appointed shall not be a member of the majority political party in 1393
the senate. One member shall be the director of budget and 1394
management. One member shall be the director, or other agency 1395
head, of the target state agency. Two members shall be private 1396
executives with expertise in facility utilization, with one of 1397
these members appointed by the speaker of the house of 1398
representatives and the other appointed by the president of the 1399
senate, and neither of the members so appointed may have a state 1400
institutional facility of the target state agency in the county in 1401
which the member resides. One member shall be a representative of 1402
the Ohio civil service employees' association or other 1403
representative association of the employees of the target state 1404
agency, appointed by the speaker of the house of representatives. 1405
The officials with the duties to appoint members of the commission 1406
shall make the appointments, and the commission shall meet, within 1407
the time periods specified in division (C)(2) of this section. The 1408
members of the commission shall serve without compensation. At the 1409
commission's first meeting, the members shall organize, and 1410
appoint a chairperson and vice-chairperson. 1411

The commission shall determine which state institutional 1412
facility or facilities under the control of the target state 1413
agency for which the commission was created should be closed. In 1414
making this determination, the commission shall, at a minimum, 1415
consider the following factors: 1416

(1) Whether there is a need to reduce the number of 1417
facilities; 1418

| | |
|--|--|
| <u>(2) The availability of alternate facilities;</u> | 1419 |
| <u>(3) The cost effectiveness of the facilities;</u> | 1420 |
| <u>(4) The geographic factors associated with each facility and its proximity to other similar facilities;</u> | 1421 1422 |
| <u>(5) The impact of collective bargaining on facility operations;</u> | 1423 1424 |
| <u>(6) The utilization and maximization of resources;</u> | 1425 |
| <u>(7) Continuity of the staff and ability to serve the facility population;</u> | 1426 1427 |
| <u>(8) Continuing costs following closure of a facility;</u> | 1428 |
| <u>(9) The impact of the closure on the local economy;</u> | 1429 |
| <u>(10) Alternatives and opportunities for consolidation with other facilities.</u> | 1430 1431 |
| <u>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 if that other agency is made a target state agency in a report provided under that division.</u> | 1432 1433 1434 1435 1436 1437 1438 1439 1440 1441 1442 1443 |
| <u>Sec. 107.33. Notwithstanding any other provision of law, if the closure of the particular facility is authorized under section 107.32 of the Revised Code, the governor may terminate any contract entered into under section 9.06 of the Revised Code for</u> | 1444 1445 1446 1447 |

the private operation and management of any correctional facility 1448
under the control of the department of rehabilitation and 1449
correction, including, but not limited to the initial intensive 1450
program prison established pursuant to section 5120.033 of the 1451
Revised Code as it existed prior to the effective date of this 1452
section, and terminate the operation of, and close that facility. 1453
If the governor terminates a contract for the private operation 1454
and management of a facility, and terminates the operation of, and 1455
closes, the facility as described in this section, inmates in the 1456
facility shall be transferred to another correctional facility 1457
under the control of the department. If the initial intensive 1458
program prison is closed, divisions (G)(2)(a) and (b) of section 1459
2929.13 of the Revised Code have no effect while the facility is 1460
closed. 1461

Sec. 109.57. (A)(1) The superintendent of the bureau of 1462
criminal identification and investigation shall procure from 1463
wherever procurable and file for record photographs, pictures, 1464
descriptions, fingerprints, measurements, and other information 1465
that may be pertinent of all persons who have been convicted of 1466
committing within this state a felony, any crime constituting a 1467
misdemeanor on the first offense and a felony on subsequent 1468
offenses, or any misdemeanor described in division (A)(1)(a) of 1469
section 109.572 of the Revised Code, of all children under 1470
eighteen years of age who have been adjudicated delinquent 1471
children for committing within this state an act that would be a 1472
felony or an offense of violence if committed by an adult or who 1473
have been convicted of or pleaded guilty to committing within this 1474
state a felony or an offense of violence, and of all well-known 1475
and habitual criminals. The person in charge of any county, 1476
multicounty, municipal, municipal-county, or multicounty-municipal 1477
jail or workhouse, community-based correctional facility, halfway 1478
house, alternative residential facility, or state correctional 1479

institution and the person in charge of any state institution 1480
having custody of a person suspected of having committed a felony, 1481
any crime constituting a misdemeanor on the first offense and a 1482
felony on subsequent offenses, or any misdemeanor described in 1483
division (A)(1)(a) of section 109.572 of the Revised Code or 1484
having custody of a child under eighteen years of age with respect 1485
to whom there is probable cause to believe that the child may have 1486
committed an act that would be a felony or an offense of violence 1487
if committed by an adult shall furnish such material to the 1488
superintendent of the bureau. Fingerprints, photographs, or other 1489
descriptive information of a child who is under eighteen years of 1490
age, has not been arrested or otherwise taken into custody for 1491
committing an act that would be a felony or an offense of violence 1492
if committed by an adult, has not been adjudicated a delinquent 1493
child for committing an act that would be a felony or an offense 1494
of violence if committed by an adult, has not been convicted of or 1495
pleaded guilty to committing a felony or an offense of violence, 1496
and is not a child with respect to whom there is probable cause to 1497
believe that the child may have committed an act that would be a 1498
felony or an offense of violence if committed by an adult shall 1499
not be procured by the superintendent or furnished by any person 1500
in charge of any county, multicounty, municipal, municipal-county, 1501
or multicounty-municipal jail or workhouse, community-based 1502
correctional facility, halfway house, alternative residential 1503
facility, or state correctional institution, except as authorized 1504
in section 2151.313 of the Revised Code. 1505

(2) Every clerk of a court of record in this state, other 1506
than the supreme court or a court of appeals, shall send to the 1507
superintendent of the bureau a weekly report containing a summary 1508
of each case involving a felony, involving any crime constituting 1509
a misdemeanor on the first offense and a felony on subsequent 1510
offenses, involving a misdemeanor described in division (A)(1)(a) 1511
of section 109.572 of the Revised Code, or involving an 1512

adjudication in a case in which a child under eighteen years of 1513
age was alleged to be a delinquent child for committing an act 1514
that would be a felony or an offense of violence if committed by 1515
an adult. The clerk of the court of common pleas shall include in 1516
the report and summary the clerk sends under this division all 1517
information described in divisions (A)(2)(a) to (f) of this 1518
section regarding a case before the court of appeals that is 1519
served by that clerk. The summary shall be written on the standard 1520
forms furnished by the superintendent pursuant to division (B) of 1521
this section and shall include the following information: 1522

(a) The incident tracking number contained on the standard 1523
forms furnished by the superintendent pursuant to division (B) of 1524
this section; 1525

(b) The style and number of the case; 1526

(c) The date of arrest; 1527

(d) The date that the person was convicted of or pleaded 1528
guilty to the offense, adjudicated a delinquent child for 1529
committing the act that would be a felony or an offense of 1530
violence if committed by an adult, found not guilty of the 1531
offense, or found not to be a delinquent child for committing an 1532
act that would be a felony or an offense of violence if committed 1533
by an adult, the date of an entry dismissing the charge, an entry 1534
declaring a mistrial of the offense in which the person is 1535
discharged, an entry finding that the person or child is not 1536
competent to stand trial, or an entry of a nolle prosequi, or the 1537
date of any other determination that constitutes final resolution 1538
of the case; 1539

(e) A statement of the original charge with the section of 1540
the Revised Code that was alleged to be violated; 1541

(f) If the person or child was convicted, pleaded guilty, or 1542
was adjudicated a delinquent child, the sentence or terms of 1543

probation imposed or any other disposition of the offender or the delinquent child. 1544
1545

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records. 1546
1547
1548
1549
1550

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political 1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575

subdivisions. 1576

(4) The superintendent shall carry out Chapter 2950. of the 1577
Revised Code with respect to the registration of persons who are 1578
convicted of or plead guilty to a sexually oriented offense and 1579
with respect to all other duties imposed on the bureau under that 1580
chapter. 1581

(B) The superintendent shall prepare and furnish to every 1582
county, multicounty, municipal, municipal-county, or 1583
multicounty-municipal jail or workhouse, community-based 1584
correctional facility, halfway house, alternative residential 1585
facility, or state correctional institution and to every clerk of 1586
a court in this state specified in division (A)(2) of this section 1587
standard forms for reporting the information required under 1588
division (A) of this section. The standard forms that the 1589
superintendent prepares pursuant to this division may be in a 1590
tangible format, in an electronic format, or in both tangible 1591
formats and electronic formats. 1592

(C) The superintendent may operate a center for electronic, 1593
automated, or other data processing for the storage and retrieval 1594
of information, data, and statistics pertaining to criminals and 1595
to children under eighteen years of age who are adjudicated 1596
delinquent children for committing an act that would be a felony 1597
or an offense of violence if committed by an adult, criminal 1598
activity, crime prevention, law enforcement, and criminal justice, 1599
and may establish and operate a statewide communications network 1600
to gather and disseminate information, data, and statistics for 1601
the use of law enforcement agencies. The superintendent may 1602
gather, store, retrieve, and disseminate information, data, and 1603
statistics that pertain to children who are under eighteen years 1604
of age and that are gathered pursuant to sections 109.57 to 109.61 1605
of the Revised Code together with information, data, and 1606
statistics that pertain to adults and that are gathered pursuant 1607

to those sections. 1608

(D) The information and materials furnished to the 1609
superintendent pursuant to division (A) of this section and 1610
information and materials furnished to any board or person under 1611
division (F) or (G) of this section are not public records under 1612
section 149.43 of the Revised Code. 1613

(E) The attorney general shall adopt rules, in accordance 1614
with Chapter 119. of the Revised Code, setting forth the procedure 1615
by which a person may receive or release information gathered by 1616
the superintendent pursuant to division (A) of this section. A 1617
reasonable fee may be charged for this service. If a temporary 1618
employment service submits a request for a determination of 1619
whether a person the service plans to refer to an employment 1620
position has been convicted of or pleaded guilty to an offense 1621
listed in division (A)(1), (3), (4), ~~or~~ (5), or (6) of section 1622
109.572 of the Revised Code, the request shall be treated as a 1623
single request and only one fee shall be charged. 1624

(F)(1) As used in division (F)(2) of this section, "head 1625
start agency" means an entity in this state that has been approved 1626
to be an agency for purposes of subchapter II of the "Community 1627
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1628
as amended. 1629

(2)(a) In addition to or in conjunction with any request that 1630
is required to be made under section 109.572, 2151.86, 3301.32, 1631
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1632
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1633
education of any school district; the director of mental 1634
retardation and developmental disabilities; any county board of 1635
mental retardation and developmental disabilities; any entity 1636
under contract with a county board of mental retardation and 1637
developmental disabilities; the chief administrator of any 1638
chartered nonpublic school; the chief administrator of any home 1639

health agency; the chief administrator of or person operating any 1640
child day-care center, type A family day-care home, or type B 1641
family day-care home licensed or certified under Chapter 5104. of 1642
the Revised Code; the administrator of any type C family day-care 1643
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1644
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1645
general assembly; the chief administrator of any head start 1646
agency; or the executive director of a public children services 1647
agency may request that the superintendent of the bureau 1648
investigate and determine, with respect to any individual who has 1649
applied for employment in any position after October 2, 1989, or 1650
any individual wishing to apply for employment with a board of 1651
education may request, with regard to the individual, whether the 1652
bureau has any information gathered under division (A) of this 1653
section that pertains to that individual. On receipt of the 1654
request, the superintendent shall determine whether that 1655
information exists and, upon request of the person, board, or 1656
entity requesting information, also shall request from the federal 1657
bureau of investigation any criminal records it has pertaining to 1658
that individual. Within thirty days of the date that the 1659
superintendent receives a request, the superintendent shall send 1660
to the board, entity, or person a report of any information that 1661
the superintendent determines exists, including information 1662
contained in records that have been sealed under section 2953.32 1663
of the Revised Code, and, within thirty days of its receipt, shall 1664
send the board, entity, or person a report of any information 1665
received from the federal bureau of investigation, other than 1666
information the dissemination of which is prohibited by federal 1667
law. 1668

(b) When a board of education is required to receive 1669
information under this section as a prerequisite to employment of 1670
an individual pursuant to section 3319.39 of the Revised Code, it 1671
may accept a certified copy of records that were issued by the 1672

bureau of criminal identification and investigation and that are 1673
presented by an individual applying for employment with the 1674
district in lieu of requesting that information itself. In such a 1675
case, the board shall accept the certified copy issued by the 1676
bureau in order to make a photocopy of it for that individual's 1677
employment application documents and shall return the certified 1678
copy to the individual. In a case of that nature, a district only 1679
shall accept a certified copy of records of that nature within one 1680
year after the date of their issuance by the bureau. 1681

(3) The state board of education may request, with respect to 1682
any individual who has applied for employment after October 2, 1683
1989, in any position with the state board or the department of 1684
education, any information that a school district board of 1685
education is authorized to request under division (F)(2) of this 1686
section, and the superintendent of the bureau shall proceed as if 1687
the request has been received from a school district board of 1688
education under division (F)(2) of this section. 1689

(4) When the superintendent of the bureau receives a request 1690
for information that is authorized under section 3319.291 of the 1691
Revised Code, the superintendent shall proceed as if the request 1692
has been received from a school district board of education under 1693
division (F)(2) of this section. 1694

(5) When a recipient of an OhioReads classroom or community 1695
reading grant paid under section 3301.86 or 3301.87 of the Revised 1696
Code or an entity approved by the OhioReads council requests, with 1697
respect to any individual who applies to participate in providing 1698
any program or service through an entity approved by the OhioReads 1699
council or funded in whole or in part by the grant, the 1700
information that a school district board of education is 1701
authorized to request under division (F)(2)(a) of this section, 1702
the superintendent of the bureau shall proceed as if the request 1703
has been received from a school district board of education under 1704

division (F)(2)(a) of this section. 1705

(G) In addition to or in conjunction with any request that is 1706
required to be made under section 173.41, 3701.881, 3712.09, 1707
3721.121, or 3722.151 of the Revised Code with respect to an 1708
individual who has applied for employment in a position that 1709
involves providing direct care to an older adult, the chief 1710
administrator of a PASSPORT agency that provides services through 1711
the PASSPORT program created under section 173.40 of the Revised 1712
Code, home health agency, hospice care program, home licensed 1713
under Chapter 3721. of the Revised Code, adult day-care program 1714
operated pursuant to rules adopted under section 3721.04 of the 1715
Revised Code, or adult care facility may request that the 1716
superintendent of the bureau investigate and determine, with 1717
respect to any individual who has applied after January 27, 1997, 1718
for employment in a position that does not involve providing 1719
direct care to an older adult, whether the bureau has any 1720
information gathered under division (A) of this section that 1721
pertains to that individual. On receipt of the request, the 1722
superintendent shall determine whether that information exists 1723
and, on request of the administrator requesting information, shall 1724
also request from the federal bureau of investigation any criminal 1725
records it has pertaining to that individual. Within thirty days 1726
of the date a request is received, the superintendent shall send 1727
to the administrator a report of any information determined to 1728
exist, including information contained in records that have been 1729
sealed under section 2953.32 of the Revised Code, and, within 1730
thirty days of its receipt, shall send the administrator a report 1731
of any information received from the federal bureau of 1732
investigation, other than information the dissemination of which 1733
is prohibited by federal law. 1734

(H) Information obtained by a board, administrator, or other 1735
person under this section is confidential and shall not be 1736

released or disseminated. 1737

(I) The superintendent may charge a reasonable fee for 1738
providing information or criminal records under division (F)(2) or 1739
(G) of this section. 1740

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1741
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 1742
or 5153.111 of the Revised Code, a completed form prescribed 1743
pursuant to division (C)(1) of this section, and a set of 1744
fingerprint impressions obtained in the manner described in 1745
division (C)(2) of this section, the superintendent of the bureau 1746
of criminal identification and investigation shall conduct a 1747
criminal records check in the manner described in division (B) of 1748
this section to determine whether any information exists that 1749
indicates that the person who is the subject of the request 1750
previously has been convicted of or pleaded guilty to any of the 1751
following: 1752

(a) A violation of section 2903.01, 2903.02, 2903.03, 1753
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1754
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1755
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1756
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1757
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1758
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1759
2925.06, or 3716.11 of the Revised Code, felonious sexual 1760
penetration in violation of former section 2907.12 of the Revised 1761
Code, a violation of section 2905.04 of the Revised Code as it 1762
existed prior to July 1, 1996, a violation of section 2919.23 of 1763
the Revised Code that would have been a violation of section 1764
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1765
had the violation been committed prior to that date, or a 1766
violation of section 2925.11 of the Revised Code that is not a 1767

minor drug possession offense; 1768

(b) A violation of an existing or former law of this state, 1769
any other state, or the United States that is substantially 1770
equivalent to any of the offenses listed in division (A)(1)(a) of 1771
this section. 1772

(2) On receipt of a request pursuant to section 5123.081 of 1773
the Revised Code with respect to an applicant for employment in 1774
any position with the department of mental retardation and 1775
developmental disabilities, pursuant to section 5126.28 of the 1776
Revised Code with respect to an applicant for employment in any 1777
position with a county board of mental retardation and 1778
developmental disabilities, or pursuant to section 5126.281 of the 1779
Revised Code with respect to an applicant for employment in a 1780
direct services position with an entity contracting with a county 1781
board for employment, a completed form prescribed pursuant to 1782
division (C)(1) of this section, and a set of fingerprint 1783
impressions obtained in the manner described in division (C)(2) of 1784
this section, the superintendent of the bureau of criminal 1785
identification and investigation shall conduct a criminal records 1786
check. The superintendent shall conduct the criminal records check 1787
in the manner described in division (B) of this section to 1788
determine whether any information exists that indicates that the 1789
person who is the subject of the request has been convicted of or 1790
pleaded guilty to any of the following: 1791

(a) A violation of section 2903.01, 2903.02, 2903.03, 1792
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1793
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1794
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1795
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1796
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1797
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1798
3716.11 of the Revised Code; 1799

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

(3) On receipt of a request pursuant to section 173.41, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position that involves providing direct care to an older adult. 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, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 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, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) 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)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with

a home health agency as a person responsible for the care, 1831
custody, or control of a child, a completed form prescribed 1832
pursuant to division (C)(1) of this section, and a set of 1833
fingerprint impressions obtained in the manner described in 1834
division (C)(2) of this section, the superintendent of the bureau 1835
of criminal identification and investigation shall conduct a 1836
criminal records check. The superintendent shall conduct the 1837
criminal records check in the manner described in division (B) of 1838
this section to determine whether any information exists that 1839
indicates that the person who is the subject of the request 1840
previously has been convicted of or pleaded guilty to any of the 1841
following: 1842

(a) A violation of section 2903.01, 2903.02, 2903.03, 1843
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1844
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1845
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1846
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1847
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1848
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1849
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1850
violation of section 2925.11 of the Revised Code that is not a 1851
minor drug possession offense; 1852

(b) An existing or former law of this state, any other state, 1853
or the United States that is substantially equivalent to any of 1854
the offenses listed in division (A)(4)(a) of this section. 1855

(5) On receipt of a request pursuant to section 5111.95 or 1856
5111.96 of the Revised Code with respect to an applicant for 1857
employment with a waiver agency participating in a department of 1858
job and family services administered home and community-based 1859
waiver program or an independent provider participating in a 1860
department administered home and community-based waiver program in 1861
a position that involves providing home and community-based waiver 1862

services to consumers with disabilities, a completed form 1863
prescribed pursuant to division (C)(1) of this section, and a set 1864
of fingerprint impressions obtained in the manner described in 1865
division (C)(2) of this section, the superintendent of the bureau 1866
of criminal identification and investigation shall conduct a 1867
criminal records check. The superintendent shall conduct the 1868
criminal records check in the manner described in division (B) of 1869
this section to determine whether any information exists that 1870
indicates that the person who is the subject of the request 1871
previously has been convicted of or pleaded guilty to any of the 1872
following: 1873

(a) A violation of section 2903.01, 2903.02, 2903.03, 1874
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1875
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1876
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1877
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1878
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1879
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1880
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1881
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1882
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1883
Revised Code, felonious sexual penetration in violation of former 1884
section 2907.12 of the Revised Code, a violation of section 1885
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1886
violation of section 2919.23 of the Revised Code that would have 1887
been a violation of section 2905.04 of the Revised Code as it 1888
existed prior to July 1, 1996, had the violation been committed 1889
prior to that date; 1890

(b) An existing or former law of this state, any other state, 1891
or the United States that is substantially equivalent to any of 1892
the offenses listed in division (A)(5)(a) of this section. 1893

(6) On receipt of a request pursuant to section 3701.881 of 1894

the Revised Code with respect to an applicant for employment with 1895
a home health agency in a position that involves providing direct 1896
care to an older adult, a completed form prescribed pursuant to 1897
division (C)(1) of this section, and a set of fingerprint 1898
impressions obtained in the manner described in division (C)(2) of 1899
this section, the superintendent of the bureau of criminal 1900
identification and investigation shall conduct a criminal records 1901
check. The superintendent shall conduct the criminal records check 1902
in the manner described in division (B) of this section to 1903
determine whether any information exists that indicates that the 1904
person who is the subject of the request previously has been 1905
convicted of or pleaded guilty to any of the following: 1906

(a) A violation of section 2903.01, 2903.02, 2903.03, 1907
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1908
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1909
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1910
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1911
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1912
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1913
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1914
2925.22, 2925.23, or 3716.11 of the Revised Code; 1915

(b) An existing or former law of this state, any other state, 1916
or the United States that is substantially equivalent to any of 1917
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 1918

~~(6)~~(7) When conducting a criminal records check upon a 1919
request pursuant to section 3319.39 of the Revised Code for an 1920
applicant who is a teacher, in addition to the determination made 1921
under division (A)(1) of this section, the superintendent shall 1922
determine whether any information exists that indicates that the 1923
person who is the subject of the request previously has been 1924
convicted of or pleaded guilty to any offense specified in section 1925
3319.31 of the Revised Code. 1926

~~(7)~~(8) When conducting a criminal records check on a request 1927
pursuant to section 2151.86 of the Revised Code for a person who 1928
is a prospective foster caregiver or who is eighteen years old or 1929
older and resides in the home of a prospective foster caregiver, 1930
the superintendent, in addition to the determination made under 1931
division (A)(1) of this section, shall determine whether any 1932
information exists that indicates that the person has been 1933
convicted of or pleaded guilty to a violation of: 1934

(a) Section 2909.02 or 2909.03 of the Revised Code; 1935

(b) An existing or former law of this state, any other state, 1936
or the United States that is substantially equivalent to section 1937
2909.02 or 2909.03 of the Revised Code. 1938

~~(8)~~(9) Not later than thirty days after the date the 1939
superintendent receives the request, completed form, and 1940
fingerprint impressions, the superintendent shall send the person, 1941
board, or entity that made the request any information, other than 1942
information the dissemination of which is prohibited by federal 1943
law, the superintendent determines exists with respect to the 1944
person who is the subject of the request that indicates that the 1945
person previously has been convicted of or pleaded guilty to any 1946
offense listed or described in division (A)(1), (2), (3), (4), 1947
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 1948
superintendent shall send the person, board, or entity that made 1949
the request a copy of the list of offenses specified in division 1950
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 1951
as appropriate. If the request was made under section 3701.881 of 1952
the Revised Code with regard to an applicant who may be both 1953
responsible for the care, custody, or control of a child and 1954
involved in providing direct care to an older adult, the 1955
superintendent shall provide a list of the offenses specified in 1956
divisions (A)(4) and ~~(5)~~(6) of this section. 1957

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

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

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

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

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is required by section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,

3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1989
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1990
records check is required by any of those sections shall obtain 1991
the fingerprint impressions at a county sheriff's office, 1992
municipal police department, or any other entity with the ability 1993
to make fingerprint impressions on the standard impression sheets 1994
prescribed by the superintendent. The office, department, or 1995
entity may charge the person a reasonable fee for making the 1996
impressions. The standard impression sheets the superintendent 1997
prescribes pursuant to this division may be in a tangible format, 1998
in an electronic format, or in both tangible and electronic 1999
formats. 2000

(3) Subject to division (D) of this section, the 2001
superintendent shall prescribe and charge a reasonable fee for 2002
providing a criminal records check requested under section 173.41, 2003
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2004
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2005
5126.281, or 5153.111 of the Revised Code. The person making a 2006
criminal records request under section 173.41, 2151.86, 3301.32, 2007
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2008
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2009
or 5153.111 of the Revised Code shall pay the fee prescribed 2010
pursuant to this division. A person making a request under section 2011
3701.881 of the Revised Code for a criminal records check for an 2012
applicant who may be both responsible for the care, custody, or 2013
control of a child and involved in providing direct care to an 2014
older adult shall pay one fee for the request. 2015

(4) The superintendent of the bureau of criminal 2016
identification and investigation may prescribe methods of 2017
forwarding fingerprint impressions and information necessary to 2018
conduct a criminal records check, which methods shall include, but 2019
not be limited to, an electronic method. 2020

(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 in section 2925.01 of the Revised Code.

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

Sec. 109.71. There is hereby created in the office of the

attorney general the Ohio peace officer training commission. The 2051
commission shall consist of nine members appointed by the governor 2052
with the advice and consent of the senate and selected as follows: 2053
one member representing the public; two members who are incumbent 2054
sheriffs; two members who are incumbent chiefs of police; one 2055
member from the bureau of criminal identification and 2056
investigation; one member from the state highway patrol; one 2057
member who is the special agent in charge of a field office of the 2058
federal bureau of investigation in this state; and one member from 2059
the department of education, trade and industrial education 2060
services, law enforcement training. 2061

As used in sections 109.71 to 109.77 of the Revised Code: 2062

(A) "Peace officer" means: 2063

(1) A deputy sheriff, marshal, deputy marshal, member of the 2064
organized police department of a township or municipal 2065
corporation, member of a township police district or joint 2066
township police district police force, member of a police force 2067
employed by a metropolitan housing authority under division (D) of 2068
section 3735.31 of the Revised Code, or township constable, who is 2069
commissioned and employed as a peace officer by a political 2070
subdivision of this state or by a metropolitan housing authority, 2071
and whose primary duties are to preserve the peace, to protect 2072
life and property, and to enforce the laws of this state, 2073
ordinances of a municipal corporation, resolutions of a township, 2074
or regulations of a board of county commissioners or board of 2075
township trustees, or any of those laws, ordinances, resolutions, 2076
or regulations; 2077

(2) A police officer who is employed by a railroad company 2078
and appointed and commissioned by the governor pursuant to 2079
sections 4973.17 to 4973.22 of the Revised Code; 2080

(3) Employees of the department of taxation engaged in the 2081

| | |
|---|------|
| enforcement of Chapter 5743. of the Revised Code <u>laws the tax</u> | 2082 |
| <u>commissioner administers</u> and designated by the tax commissioner | 2083 |
| for peace officer training for purposes of the delegation of | 2084 |
| investigation powers under section 5743.45 <u>5703.58</u> of the Revised | 2085 |
| Code; | 2086 |
| (4) An undercover drug agent; | 2087 |
| (5) Enforcement agents of the department of public safety | 2088 |
| whom the director of public safety designates under section | 2089 |
| 5502.14 of the Revised Code; | 2090 |
| (6) An employee of the department of natural resources who is | 2091 |
| a natural resources law enforcement staff officer designated | 2092 |
| pursuant to section 1501.013, a park officer designated pursuant | 2093 |
| to section 1541.10, a forest officer designated pursuant to | 2094 |
| section 1503.29, a preserve officer designated pursuant to section | 2095 |
| 1517.10, a wildlife officer designated pursuant to section | 2096 |
| 1531.13, or a state watercraft officer designated pursuant to | 2097 |
| section 1547.521 of the Revised Code; | 2098 |
| (7) An employee of a park district who is designated pursuant | 2099 |
| to section 511.232 or 1545.13 of the Revised Code; | 2100 |
| (8) An employee of a conservancy district who is designated | 2101 |
| pursuant to section 6101.75 of the Revised Code; | 2102 |
| (9) A police officer who is employed by a hospital that | 2103 |
| employs and maintains its own proprietary police department or | 2104 |
| security department, and who is appointed and commissioned by the | 2105 |
| governor pursuant to sections 4973.17 to 4973.22 of the Revised | 2106 |
| Code; | 2107 |
| (10) Veterans' homes police officers designated under section | 2108 |
| 5907.02 of the Revised Code; | 2109 |
| (11) A police officer who is employed by a qualified | 2110 |
| nonprofit corporation police department pursuant to section | 2111 |

| | |
|--|------|
| 1702.80 of the Revised Code; | 2112 |
| (12) A state university law enforcement officer appointed | 2113 |
| under section 3345.04 of the Revised Code or a person serving as a | 2114 |
| state university law enforcement officer on a permanent basis on | 2115 |
| June 19, 1978, who has been awarded a certificate by the executive | 2116 |
| director of the Ohio peace officer training commission attesting | 2117 |
| to the person's satisfactory completion of an approved state, | 2118 |
| county, municipal, or department of natural resources peace | 2119 |
| officer basic training program; | 2120 |
| (13) A special police officer employed by the department of | 2121 |
| mental health pursuant to section 5119.14 of the Revised Code or | 2122 |
| the department of mental retardation and developmental | 2123 |
| disabilities pursuant to section 5123.13 of the Revised Code; | 2124 |
| (14) A member of a campus police department appointed under | 2125 |
| section 1713.50 of the Revised Code; | 2126 |
| (15) A member of a police force employed by a regional | 2127 |
| transit authority under division (Y) of section 306.35 of the | 2128 |
| Revised Code; | 2129 |
| (16) Investigators appointed by the auditor of state pursuant | 2130 |
| to section 117.091 of the Revised Code and engaged in the | 2131 |
| enforcement of Chapter 117. of the Revised Code; | 2132 |
| (17) A special police officer designated by the | 2133 |
| superintendent of the state highway patrol pursuant to section | 2134 |
| 5503.09 of the Revised Code or a person who was serving as a | 2135 |
| special police officer pursuant to that section on a permanent | 2136 |
| basis on October 21, 1997, and who has been awarded a certificate | 2137 |
| by the executive director of the Ohio peace officer training | 2138 |
| commission attesting to the person's satisfactory completion of an | 2139 |
| approved state, county, municipal, or department of natural | 2140 |
| resources peace officer basic training program; | 2141 |
| (18) A special police officer employed by a port authority | 2142 |

under section 4582.04 or 4582.28 of the Revised Code or a person 2143
serving as a special police officer employed by a port authority 2144
on a permanent basis on May 17, 2000, who has been awarded a 2145
certificate by the executive director of the Ohio peace officer 2146
training commission attesting to the person's satisfactory 2147
completion of an approved state, county, municipal, or department 2148
of natural resources peace officer basic training program; 2149

(19) A special police officer employed by a municipal 2150
corporation who has been awarded a certificate by the executive 2151
director of the Ohio peace officer training commission for 2152
satisfactory completion of an approved peace officer basic 2153
training program and who is employed on a permanent basis on or 2154
after ~~the effective date of this amendment~~ March 19, 2003, at a 2155
municipal airport, or other municipal air navigation facility, 2156
that has scheduled operations, as defined in section 119.3 of 2157
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 2158
amended, and that is required to be under a security program and 2159
is governed by aviation security rules of the transportation 2160
security administration of the United States department of 2161
transportation as provided in Parts 1542. and 1544. of Title 49 of 2162
the Code of Federal Regulations, as amended. 2163

(B) "Undercover drug agent" has the same meaning as in 2164
division (B)(2) of section 109.79 of the Revised Code. 2165

(C) "Crisis intervention training" means training in the use 2166
of interpersonal and communication skills to most effectively and 2167
sensitively interview victims of rape. 2168

(D) "Missing children" has the same meaning as in section 2169
2901.30 of the Revised Code. 2170

Sec. 117.101. The auditor of state ~~may establish~~ shall 2171
provide, operate, and maintain a uniform and compatible 2172
computerized financial management and accounting system known as 2173

the uniform accounting network. ~~Any such~~ The network shall be 2174
designed to provide public offices, other than state agencies and 2175
the Ohio education computer network and public school districts, 2176
with efficient and economical access to data processing and 2177
management information facilities and expertise. In accordance 2178
with this objective, activities of the network shall include, but 2179
not be limited to, provision, maintenance, and operation of the 2180
following facilities and services: 2181

(A) A cooperative program of technical assistance for public 2182
offices, other than state agencies and the Ohio education computer 2183
network and public school districts, including, but not limited 2184
to, an adequate computer software system and a data base; 2185

(B) An information processing service center providing 2186
approved computerized financial accounting and reporting services 2187
to participating public offices. 2188

The auditor of state and any public office, other than a 2189
state agency and the Ohio education computer network and public 2190
school districts, may enter into any necessary agreements, without 2191
advertisement or bidding, for the provision of necessary goods, 2192
materials, supplies, and services to such public offices by the 2193
auditor of state through the network. 2194

The auditor of state may, by rule, provide for a system of 2195
user fees to be charged participating public offices for goods, 2196
materials, supplies, and services received from the network. All 2197
such fees shall be paid into the state treasury to the credit of 2198
the uniform accounting network fund, which is hereby created. The 2199
fund shall be used by the auditor of state to pay the costs of 2200
establishing and maintaining the network. The fund shall be 2201
assessed a proportionate share of the auditor of state's 2202
administrative costs in accordance with procedures prescribed by 2203
the auditor of state and approved by the director of budget and 2204
management. 2205

Sec. 117.16. (A) The auditor of state shall do all of the 2206
following: 2207

(1) Develop a force account project assessment form that each 2208
public office that undertakes force account projects shall use to 2209
estimate or report the cost of a force account project. The form 2210
shall include costs for employee salaries and benefits, any other 2211
labor costs, materials, freight, fuel, hauling, overhead expense, 2212
workers' compensation premiums, and all other items of cost and 2213
expense, including a reasonable allowance for the use of all tools 2214
and equipment used on or in connection with such work and for the 2215
depreciation on the tools and equipment. 2216

(2) Make the form available to public offices by any 2217
cost-effective, convenient method accessible to the auditor of 2218
state and the public offices; 2219

(3) When conducting an audit under this chapter of ~~such~~ a 2220
public office ~~under this chapter~~ that undertakes force account 2221
projects, examine ~~a sample of~~ the forms and records of ~~any a~~ 2222
sampling of the force account ~~project that~~ projects the public 2223
office completed since an audit was last conducted, to determine 2224
compliance with ~~the~~ its force account limits ~~and other force~~ 2225
~~account provisions established by law. If the auditor of state~~ 2226
~~finds a violation of the force account limits, the auditor of~~ 2227
~~state shall conduct an audit of each force account project~~ 2228
~~completed since an audit was last conducted.~~ 2229

(B) If the auditor of state receives a complaint from any 2230
person that a public office has violated the force account limits 2231
established for that office, the auditor of state may conduct an 2232
audit in addition to the audit provided in section 117.11 of the 2233
Revised Code if the auditor of state has reasonable cause to 2234
believe that an additional audit is in the public interest. 2235

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

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

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

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

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

(3) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision in a third or more subsequent ~~time~~ audit, the ~~subdivision shall pay the~~ auditor of state shall certify to the tax commissioner an amount the auditor

of state determines to be twenty per cent of the total cost of the 2267
force account project that is the basis of the violation. The Upon 2268
receipt of this certification, the tax commissioner shall withhold 2269
the certified amount from any funds under the tax commissioner's 2270
control that are due or payable to that political subdivision. The 2271
tax commissioner shall promptly deposit this withheld amount to 2272
the credit of the highway operating fund created by section 2273
5735.291 of the Revised Code to be redistributed to local 2274
governments that have not violated their force account limits. 2275

If the tax commissioner determines that no funds are due and 2276
payable to the violating political subdivision or that 2277
insufficient amounts of such funds are available to cover the 2278
entire certified amount, the tax commissioner shall withhold and 2279
deposit to the credit of the highway operating fund any amount 2280
available and certify the remaining amount to be withheld to the 2281
county auditor of the county in which the political subdivision is 2282
located. The county auditor shall withhold from that political 2283
subdivision any amount, up to that certified by the tax 2284
commissioner, that is available from any funds under the county 2285
auditor's control, that is due or payable to that political 2286
subdivision, and that can be lawfully withheld. The county auditor 2287
shall promptly pay that withheld amount to the tax commissioner 2288
for deposit into the highway operating fund and redistribution to 2289
local governments that have not violated their force account 2290
limits. 2291

The tax commissioner shall make a distribution from the 2292
highway operating fund to local governments that have not violated 2293
their force account limits at least once every six months. 2294

The payments required under division (C)(3) of this section 2295
are in addition to the force account limit reductions under 2296
described in division (C)(2) of this section and also are in 2297
addition to any other action authorized by this chapter. The 2298

~~auditor of state shall certify any money due under division (C)(3) 2299
of this section for collection in accordance with division (D) of 2300
section 117.13 of the Revised Code. 2301~~

(D) If the auditor of state finds that a county, township, or 2302
municipal corporation violated its force account ~~limit~~ limits when 2303
participating in a joint force account project, the auditor of 2304
state shall impose the reduction in force account limits under 2305
division (C) of this section on all entities participating in the 2306
joint project. 2307

(E) As used in this section, "force account limits" means any 2308
of the following, as applicable: 2309

(1) For a county, the amounts established in section 5543.19 2310
of the Revised Code; 2311

(2) For a township, the amounts established in section 2312
5575.01 of the Revised Code; 2313

(3) For a municipal corporation, the amount established in 2314
section 723.52 of the Revised Code; 2315

(4) For the department of transportation, the amount 2316
established in section 5517.02 of the Revised Code. 2317

Sec. 117.44. To enhance local officials' background and 2318
working knowledge of government accounting, budgeting and 2319
financing, financial report preparation, and the rules adopted by 2320
the auditor of state, the auditor of state shall hold training 2321
programs for persons elected for the first time as township 2322
clerks, city auditors, and village clerks, between the first day 2323
of December and the ~~fifteenth~~ first day of ~~February~~ April 2324
immediately following a general election for any of these offices. 2325
Similar training may also be provided to any township clerk, city 2326
auditor, or village clerk who is appointed to fill a vacancy or 2327
who is elected in a special election. 2328

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

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

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

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

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

Sec. 117.45. (A) The auditor of state shall draw warrants

against the treasurer of state pursuant to all requests for 2359
payment that the director of budget and management has approved 2360
under section 126.07 of the Revised Code. 2361

(B) Unless the director of job and family services has 2362
provided for the making of payments by electronic benefit 2363
transfer, if a financial institution and account have been 2364
designated by the participant or recipient, payment by the auditor 2365
of state to a participant in the Ohio works first program pursuant 2366
to Chapter 5107. of the Revised Code or a recipient of disability 2367
financial assistance pursuant to Chapter 5115. of the Revised Code 2368
shall be made by direct deposit to the account of the participant 2369
or recipient in the financial institution. Payment by the auditor 2370
of state to a recipient of benefits distributed through the medium 2371
of electronic benefit transfer pursuant to section 5101.33 of the 2372
Revised Code shall be by electronic benefit transfer. Payment by 2373
the auditor of state as compensation to an employee of the state 2374
who has, pursuant to section 124.151 of the Revised Code, 2375
designated a financial institution and account for the direct 2376
deposit of such payments shall be made by direct deposit to the 2377
account of the employee. Payment to any other payee who has 2378
designated a financial institution and account for the direct 2379
deposit of such payment may be made by direct deposit to the 2380
account of the payee in the financial institution as provided in 2381
section 9.37 of the Revised Code. The auditor of state shall 2382
contract with an authorized financial institution for the services 2383
necessary to make direct deposits or electronic benefit transfers 2384
under this division and draw lump sum warrants payable to that 2385
institution in the amount to be transferred. Accounts maintained 2386
by the auditor of state or the auditor of state's agent in a 2387
financial institution for the purpose of effectuating payment by 2388
direct deposit or electronic benefit transfer shall be maintained 2389
in accordance with section 135.18 of the Revised Code. 2390

(C) All other payments from the state treasury shall be made 2391
by paper warrants or by direct deposit payable to the respective 2392
payees. The auditor of state may mail the paper warrants to the 2393
respective payees or distribute them through other state agencies, 2394
whichever the auditor of state determines to be the better 2395
procedure. 2396

(D) If the average per transaction cost the auditor of state 2397
incurs in making direct deposits for a state agency exceeds the 2398
average per transaction cost the auditor of state incurs in 2399
drawing paper warrants for all public offices during the same 2400
period of time, the auditor of state may certify the difference in 2401
cost and the number of direct deposits for the agency to the 2402
director of administrative services. The director shall reimburse 2403
the auditor of state for such additional costs and add the amount 2404
to the processing charge assessed upon the state agency. 2405

Sec. 119.035. An agency may appoint an advisory committee to 2406
advise the agency concerning its development of a rule, amendment, 2407
or rescission, and may otherwise consult with persons representing 2408
interests that would be affected by the rule, amendment, or 2409
rescission were it actually to be proposed and adopted. ~~Upon an~~ 2410
~~agency's request, the executive director or another officer or~~ 2411
~~employee of the Ohio commission on dispute resolution and conflict~~ 2412
~~management may serve as a group facilitator for, but not as a~~ 2413
~~member of, such an advisory committee.~~ 2414

Sec. 121.04. Offices are created within the several 2415
departments as follows: 2416

In the department of commerce: 2417
 Commissioner of securities; 2418
 Superintendent of real estate and professional 2419
 licensing;

| | |
|---|------|
| Superintendent of financial institutions; | 2420 |
| Fire marshal; | 2421 |
| Superintendent of labor and worker safety; | 2422 |
| Beginning on July 1, 1997, | 2423 |
| Superintendent of liquor control; | 2424 |
| Superintendent of industrial compliance. | 2425 |
| In the department of administrative services: | 2426 |
| State architect and engineer; | 2427 |
| Equal employment opportunity coordinator. | 2428 |
| In the department of agriculture: | 2429 |
| Chiefs of divisions as follows: | 2430 |
| Administration; | 2431 |
| Animal industry; | 2432 |
| Dairy; | 2433 |
| Food safety; | 2434 |
| Plant industry; | 2435 |
| Markets; | 2436 |
| Meat inspection; | 2437 |
| Consumer analytical laboratory; | 2438 |
| Amusement ride safety; | 2439 |
| Enforcement; | 2440 |
| Weights and measures. | 2441 |
| In the department of natural resources: | 2442 |
| Chiefs of divisions as follows: | 2443 |
| Water; | 2444 |
| Mineral resources management; | 2445 |
| Forestry; | 2446 |
| Natural areas and preserves; | 2447 |
| Wildlife; | 2448 |
| Geological survey; | 2449 |
| Parks and recreation; | 2450 |

| | |
|--|------|
| Watercraft; | 2451 |
| Recycling and litter prevention; | 2452 |
| Civilian conservation; | 2453 |
| Soil and water conservation; | 2454 |
| Real estate and land management; | 2455 |
| Engineering. | 2456 |
| In the department of insurance: | 2457 |
| Deputy superintendent of insurance; | 2458 |
| Assistant superintendent of insurance, technical; | 2459 |
| Assistant superintendent of insurance, administrative; | 2460 |
| Assistant superintendent of insurance, research. | 2461 |
| Sec. 121.084. (A) All moneys collected under sections | 2462 |
| 1333.96, 3783.05, 3791.07, 4104.07, 4104.18, 4104.42, 4104.44, | 2463 |
| 4104.45, 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the | 2464 |
| Revised Code, and any other moneys collected by the division of | 2465 |
| industrial compliance shall be paid into the state treasury to the | 2466 |
| credit of the industrial compliance operating fund, which is | 2467 |
| hereby created. The department of commerce shall use the moneys in | 2468 |
| the fund for paying the operating expenses of the division and the | 2469 |
| administrative assessment described in division (B) of this | 2470 |
| section. | 2471 |
| (B) The director of commerce, with the approval of the | 2472 |
| director of budget and management, shall prescribe procedures for | 2473 |
| assessing the industrial compliance operating fund a proportionate | 2474 |
| share of the administrative costs of the department of commerce. | 2475 |
| The assessment shall be made in accordance with those procedures | 2476 |
| and be paid from the industrial compliance operating fund to the | 2477 |
| division of administration fund created in section 121.08 of the | 2478 |
| Revised Code. | 2479 |
| Sec. 121.36. (A) As used in this section, "home care | 2480 |

dependent adult" means an individual who resides in a private home 2481
or other noninstitutional and unlicensed living arrangement, 2482
without the presence of a parent or guardian, but has health and 2483
safety needs that require the provision of regularly scheduled 2484
home care services to remain in the home or other living 2485
arrangement because one of the following is the case: 2486

(1) The individual is at least twenty-one years of age but 2487
less than sixty years of age and has a disability. 2488

(2) The individual is sixty years of age or older, regardless 2489
of whether the individual has a disability. 2490

(B) Except as provided in division (D) of this section, the 2491
departments of mental retardation and developmental disabilities, 2492
aging, job and family services, and health shall implement this 2493
section with respect to all contracts for the provision of home 2494
care services to home care dependent adults that are paid for in 2495
whole or with federal, state, or local funds. Each department 2496
shall require all public and private entities that receive money 2497
from the department to comply with this section when entering into 2498
contracts for the provision of home care services to home care 2499
dependent adults that are paid for in whole or in part with 2500
federal, state, or local funds. Such entities may include county 2501
boards of mental retardation, area agencies on aging, county 2502
departments of job and family services, and boards of health of 2503
city and general health districts. 2504

(C) Beginning one year after the effective date of this 2505
section, each contract subject to this section shall include terms 2506
requiring that the provider of home care services to home care 2507
dependent adults have a system in place that effectively monitors 2508
whether the provider's employees fulfill their duty to perform the 2509
services when the services are scheduled to be performed. To be 2510
considered an effective monitoring system for purposes of the 2511
contract, the system established by a provider must include at 2512

| | |
|---|--|
| <u>least the following components:</u> | 2513 |
| <u>(1) A mechanism for identifying whether employees are fulfilling their duty to provide home care services when the services are scheduled to be provided;</u> | 2514 2515 2516 |
| <u>(2) A protocol to be followed in scheduling a substitute employee when the monitoring mechanism identifies that an employee has failed to provide home care services as scheduled, including standards for determining the length of time that may elapse without jeopardizing the health and safety of the home care dependent adult;</u> | 2517 2518 2519 2520 2521 2522 |
| <u>(3) Procedures for maintaining records of the information obtained through the monitoring mechanism and procedures for compiling annual reports of that information;</u> | 2523 2524 2525 |
| <u>(4) Procedures for conducting random checks of the accuracy of the monitoring system. For purposes of conducting these checks, random is considered not less than five nor more than fifteen per cent of the provider's employee work shifts.</u> | 2526 2527 2528 2529 |
| <u>(D) In implementing this section, the departments shall exempt providers of home care services who are self-employed providers with no other employees or are otherwise considered by the departments not to be agency providers. The departments shall conduct a study on how the exempted providers may be made subject to the requirement of identifying whether home care services are being provided when they are scheduled to be provided. Not later than two years after the effective date of this section, the departments shall prepare a report of their findings and recommendations. The report shall be submitted to the president of the senate and the speaker of the house of representatives.</u> | 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 |
| <u>(E) The departments of mental retardation and developmental disabilities, aging, job and family services, and health shall adopt rules as necessary to implement this section. The rules</u> | 2541 2542 2543 |

shall be adopted in accordance with Chapter 119. of the Revised Code. 2544
2545

Sec. 121.41. As used in sections 121.41 to 121.50 of the Revised Code: 2546
2547

(A) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code. 2548
2549

(B) "Appropriate licensing agency" means a public or private entity that is responsible for licensing, certifying, or registering persons who are engaged in a particular vocation. 2550
2551
2552

(C) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any officer or employee of the state or any political subdivision of the state. 2553
2554
2555

(D)(1) "State agency" has the same meaning as in section 1.60 of the Revised Code ~~but~~ and also includes any of the following: 2556
2557

(a) The Ohio retirement study council; 2558

(b) The public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, and state highway patrol retirement system; 2559
2560
2561

(c) The Ohio historical society. 2562

(2) "State agency" does not include any of the following: 2563

~~(1)~~(a) The general assembly; 2564

~~(2)~~(b) Any court; 2565

~~(3)~~(c) The secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices. 2566
2567

(E) "State employee" means any person who is an employee of a state agency or any person who does business with the state. 2568
2569

(F) "State officer" means any person who is elected or appointed to a public office in a state agency. 2570
2571

(G) "Wrongful act or omission" means an act or omission, 2572
committed in the course of office holding or employment, that is 2573
not in accordance with the requirements of law or ~~such~~ the 2574
standards of proper governmental conduct ~~as~~ that are commonly 2575
accepted in the community and thereby subverts, or tends to 2576
subvert, the process of government. 2577

Sec. 121.48. There is hereby created the office of the 2578
inspector general, to be headed by the inspector general. 2579

The governor shall appoint the inspector general, subject to 2580
section 121.49 of the Revised Code and the advice and consent of 2581
the senate. The inspector general shall hold office for a term 2582
coinciding with the term of the appointing governor. The governor 2583
may remove the inspector general from office only after delivering 2584
written notice to the inspector general of the reasons for which 2585
~~he~~ the governor intends to remove ~~him~~ the inspector general from 2586
office and providing ~~him~~ the inspector general with an opportunity 2587
to appear and show cause why ~~he~~ the inspector general should not 2588
be removed. 2589

In addition to the duties imposed by section 121.42 of the 2590
Revised Code, the inspector general shall manage the office of the 2591
inspector general. The inspector general shall establish and 2592
maintain offices in Columbus. 2593

The inspector general may appoint one or more deputy 2594
inspectors general. Each deputy inspector general shall serve for 2595
a term coinciding with the term of the appointing inspector 2596
general, and shall perform ~~such~~ the duties, including the 2597
performance of investigations, ~~as~~ that are assigned by the 2598
inspector general. All deputy inspectors general are in the 2599
unclassified service and serve at the pleasure of the inspector 2600
general. 2601

In addition to deputy inspectors general, the inspector 2602
general may appoint ~~such~~ professional, technical, and clerical 2603
employees ~~as~~ that are necessary for the effective and efficient 2604
operation of the office of the inspector general. All 2605
professional, technical, and clerical employees of the office of 2606
the inspector general are in the unclassified service and serve at 2607
the pleasure of the appointing inspector general. 2608

The inspector general may enter into any contracts that are 2609
necessary to the operation of the office of the inspector general. 2610
The contracts may include, but are not limited to, contracts for 2611
the services of persons who are experts in a particular field and 2612
whose expertise is necessary to the successful completion of an 2613
investigation. 2614

The inspector general may enter into agreements with state 2615
agencies for reimbursement of the costs of investigations by the 2616
inspector general under section 121.42 of the Revised Code and may 2617
accept from private parties reimbursement of the costs of 2618
investigations by the inspector general that result in judicial or 2619
administrative proceedings against the parties. 2620

Not later than the first day of March in each year, the 2621
inspector general shall publish an annual report summarizing the 2622
activities of ~~his~~ the inspector general's office during the 2623
previous calendar year. The annual report shall not disclose the 2624
results of any investigation insofar as the results are designated 2625
as confidential under section 121.44 of the Revised Code. 2626

The inspector general shall provide copies of ~~his~~ the 2627
inspector general's annual report to the governor and the general 2628
assembly. The inspector general also shall provide a copy of ~~his~~ 2629
the annual report to any other person who requests the copy and 2630
pays a fee prescribed by the inspector general. The fee shall not 2631
exceed the cost of reproducing and delivering the annual report. 2632

Sec. 121.482. There is hereby created in the state treasury 2633
the inspector general reimbursement fund. All amounts received by 2634
the inspector general under section 121.48 of the Revised Code as 2635
reimbursement of the costs of investigation shall be paid into the 2636
state treasury to the credit of the fund. Money in the fund shall 2637
be used for the expenses of the office of the inspector general. 2638

Sec. 121.62. (A) Each executive agency lobbyist and each 2639
employer shall file with the joint legislative ethics committee, 2640
within ten days following the engagement of an executive agency 2641
lobbyist, an initial registration statement showing all of the 2642
following: 2643

(1) The name, business address, and occupation of the 2644
executive agency lobbyist; 2645

(2) The name and business address of the employer or of the 2646
real party in interest on whose behalf the executive agency 2647
lobbyist is acting, if it is different from the employer. For the 2648
purposes of division (A) of this section, where a trade 2649
association or other charitable or fraternal organization that is 2650
exempt from federal income taxation under subsection 501(c) of the 2651
federal Internal Revenue Code is the employer, the statement need 2652
not list the names and addresses of every member of the 2653
association or organization, so long as the association or 2654
organization itself is listed. 2655

(3) A brief description of the executive agency decision to 2656
which the engagement relates; 2657

(4) The name of the executive agency or agencies to which the 2658
engagement relates. 2659

(B) In addition to the initial registration statement 2660
required by division (A) of this section, each executive agency 2661
lobbyist and employer shall file with the joint committee, not 2662

later than the last day of January, May, and September of each 2663
year, an updated registration statement that confirms the 2664
continuing existence of each engagement described in an initial 2665
registration statement and that lists the specific executive 2666
agency decisions that the lobbyist sought to influence under the 2667
engagement during the period covered by the updated statement, and 2668
with it any statement of expenditures required to be filed by 2669
section 121.63 of the Revised Code and any details of financial 2670
transactions required to be filed by section 121.64 of the Revised 2671
Code. 2672

(C) If an executive agency lobbyist is engaged by more than 2673
one employer, the lobbyist shall file a separate initial and 2674
updated registration statement for each engagement. If an employer 2675
engages more than one executive agency lobbyist, the employer need 2676
file only one updated registration statement under division (B) of 2677
this section, which shall contain the information required by 2678
division (B) of this section regarding all of the executive agency 2679
lobbyists engaged by the employer. 2680

(D)(1) A change in any information required by division 2681
(A)(1), (2), or (B) of this section shall be reflected in the next 2682
updated registration statement filed under division (B) of this 2683
section. 2684

(2) Within thirty days following the termination of an 2685
engagement, the executive agency lobbyist who was employed under 2686
the engagement shall send written notification of the termination 2687
to the joint committee. 2688

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2689
charged for filing an initial registration statement. All money 2690
collected from this fee shall be deposited into the ~~state treasury~~ 2691
~~to the credit of the joint legislative ethics committee fund~~ 2692
~~created under section 101.34 of the Revised Code~~ general revenue 2693
fund of the state. 2694

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

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

~~If the joint committee notifies the attorney general pursuant to this division, the joint committee shall also notify each~~

~~elected executive official and the director of each department 2727
created under section 121.02 of the Revised Code of the pending 2728
investigation. 2729~~

(H) On or before the fifteenth day of March of each year, the 2730
joint committee shall, in the manner and form that it determines, 2731
publish a report containing statistical information on the 2732
registration statements filed with it under this section during 2733
the preceding year. 2734

(I) If an employer who engages an executive agency lobbyist 2735
is the recipient of a contract, grant, lease, or other financial 2736
arrangement pursuant to which funds of the state or of an 2737
executive agency are distributed or allocated, the executive 2738
agency or any aggrieved party may consider the failure of the 2739
employer or the executive agency lobbyist to comply with this 2740
section as a breach of a material condition of the contract, 2741
grant, lease, or other financial arrangement. 2742

(J) Executive agency officials may require certification from 2743
any person seeking the award of a contract, grant, lease, or 2744
financial arrangement that the person and ~~his~~ the person's 2745
employer are in compliance with this section. 2746

Sec. 122.011. (A) The department of development shall develop 2747
and promote plans and programs designed to assure that state 2748
resources are efficiently used, economic growth is properly 2749
balanced, community growth is developed in an orderly manner, and 2750
local governments are coordinated with each other and the state, 2751
and for such purposes may do all of the following: 2752

(1) Serve as a clearinghouse for information, data, and other 2753
materials that may be helpful or necessary to persons or local 2754
governments, as provided in section 122.07 of the Revised Code; 2755

(2) Prepare and activate plans for the retention, 2756

| | |
|--|------|
| development, expansion, and use of the resources and commerce of | 2757 |
| the state, as provided in section 122.04 of the Revised Code; | 2758 |
| (3) Assist and cooperate with federal, state, and local | 2759 |
| governments and agencies of federal, state, and local governments | 2760 |
| in the coordination of programs to carry out the functions and | 2761 |
| duties of the department; | 2762 |
| (4) Encourage and foster research and development activities, | 2763 |
| conduct studies related to the solution of community problems, and | 2764 |
| develop recommendations for administrative or legislative actions, | 2765 |
| as provided in section 122.03 of the Revised Code; | 2766 |
| (5) Serve as the economic and community development planning | 2767 |
| agency, which shall prepare and recommend plans and programs for | 2768 |
| the orderly growth and development of this state and which shall | 2769 |
| provide planning assistance, as provided in section 122.06 of the | 2770 |
| Revised Code; | 2771 |
| (6) Cooperate with and provide technical assistance to state | 2772 |
| departments, political subdivisions, regional and local planning | 2773 |
| commissions, tourist associations, councils of government, | 2774 |
| community development groups, community action agencies, and other | 2775 |
| appropriate organizations for carrying out the functions and | 2776 |
| duties of the department or for the solution of community | 2777 |
| problems; | 2778 |
| (7) Coordinate the activities of state agencies that have an | 2779 |
| impact on carrying out the functions and duties of the department; | 2780 |
| (8) Encourage and assist the efforts of and cooperate with | 2781 |
| local governments to develop mutual and cooperative solutions to | 2782 |
| their common problems that relate to carrying out the purposes of | 2783 |
| this section; | 2784 |
| (9) Study existing structure, operations, and financing of | 2785 |
| regional or local government and those state activities that | 2786 |
| involve significant relations with regional or local governmental | 2787 |

units, recommend to the governor and to the general assembly such 2788
changes in these provisions and activities as will improve the 2789
operations of regional or local government, and conduct other 2790
studies of legal provisions that affect problems related to 2791
carrying out the purposes of this section; 2792

(10) Appoint, with the approval of the governor, technical 2793
and other advisory councils as it considers appropriate, as 2794
provided in section 122.09 of the Revised Code; 2795

(11) Create and operate a division of community development 2796
to develop and administer programs and activities that are 2797
authorized by federal statute or the Revised Code; 2798

(12) Until ~~July 1, 2003~~ October 15, 2005, establish fees and 2799
charges, in consultation with the director of agriculture, for 2800
purchasing loans from financial institutions and providing loan 2801
guarantees under the family farm loan program created under 2802
sections 901.80 to 901.83 of the Revised Code; 2803

(13) Provide loan servicing for the loans purchased and loan 2804
guarantees provided under section 901.80 of the Revised Code as 2805
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2806

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2807
by the controlling board under division (A)(3) of section 901.82 2808
of the Revised Code of the release of money to be used for 2809
purchasing a loan or providing a loan guarantee, request the 2810
release of that money in accordance with division (B) of section 2811
166.03 of the Revised Code for use for the purposes of the fund 2812
created by section 166.031 of the Revised Code. 2813

(B) The director of development may request the attorney 2814
general to, and the attorney general, in accordance with section 2815
109.02 of the Revised Code, shall bring a civil action in any 2816
court of competent jurisdiction. The director may be sued in the 2817
director's official capacity, in connection with this chapter, in 2818

| | |
|---|------|
| accordance with Chapter 2743. of the Revised Code. | 2819 |
| Sec. 122.04. The department of development shall <u>do the</u> | 2820 |
| <u>following:</u> | 2821 |
| (A) Maintain a continuing evaluation of the sources available | 2822 |
| for the retention, development, or expansion of industrial and | 2823 |
| commercial facilities in this state through both public and | 2824 |
| private agencies; | 2825 |
| (B) Assist public and private agencies in obtaining | 2826 |
| information necessary to evaluate the desirability of the | 2827 |
| retention, construction, or expansion of industrial and commercial | 2828 |
| facilities in the state; | 2829 |
| (C) Facilitate contracts between community improvement | 2830 |
| corporations organized under Chapter 1724. of the Revised Code or | 2831 |
| Ohio development corporations organized under Chapter 1726. of the | 2832 |
| Revised Code and industrial and commercial concerns seeking to | 2833 |
| locate or expand in Ohio <u>the state</u> ; | 2834 |
| (D) Upon request, consult with public agencies or authorities | 2835 |
| in the preparation of studies of human and economic needs or | 2836 |
| advantages relating to economic and community development; | 2837 |
| (E) Encourage, promote, and assist trade and commerce between | 2838 |
| this state and foreign nations; | 2839 |
| (F) Promote and encourage persons to visit and travel within | 2840 |
| this state; | 2841 |
| (G) Maintain membership in <u>the</u> national association of state | 2842 |
| development agencies; | 2843 |
| (H) Assist in the development of facilities and technologies | 2844 |
| that will lead to increased, environmentally sound use of Ohio | 2845 |
| coal; | 2846 |
| <u>(I) Promote economic growth in the state.</u> | 2847 |

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

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

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

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

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

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

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

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

| | |
|--|--|
| (B) The office shall do all of the following: | 2877 |
| (1) Act as liaison between the small business community and state governmental agencies; | 2878 2879 |
| (2) Furnish information and technical assistance to persons and small businesses concerning the establishment and maintenance of a small business, and concerning state laws and rules relevant to the operation of a small business. In conjunction with these duties, the office shall keep a record of all state agency rules affecting individuals, small businesses, or small organizations, as defined in section 121.24 of the Revised Code, and may testify before the joint committee on agency rule review concerning any proposed rule affecting individuals, small businesses, or small organizations. | 2880 2881 2882 2883 2884 2885 2886 2887 2888 2889 |
| (3) Prepare and publish the small business register under section 122.081 of the Revised Code; | 2890 2891 |
| (4) Receive complaints from small businesses concerning governmental activity, compile and analyze those complaints, and periodically make recommendations to the governor and the general assembly on changes in state laws or agency rules needed to eliminate burdensome and unproductive governmental regulation to improve the economic climate within which small businesses operate; | 2892 2893 2894 2895 2896 2897 2898 |
| (5) Receive complaints or questions from small businesses and direct such <u>those</u> businesses to the appropriate governmental agency. If, within a reasonable period of time, a complaint is not satisfactorily resolved or a question is not satisfactorily answered, the office shall, on behalf of the small business, make every effort to secure a satisfactory result. For this purpose, the office may consult with any state governmental agency and may make any suggestion or request that seems appropriate. | 2899 2900 2901 2902 2903 2904 2905 2906 |
| (6) Utilize, to the maximum extent possible, the printed and | 2907 |

electronic media to disseminate information of current concern and 2908
interest to the small business community and to make known to 2909
small businesses the services available through the office. The 2910
office shall publish such books, pamphlets, and other printed 2911
materials, and shall participate in such trade association 2912
meetings, conventions, fairs, and other meetings involving the 2913
small business community, as the manager considers appropriate. 2914

(7) Prepare for inclusion in the department of development's 2915
annual report to the governor and general assembly, a description 2916
of the activities of the office and a report of the number of 2917
rules affecting individuals, small businesses, and small 2918
organizations that were filed with the office under division 2919
(B)(2) of section 121.24 of the Revised Code, during the preceding 2920
calendar year; 2921

(8) Operate the Ohio ~~one-stop-business-permit-center~~ 2922
first-stop business connection to assist individuals in 2923
identifying and preparing applications for business licenses, 2924
permits, and certificates and to serve as the central public 2925
distributor for all forms, applications, and other information 2926
related to business licensing. Each state agency, board, and 2927
commission shall cooperate in providing assistance, information, 2928
and materials to enable the ~~center connection~~ to perform its 2929
duties under this division ~~(B)(8) of this section.~~ 2930

(C) The office ~~of small-business~~ may, upon the request of a 2931
state agency, assist the agency with the preparation of any rule 2932
that will affect individuals, small businesses, or small 2933
organizations. 2934

(D) The director of development shall assign ~~such~~ employees 2935
and furnish ~~such~~ equipment and supplies to the office as the 2936
director considers necessary for the proper performance of the 2937
duties assigned to the office. 2938

| | |
|---|--|
| Sec. 122.17. (A) As used in this section: | 2939 |
| (1) "Full-time employee" means an individual who is employed for consideration for at least thirty-five hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment. | 2940 2941 2942 2943 |
| (2) "New employee" means one of the following: | 2944 |
| (a) A full-time employee first employed by a taxpayer in the project that is the subject of the agreement after the taxpayer enters into a tax credit agreement with the tax credit authority under this section; | 2945 2946 2947 2948 |
| (b) A full-time employee first employed by a taxpayer in the project that is the subject of the tax credit after the tax credit authority approves a project for a tax credit under this section in a public meeting, as long as the taxpayer enters into the tax credit agreement prepared by the department of development after such meeting within sixty days after receiving the agreement from the department. If the taxpayer fails to enter into the agreement within sixty days, "new employee" has the same meaning as under division (A)(2)(a) of this section. | 2949 2950 2951 2952 2953 2954 2955 2956 2957 |
| Under division (A)(2)(a) or (b) of this section, if the tax credit authority determines it appropriate, "new employee" also may include an employee re-hired or called back from lay-off to work in a new facility or on a new product or service established or produced by the taxpayer after entering into the agreement under this section or after the tax credit authority approves the tax credit in a public meeting. "New employee" does not include any employee of the taxpayer who was previously employed in this state by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the tax credit agreement or after the tax credit authority approved the | 2958 2959 2960 2961 2962 2963 2964 2965 2966 2967 2968 |

credit in a public meeting, or any employee of the taxpayer for 2969
which the taxpayer has been granted a certificate under division 2970
(B) of section 5709.66 of the Revised Code. "New employee" also 2971
does not include an employee of the taxpayer who is employed in an 2972
employment position that was relocated to a project from other 2973
operations of the taxpayer in this state or from operations of a 2974
related member of the taxpayer in this state. In addition, "new 2975
employee" does not include a child, grandchild, parent, or spouse, 2976
other than a spouse who is legally separated from the individual, 2977
of any individual who is an employee of the taxpayer and who has a 2978
direct or indirect ownership interest of at least five per cent in 2979
the profits, capital, or value of the taxpayer. Such ownership 2980
interest shall be determined in accordance with section 1563 of 2981
the Internal Revenue Code and regulations prescribed thereunder. 2982

(3) "New income tax revenue" means the total amount withheld 2983
under section 5747.06 of the Revised Code by the taxpayer during 2984
the taxable year from the compensation of new employees for the 2985
tax levied under Chapter 5747. of the Revised Code. 2986

(4) "Related member" has the same meaning as under division 2987
(A)(6) of section 5733.042 of the Revised Code without regard to 2988
division (B) of that section. 2989

(B) The tax credit authority may make grants under this 2990
section to foster job creation in this state. Such a grant shall 2991
take the form of a refundable credit allowed against the tax 2992
imposed by section 5733.06 or 5747.02 of the Revised Code. The 2993
credit shall be claimed for the taxable years specified in the 2994
taxpayer's agreement with the tax credit authority under division 2995
(D) of this section. The credit shall be claimed after the 2996
allowance of all other credits provided by Chapter 5733. or 5747. 2997
of the Revised Code. The amount of the credit equals the new 2998
income tax revenue for the taxable year multiplied by the 2999
percentage specified in the agreement with the tax credit 3000

authority. 3001

(C) A taxpayer or potential taxpayer who proposes a project 3002
to create new jobs in this state may apply to the tax credit 3003
authority to enter into an agreement for a tax credit under this 3004
section. The director of development shall prescribe the form of 3005
the application. After receipt of an application, the authority 3006
may enter into an agreement with the taxpayer for a credit under 3007
this section if it determines all of the following: 3008

(1) The taxpayer's project will create new jobs in this 3009
state; 3010

(2) The taxpayer's project is economically sound and will 3011
benefit the people of this state by increasing opportunities for 3012
employment and strengthening the economy of this state; 3013

(3) Receiving the tax credit is a major factor in the 3014
taxpayer's decision to go forward with the project. 3015

(D) An agreement under this section shall include all of the 3016
following: 3017

(1) A detailed description of the project that is the subject 3018
of the agreement; 3019

(2) The term of the tax credit, which shall not exceed ~~ten~~ 3020
fifteen years, and the first taxable year for which the credit may 3021
be claimed; 3022

(3) A requirement that the taxpayer shall maintain operations 3023
at the project location for at least twice the number of years as 3024
the term of the tax credit; 3025

(4) The percentage, as determined by the tax credit 3026
authority, of new income tax revenue that will be allowed as the 3027
amount of the credit for each taxable year; 3028

(5) A specific method for determining how many new employees 3029
are employed during a taxable year; 3030

(6) A requirement that the taxpayer annually shall report to 3031
the director of development the number of new employees, the new 3032
income tax revenue withheld in connection with the new employees, 3033
and any other information the director needs to perform ~~his~~ the 3034
director's duties under this section; 3035

(7) A requirement that the director of development annually 3036
shall verify the amounts reported under division (D)(6) of this 3037
section, and after doing so shall issue a certificate to the 3038
taxpayer stating that the amounts have been verified; 3039

(8)(a) A provision requiring that the taxpayer, except as 3040
otherwise provided in division (D)(8)(b) of this section, shall 3041
not relocate employment positions from elsewhere in this state to 3042
the project site that is the subject of the agreement for the 3043
lesser of five years from the date the agreement is entered into 3044
or the number of years the taxpayer is entitled to claim the tax 3045
credit. 3046

(b) The taxpayer may relocate employment positions from 3047
elsewhere in this state to the project site that is the subject of 3048
the agreement if the director of development determines both of 3049
the following: 3050

(i) That the site from which the employment positions would 3051
be relocated is inadequate to meet market and industry conditions, 3052
expansion plans, consolidation plans, or other business 3053
considerations affecting the taxpayer; 3054

(ii) That the legislative authority of the county, township, 3055
or municipal corporation from which the employment positions would 3056
be relocated has been notified of the relocation. 3057

For purposes of this section, the movement of an employment 3058
position from one political subdivision to another political 3059
subdivision shall be considered a relocation of an employment 3060
position, but the transfer of an individual employee from one 3061

political subdivision to another political subdivision shall not 3062
be considered a relocation of an employment position as long as 3063
the individual's employment position in the first political 3064
subdivision is refilled. 3065

(E) If a taxpayer fails to meet or comply with any condition 3066
or requirement set forth in a tax credit agreement, the tax credit 3067
authority may amend the agreement to reduce the percentage or term 3068
of the tax credit. The reduction of the percentage or term shall 3069
take effect in the taxable year immediately following the taxable 3070
year in which the authority amends the agreement. If the taxpayer 3071
relocates employment positions in violation of the provision 3072
required under division (D)(8)(a) of this section, the taxpayer 3073
shall not claim the tax credit under section 5733.0610 of the 3074
Revised Code for any tax years following the calendar year in 3075
which the relocation occurs, or shall not claim the tax credit 3076
under section 5747.058 of the Revised Code for the taxable year in 3077
which the relocation occurs and any subsequent taxable years. 3078

(F) Projects that consist solely of point-of-final-purchase 3079
retail facilities are not eligible for a tax credit under this 3080
section. If a project consists of both point-of-final-purchase 3081
retail facilities and nonretail facilities, only the portion of 3082
the project consisting of the nonretail facilities is eligible for 3083
a tax credit and only the new income tax revenue from new 3084
employees of the nonretail facilities shall be considered when 3085
computing the amount of the tax credit. If a warehouse facility is 3086
part of a point-of-final-purchase retail facility and supplies 3087
only that facility, the warehouse facility is not eligible for a 3088
tax credit. Catalog distribution centers are not considered 3089
point-of-final-purchase retail facilities for the purposes of this 3090
division, and are eligible for tax credits under this section. 3091

(G) Financial statements and other information submitted to 3092
the department of development or the tax credit authority by an 3093

applicant or recipient of a tax credit under this section, and any 3094
information taken for any purpose from such statements or 3095
information, are not public records subject to section 149.43 of 3096
the Revised Code. However, the chairperson of the authority may 3097
make use of the statements and other information for purposes of 3098
issuing public reports or in connection with court proceedings 3099
concerning tax credit agreements under this section. Upon the 3100
request of the tax commissioner, the chairperson of the authority 3101
shall provide to the commissioner any statement or information 3102
submitted by an applicant or recipient of a tax credit in 3103
connection with the credit. The commissioner shall preserve the 3104
confidentiality of the statement or information. 3105

(H) A taxpayer claiming a credit under this section shall 3106
submit to the tax commissioner a copy of the director of 3107
development's certificate of verification under division (D)(7) of 3108
this section for the taxable year. However, failure to submit a 3109
copy of the certificate does not invalidate a claim for a credit. 3110

(I) The director of development, after consultation with the 3111
tax commissioner and in accordance with Chapter 119. of the 3112
Revised Code, shall adopt rules necessary to implement this 3113
section. The rules may provide for recipients of tax credits under 3114
this section to be charged fees to cover administrative costs of 3115
the tax credit program. At the time the director gives public 3116
notice under division (A) of section 119.03 of the Revised Code of 3117
the adoption of the rules, the director shall submit copies of the 3118
proposed rules to the chairpersons of the standing committees on 3119
economic development in the senate and the house of 3120
representatives. 3121

(J) For the purposes of this section, a taxpayer may include 3122
a partnership, a corporation that has made an election under 3123
subchapter S of chapter one of subtitle A of the Internal Revenue 3124
Code, or any other business entity through which income flows as a 3125

distributive share to its owners. A credit received under this 3126
section by a partnership, S-corporation, or other such business 3127
entity shall be apportioned among the persons to whom the income 3128
or profit of the partnership, S-corporation, or other entity is 3129
distributed, in the same proportions as those in which the income 3130
or profit is distributed. 3131

(K) If the director of development determines that a taxpayer 3132
who has received a credit under this section is not complying with 3133
the requirement under division (D)(3) of this section, the 3134
director shall notify the tax credit authority of the 3135
noncompliance. After receiving such a notice, and after giving the 3136
taxpayer an opportunity to explain the noncompliance, the tax 3137
credit authority may require the taxpayer to refund to this state 3138
a portion of the credit in accordance with the following: 3139

(1) If the taxpayer maintained operations at the project 3140
location for at least one and one-half times the number of years 3141
of the term of the tax credit, an amount not exceeding twenty-five 3142
per cent of the sum of any previously allowed credits under this 3143
section; 3144

(2) If the taxpayer maintained operations at the project 3145
location for at least the number of years of the term of the tax 3146
credit, an amount not exceeding fifty per cent of the sum of any 3147
previously allowed credits under this section; 3148

(3) If the taxpayer maintained operations at the project 3149
location for less than the number of years of the term of the tax 3150
credit, an amount not exceeding one hundred per cent of the sum of 3151
any previously allowed credits under this section. 3152

In determining the portion of the tax credit to be refunded 3153
to this state, the tax credit authority shall consider the effect 3154
of market conditions on the taxpayer's project and whether the 3155
taxpayer continues to maintain other operations in this state. 3156

After making the determination, the authority shall certify the 3157
amount to be refunded to the tax commissioner. The commissioner 3158
shall make an assessment for that amount against the taxpayer 3159
under Chapter 5733. or 5747. of the Revised Code. The time 3160
limitations on assessments under Chapter 5733. or 5747. of the 3161
Revised Code do not apply to an assessment under this division, 3162
but the commissioner shall make the assessment within one year 3163
after the date the authority certifies to the commissioner the 3164
amount to be refunded. 3165

(L) On or before the thirty-first day of March each year, the 3166
director of development shall submit a report to the governor, the 3167
president of the senate, and the speaker of the house of 3168
representatives on the tax credit program under this section. The 3169
report shall include information on the number of agreements that 3170
were entered into under this section during the preceding calendar 3171
year, a description of the project that is the subject of each 3172
such agreement, and an update on the status of projects under 3173
agreements entered into before the preceding calendar year. 3174

During the fifth year of the tax credit program, the director 3175
of development in conjunction with the director of budget and 3176
management shall conduct an evaluation of it. The evaluation shall 3177
include assessments of the effectiveness of the program in 3178
creating new jobs in this state and of the revenue impact of the 3179
program, and may include a review of the practices and experiences 3180
of other states with similar programs. The director of development 3181
shall submit a report on the evaluation to the governor, the 3182
president of the senate, and the speaker of the house of 3183
representatives on or before January 1, 1998. 3184

(M) There is hereby created the tax credit authority, which 3185
consists of the director of development and four other members 3186
appointed as follows: the governor, the president of the senate, 3187
and the speaker of the house of representatives each shall appoint 3188

one member who shall be a specialist in economic development; the 3189
governor also shall appoint a member who is a specialist in 3190
taxation. Of the initial appointees, the members appointed by the 3191
governor shall serve a term of two years; the members appointed by 3192
the president of the senate and the speaker of the house of 3193
representatives shall serve a term of four years. Thereafter, 3194
terms of office shall be for four years. Initial appointments to 3195
the authority shall be made within thirty days after January 13, 3196
1993. Each member shall serve on the authority until the end of 3197
the term for which the member was appointed. Vacancies shall be 3198
filled in the same manner provided for original appointments. Any 3199
member appointed to fill a vacancy occurring prior to the 3200
expiration of the term for which the member's predecessor was 3201
appointed shall hold office for the remainder of that term. 3202
Members may be reappointed to the authority. Members of the 3203
authority shall receive their necessary and actual expenses while 3204
engaged in the business of the authority. The director of 3205
development shall serve as chairperson of the authority, and the 3206
members annually shall elect a vice-chairperson from among 3207
themselves. Three members of the authority constitute a quorum to 3208
transact and vote on the business of the authority. The majority 3209
vote of the membership of the authority is necessary to approve 3210
any such business, including the election of the vice-chairperson. 3211

The director of development may appoint a professional 3212
employee of the department of development to serve as the 3213
director's substitute at a meeting of the authority. The director 3214
shall make the appointment in writing. In the absence of the 3215
director from a meeting of the authority, the appointed substitute 3216
shall serve as chairperson. In the absence of both the director 3217
and the director's substitute from a meeting, the vice-chairperson 3218
shall serve as chairperson. 3219

Sec. 122.171. (A) As used in this section: 3220

| | |
|--|------|
| (1) "Capital investment project" means a plan of investment | 3221 |
| at a project site for the acquisition, construction, renovation, | 3222 |
| or repair of buildings, machinery, or equipment, or for | 3223 |
| capitalized costs of basic research and new product development | 3224 |
| determined in accordance with generally accepted accounting | 3225 |
| principles, but does not include any of the following: | 3226 |
| (a) Payments made for the acquisition of personal property | 3227 |
| through operating leases; | 3228 |
| (b) Project costs paid before January 1, 2002, or after | 3229 |
| December 31, 2006; | 3230 |
| (c) Payments made to a related member as defined in section | 3231 |
| 5733.042 of the Revised Code. | 3232 |
| (2) "Eligible business" means a business with Ohio operations | 3233 |
| satisfying all of the following: | 3234 |
| (a) Employed an average of at least one thousand employees in | 3235 |
| full-time employment positions at a project site during each of | 3236 |
| the twelve months preceding the application for a tax credit under | 3237 |
| this section; and | 3238 |
| (b) On or after January 1, 2002, has made payments for the | 3239 |
| capital investment project of either of the following: | 3240 |
| (i) At least two hundred million dollars in the aggregate at | 3241 |
| the project site during a period of three consecutive calendar | 3242 |
| years including the calendar year that includes a day of the | 3243 |
| taxpayer's taxable year with respect to which the credit is | 3244 |
| granted; | 3245 |
| (ii) If the average wage of all full-time employment | 3246 |
| positions at the project site is greater than four hundred per | 3247 |
| cent of the federal minimum wage, at least one hundred million | 3248 |
| dollars in the aggregate at the project site during a period of | 3249 |
| three consecutive calendar years including the calendar year that | 3250 |

includes a day of the taxpayer's taxable year with respect to 3251
which the credit is granted. 3252

(c) Is engaged at the project site primarily as a 3253
manufacturer or is providing significant corporate administrative 3254
functions; 3255

(d) Has had a capital investment project reviewed and 3256
approved by the tax credit authority as provided in divisions (C), 3257
(D), and (E) of this section. 3258

(3) "Full-time employment position" means a position of 3259
employment for consideration for at least thirty-five hours a week 3260
that has been filled for at least one hundred eighty days 3261
immediately preceding the filing of an application under this 3262
section and for at least one hundred eighty days during each 3263
taxable year with respect to which the credit is granted. 3264

(4) "Manufacturer" has the same meaning as in section 3265
5739.011 of the Revised Code. 3266

(5) "Project site" means an integrated complex of facilities 3267
in this state, as specified by the tax credit authority under this 3268
section, within a fifteen-mile radius where a taxpayer is 3269
primarily operating as an eligible business. 3270

(6) "Applicable corporation" means a corporation satisfying 3271
all of the following: 3272

(a)(i) For the entire taxable year immediately preceding the 3273
tax year, the corporation develops software applications primarily 3274
to provide telecommunication billing and information services 3275
through outsourcing or licensing to domestic or international 3276
customers. 3277

(ii) Sales and licensing of software generated at least six 3278
hundred million dollars in revenue during the taxable year 3279
immediately preceding the tax year the corporation is first 3280

entitled to claim the credit provided under division (B) of this section. 3281
3282

(b) For the entire taxable year immediately preceding the tax year, the corporation or one or more of its related members provides customer or employee care and technical support for clients through one or more contact centers within this state, and the corporation and its related members together have a daily average, based on a three hundred sixty-five day year, of at least five hundred thousand successful customer contacts through one or more of their contact centers, wherever located. 3283
3284
3285
3286
3287
3288
3289
3290

(c) The corporation is eligible for the credit under division (B) of this section for the tax year. 3291
3292

(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly. 3293
3294
3295
3296

(8) "Successful customer contact" means a contact with an end user via telephone, including interactive voice recognition or similar means, where the contact culminates in a conversation or connection other than a busy signal or equipment busy. 3297
3298
3299
3300

(9) "Telecommunications" means all forms of telecommunications service as defined in section 5739.01 of the Revised Code, and includes services in wireless, wireline, cable, broadband, internet protocol, and satellite. 3301
3302
3303
3304

(10)(a) "Applicable difference" means the difference between the tax for the tax year under Chapter 5733. of the Revised Code applying the law in effect for that tax year, and the tax for that tax year if section 5733.042 of the Revised Code applied as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, subject to division (A)(10)(b) of this section. 3305
3306
3307
3308
3309
3310
3311

(b) If the tax rate set forth in division (B) of section 5733.06 of the Revised Code for the tax year is less than eight and one-half per cent, the tax calculated under division (A)(10)(a) of this section shall be computed by substituting a tax rate of eight and one-half per cent for the rate set forth in division (B) of section 5733.06 of the Revised Code for the tax year. 3312
3313
3314
3315
3316
3317
3318

(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero. 3319
3320

(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a period up to ~~ten~~ fifteen taxable years. The credit shall be in an amount not exceeding seventy-five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full-time employment positions at the project site during the calendar year that includes the last day of such business' taxable year with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full-time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit shall be claimed only for the taxable years specified in the eligible business' agreement with the tax credit authority under division (E) of this section, but in no event shall the credit be claimed for a taxable year terminating before the date specified in the 3321
3322
3323
3324
3325
3326
3327
3328
3329
3330
3331
3332
3333
3334
3335
3336
3337
3338
3339
3340
3341
3342
3343

agreement. 3344

The credit computed under this division is in addition to any 3345
credit allowed under division (M) of this section. 3346

Any unused portion of a tax credit may be carried forward for 3347
not more than three additional years after the year for which the 3348
credit is granted. 3349

(C) A taxpayer that proposes a capital investment project to 3350
retain jobs in this state may apply to the tax credit authority to 3351
enter into an agreement for a tax credit under this section. The 3352
director of development shall prescribe the form of the 3353
application. After receipt of an application, the authority shall 3354
forward copies of the application to the director of budget and 3355
management, the tax commissioner, and the director of development, 3356
each of whom shall review the application to determine the 3357
economic impact the proposed project would have on the state and 3358
the affected political subdivisions and shall submit a summary of 3359
their determinations and recommendations to the authority. The 3360
authority shall make no agreements under this section after June 3361
30, 2007. 3362

(D) Upon review of the determinations and recommendations 3363
described in division (C) of this section, the tax credit 3364
authority may enter into an agreement with the taxpayer for a 3365
credit under this section if the authority determines all of the 3366
following: 3367

(1) The taxpayer's capital investment project will result in 3368
the retention of full-time employment positions in this state. 3369

(2) The taxpayer is economically sound and has the ability to 3370
complete the proposed capital investment project. 3371

(3) The taxpayer intends to and has the ability to maintain 3372
operations at the project site for at least twice the term of the 3373
credit. 3374

| | |
|---|--|
| (4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project. | 3375 3376 |
| (5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project. | 3377 3378 3379 |
| (E) An agreement under this section shall include all of the following: | 3380 3381 |
| (1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site. | 3382 3383 3384 3385 |
| (2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section. | 3386 3387 3388 |
| (3) The term and percentage of the tax credit, and the first year for which the credit may be claimed. | 3389 3390 |
| (4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit. | 3391 3392 3393 |
| (5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division (E)(7) of this section. | 3394 3395 3396 3397 3398 3399 3400 |
| (6) A requirement that the taxpayer annually report to the director of development the number of full-time employment positions subject to the credit, the amount of tax withheld from employees in those positions, the amount of the payments made for | 3401 3402 3403 3404 |

the capital investment project, and any other information the 3405
director needs to perform the director's duties under this 3406
section. 3407

(7) A requirement that the director of development annually 3408
review the annual reports of the taxpayer to verify the 3409
information reported under division (E)(6) of this section and 3410
compliance with the agreement. Upon verification, the director 3411
shall issue a certificate to the taxpayer stating that the 3412
information has been verified and identifying the amount of the 3413
credit for the taxable year. The Unless otherwise specified by the 3414
tax credit authority in a resolution and included as part of the 3415
agreement, the director shall not issue a certificate for any year 3416
in which the total number of filled full-time employment positions 3417
for each day of the calendar year divided by three hundred 3418
sixty-five is less than ninety per cent of the full-time 3419
employment positions specified in division (E)(5) of this section. 3420
In determining the number of full-time employment positions, no 3421
position shall be counted that is filled by an employee who is 3422
included in the calculation of a tax credit under section 122.17 3423
of the Revised Code. 3424

(8)(a) A provision requiring that the taxpayer, except as 3425
otherwise provided in division (E)(8)(b) of this section, shall 3426
not relocate employment positions from elsewhere in this state to 3427
the project site that is the subject of the agreement for the 3428
lesser of five years from the date the agreement is entered into 3429
or the number of years the taxpayer is entitled to claim the 3430
credit. 3431

(b) The taxpayer may relocate employment positions from 3432
elsewhere in this state to the project site that is the subject of 3433
the agreement if the director of development determines both of 3434
the following: 3435

(i) That the site from which the employment positions would 3436

be relocated is inadequate to meet market and industry conditions, 3437
expansion plans, consolidation plans, or other business 3438
considerations affecting the taxpayer; 3439

(ii) That the legislative authority of the county, township, 3440
or municipal corporation from which the employment positions would 3441
be relocated has been notified of the relocation. 3442

For purposes of this section, the movement of an employment 3443
position from one political subdivision to another political 3444
subdivision shall be considered a relocation of an employment 3445
position unless the movement is confined to the project site. The 3446
transfer of an individual employee from one political subdivision 3447
to another political subdivision shall not be considered a 3448
relocation of an employment position as long as the individual's 3449
employment position in the first political subdivision is 3450
refilled. 3451

(9) A waiver by the taxpayer of any limitations periods 3452
relating to assessments or adjustments resulting from the 3453
taxpayer's failure to comply with the agreement. 3454

(F) If a taxpayer fails to meet or comply with any condition 3455
or requirement set forth in a tax credit agreement, the tax credit 3456
authority may amend the agreement to reduce the percentage or term 3457
of the credit. The reduction of the percentage or term shall take 3458
effect in the taxable year immediately following the taxable year 3459
in which the authority amends the agreement. If the taxpayer 3460
relocates employment positions in violation of the provision 3461
required under division (D)(8)(a) of this section, the taxpayer 3462
shall not claim the tax credit under section 5733.0610 of the 3463
Revised Code for any tax years following the calendar year in 3464
which the relocation occurs, or shall not claim the tax credit 3465
under section 5747.058 of the Revised Code for the taxable year in 3466
which the relocation occurs and any subsequent taxable years. 3467

(G) Financial statements and other information submitted to 3468
the department of development or the tax credit authority by an 3469
applicant for or recipient of a tax credit under this section, and 3470
any information taken for any purpose from such statements or 3471
information, are not public records subject to section 149.43 of 3472
the Revised Code. However, the chairperson of the authority may 3473
make use of the statements and other information for purposes of 3474
issuing public reports or in connection with court proceedings 3475
concerning tax credit agreements under this section. Upon the 3476
request of the tax commissioner, the chairperson of the authority 3477
shall provide to the commissioner any statement or other 3478
information submitted by an applicant for or recipient of a tax 3479
credit in connection with the credit. The commissioner shall 3480
preserve the confidentiality of the statement or other 3481
information. 3482

(H) A taxpayer claiming a tax credit under this section shall 3483
submit to the tax commissioner a copy of the director of 3484
development's certificate of verification under division (E)(7) of 3485
this section for the taxable year. However, failure to submit a 3486
copy of the certificate does not invalidate a claim for a credit. 3487

(I) For the purposes of this section, a taxpayer may include 3488
a partnership, a corporation that has made an election under 3489
subchapter S of chapter one of subtitle A of the Internal Revenue 3490
Code, or any other business entity through which income flows as a 3491
distributive share to its owners. A tax credit received under this 3492
section by a partnership, S-corporation, or other such business 3493
entity shall be apportioned among the persons to whom the income 3494
or profit of the partnership, S-corporation, or other entity is 3495
distributed, in the same proportions as those in which the income 3496
or profit is distributed. 3497

(J) If the director of development determines that a taxpayer 3498
that received a tax credit under this section is not complying 3499

with the requirement under division (E)(4) of this section, the 3500
director shall notify the tax credit authority of the 3501
noncompliance. After receiving such a notice, and after giving the 3502
taxpayer an opportunity to explain the noncompliance, the 3503
authority may terminate the agreement and require the taxpayer to 3504
refund to the state all or a portion of the credit claimed in 3505
previous years, as follows: 3506

(1) If the taxpayer maintained operations at the project site 3507
for less than the term of the credit, the amount required to be 3508
refunded shall not exceed the amount of any tax credits previously 3509
allowed and received under this section. 3510

(2) If the taxpayer maintained operations at the project site 3511
longer than the term of the credit but less than one and one-half 3512
times the term of the credit, the amount required to be refunded 3513
shall not exceed fifty per cent of the sum of any tax credits 3514
previously allowed and received under this section. 3515

(3) If the taxpayer maintained operations at the project site 3516
for at least one and one-half times the term of the credit but 3517
less than twice the term of the credit, the amount required to be 3518
refunded shall not exceed twenty-five per cent of the sum of any 3519
tax credits previously allowed and received under this section. 3520

In determining the portion of the credit to be refunded to 3521
this state, the authority shall consider the effect of market 3522
conditions on the taxpayer's project and whether the taxpayer 3523
continues to maintain other operations in this state. After making 3524
the determination, the authority shall certify the amount to be 3525
refunded to the tax commissioner. The commissioner shall make an 3526
assessment for that amount against the taxpayer under Chapter 3527
5733. or 5747. of the Revised Code. The time limitations on 3528
assessments under Chapter 5733. or 5747. of the Revised Code do 3529
not apply to an assessment under this division, but the 3530
commissioner shall make the assessment within one year after the 3531

date the authority certifies to the commissioner the amount to be 3532
refunded. 3533

If the director of development determines that a taxpayer 3534
that received a tax credit under this section has reduced the 3535
number of employees agreed to under division (E)(5) of this 3536
section by more than ten per cent, the director shall notify the 3537
tax credit authority of the noncompliance. After receiving such 3538
notice, and after providing the taxpayer an opportunity to explain 3539
the noncompliance, the authority may amend the agreement to reduce 3540
the percentage or term of the tax credit. The reduction in the 3541
percentage or term shall take effect in the taxable year in which 3542
the authority amends the agreement. 3543

(K) The director of development, after consultation with the 3544
tax commissioner and in accordance with Chapter 119. of the 3545
Revised Code, shall adopt rules necessary to implement this 3546
section. The rules may provide for recipients of tax credits under 3547
this section to be charged fees to cover administrative costs of 3548
the tax credit program. At the time the director gives public 3549
notice under division (A) of section 119.03 of the Revised Code of 3550
the adoption of the rules, the director shall submit copies of the 3551
proposed rules to the chairpersons of the standing committees on 3552
economic development in the senate and the house of 3553
representatives. 3554

(L) On or before the thirty-first day of March of each year, 3555
the director of development shall submit a report to the governor, 3556
the president of the senate, and the speaker of the house of 3557
representatives on the tax credit program under this section. The 3558
report shall include information on the number of agreements that 3559
were entered into under this section during the preceding calendar 3560
year, a description of the project that is the subject of each 3561
such agreement, and an update on the status of projects under 3562
agreements entered into before the preceding calendar year. 3563

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

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

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

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

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

(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. | 3594 3595 |
| (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; | 3596 3597 3598 3599 |
| (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; | 3600 3601 3602 3603 |
| (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; | 3604 3605 3606 3607 3608 |
| (7) Require each applicant to provide a marketing plan and management strategy for the project; | 3609 3610 |
| (8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: | 3611 3612 |
| (a) Forms and procedures by which eligible applicants may apply for assistance; | 3613 3614 |
| (b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program; | 3615 3616 3617 |
| (c) Reporting requirements and monitoring procedures; | 3618 |
| (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; | 3619 3620 3621 |
| (e) Any other rules necessary to implement and administer the program created by section 122.24 of the Revised Code. | 3622 3623 |

(B) The director may adopt rules in accordance with Chapter 3624
119. of the Revised Code establishing requirements governing the 3625
use of any industrial park site receiving assistance under section 3626
122.24 of the Revised Code, such that a certain portion of the 3627
site must be used for manufacturing, distribution, high 3628
technology, research and development, or other businesses wherein 3629
a majority of the product or service produced is exported out of 3630
the state. 3631

(C) As a condition to receiving assistance under section 3632
122.24 of the Revised Code, and except as provided in division (D) 3633
of this section, an applicant must agree, for a period of five 3634
years, not to permit the use of a site that is developed or 3635
improved with such assistance to cause the relocation of jobs to 3636
that site from elsewhere in Ohio. 3637

(D) A site developed or improved with assistance under 3638
section 122.24 of the Revised Code may be the site of jobs 3639
relocated from elsewhere in Ohio if the director of development 3640
does all of the following: 3641

(1) Makes a written determination that the site from which 3642
the jobs would be relocated is inadequate to meet market or 3643
industry conditions, expansion plans, consolidation plans, or 3644
other business considerations affecting the relocating employer; 3645

(2) Provides a copy of the determination required by division 3646
(D)(1) of this section to the members of the general assembly 3647
whose legislative districts include the site from which the jobs 3648
would be relocated, ~~and to the joint legislative committee on tax~~ 3649
~~incentives;~~ 3650

(3) Determines that the governing body of the area from which 3651
the jobs would be relocated has been notified in writing by the 3652
relocating company of the possible relocation. 3653

(E) The director of development must obtain the approval of 3654

the controlling board for any loan or loan guarantee provided 3655
under sections 122.23 to 122.27 of the Revised Code. 3656

Sec. 122.651. (A) There is hereby created the clean Ohio 3657
council consisting of the director of development or the 3658
director's designee, the director of environmental protection or 3659
the director's designee, the lieutenant governor or the lieutenant 3660
governor's designee, the director of the Ohio public works 3661
commission as a nonvoting, ex officio member, one member of the 3662
majority party of the senate and one member of the minority party 3663
of the senate to be appointed by the president of the senate, one 3664
member of the majority party of the house of representatives and 3665
one member of the minority party of the house of representatives 3666
to be appointed by the speaker of the house of representatives, 3667
and seven members to be appointed by the governor with the advice 3668
and consent of the senate. Of the members appointed by the 3669
governor, one shall represent the interests of counties, one shall 3670
represent the interests of townships, one shall represent the 3671
interests of municipal corporations, two shall represent the 3672
interests of business and development, and two shall represent 3673
statewide environmental advocacy organizations. The members 3674
appointed by the governor shall reflect the demographic and 3675
economic diversity of the population of the state. Additionally, 3676
the governor's appointments shall represent all areas of the 3677
state. All appointments to the council shall be made not later 3678
than one hundred twenty days after July 26, 2001. 3679

(B) The members appointed by the president of the senate and 3680
speaker of the house of representatives shall serve at the 3681
pleasure of their appointing authorities. Of the initial members 3682
appointed by the governor to the clean Ohio council, four shall be 3683
appointed for two years and three shall be appointed for one year. 3684
Thereafter, terms of office for members appointed by the governor 3685
shall be for two years, with each term ending on the same day of 3686

the same month as did the term that it succeeds. Each of those 3687
members shall hold office from the date of appointment until the 3688
end of the term for which the member is appointed. 3689

Members may be reappointed. Vacancies shall be filled in the 3690
same manner as provided for original appointments. Any member 3691
appointed to fill a vacancy occurring prior to the expiration date 3692
of the term for which the member was appointed shall hold office 3693
for the remainder of that term. A member shall continue in office 3694
after the expiration date of the member's term until the member's 3695
successor takes office or until a period of sixty days has 3696
elapsed, whichever occurs first. The governor may remove a member 3697
appointed by the governor for misfeasance, nonfeasance, or 3698
malfeasance in office. 3699

(C) The ~~director of development~~ governor shall appoint a 3700
member of the clean Ohio council to serve as the chairperson of 3701
the ~~clean Ohio~~ council. The director of development shall serve as 3702
the vice-chairperson of the council unless appointed chairperson. 3703
If the director is appointed chairperson, the council annually 3704
shall select from among its members a vice-chairperson to serve 3705
while the director is chairperson. The council annually shall 3706
select from among its members ~~a vice-chairperson and~~ a secretary 3707
to keep a record of its proceedings. A majority vote of a quorum 3708
of the members of the council is necessary to take action on any 3709
matter. The council may adopt bylaws governing its operation, 3710
including bylaws that establish the frequency of meetings, 3711
procedures for reviewing eligible projects under sections 122.65 3712
to 122.658 of the Revised Code and policies and requirements 3713
established under section 122.657 of the Revised Code, and other 3714
necessary procedures. 3715

(D) Members of the clean Ohio council shall be deemed to be 3716
public officials or officers only for the purposes of section 9.86 3717
and Chapters 102. and 2921. of the Revised Code. Serving as a 3718

member of the clean Ohio council does not constitute holding a 3719
public office or position of employment so as to constitute 3720
grounds for removal of public officers or employees serving as 3721
members of the council from their offices or positions of 3722
employment. Members of the council shall file with the Ohio ethics 3723
commission the disclosure statement described in division (A) of 3724
section 102.02 of the Revised Code on the form prescribed by the 3725
commission and be subject to divisions (C) and (D) of that 3726
section. Members of the council shall serve without compensation 3727
for attending council meetings, but shall receive their actual and 3728
necessary traveling and other expenses incurred in the performance 3729
of their official duties in accordance with the rules of the 3730
office of budget and management. 3731

(E) Members appointed by the governor to represent the 3732
interests of counties, townships, and municipal corporations do 3733
not have a conflict of interest by virtue of their service in the 3734
position. For the purposes of this division, "conflict of 3735
interest" means the taking of any action as a member of the 3736
council that affects a public agency the person serves as an 3737
officer or employee. 3738

(F) The department of development shall provide office space 3739
for the council. The council shall be assisted in its duties by 3740
the staff of the department of development and the environmental 3741
protection agency. 3742

(G) Sections 101.82 to 101.87 of the Revised Code do not 3743
apply to the clean Ohio council. 3744

Sec. 122.658. (A) The clean Ohio revitalization fund is 3745
hereby created in the state treasury. The fund shall consist of 3746
moneys credited to it pursuant to section 151.40 of the Revised 3747
Code. Moneys in the fund shall be used to make grants or loans for 3748
projects that have been approved by the clean Ohio council in 3749

accordance with section 122.653 of the Revised Code, except that 3750
the council annually shall devote twenty per cent of the net 3751
proceeds of obligations deposited in the clean Ohio revitalization 3752
fund for the purposes of section 122.656 of the Revised Code. 3753

Moneys in the clean Ohio revitalization fund may be used to 3754
pay reasonable costs incurred by the department of development and 3755
the environmental protection agency in administering sections 3756
122.65 to 122.658 of the Revised Code. All investment earnings of 3757
the fund shall be credited to the fund. ~~For two years after July~~ 3758
~~26, 2001, investment~~ Investment earnings credited to the clean 3759
Ohio revitalization fund may be used to pay costs incurred by the 3760
department of development and the environmental protection agency 3761
pursuant to sections 122.65 to 122.658 of the Revised Code. 3762

The department of development shall administer the clean Ohio 3763
revitalization fund in accordance with this section, policies and 3764
requirements established under section 122.657 of the Revised 3765
Code, and the terms of agreements entered into by the council 3766
under section 122.653 of the Revised Code. 3767

(B) Grants awarded and loans made under section 122.653 of 3768
the Revised Code shall provide not more than seventy-five per cent 3769
of the estimated total cost of a project. A grant or loan to any 3770
one project shall not exceed three million dollars. An applicant 3771
shall provide at least twenty-five per cent of the estimated total 3772
cost of a project. The applicant's share may consist of one or a 3773
combination of any of the following: 3774

(1) Payment of the cost of acquiring the property for the 3775
purposes of sections 122.65 to 122.658 of the Revised Code; 3776

(2) Payment of the reasonable cost of an assessment at the 3777
property; 3778

(3) The reasonable value, as determined by the council, of 3779
labor and materials that will be contributed by the applicant in 3780

performing the cleanup or remediation; 3781

(4) Moneys received by the applicant in any form for use in 3782
performing the cleanup or remediation; 3783

(5) Loans secured by the applicant for the purpose of the 3784
cleanup or remediation of the brownfield. 3785

Costs that were incurred more than two years prior to the 3786
submission of an application to the clean Ohio council for the 3787
acquisition of property, assessments, and labor and materials 3788
shall not be used as part of the applicant's matching share. 3789

(C) The department of development shall not make any payment 3790
to an applicant from the clean Ohio revitalization fund to pay 3791
costs of the applicant that were not included in an application 3792
for a grant or loan under section 122.653 of the Revised Code or 3793
that exceed the amount of the estimated total cost of the project 3794
included in the application. If, upon completion of a project, the 3795
costs of the project are less than the amounts included in the 3796
application, the amounts included in the application less the 3797
amounts of the actual costs of the project shall be credited to 3798
the clean Ohio revitalization fund. However, the amounts credited 3799
shall be equivalent in percentage to the percentage of the costs 3800
of the project that were to be funded by the grant or loan from 3801
the fund. 3802

(D) Grants awarded or loans made under section 122.653 of the 3803
Revised Code from the clean Ohio revitalization fund shall be used 3804
by an applicant only to pay the costs of the actual cleanup or 3805
remediation of a brownfield and shall not be used by an applicant 3806
to pay any administrative costs incurred by the applicant. Costs 3807
related to the use of a certified professional for purposes of 3808
section 122.654 of the Revised Code are not administrative costs 3809
and may be paid with moneys from grants awarded or loans made 3810
under section 122.653 of the Revised Code. 3811

(E) The portion of net proceeds of obligations devoted under 3812
division (A) of this section for the purposes of section 122.656 3813
of the Revised Code shall be used to make grants for assessments, 3814
cleanup or remediation of brownfields, and public health projects 3815
that have been approved by the director of development under that 3816
section. The department of development shall administer section 3817
122.656 of the Revised Code in accordance with this section, 3818
policies and requirements established under section 122.657 of the 3819
Revised Code, and the terms of agreements entered into by the 3820
director under section 122.656 of the Revised Code. The director 3821
shall not grant more than twenty-five million dollars for public 3822
health projects under section 122.656 of the Revised Code. 3823

(F) Grants awarded under section 122.656 of the Revised Code 3824
shall be used by an applicant only to pay the costs of actually 3825
conducting an assessment, a cleanup or remediation of a 3826
brownfield, or a public health project and shall not be used by an 3827
applicant to pay any administrative costs incurred by the 3828
applicant. Costs related to the use of a certified professional 3829
for purposes of section 122.654 of the Revised Code are not 3830
administrative costs and may be paid with moneys from grants 3831
awarded under section 122.656 of the Revised Code. 3832

(G)(1) The clean Ohio revitalization revolving loan fund is 3833
hereby created in the state treasury. Payments of principal and 3834
interest on loans made from the clean Ohio revitalization fund 3835
shall be credited to this revolving loan fund, as shall payments 3836
of principal and interest on loans made from the revolving loan 3837
fund itself. The revolving loan fund's investment earnings shall 3838
be credited to it. 3839

(2) The clean Ohio revitalization revolving loan fund shall 3840
be used to make loans for the same purposes and subject to the 3841
same policies, requirements, criteria, and application procedures 3842
as loans made from the clean Ohio revitalization fund. 3843

| | |
|---|------|
| Sec. 122.87. As used in sections 122.87 to 122.89 <u>122.90</u> of | 3844 |
| the Revised Code: | 3845 |
| (A) "Surety company" means a company that is authorized by | 3846 |
| the department of insurance to issue bonds as surety. | 3847 |
| (B) "Minority business" means any of the following | 3848 |
| occupations: | 3849 |
| (1) Minority construction contractor; | 3850 |
| (2) Minority seller; | 3851 |
| (3) Minority service vendor. | 3852 |
| (C) "Minority construction contractor" means a person who is | 3853 |
| both a construction contractor and an owner of a minority business | 3854 |
| enterprise certified under division (B) of section 123.151 of the | 3855 |
| Revised Code. | 3856 |
| (D) "Minority seller" means a person who is both a seller of | 3857 |
| goods and an owner of a minority business enterprise listed on the | 3858 |
| special minority business enterprise bid notification list under | 3859 |
| division (B) of section 125.08 of the Revised Code. | 3860 |
| (E) "Minority service vendor" means a person who is both a | 3861 |
| vendor of services and an owner of a minority business enterprise | 3862 |
| listed on the special minority business enterprise bid | 3863 |
| notification list under division (B) of section 125.08 of the | 3864 |
| Revised Code. | 3865 |
| (F) "Minority business enterprise" has the meaning given in | 3866 |
| section 122.71 of the Revised Code. | 3867 |
| <u>(G) "EDGE business enterprise" means a sole proprietorship,</u> | 3868 |
| <u>association, partnership, corporation, limited liability</u> | 3869 |
| <u>corporation, or joint venture certified as a participant in the</u> | 3870 |
| <u>encouraging diversity, growth, and equity program by the director</u> | 3871 |
| <u>of administrative services under section 123.152 of the Revised</u> | 3872 |

Code. 3873

Sec. 122.88. (A) There is hereby created in the state 3874
treasury the minority business bonding fund, consisting of moneys 3875
deposited or credited to it pursuant to section 169.05 of the 3876
Revised Code; all grants, gifts, and contributions received 3877
pursuant to division (B)(9) of section 122.74 of the Revised Code; 3878
all moneys recovered following defaults; and any other moneys 3879
obtained by the director of development for the purposes of 3880
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 3881
shall be administered by the director. Moneys in the fund shall be 3882
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 3883
of the Revised Code. 3884

(B) Any claims against the state arising from defaults shall 3885
be payable from the minority business bonding program 3886
administrative and loss reserve fund as provided in division (C) 3887
of this section or from the minority business bonding fund. 3888
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 3889
grants or pledges to any obligee or other person any state moneys 3890
other than the moneys in the minority business bonding program 3891
administrative and loss reserve fund or the minority business 3892
bonding fund, or moneys available to the minority business bonding 3893
fund upon request of the director in accordance with division (B) 3894
of section 169.05 of the Revised Code. 3895

(C) There is hereby created in the state treasury the 3896
minority business bonding program administrative and loss reserve 3897
fund, consisting of all premiums charged and collected in 3898
accordance with section 122.89 of the Revised Code and any 3899
interest income earned from the moneys in the minority business 3900
bonding fund. All expenses of the director and the minority 3901
development financing advisory board in carrying out the purposes 3902
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 3903

paid from the minority business bonding program administrative and 3904
loss reserve fund. 3905

Any moneys to the credit of the minority business bonding 3906
program administrative and loss reserve fund in excess of the 3907
amount necessary to fund the appropriation authority for the 3908
minority business bonding program administrative and loss reserve 3909
fund shall be held as a loss reserve to pay claims arising from 3910
defaults on surety bonds underwritten in accordance with section 3911
122.89 of the Revised Code or guaranteed in accordance with 3912
section 122.90 of the Revised Code. If the balance of funds in the 3913
minority business bonding program administrative and loss reserve 3914
fund is insufficient to pay a claim against the state arising from 3915
default, then such claim shall be payable from the minority 3916
business bonding fund. 3917

Sec. 122.90. (A) The director of development may guarantee 3918
bonds executed by sureties for minority businesses and EDGE 3919
business enterprises certified under section 123.152 of the 3920
Revised Code as principals on contracts with the state, any 3921
political subdivision or instrumentality, or any person as the 3922
obligee. The director, as guarantor, may exercise all the rights 3923
and powers of a company authorized by the department of insurance 3924
to guarantee bonds under Chapter 3929. of the Revised Code but 3925
otherwise is not subject to any laws related to a guaranty company 3926
under Title XXXIX of the Revised Code nor to any rules of the 3927
department of insurance. 3928

(B) The director shall adopt rules under Chapter 119. of the 3929
Revised Code to establish procedures for the application for bond 3930
guarantees and the review and approval of applications for bond 3931
guarantees submitted by sureties that execute bonds eligible for 3932
guarantees under division (A) of this section. 3933

(C) In accordance with rules adopted pursuant to this 3934

section, the director may guarantee up to ninety per cent of the 3935
loss incurred and paid by sureties on bonds guaranteed under 3936
division (A) of this section. 3937

(D) The penal sum amounts of all outstanding guarantees made 3938
by the director under this section shall not exceed three times 3939
the difference between the amount of moneys in the minority 3940
business bonding fund and available to the fund under division (B) 3941
of section 169.05 of the Revised Code and the amount of all 3942
outstanding bonds issued by the director in accordance with 3943
division (A) of section 122.89 of the Revised Code. 3944

Sec. 123.01. (A) The department of administrative services, 3945
in addition to those powers enumerated in Chapters 124. and 125. 3946
of the Revised Code, and as provided elsewhere by law, shall 3947
exercise the following powers: 3948

(1) To prepare, or contract to be prepared, by licensed 3949
engineers or architects, surveys, general and detailed plans, 3950
specifications, bills of materials, and estimates of cost for any 3951
projects, improvements, or public buildings to be constructed by 3952
state agencies that may be authorized by legislative 3953
appropriations or any other funds made available therefor, 3954
provided that the construction of the projects, improvements, or 3955
public buildings is a statutory duty of the department. This 3956
section does not require the independent employment of an 3957
architect or engineer as provided by section 153.01 of the Revised 3958
Code in the cases to which that section applies nor affect or 3959
alter the existing powers of the director of transportation. 3960

(2) To have general supervision over the construction of any 3961
projects, improvements, or public buildings constructed for a 3962
state agency and over the inspection of materials previous to 3963
their incorporation into those projects, improvements, or 3964
buildings; 3965

(3) To make contracts for and supervise the construction of 3966
any projects and improvements or the construction and repair of 3967
buildings under the control of a state agency, except contracts 3968
for the repair of buildings under the management and control of 3969
the departments of public safety, job and family services, mental 3970
health, mental retardation and developmental disabilities, 3971
rehabilitation and correction, and youth services, the bureau of 3972
workers' compensation, the rehabilitation services commission, and 3973
boards of trustees of educational and benevolent institutions. 3974
These contracts shall be made and entered into by the directors of 3975
public safety, job and family services, mental health, mental 3976
retardation and developmental disabilities, rehabilitation and 3977
correction, and youth services, the administrator of workers' 3978
compensation, the rehabilitation services commission, and the 3979
boards of trustees of such institutions, respectively. All such 3980
contracts may be in whole or in part on unit price basis of 3981
maximum estimated cost, with payment computed and made upon actual 3982
quantities or units. 3983

(4) To prepare and suggest comprehensive plans for the 3984
development of grounds and buildings under the control of a state 3985
agency; 3986

(5) To acquire, by purchase, gift, devise, lease, or grant, 3987
all real estate required by a state agency, in the exercise of 3988
which power the department may exercise the power of eminent 3989
domain, in the manner provided by sections 163.01 to 163.22 of the 3990
Revised Code; 3991

(6) To make and provide all plans, specifications, and models 3992
for the construction and perfection of all systems of sewerage, 3993
drainage, and plumbing for the state in connection with buildings 3994
and grounds under the control of a state agency; 3995

(7) To erect, supervise, and maintain all public monuments 3996

and memorials erected by the state, except where the supervision 3997
and maintenance is otherwise provided by law; 3998

(8) To procure, by lease, storage accommodations for a state 3999
agency; 4000

(9) To lease or grant easements or licenses for unproductive 4001
and unused lands or other property under the control of a state 4002
agency. Such leases, easements, or licenses shall be granted for a 4003
period not to exceed fifteen years and shall be executed for the 4004
state by the director of administrative services and the governor 4005
and shall be approved as to form by the attorney general, provided 4006
that leases, easements, or licenses may be granted to any county, 4007
township, municipal corporation, port authority, water or sewer 4008
district, school district, library district, health district, park 4009
district, soil and water conservation district, conservancy 4010
district, or other political subdivision or taxing district, or 4011
any agency of the United States government, for the exclusive use 4012
of that agency, political subdivision, or taxing district, without 4013
any right of sublease or assignment, for a period not to exceed 4014
fifteen years, and provided that the director shall grant leases, 4015
easements, or licenses of university land for periods not to 4016
exceed twenty-five years for purposes approved by the respective 4017
university's board of trustees wherein the uses are compatible 4018
with the uses and needs of the university and may grant leases of 4019
university land for periods not to exceed forty years for purposes 4020
approved by the respective university's board of trustees pursuant 4021
to section 123.77 of the Revised Code. 4022

(10) To lease office space in buildings for the use of a 4023
state agency; 4024

(11) To have general supervision and care of the storerooms, 4025
offices, and buildings leased for the use of a state agency; 4026

(12) To exercise general custodial care of all real property 4027

of the state; 4028

(13) To assign and group together state offices in any city 4029
in the state and to establish, in cooperation with the state 4030
agencies involved, rules governing space requirements for office 4031
or storage use; 4032

(14) To lease for a period not to exceed forty years, 4033
pursuant to a contract providing for the construction thereof 4034
under a lease-purchase plan, buildings, structures, and other 4035
improvements for any public purpose, and, in conjunction 4036
therewith, to grant leases, easements, or licenses for lands under 4037
the control of a state agency for a period not to exceed forty 4038
years. The lease-purchase plan shall provide that at the end of 4039
the lease period, the buildings, structures, and related 4040
improvements, together with the land on which they are situated, 4041
shall become the property of the state without cost. 4042

(a) Whenever any building, structure, or other improvement is 4043
to be so leased by a state agency, the department shall retain 4044
either basic plans, specifications, bills of materials, and 4045
estimates of cost with sufficient detail to afford bidders all 4046
needed information or, alternatively, all of the following plans, 4047
details, bills of materials, and specifications: 4048

(i) Full and accurate plans suitable for the use of mechanics 4049
and other builders in the improvement; 4050

(ii) Details to scale and full sized, so drawn and 4051
represented as to be easily understood; 4052

(iii) Accurate bills showing the exact quantity of different 4053
kinds of material necessary to the construction; 4054

(iv) Definite and complete specifications of the work to be 4055
performed, together with such directions as will enable a 4056
competent mechanic or other builder to carry them out and afford 4057
bidders all needed information; 4058

(v) A full and accurate estimate of each item of expense and 4059
of the aggregate cost thereof. 4060

(b) The department shall give public notice, in such 4061
newspaper, in such form, and with such phraseology as the director 4062
of administrative services prescribes, published once each week 4063
for four consecutive weeks, of the time when and place where bids 4064
will be received for entering into an agreement to lease to a 4065
state agency a building, structure, or other improvement. The last 4066
publication shall be at least eight days preceding the day for 4067
opening the bids. The bids shall contain the terms upon which the 4068
builder would propose to lease the building, structure, or other 4069
improvement to the state agency. The form of the bid approved by 4070
the department shall be used, and a bid is invalid and shall not 4071
be considered unless that form is used without change, alteration, 4072
or addition. Before submitting bids pursuant to this section, any 4073
builder shall comply with Chapter 153. of the Revised Code. 4074

(c) On the day and at the place named for receiving bids for 4075
entering into lease agreements with a state agency, the director 4076
of administrative services shall open the bids and shall publicly 4077
proceed immediately to tabulate the bids upon duplicate sheets. No 4078
lease agreement shall be entered into until the bureau of workers' 4079
compensation has certified that the person to be awarded the lease 4080
agreement has complied with Chapter 4123. of the Revised Code, 4081
until, if the builder submitting the lowest and best bid is a 4082
foreign corporation, the secretary of state has certified that the 4083
corporation is authorized to do business in this state, until, if 4084
the builder submitting the lowest and best bid is a person 4085
nonresident of this state, the person has filed with the secretary 4086
of state a power of attorney designating the secretary of state as 4087
its agent for the purpose of accepting service of summons in any 4088
action brought under Chapter 4123. of the Revised Code, and until 4089
the agreement is submitted to the attorney general and the 4090

attorney general's approval is certified thereon. Within thirty 4091
days after the day on which the bids are received, the department 4092
shall investigate the bids received and shall determine that the 4093
bureau and the secretary of state have made the certifications 4094
required by this section of the builder who has submitted the 4095
lowest and best bid. Within ten days of the completion of the 4096
investigation of the bids, the department shall award the lease 4097
agreement to the builder who has submitted the lowest and best bid 4098
and who has been certified by the bureau and secretary of state as 4099
required by this section. If bidding for the lease agreement has 4100
been conducted upon the basis of basic plans, specifications, 4101
bills of materials, and estimates of costs, upon the award to the 4102
builder the department, or the builder with the approval of the 4103
department, shall appoint an architect or engineer licensed in 4104
this state to prepare such further detailed plans, specifications, 4105
and bills of materials as are required to construct the building, 4106
structure, or improvement. The department shall adopt such rules 4107
as are necessary to give effect to this section. The department 4108
may reject any bid. Where there is reason to believe there is 4109
collusion or combination among bidders, the bids of those 4110
concerned therein shall be rejected. 4111

(15) To acquire by purchase, gift, devise, or grant and to 4112
transfer, lease, or otherwise dispose of all real property 4113
required to assist in the development of a conversion facility as 4114
defined in section 5709.30 of the Revised Code; 4115

(16) To lease for a period not to exceed forty years, 4116
notwithstanding any other division of this section, the 4117
state-owned property located at 408-450 East Town Street, 4118
Columbus, Ohio, formerly the state school for the deaf, to a 4119
developer in accordance with this section. "Developer," as used in 4120
this section, has the same meaning as in section 123.77 of the 4121
Revised Code. 4122

Such a lease shall be for the purpose of development of the 4123
land for use by senior citizens by constructing, altering, 4124
renovating, repairing, expanding, and improving the site as it 4125
existed on June 25, 1982. A developer desiring to lease the land 4126
shall prepare for submission to the department a plan for 4127
development. Plans shall include provisions for roads, sewers, 4128
water lines, waste disposal, water supply, and similar matters to 4129
meet the requirements of state and local laws. The plans shall 4130
also include provision for protection of the property by insurance 4131
or otherwise, and plans for financing the development, and shall 4132
set forth details of the developer's financial responsibility. 4133

The department may employ, as employees or consultants, 4134
persons needed to assist in reviewing the development plans. Those 4135
persons may include attorneys, financial experts, engineers, and 4136
other necessary experts. The department shall review the 4137
development plans and may enter into a lease if it finds all of 4138
the following: 4139

(a) The best interests of the state will be promoted by 4140
entering into a lease with the developer; 4141

(b) The development plans are satisfactory; 4142

(c) The developer has established the developer's financial 4143
responsibility and satisfactory plans for financing the 4144
development. 4145

The lease shall contain a provision that construction or 4146
renovation of the buildings, roads, structures, and other 4147
necessary facilities shall begin within one year after the date of 4148
the lease and shall proceed according to a schedule agreed to 4149
between the department and the developer or the lease will be 4150
terminated. The lease shall contain such conditions and 4151
stipulations as the director considers necessary to preserve the 4152
best interest of the state. Moneys received by the state pursuant 4153

to this lease shall be paid into the general revenue fund. The 4154
lease shall provide that at the end of the lease period the 4155
buildings, structures, and related improvements shall become the 4156
property of the state without cost. 4157

(17) To lease to any person any tract of land owned by the 4158
state and under the control of the department, or any part of such 4159
a tract, for the purpose of drilling for or the pooling of oil or 4160
gas. Such a lease shall be granted for a period not exceeding 4161
forty years, with the full power to contract for, determine the 4162
conditions governing, and specify the amount the state shall 4163
receive for the purposes specified in the lease, and shall be 4164
prepared as in other cases. 4165

(18) Biennially implement, by state agency location, a census 4166
of agency employees assigned space; 4167

(19) Require each state agency to categorize periodically the 4168
use of space allotted to the agency between office space, common 4169
areas, storage space, and other uses and report its findings to 4170
the department; 4171

(20) Create and update periodically a master space 4172
utilization plan for all space allotted to state agencies. The 4173
plan shall incorporate space utilization metrics. 4174

(21) Conduct periodically a cost-benefit analysis to 4175
determine the effectiveness of state-owned buildings; 4176

(22) Assess periodically the alternatives associated with 4177
consolidating the commercial leases for buildings located in 4178
Columbus; 4179

(23) Commission a comprehensive space utilization and 4180
capacity study in order to determine the feasibility of 4181
consolidating existing commercially leased space used by state 4182
agencies into a new state-owned facility. 4183

(B) This section and section 125.02 of the Revised Code shall 4184
not interfere with any of the following: 4185

(1) The power of the adjutant general to purchase military 4186
supplies, or with the custody of the adjutant general of property 4187
leased, purchased, or constructed by the state and used for 4188
military purposes, or with the functions of the adjutant general 4189
as director of state armories; 4190

(2) The power of the director of transportation in acquiring 4191
rights-of-way for the state highway system, or the leasing of 4192
lands for division or resident district offices, or the leasing of 4193
lands or buildings required in the maintenance operations of the 4194
department of transportation, or the purchase of real property for 4195
garage sites or division or resident district offices, or in 4196
preparing plans and specifications for and constructing such 4197
buildings as the director may require in the administration of the 4198
department; 4199

(3) The power of the director of public safety and the 4200
registrar of motor vehicles to purchase or lease real property and 4201
buildings to be used solely as locations to which a deputy 4202
registrar is assigned pursuant to division (B) of section 4507.011 4203
of the Revised Code and from which the deputy registrar is to 4204
conduct the deputy registrar's business, the power of the director 4205
of public safety to purchase or lease real property and buildings 4206
to be used as locations for division or district offices as 4207
required in the maintenance of operations of the department of 4208
public safety, and the power of the superintendent of the state 4209
highway patrol in the purchase or leasing of real property and 4210
buildings needed by the patrol, to negotiate the sale of real 4211
property owned by the patrol, to rent or lease real property owned 4212
or leased by the patrol, and to make or cause to be made repairs 4213
to all property owned or under the control of the patrol; 4214

(4) The power of the division of liquor control in the 4215
leasing or purchasing of retail outlets and warehouse facilities 4216
for the use of the division; 4217

(5) The power of the director of development to enter into 4218
leases of real property, buildings, and office space to be used 4219
solely as locations for the state's foreign offices to carry out 4220
the purposes of section 122.05 of the Revised Code. 4221

(C) Purchases for, and the custody and repair of, buildings 4222
under the management and control of the capitol square review and 4223
advisory board, the rehabilitation services commission, the bureau 4224
of workers' compensation, or the departments of public safety, job 4225
and family services, mental health, mental retardation and 4226
developmental disabilities, and rehabilitation and correction, and 4227
buildings of educational and benevolent institutions under the 4228
management and control of boards of trustees, are not subject to 4229
the control and jurisdiction of the department of administrative 4230
services. 4231

(D) Any instrument by which real property is acquired 4232
pursuant to this section shall identify the agency of the state 4233
that has the use and benefit of the real property as specified in 4234
section 5301.012 of the Revised Code. 4235

Sec. 123.152. (A) As used in this section, "EDGE business 4236
enterprise" means a sole proprietorship, association, partnership, 4237
corporation, limited liability corporation, or joint venture 4238
certified as a participant in the encouraging diversity, growth, 4239
and equity program by the director of administrative services 4240
under this section of the Revised Code. 4241

(B) The director of administrative services shall establish a 4242
business assistance program known as the encouraging diversity, 4243
growth, and equity program and shall adopt rules in accordance 4244

with Chapter 119. of the Revised Code to administer the program 4245
and that do all of the following: 4246

(1) Establish procedures by which a sole proprietorship, 4247
association, partnership, corporation, limited liability 4248
corporation, or joint venture may apply for certification as an 4249
EDGE business enterprise; 4250

(2) Establish agency procurement goals for contracting with 4251
EDGE business enterprises in the award of contracts under Chapters 4252
123., 125., and 153. of the Revised Code based on the availability 4253
of eligible program participants by region or geographic area, as 4254
determined by the director, and by standard industrial code. 4255

(a) Goals established under division (B)(2) of this section 4256
shall be based on a percentage level of participation and a 4257
percentage of contractor availability. 4258

(b) Goals established under division (B)(2) of this section 4259
shall be applied at the contract level, relative to an overall 4260
dollar goal for each state agency, in accordance with the 4261
following certification categories: construction, architecture, 4262
and engineering; professional services; goods and services; and 4263
information technology services. 4264

(3) Establish a system of certifying EDGE business 4265
enterprises based on a requirement that the business owner or 4266
owners show both social and economic disadvantage based on the 4267
following, as determined to be sufficient by the director: 4268

(a) Relative wealth of the business seeking certification as 4269
well as the personal wealth of the owner or owners of the 4270
business; 4271

(b) Social disadvantage based on any of the following: 4272

(i) A rebuttable presumption when the business owner or 4273
owners demonstrate membership in a racial minority group or show 4274

| | |
|---|------|
| <u>personal disadvantage due to color, ethnic origin, gender,</u> | 4275 |
| <u>physical disability, long-term residence in an environment</u> | 4276 |
| <u>isolated from the mainstream of American society, location in an</u> | 4277 |
| <u>area of high unemployment;</u> | 4278 |
| <u>(ii) Some other demonstration of personal disadvantage not</u> | 4279 |
| <u>common to other small businesses;</u> | 4280 |
| <u>(iii) By business location in a qualified census tract.</u> | 4281 |
| <u>(c) Economic disadvantage based on economic and business size</u> | 4282 |
| <u>thresholds and eligibility criteria designed to stimulate economic</u> | 4283 |
| <u>development through contract awards to businesses located in</u> | 4284 |
| <u>qualified census tracts.</u> | 4285 |
| <u>(4) Establish standards to determine when an EDGE business</u> | 4286 |
| <u>enterprise no longer qualifies for EDGE business enterprise</u> | 4287 |
| <u>certification;</u> | 4288 |
| <u>(5) Develop a process for evaluating and adjusting goals</u> | 4289 |
| <u>established by this section to determine what adjustments are</u> | 4290 |
| <u>necessary to achieve participation goals established by the</u> | 4291 |
| <u>director;</u> | 4292 |
| <u>(6) Establish a point system to evaluate bid proposals to</u> | 4293 |
| <u>encourage EDGE business enterprises to participate in the</u> | 4294 |
| <u>procurement of professional design and information technology</u> | 4295 |
| <u>services;</u> | 4296 |
| <u>(7) Establish a system to track data and analyze each</u> | 4297 |
| <u>certification category established under division (B)(2)(b) of</u> | 4298 |
| <u>this section;</u> | 4299 |
| <u>(8) Establish a process to mediate complaints and to review</u> | 4300 |
| <u>EDGE business enterprise certification appeals;</u> | 4301 |
| <u>(9) Implement an outreach program to educate potential</u> | 4302 |
| <u>participants about the encouraging diversity, growth, and equity</u> | 4303 |
| <u>program;</u> | 4304 |

(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes; 4305
4306
4307

(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise; 4308
4309
4310

(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises; 4311
4312
4313
4314

(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies. 4315
4316
4317
4318

(C) Not later than December 31, 2003, the director of administrative services shall prepare a detailed report to the governor outlining and evaluating the progress made in implementing the encouraging diversity, growth, and equity program. 4319
4320
4321
4322
4323

Sec. 124.03. The state personnel board of review shall exercise the following powers and perform the following duties: 4324
4325

(A) Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal of the director, or anybody authorized to perform the director's functions, to reassign an employee to another classification or to reclassify the employee's position with or without a job audit under division 4326
4327
4328
4329
4330
4331
4332
4333
4334

(D) of section 124.14 of the Revised Code. As used in this 4335
division, "discharge" includes disability separations. ~~The~~ 4336

The board may affirm, disaffirm, or modify the decisions of 4337
the appointing authorities or the director, as the case may be, 4338
and its decision is final. The board's decisions shall be 4339
consistent with the applicable classification specifications. ~~The~~ 4340

The board shall not be deprived of jurisdiction to hear any 4341
appeal due to the failure of an appointing authority to file its 4342
decision with the board. Any final decision of an appointing 4343
authority or of the director not filed in the manner provided in 4344
this chapter shall be disaffirmed. ~~The~~ 4345

The board may place an exempt employee, as defined in section 4346
124.152 of the Revised Code, into a bargaining unit 4347
classification, if the board determines that the bargaining unit 4348
classification is the proper classification for that employee. 4349
Notwithstanding Chapter 4117. of the Revised Code or instruments 4350
and contracts negotiated under it, such placements are at the 4351
board's discretion. 4352

In any hearing before the board, including any hearing at 4353
which a record is taken that may be the basis of an appeal to a 4354
court, an employee may be represented by a person permitted to 4355
practice before the board who is not an attorney at law ~~so~~ as long 4356
as the person does not receive any compensation from the employee 4357
for ~~such~~ the representation. 4358

(B) Hear appeals, as provided by law, of appointing 4359
authorities from final decisions of the director relative to the 4360
classification or reclassification of any position in the 4361
classified state service under the jurisdiction of ~~such~~ that 4362
appointing authority. The board may affirm, disaffirm, or modify 4363
the decisions of the director, and its decision is final. The 4364
board's decisions shall be consistent with the applicable 4365

classification specifications. 4366

(C) Exercise the authority provided by section 124.40 of the 4367
Revised Code, for appointment, removal, and supervision of 4368
municipal and civil service township civil service commissions; 4369

(D) Appoint a secretary, referees, examiners, and whatever 4370
other employees are necessary in the exercise of its powers and 4371
performance of its duties and functions. The board shall determine 4372
appropriate education and experience requirements for its 4373
secretary, referees, examiners, and other employees and shall 4374
prescribe their duties. A referee or examiner does not need to 4375
have been admitted to the practice of law. 4376

(E) Maintain a journal ~~which~~ that shall be open to public 4377
inspection, in which it shall keep a record of all of its 4378
proceedings and of the vote of each of its members upon every 4379
action taken by it; 4380

(F) Adopt rules in accordance with Chapter 119. of the 4381
Revised Code relating to the procedure of the board in 4382
administering the laws ~~which~~ it has the authority or duty to 4383
administer and for the purpose of invoking the jurisdiction of the 4384
board in hearing appeals of appointing authorities and employees 4385
in matters set forth in divisions (A) and (B) of this section; 4386

(G) Subpoena and require the attendance and testimony of 4387
witnesses and the production of books, papers, public records, and 4388
other documentary evidence pertinent to any matter ~~which~~ it has 4389
authority to investigate, inquire into, or hear in the same manner 4390
and to the same extent as provided by division (G) of section 4391
124.09 of the Revised Code. All witness fees shall be paid in the 4392
manner set forth in that division. 4393

(H) The board shall be funded by general revenue fund 4394
appropriations. All moneys received by the board for copies of 4395
documents, rule books, and transcriptions shall be paid into the 4396

state treasury to the credit of the transcript and other documents 4397
 fund, which is hereby created to defray the cost of ~~furnishing or~~ 4398
~~making available such copies, rule books, and transcriptions~~ 4399
producing an administrative record. 4400

Sec. 124.15. (A) Board and commission members appointed prior 4401
 to July 1, 1991, shall be paid a salary or wage in accordance with 4402
 the following schedules of rates: 4403

Schedule B 4404

Pay Ranges and Step Values 4405

| Range | Step 1 | Step 2 | Step 3 | Step 4 | |
|-----------|----------|----------|----------|----------|------|
| 23 Hourly | 5.72 | 5.91 | 6.10 | 6.31 | 4407 |
| Annually | 11897.60 | 12292.80 | 12688.00 | 13124.80 | 4408 |
| | Step 5 | Step 6 | | | 4409 |
| Hourly | 6.52 | 6.75 | | | 4410 |
| Annually | 13561.60 | 14040.00 | | | 4411 |
| | Step 1 | Step 2 | Step 3 | Step 4 | 4412 |
| 24 Hourly | 6.00 | 6.20 | 6.41 | 6.63 | 4413 |
| Annually | 12480.00 | 12896.00 | 13332.80 | 13790.40 | 4414 |
| | Step 5 | Step 6 | | | 4415 |
| Hourly | 6.87 | 7.10 | | | 4416 |
| Annually | 14289.60 | 14768.00 | | | 4417 |
| | Step 1 | Step 2 | Step 3 | Step 4 | 4418 |
| 25 Hourly | 6.31 | 6.52 | 6.75 | 6.99 | 4419 |
| Annually | 13124.80 | 13561.60 | 14040.00 | 14539.20 | 4420 |
| | Step 5 | Step 6 | | | 4421 |
| Hourly | 7.23 | 7.41 | | | 4422 |
| Annually | 15038.40 | 15412.80 | | | 4423 |
| | Step 1 | Step 2 | Step 3 | Step 4 | 4424 |
| 26 Hourly | 6.63 | 6.87 | 7.10 | 7.32 | 4425 |
| Annually | 13790.40 | 14289.60 | 14768.00 | 15225.60 | 4426 |
| | Step 5 | Step 6 | | | 4427 |
| Hourly | 7.53 | 7.77 | | | 4428 |

| | | | | | | |
|----|----------|----------|----------|----------|----------|------|
| | Annually | 15662.40 | 16161.60 | | | 4429 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4430 |
| 27 | Hourly | 6.99 | 7.23 | 7.41 | 7.64 | 4431 |
| | Annually | 14534.20 | 15038.40 | 15412.80 | 15891.20 | 4432 |
| | | Step 5 | Step 6 | Step 7 | | 4433 |
| | Hourly | 7.88 | 8.15 | 8.46 | | 4434 |
| | Annually | 16390.40 | 16952.00 | 17596.80 | | 4435 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4436 |
| 28 | Hourly | 7.41 | 7.64 | 7.88 | 8.15 | 4437 |
| | Annually | 15412.80 | 15891.20 | 16390.40 | 16952.00 | 4438 |
| | | Step 5 | Step 6 | Step 7 | | 4439 |
| | Hourly | 8.46 | 8.79 | 9.15 | | 4440 |
| | Annually | 17596.80 | 18283.20 | 19032.00 | | 4441 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4442 |
| 29 | Hourly | 7.88 | 8.15 | 8.46 | 8.79 | 4443 |
| | Annually | 16390.40 | 16952.00 | 17596.80 | 18283.20 | 4444 |
| | | Step 5 | Step 6 | Step 7 | | 4445 |
| | Hourly | 9.15 | 9.58 | 10.01 | | 4446 |
| | Annually | 19032.00 | 19926.40 | 20820.80 | | 4447 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4448 |
| 30 | Hourly | 8.46 | 8.79 | 9.15 | 9.58 | 4449 |
| | Annually | 17596.80 | 18283.20 | 19032.00 | 19926.40 | 4450 |
| | | Step 5 | Step 6 | Step 7 | | 4451 |
| | Hourly | 10.01 | 10.46 | 10.99 | | 4452 |
| | Annually | 20820.80 | 21756.80 | 22859.20 | | 4453 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4454 |
| 31 | Hourly | 9.15 | 9.58 | 10.01 | 10.46 | 4455 |
| | Annually | 19032.00 | 19962.40 | 20820.80 | 21756.80 | 4456 |
| | | Step 5 | Step 6 | Step 7 | | 4457 |
| | Hourly | 10.99 | 11.52 | 12.09 | | 4458 |
| | Annually | 22859.20 | 23961.60 | 25147.20 | | 4459 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4460 |
| 32 | Hourly | 10.01 | 10.46 | 10.99 | 11.52 | 4461 |

| | | | | | | |
|----|------------|----------------------|----------|----------|----------|------|
| | Annually | 20820.80 | 21756.80 | 22859.20 | 23961.60 | 4462 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 4463 |
| | Hourly | 12.09 | 12.68 | 13.29 | 13.94 | 4464 |
| | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 4465 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4466 |
| 33 | Hourly | 10.99 | 11.52 | 12.09 | 12.68 | 4467 |
| | Annually | 22859.20 | 23961.60 | 25147.20 | 26374.40 | 4468 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 4469 |
| | Hourly | 13.29 | 13.94 | 14.63 | 15.35 | 4470 |
| | Annually | 27643.20 | 28995.20 | 30430.40 | 31928.00 | 4471 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4472 |
| 34 | Hourly | 12.09 | 12.68 | 13.29 | 13.94 | 4473 |
| | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 4474 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 4475 |
| | Hourly | 14.63 | 15.35 | 16.11 | 16.91 | 4476 |
| | Annually | 30430.40 | 31928.00 | 33508.80 | 35172.80 | 4477 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4478 |
| 35 | Hourly | 13.29 | 13.94 | 14.63 | 15.35 | 4479 |
| | Annually | 27643.20 | 28995.20 | 30430.40 | 31928.00 | 4480 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 4481 |
| | Hourly | 16.11 | 16.91 | 17.73 | 18.62 | 4482 |
| | Annually | 33508.80 | 35172.80 | 36878.40 | 38729.60 | 4483 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 4484 |
| 36 | Hourly | 14.63 | 15.35 | 16.11 | 16.91 | 4485 |
| | Annually | 30430.40 | 31928.00 | 33508.80 | 35172.80 | 4486 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 4487 |
| | Hourly | 17.73 | 18.62 | 19.54 | 20.51 | 4488 |
| | Annually | 36878.40 | 38729.60 | 40643.20 | 42660.80 | 4489 |
| | Schedule C | | | | | 4490 |
| | | Pay Range and Values | | | | 4491 |
| | Range | Minimum | | Maximum | | 4492 |
| 41 | Hourly | 10.44 | | 15.72 | | 4493 |
| | Annually | 21715.20 | | 32697.60 | | 4494 |

| | | | |
|-----------|----------|----------|------|
| 42 Hourly | 11.51 | 17.35 | 4495 |
| Annually | 23940.80 | 36088.00 | 4496 |
| 43 Hourly | 12.68 | 19.12 | 4497 |
| Annually | 26374.40 | 39769.60 | 4498 |
| 44 Hourly | 13.99 | 20.87 | 4499 |
| Annually | 29099.20 | 43409.60 | 4500 |
| 45 Hourly | 15.44 | 22.80 | 4501 |
| Annually | 32115.20 | 47424.00 | 4502 |
| 46 Hourly | 17.01 | 24.90 | 4503 |
| Annually | 35380.80 | 51792.00 | 4504 |
| 47 Hourly | 18.75 | 27.18 | 4505 |
| Annually | 39000.00 | 56534.40 | 4506 |
| 48 Hourly | 20.67 | 29.69 | 4507 |
| Annually | 42993.60 | 61755.20 | 4508 |
| 49 Hourly | 22.80 | 32.06 | 4509 |
| Annually | 47424.00 | 66684.80 | 4510 |

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 4511
4512

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 4513
4514
4515

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority, with the approval of the director of 4516
4517
4518
4519
4520
4521
4522
4523
4524
4525
4526

administrative services and the director of budget and management, 4527
may establish payments to employees for uniforms, tools, 4528
equipment, and other requirements of the department and payments 4529
for the maintenance of them. 4530

The director of administrative services may review collective 4531
bargaining agreements entered into under Chapter 4117. of the 4532
Revised Code that cover state employees and determine whether 4533
certain benefits or payments provided to state employees covered 4534
by those agreements should also be provided to employees who are 4535
exempt from collective bargaining coverage and are paid in 4536
accordance with section 124.152 of the Revised Code or are listed 4537
in division (B)(2) or (4) of section 124.14 of the Revised Code. 4538
On completing the review, the director of administrative services, 4539
with the approval of the director of budget and management, may 4540
provide to some or all of these employees any payment or benefit, 4541
except for salary, contained in such a collective bargaining 4542
agreement even if it is similar to a payment or benefit already 4543
provided by law to some or all of these employees. Any payment or 4544
benefit so provided shall not exceed the highest level for that 4545
payment or benefit specified in such a collective bargaining 4546
agreement. The director of administrative services shall not 4547
provide, and the director of budget and management shall not 4548
approve, any payment or benefit to such an employee under this 4549
division unless the payment or benefit is provided pursuant to a 4550
collective bargaining agreement to a state employee who is in a 4551
position with similar duties as, is supervised by, or is employed 4552
by the same appointing authority as, the employee to whom the 4553
benefit or payment is to be provided. 4554

As used in this division, "payment or benefit already 4555
provided by law" includes, but is not limited to, bereavement, 4556
personal, vacation, administrative, and sick leave, disability 4557
benefits, holiday pay, and pay supplements provided under the 4558

Revised Code, but does not include wages or salary. 4559

(E) New employees paid under schedule B of division (A) of 4560
this section or under schedule E-1 of section 124.152 of the 4561
Revised Code shall be employed at the minimum rate established for 4562
the range unless otherwise provided. Employees with qualifications 4563
that are beyond the minimum normally required for the position and 4564
that are determined by the director to be exceptional may be 4565
employed in, or may be transferred or promoted to, a position at 4566
an advanced step of the range. Further, in time of a serious labor 4567
market condition when it is relatively impossible to recruit 4568
employees at the minimum rate for a particular classification, the 4569
entrance rate may be set at an advanced step in the range by the 4570
director of administrative services. This rate may be limited to 4571
geographical regions of the state. Appointments made to an 4572
advanced step under the provision regarding exceptional 4573
qualifications shall not affect the step assignment of employees 4574
already serving. However, anytime the hiring rate of an entire 4575
classification is advanced to a higher step, all incumbents of 4576
that classification being paid at a step lower than that being 4577
used for hiring, shall be advanced beginning at the start of the 4578
first pay period thereafter to the new hiring rate, and any time 4579
accrued at the lower step will be used to calculate advancement to 4580
a succeeding step. If the hiring rate of a classification is 4581
increased for only a geographical region of the state, only 4582
incumbents who work in that geographical region shall be advanced 4583
to a higher step. When an employee in the unclassified service 4584
changes from one state position to another or is appointed to a 4585
position in the classified service, or if an employee in the 4586
classified service is appointed to a position in the unclassified 4587
service, the employee's salary or wage in the new position shall 4588
be determined in the same manner as if the employee were an 4589
employee in the classified service. When an employee in the 4590
unclassified service who is not eligible for step increases is 4591

appointed to a classification in the classified service under 4592
which step increases are provided, future step increases shall be 4593
based on the date on which the employee last received a pay 4594
increase. If the employee has not received an increase during the 4595
previous year, the date of the appointment to the classified 4596
service shall be used to determine the employee's annual step 4597
advancement eligibility date. In reassigning any employee to a 4598
classification resulting in a pay range increase or to a new pay 4599
range as a result of a promotion, an increase pay range 4600
adjustment, or other classification change resulting in a pay 4601
range increase, the director shall assign such employee to the 4602
step in the new pay range that will provide an increase of 4603
approximately four per cent if the new pay range can accommodate 4604
the increase. When an employee is being assigned to a 4605
classification or new pay range as the result of a class plan 4606
change, if the employee has completed a probationary period, the 4607
employee shall be placed in a step no lower than step two of the 4608
new pay range. If the employee has not completed a probationary 4609
period, the employee may be placed in step one of the new pay 4610
range. Such new salary or wage shall become effective on such date 4611
as the director determines. 4612

(F) If employment conditions and the urgency of the work 4613
require such action, the director of administrative services may, 4614
upon the application of a department head, authorize payment at 4615
any rate established within the range for the class of work, for 4616
work of a casual or intermittent nature or on a project basis. 4617
Payment at such rates shall not be made to the same individual for 4618
more than three calendar months in any one calendar year. Any such 4619
action shall be subject to the approval of the director of budget 4620
and management as to the availability of funds. This section and 4621
sections 124.14 and 124.152 of the Revised Code do not repeal any 4622
authority of any department or public official to contract with or 4623
fix the compensation of professional persons who may be employed 4624

temporarily for work of a casual nature or for work on a project 4625
basis. 4626

(G) ~~Each~~ (1) Except as provided in division (G)(2) of this 4627
section, each state employee paid under schedule B of this section 4628
or under schedule E-1 of section 124.152 of the Revised Code shall 4629
be eligible for advancement to succeeding steps in the range for 4630
the employee's class according to the schedule established in this 4631
division. Beginning on the first day of the pay period within 4632
which the employee completes the prescribed probationary period in 4633
the employee's classification with the state, each employee shall 4634
receive an automatic salary adjustment equivalent to the next 4635
higher step within the pay range for the employee's class or 4636
grade. 4637

Each employee paid under schedule E-1 of section 124.152 of 4638
the Revised Code shall be eligible to advance to the next higher 4639
step until the employee reaches step six, if the employee has 4640
maintained satisfactory performance in accordance with criteria 4641
established by the employee's appointing authority. Those step 4642
~~increases~~ advancements shall not occur more frequently than once 4643
in any twelve-month period. An employee only may advance to step 4644
seven upon performing at an exemplary level as determined in the 4645
employee's performance evaluation. An employee's advancement to 4646
step seven is at the discretion of the employee's appointing 4647
authority. An employee may not appeal the denial of advancement to 4648
step seven to the state personnel board of review. 4649

When an employee is promoted or reassigned to a higher pay 4650
range, the employee's step indicator shall return to "0" or be 4651
adjusted to account for a probationary period, as appropriate. 4652
Step advancement shall not be affected by demotion. A promoted 4653
employee shall advance to the next higher step of the pay range on 4654
the first day of the pay period in which the required probationary 4655
period is completed. Step advancement shall become effective at 4656

the beginning of the pay period within which the employee attains 4657
the necessary length of service. Time spent on authorized leave of 4658
absence shall be counted for this purpose. 4659

If determined to be in the best interest of the state 4660
service, the director of administrative services may, either 4661
statewide or in selected agencies, adjust the dates on which 4662
annual step ~~increases~~ advancements are received by employees paid 4663
under schedule E-1 of section 124.152 of the Revised Code. 4664

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 4665
this section, there shall be a moratorium on step advancements 4666
under division (G)(1) of this section from the pay period 4667
beginning June 29, 2003, through the pay period ending June 25, 4668
2005. Step advancements shall resume with the pay period beginning 4669
June 26, 2005. Upon the resumption of step advancements, there 4670
shall be no retroactive step advancements for the period the 4671
moratorium was in effect. The moratorium shall not affect an 4672
employee's performance evaluation schedule. 4673

(ii) During the moratorium under division (G)(2)(a)(i) of 4674
this section, an employee who is hired or promoted and serves a 4675
probationary period in the employee's new position shall advance 4676
to the next step in the employee's pay range upon successful 4677
completion of the employee's probationary period. Thereafter, the 4678
employee is subject to the moratorium. 4679

(b) The moratorium under division (G)(2)(a)(i) of this 4680
section shall apply to the employees of the secretary of state, 4681
the auditor of state, the treasurer of state, the attorney 4682
general, the supreme court, and state boards and commissions, who 4683
are subject to this section unless the secretary of state, auditor 4684
of state, treasurer of state, attorney general, supreme court, 4685
board, or commission decides to exempt its employees from the 4686
moratorium and so notifies the director of administrative services 4687
in writing on or before July 1, 2003. 4688

(H) Employees in appointive managerial or professional 4689
positions paid under salary schedule C of this section or under 4690
salary schedule E-2 of section 124.152 of the Revised Code may be 4691
appointed at any rate within the appropriate pay range. This rate 4692
of pay may be adjusted higher or lower within the respective pay 4693
range at any time the appointing authority so desires as long as 4694
the adjustment is based on the employee's ability to successfully 4695
administer those duties assigned to the employee. Salary 4696
adjustments shall not be made more frequently than once in any 4697
six-month period under this provision to incumbents holding the 4698
same position and classification. 4699

(I) When an employee is assigned to duty outside this state, 4700
the employee may be compensated, upon request of the department 4701
head and with the approval of the director of administrative 4702
services, at a rate not to exceed fifty per cent in excess of the 4703
employee's current base rate for the period of time spent on that 4704
duty. 4705

(J) Unless compensation for members of a board or commission 4706
is otherwise specifically provided by law, the director of 4707
administrative services shall establish the rate and method of 4708
payment for members of boards and commissions pursuant to the pay 4709
schedules listed in section 124.152 of the Revised Code. 4710

(K) Regular full-time employees in positions assigned to 4711
classes within the instruction and education administration series 4712
under the rules of the director of administrative services, except 4713
certificated employees on the instructional staff of the state 4714
school for the blind or the state school for the deaf, whose 4715
positions are scheduled to work on the basis of an academic year 4716
rather than a full calendar year, shall be paid according to the 4717
pay range assigned by such rules but only during those pay periods 4718
included in the academic year of the school where the employee is 4719
located. 4720

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

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

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

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

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

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect

on, or have adopted by, the first day of April for the school year 4752
that begins on the ensuing first day of July, teacher salary 4753
schedules with the highest minimum salaries for a teacher with a 4754
bachelor's degree and no experience; 4755

(c) Divide the sum of such six highest minimum salaries by 4756
ten thousand five hundred sixty; 4757

(d) Multiply each per cent determined in division (L)(1)(a) 4758
of this section by the quotient obtained in division (L)(1)(c) of 4759
this section; 4760

(e) One hundred five per cent of each product thus obtained 4761
shall be the hourly rate for the corresponding level of training, 4762
experience, or other professional qualification in the schedule 4763
for the ensuing fiscal year. 4764

(2) Annually, assign each certificated employee on the 4765
instructional staff of the superintendent's respective school to 4766
an hourly rate on the schedule that is commensurate with the 4767
employee's training, experience, and other professional 4768
qualifications. 4769

If an employee is employed on the basis of an academic year, 4770
the employee's annual salary shall be calculated by multiplying 4771
the employee's assigned hourly rate times one thousand seven 4772
hundred sixty. If an employee is not employed on the basis of an 4773
academic year, the employee's annual salary shall be calculated in 4774
accordance with the following formula: 4775

(a) Multiply the number of days the employee is required to 4776
work pursuant to the employee's contract by eight; 4777

(b) Multiply the product of division (L)(2)(a) of this 4778
section by the employee's assigned hourly rate. 4779

Each employee shall be paid an annual salary in biweekly 4780
installments. The amount of each installment shall be calculated 4781

by dividing the employee's annual salary by the number of biweekly 4782
installments to be paid during the year. 4783

Sections 124.13 and 124.19 of the Revised Code do not apply 4784
to an employee who is paid under this division. 4785

As used in this division, "academic year" means the number of 4786
days in each school year that the schools are required to be open 4787
for instruction with pupils in attendance. Upon completing an 4788
academic year, an employee paid under this division shall be 4789
deemed to have completed one year of service. An employee paid 4790
under this division is eligible to receive a pay supplement under 4791
division (L)(1), (2), or (3) of section 124.181 of the Revised 4792
Code for which the employee qualifies, but is not eligible to 4793
receive a pay supplement under division (L)(4) or (5) of that 4794
section. An employee paid under this division is eligible to 4795
receive a pay supplement under division (L)(6) of section 124.181 4796
of the Revised Code for which the employee qualifies, except that 4797
the supplement is not limited to a maximum of five per cent of the 4798
employee's regular base salary in a calendar year. 4799

(M) Division (A) of this section does not apply to "exempt 4800
employees," as defined in section 124.152 of the Revised Code, who 4801
are paid under that section. 4802

Notwithstanding any other provisions of this chapter, when an 4803
employee transfers between bargaining units or transfers out of or 4804
into a bargaining unit, the director shall establish the 4805
employee's compensation and adjust the maximum leave accrual 4806
schedule as the director deems equitable. 4807

~~Sec. 124.152. (A) Beginning on the first day of the pay 4808
period that includes July 1, 2000, each exempt employee shall be 4809
paid a salary or wage in accordance with the following schedule of 4810
rates:~~ 4811

| Schedule E-1 | | Pay Ranges and Step Values | | | | | | | 4812 |
|-------------------------|----------|---------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------|
| | | Step | Step | Step | Step | Step | Step | Step | 4813 |
| Range | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 4814 |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 4815 |
| 1 | Hourly | 8.15 | 8.51 | 8.88 | 9.27 | | | | 4816 |
| | Annually | 16952 | 17701 | 18470 | 19282 | | | | 4817 |
| 2 | Hourly | 9.88 | 10.30 | 10.75 | 11.23 | | | | 4818 |
| | Annually | 20550 | 21424 | 22360 | 23358 | | | | 4819 |
| 3 | Hourly | 10.35 | 10.82 | 11.29 | 11.79 | | | | 4820 |
| | Annually | 21528 | 22506 | 23483 | 24523 | | | | 4821 |
| 4 | Hourly | 10.87 | 11.36 | 11.90 | 12.43 | | | | 4822 |
| | Annually | 22610 | 23629 | 24752 | 25854 | | | | 4823 |
| 5 | Hourly | 11.41 | 11.93 | 12.43 | 12.98 | | | | 4824 |
| | Annually | 23733 | 24814 | 25854 | 26998 | | | | 4825 |
| 6 | Hourly | 12.02 | 12.51 | 13.07 | 13.60 | | | | 4826 |
| | Annually | 25002 | 26021 | 27186 | 28288 | | | | 4827 |
| 7 | Hourly | 12.76 | 13.25 | 13.78 | 14.26 | 14.81 | | | 4828 |
| | Annually | 26541 | 27560 | 28662 | 29661 | 30805 | | | 4829 |
| 8 | Hourly | 13.50 | 14.09 | 14.71 | 15.35 | 16.01 | | | 4830 |
| | Annually | 28080 | 29307 | 30597 | 31928 | 33301 | | | 4831 |
| 9 | Hourly | 14.40 | 15.14 | 15.89 | 16.68 | 17.53 | | | 4832 |
| | Annually | 29952 | 31491 | 33051 | 34694 | 36462 | | | 4833 |
| 10 | Hourly | 15.54 | 16.38 | 17.27 | 18.25 | 19.23 | | | 4834 |
| | Annually | 32323 | 34070 | 35922 | 37960 | 39998 | | | 4835 |
| 11 | Hourly | 16.91 | 17.90 | 18.94 | 20.00 | 21.14 | | | 4836 |
| | Annually | 35173 | 37232 | 39395 | 41600 | 43971 | | | 4837 |
| 12 | Hourly | 18.66 | 19.70 | 20.76 | 21.91 | 23.13 | 24.40 | 25.74 | 4838 |
| | Annually | 38813 | 40976 | 43181 | 45573 | 48110 | 50752 | 53539 | 4839 |
| 13 | Hourly | 20.56 | 21.69 | 22.88 | 24.11 | 25.46 | 26.85 | 28.33 | 4840 |
| | Annually | 42765 | 45115 | 47590 | 50149 | 52957 | 55848 | 58926 | 4841 |
| 14 | Hourly | 22.62 | 23.89 | 25.18 | 26.56 | 28.06 | 29.61 | 31.24 | 4842 |
| | Annually | 47050 | 49691 | 52374 | 55245 | 58365 | 61589 | 64979 | 4843 |
| 15 | Hourly | 24.84 | 26.23 | 27.72 | 29.25 | 30.86 | 32.57 | 34.36 | 4844 |

| | | | | | | | | | |
|---|----------|-------|-------|---------|-------|-------|-------|---------|------|
| | Annually | 51667 | 54558 | 57658 | 60840 | 64189 | 67746 | 71469 | 4845 |
| 16 | Hourly | 27.39 | 28.91 | 30.51 | 32.21 | 33.99 | 35.92 | 37.90 | 4846 |
| | Annually | 56971 | 60133 | 63461 | 66997 | 70699 | 74714 | 78832 | 4847 |
| 17 | Hourly | 30.18 | 31.85 | 33.63 | 35.49 | 37.47 | 39.56 | 41.74 | 4848 |
| | Annually | 62774 | 66248 | 69950 | 73819 | 77938 | 82285 | 86819 | 4849 |
| 18 | Hourly | 33.26 | 35.10 | 37.07 | 39.12 | 41.28 | 43.59 | 45.99 | 4850 |
| | Annually | 69181 | 73008 | 77106 | 81370 | 85862 | 90667 | 95659 | 4851 |
| Schedule E-2 | | | | | | | | | 4852 |
| | Range | | | Minimum | | | | Maximum | 4853 |
| 41 | Hourly | | | 16.23 | | | | 30.15 | 4854 |
| | Annually | | | 33758 | | | | 62712 | 4855 |
| 42 | Hourly | | | 17.89 | | | | 33.31 | 4856 |
| | Annually | | | 37211 | | | | 69285 | 4857 |
| 43 | Hourly | | | 19.70 | | | | 36.69 | 4858 |
| | Annually | | | 40976 | | | | 76315 | 4859 |
| 44 | Hourly | | | 21.73 | | | | 40.07 | 4860 |
| | Annually | | | 45198 | | | | 83346 | 4861 |
| 45 | Hourly | | | 24.01 | | | | 43.75 | 4862 |
| | Annually | | | 49941 | | | | 91000 | 4863 |
| 46 | Hourly | | | 26.43 | | | | 47.81 | 4864 |
| | Annually | | | 54974 | | | | 99445 | 4865 |
| 47 | Hourly | | | 29.14 | | | | 52.17 | 4866 |
| | Annually | | | 60611 | | | | 108514 | 4867 |
| 48 | Hourly | | | 32.14 | | | | 56.94 | 4868 |
| | Annually | | | 66851 | | | | 118435 | 4869 |
| 49 | Hourly | | | 35.44 | | | | 61.48 | 4870 |
| | Annually | | | 73715 | | | | 127878 | 4871 |
| (B) Beginning on the first day of the pay period that | | | | | | | | | 4872 |
| includes July 1, 2001, each exempt employee shall be paid a salary | | | | | | | | | 4873 |
| or wage in accordance with the following schedule of rates: | | | | | | | | | 4874 |
| Schedule E-1 | | | | | | | | | 4875 |
| Pay Ranges and Step Values | | | | | | | | | 4876 |

| | | Step | |
|----|----------|-------|-------|-------|-------|-------|-------|-------|------|
| | Range | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| | | | | | | | | | 4877 |
| | | | | | | | | | 4878 |
| 1 | Hourly | 8.44 | 8.81 | 9.19 | 9.59 | | | | 4879 |
| | Annually | 17555 | 18325 | 19115 | 19947 | | | | 4880 |
| 2 | Hourly | 10.23 | 10.66 | 11.13 | 11.62 | | | | 4881 |
| | Annually | 21278 | 22173 | 23150 | 24170 | | | | 4882 |
| 3 | Hourly | 10.71 | 11.20 | 11.69 | 12.20 | | | | 4883 |
| | Annually | 22277 | 23296 | 24315 | 25376 | | | | 4884 |
| 4 | Hourly | 11.25 | 11.76 | 12.32 | 12.87 | | | | 4885 |
| | Annually | 23400 | 24461 | 25626 | 26770 | | | | 4886 |
| 5 | Hourly | 11.81 | 12.35 | 12.87 | 13.43 | | | | 4887 |
| | Annually | 24565 | 25688 | 26770 | 27934 | | | | 4888 |
| 6 | Hourly | 12.44 | 12.95 | 13.53 | 14.08 | | | | 4889 |
| | Annually | 25875 | 26936 | 28142 | 29286 | | | | 4890 |
| 7 | Hourly | 13.21 | 13.71 | 14.26 | 14.76 | 15.33 | | | 4891 |
| | Annually | 27477 | 28517 | 29661 | 30701 | 31886 | | | 4892 |
| 8 | Hourly | 13.97 | 14.58 | 15.22 | 15.89 | 16.57 | | | 4893 |
| | Annually | 29058 | 30326 | 31658 | 33051 | 34466 | | | 4894 |
| 9 | Hourly | 14.90 | 15.67 | 16.45 | 17.26 | 18.14 | | | 4895 |
| | Annually | 30992 | 32594 | 34216 | 35901 | 37731 | | | 4896 |
| 10 | Hourly | 16.08 | 16.95 | 17.87 | 18.89 | 19.90 | | | 4897 |
| | Annually | 33446 | 35256 | 37170 | 39291 | 41392 | | | 4898 |
| 11 | Hourly | 17.50 | 18.53 | 19.60 | 20.70 | 21.88 | | | 4899 |
| | Annually | 36400 | 38542 | 40768 | 43056 | 45510 | | | 4900 |
| 12 | Hourly | 19.31 | 20.39 | 21.49 | 22.68 | 23.94 | 25.25 | 26.64 | 4901 |
| | Annually | 40165 | 42411 | 44699 | 47174 | 49795 | 52520 | 55411 | 4902 |
| 13 | Hourly | 21.28 | 22.45 | 23.68 | 24.95 | 26.35 | 27.79 | 29.32 | 4903 |
| | Annually | 44262 | 46696 | 49254 | 51896 | 54808 | 57803 | 60986 | 4904 |
| 14 | Hourly | 23.41 | 24.73 | 26.06 | 27.49 | 29.04 | 30.65 | 32.33 | 4905 |
| | Annually | 48693 | 51438 | 54205 | 57179 | 60403 | 63752 | 67246 | 4906 |
| 15 | Hourly | 25.71 | 27.15 | 28.69 | 30.27 | 31.94 | 33.71 | 35.56 | 4907 |
| | Annually | 53477 | 56472 | 59675 | 62962 | 66435 | 70117 | 73965 | 4908 |
| 16 | Hourly | 28.35 | 29.92 | 31.58 | 33.34 | 35.18 | 37.18 | 39.23 | 4909 |

| | | | | | | | | | |
|----|----------|-------|-------|-------|-------|-------|-------|-------|------|
| | Annually | 58968 | 62234 | 65686 | 69347 | 73174 | 77334 | 81598 | 4910 |
| 17 | Hourly | 31.24 | 32.96 | 34.81 | 36.73 | 38.78 | 40.94 | 43.20 | 4911 |
| | Annually | 64979 | 68557 | 72405 | 76398 | 80662 | 85155 | 89856 | 4912 |
| 18 | Hourly | 34.42 | 36.33 | 38.37 | 40.49 | 42.72 | 45.12 | 47.60 | 4913 |
| | Annually | 71594 | 75566 | 79810 | 84219 | 88858 | 93850 | 99008 | 4914 |

~~Schedule E-2~~ 4915

| | | | | | | | | | |
|----|----------|--|---------|--|---------|--|--|--|------|
| | Range | | Minimum | | Maximum | | | | 4916 |
| 41 | Hourly | | 16.23 | | 31.21 | | | | 4917 |
| | Annually | | 33758 | | 64917 | | | | 4918 |
| 42 | Hourly | | 17.89 | | 34.48 | | | | 4919 |
| | Annually | | 37211 | | 71718 | | | | 4920 |
| 43 | Hourly | | 19.70 | | 37.97 | | | | 4921 |
| | Annually | | 40976 | | 78978 | | | | 4922 |
| 44 | Hourly | | 21.73 | | 41.47 | | | | 4923 |
| | Annually | | 45198 | | 86258 | | | | 4924 |
| 45 | Hourly | | 24.01 | | 45.28 | | | | 4925 |
| | Annually | | 49941 | | 94182 | | | | 4926 |
| 46 | Hourly | | 26.43 | | 49.48 | | | | 4927 |
| | Annually | | 54974 | | 102918 | | | | 4928 |
| 47 | Hourly | | 29.14 | | 54.00 | | | | 4929 |
| | Annually | | 60611 | | 112320 | | | | 4930 |
| 48 | Hourly | | 32.14 | | 58.93 | | | | 4931 |
| | Annually | | 66851 | | 122574 | | | | 4932 |
| 49 | Hourly | | 35.44 | | 63.63 | | | | 4933 |
| | Annually | | 73715 | | 132350 | | | | 4934 |

(C) Beginning on the first day of the pay period that 4935
includes July 1, 2002, each exempt employee shall be paid a salary 4936
or wage in accordance with the following schedule of rates: 4937

Schedule E-1 4938

Pay Ranges and Step Values 4939

| | | | | | | | | | |
|-------|------|------|------|------|------|------|------|--|------|
| | Step | | 4940 |
| Range | 1 | 2 | 3 | 4 | 5 | 6 | 7 | | 4941 |

| | | | | | | | | | |
|----|----------|-------|-------|-------|-------|-------|-------|-------|------|
| 1 | Hourly | 8.78 | 9.16 | 9.56 | 9.97 | | | | 4942 |
| | Annually | 18262 | 19053 | 19885 | 20738 | | | | 4943 |
| 2 | Hourly | 10.64 | 11.09 | 11.58 | 12.08 | | | | 4944 |
| | Annually | 22131 | 23067 | 24086 | 25126 | | | | 4945 |
| 3 | Hourly | 11.14 | 11.65 | 12.16 | 12.69 | | | | 4946 |
| | Annually | 23171 | 24232 | 25293 | 26395 | | | | 4947 |
| 4 | Hourly | 11.70 | 12.23 | 12.81 | 13.38 | | | | 4948 |
| | Annually | 24336 | 25438 | 26645 | 27830 | | | | 4949 |
| 5 | Hourly | 12.28 | 12.84 | 13.38 | 13.97 | | | | 4950 |
| | Annually | 25542 | 26707 | 27830 | 29058 | | | | 4951 |
| 6 | Hourly | 12.94 | 13.47 | 14.07 | 14.64 | | | | 4952 |
| | Annually | 26915 | 28018 | 29266 | 30451 | | | | 4953 |
| 7 | Hourly | 13.74 | 14.26 | 14.83 | 15.35 | 15.94 | | | 4954 |
| | Annually | 28579 | 29661 | 30846 | 31928 | 33155 | | | 4955 |
| 8 | Hourly | 14.53 | 15.16 | 15.83 | 16.53 | 17.23 | | | 4956 |
| | Annually | 30222 | 31533 | 32926 | 34382 | 35838 | | | 4957 |
| 9 | Hourly | 15.50 | 16.30 | 17.11 | 17.95 | 18.87 | | | 4958 |
| | Annually | 32240 | 33904 | 35589 | 37336 | 39250 | | | 4959 |
| 10 | Hourly | 16.72 | 17.63 | 18.58 | 19.65 | 20.70 | | | 4960 |
| | Annually | 34778 | 36670 | 38646 | 40872 | 43056 | | | 4961 |
| 11 | Hourly | 18.20 | 19.27 | 20.38 | 21.53 | 22.76 | | | 4962 |
| | Annually | 37856 | 40082 | 42390 | 44782 | 47341 | | | 4963 |
| 12 | Hourly | 20.08 | 21.21 | 22.35 | 23.59 | 24.90 | 26.26 | 27.71 | 4964 |
| | Annually | 41766 | 44117 | 46488 | 49067 | 51792 | 54621 | 57637 | 4965 |
| 13 | Hourly | 22.13 | 23.35 | 24.63 | 25.95 | 27.40 | 28.90 | 30.49 | 4966 |
| | Annually | 46030 | 48568 | 51230 | 53976 | 56992 | 60112 | 63419 | 4967 |
| 14 | Hourly | 24.35 | 25.72 | 27.10 | 28.59 | 30.20 | 31.88 | 33.62 | 4968 |
| | Annually | 50648 | 53498 | 56368 | 59467 | 62816 | 66310 | 69930 | 4969 |
| 15 | Hourly | 26.74 | 28.24 | 29.84 | 31.48 | 33.22 | 35.06 | 36.98 | 4970 |
| | Annually | 55619 | 58739 | 62067 | 65478 | 69098 | 72925 | 76918 | 4971 |
| 16 | Hourly | 29.48 | 31.12 | 32.84 | 34.67 | 36.59 | 38.67 | 40.80 | 4972 |
| | Annually | 61318 | 64730 | 68307 | 72114 | 76107 | 80434 | 84864 | 4973 |
| 17 | Hourly | 32.49 | 34.28 | 36.20 | 38.20 | 40.33 | 42.58 | 44.93 | 4974 |

| | | | | | | | | | |
|--------------|----------|-------|-------|---------|-------|-------|-------|---------|------|
| | Annually | 67579 | 71302 | 75296 | 79456 | 83886 | 88566 | 93454 | 4975 |
| 18 | Hourly | 35.80 | 37.78 | 39.90 | 42.11 | 44.43 | 46.92 | 49.50 | 4976 |
| | Annually | 74464 | 78582 | 82992 | 87589 | 92414 | 97594 | 102960 | 4977 |
| Schedule E-2 | | | | | | | | | 4978 |
| | Range | | | Minimum | | | | Maximum | 4979 |
| 41 | Hourly | | | 16.23 | | | | 32.46 | 4980 |
| | Annually | | | 33758 | | | | 67517 | 4981 |
| 42 | Hourly | | | 17.89 | | | | 35.86 | 4982 |
| | Annually | | | 37211 | | | | 74589 | 4983 |
| 43 | Hourly | | | 19.70 | | | | 39.49 | 4984 |
| | Annually | | | 40976 | | | | 82139 | 4985 |
| 44 | Hourly | | | 21.73 | | | | 43.13 | 4986 |
| | Annually | | | 45198 | | | | 89710 | 4987 |
| 45 | Hourly | | | 24.01 | | | | 47.09 | 4988 |
| | Annually | | | 49941 | | | | 97947 | 4989 |
| 46 | Hourly | | | 26.43 | | | | 51.46 | 4990 |
| | Annually | | | 54974 | | | | 107037 | 4991 |
| 47 | Hourly | | | 29.14 | | | | 56.16 | 4992 |
| | Annually | | | 60611 | | | | 116813 | 4993 |
| 48 | Hourly | | | 32.14 | | | | 61.29 | 4994 |
| | Annually | | | 66851 | | | | 127483 | 4995 |
| 49 | Hourly | | | 35.44 | | | | 66.18 | 4996 |
| | Annually | | | 73715 | | | | 137654 | 4997 |

(D)(B) Beginning on the first day of the pay period that 4998
includes July 1, 2005, each exempt employee shall be paid a salary 4999
or wage in accordance with the following schedule of rates: 5000

Schedule E-1 5001

| | | | | | | | | | |
|----------|-----------------|-----------------------------------|--------------|--------------|--------------|-------------|-------------|-------------|------|
| | | <u>Pay Ranges and Step Values</u> | | | | | | | 5002 |
| | | <u>Step</u> | <u>Step</u> | <u>Step</u> | <u>Step</u> | <u>Step</u> | <u>Step</u> | <u>Step</u> | 5003 |
| | <u>Range</u> | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | 5004 |
| <u>1</u> | <u>Hourly</u> | <u>9.13</u> | <u>9.53</u> | <u>9.94</u> | <u>10.37</u> | | | | 5005 |
| | <u>Annually</u> | <u>18990</u> | <u>19822</u> | <u>20675</u> | <u>21570</u> | | | | 5006 |

| | | | | | | | | | |
|-----------|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------|
| <u>2</u> | <u>Hourly</u> | <u>11.07</u> | <u>11.53</u> | <u>12.04</u> | <u>12.56</u> | | | | 5007 |
| | <u>Annually</u> | <u>23026</u> | <u>23982</u> | <u>25043</u> | <u>26125</u> | | | | 5008 |
| <u>3</u> | <u>Hourly</u> | <u>11.59</u> | <u>12.12</u> | <u>12.65</u> | <u>13.20</u> | | | | 5009 |
| | <u>Annually</u> | <u>24107</u> | <u>25210</u> | <u>26312</u> | <u>27456</u> | | | | 5010 |
| <u>4</u> | <u>Hourly</u> | <u>12.17</u> | <u>12.72</u> | <u>13.32</u> | <u>13.92</u> | | | | 5011 |
| | <u>Annually</u> | <u>25314</u> | <u>26458</u> | <u>27706</u> | <u>28954</u> | | | | 5012 |
| <u>5</u> | <u>Hourly</u> | <u>12.77</u> | <u>13.35</u> | <u>13.92</u> | <u>14.53</u> | | | | 5013 |
| | <u>Annually</u> | <u>26562</u> | <u>27768</u> | <u>28954</u> | <u>30222</u> | | | | 5014 |
| <u>6</u> | <u>Hourly</u> | <u>13.46</u> | <u>14.01</u> | <u>14.63</u> | <u>15.23</u> | | | | 5015 |
| | <u>Annually</u> | <u>27997</u> | <u>29141</u> | <u>30430</u> | <u>31678</u> | | | | 5016 |
| <u>7</u> | <u>Hourly</u> | <u>14.29</u> | <u>14.83</u> | <u>15.42</u> | <u>15.96</u> | <u>16.58</u> | | | 5017 |
| | <u>Annually</u> | <u>29723</u> | <u>30846</u> | <u>32074</u> | <u>33197</u> | <u>34486</u> | | | 5018 |
| <u>8</u> | <u>Hourly</u> | <u>15.11</u> | <u>15.77</u> | <u>16.46</u> | <u>17.19</u> | <u>17.92</u> | | | 5019 |
| | <u>Annually</u> | <u>31429</u> | <u>32802</u> | <u>34237</u> | <u>35755</u> | <u>37274</u> | | | 5020 |
| <u>9</u> | <u>Hourly</u> | <u>16.12</u> | <u>16.95</u> | <u>17.79</u> | <u>18.67</u> | <u>19.62</u> | | | 5021 |
| | <u>Annually</u> | <u>33530</u> | <u>35256</u> | <u>37003</u> | <u>38834</u> | <u>40810</u> | | | 5022 |
| <u>10</u> | <u>Hourly</u> | <u>17.39</u> | <u>18.34</u> | <u>19.32</u> | <u>20.44</u> | <u>21.53</u> | | | 5023 |
| | <u>Annually</u> | <u>36171</u> | <u>38147</u> | <u>40186</u> | <u>42515</u> | <u>44782</u> | | | 5024 |
| <u>11</u> | <u>Hourly</u> | <u>18.93</u> | <u>20.04</u> | <u>21.20</u> | <u>22.39</u> | <u>23.67</u> | | | 5025 |
| | <u>Annually</u> | <u>39374</u> | <u>41683</u> | <u>44096</u> | <u>46571</u> | <u>49234</u> | | | 5026 |
| <u>12</u> | <u>Hourly</u> | <u>20.88</u> | <u>22.06</u> | <u>23.24</u> | <u>24.53</u> | <u>25.90</u> | <u>27.31</u> | <u>28.82</u> | 5027 |
| | <u>Annually</u> | <u>43430</u> | <u>45885</u> | <u>48339</u> | <u>51022</u> | <u>53872</u> | <u>56805</u> | <u>59946</u> | 5028 |
| <u>13</u> | <u>Hourly</u> | <u>23.02</u> | <u>24.28</u> | <u>25.62</u> | <u>26.99</u> | <u>28.50</u> | <u>30.06</u> | <u>31.71</u> | 5029 |
| | <u>Annually</u> | <u>47882</u> | <u>50502</u> | <u>53290</u> | <u>56139</u> | <u>59280</u> | <u>62525</u> | <u>65957</u> | 5030 |
| <u>14</u> | <u>Hourly</u> | <u>25.32</u> | <u>26.75</u> | <u>28.18</u> | <u>29.73</u> | <u>31.41</u> | <u>33.16</u> | <u>34.96</u> | 5031 |
| | <u>Annually</u> | <u>52666</u> | <u>55640</u> | <u>58614</u> | <u>61838</u> | <u>65333</u> | <u>68973</u> | <u>72717</u> | 5032 |
| <u>15</u> | <u>Hourly</u> | <u>27.81</u> | <u>29.37</u> | <u>31.03</u> | <u>32.74</u> | <u>34.55</u> | <u>36.46</u> | <u>38.46</u> | 5033 |
| | <u>Annually</u> | <u>57845</u> | <u>61090</u> | <u>64542</u> | <u>68099</u> | <u>71864</u> | <u>75837</u> | <u>79997</u> | 5034 |
| <u>16</u> | <u>Hourly</u> | <u>30.66</u> | <u>32.36</u> | <u>34.15</u> | <u>36.06</u> | <u>38.05</u> | <u>40.22</u> | <u>42.43</u> | 5035 |
| | <u>Annually</u> | <u>63773</u> | <u>67309</u> | <u>71032</u> | <u>75005</u> | <u>79144</u> | <u>83658</u> | <u>88254</u> | 5036 |
| <u>17</u> | <u>Hourly</u> | <u>33.79</u> | <u>35.65</u> | <u>37.65</u> | <u>39.73</u> | <u>41.94</u> | <u>44.28</u> | <u>46.73</u> | 5037 |
| | <u>Annually</u> | <u>70283</u> | <u>74152</u> | <u>78312</u> | <u>82638</u> | <u>87235</u> | <u>92102</u> | <u>97198</u> | 5038 |
| <u>18</u> | <u>Hourly</u> | <u>37.23</u> | <u>39.29</u> | <u>41.50</u> | <u>43.79</u> | <u>46.21</u> | <u>48.80</u> | <u>51.48</u> | 5039 |

| | | | | | | | | | |
|-----------|---------------------|--------------|--------------|----------------|--------------|--------------|----------------|---------------|------|
| | <u>Annually</u> | <u>77438</u> | <u>81723</u> | <u>86320</u> | <u>91083</u> | <u>96117</u> | <u>101504</u> | <u>107078</u> | 5040 |
| | <u>Schedule E-2</u> | | | | | | | | 5041 |
| | <u>Range</u> | | | <u>Minimum</u> | | | <u>Maximum</u> | | 5042 |
| <u>41</u> | <u>Hourly</u> | | | <u>16.23</u> | | | <u>33.76</u> | | 5043 |
| | <u>Annually</u> | | | <u>33758</u> | | | <u>70221</u> | | 5044 |
| <u>42</u> | <u>Hourly</u> | | | <u>17.89</u> | | | <u>37.29</u> | | 5045 |
| | <u>Annually</u> | | | <u>37211</u> | | | <u>77563</u> | | 5046 |
| <u>43</u> | <u>Hourly</u> | | | <u>19.70</u> | | | <u>41.07</u> | | 5047 |
| | <u>Annually</u> | | | <u>40976</u> | | | <u>85426</u> | | 5048 |
| <u>44</u> | <u>Hourly</u> | | | <u>21.73</u> | | | <u>44.86</u> | | 5049 |
| | <u>Annually</u> | | | <u>45198</u> | | | <u>93309</u> | | 5050 |
| <u>45</u> | <u>Hourly</u> | | | <u>24.01</u> | | | <u>48.97</u> | | 5051 |
| | <u>Annually</u> | | | <u>49941</u> | | | <u>101858</u> | | 5052 |
| <u>46</u> | <u>Hourly</u> | | | <u>26.43</u> | | | <u>53.52</u> | | 5053 |
| | <u>Annually</u> | | | <u>54974</u> | | | <u>111322</u> | | 5054 |
| <u>47</u> | <u>Hourly</u> | | | <u>29.14</u> | | | <u>58.41</u> | | 5055 |
| | <u>Annually</u> | | | <u>60611</u> | | | <u>121493</u> | | 5056 |
| <u>48</u> | <u>Hourly</u> | | | <u>32.14</u> | | | <u>63.74</u> | | 5057 |
| | <u>Annually</u> | | | <u>66851</u> | | | <u>132579</u> | | 5058 |
| <u>49</u> | <u>Hourly</u> | | | <u>35.44</u> | | | <u>68.83</u> | | 5059 |
| | <u>Annually</u> | | | <u>73715</u> | | | <u>143166</u> | | 5060 |

(C) As used in this section, "exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the auditor of state whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. As used in this section, "exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

Sec. 124.181. (A) Except as provided in division (M) of this 5072
section, any employee paid under schedule B of section 124.15 or 5073
under schedule E-1 of section 124.152 of the Revised Code is 5074
eligible for the pay supplements provided in this section upon 5075
application by the appointing authority substantiating the 5076
employee's qualifications for the supplement and with the approval 5077
of the director of administrative services except as provided in 5078
division (E) of this section. 5079

(B) ~~In~~ Except as provided in section 124.183 of the Revised 5080
Code, in computing any of the pay supplements provided in this 5081
section, the classification salary base shall be the minimum 5082
hourly rate of the pay range, provided in section 124.15 or 5083
124.152 of the Revised Code, in which the employee is assigned at 5084
the time of computation. 5085

(C) The effective date of any pay supplement, except as 5086
provided in section 124.183 of the Revised Code or unless 5087
otherwise provided in this section, shall be determined by the 5088
director. 5089

(D) The director shall, by rule, establish standards 5090
regarding the administration of this section. 5091

(E)(1) Except as otherwise provided in this division, 5092
beginning on the first day of the pay period within which the 5093
employee completes five years of total service with the state 5094
government or any of its political subdivisions, each employee in 5095
positions paid under salary schedule B of section 124.15 or under 5096
salary schedule E-1 of section 124.152 of the Revised Code shall 5097
receive an automatic salary adjustment equivalent to two and 5098
one-half per cent of the classification salary base, to the 5099
nearest whole cent. Each employee shall receive thereafter an 5100
annual adjustment equivalent to one-half of one per cent of the 5101
employee's classification salary base, to the nearest whole cent, 5102

for each additional year of qualified employment until a maximum 5103
of ten per cent of the employee's classification salary base is 5104
reached. The granting of longevity adjustments shall not be 5105
affected by promotion, demotion, or other changes in 5106
classification held by the employee, nor by any change in pay 5107
range for the employee's class. Longevity pay adjustments shall 5108
become effective at the beginning of the pay period within which 5109
the employee completes the necessary length of service, except 5110
that when an employee requests credit for prior service, the 5111
effective date of the prior service credit and of any longevity 5112
adjustment shall be the first day of the pay period following 5113
approval of the credit by the director of administrative services. 5114
No employee, other than an employee who submits proof of prior 5115
service within ninety days after the date of the employee's 5116
hiring, shall receive any longevity adjustment for the period 5117
prior to the director's approval of a prior service credit. Time 5118
spent on authorized leave of absence shall be counted for this 5119
purpose. 5120

(2) An employee who has retired in accordance with the 5121
provisions of any retirement system offered by the state and who 5122
is employed by the state or any political subdivision of the state 5123
on or after June 24, 1987, shall not have prior service with the 5124
state or any political subdivision of the state counted for the 5125
purpose of determining the amount of the salary adjustment 5126
provided under this division. 5127

(3) There shall be a moratorium on employees' receipt under 5128
this division of credit for service with the state government or 5129
any of its political subdivisions during the period from July 1, 5130
2003, through June 30, 2005. In calculating the number of years of 5131
total service under this division, no credit shall be included for 5132
service during the moratorium. The moratorium shall apply to the 5133
employees of the secretary of state, the auditor of state, the 5134

treasurer of state, the attorney general, the supreme court, and 5135
state boards and commissions, who are subject to this section 5136
unless the secretary of state, auditor of state, treasurer of 5137
state, attorney general, supreme court, board, or commission 5138
decides to exempt its employees from the moratorium and so 5139
notifies the director of administrative services in writing. 5140

If an employee is exempt from the moratorium, receives credit 5141
for a period of service during the moratorium, and takes a 5142
position with another entity in the state government or any of its 5143
political subdivisions, either during or after the moratorium, and 5144
if that entity's employees are or were subject to the moratorium, 5145
the employee shall continue to retain the credit. However, if the 5146
moratorium is in effect upon the taking of the new position, the 5147
employee shall cease receiving additional credit as long as the 5148
employee is in the position, until the moratorium expires. 5149

(F) When an exceptional condition exists that creates a 5150
temporary or a permanent hazard for one or more positions in a 5151
class paid under schedule B of section 124.15 or under salary 5152
schedule E-1 of section 124.152 of the Revised Code, a special 5153
hazard salary adjustment may be granted for the time the employee 5154
is subjected to the hazardous condition. All special hazard 5155
conditions shall be identified for each position and incidence 5156
from information submitted to the director on an appropriate form 5157
provided by the director and categorized into standard conditions 5158
of: some unusual hazard not common to the class; considerable 5159
unusual hazard not common to the class; and exceptional hazard not 5160
common to the class. 5161

(1) A hazardous salary adjustment of five per cent of the 5162
employee's classification salary base may be applied in the case 5163
of some unusual hazardous condition not common to the class for 5164
those hours worked, or a fraction thereof, while the employee was 5165
subject to the unusual hazard condition. 5166

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

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

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

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

(H) When a certain position or positions paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present

employees to become proficient in other languages, or to retain 5198
qualified bilingual employees. The bilingual pay supplement 5199
provided in this division may be granted in the amount of five per 5200
cent of the employee's classification salary base for each 5201
required foreign language and shall remain in effect as long as 5202
the bilingual requirement exists. 5203

(I) The director may establish a shift differential for 5204
employees. Such differential shall be paid to employees in 5205
positions working in other than the regular or first shift. In 5206
those divisions or agencies where only one shift prevails, no 5207
shift differential shall be paid regardless of the hours of the 5208
day that are worked. The director and the appointing authority 5209
shall designate which positions shall be covered by this division. 5210

(J) Whenever an employee is assigned to work in a higher 5211
level position for a continuous period of more than two weeks but 5212
no more than two years because of a vacancy, the employee's pay 5213
may be established at a rate that is approximately four per cent 5214
above the employee's current base rate for the period the employee 5215
occupies the position, provided that this temporary occupancy is 5216
approved by the director. Employees paid under this division shall 5217
continue to receive any of the pay supplements due them under 5218
other divisions of this section based on the step one base rate 5219
for their normal classification. 5220

(K) If a certain position, or positions, within a class paid 5221
under schedule B of section 124.15 or under salary schedule E-1 of 5222
section 124.152 of the Revised Code are mandated by state or 5223
federal law or regulation or other regulatory agency or other 5224
certification authority to have special technical certification, 5225
registration, or licensing to perform the functions which are 5226
under the mandate, a special professional achievement pay 5227
supplement may be granted. This special professional achievement 5228
pay supplement shall not be granted when all incumbents in all 5229

positions in a class require license as provided in the 5230
classification description published by the department of 5231
administrative services; to licensees where no special or 5232
extensive training is required; when certification is granted upon 5233
completion of a stipulated term of in-service training; when an 5234
appointing authority has required certification; or any other 5235
condition prescribed by the director. 5236

(1) Before this supplement may be applied, evidence as to the 5237
requirement must be provided by the agency for each position 5238
involved, and certification must be received from the director as 5239
to the director's concurrence for each of the positions so 5240
affected. 5241

(2) The professional achievement pay supplement provided in 5242
this division shall be granted in an amount up to ten per cent of 5243
the employee's classification salary base and shall remain in 5244
effect as long as the mandate exists. 5245

(L) Those employees assigned to teaching supervisory, 5246
principal, assistant principal, or superintendent positions who 5247
have attained a higher educational level than a basic bachelor's 5248
degree may receive an educational pay supplement to remain in 5249
effect as long as the employee's assignment and classification 5250
remain the same. 5251

(1) An educational pay supplement of two and one-half per 5252
cent of the employee's classification salary base may be applied 5253
upon the achievement of a bachelor's degree plus twenty quarter 5254
hours of postgraduate work. 5255

(2) An educational pay supplement of an additional five per 5256
cent of the employee's classification salary base may be applied 5257
upon achievement of a master's degree. 5258

(3) An educational pay supplement of an additional two and 5259
one-half per cent of the employee's classification salary base may 5260

be applied upon achievement of a master's degree plus thirty 5261
quarter hours of postgraduate work. 5262

(4) An educational pay supplement of five per cent of the 5263
employee's classification salary base may be applied when the 5264
employee is performing as a master teacher. 5265

(5) An educational pay supplement of five per cent of the 5266
employee's classification salary base may be applied when the 5267
employee is performing as a special education teacher. 5268

(6) Those employees in teaching supervisory, principal, 5269
assistant principal, or superintendent positions who are 5270
responsible for specific extracurricular activity programs shall 5271
receive overtime pay for those hours worked in excess of their 5272
normal schedule, at their straight time hourly rate up to a 5273
maximum of five per cent of their regular base salary in any 5274
calendar year. 5275

(M)(1) A state agency, board, or commission may establish a 5276
supplementary compensation schedule for those licensed physicians 5277
employed by the agency, board, or commission in positions 5278
requiring a licensed physician. The supplementary compensation 5279
schedule, together with the compensation otherwise authorized by 5280
this chapter, shall provide for the total compensation for these 5281
employees to range appropriately, but not necessarily uniformly, 5282
for each classification title requiring a licensed physician, in 5283
accordance with a schedule approved by the state controlling 5284
board. The individual salary levels recommended for each such 5285
physician employed shall be approved by the director. 5286
Notwithstanding section 124.11 of the Revised Code, such personnel 5287
are in the unclassified civil service. 5288

(2) The director of administrative services may approve 5289
supplementary compensation for the director of health, if the 5290
director is a licensed physician, in accordance with a 5291

supplementary compensation schedule approved under division (M)(1) 5292
of this section or in accordance with another supplementary 5293
compensation schedule the director of administrative services 5294
considers appropriate. The supplementary compensation shall not 5295
exceed twenty per cent of the director of health's base rate of 5296
pay. 5297

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 5298
117.42, and 131.02 of the Revised Code, the state shall not 5299
institute any civil action to recover and shall not seek 5300
reimbursement for overpayments made in violation of division (E) 5301
of this section or division (C) of section 9.44 of the Revised 5302
Code for the period starting after June 24, 1987, and ending on 5303
October 31, 1993. 5304

(O) Employees of the office of the treasurer of state who are 5305
exempt from collective bargaining coverage may be granted a merit 5306
pay supplement of up to one and one-half per cent of their step 5307
rate. The rate at which this supplement is granted shall be based 5308
on performance standards established by the treasurer of state. 5309
Any supplements granted under this division shall be administered 5310
on an annual basis. 5311

Sec. 124.183. (A) As used in this section, "active payroll" 5312
means when an employee is actively working; on military, worker's 5313
compensation, occupational injury, or disability leave; or on an 5314
approved leave of absence. 5315

(B) Each permanent employee paid under schedule E-1 of 5316
section 124.152 of the Revised Code who was appointed on or before 5317
March 6, 2003, and is on the active payroll as of November 14, 5318
2004, shall receive a one-time pay supplement. The supplement 5319
shall be a two per cent lump sum payment that is based on the 5320
annualization of the top step of the pay range that the employee 5321
is in on November 14, 2004. 5322

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

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

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

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

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

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

calculation purposes in determining an employee's retirement 5354
benefits in any state retirement system. 5355

(G)(1) This section does not apply to employees of the 5356
general assembly, legislative agencies, or the supreme court. 5357

(2) This section does not apply to employees of the secretary 5358
of state, auditor of state, treasurer of state, attorney general, 5359
or state boards and commissions unless the secretary of state, 5360
auditor of state, treasurer of state, attorney general, board, or 5361
commission decides that its employees should be eligible for the 5362
one-time pay supplement and so notifies the director of 5363
administrative services in writing on or before July 1, 2004. 5364

Sec. 125.073. (A) The department of administrative services 5365
shall actively promote and accelerate the use of electronic 5366
procurement, including reverse auctions as defined by section 5367
125.072 of the Revised Code, by implementing the relevant 5368
recommendations concerning electronic procurement from the "2000 5369
Management Improvement Commission Report to the Governor" when 5370
exercising its statutory powers. 5371

(B) Beginning July 1, 2004, the department shall annually on 5372
or before the first day of July report to the committees in each 5373
house of the general assembly dealing with finance indicating the 5374
effectiveness of electronic procurement. 5375

Sec. 125.15. All state agencies required to secure any 5376
equipment, materials, supplies, or services, ~~or contracts of~~ 5377
~~insurance~~ from the department of administrative services shall 5378
make acquisition in the manner and upon forms prescribed by the 5379
director of administrative services and shall reimburse the 5380
department for the equipment, materials, supplies, or services, ~~or~~ 5381
~~contracts of insurance~~, including a reasonable sum to cover the 5382
department's administrative costs, whenever reimbursement is 5383

required by the department. The money so paid shall be deposited 5384
in the state treasury to the credit of the general services fund 5385
or the information technology fund, as appropriate. ~~Such~~ Those 5386
funds are hereby created. 5387

Sec. 125.91. As used in sections 125.92 to 125.98 of the 5388
Revised Code: 5389

(A) "State agency" includes every department, bureau, board, 5390
commission, office, or other organized body established by the 5391
constitution and laws of the state for the exercise of any 5392
function of state government, but does not include any 5393
state-supported institution of higher education, the general 5394
assembly or any legislative agency, the attorney general, the 5395
auditor of state, the secretary of state, the treasurer of state, 5396
the bureau of workers' compensation, any court or judicial agency, 5397
or any political subdivision or agency ~~thereof~~ of a political 5398
subdivision. 5399

(B) "Form" means any document, device, or item used to convey 5400
information, regardless of medium, that has blank spaces for the 5401
insertion of information and that may have a predetermined format 5402
and data elements to guide the entry, ~~interpretation~~ 5403
interpretation, and use of the information. "Form" does not 5404
include letterheads, envelopes, labels, tags, tickets, or note 5405
pads, or forms mandated by the federal government, but does 5406
include all computer-generated forms except those mandated by the 5407
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 5408
~~Revised Code, "form" applies only to a form that is used by a~~ 5409
~~state agency and that is completed in whole or in part by private~~ 5410
~~business, political subdivisions, or the public.~~ 5411

Sec. 125.92. There is hereby established in the department of 5412
administrative services a state forms management ~~control center~~ 5413

program, which shall be under the control and supervision of the 5414
director of administrative services, ~~who shall appoint an~~ 5415
~~administrator of the center~~ or the director's designee. 5416

The ~~center~~ state forms management program shall ~~develop,~~ 5417
~~implement, and maintain a statewide forms management program that~~ 5418
~~involves~~ be developed, implemented, and maintained for all state 5419
agencies and ~~is~~ be designed to simplify, consolidate, or 5420
eliminate, when expedient, forms, surveys, and other documents 5421
used by state agencies. In developing the program, particular 5422
emphasis shall be placed upon determining the actual need for any 5423
information, records, and reports sought from private business, 5424
agriculture, and local governments through the use of ~~such~~ forms, 5425
surveys, and other documents. 5426

Sec. 125.93. The state forms management ~~control-center~~ 5427
program shall do each of the following: 5428

(A) Assist state agencies in establishing internal forms 5429
management capabilities; 5430

(B) Study, develop, coordinate, and initiate forms of 5431
interagency and common administrative usage, and establish basic 5432
design and specification criteria to standardize state forms; 5433

(C) Assist state agencies to design economical forms ~~and~~ 5434
~~compose art work for forms;~~ 5435

(D) ~~Establish and supervise control procedures to prevent the~~ 5436
~~undue creation and reproduction of state forms;~~ 5437

~~(E)~~ Assist, train, and instruct state agencies and their 5438
forms management representatives in forms management techniques, 5439
and provide direct forms management assistance to new state 5440
agencies as they are created; 5441

~~(F)~~(E) Maintain a central ~~cross-index~~ forms repository of all 5442
state forms to facilitate standardization of the forms, eliminate 5443

redundant forms, and provide a central source of information on 5444
forms usage and availability. 5445

~~(G) Utilize existing functions within the department of 5446
administrative services to design economical forms and compose art 5447
work, as well as use appropriate procurement techniques to take 5448
advantage of competitive selection, consolidated orders, and 5449
contract procurement of forms; 5450~~

~~(H) Conduct an annual evaluation of the effectiveness of the 5451
forms management program and the forms management practices of 5452
individual state agencies, and maintain records that indicate 5453
dollar savings resulting from, and the number of forms eliminated, 5454
simplified, or standardized through, centralized forms management. 5455
The results of the evaluation shall be reported to the speaker of 5456
the house of representatives and president of the senate not later 5457
than the fifteenth day of January each year. The center shall 5458
report on the first day of each month to the state records 5459
administrator on its activities during the preceding month. 5460~~

Sec. 125.95. (A) The administrator of the state forms 5461
management ~~control center~~ program may permit any state agency to 5462
manage fully any forms used or proposed to be used by it, whenever 5463
the ~~administrator~~ program determines that the delegation will 5464
result in the most timely and economical method of accomplishing 5465
the objectives of the ~~forms management~~ program as set forth in 5466
section 125.93 of the Revised Code. A determination to delegate to 5467
a state agency authority to manage forms may, among other matters, 5468
take into consideration the benefits of central management of any 5469
form in relation to the costs associated with ~~such that~~ 5470
management. 5471

(B) To expedite the collection and disposition of general 5472
state and local revenue, the ~~administrator~~ state forms management 5473
program shall permit, without prior authorization, the tax 5474

commissioner to design, print or have printed, distribute, and 5475
require the use of those forms ~~which~~ that the tax commissioner 5476
determines are necessary for the proper administration of those 5477
taxes and programs ~~he~~ the tax commissioner administers except as 5478
provided in division (A) of section 4307.05 of the Revised Code. 5479
The tax commissioner shall report to the ~~administrator~~ program not 5480
later than fifteen days after the close of each calendar quarter 5481
with respect to the forms activities occurring within ~~his~~ the tax 5482
commissioner's agency during the preceding calendar quarter. 5483

Sec. 125.96. The director of administrative services may 5484
adopt, amend, or rescind rules necessary to carry out the powers 5485
and duties imposed upon the state forms management ~~control center~~ 5486
~~and its administrator~~ program and state agencies by sections 5487
125.92 to 125.98 of the Revised Code. The director shall adopt, 5488
and may amend or rescind, rules providing ~~that~~ each of the 5489
following: 5490

(A) After a date to be determined by the ~~administrator~~ state 5491
forms management program, no state agency shall utilize any form, 5492
other than a form subject to division (B) of section 125.95 of the 5493
Revised Code, the management of which has not been delegated to 5494
the agency by the ~~administrator~~ program under division (A) of that 5495
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 5496
by the ~~center~~ program. 5497

(B) The notice required by section 125.97 of the Revised Code 5498
shall appear in a standard place and a standard manner on each 5499
form to which the notice applies, and shall include specified 5500
indicia of approval by the ~~administrator~~ state forms management 5501
program. 5502

(C) Any form required by a state agency on an emergency basis 5503
may be given interim approval by the ~~administrator~~ state forms 5504
management program if the form is accompanied by a letter from the 5505

director or other head of the agency setting forth the nature of 5506
the emergency and requesting interim approval. 5507

Sec. 125.98. (A) Each state agency shall appoint a forms 5508
management representative, who may be from existing personnel. The 5509
appointee shall cooperate with, and provide other necessary 5510
assistance to, the director of administrative services and the 5511
~~administrator of the~~ state forms management ~~control center~~ program 5512
in implementing the ~~state forms management~~ program. A forms 5513
management representative shall do all of the following: 5514

(1) Manage the agency's forms management program and 5515
cooperate with and provide other necessary assistance to the 5516
director of administrative services in implementing the state 5517
forms management program; 5518

(2) Monitor the use and reproduction of all forms to ensure 5519
that all policies, procedures, guidelines, and standards 5520
established by the agency and the director of administrative 5521
services are followed; 5522

(3) Ensure that every form used by the agency is presented to 5523
the state forms management ~~control center~~ program for registration 5524
prior to its reproduction; 5525

(4) Maintain a master forms file history file, in numeric 5526
order, of all agency forms; 5527

(5) Verify and update the information on all forms ~~computer~~ 5528
~~file reports returned to the agency by the state forms management~~ 5529
~~control center~~ in the central forms repository database. 5530

(B) Any state agency, as ~~such term is~~ defined in section 1.60 5531
of the Revised Code, not included within the definition of a state 5532
agency in section 125.91 of the Revised Code may elect to 5533
participate in the state forms management program. The ~~center~~ 5534
program may provide to any such agency any service required or 5535

authorized by sections 125.92 to 125.98 of the Revised Code to be 5536
performed for a state agency. 5537

Sec. 127.16. (A) Upon the request of either a state agency or 5538
the director of budget and management and after the controlling 5539
board determines that an emergency or a sufficient economic reason 5540
exists, the controlling board may approve the making of a purchase 5541
without competitive selection as provided in division (B) of this 5542
section. 5543

(B) Except as otherwise provided in this section, no state 5544
agency, using money that has been appropriated to it directly, 5545
shall: 5546

(1) Make any purchase from a particular supplier, that would 5547
amount to fifty thousand dollars or more when combined with both 5548
the amount of all disbursements to the supplier during the fiscal 5549
year for purchases made by the agency and the amount of all 5550
outstanding encumbrances for purchases made by the agency from the 5551
supplier, unless the purchase is made by competitive selection or 5552
with the approval of the controlling board; 5553

(2) Lease real estate from a particular supplier, if the 5554
lease would amount to seventy-five thousand dollars or more when 5555
combined with both the amount of all disbursements to the supplier 5556
during the fiscal year for real estate leases made by the agency 5557
and the amount of all outstanding encumbrances for real estate 5558
leases made by the agency from the supplier, unless the lease is 5559
made by competitive selection or with the approval of the 5560
controlling board. 5561

(C) Any person who authorizes a purchase in violation of 5562
division (B) of this section shall be liable to the state for any 5563
state funds spent on the purchase, and the attorney general shall 5564
collect the amount from the person. 5565

| | |
|---|------|
| (D) Nothing in division (B) of this section shall be construed as: | 5566 |
| | 5567 |
| (1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code; | 5568 |
| | 5569 |
| | 5570 |
| (2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under <u>the</u> disability assistance medical assistance <u>program</u> established under Chapter 5115. of the Revised Code; | 5571 |
| | 5572 |
| | 5573 |
| | 5574 |
| (3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code; | 5575 |
| | 5576 |
| | 5577 |
| (4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair; | 5578 |
| | 5579 |
| | 5580 |
| | 5581 |
| | 5582 |
| | 5583 |
| | 5584 |
| | 5585 |
| | 5586 |
| (5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code; | 5587 |
| | 5588 |
| | 5589 |
| | 5590 |
| (6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf | 5591 |
| | 5592 |
| | 5593 |
| | 5594 |
| | 5595 |
| | 5596 |

| | |
|---|------|
| of the agency. The filing shall be in a form and at such times as | 5597 |
| the board considers appropriate. | 5598 |
| (7) Applying to purchases made with money for the per cent | 5599 |
| for arts program established by section 3379.10 of the Revised | 5600 |
| Code; | 5601 |
| (8) Applying to purchases made by the rehabilitation services | 5602 |
| commission of services, or supplies, that are provided to persons | 5603 |
| with disabilities, or to purchases made by the commission in | 5604 |
| connection with the eligibility determinations it makes for | 5605 |
| applicants of programs administered by the social security | 5606 |
| administration; | 5607 |
| (9) Applying to payments by the department of job and family | 5608 |
| services under section 5111.13 of the Revised Code for group | 5609 |
| health plan premiums, deductibles, coinsurance, and other | 5610 |
| cost-sharing expenses; | 5611 |
| (10) Applying to any agency of the legislative branch of the | 5612 |
| state government; | 5613 |
| (11) Applying to agreements or contracts entered into under | 5614 |
| section 5101.11, 5101.21, or 5101.211 of the Revised Code; | 5615 |
| (12) Applying to purchases of services by the adult parole | 5616 |
| authority under section 2967.14 of the Revised Code or by the | 5617 |
| department of youth services under section 5139.08 of the Revised | 5618 |
| Code; | 5619 |
| (13) Applying to dues or fees paid for membership in an | 5620 |
| organization or association; | 5621 |
| (14) Applying to purchases of utility services pursuant to | 5622 |
| section 9.30 of the Revised Code; | 5623 |
| (15) Applying to purchases made in accordance with rules | 5624 |
| adopted by the department of administrative services of motor | 5625 |
| vehicle, aviation, or watercraft fuel, or emergency repairs of | 5626 |

| | |
|--|------------------------------|
| such vehicles; | 5627 |
| (16) Applying to purchases of tickets for passenger air transportation; | 5628 5629 |
| (17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings; | 5630 5631 5632 |
| (18) Applying to the judicial branch of state government; | 5633 |
| (19) Applying to purchases of liquor for resale by the division of liquor control; | 5634 5635 |
| (20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules; | 5636 5637 5638 |
| (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; | 5639 5640 5641 5642 |
| (22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials; | 5643 5644 5645 |
| (23) Applying to purchases from other state agencies, including state-assisted institutions of higher education; | 5646 5647 |
| (24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section; | 5648 5649 5650 5651 |
| (25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code; | 5652 5653 |
| (26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax | 5654 5655 5656 |

refund offset program of the internal revenue service of the 5657
United States department of the treasury; 5658

(27) Applying to contracts entered into by the department of 5659
mental retardation and developmental disabilities under sections 5660
5123.18, 5123.182, and ~~5111.252~~ 5123.199 of the Revised Code; 5661

(28) Applying to payments made by the department of mental 5662
health under a physician recruitment program authorized by section 5663
5119.101 of the Revised Code; 5664

(29) Applying to contracts entered into with persons by the 5665
director of commerce for unclaimed funds collection and remittance 5666
efforts as provided in division (F) of section 169.03 of the 5667
Revised Code. The director shall keep an itemized accounting of 5668
unclaimed funds collected by those persons and amounts paid to 5669
them for their services. 5670

(30) Applying to purchases made by a state institution of 5671
higher education in accordance with the terms of a contract 5672
between the vendor and an inter-university purchasing group 5673
comprised of purchasing officers of state institutions of higher 5674
education; 5675

(31) Applying to the department of job and family services' 5676
purchases of health assistance services under the children's 5677
health insurance program part I provided for under section 5101.50 5678
of the Revised Code or the children's health insurance program 5679
part II provided for under section 5101.51 of the Revised Code; 5680

(32) Applying to payments by the attorney general from the 5681
reparations fund to hospitals and other emergency medical 5682
facilities for performing medical examinations to collect physical 5683
evidence pursuant to section 2907.28 of the Revised Code; 5684

(33) Applying to contracts with a contracting authority or 5685
administrative receiver under division (G)(2) of section 5126.055 5686
of the Revised Code; 5687

| | |
|---|------|
| <u>(34) Applying to reimbursements paid to the United States</u> | 5688 |
| <u>department of veterans affairs for pharmaceutical and patient</u> | 5689 |
| <u>supply purchases made on behalf of the Ohio veterans' home agency.</u> | 5690 |
| (E) Notwithstanding division (B)(1) of this section, the | 5691 |
| cumulative purchase threshold shall be seventy-five thousand | 5692 |
| dollars for the departments of mental retardation and | 5693 |
| developmental disabilities, mental health, rehabilitation and | 5694 |
| correction, and youth services. | 5695 |
| (F) When determining whether a state agency has reached the | 5696 |
| cumulative purchase thresholds established in divisions (B)(1), | 5697 |
| (B)(2), and (E) of this section, all of the following purchases by | 5698 |
| such agency shall not be considered: | 5699 |
| (1) Purchases made through competitive selection or with | 5700 |
| controlling board approval; | 5701 |
| (2) Purchases listed in division (D) of this section; | 5702 |
| (3) For the purposes of the thresholds of divisions (B)(1) | 5703 |
| and (E) of this section only, leases of real estate. | 5704 |
| (G) As used in this section, "competitive selection," | 5705 |
| "purchase," "supplies," and "services" have the same meanings as | 5706 |
| in section 125.01 of the Revised Code. | 5707 |
| Sec. 131.02. (A) Whenever any amount is payable to the state, | 5708 |
| the officer, employee, or agent responsible for administering the | 5709 |
| law under which the amount is payable shall immediately proceed to | 5710 |
| collect the amount or cause the amount to be collected and shall | 5711 |
| pay the amount into the state treasury <u>or into the appropriate</u> | 5712 |
| <u>custodial fund</u> in the manner set forth pursuant to section 113.08 | 5713 |
| of the Revised Code. If the amount is not paid within forty-five | 5714 |
| days after payment is due, the officer, employee, or agent shall | 5715 |
| certify the amount due to the attorney general, in the form and | 5716 |
| manner prescribed by the attorney general, and notify the director | 5717 |

of budget and management thereof. 5718

(B)(1) The attorney general shall give immediate notice by 5719
mail or otherwise to the party indebted of the nature and amount 5720
of the indebtedness. 5721

(2) If the amount payable to this state arises from a tax 5722
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 5723
Code, the notice also shall specify all of the following: 5724

(a) The assessment or case number; 5725

(b) The tax pursuant to which the assessment is made; 5726

(c) The reason for the liability, including, if applicable, 5727
that a penalty or interest is due; 5728

(d) An explanation of how and when interest will be added to 5729
the amount assessed; 5730

(e) That the attorney general and tax commissioner, acting 5731
together, have the authority, but are not required, to compromise 5732
the claim and accept payment over a reasonable time, if such 5733
actions are in the best interest of the state. 5734

(C) The attorney general shall collect the claim or secure a 5735
judgment and issue an execution for its collection. 5736

(D) Each claim shall bear interest, from the day on which the 5737
claim became due, at the ~~base~~ rate per annum ~~for advances and~~ 5738
~~discounts to member banks in effect at the federal reserve bank in~~ 5739
~~required by section 5703.47 of the second federal reserve district~~ 5740
Revised Code. 5741

(E) The attorney general and the chief officer of the agency 5742
reporting a claim, acting together, may do ~~either or both~~ any of 5743
the following if such action is in the best interests of the 5744
state: 5745

(1) Compromise the claim; 5746

(2) Extend for a reasonable period the time for payment of 5747
the claim by agreeing to accept monthly or other periodic 5748
payments. The agreement may require security for payment of the 5749
claim. 5750

(3) Add fees to recover the cost of processing checks or 5751
other draft instruments returned for insufficient funds and the 5752
cost of providing electronic payment options. 5753

Sec. 131.23. The various political subdivisions of this state 5754
may issue bonds, and any indebtedness created by such issuance 5755
shall not be subject to the limitations or included in the 5756
calculation of indebtedness prescribed by sections 133.05, 133.06, 5757
133.07, and 133.09 of the Revised Code, but such bonds may be 5758
issued only under the following conditions: 5759

(A) The subdivision desiring to issue such bonds shall obtain 5760
from the county auditor a certificate showing the total amount of 5761
delinquent taxes due and unpayable to such subdivision at the last 5762
semiannual tax settlement. 5763

(B) The fiscal officer of that subdivision shall prepare a 5764
statement, from the books of the subdivision, verified by ~~him~~ the 5765
fiscal officer under oath, which shall contain the following facts 5766
of such subdivision: 5767

(1) The total bonded indebtedness; 5768

(2) The aggregate amount of notes payable or outstanding 5769
accounts of the subdivision, incurred prior to the commencement of 5770
the current fiscal year, which shall include all evidences of 5771
indebtedness issued by the subdivision except notes issued in 5772
anticipation of bond issues and the indebtedness of any 5773
nontax-supported public utility; 5774

(3) Except in the case of school districts, the aggregate 5775
current year's requirement for disability financial assistance and 5776

| | |
|---|--|
| <u>disability medical</u> assistance provided under Chapter 5115. of the Revised Code that the subdivision is unable to finance except by the issue of bonds; | 5777 5778 5779 |
| (4) The indebtedness outstanding through the issuance of any bonds or notes pledged or obligated to be paid by any delinquent taxes; | 5780 5781 5782 |
| (5) The total of any other indebtedness; | 5783 |
| (6) The net amount of delinquent taxes unpledged to pay any bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid; | 5784 5785 5786 |
| (7) The budget requirements for the fiscal year for bond and note retirement; | 5787 5788 |
| (8) The estimated revenue for the fiscal year. | 5789 |
| (C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of such subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to such subdivision, as set forth in division (B)(6) of this section. | 5790 5791 5792 5793 5794 5795 5796 |
| (D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability <u>financial assistance and disability medical</u> assistance, as shown by division (B)(3) of this section. | 5797 5798 5799 5800 5801 5802 |
| (E) The tax commissioner shall grant to such subdivision authority requested by such subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely | 5803 5804 5805 5806 |

to such recording and which shall be open to inspection by the public. 5807
5808

(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of such subdivision by forwarding a copy of such grant of authority and of the statement provided for in division (B) of this section. 5809
5810
5811
5812
5813

(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the commissioner, and authorized by the taxing authority, provided the taxing authority of that subdivision may by resolution submit to the electors of that subdivision the question of issuing such bonds. Such resolution shall make the declarations and statements required by section 133.18 of the Revised Code. The county auditor and taxing authority shall thereupon proceed as set forth in divisions (C) and (D) of such section. The election on the question of issuing such bonds shall be held under divisions (E), (F), and (G) of such section, except that publication of the notice of such election shall be made on four separate days prior to such election in one or more newspapers of general circulation in the subdivisions. Such bonds may be exchanged at their face value with creditors of the subdivision in liquidating the indebtedness described and enumerated in division (B)(2) of this section or may be sold as provided in Chapter 133. of the Revised Code, and in either event shall be uncontestable. 5814
5815
5816
5817
5818
5819
5820
5821
5822
5823
5824
5825
5826
5827
5828
5829
5830
5831

(H) The per cent of delinquent taxes and assessments collected for and to the credit of the subdivision after the exchange or sale of bonds as certified by the commissioner shall be paid to the authority having charge of the sinking fund of the subdivision, which money shall be placed in a separate fund for the purpose of retiring the bonds so issued. The proper authority of the subdivisions shall provide for the levying of a tax 5832
5833
5834
5835
5836
5837
5838

sufficient in amount to pay the debt charges on all such bonds 5839
issued under this section. 5840

(I) This section is for the sole purpose of assisting the 5841
various subdivisions in paying their unsecured indebtedness, and 5842
providing funds for disability financial assistance and disability 5843
medical assistance. The bonds issued under authority of this 5844
section shall not be used for any other purpose and any exchange 5845
for other purposes, or the use of the money derived from the sale 5846
of such bonds by the subdivision for any other purpose, is 5847
misapplication of funds. 5848

(J) The bonds authorized by this section shall be redeemable 5849
or payable in not to exceed ten years from date of issue and shall 5850
not be subject to or considered in calculating the net 5851
indebtedness of the subdivision. The budget commission of the 5852
county in which the subdivision is located shall annually allocate 5853
such portion of the then delinquent levy due such subdivision 5854
which is unpledged for other purposes to the payment of debt 5855
charges on the bonds issued under authority of this section. 5856

(K) The issue of bonds under this section shall be governed 5857
by Chapter 133. of the Revised Code, respecting the terms used, 5858
forms, manner of sale, and redemption except as otherwise provided 5859
in this section. 5860

The board of county commissioners of any county may issue 5861
bonds authorized by this section and distribute the proceeds of 5862
such bond issues to any or all of the cities and townships of such 5863
counties, according to their relative needs for disability 5864
financial assistance and disability medical assistance as 5865
determined by such county. 5866

All sections of the Revised Code inconsistent with or 5867
prohibiting the exercise of the authority conferred by this 5868
section are inoperative respecting bonds issued under this 5869

section. 5870

Sec. 131.35. (A) With respect to the federal funds received 5871
into any fund of the state from which transfers may be made under 5872
division (D) of section 127.14 of the Revised Code: 5873

(1) No state agency may make expenditures of any federal 5874
funds, whether such funds are advanced prior to expenditure or as 5875
reimbursement, unless such expenditures are made pursuant to 5876
specific appropriations of the general assembly ~~identifying the~~ 5877
~~federal program that is the source of funds, are authorized~~ 5878
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 5879
the controlling board pursuant to division (A)(5) of this section, 5880
or are authorized by an executive order issued in accordance with 5881
section 107.17 of the Revised Code, and until an allotment has 5882
been approved by the director of budget and management. All 5883
federal funds received by a state agency shall be reported to the 5884
director within fifteen days of the receipt of such funds or the 5885
notification of award, whichever occurs first. The director shall 5886
prescribe the forms and procedures to be used when reporting the 5887
receipt of federal funds. 5888

(2) If the federal funds received are greater than the amount 5889
of such funds appropriated by the general assembly for a specific 5890
purpose, the total appropriation of federal and state funds for 5891
such purpose shall remain at the amount designated by the general 5892
assembly, except that the expenditure of federal funds received in 5893
excess of such specific appropriation may be authorized by the 5894
controlling board. 5895

(3) To the extent that the expenditure of excess federal 5896
funds is authorized, the controlling board may transfer a like 5897
amount of general revenue fund appropriation authority from the 5898
affected agency to the emergency purposes appropriation of the 5899
controlling board, if such action is permitted under federal 5900

regulations. 5901

(4) Additional funds may be created by the controlling board 5902
to receive revenues not anticipated in an appropriations act for 5903
the biennium in which such new revenues are received. Expenditures 5904
from such additional funds may be authorized by the controlling 5905
board, but such authorization shall not extend beyond the end of 5906
the biennium in which such funds are created. 5907

(5) Controlling board authorization for a state agency to 5908
make an expenditure of federal funds constitutes authority for the 5909
agency to participate in the federal program providing the funds, 5910
and the agency is not required to obtain an executive order under 5911
section 107.17 of the Revised Code to participate in the federal 5912
program. 5913

(B) With respect to nonfederal funds received into the 5914
waterways safety fund, the wildlife fund, and any fund of the 5915
state from which transfers may be made under division (D) of 5916
section 127.14 of the Revised Code: 5917

(1) No state agency may make expenditures of any such funds 5918
unless the expenditures are made pursuant to specific 5919
appropriations of the general assembly. 5920

(2) If the receipts received into any fund are greater than 5921
the amount appropriated, the appropriation for that fund shall 5922
remain at the amount designated by the general assembly or as 5923
increased and approved by the controlling board. 5924

(3) Additional funds may be created by the controlling board 5925
to receive revenues not anticipated in an appropriations act for 5926
the biennium in which such new revenues are received. Expenditures 5927
from such additional funds may be authorized by the controlling 5928
board, but such authorization shall not extend beyond the end of 5929
the biennium in which such funds are created. 5930

(C) The controlling board shall not authorize more than ten 5931

per cent of additional spending from the occupational licensing 5932
and regulatory fund, created in section 4743.05 of the Revised 5933
Code, in excess of any appropriation made by the general assembly 5934
to a licensing agency except an appropriation for costs related to 5935
the examination or reexamination of applicants for a license. As 5936
used in this division, "licensing agency" and "license" have the 5937
same meanings as in section 4745.01 of the Revised Code. 5938

Sec. 145.38. (A) As used in this section and ~~section~~ sections 5939
145.381 and 145.384 of the Revised Code: 5940

(1) "PERS retirant" means a former member of the public 5941
employees retirement system who is receiving one of the following: 5942

(a) Age and service retirement benefits under section 145.32, 5943
145.33, 145.331, 145.34, or 145.46 of the Revised Code; 5944

(b) Age and service retirement benefits paid by the public 5945
employees retirement system under section 145.37 of the Revised 5946
Code; 5947

(c) Any benefit paid under a PERS defined contribution plan. 5948

(2) "Other system retirant" means both of the following: 5949

(a) A member or former member of the Ohio police and fire 5950
pension fund, state teachers retirement system, school employees 5951
retirement system, state highway patrol retirement system, or 5952
Cincinnati retirement system who is receiving age and service or 5953
commuted age and service retirement benefits or a disability 5954
benefit from a system of which the person is a member or former 5955
member; 5956

(b) A member or former member of the public employees 5957
retirement system who is receiving age and service retirement 5958
benefits or a disability benefit under section 145.37 of the 5959
Revised Code paid by the school employees retirement system or the 5960
state teachers retirement system. 5961

(B)(1) Subject to this section and section 145.381 of the Revised Code, a PERS retirant or other system retirant may be employed by a public employer. If so employed, the PERS retirant or other system retirant shall contribute to the public employees retirement system in accordance with section 145.47 of the Revised Code, and the employer shall make contributions in accordance with section 145.48 of the Revised Code.

(2) A public employer that employs a PERS retirant or other system retirant, or enters into a contract for services as an independent contractor with a PERS retirant shall notify the retirement board of the employment or contract not later than the end of the month in which the employment or contract commences. Any overpayment of benefits to a PERS retirant by the retirement system resulting from delay or failure of the employer to give the notice shall be repaid to the retirement system by the employer.

(3) On receipt of notice from a public employer that a person who is an other system retirant has been employed, the retirement system shall notify the retirement system of which the other system retirant was a member of such employment.

(4)(a) A PERS retirant who has received a retirement allowance for less than two months when employment subject to this section commences shall forfeit the retirement allowance for any month the PERS retirant is employed prior to the expiration of the two-month period. Service and contributions for that period shall not be included in calculation of any benefits payable to the PERS retirant and those contributions shall be refunded on the retirant's death or termination of the employment.

(b) An other system retirant who has received a retirement allowance or disability benefit for less than two months when employment subject to this section commences shall forfeit the retirement allowance or disability benefit for any month the other

system retirant is employed prior to the expiration of the 5993
two-month period. Service and contributions for that period shall 5994
not be included in the calculation of any benefits payable to the 5995
other system retirant and those contributions shall be refunded on 5996
the retirant's death or termination of the employment. 5997

(c) Contributions made on compensation earned after the 5998
expiration of the two-month period shall be used in the 5999
calculation of the benefit or payment due under section 145.384 of 6000
the Revised Code. 6001

(5) On receipt of notice from the Ohio police and fire 6002
pension fund, school employees retirement system, or state 6003
teachers retirement system of the re-employment of a PERS 6004
retirant, the public employees retirement system shall not pay, or 6005
if paid, shall recover, the amount to be forfeited by the PERS 6006
retirant in accordance with section 742.26, 3307.35, or 3309.341 6007
of the Revised Code. 6008

(6) A PERS retirant who enters into a contract to provide 6009
services as an independent contractor to the employer by which the 6010
retirant was employed at the time of retirement or, less than two 6011
months after the retirement allowance commences, begins providing 6012
services as an independent contractor pursuant to a contract with 6013
another public employer, shall forfeit the pension portion of the 6014
retirement benefit for the period beginning the first day of the 6015
month following the month in which the services begin and ending 6016
on the first day of the month following the month in which the 6017
services end. The annuity portion of the retirement allowance 6018
shall be suspended on the day services under the contract begin 6019
and shall accumulate to the credit of the retirant to be paid in a 6020
single payment after services provided under the contract 6021
terminate. A PERS retirant subject to division (B)(6) of this 6022
section shall not contribute to the retirement system and shall 6023
not become a member of the system. 6024

(7) As used in this division, "employment" includes service 6025
for which a PERS retirant or other system retirant, the retirant's 6026
employer, or both, have waived any earnable salary for the 6027
service. 6028

(C)(1) Except as provided in division (C)(3) of this section, 6029
this division applies to both of the following: 6030

(a) A PERS retirant who, prior to September 14, 2000, was 6031
subject to division (C)(1)(b) of this section as that division 6032
existed immediately prior to September 14, 2000, and has not 6033
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 6034
assembly to cease to be subject to that division; 6035

(b) A PERS retirant to whom both of the following apply: 6036

(i) The retirant held elective office in this state, or in 6037
any municipal corporation, county, or other political subdivision 6038
of this state at the time of retirement under this chapter. 6039

(ii) The retirant was elected or appointed to the same office 6040
for the remainder of the term or the term immediately following 6041
the term during which the retirement occurred. 6042

(2) A PERS retirant who is subject to this division is a 6043
member of the public employees retirement system with all the 6044
rights, privileges, and obligations of membership, except that the 6045
membership does not include survivor benefits provided pursuant to 6046
section 145.45 of the Revised Code or, beginning on the ninetieth 6047
day after September 14, 2000, any amount calculated under section 6048
145.401 of the Revised Code. The pension portion of the PERS 6049
retirant's retirement allowance shall be forfeited until the first 6050
day of the first month following termination of the employment. 6051
The annuity portion of the retirement allowance shall accumulate 6052
to the credit of the PERS retirant to be paid in a single payment 6053
after termination of the employment. The retirement allowance 6054
shall resume on the first day of the first month following 6055

termination of the employment. On termination of the employment, 6056
the PERS retirant shall elect to receive either a refund of the 6057
retirant's contributions to the retirement system during the 6058
period of employment subject to this section or a supplemental 6059
retirement allowance based on the retirant's contributions and 6060
service credit for that period of employment. 6061

(3) This division does not apply to any of the following: 6062

(a) A PERS retirant elected to office who, at the time of the 6063
election for the retirant's current term, was not retired but, not 6064
less than ninety days prior to the election for the term, filed a 6065
written declaration of intent to retire before the end of the term 6066
with the board of elections of the county in which petitions for 6067
nomination or election to the office were filed; 6068

(b) A PERS retirant elected to office who, at the time of the 6069
election for the retirant's current term, was a retirant and had 6070
been retired for not less than ninety days; 6071

(c) A PERS retirant appointed to office who, at the time of 6072
appointment to the retirant's current term, notified the person or 6073
entity making the appointment that the retirant was already 6074
retired or intended to retire before the end of the term. 6075

(D)(1) Except as provided in division (C) of this section, a 6076
PERS retirant or other system retirant subject to this section is 6077
not a member of the public employees retirement system, and, 6078
except as specified in this section does not have any of the 6079
rights, privileges, or obligations of membership. Except as 6080
specified in division (D)(2) of this section, the retirant is not 6081
eligible to receive health, medical, hospital, or surgical 6082
benefits under section 145.58 of the Revised Code for employment 6083
subject to this section. 6084

(2) A PERS retirant subject to this section shall receive 6085
primary health, medical, hospital, or surgical insurance coverage 6086

from the retirant's employer, if the employer provides coverage to 6087
other employees performing comparable work. Neither the employer 6088
nor the PERS retirant may waive the employer's coverage, except 6089
that the PERS retirant may waive the employer's coverage if the 6090
retirant has coverage comparable to that provided by the employer 6091
from a source other than the employer or the public employees 6092
retirement system. If a claim is made, the employer's coverage 6093
shall be the primary coverage and shall pay first. The benefits 6094
provided under section 145.58 of the Revised Code shall pay only 6095
those medical expenses not paid through the employer's coverage or 6096
coverage the PERS retirant receives through a source other than 6097
the retirement system. 6098

(E) If the disability benefit of an other system retirant 6099
employed under this section is terminated, the retirant shall 6100
become a member of the public employees retirement system, 6101
effective on the first day of the month next following the 6102
termination with all the rights, privileges, and obligations of 6103
membership. If such person, after the termination of the 6104
disability benefit, earns two years of service credit under this 6105
system or under the Ohio police and fire pension fund, state 6106
teachers retirement system, school employees retirement system, or 6107
state highway patrol retirement system, the person's prior 6108
contributions as an other system retirant under this section shall 6109
be included in the person's total service credit as a public 6110
employees retirement system member, and the person shall forfeit 6111
all rights and benefits of this section. Not more than one year of 6112
credit may be given for any period of twelve months. 6113

(F) This section does not affect the receipt of benefits by 6114
or eligibility for benefits of any person who on August 20, 1976, 6115
was receiving a disability benefit or service retirement pension 6116
or allowance from a state or municipal retirement system in Ohio 6117
and was a member of any other state or municipal retirement system 6118

of this state. 6119

(G) The public employees retirement board may adopt rules to 6120
carry out this section. 6121

Sec. 145.381. (A) Except as provided in division (B) of this 6122
section, no person who is, or at the time of employment will be, a 6123
PERS retirant may be employed by a public employer or provide 6124
service as an independent contractor to a public employer unless 6125
the public employer does both of the following in accordance with 6126
rules adopted under division (F) of this section: 6127

(1) Not less than sixty days before the employment or service 6128
is to begin, makes public the fact that the person is or will be 6129
retired and is seeking employment with the public employer or to 6130
provide service as an independent contractor to the public 6131
employer; 6132

(2) Between fifteen and thirty days before the employment or 6133
service is to begin and after complying with division (A)(1) of 6134
this section, holds a public meeting on the issue of the person 6135
being employed by or providing services as an independent 6136
contractor to the public employer. 6137

(B) A person is not subject to division (A) of this section 6138
if the employment involved is an elective office of this state or 6139
any municipal corporation, county, or other political subdivision 6140
of this state. 6141

(C) A PERS retirant who is employed by or provides services 6142
as an independent contractor to a public employer that has not 6143
complied with division (A) of this section shall forfeit the 6144
pension portion of the retirement benefit for the period beginning 6145
the first day of the month following the month in which the 6146
employment or service begins and ending on the first day of the 6147
month following the month in which the employment or service ends. 6148

The annuity portion of the retirement allowance shall be suspended 6149
beginning the first day of the month following the month in which 6150
the employment or service begins and shall accumulate to the 6151
credit of the PERS retirant to be paid in a single payment after 6152
employment or service terminates. 6153

(D) A public employer shall repay the public employees 6154
retirement system for the payment of any benefit that the 6155
retirement system makes to a PERS retirant who should not receive 6156
the payment because of a penalty imposed under this section unless 6157
the public employer notifies the retirement system before the 6158
payment is made that the payment should not be made because of a 6159
violation of division (A) of this section. 6160

(E) The operation of this section does not affect the 6161
operation of section 145.38 of the Revised Code. If a PERS 6162
retirant is subject to a penalty under this section and division 6163
(B)(4)(a) of section 145.38 of the Revised Code, the penalty under 6164
this section shall begin the month that follows the month the 6165
penalty under division (B)(4)(a) of section 145.38 of the Revised 6166
Code ends. If a PERS retirant is subject to a penalty under this 6167
section and division (B)(6) of section 145.38 of the Revised Code, 6168
the penalty under division (B)(6) of section 145.38 supersedes the 6169
penalty under this section. 6170

(F) The public employees retirement board shall adopt rules 6171
as necessary to implement this section. 6172

Sec. 147.01. (A) The secretary of state may appoint and 6173
commission as notaries public as many persons who meet the 6174
qualifications of division (B) of this section as the secretary of 6175
state considers necessary. 6176

(B) In order for a person to qualify to be appointed and 6177
commissioned as a notary public, the person must satisfy both of 6178
the following: 6179

- (1) The person has attained the age of eighteen years. 6180
- (2) One of the following applies: 6181
- (a) The person is a ~~citizen~~ legal resident of this state who 6182
is not an attorney admitted to the practice of law in this state 6183
by the Ohio supreme court. 6184
- (b) The person is a ~~citizen~~ legal resident of this state who 6185
is an attorney admitted to the practice of law in this state by 6186
the Ohio supreme court. 6187
- (c) The person is not a ~~citizen~~ legal resident of this state, 6188
is an attorney admitted to the practice of law in this state by 6189
the Ohio supreme court, and has the person's principal place of 6190
business or the person's primary practice in this state. 6191
- (C) A notary public shall be appointed and commissioned as a 6192
notary public for the state. The secretary of state may revoke a 6193
commission issued to a notary public upon presentation of 6194
satisfactory evidence of official misconduct or incapacity. 6195
- Sec. 147.37.** Each person receiving a commission as notary 6196
public, ~~except~~ including an attorney admitted to the practice of 6197
law in this state by the Ohio supreme court, shall pay a fee of 6198
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 6199
~~receiving a commission as a notary public who is an attorney~~ 6200
~~admitted to the practice of law in this state by the Ohio supreme~~ 6201
~~court shall pay a fee of ten dollars to the secretary of state.~~ 6202
- Sec. 149.011.** As used in this chapter: 6203
- (A) "Public office" includes any state agency, public 6204
institution, political subdivision, or ~~any~~ other organized body, 6205
office, agency, institution, or entity established by the laws of 6206
this state for the exercise of any function of government. 6207
- (B) "State agency" includes every department, bureau, board, 6208

commission, office, or other organized body established by the 6209
constitution and laws of this state for the exercise of any 6210
function of state government, including any state-supported 6211
institution of higher education, the general assembly, ~~or~~ any 6212
legislative agency, any court or judicial agency, or any political 6213
subdivision or agency ~~thereof~~ of a political subdivision. 6214

(C) "Public money" includes all money received or collected 6215
by or due a public official, whether in accordance with or under 6216
authority of any law, ordinance, resolution, or order, under color 6217
of office, or otherwise. It also includes any money collected by 6218
any individual on behalf of a public office or as a purported 6219
representative or agent of the public office. 6220

(D) "Public official" includes all officers, employees, or 6221
duly authorized representatives or agents of a public office. 6222

(E) "Color of office" includes any act purported or alleged 6223
to be done under any law, ordinance, resolution, order, or other 6224
pretension to official right, power, or authority. 6225

(F) "Archive" includes any public record that is transferred 6226
to the state archives or other designated archival institutions 6227
because of the historical information contained on it. 6228

(G) "Records" includes any document, device, or item, 6229
regardless of physical form or characteristic, including an 6230
electronic record as defined in section 1306.01 of the Revised 6231
Code, created or received by or coming under the jurisdiction of 6232
any public office of the state or its political subdivisions, 6233
which serves to document the organization, functions, policies, 6234
decisions, procedures, operations, or other activities of the 6235
office. 6236

Sec. 149.30. The Ohio historical society, chartered by this 6237
state as a corporation not for profit to promote a knowledge of 6238

history and archaeology, especially of Ohio, and operated 6239
continuously in the public interest since 1885, may perform public 6240
functions as prescribed by law. 6241

The general assembly may appropriate money to the Ohio 6242
historical society each biennium to carry out the public functions 6243
of the society as enumerated in this section. An appropriation by 6244
the general assembly to the society constitutes an offer to 6245
contract with the society to carry out those public functions for 6246
which appropriations are made. An acceptance by the society of the 6247
appropriated funds constitutes an acceptance by the society of the 6248
offer and is considered an agreement by the society to perform 6249
those functions in accordance with the terms of the appropriation 6250
and the law and to expend the funds only for the purposes for 6251
which appropriated. The governor may request on behalf of the 6252
society, and the controlling board may release, additional funds 6253
to the society for survey, salvage, repair, or rehabilitation of 6254
an emergency nature for which funds have not been appropriated, 6255
and acceptance by the society of those funds constitutes an 6256
agreement on the part of the society to expend those funds only 6257
for the purpose for which released by the controlling board. 6258

The society shall faithfully expend and apply all moneys 6259
received from the state to the uses and purposes directed by law 6260
and for necessary administrative expenses. The society shall 6261
perform the public function of sending notice by certified mail to 6262
the owner of any property at the time it is listed on the national 6263
register of historic places. The society shall accurately record 6264
all expenditures of such funds in conformity with generally 6265
accepted accounting principles. 6266

The auditor of state shall audit all funds and fiscal records 6267
of the society. 6268

The public functions to be performed by the Ohio historical 6269
society shall include all of the following: 6270

(A) Creating, supervising, operating, protecting, 6271
maintaining, and promoting for public use a system of state 6272
memorials, titles to which may reside wholly or in part with this 6273
state or wholly or in part with the society as provided in and in 6274
conformity to appropriate acts and resolves of the general 6275
assembly, and leasing for renewable periods of two years or less, 6276
with the advice and consent of the attorney general and the 6277
director of administrative services, lands and buildings owned by 6278
the state which are in the care, custody, and control of the 6279
society, all of which shall be maintained and kept for public use 6280
at reasonable hours; 6281

(B) Making alterations and improvements, marking, and 6282
constructing, reconstructing, protecting, or restoring structures, 6283
earthworks, and monuments in its care, and equipping such 6284
facilities with appropriate educational maintenance facilities; 6285

(C) Serving as the archives administration for the state and 6286
its political subdivisions as provided in sections 149.31 to 6287
149.42 of the Revised Code; 6288

(D) Administering a state historical museum, to be the 6289
headquarters of the society and its principal museum and library, 6290
which shall be maintained and kept for public use at reasonable 6291
hours; 6292

(E) Establishing a marking system to identify all designated 6293
historic and archaeological sites within the state and marking or 6294
causing to be marked historic sites and communities considered by 6295
the society to be historically or archaeologically significant; 6296

(F) Publishing books, pamphlets, periodicals, and other 6297
publications about history, archaeology, and natural science and 6298
~~supplying~~ offering one copy of each regular periodical issue to 6299
all public libraries in this state ~~without charge~~ at a reasonable 6300
price, which shall not exceed one hundred ten per cent more than 6301

the total cost of publication; 6302

(G) Engaging in research in history, archaeology, and natural 6303
science and providing historical information upon request to all 6304
state agencies; 6305

(H) Collecting, preserving, and making available by all 6306
appropriate means and under approved safeguards all manuscript, 6307
print, or near-print library collections and all historical 6308
objects, specimens, and artifacts which pertain to the history of 6309
Ohio and its people, including the following original documents: 6310
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 6311
Ohio Constitution of 1875; design and the letters of patent and 6312
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 6313
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 6314
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 6315
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 6316
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 6317
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 6318
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 6319
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 6320
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 6321
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 6322
(1947); 6323

(I) Encouraging and promoting the organization and 6324
development of county and local historical societies; 6325

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 6326
~~near cost~~ as the society may prepare to facilitate the instruction 6327
of Ohio history at a reasonable price, which shall not exceed one 6328
hundred ten per cent more than the total cost of preparation and 6329
delivery; 6330

(K) Providing advisory and technical assistance to local 6331
societies for the preservation and restoration of historic and 6332

| | |
|--|--|
| archaeological sites; | 6333 |
| (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; | 6334 6335 6336 |
| (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; | 6337 6338 6339 6340 6341 |
| (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; | 6342 6343 6344 6345 6346 6347 6348 6349 6350 |
| (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. | 6351 6352 6353 6354 6355 6356 6357 6358 6359 6360 |
| (P) Commissioning a portrait of each departing governor, which shall be displayed in the capitol building. The Ohio historical society may accept private contributions designated for | 6361 6362 6363 |

this purpose and, at the discretion of its board of trustees, also 6364
may apply for the same purpose funds appropriated by the general 6365
assembly to the society pursuant to this section. 6366

(Q) Planning and developing a center at the capitol building 6367
for the purpose of educating visitors about the history of Ohio, 6368
including its political, economic, and social development and the 6369
design and erection of the capitol building and its grounds. The 6370
Ohio historical society may accept contributions of private moneys 6371
and in-kind services designated for this purpose and may, at the 6372
discretion of its board of trustees, also apply, for the same 6373
purpose, personnel and other resources paid in whole or in part by 6374
its state subsidy. 6375

(R) Submitting an annual report of its activities, programs, 6376
and operations to the governor within two months after the close 6377
of each fiscal year of the state. 6378

The society shall not sell, mortgage, transfer, or dispose of 6379
historical or archaeological sites to which it has title and in 6380
which the state has monetary interest except by action of the 6381
general assembly. 6382

In consideration of the public functions performed by the 6383
Ohio historical society for the state, employees of the society 6384
shall be considered public employees within the meaning of section 6385
145.01 of the Revised Code. 6386

Sec. 149.31. (A) The Ohio historical society, in addition to 6387
its other functions, shall function as the state archives 6388
administration for the state and its political subdivisions. 6389

It shall be the function of the state archives to preserve 6390
government archives, documents, and records of historical value 6391
~~which that~~ may come into its possession from public or private 6392
sources. 6393

The archives administration shall evaluate, preserve, 6394
arrange, service repair, or make other disposition, such as 6395
transfer to public libraries, county historical societies, state 6396
universities, or other public or quasi-public institutions, 6397
agencies, or corporations, of those public records of the state 6398
and its political subdivisions ~~which~~ that may come into its 6399
possession under ~~the provisions of~~ this section. Such public 6400
records shall be transferred by written agreement only, and only 6401
to public or quasi-public institutions, agencies, or corporations 6402
capable of meeting accepted archival standards for housing and 6403
use. 6404

The archives administration shall be headed by a trained 6405
archivist designated by the Ohio historical society, and shall 6406
make its services available to county, city, township, and ~~school~~ 6407
school district records commissions upon request. The archivist 6408
shall be designated as the "state archivist." 6409

(B) The archives administration ~~of the Ohio historical~~ 6410
~~society~~ may purchase or procure for itself, or authorize the board 6411
of trustees of an archival institution to purchase or procure from 6412
an insurance company licensed to do business in this state 6413
policies of insurance insuring the administration or the members 6414
of the board and their officers, employees, and agents against 6415
liability on account of damage or injury to persons and property 6416
resulting from any act or omission of the board members, officers, 6417
employees, and agents in their official capacity. 6418

(C) Notwithstanding any other provision of the Revised Code 6419
to the contrary, the archives administration may establish a fee 6420
schedule, which may include the cost of labor, for researching, 6421
retrieving, copying, and mailing copies of public records in the 6422
state archives. Revisions to the fee schedule shall be subject to 6423
approval by the board of trustees of the Ohio historical society. 6424

Sec. 149.33. (A) The department of administrative services 6425
shall have full responsibility for establishing and administering 6426
a state records program for all state agencies, except for 6427
state-supported institutions of higher education. The department 6428
shall apply efficient and economical management methods to the 6429
creation, utilization, maintenance, retention, preservation, and 6430
disposition of state records. 6431

There is hereby established within the department of 6432
administrative services ~~an office of a~~ state records 6433
~~administration program~~, which shall be under the control and 6434
supervision of the director of administrative services or ~~his~~ the 6435
director's appointed deputy. ~~The director shall designate an~~ 6436
~~administrator of the office of state records administration.~~ 6437

(B) The boards of trustees of state-supported institutions of 6438
higher education shall have full responsibility for establishing 6439
and administering a records program for their respective 6440
institutions. The boards shall apply efficient and economical 6441
management methods to the creation, utilization, maintenance, 6442
retention, preservation, and disposition of the records of their 6443
respective institutions. 6444

Sec. 149.331. The state ~~record administration~~ records program 6445
of the department of administrative services shall do all of the 6446
following: 6447

(A) Establish and promulgate in consultation with the state 6448
archivist standards, procedures, and techniques for the effective 6449
management of state records; 6450

(B) ~~Make continuing surveys of record-keeping operations and~~ 6451
~~recommend improvements in current records management practices~~ 6452
~~including the use of space, equipment, and supplies employed in~~ 6453
~~creating, maintaining, storing, and servicing records;~~ 6454

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

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

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

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

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

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

administrative records of the home required to be maintained by 6486
approved records retention schedules shall be administered by the 6487
department of administrative services pursuant to this chapter, 6488
and historical records of the home shall be transferred to an 6489
appropriate archival institution in this state prescribed by the 6490
state ~~record administration~~ records program. 6491

~~(I)~~(F) Establish a centralized program coordinating 6492
micrographics standards, training, and services for the benefit of 6493
all state agencies; 6494

~~(J)~~(G) Establish and publish in accordance with the 6495
applicable law necessary procedures and rules for the retention 6496
and disposal of state records. 6497

This section does not apply to the records of state-supported 6498
institutions of higher education, which shall keep their own 6499
records. 6500

Sec. 149.332. Upon request the ~~state records administrator~~ 6501
director of administrative services and the state archivist shall 6502
assist and advise in the establishment of records management 6503
programs in the legislative and judicial branches of state 6504
government and shall, as required by them, provide program 6505
services similar to those available to the executive branch 6506
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 6507
disposal of any records, the state archivist shall be allowed 6508
sixty days to select for preservation in the state archives those 6509
records ~~he~~ the state archivist determines to have continuing 6510
historical value. 6511

Sec. 149.333. No state agency shall retain, destroy, or 6512
otherwise transfer its state records in violation of this section. 6513
This section does not apply to state-supported institutions of 6514
higher education. 6515

Each state agency shall submit to the state records 6516
~~administrator~~ program under the director of administrative 6517
services all applications for records disposal or transfer and all 6518
schedules of records retention and destruction. The state records 6519
~~administrator~~ program shall review ~~such~~ the applications and 6520
schedules and provide written approval, rejection, or modification 6521
of ~~the~~ an application or schedule. The state records ~~administrator~~ 6522
program shall then forward the application for records disposal or 6523
transfer or the schedule for retention or destruction, with the 6524
~~administrator's~~ program's recommendation attached, to the auditor 6525
of state for review and approval. The decision of the auditor of 6526
state to approve, reject, or modify the ~~applications~~ application 6527
or ~~schedules~~ schedule shall be based upon the continuing 6528
administrative and fiscal value of the state records to the state 6529
or to its citizens. If the auditor of state disapproves the action 6530
by the state agency, ~~he~~ the auditor of state shall so inform the 6531
state agency through the state records ~~administrator~~ program 6532
within sixty days, ~~and these~~ the records shall not be destroyed. 6533
~~At~~ 6534

At the same time, the state records ~~administrator~~ program 6535
shall forward the application for records disposal or transfer or 6536
the schedule for retention or destruction to the state archivist 6537
for review and approval. The state archivist shall have sixty days 6538
to select for custody ~~such~~ the state records ~~as he~~ that the state 6539
archivist determines to be of continuing historical value. Records 6540
not ~~so~~ selected shall be disposed of in accordance with this 6541
section. 6542

Sec. 149.34. The head of each state agency, office, 6543
institution, board, or commission shall do the following: 6544

(A) Establish, maintain, and direct an active continuing 6545
program for the effective management of the records of the state 6546

agency; 6547

~~(B) Cooperate with the state records administrator in the 6548
conduct of surveys pursuant to section 149.331 of the Revised 6549
Code; 6550~~

~~(C) Submit to the state records administrator program, in 6551
accordance with applicable standards and procedures, schedules 6552
proposing the length of time each record series warrants retention 6553
for administrative, legal, or fiscal purposes after it has been 6554
received or created by the agency. The head of each state agency 6555
also shall submit to the state records administrator program 6556
applications for disposal of records in his the head's custody 6557
that are not needed in the transaction of current business and are 6558
not otherwise scheduled for retention or destruction. 6559~~

~~(D) Transfer to a state records center or auxiliary 6560
facilities, in the manner prescribed by the state records 6561
administrator, those records of the agency that can be retained 6562
more efficiently and economically in such a center; 6563~~

~~(E)(C) Within one year after their date of creation or 6564
receipt, schedule all records for disposition or retention in the 6565
manner prescribed by applicable law and procedures. 6566~~

This section does not apply to state-supported institutions 6567
of higher education. 6568

Sec. 149.35. If any law prohibits the destruction of records, 6569
~~neither the state records administrator nor director of 6570
administrative services, the director's designee, or the boards of 6571
trustees of state-supported institutions of higher education shall 6572
not order their destruction or other disposition, ~~and, if.~~ If any 6573
law provides that records shall be kept for a specified period of 6574
time, ~~neither the administrator nor director of administrative 6575
services, the director's designee, or the boards shall not order 6576~~~~

their destruction or other disposition prior to the expiration of 6577
~~such~~ that period. 6578

Sec. 153.65. As used in sections 153.65 to 153.71 of the 6579
Revised Code: 6580

(A) "Public authority" means the state, ~~or~~ a county, 6581
township, municipal corporation, school district, or other 6582
political subdivision, or any public agency, authority, board, 6583
commission, instrumentality, or special district of the state or a 6584
county, township, municipal corporation, school district, or other 6585
political subdivision. 6586

(B) "Professional design firm" means any person legally 6587
engaged in rendering professional design services. 6588

(C) "Professional design services" means services within the 6589
scope of practice of an architect or landscape architect 6590
registered under Chapter 4703. of the Revised Code or a 6591
professional engineer or surveyor registered under Chapter 4733. 6592
of the Revised Code. 6593

(D) "Qualifications" means all of the following: 6594

(1) Competence of the professional design firm to perform the 6595
required professional design services as indicated by the 6596
technical training, education, and experience of the firm's 6597
personnel, especially the technical training, education, and 6598
experience of the employees within the firm who would be assigned 6599
to perform the services; 6600

(2) Ability of the firm in terms of its workload and the 6601
availability of qualified personnel, equipment, and facilities to 6602
perform the required professional design services competently and 6603
expeditiously; 6604

(3) Past performance of the firm as reflected by the 6605
evaluations of previous clients with respect to such factors as 6606

control of costs, quality of work, and meeting of deadlines; 6607

(4) ~~Other similar~~ Any other relevant factors as determined by 6608
the director of administrative services. 6609

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 6610
created in the state treasury. Seventy-five per cent of the net 6611
proceeds of obligations issued and sold by the issuing authority 6612
pursuant to sections 151.01 and 151.09 of the Revised Code shall 6613
be deposited into the fund. Investment earnings of the fund shall 6614
be credited to the fund. ~~For two years after the effective date of~~ 6615
~~this section, investment earnings credited to the fund and~~ 6616
used to pay costs incurred by the Ohio public works commission in 6617
administering sections 164.20 to 164.27 of the Revised Code. 6618
Moneys in the clean Ohio conservation fund shall be used to make 6619
grants to local political subdivisions and nonprofit organizations 6620
for projects that have been approved for grants under sections 6621
164.20 to 164.27 of the Revised Code. 6622

The clean Ohio conservation fund shall be administered by the 6623
Ohio public works commission. 6624

(B) For the purpose of grants issued under sections 164.20 to 6625
164.27 of the Revised Code, moneys shall be allocated on an annual 6626
basis from the clean Ohio conservation fund to districts 6627
represented by natural resources assistance councils as follows: 6628

(1) Each district shall receive an amount that is equal to 6629
one-fourth of one per cent of the total annual amount allocated to 6630
all districts each year for each county that is represented by the 6631
district. 6632

(2) The remaining moneys shall be allocated to each district 6633
annually on a per capita basis. 6634

(C) A grant that is awarded under sections 164.20 to 164.27 6635
of the Revised Code may provide up to seventy-five per cent of the 6636

estimated cost of a project. Matching funds from a grant recipient 6637
may consist of contributions of money by any person, any local 6638
political subdivision, or the federal government or of 6639
contributions in-kind by such entities through the purchase or 6640
donation of equipment, land, easements, interest in land, labor, 6641
or materials necessary to complete the project. 6642

(D) The director of the Ohio public works commission shall 6643
notify the director of budget and management of the amounts 6644
allocated pursuant to this section, and that information shall be 6645
entered in the state accounting system. The director of budget and 6646
management may establish appropriate line items or other 6647
mechanisms that are needed to track the allocations. 6648

(E) Grants awarded under sections 164.20 to 164.27 of the 6649
Revised Code from the clean Ohio conservation fund shall be used 6650
by a local political subdivision or nonprofit organization only to 6651
pay the costs related to the purposes for which grants may be 6652
issued under section 164.22 of the Revised Code and shall not be 6653
used by a local political subdivision or nonprofit organization to 6654
pay any administrative costs incurred by the local political 6655
subdivision or nonprofit organization. 6656

Sec. 165.09. Any real or personal property, or both, of an 6657
issuer ~~which~~ that is acquired, constructed, reconstructed, 6658
enlarged, improved, furnished or equipped, or any combination 6659
thereof, and leased or subleased under authority of either Chapter 6660
165. or 761. of the Revised Code shall be subject to ad valorem, 6661
sales, use, and franchise taxes and to zoning, planning, and 6662
building regulations and fees, to the same extent and in the same 6663
manner as if the lessee-user or sublessee-user thereof, rather 6664
than the issuer, had acquired, constructed, reconstructed, 6665
enlarged, improved, furnished, or equipped, or any combination 6666
thereof, such real or personal property, and title thereto was in 6667

the name of such lessee-user or sublessee-user. 6668

The transfer of tangible personal property by lease or 6669
sublease under authority of either Chapter 165. or 761. of the 6670
Revised Code is not a sale as used in Chapter 5739. of the Revised 6671
Code. The exemptions provided in divisions (B)(1) and (B)~~(14)~~(13) 6672
of section 5739.02 of the Revised Code shall not be applicable to 6673
purchases for a project under either Chapters 165. or 761. of the 6674
Revised Code. 6675

An issuer shall be exempt from all taxes on its real or 6676
personal property, or both, which has been acquired, constructed, 6677
reconstructed, enlarged, improved, furnished, or equipped, or any 6678
combination thereof, under Chapter 165. or 761. of the Revised 6679
Code, so long as such property is used by the issuer for purposes 6680
which would otherwise exempt such property; has ceased to be used 6681
by a former lessee-user or sublessee-user and is not occupied or 6682
used; or has been acquired by the issuer, but development has not 6683
yet commenced. The exemption shall be effective as of the date the 6684
exempt use begins. All taxes on the exempt real or personal 6685
property for the year should be prorated and the taxes for the 6686
exempt portion of the year shall be remitted by the county 6687
auditor. 6688

Sec. 173.06. (A) The director of aging shall establish a 6689
golden buckeye card program and provide a golden buckeye card to 6690
any resident of this state who applies to the director for a card 6691
and ~~who~~ is sixty years of age or older or ~~disabled~~ is a person 6692
with a disability and is eighteen years of age or older. The 6693
director shall devise programs to provide benefits of any kind to 6694
card holders, and encourage support and participation in them by 6695
all persons, including governmental organizations. Card holders 6696
shall be entitled to any benefits granted to them by private 6697
persons or organizations, the laws of this state, or ordinances or 6698

resolutions of political subdivisions. This section does not 6699
require any person or organization to provide benefits to any card 6700
holder. The department of aging shall bear all costs of the 6701
program, except that the department is not required to bear any 6702
costs related to the prescription drug ~~discount~~ programs 6703
established pursuant to section 173.061 of the Revised Code. 6704

(B) Before issuing a golden buckeye card to any person, the 6705
director shall establish the identity of any person who applies 6706
for a card and shall ascertain that such person is sixty years of 6707
age or older or ~~disabled~~ is a person with a disability and is 6708
eighteen years of age or older. The director shall adopt rules 6709
under Chapter 119. of the Revised Code to prevent the issuance of 6710
cards to persons not qualified to have them. Cards shall contain 6711
the signature of the card holder and any other information the 6712
director considers necessary to carry out the purposes of the 6713
golden buckeye card program under this section. Any card that the 6714
director issues shall be held in perpetuity by the original card 6715
holder and shall not be transferable to any other person. A person 6716
who loses the person's card may obtain another card from the 6717
director upon providing the same information to the director as 6718
was required for the issuance of the original card. 6719

(C) No person shall use a golden buckeye card except to 6720
obtain a benefit for the holder of the card to which the holder is 6721
entitled under the conditions of the offer. 6722

(D) As used in this section, "~~disabled~~ person with a 6723
disability" means a person who has some impairment of body or mind 6724
~~that makes the person unfit to work at any substantially~~ 6725
~~remunerative employment that the person is substantially able to~~ 6726
~~perform and that will, with reasonable probability, continue for a~~ 6727
~~period of at least twelve months without any present indication of~~ 6728
~~recovery therefrom, or who and has been certified as permanently~~ 6729
and totally disabled by an agency of this state or the United 6730

States having the function of so classifying persons. 6731

Sec. 173.061. (A) As used in this section: 6732

(1) "Prescription drug" means a drug that may not be 6733
dispensed without a prescription from a licensed health 6734
professional authorized to prescribe drugs. 6735

(2) "Drug," "licensed health professional authorized to 6736
prescribe drugs," "pharmacy," and "prescription" have the same 6737
meanings as in section 4729.01 of the Revised Code. 6738

(3) "~~Disabled person~~ Person with a disability" has the same 6739
meaning as in section 173.06 of the Revised Code. 6740

(4) "Drug discount" means a reimbursement of a certain 6741
portion of the wholesale price of a drug to the administrator of a 6742
prescription drug program for funds accrued or paid in connection 6743
with a reduction in cost of the drug by the manufacturer to the 6744
prescription drug program cardholder pursuant to an agreement 6745
between the manufacturer and the administrator and in 6746
consideration of the administrator's agreement to return one 6747
hundred per cent of the non-negotiated discounts to the cardholder 6748
at the point of sale. A discount is not tied to and does not vary 6749
based on market share performance. 6750

(5) "Rebate" means a refund of a certain portion of the 6751
wholesale price of a drug to the administrator of a prescription 6752
drug program based on a negotiated agreement between the 6753
manufacturer and the administrator and in consideration of market 6754
share performance or continued access or availability of the drug 6755
under the administrator's prescription drug program. 6756

(B) The director of aging shall establish one or more 6757
prescription drug ~~discount-card~~ programs that enable cardholders 6758
to receive ~~discounts~~ reduced prices on prescription drugs 6759
dispensed at participating pharmacies. A card shall be provided to 6760

any resident of this state who applies in accordance with rules 6761
adopted by the director pursuant to division (F) of this section 6762
and is sixty years of age or older or is a ~~disabled~~ person with a 6763
disability. 6764

If the director establishes more than one prescription drug 6765
~~discount card~~ program under this section, an eligible resident may 6766
participate in one or more or all of the programs. 6767

(C)(1) The director shall solicit and accept proposals from 6768
entities separate from the department of aging to provide for 6769
administration of a program or programs in accordance with rules 6770
adopted under division (F) of this section. Proposals must be 6771
submitted not later than a date established by the director. The 6772
director shall accept only those proposals that specify all of the 6773
following: 6774

(a) The estimated amount of the ~~discount~~ reduced prices on 6775
prescription drugs based on the entity's previous experience and 6776
how the ~~discount~~ reduction is to be achieved; 6777

(b) To the extent that ~~discounts on prescription drugs are to~~ 6778
~~be achieved through rebates or discounts in prices that the an~~ 6779
entity negotiates rebates with drug manufacturers, the proportion 6780
of the rebates ~~or discounts~~ to be used to do ~~all~~ any of the 6781
following: 6782

(i) Reduce any costs to cardholders; 6783

(ii) ~~Achieve discounts for cardholders;~~ 6784

~~(iii) Cover costs for administering the program;~~ 6785

(iii) Offer any other benefits to cardholders. 6786

(c) Any other benefits offered to cardholders; 6787

(d) If fees are permitted, the fee, if any, to cardholders 6788
for participation in the program and whether the fee is to be a 6789
one-time or periodic fee; 6790

| | |
|---|--|
| (e) The estimated number and geographic distribution of participating pharmacies and the process for establishing the program's pharmacy network; | 6791 6792 6793 |
| (f) Financial incentives to be paid to participating pharmacies by the entity; | 6794 6795 |
| (g) The percentage of prescription drugs to be covered by the program by major drug category; | 6796 6797 |
| (h) How the entity proposes to improve medication management for cardholders; | 6798 6799 |
| (i) How cardholders and participating pharmacies will be informed of the discounted <u>reduced</u> price negotiated by the entity; | 6800 6801 |
| (j) How the entity will handle complaints about the program's operation; | 6802 6803 |
| (k) The entity's previous experience in managing similar programs; | 6804 6805 |
| (1) Any additional information requested by the director. | 6806 |
| (2) The director shall contract with one or more entities to administer a program or programs on the basis of the proposals submitted, but may require an administrator to modify its conduct of a program in accordance with rules adopted under division (F) of this section. Prior to entering into a contract with an entity, the director shall obtain approval of the contract from the controlling board at a public hearing. | 6807 6808 6809 6810 6811 6812 6813 |
| The director shall adopt rules specifying the period for which a contract will be in effect and may terminate a contract if an administrator fails to conduct a program in accordance with its proposal or with any modifications required by rule. When a contract period ends or a contract is terminated, the director shall enter into a new contract in the manner specified in this section for an original contract. Prior to making a new contract, | 6814 6815 6816 6817 6818 6819 6820 |

the director may modify the rules for administration of the 6821
program or programs. 6822

(D) The rules for administration of a program established 6823
under division (C)(2) of this section may permit an administrator 6824
to charge a fee for a prescription drug ~~discount~~ card. The fee may 6825
be a one-time or periodic fee. If the rules permit a fee to be 6826
charged, each entity that submits a proposal under which a fee 6827
will be charged shall specify the amount of the fee and the period 6828
to which the fee will apply. 6829

If an administrator charges a fee for a prescription drug 6830
~~discount~~ card, the rules may require the administrator to issue 6831
the cards. If an administrator does not charge a fee, the rules 6832
may require the administrator to issue the cards or may include 6833
the prescription drug ~~discount~~ information on golden buckeye cards 6834
issued under section 173.06 of the Revised Code. 6835

(E) As used in this division, "administrator" includes the 6836
administrator's parent company and any subsidiary of the parent 6837
company. 6838

(1) No administrator shall sell any information concerning a 6839
person who holds a prescription drug ~~discount~~ card, other than 6840
aggregate information that does not identify the cardholder, 6841
without the cardholder's written consent. 6842

(2) Unless an administrator has the cardholder's written 6843
consent, no administrator shall use any personally identifiable 6844
information that it obtains concerning a cardholder through the 6845
program to promote or sell a program or product offered by the 6846
administrator that is not related to the administration of the 6847
program. This division does not prohibit an administrator from 6848
contacting cardholders concerning participation in or 6849
administration of the program, including, but not limited to, 6850
mailing a list of pharmacies participating in the program's 6851

network. 6852

(3) When determining medicaid drug rebates, an administrator shall be subject to best price calculations promulgated by the centers for medicare and medicaid services in the United States department of health and human services. An administrator may use rebates negotiated with a drug manufacturer without restriction, including sharing a portion of the rebate with the administrator's clients, prescription drug program participants, or participating pharmacies. To the extent that ~~a discount is achieved through rebates or discounts in prices that~~ an administrator negotiates rebates with drug manufacturers, ~~an~~ the administrator shall use the rebates ~~or discounts~~ to do one or more of the following: 6853
6854
6855
6856
6857
6858
6859
6860
6861
6862
6863

(a) Reduce any costs to cardholders; 6864

(b) ~~Achieve discounts for cardholders;~~ 6865

~~(e)~~ Cover any administrative costs of the program; 6866

(c) Offer any other benefits to cardholders. 6867

(4) An administrator may negotiate with drug manufacturers to have the prescription drug program or programs established by the department of aging under this section serve as a single enrollment point for the manufacturer's discount program. To the extent that discounts are offered by manufacturers through the program, discounts are exempt from best price calculations when determining medicaid drug rebates pursuant to 42 U.S.C. 1396r-8, as amended, if all of the following apply: 6868
6869
6870
6871
6872
6873
6874
6875

(a) The manufacturer's program provides prescription drug assistance to a limited group of persons without negotiations between the manufacturer and a third party regarding the amount of assistance. 6876
6877
6878
6879

(b) The manufacturer establishes the amount of the benefit to be given to persons without negotiations between the manufacturer 6880
6881

and a third party regarding the amount of the benefit. 6882

(c) The entire amount of the discount is used to benefit an individual without providing an opportunity for the administrator, participating pharmacies, or any other third party to reduce or take for its use a portion of the benefit. 6883
6884
6885
6886

(d) A participating pharmacy is reimbursed based on the lower of a calculated formula equal to the average wholesale price less a defined percentage plus a dispensing fee, or the pharmacy's usual and customary price for the drug. 6887
6888
6889
6890

(e) Other than the benefit amount, a participating pharmacy collects no additional payment from the manufacturer's discount program. 6891
6892
6893

(5) To the extent that drug discounts on prescription drugs are achieved through reduced prices an administrator obtains from drug manufacturers, the administrator shall use the drug discounts to reduce prescription drug costs for cardholders. 6894
6895
6896
6897

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following: 6898
6899

(1) Specify how a resident may apply to participate in any one or more prescription drug discount card programs; 6900
6901

(2) Provide for the administration of each program; 6902

(3) Specify the circumstances under which the director may require an administrator to modify its conduct of a program; 6903
6904

(4) Specify the duration of a contract; 6905

(5) Specify whether an administrator may charge a fee for a card and whether an administrator is required to issue the cards; 6906
6907

(6) Require that an administrator permit any pharmacy willing to comply with the administrator's terms and conditions for participation in the program's network to participate in any network used by the administrator for its program; 6908
6909
6910
6911

(7) Prohibit an administrator from requiring a pharmacy or drug manufacturer to participate in the program's network as a condition of participation in another network operated by the administrator;

(8) Permit an administrator to work with one or more drug manufacturers to obtain drug discounts;

(9) Permit an administrator to negotiate with one or more drug manufacturers for ~~discounts in drug prices or rebates;~~

~~(9)~~(10) Permit an administrator to receive any rebate payments from drug manufacturers;

~~(10)~~(11) Require that an administrator create a financial incentive program for participating pharmacies through which the administrator shall distribute a portion of any rebate payments from drug manufacturers received under division (F)~~(9)~~(10) of this section.

(G) Not later than one month after the end of each twelve-month period that one or more prescription drug ~~discount card~~ ~~card~~ programs are in operation, each administrator shall collect from each of its participating pharmacies and provide to the director of aging the information required by section 173.071 of the Revised Code.

Sec. 173.062. Records identifying the recipients of golden buckeye cards issued under section 173.06 of the Revised Code or prescription drug ~~discount~~ cards issued under section 173.061 of the Revised Code are not public records subject to inspection or copying under section 149.43 of the Revised Code and may be disclosed only at the discretion of the director of aging. The director may disclose only information in records identifying the recipients of golden buckeye cards or prescription drug ~~discount~~ cards that does not contain the recipient's medical history or

prescription drug utilization history. 6942

Sec. 173.07. Not later than four months after the end of each 6943
twelve-month period that one or more prescription drug ~~discount~~ 6944
~~card~~ programs established under section 173.061 of the Revised 6945
Code are in operation, the director of aging shall issue a report 6946
on the operation of each program during that twelve-month period. 6947

Sec. 173.071. Each report issued under section 173.07 of the 6948
Revised Code shall be based on information received by the 6949
director of aging from each administrator under division (G) of 6950
section 173.061 of the Revised Code and specify all of the 6951
following about each program: 6952

(A) The number of prescription drug ~~discount~~ cardholders; 6953

(B) The number of cardholders who used the card at least once 6954
in the immediately preceding twelve-month period; 6955

(C) The total cost savings to all cardholders generated by 6956
the program; 6957

(D) The average cost savings to a cardholder per 6958
prescription; 6959

(E) The source and method of cost savings under the program; 6960

(F) The drugs that are discounted under the program listed 6961
according to major drug category; 6962

(G) The drugs for which rebates are offered under the 6963
program, listed according to major drug category; 6964

(H) For each participating pharmacy, the number of times in 6965
the twelve-month period that the pharmacy's customary and usual 6966
price was lower than the price offered under the prescription drug 6967
~~discount~~ program; 6968

~~(H)~~(I) The name of the program's administrator; 6969

~~(I)~~(J) The length of the contract between the director and the program's administrator; 6970
6971

~~(J)~~(K) The number of pharmacies participating in the program; 6972

~~(K)~~(L) Other than the cost of prescription drugs, any fees paid by cardholders to participate in the program; 6973
6974

~~(L)~~(M) Any costs incurred by the state to operate the program; 6975
6976

~~(M)~~(N) Any costs incurred by participating pharmacies to participate in the program. 6977
6978

Sec. 173.08. (A) The resident services coordinator program is established in the department of aging to fund resident services coordinators. The coordinators shall provide information to low-income and special-needs tenants, including the elderly, who live in subsidized rental housing complexes, and assist those tenants in identifying and obtaining community and program services and other benefits for which they are eligible. 6979
6980
6981
6982
6983
6984
6985

(B) The resident services coordinator program fund is hereby created in the state treasury to support the resident services coordinator program established pursuant to this section. The fund consists of all moneys the department of development sets aside pursuant to division (A)(4) of section 175.21 of the Revised Code and moneys the general assembly appropriates to the fund. 6986
6987
6988
6989
6990
6991

Sec. 173.14. As used in sections 173.14 to 173.26 of the Revised Code: 6992
6993

(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for two or more unrelated adults, including all of the following: 6994
6995
6996
6997
6998

| | |
|---|------------------------------|
| (a) A "nursing home," "residential care facility," or "home for the aging" as defined in section 3721.01 of the Revised Code; | 6999 7000 |
| (b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended; | 7001 7002 7003 |
| (c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; | 7004 7005 |
| (d) An "adult care facility" as defined in section 3722.01 of the Revised Code; | 7006 7007 |
| (e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; | 7008 7009 7010 7011 |
| (f) An adult foster home certified under section 173.36 of the Revised Code. | 7012 7013 |
| (2) "Long-term care facility" does not include a "residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in section 5123.19 of the Revised Code. | 7014 7015 7016 7017 |
| (B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility. | 7018 7019 7020 |
| (C) "Community-based long-term care services" means health and social services provided to persons age sixty or older in their own homes or in community care settings, and includes any of the following: | 7021 7022 7023 7024 |
| (1) Case management; | 7025 |
| (2) Home health care; | 7026 |
| (3) Homemaker services; | 7027 |

| | |
|---|------|
| (4) Chore services; | 7028 |
| (5) Respite care; | 7029 |
| (6) Adult day care; | 7030 |
| (7) Home-delivered meals; | 7031 |
| (8) Personal care; | 7032 |
| (9) Physical, occupational, and speech therapy; | 7033 |
| (10) Any other health and social services provided to persons | 7034 |
| age sixty or older that allow them to retain their independence in | 7035 |
| their own homes or in community care settings. | 7036 |
| (D) "Recipient" means a recipient of community-based | 7037 |
| long-term care services and, where appropriate, includes a | 7038 |
| prospective, previous, or deceased recipient of community-based | 7039 |
| long-term care services. | 7040 |
| (E) "Sponsor" means an adult relative, friend, or guardian | 7041 |
| who has an interest in or responsibility for the welfare of a | 7042 |
| resident or a recipient. | 7043 |
| (F) "Personal care services" has the same meaning as in | 7044 |
| section 3721.01 of the Revised Code. | 7045 |
| (G) "Regional long-term care ombudsperson program" means an | 7046 |
| entity, either public or private and nonprofit, designated as a | 7047 |
| regional long-term care ombudsperson program by the state | 7048 |
| long-term care ombudsperson. | 7049 |
| (H) "Representative of the office of the state long-term care | 7050 |
| ombudsperson program" means the state long-term care ombudsperson | 7051 |
| or a member of the ombudsperson's staff, or a person certified as | 7052 |
| a representative of the office under section 173.21 of the Revised | 7053 |
| Code. | 7054 |
| (I) "Area agency on aging" means an area agency on aging | 7055 |
| established under the "Older Americans Act of 1965," 79 Stat. 219, | 7056 |

42 U.S.C.A. 3001, as amended. 7057

Sec. 173.26. (A) Each of the following facilities shall 7058
annually pay to the department of aging ~~three~~ six dollars for each 7059
bed maintained by the facility for use by a resident during any 7060
part of the previous year: 7061

(1) Nursing homes, residential care facilities, and homes for 7062
the aging as defined in section 3721.01 of the Revised Code; 7063

(2) Facilities authorized to provide extended care services 7064
under Title XVIII of the "Social Security Act," 49 Stat. 620 7065
(1935), 42 U.S.C. 301, as amended; 7066

(3) County homes and district homes operated pursuant to 7067
Chapter 5155. of the Revised Code; 7068

(4) Adult care facilities as defined in section 3722.01 of 7069
the Revised Code; 7070

(5) ~~Adult foster homes certified under section 173.36 of the~~ 7071
~~Revised Code;~~ 7072

~~(6)~~ Facilities approved by the Veterans Administration under 7073
Section 104(a) of the "Veterans Health Care Amendments of 1983," 7074
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 7075
the placement and care of veterans. 7076

The department shall, by rule adopted ~~under section 111.15 in~~ 7077
accordance with Chapter 119. of the Revised Code, establish 7078
deadlines for payments required by this section. 7079

(B) All money collected under this section shall be deposited 7080
in the state treasury to the credit of the office of the state 7081
long-term care ~~ombudsman~~ ombudsperson program fund, which is 7082
hereby created. Money credited to the fund shall be used solely to 7083
pay the costs of operating the regional long-term care ~~ombudsman~~ 7084
ombudsperson programs. 7085

(C) The state long-term care ~~ombudsman~~ ombudsperson and the 7086
regional programs may solicit and receive contributions to support 7087
the operation of the office or a regional program, except that no 7088
contribution shall be solicited or accepted that would interfere 7089
with the independence or objectivity of the office or program. 7090

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 7091
consist of eleven members. Nine of the members shall be appointed 7092
by the governor with the advice and consent of the senate. The 7093
director of commerce and the director of development, or their 7094
respective designees, shall also be voting members of the agency. 7095
Of the nine appointed members, at least one shall have experience 7096
in residential housing construction; at least one shall have 7097
experience in residential housing mortgage lending, loan 7098
servicing, or brokering; at least one shall have experience in the 7099
licensed residential housing brokerage business; at least one 7100
shall have experience with the housing needs of senior citizens; 7101
at least one shall be from a background in labor representation in 7102
the construction industry; at least one shall represent the 7103
interests of nonprofit multifamily housing development 7104
corporations; at least one shall represent the interests of 7105
for-profit multifamily housing development organizations; and two 7106
shall be public members. The governor shall receive 7107
recommendations from the Ohio housing council for appointees to 7108
represent the interests of nonprofit multifamily housing 7109
development corporations and for-profit multifamily housing 7110
development organizations. Each appointee representing multifamily 7111
housing interests currently shall be employed with an organization 7112
that is active in the area of affordable housing development or 7113
management. No more than six of the appointed members of the 7114
agency shall be of the same political party. Of the appointments 7115
made to the agency for the eighth and ninth appointed members in 7116
accordance with this amendment, one shall be for a term ending on 7117

January 31, 2005, and one shall be for a term ending on January 7118
31, 2006. Thereafter, each appointed member shall serve for a term 7119
ending on the thirty-first day of January which is six years 7120
following the date of termination of the term which it succeeds. 7121
Each member shall hold office from the date of the member's 7122
appointment until the end of the term for which the member was 7123
appointed. Any member appointed to fill a vacancy occurring prior 7124
to the expiration of the term for which the member's predecessor 7125
was appointed shall hold office for the remainder of such term. 7126
Any appointed member shall continue in office subsequent to the 7127
expiration date of the member's term until the member's successor 7128
takes office, or until a period of sixty days has elapsed, 7129
whichever occurs first. Each appointed member may be removed from 7130
office by the governor for misfeasance, nonfeasance, malfeasance 7131
in office, or for failure to attend in person three consecutive 7132
meetings of the agency. 7133

(2) The ~~director of development or the director's designee~~ 7134
governor shall ~~be~~ appoint the chairperson of the agency. The 7135
agency shall elect one of its ~~appointed~~ members as 7136
vice-chairperson and such other officers as it deems necessary, 7137
who need not be members of the agency. Each appointed member of 7138
the agency shall receive compensation at the rate of one hundred 7139
fifty dollars per agency meeting attended in person, not to exceed 7140
a maximum of three thousand dollars per year. All members shall be 7141
reimbursed for their actual and necessary expenses incurred in the 7142
discharge of their official duties. 7143

(3) Six members of the agency constitute a quorum, and the 7144
affirmative vote of six members shall be necessary for any action 7145
taken by the agency. No vacancy in membership of the agency 7146
impairs the right of a quorum to exercise all the rights and 7147
perform all the duties of the agency. Meetings of the agency may 7148
be held at any place within the state. Meetings of the agency, 7149

including notice of the place of meetings, shall comply with 7150
section 121.22 of the Revised Code. 7151

(B)(1) The appointed members of the agency are not subject to 7152
section 102.02 of the Revised Code. Each such appointed member 7153
shall file with the agency a signed written statement setting 7154
forth the general nature of sales of goods, property or services 7155
or of loans to the agency in which such member has a pecuniary 7156
interest or in which any member of the member's immediate family, 7157
as defined in section 102.01 of the Revised Code, or any 7158
corporation, partnership or enterprise of which the member is an 7159
officer, director, or partner, or of which the member or a member 7160
of the member's immediate family, as so defined, owns more than a 7161
five per cent interest, has a pecuniary interest, and of which 7162
sale, loan and interest such member has knowledge. The statement 7163
shall be supplemented from time to time to reflect changes in the 7164
general nature of any such sales or loans. No member shall 7165
participate in portions of agency meetings dealing with, or vote 7166
concerning, any such matter. 7167

(2) The requirements of this section pertaining to disclosure 7168
and prohibition from participation and voting do not apply to 7169
agency loans to lending institutions or contracts between the 7170
agency and lending institutions for the purchase, administration, 7171
or servicing of loans notwithstanding that such lending 7172
institution has a director, officer, employee, or owner who is a 7173
member of the agency, and no such loans or contracts shall be 7174
deemed to be prohibited or otherwise regulated by reason of any 7175
other law or rule. 7176

(3) The members of the agency representing multifamily 7177
housing interests are not in violation of division (A) of section 7178
2921.42, division (D) of section 102.03, or division (E) of 7179
section 102.03 of the Revised Code in regard to a contract the 7180
agency enters into if both of the following apply: 7181

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

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

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

(1) Not more than six per cent of any current year appropriation authority for the fund shall be used for the transitional and permanent housing program to make grants to municipal corporations, counties, townships, and nonprofit organizations for the acquisition, rehabilitation, renovation,

construction, conversion, operation, and cost of supportive 7213
services for new and existing transitional and permanent housing 7214
for homeless persons. 7215

(2)(a) Not more than five per cent of any current year 7216
appropriation authority for the fund shall be used for grants and 7217
loans to community development corporations and the Ohio community 7218
development finance fund, a private nonprofit corporation. 7219

(b) In any year in which the amount in the fund exceeds one 7220
hundred thousand dollars, not less than one hundred thousand 7221
dollars shall be used to provide training, technical assistance, 7222
and capacity building assistance to nonprofit development 7223
organizations in areas of the state the director designates as 7224
underserved. 7225

(c) For monies awarded in any fiscal year, priority shall be 7226
given to proposals submitted by nonprofit development 7227
organizations from areas of the state the director designates as 7228
underserved. 7229

(3) Not more than seven per cent of any current year 7230
appropriation authority for the fund shall be used for the 7231
emergency shelter housing grants program to make grants to 7232
private, nonprofit organizations and municipal corporations, 7233
counties, and townships for emergency shelter housing for the 7234
homeless. The grants shall be distributed pursuant to rules the 7235
director adopts and qualify as matching funds for funds obtained 7236
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 7237
11371 to 11378. 7238

(4) In any fiscal year in which the amount in the fund 7239
exceeds the amount awarded pursuant to division (A)(2)(b) of this 7240
section by at least two hundred fifty thousand dollars, at least 7241
two hundred fifty thousand dollars from the fund shall be provided 7242
to the department of aging for the resident services coordinator 7243

program. 7244

(5) Of all money in the fund: 7245

(a) Not more than five per cent shall be used for 7246
administration. 7247

(b) Not less than forty-five per cent of the ~~amount of~~ funds 7248
awarded during any one fiscal year shall be ~~used to make for~~ 7249
grants and loans to nonprofit organizations under section 175.22 7250
of the Revised Code, ~~not.~~ 7251

(c) Not less than fifty per cent of the ~~amount of~~ funds 7252
awarded during any one fiscal year, excluding the amounts awarded 7253
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 7254
shall be ~~used to make for~~ grants and loans for activities that 7255
~~will~~ provide housing and housing assistance to families and 7256
individuals in rural areas and small cities that ~~would~~ are not be 7257
eligible to participate as a participating jurisdiction under the 7258
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 7259
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 7260
~~in the fund shall be used for administration, and no.~~ 7261

(d) No money in the fund shall be used to pay for any legal 7262
services other than the usual and customary legal services 7263
associated with the acquisition of housing. 7264

(6) Except as otherwise provided by the director under 7265
division (B) of this section, money in the fund may be used as 7266
matching money for federal funds received by the state, counties, 7267
municipal corporations, and townships for the activities listed in 7268
section 175.22 of the Revised Code. 7269

(B) If after the second quarter of any year it appears to the 7270
director that the full amount of the money in the ~~low and~~ 7271
~~moderate income housing trust~~ fund designated in that year for 7272
activities that ~~will~~ provide housing and housing assistance to 7273
families and individuals in rural areas and small cities under 7274

division (A) of this section will not be ~~se~~ used for that purpose, 7275
the director may reallocate all or a portion of that amount for 7276
other housing activities. In determining whether or how to 7277
reallocate money under this division, the director may consult 7278
with and shall receive advice from the housing trust fund advisory 7279
committee. 7280

Sec. 175.22. (A) The department of development and the Ohio 7281
housing finance agency shall each develop programs under which, in 7282
accordance with rules adopted under this section, ~~it~~ they may make 7283
grants, loans, loan guarantees, and loan subsidies to counties, 7284
municipal corporations, townships, local housing authorities, and 7285
nonprofit organizations and may make loans, loan guarantees, and 7286
loan subsidies to private developers and private lenders to assist 7287
~~them~~ in activities that ~~will~~ provide housing and housing 7288
assistance for specifically targeted low- and moderate-income 7289
families and individuals. There ~~shall be~~ is no minimum housing 7290
project size for awards under this division for any project that 7291
is ~~being~~ developed for a special needs population and that is 7292
supported by a social service agency where the housing project 7293
~~will be~~ is located. Activities for which grants, loans, loan 7294
guarantees, and loan subsidies may be made under this section 7295
include all of the following: 7296

(1) Acquiring, financing, constructing, leasing, 7297
rehabilitating, remodeling, improving, and equipping publicly or 7298
privately owned housing; 7299

(2) Providing supportive services related to housing and the 7300
homeless, including housing counseling. Not more than twenty per 7301
cent of the current year appropriation authority for the low- and 7302
moderate-income housing trust fund that remains after the 7303
expenditures made pursuant to divisions (A)(1), (A)(2), and (A)(3) 7304
of section 175.21 of the Revised Code, shall be awarded in any 7305

fiscal year for ~~such~~ supportive services. 7306

(3) Providing rental assistance payments or other project 7307
operating subsidies that lower tenant rents. 7308

(B) Grants, loans, loan guarantees, and loan subsidies may be 7309
made to counties, municipal corporations, townships, and nonprofit 7310
organizations for the additional purposes of providing technical 7311
assistance, design and finance services and consultation, and 7312
payment of pre-development and administrative costs related to any 7313
of the activities listed above. 7314

(C) In developing programs under this section, the department 7315
and the agency shall invite, accept, and consider public comment, 7316
and recommendations from the housing trust fund advisory committee 7317
created under section 175.25 of the Revised Code, on how the 7318
programs should be designed to most effectively benefit low- and 7319
moderate-income families and individuals. The programs developed 7320
under this section shall respond collectively to housing and 7321
housing assistance needs of low- and moderate-income families and 7322
individuals statewide. 7323

(D) The department and the agency, in accordance with Chapter 7324
119. of the Revised Code, shall each adopt rules ~~under which it~~ 7325
~~shall to~~ administer programs developed ~~by it~~ under this section. 7326
The rules shall prescribe procedures and forms ~~whereby that~~ 7327
counties, municipal corporations, townships, local housing 7328
authorities, and nonprofit organizations ~~may apply~~ shall use in 7329
applying for grants, loans, loan guarantees, and loan subsidies 7330
and that private developers and private lenders ~~may apply~~ shall 7331
use in applying for loans, loan guarantees, and loan subsidies; 7332
eligibility criteria for the receipt of funds; procedures for 7333
reviewing and granting or denying applications; procedures for 7334
paying out funds; conditions on the use of funds; procedures for 7335
monitoring the use of funds; and procedures under which a 7336
recipient shall be required to repay funds that are improperly 7337

used. The rules ~~adopted by the department~~ shall do both of the 7338
following: 7339

(1) Require each recipient of a grant or loan made from the 7340
low- and moderate-income housing trust fund for activities that 7341
~~will~~ provide, or assist in providing, a rental housing project, to 7342
reasonably ensure that the rental housing project will ~~be~~ remain 7343
affordable to those families and individuals targeted for the 7344
rental housing project for the useful life of the rental housing 7345
project or for thirty years, whichever is longer; 7346

(2) Require each recipient of a grant or loan made from the 7347
low- and moderate-income housing trust fund for activities that 7348
~~will~~ provide, or assist in providing, a housing project to prepare 7349
and implement a plan to reasonably assist any families and 7350
individuals displaced by the housing project in obtaining decent 7351
affordable housing. 7352

(E) In prescribing eligibility criteria and conditions for 7353
the use of funds, neither the department nor the agency is limited 7354
to the criteria and conditions specified in this section and each 7355
may prescribe additional eligibility criteria and conditions that 7356
relate to the purposes for which grants, loans, loan guarantees, 7357
and loan subsidies may be made. However, the department and agency 7358
are limited by the following specifically targeted low- and 7359
moderate-income guidelines: 7360

(1) Not less than seventy-five per cent of the money granted 7361
and loaned under this section in any fiscal year shall be for 7362
activities that ~~will~~ provide affordable housing and housing 7363
assistance to families and individuals ~~in a county~~ whose incomes 7364
are equal to or less than fifty per cent of the median income for 7365
~~that~~ the county in which they live, as determined by the 7366
department under section 175.23 of the Revised Code. 7367

(2) ~~The remainder of the~~ Any money granted and loaned under 7368

this section in any fiscal year that is not granted or loaned 7369
pursuant to division (E)(1) of this section shall be for 7370
activities that ~~will~~ provide affordable housing and housing 7371
assistance to families and individuals ~~in a county~~ whose incomes 7372
are equal to or less than eighty per cent of the median income for 7373
~~that~~ the county in which they live, as determined by the 7374
department under section 175.23 of the Revised Code. 7375

(F) In making grants, loans, loan guarantees, and loan 7376
subsidies under this section, the department and the agency shall 7377
give preference to viable projects and activities that ~~will~~ 7378
benefit those families and individuals ~~in a county~~ whose incomes 7379
are equal to or less than thirty-five per cent of the median 7380
income for ~~that~~ the county in which they live, as determined by 7381
the department under section 175.23 of the Revised Code. 7382

(G) The department and the agency shall monitor the programs 7383
developed under this section to ensure that money granted and 7384
loaned under this section is not used in a manner that violates 7385
division (H) of section 4112.02 of the Revised Code or 7386
discriminates against families with children. 7387

Sec. 183.02. This section's references to years mean state 7388
fiscal years. 7389

All payments received by the state pursuant to the tobacco 7390
master settlement agreement shall be deposited into the state 7391
treasury to the credit of the tobacco master settlement agreement 7392
fund, which is hereby created. All investment earnings of the fund 7393
shall also be credited to the fund. Except as provided in division 7394
(K) of this section, payments and interest credited to the fund 7395
shall be transferred by the director of budget and management as 7396
follows: 7397

(A)(1) Of the first payment credited to the tobacco master 7398
settlement agreement fund in 2000 and the net amounts credited to 7399

the fund annually from 2000 to 2006 and in 2012, the following 7400
amount or percentage shall be transferred to the tobacco use 7401
prevention and cessation trust fund, created in section 183.03 of 7402
the Revised Code: 7403

| YEAR | AMOUNT OR PERCENTAGE | |
|-------------------------------|----------------------|------|
| 2000 (first payment credited) | \$104,855,222.85 | 7405 |
| 2000 (net amount credited) | 70.30% | 7406 |
| 2001 | 62.84 | 7407 |
| 2002 | 61.41 | 7408 |
| 2003 | 63.24 | 7409 |
| 2004 | 66.65 | 7410 |
| 2005 | 66.24 | 7411 |
| 2006 | 65.97 | 7412 |
| 2012 | 56.01 | 7413 |

(2) Of the net amounts credited to the tobacco master 7414
settlement agreement fund in 2013, the director shall transfer to 7415
the tobacco use prevention and cessation trust fund the amount not 7416
transferred to the tobacco use prevention and cessation trust fund 7417
from the net amounts credited to the tobacco master settlement 7418
agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. 7419
S.B. No. 242 of the 124th general assembly. Of the net amounts 7420
credited to the tobacco master settlement agreement fund in 2014, 7421
the director shall transfer to the tobacco use prevention and 7422
cessation trust fund the amount not transferred to the tobacco use 7423
prevention and cessation trust fund from the net amounts credited 7424
to the tobacco master settlement agreement fund in 2003 due to Am. 7425
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 7426
assembly. Of the net amounts credited to the tobacco master 7427
settlement agreement fund in 2015, the director shall transfer to 7428
the tobacco use prevention and cessation trust fund the amount not 7429
transferred to the tobacco use prevention and cessation trust fund 7430
from the net amounts credited to the tobacco master settlement 7431

agreement fund in 2004 due to Am. Sub. H.B. 95 of the 125th 7432
general assembly. 7433

(B) Of the first payment credited to the tobacco master 7434
settlement agreement fund in 2000 and the net amounts credited to 7435
the fund annually in 2000 and 2001, the following amount or 7436
percentage shall be transferred to the law enforcement 7437
improvements trust fund, created in section 183.10 of the Revised 7438
Code: 7439

| YEAR | AMOUNT OR PERCENTAGE | 7440 |
|----------------------------------|----------------------|------|
| 2000 (first payment credited) | \$10,000,000 | 7441 |
| 2000 (net amount credited) | 5.41% | 7442 |
| 2001 | 2.32 | 7443 |

(C)(1) Of the first payment credited to the tobacco master 7444
settlement agreement fund in 2000 and the net amounts credited to 7445
the fund annually from 2000 to 2011, the following percentages 7446
shall be transferred to the southern Ohio agricultural and 7447
community development trust fund, created in section 183.11 of the 7448
Revised Code: 7449

| YEAR | PERCENTAGE | 7450 |
|----------------------------------|------------|------|
| 2000 (first payment credited) | 5.00% | 7451 |
| 2000 (net amount credited) | 8.73 | 7452 |
| 2001 | 8.12 | 7453 |
| 2002 | 9.18 | 7454 |
| 2003 | 8.91 | 7455 |
| 2004 | 7.84 | 7456 |
| 2005 | 7.79 | 7457 |
| 2006 | 7.76 | 7458 |
| 2007 | 17.39 | 7459 |
| 2008 through 2011 | 17.25 | 7460 |

(2) Of the net amounts credited to the tobacco master 7461

settlement agreement fund in 2013, the director shall transfer to 7462
the southern Ohio agricultural and community development trust 7463
fund the amount not transferred to the southern Ohio agricultural 7464
and community development trust fund from the net amounts credited 7465
to the tobacco master settlement agreement fund in 2002 due to Am. 7466
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 7467
assembly. Of the net amounts credited to the tobacco master 7468
settlement agreement fund in 2014, the director shall transfer to 7469
the southern Ohio agricultural and community development trust 7470
fund the amount not transferred to the southern Ohio agricultural 7471
and community development trust fund from the net amounts credited 7472
to the tobacco master settlement agreement fund in 2003 due to Am. 7473
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 7474
assembly. 7475

(D)~~(1)~~ The following percentages of the net amounts credited 7476
to the tobacco master settlement agreement fund annually shall be 7477
transferred to Ohio's public health priorities trust fund, created 7478
in section 183.18 of the Revised Code: 7479

| YEAR | PERCENTAGE | |
|------|------------|------|
| 2000 | 5.41 | 7481 |
| 2001 | 6.68 | 7482 |
| 2002 | 6.79 | 7483 |
| 2003 | 6.90 | 7484 |
| 2004 | 7.82 | 7485 |
| 2005 | 8.18 | 7486 |
| 2006 | 8.56 | 7487 |
| 2007 | 19.83 | 7488 |
| 2008 | 19.66 | 7489 |
| 2009 | 20.48 | 7490 |
| 2010 | 21.30 | 7491 |
| 2011 | 22.12 | 7492 |
| 2012 | 10.47 | 7493 |

~~(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly.~~

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

| YEAR | PERCENTAGE | |
|--------------|------------|------|
| 2000 | 2.71 | 7512 |
| 2001 | 14.03 | 7513 |
| 2002 | 13.29 | 7514 |
| 2003 | 12.73 | 7515 |
| 2004 | 13.78 | 7516 |
| 2005 | 14.31 | 7517 |
| 2006 | 14.66 | 7518 |
| 2007 | 49.57 | 7519 |
| 2008 to 2011 | 45.06 | 7520 |
| 2012 | 18.77 | 7521 |

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

| YEAR | AMOUNT | |
|--------------|------------------|------|
| | | 7526 |
| 2000 | \$133,062,504.95 | 7527 |
| 2001 | 128,938,732.73 | 7528 |
| 2002 | 185,804,475.78 | 7529 |
| 2003 | 180,561,673.11 | 7530 |
| 2004 | 122,778,219.49 | 7531 |
| 2005 | 121,389,325.80 | 7532 |
| 2006 | 120,463,396.67 | 7533 |
| 2007 | 246,389,369.01 | 7534 |
| 2008 to 2011 | 267,531,291.85 | 7535 |
| 2012 | 110,954,545.28 | 7536 |

(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 | |
|--------------|------------|------|
| | | 7544 |
| 2013 | 30.22 | 7545 |
| 2014 | 33.36 | 7546 |
| 2015 to 2025 | 40.90 | 7547 |

(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 | |
|------|------------|------|
| | | 7552 |
| 2000 | 7.44 | 7553 |
| 2001 | 6.01 | 7554 |
| 2002 | 9.33 | 7555 |
| 2003 | 8.22 | 7556 |
| 2004 | 3.91 | 7557 |

| | | |
|------|-------|------|
| 2005 | 3.48 | 7558 |
| 2006 | 3.05 | 7559 |
| 2007 | 13.21 | 7560 |
| 2008 | 18.03 | 7561 |
| 2009 | 17.21 | 7562 |
| 2010 | 16.39 | 7563 |
| 2011 | 15.57 | 7564 |
| 2012 | 14.75 | 7565 |

(I) In each year from 2003 to 2025, after the transfers made 7566
under divisions (F) and (G) of this section but prior to the 7567
transfers made under divisions (A) to (E) of this section, the 7568
director of budget and management shall transfer to the tobacco 7569
settlement oversight, administration, and enforcement fund created 7570
in section 183.34 of the Revised Code such amount as the director 7571
determines necessary to pay the costs incurred by the attorney 7572
general in tobacco settlement oversight, administration, and 7573
enforcement. 7574

(J) In each year from 2003 to 2025, after the transfers made 7575
under divisions (F) and (G) of this section but prior to the 7576
transfers made under divisions (A) to (E) of this section, the 7577
director of budget and management shall transfer to the tobacco 7578
settlement enforcement fund created in section 183.35 of the 7579
Revised Code such amount as the director determines necessary to 7580
pay the costs incurred by the tax commissioner in the enforcement 7581
of divisions (F) and (G) of section 5743.03 of the Revised Code. 7582

(K) If in any year from 2001 to 2012 the payments and 7583
interest credited to the tobacco master settlement agreement fund 7584
during the year amount to less than the amounts required to be 7585
transferred to the education facilities trust fund and the 7586
education facilities endowment fund that year, the director of 7587
budget and management shall make none of the transfers required by 7588
divisions (A) to (J) of this section. 7589

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

| YEAR | AMOUNT | |
|--------------|------------------|------|
| 2000 | \$443,892,767.51 | 7596 |
| 2001 | 348,780,049.22 | 7597 |
| 2002 | 418,783,038.09 | 7598 |
| 2003 | 422,746,368.61 | 7599 |
| 2004 | 352,827,184.57 | 7600 |
| 2005 | 352,827,184.57 | 7601 |
| 2006 | 352,827,184.57 | 7602 |
| 2007 | 352,827,184.57 | 7603 |
| 2008 to 2017 | 383,779,323.15 | 7604 |
| 2018 to 2025 | 403,202,282.16 | 7605 |

Sec. 306.35. Upon the creation of a regional transit authority as provided by section 306.32 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, the authority shall exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 306.30 to 306.53 of the Revised Code. Subject to any reservations, limitations, and qualifications that are set forth in those sections, the regional transit authority:

(A) May sue or be sued in its corporate name;

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;

(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity

of any instrument; 7621

(D)(1) May adopt, amend, and repeal bylaws for the 7622
administration of its affairs and rules for the control of the 7623
administration and operation of transit facilities under its 7624
jurisdiction, and for the exercise of all of its rights of 7625
ownership in those transit facilities; 7626

(2) The regional transit authority also may adopt bylaws and 7627
rules for the following purposes: 7628

(a) To prohibit selling, giving away, or using any beer or 7629
intoxicating liquor on transit vehicles or transit property; 7630

(b) For the preservation of good order within or on transit 7631
vehicles or transit property; 7632

(c) To provide for the protection and preservation of all 7633
property and life within or on transit vehicles or transit 7634
property; 7635

(d) To regulate and enforce the collection of fares. 7636

(3) Before a bylaw or rule adopted under division (D)(2) of 7637
this section takes effect, the regional transit authority shall 7638
provide for a notice of its adoption to be published once a week 7639
for two consecutive weeks in a newspaper of general circulation 7640
within the territorial boundaries of the regional transit 7641
authority. 7642

(4) No person shall violate any bylaw or rule of a regional 7643
transit authority adopted under division (D)(2) of this section. 7644

(E) May fix, alter, and collect fares, rates, and rentals and 7645
other charges for the use of transit facilities under its 7646
jurisdiction to be determined exclusively by it for the purpose of 7647
providing for the payment of the expenses of the regional transit 7648
authority, the acquisition, construction, improvement, extension, 7649
repair, maintenance, and operation of transit facilities under its 7650

jurisdiction, the payment of principal and interest on its 7651
obligations, and to fulfill the terms of any agreements made with 7652
purchasers or holders of any such obligations, or with any person 7653
or political subdivision; 7654

(F) Shall have jurisdiction, control, possession, and 7655
supervision of all property, rights, easements, licenses, moneys, 7656
contracts, accounts, liens, books, records, maps, or other 7657
property rights and interests conveyed, delivered, transferred, or 7658
assigned to it; 7659

(G) May acquire, construct, improve, extend, repair, lease, 7660
operate, maintain, or manage transit facilities within or without 7661
its territorial boundaries, considered necessary to accomplish the 7662
purposes of its organization and make charges for the use of 7663
transit facilities; 7664

(H) May levy and collect taxes as provided in sections 306.40 7665
and 306.49 of the Revised Code; 7666

(I) May issue bonds secured by its general credit as provided 7667
in section 306.40 of the Revised Code; 7668

(J) May hold, encumber, control, acquire by donation, by 7669
purchase for cash or by installment payments, by lease-purchase 7670
agreement, by lease with option to purchase, or by condemnation, 7671
and may construct, own, lease as lessee or lessor, use, and sell, 7672
real and personal property, or any interest or right in real and 7673
personal property, within or without its territorial boundaries, 7674
for the location or protection of transit facilities and 7675
improvements and access to transit facilities and improvements, 7676
the relocation of buildings, structures, and improvements situated 7677
on lands acquired by the regional transit authority, or for any 7678
other necessary purpose, or for obtaining or storing materials to 7679
be used in constructing, maintaining, and improving transit 7680
facilities under its jurisdiction; 7681

(K) May exercise the power of eminent domain to acquire 7682
property or any interest in property, within or without its 7683
territorial boundaries, that is necessary or proper for the 7684
construction or efficient operation of any transit facility or 7685
access to any transit facility under its jurisdiction in 7686
accordance with section 306.36 of the Revised Code; 7687

(L) May provide by agreement with any county, including the 7688
counties within its territorial boundaries, or any municipal 7689
corporation or any combination of counties or municipal 7690
corporations for the making of necessary surveys, appraisals, and 7691
examinations preliminary to the acquisition or construction of any 7692
transit facility and the amount of the expense for the surveys, 7693
appraisals, and examinations to be paid by each such county or 7694
municipal corporation; 7695

(M) May provide by agreement with any county, including the 7696
counties within its territorial boundaries, or any municipal 7697
corporation or any combination of those counties or municipal 7698
corporations for the acquisition, construction, improvement, 7699
extension, maintenance, or operation of any transit facility owned 7700
or to be owned and operated by it or owned or to be owned and 7701
operated by any such county or municipal corporation and the terms 7702
on which it shall be acquired, leased, constructed, maintained, or 7703
operated, and the amount of the cost and expense of the 7704
acquisition, lease, construction, maintenance, or operation to be 7705
paid by each such county or municipal corporation; 7706

(N) May issue revenue bonds for the purpose of acquiring, 7707
replacing, improving, extending, enlarging, or constructing any 7708
facility or permanent improvement that it is authorized to 7709
acquire, replace, improve, extend, enlarge, or construct, 7710
including all costs in connection with and incidental to the 7711
acquisition, replacement, improvement, extension, enlargement, or 7712
construction, and their financing, as provided by section 306.37 7713

| | |
|--|--|
| of the Revised Code; | 7714 |
| (O) May enter into and supervise franchise agreements for the operation of a transit system; | 7715 7716 |
| (P) May accept the assignment of and supervise an existing franchise agreement for the operation of a transit system; | 7717 7718 |
| (Q) May exercise a right to purchase a transit system in accordance with the acquisition terms of an existing franchise agreement; and in connection with the purchase the regional transit authority may issue revenue bonds as provided by section 306.37 of the Revised Code or issue bonds secured by its general credit as provided in section 306.40 of the Revised Code; | 7719 7720 7721 7722 7723 7724 |
| (R) May apply for and accept grants or loans from the United States, the state, or any other public body for the purpose of providing for the development or improvement of transit facilities, mass transportation facilities, equipment, techniques, methods, or services, and grants or loans needed to exercise a right to purchase a transit system pursuant to agreement with the owner of those transit facilities, or for providing lawful financial assistance to existing transit systems; and may provide any consideration that may be required in order to obtain those grants or loans from the United States, the state, or other public body, either of which grants or loans may be evidenced by the issuance of revenue bonds as provided by section 306.37 of the Revised Code or general obligation bonds as provided by section 306.40 of the Revised Code; | 7725 7726 7727 7728 7729 7730 7731 7732 7733 7734 7735 7736 7737 7738 |
| (S) May employ and fix the compensation of consulting engineers, superintendents, managers, and such other engineering, construction, accounting and financial experts, attorneys, and other employees and agents necessary for the accomplishment of its purposes; | 7739 7740 7741 7742 7743 |
| (T) May procure insurance against loss to it by reason of | 7744 |

damages to its properties resulting from fire, theft, accident, or 7745
other casualties or by reason of its liability for any damages to 7746
persons or property occurring in the construction or operation of 7747
transit facilities under its jurisdiction or the conduct of its 7748
activities; 7749

(U) May maintain funds that it considers necessary for the 7750
efficient performance of its duties; 7751

(V) May direct its agents or employees, when properly 7752
identified in writing, after at least five days' written notice, 7753
to enter upon lands within or without its territorial boundaries 7754
in order to make surveys and examinations preliminary to the 7755
location and construction of transit facilities, without liability 7756
to it or its agents or employees except for actual damage done; 7757

(W) On its own motion, may request the appropriate zoning 7758
board, as defined in section 4563.03 of the Revised Code, to 7759
establish and enforce zoning regulations pertaining to any transit 7760
facility under its jurisdiction in the manner prescribed by 7761
sections 4563.01 to 4563.21 of the Revised Code; 7762

(X) If it acquires any existing transit system, shall assume 7763
all the employer's obligations under any existing labor contract 7764
between the employees and management of the system. If the board 7765
acquires, constructs, controls, or operates any such facilities, 7766
it shall negotiate arrangements to protect the interests of 7767
employees affected by the acquisition, construction, control, or 7768
operation. The arrangements shall include, but are not limited to: 7769

(1) The preservation of rights, privileges, and benefits 7770
under existing collective bargaining agreements or otherwise, the 7771
preservation of rights and benefits under any existing pension 7772
plans covering prior service, and continued participation in 7773
social security in addition to participation in the public 7774
employees retirement system as required in Chapter 145. of the 7775

| | |
|--|--|
| Revised Code; | 7776 |
| (2) The continuation of collective bargaining rights; | 7777 |
| (3) The protection of individual employees against a worsening of their positions with respect to their employment; | 7778 7779 |
| (4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off; | 7780 7781 7782 |
| (5) Paid training or retraining programs; | 7783 |
| (6) Signed written labor agreements. | 7784 |
| The arrangements may include provisions for the submission of labor disputes to final and binding arbitration. | 7785 7786 |
| (Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency | 7787 7788 7789 7790 7791 7792 7793 7794 7795 7796 7797 7798 7799 7800 7801 7802 7803 7804 7805 7806 |

assistance and the circumstances observed by the regional transit 7807
authority police officer reasonably indicate that emergency 7808
assistance is appropriate. 7809

Before exercising powers of arrest and the other powers and 7810
duties of a peace officer, each regional transit authority police 7811
officer shall take an oath and give bond to the state in a sum 7812
that the board of trustees prescribes for the proper performance 7813
of the officer's duties. 7814

Persons employed as regional transit authority police 7815
officers shall complete training for the position to which they 7816
have been appointed as required by the Ohio peace officer training 7817
commission as authorized in section 109.77 of the Revised Code, or 7818
be otherwise qualified. The cost of the training shall be provided 7819
by the regional transit authority. 7820

(Z) May procure a policy or policies insuring members of its 7821
board of trustees against liability on account of damages or 7822
injury to persons and property resulting from any act or omission 7823
of a member in the member's official capacity as a member of the 7824
board or resulting solely out of the member's membership on the 7825
board; 7826

(AA) May enter into any agreement for the sale and leaseback 7827
or lease and leaseback of transit facilities, which agreement may 7828
contain all necessary covenants for the security and protection of 7829
any lessor or the regional transit authority including, but not 7830
limited to, indemnification of the lessor against the loss of 7831
anticipated tax benefits arising from acts, omissions, or 7832
misrepresentations of the regional transit authority. In 7833
connection with that transaction, the regional transit authority 7834
may contract for insurance and letters of credit and pay any 7835
premiums or other charges for the insurance and letters of credit. 7836
The fiscal officer shall not be required to furnish any 7837
certificate under section 5705.41 of the Revised Code in 7838

connection with the execution of any such agreement. 7839

(BB) In regard to any contract entered into on or after March 7840
19, 1993, for the rendering of services or the supplying of 7841
materials or for the construction, demolition, alteration, repair, 7842
or reconstruction of transit facilities in which a bond is 7843
required for the faithful performance of the contract, may permit 7844
the person awarded the contract to utilize a letter of credit 7845
issued by a bank or other financial institution in lieu of the 7846
bond; 7847

(CC) May enter into agreements with municipal corporations 7848
located within the territorial jurisdiction of the regional 7849
transit authority permitting regional transit authority police 7850
officers employed under division (Y) of this section to exercise 7851
full arrest powers, as provided in section 2935.03 of the Revised 7852
Code, for the purpose of preserving the peace and enforcing all 7853
laws of the state and ordinances and regulations of the municipal 7854
corporation within the areas that may be agreed to by the regional 7855
transit authority and the municipal corporation. 7856

Sec. 306.99. (A) No person shall violate any rule or 7857
regulation adopted pursuant to division (N) of section 306.04 of 7858
the Revised Code and whoever violates such a rule or regulation 7859
shall be fined not more than one thousand dollars or imprisoned 7860
not more than ninety days or both. 7861

(B) Whoever violates division (D)(4) of section 306.35 of the 7862
Revised Code shall be fined not more than one hundred dollars on a 7863
first offense and not more than five hundred dollars on each 7864
subsequent offense. 7865

Fines levied and collected for such violations shall be paid 7866
into the treasury of the regional transit authority. The regional 7867
transit authority may use such fine money for any purpose that is 7868
not inconsistent with sections 306.30 to 306.54 of the Revised 7869

Code. 7870

Sec. 307.86. Anything to be purchased, leased, leased with an 7871
option or agreement to purchase, or constructed, including, but 7872
not limited to, any product, structure, construction, 7873
reconstruction, improvement, maintenance, repair, or service, 7874
except the services of an accountant, architect, attorney at law, 7875
physician, professional engineer, construction project manager, 7876
consultant, surveyor, or appraiser, by or on behalf of the county 7877
or contracting authority, as defined in section 307.92 of the 7878
Revised Code, at a cost in excess of ~~fifteen~~ twenty-five thousand 7879
dollars, except as otherwise provided in division (D) of section 7880
713.23 and in sections 125.04, 307.022, 307.041, 307.861, 339.05, 7881
340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 7882
5713.01, and 6137.05 of the Revised Code, shall be obtained 7883
through competitive bidding. However, competitive bidding is not 7884
required when any of the following applies: 7885

(A) The board of county commissioners, by a unanimous vote of 7886
its members, makes a determination that a real and present 7887
emergency exists, and that determination and the reasons for it 7888
are entered in the minutes of the proceedings of the board, when 7889
either of the following applies: 7890

(1) The estimated cost is less than fifty thousand dollars. 7891

(2) There is actual physical disaster to structures, radio 7892
communications equipment, or computers. 7893

For purposes of this division, "unanimous vote" means all 7894
three members of a board of county commissioners when all three 7895
members are present, or two members of the board if only two 7896
members, constituting a quorum, are present. 7897

Whenever a contract of purchase, lease, or construction is 7898
exempted from competitive bidding under division (A)(1) of this 7899

section because the estimated cost is less than fifty thousand 7900
dollars, but the estimated cost is ~~fifteen~~ twenty-five thousand 7901
dollars or more, the county or contracting authority shall solicit 7902
informal estimates from no fewer than three persons who could 7903
perform the contract, before awarding the contract. With regard to 7904
each such contract, the county or contracting authority shall 7905
maintain a record of such estimates, including the name of each 7906
person from whom an estimate is solicited. The county or 7907
contracting authority shall maintain the record for the longer of 7908
at least one year after the contract is awarded or the amount of 7909
time the federal government requires. 7910

(B)(1) The purchase consists of supplies or a replacement or 7911
supplemental part or parts for a product or equipment owned or 7912
leased by the county, and the only source of supply for the 7913
supplies, part, or parts is limited to a single supplier. 7914

(2) The purchase consists of services related to information 7915
technology, such as programming services, that are proprietary or 7916
limited to a single source. 7917

(C) The purchase is from the federal government, the state, 7918
another county or contracting authority of another county, or a 7919
board of education, township, or municipal corporation. 7920

(D) Public family services or workforce development 7921
activities are purchased for provision by the county department of 7922
job and family services under section 329.04 of the Revised Code, 7923
or program services, such as direct and ancillary client services, 7924
child day-care, case management services, residential services, 7925
and family resource services, are purchased for provision by a 7926
county board of mental retardation and developmental disabilities 7927
under section 5126.05 of the Revised Code. 7928

(E) The purchase consists of criminal justice services, 7929
social services programs, family services, or workforce 7930

development activities by the board of county commissioners from 7931
nonprofit corporations or associations under programs funded by 7932
the federal government or by state grants. 7933

(F) The purchase consists of any form of an insurance policy 7934
or contract authorized to be issued under Title XXXIX of the 7935
Revised Code or any form of health care plan authorized to be 7936
issued under Chapter 1751. of the Revised Code, or any combination 7937
of such policies, contracts, or plans that the contracting 7938
authority is authorized to purchase, and the contracting authority 7939
does all of the following: 7940

(1) Determines that compliance with the requirements of this 7941
section would increase, rather than decrease, the cost of the 7942
purchase; 7943

(2) Employs a competent consultant to assist the contracting 7944
authority in procuring appropriate coverages at the best and 7945
lowest prices; 7946

(3) Requests issuers of the policies, contracts, or plans to 7947
submit proposals to the contracting authority, in a form 7948
prescribed by the contracting authority, setting forth the 7949
coverage and cost of the policies, contracts, or plans as the 7950
contracting authority desires to purchase; 7951

(4) Negotiates with the issuers for the purpose of purchasing 7952
the policies, contracts, or plans at the best and lowest price 7953
reasonably possible. 7954

(G) The purchase consists of computer hardware, software, or 7955
consulting services that are necessary to implement a computerized 7956
case management automation project administered by the Ohio 7957
prosecuting attorneys association and funded by a grant from the 7958
federal government. 7959

(H) Child day-care services are purchased for provision to 7960
county employees. 7961

(I)(1) Property, including land, buildings, and other real 7962
property, is leased for offices, storage, parking, or other 7963
purposes, and all of the following apply: 7964

(a) The contracting authority is authorized by the Revised 7965
Code to lease the property. 7966

(b) The contracting authority develops requests for proposals 7967
for leasing the property, specifying the criteria that will be 7968
considered prior to leasing the property, including the desired 7969
size and geographic location of the property. 7970

(c) The contracting authority receives responses from 7971
prospective lessors with property meeting the criteria specified 7972
in the requests for proposals by giving notice in a manner 7973
substantially similar to the procedures established for giving 7974
notice under section 307.87 of the Revised Code. 7975

(d) The contracting authority negotiates with the prospective 7976
lessors to obtain a lease at the best and lowest price reasonably 7977
possible considering the fair market value of the property and any 7978
relocation and operational costs that may be incurred during the 7979
period the lease is in effect. 7980

(2) The contracting authority may use the services of a real 7981
estate appraiser to obtain advice, consultations, or other 7982
recommendations regarding the lease of property under this 7983
division. 7984

(J) The purchase is made pursuant to section 5139.34 or 7985
sections 5139.41 to 5139.46 of the Revised Code and is of programs 7986
or services that provide case management, treatment, or prevention 7987
services to any felony or misdemeanor delinquent, unruly youth, 7988
or status offender under the supervision of the juvenile court, 7989
including, but not limited to, community residential care, day 7990
treatment, services to children in their home, or electronic 7991
monitoring. 7992

(K) The purchase is made by a public children services agency 7993
pursuant to section 307.92 or 5153.16 of the Revised Code and 7994
consists of family services, programs, or ancillary services that 7995
provide case management, prevention, or treatment services for 7996
children at risk of being or alleged to be abused, neglected, or 7997
dependent children. 7998

Any issuer of policies, contracts, or plans listed in 7999
division (F) of this section and any prospective lessor under 8000
division (I) of this section may have the issuer's or prospective 8001
lessor's name and address, or the name and address of an agent, 8002
placed on a special notification list to be kept by the 8003
contracting authority, by sending the contracting authority that 8004
name and address. The contracting authority shall send notice to 8005
all persons listed on the special notification list. Notices shall 8006
state the deadline and place for submitting proposals. The 8007
contracting authority shall mail the notices at least six weeks 8008
prior to the deadline set by the contracting authority for 8009
submitting proposals. Every five years the contracting authority 8010
may review this list and remove any person from the list after 8011
mailing the person notification of that action. 8012

Any contracting authority that negotiates a contract under 8013
division (F) of this section shall request proposals and 8014
renegotiate with issuers in accordance with that division at least 8015
every three years from the date of the signing of such a contract. 8016

Any consultant employed pursuant to division (F) of this 8017
section and any real estate appraiser employed pursuant to 8018
division (I) of this section shall disclose any fees or 8019
compensation received from any source in connection with that 8020
employment. 8021

Sec. 307.87. Where competitive bidding is required by section 8022
307.86 of the Revised Code, notice thereof shall be given in the 8023

following manner: 8024

(A) Notice shall be published once a week for not less than 8025
two consecutive weeks preceding the day of the opening of bids in 8026
a newspaper of general circulation within the county for any 8027
purchase, lease, lease with option or agreement to purchase, or 8028
construction contract in excess of ~~ten~~ twenty-five thousand 8029
dollars. The contracting authority may also cause notice to be 8030
inserted in trade papers or other publications designated by it or 8031
to be distributed by electronic means, including posting the 8032
notice on the contracting authority's internet site on the world 8033
wide web. If the contracting authority posts the notice on that 8034
location on the world wide web, it may eliminate the second notice 8035
otherwise required to be published in a newspaper of general 8036
circulation within the county, provided that the first notice 8037
published in such a newspaper meets all of the following 8038
requirements: 8039

(1) It is published at least two weeks before the opening of 8040
bids. 8041

(2) It includes a statement that the notice is posted on the 8042
contracting authority's internet site on the world wide web. 8043

(3) It includes the internet address of the contracting 8044
authority's internet site on the world wide web. 8045

(4) It includes instructions describing how the notice may be 8046
accessed on the contracting authority's internet site on the world 8047
wide web. 8048

(B) Notices shall state all of the following: 8049

(1) A general description of the subject of the proposed 8050
contract and the time and place where the plans and specifications 8051
or itemized list of supplies, facilities, or equipment and 8052
estimated quantities can be obtained or examined; 8053

(2) The time and place where bids will be opened; 8054

(3) The time and place for filing bids; 8055

(4) The terms of the proposed purchase; 8056

(5) Conditions under which bids will be received; 8057

(6) The existence of a system of preference, if any, for 8058
products mined and produced in Ohio and the United States adopted 8059
pursuant to section 307.90 of the Revised Code. 8060

~~(B)~~(C) The contracting authority shall also maintain in a 8061
public place in its office or other suitable public place a 8062
bulletin board upon which it shall post and maintain a copy of 8063
such notice for at least two weeks preceding the day of the 8064
opening of the bids. 8065

Sec. 307.93. (A) The boards of county commissioners of two or 8066
more adjacent counties may contract for the joint establishment of 8067
a multicounty correctional center, and the board of county 8068
commissioners of a county or the boards of two or more counties 8069
may contract with any municipal corporation or municipal 8070
corporations located in that county or those counties for the 8071
joint establishment of a municipal-county or multicounty-municipal 8072
correctional center. The center shall augment county and, where 8073
applicable, municipal jail programs and facilities by providing 8074
custody and rehabilitative programs for those persons under the 8075
charge of the sheriff of any of the contracting counties or of the 8076
officer or officers of the contracting municipal corporation or 8077
municipal corporations having charge of persons incarcerated in 8078
the municipal jail, workhouse, or other correctional facility who, 8079
in the opinion of the sentencing court, need programs of custody 8080
and rehabilitation not available at the county or municipal jail 8081
and by providing custody and rehabilitative programs in accordance 8082
with division (C) of this section, if applicable. The contract may 8083

include, but need not be limited to, provisions regarding the 8084
acquisition, construction, maintenance, repair, termination of 8085
operations, and administration of the center. The contract shall 8086
prescribe the manner of funding of, and debt assumption for, the 8087
center and the standards and procedures to be followed in the 8088
operation of the center. Except as provided in division (H) of 8089
this section, the contracting counties and municipal corporations 8090
shall form a corrections commission to oversee the administration 8091
of the center. Members of the commission shall consist of the 8092
sheriff of each participating county, the president of the board 8093
of county commissioners of each participating county, the 8094
presiding judge of the court of common pleas of each participating 8095
county, or, if the court of common pleas of a participating county 8096
has only one judge, then that judge, the chief of police of each 8097
participating municipal corporation, the mayor or city manager of 8098
each participating municipal corporation, and the presiding judge 8099
or the sole judge of the municipal court of each participating 8100
municipal corporation. Any of the foregoing officers may appoint a 8101
designee to serve in the officer's place on the corrections 8102
commission. The standards and procedures shall be formulated and 8103
agreed to by the commission and may be amended at any time during 8104
the life of the contract by agreement of the parties to the 8105
contract upon the advice of the commission. The standards and 8106
procedures formulated by the commission shall include, but need 8107
not be limited to, designation of the person in charge of the 8108
center, the categories of employees to be employed at the center, 8109
the appointing authority of the center, and the standards of 8110
treatment and security to be maintained at the center. The person 8111
in charge of, and all persons employed to work at, the center 8112
shall have all the powers of police officers that are necessary 8113
for the proper performance of the duties relating to their 8114
positions at the center. 8115

(B) Each board of county commissioners that enters a contract 8116

under division (A) of this section may appoint a building 8117
commission pursuant to section 153.21 of the Revised Code. If any 8118
commissions are appointed, they shall function jointly in the 8119
construction of a multicounty or multicounty-municipal 8120
correctional center with all the powers and duties authorized by 8121
law. 8122

(C) Prior to the acceptance for custody and rehabilitation 8123
into a center established under this section of any persons who 8124
are designated by the department of rehabilitation and correction, 8125
who plead guilty to or are convicted of a felony of the fourth or 8126
fifth degree, and who satisfy the other requirements listed in 8127
section 5120.161 of the Revised Code, the corrections commission 8128
of a center established under this section shall enter into an 8129
agreement with the department of rehabilitation and correction 8130
under section 5120.161 of the Revised Code for the custody and 8131
rehabilitation in the center of persons who are designated by the 8132
department, who plead guilty to or are convicted of a felony of 8133
the fourth or fifth degree, and who satisfy the other requirements 8134
listed in that section, in exchange for a per diem fee per person. 8135
Persons incarcerated in the center pursuant to an agreement 8136
entered into under this division shall be subject to supervision 8137
and control in the manner described in section 5120.161 of the 8138
Revised Code. This division does not affect the authority of a 8139
court to directly sentence a person who is convicted of or pleads 8140
guilty to a felony to the center in accordance with section 8141
2929.16 of the Revised Code. 8142

(D) Pursuant to section 2929.37 of the Revised Code, each 8143
board of county commissioners and the legislative authority of 8144
each municipal corporation that enters into a contract under 8145
division (A) of this section may require a person who was 8146
convicted of an offense, who is under the charge of the sheriff of 8147
their county or of the officer or officers of the contracting 8148

municipal corporation or municipal corporations having charge of 8149
persons incarcerated in the municipal jail, workhouse, or other 8150
correctional facility, and who is confined in the multicounty, 8151
municipal-county, or multicounty-municipal correctional center as 8152
provided in that division, to reimburse the applicable county or 8153
municipal corporation for its expenses incurred by reason of the 8154
person's confinement in the center. 8155

(E) Notwithstanding any contrary provision in this section or 8156
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 8157
the corrections commission of a center may establish a policy that 8158
complies with section 2929.38 of the Revised Code and that 8159
requires any person who is not indigent and who is confined in the 8160
multicounty, municipal-county, or multicounty-municipal 8161
correctional center to pay a reception fee, a fee for medical 8162
treatment or service requested by and provided to that person, or 8163
the fee for a random drug test assessed under division (E) of 8164
section 341.26 of the Revised Code. 8165

(F)(1) The corrections commission of a center established 8166
under this section may establish a commissary for the center. The 8167
commissary may be established either in-house or by another 8168
arrangement. If a commissary is established, all persons 8169
incarcerated in the center shall receive commissary privileges. A 8170
person's purchases from the commissary shall be deducted from the 8171
person's account record in the center's business office. The 8172
commissary shall provide for the distribution to indigent persons 8173
incarcerated in the center of necessary hygiene articles and 8174
writing materials. 8175

(2) If a commissary is established, the corrections 8176
commission of a center established under this section shall 8177
establish a commissary fund for the center. The management of 8178
funds in the commissary fund shall be strictly controlled in 8179
accordance with procedures adopted by the auditor of state. 8180

Commissary fund revenue over and above operating costs and reserve 8181
shall be considered profits. All profits from the commissary fund 8182
shall be used to purchase supplies and equipment for the benefit 8183
of persons incarcerated in the center and to pay salary and 8184
benefits for employees of the center, or for any other persons, 8185
who work in or are employed for the sole purpose of providing 8186
service to the commissary. The corrections commission shall adopt 8187
rules and regulations for the operation of any commissary fund it 8188
establishes. 8189

(G) In lieu of forming a corrections commission to administer 8190
a multicounty correctional center or a municipal-county or 8191
multicounty-municipal correctional center, the boards of county 8192
commissioners and the legislative authorities of the municipal 8193
corporations contracting to establish the center may also agree to 8194
contract for the private operation and management of the center as 8195
provided in section 9.06 of the Revised Code, but only if the 8196
center houses only misdemeanor inmates. In order to enter into a 8197
contract under section 9.06 of the Revised Code, all the boards 8198
and legislative authorities establishing the center shall approve 8199
and be parties to the contract. 8200

(H) If a person who is convicted of or pleads guilty to an 8201
offense is sentenced to a term in a multicounty correctional 8202
center or a municipal-county or multicounty-municipal correctional 8203
center or is incarcerated in the center in the manner described in 8204
division (C) of this section, or if a person who is arrested for 8205
an offense, and who has been denied bail or has had bail set and 8206
has not been released on bail is confined in a multicounty 8207
correctional center or a municipal-county or multicounty-municipal 8208
correctional center pending trial, at the time of reception and at 8209
other times the officer, officers, or other person in charge of 8210
the operation of the center determines to be appropriate, the 8211
officer, officers, or other person in charge of the operation of 8212

the center may cause the convicted or accused offender to be 8213
examined and tested for tuberculosis, HIV infection, hepatitis, 8214
including but not limited to hepatitis A, B, and C, and other 8215
contagious diseases. The officer, officers, or other person in 8216
charge of the operation of the center may cause a convicted or 8217
accused offender in the center who refuses to be tested or treated 8218
for tuberculosis, HIV infection, hepatitis, including but not 8219
limited to hepatitis A, B, and C, or another contagious disease to 8220
be tested and treated involuntarily. 8221

(I) As used in this section, "multicounty-municipal" means 8222
more than one county and a municipal corporation, or more than one 8223
municipal corporation and a county, or more than one municipal 8224
corporation and more than one county. 8225

Sec. 311.17. For the services specified in this section, the 8226
sheriff shall charge the following fees, which the court or its 8227
clerk ~~thereof~~ shall tax in the bill of costs against the judgment 8228
debtor or those legally liable therefor for the judgment: 8229

(A) For the service and return of the following writs and 8230
orders: 8231

(1) Execution: 8232

(a) When money is paid without levy or when no property is 8233
found, ~~five~~ twenty dollars; 8234

(b) When levy is made on real property, for the first tract, 8235
~~twenty~~ twenty-five dollars, and for each additional tract, ~~five~~ 8236
ten dollars; 8237

(c) When levy is made on goods and chattels, including 8238
inventory, ~~twenty-five~~ fifty dollars. 8239

(2) Writ of attachment of property, except for purpose of 8240
garnishment, ~~twenty~~ forty dollars; 8241

(3) Writ of attachment for the purpose of garnishment, ~~five~~ 8242

| | |
|--|----------------------|
| <u>ten</u> dollars; | 8243 |
| (4) Writ of replevin, twenty <u>forty</u> dollars; | 8244 |
| (5) Warrant to arrest, for each person named in the writ, five <u>ten</u> dollars; | 8245 8246 |
| (6) Attachment for contempt, for each person named in the writ, three <u>six</u> dollars; | 8247 8248 |
| (7) Writ of possession or restitution, twenty <u>sixty</u> dollars; | 8249 |
| (8) Subpoena, for each person named in the writ, if in either a civil <u>or criminal</u> case three, six dollars, if in a criminal case one dollar ; | 8250 8251 8252 |
| (9) Venire, for each person named in the writ, if in either a civil <u>or criminal</u> case three, six dollars, if in a criminal case one dollar ; | 8253 8254 8255 |
| (10) Summoning each juror, other than on venire, if in either a civil <u>or criminal</u> case three, six dollars, if in a criminal case one dollar ; | 8256 8257 8258 |
| (11) Writ of partition, fifteen <u>twenty-five</u> dollars; | 8259 |
| (12) Order of sale on partition, for the first tract, twenty-five <u>fifty</u> dollars, and for each additional tract, five <u>twenty-five</u> dollars; | 8260 8261 8262 |
| (13) Other order of sale of real property, for the first tract, twenty <u>fifty</u> dollars, and for each additional tract, five <u>twenty-five</u> dollars; | 8263 8264 8265 |
| (14) Administering oath to appraisers, one dollar and fifty cents <u>three dollars</u> each; | 8266 8267 |
| (15) Furnishing copies for advertisements, fifty cents <u>one</u> <u>dollar</u> for each hundred words; | 8268 8269 |
| (16) Copy of indictment, for each defendant, two <u>five</u> dollars; | 8270 8271 |

| | |
|--|--|
| (17) All summons, writs, orders, or notices, for the first name, three <u>six</u> dollars, and for each additional name, fifty cents <u>one dollar</u> . | 8272 8273 8274 |
| (B) In addition to the fee for service and return, the sheriff may charge: | 8275 8276 |
| (1) On each summons, writ, order, or notice, a fee of fifty cents <u>one dollar</u> per mile for the first mile, and twenty <u>fifty</u> cents per mile for each additional mile, going and returning, actual mileage to be charged on each additional name; | 8277 8278 8279 8280 |
| (2) Taking bail bond, one dollar <u>three dollars</u> ; | 8281 |
| (3) Jail fees, as follows: | 8282 |
| (a) For receiving a prisoner, four <u>five</u> dollars <u>each time a prisoner is received</u> , and for discharging or surrendering a prisoner, four <u>five</u> dollars; <u>each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.</u> | 8283 8284 8285 8286 8287 8288 8289 |
| (b) Taking a prisoner before a judge or court, per day, three <u>five</u> dollars; | 8290 8291 |
| (c) Calling action, fifty cents <u>one dollar</u> ; | 8292 |
| (d) Calling jury, one dollar <u>three dollars</u> ; | 8293 |
| (e) Calling each witness, one dollar <u>three dollars</u> ; | 8294 |
| (f) Bringing prisoner before court on habeas corpus, four <u>six</u> dollars;. | 8295 8296 |
| (4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one <u>and one-half</u> per cent; | 8297 8298 8299 |
| (5) Making and executing a deed of land sold on execution, | 8300 |

decree, or order of the court, to be paid by the purchaser, 8301
~~twenty-five~~ fifty dollars. 8302

When any of the ~~foregoing~~ services described in division (A) 8303
or (B) of this section are rendered by an officer or employee, 8304
whose salary or per diem compensation is paid by the county, the 8305
applicable legal fees and any other extraordinary expenses, 8306
including overtime, provided for ~~such the service in this section~~ 8307
shall be taxed in the costs in the case, and, when ~~such fees are~~ 8308
collected ~~they,~~ shall be paid into the general fund of the county. 8309

The sheriff shall charge the same fees for the execution of 8310
process issued in any other state as ~~he~~ the sheriff charges for 8311
the execution of process of a substantively similar nature that is 8312
issued in this state. 8313

Sec. 317.32. The county recorder shall charge and collect the 8314
following fees, to include base fees for the recorder's services 8315
and housing trust fund fees, collected pursuant to section 317.36 8316
of the Revised Code: 8317

(A) For recording and indexing an instrument when the 8318
photocopy or any similar process is employed, a base fee of 8319
fourteen dollars for the first two pages and a housing trust fund 8320
fee of fourteen dollars, and a base fee of four dollars and a 8321
housing trust fund fee of four dollars for each subsequent page, 8322
size eight and one-half inches by fourteen inches, or fraction of 8323
a page, including the caption page, of such instrument; 8324

(B) For certifying a photocopy from the record previously 8325
recorded, a base fee of one dollar and a housing trust fund fee of 8326
one dollar per page, size eight and one-half inches by fourteen 8327
inches, or fraction of a page; for each certification where the 8328
recorder's seal is required, except as to instruments issued by 8329
the armed forces of the United States, a base fee of fifty cents 8330
and a housing trust fund fee of fifty cents; 8331

(C) For manual or typewritten recording of assignment or 8332
satisfaction of mortgage or lease or any other marginal entry, a 8333
base fee of four dollars and a housing trust fund fee of four 8334
dollars; 8335

(D) For entering any marginal reference by separate recorded 8336
instrument, a base fee of two dollars and a housing trust fund fee 8337
of two dollars for each marginal reference set out in that 8338
instrument, in addition to the ~~recording fee fees~~ set forth in 8339
division (A) of this section; 8340

(E) For indexing in the real estate mortgage records, 8341
pursuant to section 1309.519 of the Revised Code, financing 8342
statements covering crops growing or to be grown, timber to be 8343
cut, minerals or the like, including oil and gas, accounts subject 8344
to section 1309.301 of the Revised Code, or fixture filings made 8345
pursuant to section 1309.334 of the Revised Code, a base fee of 8346
two dollars and a housing trust fund fee of two dollars for each 8347
name indexed; 8348

(F) For recording manually any plat not exceeding six lines, 8349
a base fee of two dollars and a housing trust fund fee of two 8350
dollars, and for each additional line, a base fee of ten cents and 8351
a housing trust fund fee of ten cents; 8352

(G) For filing zoning resolutions, including text and maps, 8353
in the office of the recorder as required under sections 303.11 8354
and 519.11 of the Revised Code, a base fee of fifty dollars and a 8355
housing trust fund fee of fifty dollars, regardless of the size or 8356
length of the resolutions; 8357

(H) For filing zoning amendments, including text and maps, in 8358
the office of the recorder as required under sections 303.12 and 8359
519.12 of the Revised Code, a base fee of ten dollars and a 8360
housing trust fund fee of ten dollars for the first page and a 8361
base fee of four dollars and a housing trust fund fee of four 8362

dollars for each additional page; 8363

(I) For photocopying a document, other than at the time of 8364
recording and indexing as provided for in division (A) of this 8365
section, a base fee of one dollar and a housing trust fund fee of 8366
one dollar per page, size eight and one-half inches by fourteen 8367
inches, or fraction thereof; 8368

(J) For local facsimile transmission of a document, a base 8369
fee of one dollar and a housing trust fund fee of one dollar per 8370
page, size eight and one-half inches by fourteen inches, or 8371
fraction thereof; for long distance facsimile transmission of a 8372
document, a base fee of two dollars and a housing trust fund fee 8373
of two dollars per page, size eight and one-half inches by 8374
fourteen inches, or fraction thereof; 8375

(K) For recording a declaration executed pursuant to section 8376
2133.02 of the Revised Code or a durable power of attorney for 8377
health care executed pursuant to section 1337.12 of the Revised 8378
Code, or both a declaration and a durable power of attorney for 8379
health care, a base fee of at least fourteen dollars but not more 8380
than twenty dollars and a housing trust fund fee of at least 8381
fourteen dollars but not more than twenty dollars. 8382

In any county in which the recorder employs the photostatic 8383
or any similar process for recording maps, plats, or prints the 8384
recorder shall determine, charge, and collect for the recording or 8385
rerecording of any map, plat, or print, a base fee of five cents 8386
and a housing trust fund fee of five cents per square inch, for 8387
each square inch of the map, plat, or print filed for that 8388
recording or rerecording, with a minimum base fee of twenty 8389
dollars and a minimum housing trust fund fee of twenty dollars; 8390
for certifying a copy from the record, a base fee of two cents and 8391
a housing trust fund fee of two cents per square inch of the 8392
record, with a minimum base fee of two dollars and a minimum 8393
housing trust fund fee of two dollars. 8394

The fees provided in this section shall be paid upon the presentation of the instruments for record or upon the application for any certified copy of the record, except that the payment of fees associated with the filing and recording of, or the copying of, notices of internal revenue tax liens and notices of other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code and certificates of discharge or release of those liens, shall be governed by section 317.09 of the Revised Code, and the payment of fees for providing copies of instruments conveying or extinguishing agricultural easements to the office of farmland preservation in the department of agriculture under division ~~(G)~~(H) of section 5301.691 of the Revised Code shall be governed by that division.

Sec. 317.36. (A) The county recorder shall collect the low- and moderate-income housing trust fund fee as specified in sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 5111.021, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of any housing trust fund fee the recorder is authorized to collect is equal to the amount of any base fee the recorder is authorized to collect for services. The housing trust fund fee shall be collected in addition to the base fee.

(B) The recorder shall certify the amounts collected as housing trust fund fees pursuant to division (A) of this section into the county treasury as housing trust fund fees to be paid to the treasurer of state pursuant to section 319.63 of the Revised Code.

Sec. 319.63. (A) During the first thirty days of each calendar quarter, the county auditor shall pay to the treasurer of state all amounts that the county recorder collected as housing

trust fund fees pursuant to section 317.36 of the Revised Code 8425
during the previous calendar quarter. If payment is made to the 8426
treasurer of state within the first thirty days of the quarter, 8427
the county auditor may retain an administrative fee of one per 8428
cent of the amount of the trust fund fees collected during the 8429
previous calendar quarter. 8430

(B) The treasurer of state shall deposit the first fifty 8431
million dollars of housing trust fund fees received each year 8432
pursuant to this section into the low- and moderate-income housing 8433
trust fund, created under section 175.21 of the Revised Code, and 8434
shall deposit any amounts received each year in excess of fifty 8435
million dollars into the state general revenue fund. 8436

(C) The county auditor shall deposit the administrative fee 8437
that the auditor is permitted to retain pursuant to division (A) 8438
of this section into the county general fund for the county 8439
recorder to use in administering the trust fund fee. 8440

Sec. 321.24. (A) On or before the fifteenth day of February, 8441
in each year, the county treasurer shall settle with the county 8442
auditor for all taxes and assessments that the treasurer has 8443
collected on the general duplicate of real and public utility 8444
property at the time of making the settlement. 8445

(B) On or before the thirtieth day of June, in each year, the 8446
treasurer shall settle with the auditor for all advance payments 8447
of general personal and classified property taxes that the 8448
treasurer has received at the time of making the settlement. 8449

(C) On or before the tenth day of August, in each year, the 8450
treasurer shall settle with the auditor for all taxes and 8451
assessments that the treasurer has collected on the general 8452
duplicates of real and public utility property at the time of 8453
making such settlement, not included in the preceding February 8454
settlement. 8455

(D) On or before the thirty-first day of October, in each year, the treasurer shall settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement.

(E) In the event the time for the payment of taxes is extended, pursuant to section 323.17 of the Revised Code, the date on or before which settlement for the taxes so extended must be made, as herein prescribed, shall be deemed to be extended for a like period of time. At each such settlement, the auditor shall allow to the treasurer, on the moneys received or collected and accounted for by the treasurer, the treasurer's fees, at the rate or percentage allowed by law, at a full settlement of the treasurer.

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments which have been made to the amount certified previously pursuant to section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to one-half of the amount certified by the treasurer in the preceding tax year under section 319.302 of the Revised Code, less one-half of the amount computed for all taxing districts in that county for the current fiscal year under section 5703.80 of the Revised Code for crediting to the property tax administration fund. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees

and charges which the auditor and treasurer would have been 8488
authorized to receive had such section not been in effect and that 8489
amount had been levied and collected as taxes. The county auditor 8490
shall distribute the amount remaining among the various taxing 8491
districts in the county as if it had been levied, collected, and 8492
settled as real property taxes. The amount distributed to each 8493
taxing district shall be reduced by the total of the amounts 8494
computed for the district under divisions (A), (B), and (C) of 8495
section 5703.80 of the Revised Code, but the reduction shall not 8496
exceed the amount that otherwise would be distributed to the 8497
taxing district under this division. The tax commissioner shall 8498
make available to taxing districts such information as is 8499
sufficient for a taxing district to be able to determine the 8500
amount of the reduction in its distribution under this section. 8501

(G)(1) Within thirty days after the day of the settlement 8502
required in division (D) of this section, the county treasurer 8503
shall ~~certify to~~ notify the tax commissioner that the settlement 8504
has been completed. Upon receipt of that ~~certification~~ 8505
notification, the commissioner shall provide for payment to the 8506
county treasurer from the general revenue fund of an amount equal 8507
to the amount certified under former section 319.311 of the 8508
Revised Code ~~in the current year~~ and paid in the state's fiscal 8509
year 2003 multiplied by the percentage specified in division 8510
(G)(2) of this section. The payment shall be credited upon receipt 8511
to the county's undivided income tax fund, and the county auditor 8512
shall distribute the amount thereof among the various taxing 8513
districts of the county as if it had been levied, collected, and 8514
settled as personal property taxes. The amount received by a 8515
taxing district under this division shall be apportioned among its 8516
funds in the same proportion as the current year's personal 8517
property taxes are apportioned. 8518

(2) Payments required under division (G)(1) of this section 8519

shall be made at the following percentages of the amount certified 8520
under former section 319.311 of the Revised Code and paid under 8521
division (G)(1) of this section in the state's fiscal year 2003: 8522

(a) In fiscal year 2004, ninety per cent; 8523

(b) In fiscal year 2005, eighty per cent; 8524

(c) In fiscal year 2006, seventy per cent; 8525

(d) In fiscal year 2007, sixty per cent; 8526

(e) In fiscal year 2008, fifty per cent; 8527

(f) In fiscal year 2009, forty per cent; 8528

(g) In fiscal year 2010, thirty per cent; 8529

(h) In fiscal year 2011, twenty per cent; 8530

(i) In fiscal year 2012, ten per cent. 8531

After fiscal year 2012, no payments shall be made under 8532
division (G)(1) of this section. 8533

(H)(1) On or before the fifteenth day of April each year, the 8534
county treasurer shall settle with the county auditor for all 8535
manufactured home taxes that the county treasurer has collected on 8536
the manufactured home tax duplicate at the time of making the 8537
settlement. 8538

(2) On or before the fifteenth day of September each year, 8539
the county treasurer shall settle with the county auditor for all 8540
remaining manufactured home taxes that the county treasurer has 8541
collected on the manufactured home tax duplicate at the time of 8542
making the settlement. 8543

(3) If the time for payment of such taxes is extended under 8544
section 4503.06 of the Revised Code, the time for making the 8545
settlement as prescribed by divisions (H)(1) and (2) of this 8546
section is extended for a like period of time. 8547

| | |
|--|------|
| Sec. 323.01. Except as otherwise provided, as used in Chapter | 8548 |
| 323. of the Revised Code: | 8549 |
| (A) "Subdivision" means any county, township, school | 8550 |
| district, or municipal corporation. | 8551 |
| (B) "Municipal corporation" includes charter municipalities. | 8552 |
| (C) "Taxes" means the total amount of all charges against an | 8553 |
| entry appearing on a tax list and the duplicate thereof that was | 8554 |
| prepared and certified in accordance with section 319.28 of the | 8555 |
| Revised Code, including taxes levied against real estate; taxes on | 8556 |
| property whose value is certified pursuant to section 5727.23 of | 8557 |
| the Revised Code; recoupment charges applied pursuant to section | 8558 |
| 5713.35 of the Revised Code; all assessments; penalties and | 8559 |
| interest charged pursuant to section 323.121 of the Revised Code; | 8560 |
| charges added pursuant to section 319.35 of the Revised Code; and | 8561 |
| all of such charges which remain unpaid from any previous tax | 8562 |
| year. | 8563 |
| (D) "Current taxes" means all taxes charged against an entry | 8564 |
| on the general tax list and duplicate of real and public utility | 8565 |
| property that have not appeared on such list and duplicate for any | 8566 |
| prior tax year and any penalty thereon charged by division (A) of | 8567 |
| section 323.121 of the Revised Code. Current taxes, whether or not | 8568 |
| they have been certified delinquent, become delinquent taxes if | 8569 |
| they remain unpaid after the last day prescribed for payment of | 8570 |
| the second installment of current taxes without penalty. | 8571 |
| (E) "Delinquent taxes" means: | 8572 |
| (1) Any taxes charged against an entry on the general tax | 8573 |
| list and duplicate of real and public utility property that were | 8574 |
| charged against an entry on such list and duplicate for a prior | 8575 |
| tax year and any penalties and interest charged against such | 8576 |
| taxes. | 8577 |

(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 taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

(2) Any sum of money due and payable, for disability financial assistance or disability medical assistance provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;

(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

Sec. 325.31. (A) On the first business day of each month, and at the end of the officer's term of office, each officer named in section 325.27 of the Revised Code shall pay into the county treasury, to the credit of the general county fund, on the warrant

of the county auditor, all fees, costs, penalties, percentages, 8608
allowances, and perquisites collected by the officer's office 8609
during the preceding month or part thereof for official services, 8610
except the fees allowed the county auditor by division (B) of 8611
section 319.54 of the Revised Code, which shall be paid into the 8612
county treasury to the credit of the real estate assessment fund 8613
hereby created. 8614

(B) Moneys to the credit of the real estate assessment fund 8615
may be expended, upon appropriation by the board of county 8616
commissioners, for the purpose of defraying the one or more of the 8617
following: 8618

(1) The cost incurred by the county auditor in assessing real 8619
estate pursuant to Chapter 5713. of the Revised Code and 8620
manufactured and mobile homes pursuant to Chapter 4503. of the 8621
Revised Code, ~~and, at;~~ 8622

(2) At the county auditor's discretion, costs and expenses 8624
incurred by the county auditor in preparing the list of real and 8625
public utility property, in administering laws related to the 8626
taxation of real property and the levying of special assessments 8627
on real property, including administering reductions under 8628
Chapters 319. and 323. and section 4503.065 of the Revised Code, 8629
and to support assessments of real property in any administrative 8630
or judicial proceeding; 8631

(3) At the county auditor's discretion, the expenses incurred 8632
by the county board of revision under Chapter 5715. of the Revised 8633
Code. ~~Any;~~ 8634

(4) At the county auditor's discretion, the expenses incurred 8635
by the county auditor for geographic information systems, mapping 8636
programs, and technological advances in those or similar systems 8637
or programs; 8638

(5) At the county auditor's discretion, expenses incurred by 8639
the county auditor in compiling the general tax list of personal 8640
property and collecting tangible personal property taxes under 8641
Chapters 5711. and 5719. of the Revised Code; 8642

(6) At the county auditor's discretion, costs, expenses, and 8643
fees incurred by the county auditor in the collection of estate 8644
taxes under Chapter 5731. of the Revised Code. 8645

Any expenditures made from the real estate assessment fund 8646
shall comply with rules that the tax commissioner adopts under 8647
division (O) of section 5703.05 of the Revised Code. Those rules 8648
shall include a requirement that a copy of any appraisal plans, 8649
progress of work reports, contracts, or other documents required 8650
to be filed with the tax commissioner shall be filed also with the 8651
board of county commissioners. 8652

The board of county commissioners shall not transfer moneys 8653
required to be deposited in the real estate assessment fund to any 8654
other fund. Following an assessment of real property pursuant to 8655
Chapter 5713. of the Revised Code, or an assessment of a 8656
manufactured or mobile home pursuant to Chapter 4503. of the 8657
Revised Code, any moneys not expended for the purpose of defraying 8658
the cost incurred in assessing real estate or manufactured or 8659
mobile homes, or for costs related to county tax maps, or for the 8660
purpose of defraying the expenses ~~of the county board of revision~~ 8661
described in divisions (B)(2), (3), (4), (5), and (6) of this 8662
section, and thereby remaining to the credit of the real estate 8663
assessment fund, shall be apportioned ratably and distributed to 8664
those taxing authorities that contributed to the fund. However, no 8665
such distribution shall be made if the amount of such unexpended 8666
moneys remaining to the credit of the real estate assessment fund 8667
does not exceed five thousand dollars. 8668

(C) None of the officers named in section 325.27 of the 8669

Revised Code shall collect any fees from the county. Each of such 8670
officers shall, at the end of each calendar year, make and file a 8671
sworn statement with the board of county commissioners of all such 8672
fees, costs, penalties, percentages, allowances, and perquisites 8673
which have been due in the officer's office and unpaid for more 8674
than one year prior to the date such statement is required to be 8675
made. 8676

Sec. 329.03. (A) As used in this section: 8677

(1) "Applicant" or "recipient" means an applicant for or 8678
participant in the Ohio works first program established under 8679
Chapter 5107. of the Revised Code or an applicant for or recipient 8680
of disability financial assistance under Chapter 5115. of the 8681
Revised Code. 8682

(2) "Voluntary direct deposit" means a system established 8683
pursuant to this section under which cash assistance payments to 8684
recipients who agree to direct deposit are made by direct deposit 8685
by electronic transfer to an account in a financial institution 8686
designated under this section. 8687

(3) "Mandatory direct deposit" means a system established 8688
pursuant to this section under which cash assistance payments to 8689
all participants in the Ohio works first program or recipients of 8690
disability financial assistance, other than those exempt under 8691
division (E) of this section, are made by direct deposit by 8692
electronic transfer to an account in a financial institution 8693
designated under this section. 8694

(B) A board of county commissioners may by adoption of a 8695
resolution require the county department of job and family 8696
services to establish a direct deposit system for distributing 8697
cash assistance payments under Ohio works first, disability 8698
financial assistance, or both, unless the director of job and 8699
family services has provided for those payments to be made by 8700

electronic benefit transfer pursuant to section 5101.33 of the Revised Code. Voluntary or mandatory direct deposit may be applied to either of the programs. The resolution shall specify for each program for which direct deposit is to be established whether direct deposit is voluntary or mandatory. The board may require the department to change or terminate direct deposit by adopting a resolution to change or terminate it. Within ninety days after adopting a resolution under this division, the board shall certify one copy of the resolution to the director of job and family services and one copy to the office of budget and management. The director of job and family services may adopt rules governing establishment of direct deposit by county departments of job and family services.

The county department of job and family services shall determine what type of account will be used for direct deposit and negotiate with financial institutions to determine the charges, if any, to be imposed by a financial institution for establishing and maintaining such accounts. Under voluntary direct deposit, the county department of job and family services may pay all charges imposed by a financial institution for establishing and maintaining an account in which direct deposits are made for a recipient. Under mandatory direct deposit, the county department of job and family services shall pay all charges imposed by a financial institution for establishing and maintaining such an account. No financial institution shall impose any charge for such an account that the institution does not impose on its other customers for the same type of account. Direct deposit does not affect the exemption of Ohio works first and disability financial assistance from attachment, garnishment, or other like process afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised Code.

(C) The county department of job and family services shall,

within sixty days after a resolution requiring the establishment 8733
of direct deposit is adopted, establish procedures governing 8734
direct deposit. 8735

Within one hundred eighty days after the resolution is 8736
adopted, the county department shall: 8737

(1) Inform each applicant or recipient of the procedures 8738
governing direct deposit, including in the case of voluntary 8739
direct deposit those that prescribe the conditions under which a 8740
recipient may change from one method of payment to another; 8741

(2) Obtain from each applicant or recipient an authorization 8742
form to designate a financial institution equipped for and 8743
authorized by law to accept direct deposits by electronic transfer 8744
and the account into which the applicant or recipient wishes the 8745
payments to be made, or in the case of voluntary direct deposit 8746
states the applicant's or recipient's election to receive such 8747
payments in the form of a paper warrant. 8748

The department may require a recipient to complete a new 8749
authorization form whenever the department considers it necessary. 8750

A recipient's designation of a financial institution and 8751
account shall remain in effect until withdrawn in writing or 8752
dishonored by the financial institution, except that no change may 8753
be made in the authorization form until the next eligibility 8754
redetermination of the recipient unless the department feels that 8755
good grounds exist for an earlier change. 8756

(D) An applicant or recipient without an account who either 8757
agrees or is required to receive payments by direct deposit shall 8758
have ten days after receiving the authorization form to designate 8759
an account suitable for direct deposit. If within the required 8760
time the applicant or recipient does not make the designation or 8761
requests that the department make the designation, the department 8762
shall designate a financial institution and help the recipient to 8763

open an account. 8764

(E) At the time of giving an applicant or recipient the 8765
authorization form, the county department of job and family 8766
services of a county with mandatory direct deposit shall inform 8767
each applicant or recipient of the basis for exemption and the 8768
right to request exemption from direct deposit. 8769

Under mandatory direct deposit, an applicant or recipient who 8770
wishes to receive payments in the form of a paper warrant shall 8771
record on the authorization form a request for exemption under 8772
this division and the basis for the exemption. 8773

The department shall exempt from mandatory direct deposit any 8774
recipient who requests exemption and is any of the following: 8775

(1) Over age sixty-five; 8776

(2) Blind or disabled; 8777

(3) Likely, in the judgment of the department, to be caused 8778
personal hardship by direct deposit. 8779

A recipient granted an exemption under this division shall 8780
receive payments for which the recipient is eligible in the form 8781
of paper warrants. 8782

(F) The county department of job and family services shall 8783
bear the full cost of the amount of any replacement warrant issued 8784
to a recipient for whom an authorization form as provided in this 8785
section has not been obtained within one hundred eighty days after 8786
the later of the date the board of county commissioners adopts a 8787
resolution requiring payments of financial assistance by direct 8788
deposit to accounts of recipients of Ohio works first or 8789
disability financial assistance or the date the recipient made 8790
application for assistance, and shall not be reimbursed by the 8791
state for any part of the cost. Thereafter, the county department 8792
of job and family services shall continue to bear the full cost of 8793

each replacement warrant issued until the board of county 8794
commissioners requires the county department of job and family 8795
services to obtain from each such recipient the authorization 8796
forms as provided in this section. 8797

Sec. 329.04. (A) The county department of job and family 8798
services shall have, exercise, and perform the following powers 8799
and duties: 8800

(1) Perform any duties assigned by the state department of 8801
job and family services regarding the provision of public family 8802
services, including the provision of the following services to 8803
prevent or reduce economic or personal dependency and to 8804
strengthen family life: 8805

(a) Services authorized by a Title IV-A program, as defined 8806
in section 5101.80 of the Revised Code; 8807

(b) Social services authorized by Title XX of the "Social 8808
Security Act" and provided for by section 5101.46 of the Revised 8809
Code; 8810

(c) If the county department is designated as the child 8811
support enforcement agency, services authorized by Title IV-D of 8812
the "Social Security Act" and provided for by Chapter 3125. of the 8813
Revised Code. The county department may perform the services 8814
itself or contract with other government entities, and, pursuant 8815
to division (C) of section 2301.35 and section 2301.42 of the 8816
Revised Code, private entities, to perform the Title IV-D 8817
services. 8818

(2) Administer disability financial assistance ~~under Chapter~~ 8819
~~5115. of the Revised Code,~~ as required by the state department of 8820
job and family services under section 5115.03 of the Revised Code; 8821

(3) Administer disability medical assistance, as required by 8822
the state department of job and family services under section 8823

| | |
|--|--|
| <u>5115.13 of the Revised Code;</u> | 8824 |
| (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; | 8825 8826 8827 |
| (4) (5) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; | 8828 8829 8830 |
| (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; | 8831 8832 8833 |
| (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; | 8834 8835 8836 8837 8838 |
| (7) (8) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act"; | 8839 8840 |
| (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; | 8841 8842 8843 8844 |
| (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; | 8845 8846 8847 8848 8849 8850 8851 8852 |
| (10) (11) For the purpose of complying with a partnership | 8853 |

agreement the board of county commissioners enters into under 8854
section 307.98 of the Revised Code, exercise the powers and 8855
perform the duties the partnership agreement assigns to the county 8856
department; 8857

~~(11)~~(12) If the county department is designated as the 8858
workforce development agency, provide the workforce development 8859
activities specified in the contract required by section 330.05 of 8860
the Revised Code. 8861

(B) The powers and duties of a county department of job and 8862
family services are, and shall be exercised and performed, under 8863
the control and direction of the board of county commissioners. 8864
The board may assign to the county department any power or duty of 8865
the board regarding family services and workforce development 8866
activities. If the new power or duty necessitates the state 8867
department of job and family services changing its federal cost 8868
allocation plan, the county department may not implement the power 8869
or duty unless the United States department of health and human 8870
services approves the changes. 8871

Sec. 329.051. The county department of job and family 8872
services shall make voter registration applications as prescribed 8873
by the secretary of state under section 3503.10 of the Revised 8874
Code available to persons who are applying for, receiving 8875
assistance from, or participating in any of the following: 8876

(A) The disability financial assistance program established 8877
under Chapter 5115. of the Revised Code; 8878

(B) The disability medical assistance program established 8879
under Chapter 5115. of the Revised Code; 8880

(C) The medical assistance program established under Chapter 8881
5111. of the Revised Code; 8882

~~(C)~~(D) The Ohio works first program established under Chapter 8883

5107. of the Revised Code; 8884

~~(D)~~(E) The prevention, retention, and contingency program 8885
established under Chapter 5108. of the Revised Code. 8886

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 8887
health service district comprised of a county with a population of 8888
two hundred fifty thousand or more on ~~the effective date of this~~ 8889
~~section~~ October 10, 1989, the board of county commissioners shall, 8890
within thirty days of ~~the effective date of this section~~ October 8891
10, 1989, establish an alcohol and drug addiction services board 8892
as the entity responsible for providing alcohol and drug addiction 8893
services in the county, unless, prior to that date, the board 8894
adopts a resolution providing that the entity responsible for 8895
providing the services is a board of alcohol, drug addiction, and 8896
mental health services. If the board of county commissioners 8897
establishes an alcohol and drug addiction services board, the 8898
community mental health board established under former section 8899
340.02 of the Revised Code shall serve as the entity responsible 8900
for providing mental health services in the county. A community 8901
mental health board has all the powers, duties, and obligations of 8902
a board of alcohol, drug addiction, and mental health services 8903
with regard to mental health services. An alcohol and drug 8904
addiction services board has all the powers, duties, and 8905
obligations of a board of alcohol, drug addiction, and mental 8906
health services with regard to alcohol and drug addiction 8907
services. Any provision of the Revised Code that refers to a board 8908
of alcohol, drug addiction, and mental health services with regard 8909
to mental health services also refers to a community mental health 8910
board and any provision that refers to a board of alcohol, drug 8911
addiction, and mental health services with regard to alcohol and 8912
drug addiction services also refers to an alcohol and drug 8913
addiction services board. 8914

An alcohol and drug addiction services board shall consist of 8915
eighteen members, six of whom shall be appointed by the director 8916
of alcohol and drug addiction services and twelve of whom shall be 8917
appointed by the board of county commissioners. Of the members 8918
appointed by the director, one shall be a person who has received 8919
or is receiving services for alcohol or drug addiction, one shall 8920
be a parent or relative of such a person, one shall be a 8921
professional in the field of alcohol or drug addiction services, 8922
and one shall be an advocate for persons receiving treatment for 8923
alcohol or drug addiction. The membership of the board shall, as 8924
nearly as possible, reflect the composition of the population of 8925
the service district as to race and sex. Members shall be 8926
residents of the service district and shall be interested in 8927
alcohol and drug addiction services. Requirements for membership, 8928
including prohibitions against certain family and business 8929
relationships, and terms of office shall be the same as those for 8930
members of boards of alcohol, drug addiction, and mental health 8931
services. 8932

~~(B)~~ A community mental health board shall consist of eighteen 8933
members, six of whom shall be appointed by the director of mental 8934
health and twelve of whom shall be appointed by the board of 8935
county commissioners. Of the members appointed by the director, 8936
one shall be a person who has received or is receiving mental 8937
health services, one shall be a parent or relative of such a 8938
person, one shall be a psychiatrist or a physician, and one shall 8939
be a mental health professional. The membership of the board as 8940
nearly as possible shall reflect the composition of the population 8941
of the service district as to race and sex. Members shall be 8942
residents of the service district and shall be interested in 8943
mental health services. Requirements for membership, including 8944
prohibitions against certain family and business relationships, 8945
and terms of office shall be the same as those for members of 8946

boards of alcohol, drug addiction, and mental health services. 8947

(B) If a board of county commissioners subject to division 8948
(A) of this section did not adopt a resolution providing for a 8949
board of alcohol, drug addiction, and mental health services, the 8950
board of county commissioners may adopt a resolution providing for 8951
such a board, subject to both of the following: 8952

(1) The resolution shall be adopted not later than January 1, 8953
2004. 8954

(2) Before adopting the resolution, the board of county 8955
commissioners shall provide notice of the proposed resolution to 8956
the alcohol and drug services board and the community mental 8957
health board and shall provide both boards an opportunity to 8958
comment on the proposed resolution. 8959

Sec. 340.03. (A) Subject to rules issued by the director of 8960
mental health after consultation with relevant constituencies as 8961
required by division (A)(11) of section 5119.06 of the Revised 8962
Code, with regard to mental health services, the board of alcohol, 8963
drug addiction, and mental health services shall: 8964

(1) Serve as the community mental health planning agency for 8965
the county or counties under its jurisdiction, and in so doing it 8966
shall: 8967

(a) Evaluate the need for facilities and community mental 8968
health services; 8969

(b) In cooperation with other local and regional planning and 8970
funding bodies and with relevant ethnic organizations, assess the 8971
community mental health needs, set priorities, and develop plans 8972
for the operation of facilities and community mental health 8973
services; 8974

(c) In accordance with guidelines issued by the director of 8975
mental health after consultation with board representatives, 8976

develop and submit to the department of mental health, no later 8977
than six months prior to the conclusion of the fiscal year in 8978
which the board's current plan is scheduled to expire, a community 8979
mental health plan listing community mental health needs, 8980
including the needs of all residents of the district now residing 8981
in state mental institutions and severely mentally disabled 8982
adults, children, and adolescents; all children subject to a 8983
determination made pursuant to section 121.38 of the Revised Code; 8984
and all the facilities and community mental health services that 8985
are or will be in operation or provided during the period for 8986
which the plan will be in operation in the service district to 8987
meet such needs. 8988

The plan shall include, but not be limited to, a statement of 8989
which of the services listed in section 340.09 of the Revised Code 8990
the board intends to provide or purchase, an explanation of how 8991
the board intends to make any payments that it may be required to 8992
pay under section 5119.62 of the Revised Code, a statement of the 8993
inpatient and community-based services the board proposes that the 8994
department operate, an assessment of the number and types of 8995
residential facilities needed, and such other information as the 8996
department requests, and a budget for moneys the board expects to 8997
receive. The board shall also submit an allocation request for 8998
state and federal funds. Within sixty days after the department's 8999
determination that the plan and allocation request are complete, 9000
the department shall approve or disapprove the plan and request, 9001
in whole or in part, according to the criteria developed pursuant 9002
to section 5119.61 of the Revised Code. The department's statement 9003
of approval or disapproval shall specify the inpatient and the 9004
community-based services that the department will operate for the 9005
board. Eligibility for financial support shall be contingent upon 9006
an approved plan or relevant part of a plan. 9007

If the director disapproves all or part of any plan, the 9008

director shall inform the board of the reasons for the disapproval 9009
and of the criteria that must be met before the plan may be 9010
approved. The director shall provide the board an opportunity to 9011
present its case on behalf of the plan. The director shall give 9012
the board a reasonable time in which to meet the criteria, and 9013
shall offer the board technical assistance to help it meet the 9014
criteria. 9015

If the approval of a plan remains in dispute thirty days 9016
prior to the conclusion of the fiscal year in which the board's 9017
current plan is scheduled to expire, the board or the director may 9018
request that the dispute be submitted to a mutually agreed upon 9019
third-party mediator with the cost to be shared by the board and 9020
the department. The mediator shall issue to the board and the 9021
department recommendations for resolution of the dispute. Prior to 9022
the conclusion of the fiscal year in which the current plan is 9023
scheduled to expire, the director, taking into consideration the 9024
recommendations of the mediator, shall make a final determination 9025
and approve or disapprove the plan, in whole or in part. 9026

If a board determines that it is necessary to amend a plan or 9027
an allocation request that has been approved under division 9028
(A)(1)(c) of this section, the board shall submit a proposed 9029
amendment to the director. The director may approve or disapprove 9030
all or part of the amendment. If the director does not approve all 9031
or part of the amendment within thirty days after it is submitted, 9032
the amendment or part of it shall be considered to have been 9033
approved. The director shall inform the board of the reasons for 9034
disapproval of all or part of an amendment and of the criteria 9035
that must be met before the amendment may be approved. The 9036
director shall provide the board an opportunity to present its 9037
case on behalf of the amendment. The director shall give the board 9038
a reasonable time in which to meet the criteria, and shall offer 9039
the board technical assistance to help it meet the criteria. 9040

The board shall implement the plan approved by the 9041
department. 9042

(d) Receive, compile, and transmit to the department of 9043
mental health applications for state reimbursement; 9044

(e) Promote, arrange, and implement working agreements with 9045
social agencies, both public and private, and with judicial 9046
agencies. 9047

(2) Investigate, or request another agency to investigate, 9048
any complaint alleging abuse or neglect of any person receiving 9049
services from a community mental health agency as defined in 9050
section 5122.01 of the Revised Code, or from a residential 9051
facility licensed under section 5119.22 of the Revised Code. If 9052
the investigation substantiates the charge of abuse or neglect, 9053
the board shall take whatever action it determines is necessary to 9054
correct the situation, including notification of the appropriate 9055
authorities. Upon request, the board shall provide information 9056
about such investigations to the department. 9057

(3) For the purpose of section 5119.611 of the Revised Code, 9058
cooperate with the director of mental health in visiting and 9059
evaluating whether the services of a community mental health 9060
agency satisfy the certification standards established by rules 9061
adopted under that section; 9062

(4) In accordance with criteria established under division 9063
(G) of section 5119.61 of the Revised Code, review and evaluate 9064
the quality, effectiveness, and efficiency of services provided 9065
through its community mental health plan and submit its findings 9066
and recommendations to the department of mental health; 9067

(5) In accordance with section 5119.22 of the Revised Code, 9068
review applications for residential facility licenses and 9069
recommend to the department of mental health approval or 9070
disapproval of applications; 9071

(6) Audit, in accordance with rules adopted by the auditor of 9072
state pursuant to section 117.20 of the Revised Code, at least 9073
annually all programs and services provided under contract with 9074
the board. In so doing, the board may contract for or employ the 9075
services of private auditors. A copy of the fiscal audit report 9076
shall be provided to the director of mental health, the auditor of 9077
state, and the county auditor of each county in the board's 9078
district. 9079

(7) Recruit and promote local financial support for mental 9080
health programs from private and public sources; 9081

(8)(a) Enter into contracts with public and private 9082
facilities for the operation of facility services included in the 9083
board's community mental health plan and enter into contracts with 9084
public and private community mental health agencies for the 9085
provision of community mental health services listed in section 9086
340.09 of the Revised Code and included in the board's community 9087
mental health plan. Contracts with community mental health 9088
agencies are subject to section 5119.611 of the Revised Code. 9089
Section 307.86 of the Revised Code does not apply to contracts 9090
entered into under this division. In contracting with a community 9091
mental health agency, a board shall consider the cost 9092
effectiveness of services provided by that agency and the quality 9093
and continuity of care, and may review cost elements, including 9094
salary costs, of the services to be provided. A utilization review 9095
process shall be established as part of the contract for services 9096
entered into between a board and a community mental health agency. 9097
The board may establish this process in a way that is most 9098
effective and efficient in meeting local needs. In the case of a 9099
contract with a community mental health facility ~~described, as~~ 9100
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 9101
to provide services ~~established by~~ listed in division ~~(A)(B)~~ of 9102
that section, the contract shall provide for the facility to be 9103

paid in accordance with the contract entered into between the 9104
departments of job and family services and mental health under 9105
~~division (E) of that~~ section 5111.91 of the Revised Code and any 9106
rules adopted under division (A) of section 5119.61 of the Revised 9107
Code. 9108

If either the board or a facility or community mental health 9109
agency with which the board contracts under division (A)(8)(a) of 9110
this section proposes not to renew the contract or proposes 9111
substantial changes in contract terms, the other party shall be 9112
given written notice at least one hundred twenty days before the 9113
expiration date of the contract. During the first sixty days of 9114
this one hundred twenty-day period, both parties shall attempt to 9115
resolve any dispute through good faith collaboration and 9116
negotiation in order to continue to provide services to persons in 9117
need. If the dispute has not been resolved sixty days before the 9118
expiration date of the contract, either party may notify the 9119
department of mental health of the unresolved dispute. The 9120
director may require both parties to submit the dispute to a third 9121
party with the cost to be shared by the board and the facility or 9122
community mental health agency. The third party shall issue to the 9123
board, the facility or agency, and the department recommendations 9124
on how the dispute may be resolved twenty days prior to the 9125
expiration date of the contract, unless both parties agree to a 9126
time extension. The director shall adopt rules establishing the 9127
procedures of this dispute resolution process. 9128

(b) With the prior approval of the director of mental health, 9129
a board may operate a facility or provide a community mental 9130
health service as follows, if there is no other qualified private 9131
or public facility or community mental health agency that is 9132
immediately available and willing to operate such a facility or 9133
provide the service: 9134

(i) In an emergency situation, any board may operate a 9135

facility or provide a community mental health service in order to 9136
provide essential services for the duration of the emergency; 9137

(ii) In a service district with a population of at least one 9138
hundred thousand but less than five hundred thousand, a board may 9139
operate a facility or provide a community mental health service 9140
for no longer than one year; 9141

(iii) In a service district with a population of less than 9142
one hundred thousand, a board may operate a facility or provide a 9143
community mental health service for no longer than one year, 9144
except that such a board may operate a facility or provide a 9145
community mental health service for more than one year with the 9146
prior approval of the director and the prior approval of the board 9147
of county commissioners, or of a majority of the boards of county 9148
commissioners if the district is a joint-county district. 9149

The director shall not give a board approval to operate a 9150
facility or provide a community mental health service under 9151
division (A)(8)(b)(ii) or (iii) of this section unless the 9152
director determines that it is not feasible to have the department 9153
operate the facility or provide the service. 9154

The director shall not give a board approval to operate a 9155
facility or provide a community mental health service under 9156
division (A)(8)(b)(iii) of this section unless the director 9157
determines that the board will provide greater administrative 9158
efficiency and more or better services than would be available if 9159
the board contracted with a private or public facility or 9160
community mental health agency. 9161

The director shall not give a board approval to operate a 9162
facility previously operated by a person or other government 9163
entity unless the board has established to the director's 9164
satisfaction that the person or other government entity cannot 9165
effectively operate the facility or that the person or other 9166

government entity has requested the board to take over operation 9167
of the facility. The director shall not give a board approval to 9168
provide a community mental health service previously provided by a 9169
community mental health agency unless the board has established to 9170
the director's satisfaction that the agency cannot effectively 9171
provide the service or that the agency has requested the board 9172
take over providing the service. 9173

The director shall review and evaluate a board's operation of 9174
a facility and provision of community mental health service under 9175
division (A)(8)(b) of this section. 9176

Nothing in division (A)(8)(b) of this section authorizes a 9177
board to administer or direct the daily operation of any facility 9178
or community mental health agency, but a facility or agency may 9179
contract with a board to receive administrative services or staff 9180
direction from the board under the direction of the governing body 9181
of the facility or agency. 9182

(9) Approve fee schedules and related charges or adopt a unit 9183
cost schedule or other methods of payment for contract services 9184
provided by community mental health agencies in accordance with 9185
guidelines issued by the department as necessary to comply with 9186
state and federal laws pertaining to financial assistance; 9187

(10) Submit to the director and the county commissioners of 9188
the county or counties served by the board, and make available to 9189
the public, an annual report of the programs under the 9190
jurisdiction of the board, including a fiscal accounting; 9191

(11) Establish, to the extent resources are available, a 9192
community support system, which provides for treatment, support, 9193
and rehabilitation services and opportunities. The essential 9194
elements of the system include, but are not limited to, the 9195
following components in accordance with section 5119.06 of the 9196
Revised Code: 9197

| | |
|---|--------------------------------------|
| (a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms; | 9198 9199 |
| (b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income; | 9200 9201 9202 |
| (c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care; | 9203 9204 9205 |
| (d) Emergency services and crisis intervention; | 9206 |
| (e) Assistance for clients to obtain vocational services and opportunities for jobs; | 9207 9208 |
| (f) The provision of services designed to develop social, community, and personal living skills; | 9209 9210 |
| (g) Access to a wide range of housing and the provision of residential treatment and support; | 9211 9212 |
| (h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others; | 9213 9214 9215 |
| (i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services; | 9216 9217 9218 9219 9220 |
| (j) Grievance procedures and protection of the rights of consumers of mental health services; | 9221 9222 |
| (k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured. | 9223 9224 9225 |
| (12) Designate the treatment program, agency, or facility for | 9226 |

each person involuntarily committed to the board pursuant to 9227
Chapter 5122. of the Revised Code and authorize payment for such 9228
treatment. The board shall provide the least restrictive and most 9229
appropriate alternative that is available for any person 9230
involuntarily committed to it and shall assure that the services 9231
listed in section 340.09 of the Revised Code are available to 9232
severely mentally disabled persons residing within its service 9233
district. The board shall establish the procedure for authorizing 9234
payment for services, which may include prior authorization in 9235
appropriate circumstances. The board may provide for services 9236
directly to a severely mentally disabled person when life or 9237
safety is endangered and when no community mental health agency is 9238
available to provide the service. 9239

(13) Establish a method for evaluating referrals for 9240
involuntary commitment and affidavits filed pursuant to section 9241
5122.11 of the Revised Code in order to assist the probate 9242
division of the court of common pleas in determining whether there 9243
is probable cause that a respondent is subject to involuntary 9244
hospitalization and what alternative treatment is available and 9245
appropriate, if any; 9246

(14) Ensure that apartments or rooms built, subsidized, 9247
renovated, rented, owned, or leased by the board or a community 9248
mental health agency have been approved as meeting minimum fire 9249
safety standards and that persons residing in the rooms or 9250
apartments are receiving appropriate and necessary services, 9251
including culturally relevant services, from a community mental 9252
health agency. This division does not apply to residential 9253
facilities licensed pursuant to section 5119.22 of the Revised 9254
Code. 9255

(15) Establish a mechanism for involvement of consumer 9256
recommendation and advice on matters pertaining to mental health 9257
services in the alcohol, drug addiction, and mental health service 9258

district; 9259

(16) Perform the duties under section 3722.18 of the Revised 9260
Code required by rules adopted under section 5119.61 of the 9261
Revised Code regarding referrals by the board or mental health 9262
agencies under contract with the board of individuals with mental 9263
illness or severe mental disability to adult care facilities and 9264
effective arrangements for ongoing mental health services for the 9265
individuals. The board is accountable in the manner specified in 9266
the rules for ensuring that the ongoing mental health services are 9267
effectively arranged for the individuals. 9268

(B) The board shall establish such rules, operating 9269
procedures, standards, and bylaws, and perform such other duties 9270
as may be necessary or proper to carry out the purposes of this 9271
chapter. 9272

(C) A board of alcohol, drug addiction, and mental health 9273
services may receive by gift, grant, devise, or bequest any 9274
moneys, lands, or property for the benefit of the purposes for 9275
which the board is established, and may hold and apply it 9276
according to the terms of the gift, grant, or bequest. All money 9277
received, including accrued interest, by gift, grant, or bequest 9278
shall be deposited in the treasury of the county, the treasurer of 9279
which is custodian of the alcohol, drug addiction, and mental 9280
health services funds to the credit of the board and shall be 9281
available for use by the board for purposes stated by the donor or 9282
grantor. 9283

(D) No board member or employee of a board of alcohol, drug 9284
addiction, and mental health services shall be liable for injury 9285
or damages caused by any action or inaction taken within the scope 9286
of the board member's official duties or the employee's 9287
employment, whether or not such action or inaction is expressly 9288
authorized by this section, section 340.033, or any other section 9289
of the Revised Code, unless such action or inaction constitutes 9290

willful or wanton misconduct. Chapter 2744. of the Revised Code 9291
applies to any action or inaction by a board member or employee of 9292
a board taken within the scope of the board member's official 9293
duties or employee's employment. For the purposes of this 9294
division, the conduct of a board member or employee shall not be 9295
considered willful or wanton misconduct if the board member or 9296
employee acted in good faith and in a manner that the board member 9297
or employee reasonably believed was in or was not opposed to the 9298
best interests of the board and, with respect to any criminal 9299
action or proceeding, had no reasonable cause to believe the 9300
conduct was unlawful. 9301

(E) The meetings held by any committee established by a board 9302
of alcohol, drug addiction, and mental health services shall be 9303
considered to be meetings of a public body subject to section 9304
121.22 of the Revised Code. 9305

Sec. 341.05. (A) The sheriff shall assign sufficient staff to 9306
ensure the safe and secure operation of the county jail, but staff 9307
shall be assigned only to the extent such staff can be provided 9308
with funds appropriated to the sheriff at the discretion of the 9309
board of county commissioners. The staff may include any of the 9310
following: 9311

(1) An administrator for the jail; 9312

(2) Jail officers, including civilian jail officers who are 9313
not sheriff's deputies, to conduct security duties; 9314

(3) Other necessary employees to assist in the operation of 9315
the county jail. 9316

(B) The sheriff shall employ a sufficient number of female 9317
staff to be available to perform all reception and release 9318
procedures for female prisoners. These female employees shall be 9319
on duty for the duration of the confinement of the female 9320

prisoners. 9321

(C) The jail administrator and civilian jail officers 9322
appointed by the sheriff shall have all the powers of police 9323
officers on the jail grounds as are necessary for the proper 9324
performance of the duties relating to their positions at the jail 9325
and as are consistent with their level of training. 9326

(D) The sheriff may authorize civilian jail officers to wear 9327
a standard uniform consistent with their prescribed authority, in 9328
accordance with section 311.281 of the Revised Code. Civilian jail 9329
officer uniforms shall be differentiated clearly from the uniforms 9330
worn by sheriff's deputies. 9331

(E) The Except as provided in division (B) of section 341.25 9332
of the Revised Code, the compensation of jail staff shall be 9333
payable from the general fund of the county, upon the warrant of 9334
the auditor, in accordance with standard county payroll 9335
procedures. 9336

Sec. 341.25. (A) The sheriff may establish a commissary for 9337
the jail. The commissary may be established either in-house or by 9338
another arrangement. If a commissary is established, all persons 9339
incarcerated in the jail shall receive commissary privileges. A 9340
person's purchases from the commissary shall be deducted from the 9341
person's account record in the jail's business office. The 9342
commissary shall provide for the distribution to indigent persons 9343
incarcerated in the jail necessary hygiene articles and writing 9344
materials. 9345

(B) If a commissary is established, the sheriff shall 9346
establish a commissary fund for the jail. The management of funds 9347
in the commissary fund shall be strictly controlled in accordance 9348
with procedures adopted by the auditor of state. Commissary fund 9349
revenue over and above operating costs and reserve shall be 9350
considered profits. All profits from the commissary fund shall be 9351

used to purchase supplies and equipment, and to provide life 9352
skills training and education or treatment services, or both, for 9353
the benefit of persons incarcerated in the jail, and to pay salary 9354
and benefits for employees of the sheriff who work in or are 9355
employed for the purpose of providing service to the commissary. 9356
The sheriff shall adopt rules for the operation of any commissary 9357
fund the sheriff establishes. 9358

Sec. 504.03. (A)(1) If a limited home rule government is 9359
adopted pursuant to section 504.02 of the Revised Code, it shall 9360
remain in effect for at least three years except as otherwise 9361
provided in division (B) of this section. At the end of that 9362
period, if the board of township trustees determines that that 9363
government is not in the best interests of the township, it may 9364
adopt a resolution causing the board of elections to submit to the 9365
electors of the unincorporated area of the township the question 9366
of whether the township should continue the limited home rule 9367
government. The question shall be voted upon at the next general 9368
election occurring at least seventy-five days after the 9369
certification of the resolution to the board of elections. After 9370
certification of the resolution, the board of elections shall 9371
submit the question to the electors of the unincorporated area of 9372
the township, and the ballot language shall be substantially as 9373
follows: 9374

"Shall the township of (name) continue the 9375
limited home rule government under which it is operating? 9376
..... For continuation of the limited home rule government 9377
..... Against continuation of the limited home rule government" 9378

(2) At least forty-five days before the election on the 9379
question of continuing the limited home rule government, the board 9380
of township trustees shall have notice of the election published 9381
in a newspaper of general circulation in the township for three 9382

consecutive weeks and have the notice posted in five conspicuous places in the unincorporated area of the township. 9383
9384

(B) The electors of a township that has adopted a limited home rule government may propose at any time by initiative petition, in accordance with section 504.14 of the Revised Code, a resolution submitting to the electors in the unincorporated area of the township, in an election, the question set forth in division (A)(1) of this section. 9385
9386
9387
9388
9389
9390

(C) If a majority of the votes cast under division (A) or (B) of this section on the proposition of continuing the limited home rule government is in the negative, that government is terminated effective on the first day of January immediately following the election, and a limited home rule government shall not be adopted in the unincorporated area of the township pursuant to section 504.02 of the Revised Code for at least three years after that date. 9391
9392
9393
9394
9395
9396
9397
9398

(D) If a limited home rule government is terminated under this section, the board of township trustees immediately shall adopt a resolution repealing all resolutions adopted pursuant to this chapter that are not authorized by any other section of the Revised Code outside this chapter, effective on the first day of January immediately following the election described in division (A) or (B) of this section. However, no resolution adopted under this division shall affect or impair the obligations of the township under any security issued or contracts entered into by the township in connection with the financing of any water supply facility or sewer improvement under sections 504.18 to 504.20 of the Revised Code or the authority of the township to collect or enforce any assessments or other revenues constituting security for or source of payments of debt service charges of those securities. 9399
9400
9401
9402
9403
9404
9405
9406
9407
9408
9409
9410
9411
9412
9413

(E) Upon the termination of a limited home rule government 9414

under this section, if the township had converted its board of 9415
township trustees to a five-member board ~~under section 504.21 of~~ 9416
~~the Revised Code~~ before the effective date of this amendment, the 9417
current board member who received the lowest number of votes of 9418
the current board members who were elected at the most recent 9419
election for township trustees, and the current board member who 9420
received the lowest number of votes of the current board members 9421
who were elected at the second most recent election for township 9422
trustees, shall cease to be township trustees on the date that the 9423
limited home rule government terminates. Their offices likewise 9424
shall cease to exist at that time, and the board shall continue as 9425
a three-member board as provided in section 505.01 of the Revised 9426
Code. 9427

Sec. 504.04. (A) A township that adopts a limited home rule 9428
government may do all of the following by resolution, provided 9429
that any of these resolutions, other than a resolution to supply 9430
water or sewer services in accordance with sections 504.18 to 9431
504.20 of the Revised Code, may be enforced only by the imposition 9432
of civil fines as authorized in this chapter: 9433

(1) Exercise all powers of local self-government within the 9434
unincorporated area of the township, other than powers that are in 9435
conflict with general laws, except that the township shall comply 9436
with the requirements and prohibitions of this chapter, and shall 9437
enact no taxes other than those authorized by general law, and 9438
except that no resolution adopted pursuant to this chapter shall 9439
encroach upon the powers, duties, and privileges of elected 9440
township officers or change, alter, combine, eliminate, or 9441
otherwise modify the form or structure of the township government 9442
unless the change is required or permitted by this chapter; 9443

(2) Adopt and enforce within the unincorporated area of the 9444
township local police, sanitary, and other similar regulations 9445

| | |
|--|------|
| that are not in conflict with general laws or otherwise prohibited | 9446 |
| by division (B) of this section; | 9447 |
| (3) Supply water and sewer services to users within the | 9448 |
| unincorporated area of the township in accordance with sections | 9449 |
| 504.18 to 504.20 of the Revised Code. | 9450 |
| (B) No resolution adopted pursuant to this chapter shall do | 9451 |
| any of the following: | 9452 |
| (1) Create a criminal offense or impose criminal penalties, | 9453 |
| except as authorized by division (A) of this section; | 9454 |
| (2) Impose civil fines other than as authorized by this | 9455 |
| chapter; | 9456 |
| (3) Establish or revise subdivision regulations, road | 9457 |
| construction standards, urban sediment rules, or storm water and | 9458 |
| drainage regulations; | 9459 |
| (4) Establish or revise building standards, building codes, | 9460 |
| and other standard codes except as provided in section 504.13 of | 9461 |
| the Revised Code; | 9462 |
| (5) Increase, decrease, or otherwise alter the powers or | 9463 |
| duties of a township under any other chapter of the Revised Code | 9464 |
| pertaining to agriculture or the conservation or development of | 9465 |
| natural resources; | 9466 |
| (6) Establish regulations affecting hunting, trapping, | 9467 |
| fishing, or the possession, use, or sale of firearms; | 9468 |
| (7) Establish or revise water or sewer regulations, except in | 9469 |
| accordance with sections 504.18 and 504.19 of the Revised Code. | 9470 |
| Nothing in this chapter shall be construed as affecting the | 9471 |
| powers of counties with regard to the subjects listed in divisions | 9472 |
| (B)(3) to (5) of this section. | 9473 |
| (C) Under a limited home rule government, all officers shall | 9474 |
| have the qualifications, and be nominated, elected, or appointed, | 9475 |

as provided in Chapter 505. of the Revised Code, except that the 9476
board of township trustees shall appoint a full-time or part-time 9477
law director pursuant to section 504.15 of the Revised Code, and 9478
except that ~~section 504.21 of the Revised Code also shall apply if~~ 9479
a five-member board of township trustees ~~is~~ approved for the 9480
township before the effective date of this amendment shall 9481
continue to serve as the legislative authority with successive 9482
members serving for four-year terms of office until a termination 9483
of a limited home rule government under section 504.03 of the 9484
Revised Code. 9485

(D) In case of conflict between resolutions enacted by a 9486
board of township trustees and municipal ordinances or 9487
resolutions, the ordinance or resolution enacted by the municipal 9488
corporation prevails. In case of conflict between resolutions 9489
enacted by a board of township trustees and any county resolution, 9490
the resolution enacted by the board of township trustees prevails. 9491

Sec. 507.09. (A) Except as otherwise provided in division (D) 9492
of this section, the township clerk shall be entitled to 9493
compensation as follows: 9494

(1) In townships having a budget of fifty thousand dollars or 9495
less, three thousand five hundred dollars; 9496

(2) In townships having a budget of more than fifty thousand 9497
but not more than one hundred thousand dollars, five thousand five 9498
hundred dollars; 9499

(3) In townships having a budget of more than one hundred 9500
thousand but not more than two hundred fifty thousand dollars, 9501
seven thousand seven hundred dollars; 9502

(4) In townships having a budget of more than two hundred 9503
fifty thousand but not more than five hundred thousand dollars, 9504
nine thousand nine hundred dollars; 9505

(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, eleven thousand dollars; 9506
9507
9508

(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, thirteen thousand two hundred dollars; 9509
9510
9511

(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, fifteen thousand four hundred dollars; 9512
9513
9514

(8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, sixteen thousand five hundred dollars; 9515
9516
9517

(9) In townships having a budget of more than six million dollars, seventeen thousand six hundred dollars. 9518
9519

(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. 9520
9521
9522
9523
9524

(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. 9525
9526
9527
9528
9529
9530

(D) Beginning in calendar year 1999, the township clerk shall be entitled to compensation as follows: 9531
9532

(1) In calendar year 1999, the compensation specified in division (A) of this section increased by three per cent; 9533
9534

(2) In calendar year 2000, the compensation determined under 9535

| | |
|---|--|
| division (D)(1) of this section increased by three per cent; | 9536 |
| (3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent; | 9537 9538 |
| (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; | 9539 9540 9541 9542 9543 9544 9545 9546 |
| (5) <u>In calendar year 2003, the compensation determined under division (D)(4) of this section increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower;</u> | 9547 9548 9549 9550 |
| (6) <u>In calendar year 2004, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(5) of this section for the calendar year 2003 increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower; in townships having a budget of more than six million but not more than ten million dollars, twenty-two thousand eighty-seven dollars; and in townships having a budget of more than ten million dollars, twenty-five thousand five hundred fifty-three dollars;</u> | 9551 9552 9553 9554 9555 9556 9557 9558 9559 9560 |
| (7) In calendar years 2003 <u>2005</u> through 2008, the compensation determined under division (D) of this section for the immediately preceding calendar year increased by the lesser of the following: | 9561 9562 9563 9564 |
| (a) Three per cent; | 9565 |
| (b) The percentage increase, if any, in the consumer price | 9566 |

index over the twelve-month period that ends on the thirtieth day 9567
of September of the immediately preceding calendar year, rounded 9568
to the nearest one-tenth of one per cent; 9569

~~(6)~~(8) In calendar year 2009 and thereafter, the amount 9570
determined under division (D) of this section for calendar year 9571
2008. 9572

As used in this division, "consumer price index" has the same 9573
meaning as in section 325.18 of the Revised Code. 9574

Sec. 511.12. The board of township trustees may prepare plans 9575
and specifications and make contracts for the construction and 9576
erection of a memorial building, monument, statue, or memorial, 9577
for the purposes specified and within the amount authorized by 9578
section 511.08 of the Revised Code. If the total estimated cost of 9579
the construction and erection exceeds ~~fifteen~~ twenty-five thousand 9580
dollars, the contract shall be let by competitive bidding. If the 9581
estimated cost is ~~fifteen~~ twenty-five thousand dollars or less, 9582
competitive bidding may be required at the board's discretion. In 9583
making contracts under this section, the board shall be governed 9584
as follows: 9585

(A) Contracts for construction when competitive bidding is 9586
required shall be based upon detailed plans, specifications, forms 9587
of bids, and estimates of cost, adopted by the board. 9588

(B) Contracts shall be made in writing upon concurrence of a 9589
majority of the members of the board, and shall be signed by at 9590
least two of ~~such~~ the members and by the contractor. If 9591
competitive bidding is required, no contract shall be made or 9592
signed until an advertisement has been placed in two newspapers, 9593
published or of general circulation in the township, for a period 9594
of thirty days. 9595

(C) No contract shall be let by competitive bidding except to 9596

the lowest and best bidder, who shall meet the requirements of 9597
section 153.54 of the Revised Code. 9598

(D) When, in the opinion of the board, it becomes necessary 9599
in the prosecution of such work to make alterations or 9600
modifications in any contract, ~~such~~ the alterations or 9601
modifications shall be made only by order of the board, and ~~such~~ 9602
that order shall be of no effect until the price to be paid for 9603
the work or materials under ~~such~~ the altered or modified contract 9604
has been agreed upon in writing and signed by the contractor and 9605
at least two members of the board. 9606

(E) No contract or alteration or modification ~~thereof~~ of it 9607
shall be valid unless made in the manner provided in this section. 9608

Sec. 511.181. If the board of park commissioners of a 9609
township park district created before 1955 is appointed by the 9610
board of township trustees, the board of township trustees may 9611
adopt a resolution to convert the parks owned and operated by the 9612
park district into parks owned and operated by the township if the 9613
township has a population of less than thirty-five thousand and a 9614
geographical area of less than fifteen square miles. Upon the 9615
adoption of that resolution, the township park district shall 9616
cease to exist, all real and personal property owned by the park 9617
district shall be transferred to the township, and the township 9618
shall assume liability with respect to all contracts and debts of 9619
the park district. All employees of the township park district 9620
whose parks are so converted into township parks shall become 9621
township employees, and the board of township trustees may retain 9622
the former park commissioners, on the terms that the trustees 9623
consider appropriate, to operate the property formerly owned by 9624
the township park district. 9625

The township shall continue to collect any taxes levied 9626
within the former township park district, and the taxes shall be 9627

deposited into the township treasury as funds to be used for the 9628
park purposes for which they were levied. 9629

Within fifteen days after the adoption of a township park 9630
district conversion resolution under this section, the clerk of 9631
the board of township trustees shall certify a copy of that 9632
resolution to the county auditor. 9633

Sec. 515.01. The board of township trustees may provide 9634
artificial lights for any road, highway, public place, or building 9635
under its supervision or control, or for any territory within the 9636
township and outside the boundaries of any municipal corporation, 9637
when the board determines that the public safety or welfare 9638
requires that ~~such~~ the road, highway, public place, building, or 9639
territory shall be lighted. ~~Such~~ The lighting may be procured 9640
either by the township installing a lighting system or by 9641
contracting with any person or corporation to furnish lights. 9642

If lights are furnished under contract, ~~such~~ the contract may 9643
provide that the equipment employed may be owned by the township 9644
or by the person or corporation supplying it. 9645

If the board determines to procure ~~such~~ lighting by contract 9646
and the total estimated cost of the contract exceeds ~~fifteen~~ 9647
twenty-five thousand dollars, the board shall prepare plans and 9648
specifications for the lighting equipment and shall, for two 9649
weeks, advertise for bids for furnishing ~~such~~ the lighting 9650
equipment, either by posting ~~such~~ the advertisement in three 9651
conspicuous places in the township or by publication ~~thereof~~ of 9652
the advertisement once a week, for two consecutive weeks, in a 9653
newspaper of general circulation in the township. Any such 9654
contract for lighting shall be made with the lowest and best 9655
bidder. 9656

No lighting contract awarded by the board shall be made to 9657
cover a period of more than ten years. The cost of installing and 9658

operating any lighting system or any light furnished under 9659
contract shall be paid from the general fund of the township 9660
treasury. 9661

Sec. 515.07. If the total estimated cost of any lighting 9662
improvement provided for in section 515.06 of the Revised Code is 9663
~~fifteen~~ twenty-five thousand dollars or less, the contract may be 9664
let without competitive bidding. When competitive bidding is 9665
required, the board of township trustees shall post, in three of 9666
the most conspicuous public places in the district, a notice 9667
specifying the number, candle power, and location of lights, and 9668
the kind of supports ~~therefore~~ for the lights as provided by 9669
section 515.06 of the Revised Code, as well as the time, which 9670
shall not be less than thirty days from the posting of the 9671
notices, and the place the board will receive bids to furnish ~~such~~ 9672
the lights. The board shall accept the lowest and best bid, if the 9673
successful bidder meets the requirements of section 153.54 of the 9674
Revised Code. The board may reject all bids. 9675

Sec. 715.013. (A) Except as otherwise expressly authorized by 9676
the Revised Code, no municipal corporation shall levy a tax that 9677
is the same as or similar to a tax levied under Chapter 322., 9678
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 9679
5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 9680
5741., 5743., or 5749. of the Revised Code. 9681

(B) This section does not prohibit a municipal corporation 9682
from levying a tax on ~~amounts~~ any of the following: 9683

(1) Amounts received for admission to any place ~~or, on and~~ 9684
~~after January 1, 2002, on the;~~ 9685

(2) The income of an electric company or combined company, as 9686
defined in section 5727.01 of the Revised Code; 9687

(3) On and after January 1, 2004, the income of a telephone 9688

| | |
|---|------|
| <u>company, as defined in section 5727.01 of the Revised Code.</u> | 9689 |
| Sec. 718.01. (A) As used in this chapter: | 9690 |
| (1) <u>"Adjusted federal taxable income" means federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:</u> | 9691 |
| | 9692 |
| | 9693 |
| (a) <u>Deduct intangible income to the extent included in federal taxable income;</u> | 9694 |
| | 9695 |
| (b) <u>Add expenses incurred in the production of intangible income;</u> | 9696 |
| | 9697 |
| (c) <u>Add the amounts described in section 5745.042 of the Revised Code, except that "taxpayer" as used in section 5745.042 of the Revised Code has the same meaning as in this section; and</u> | 9698 |
| | 9699 |
| | 9700 |
| (d) <u>If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute "adjusted federal taxable income" as if the taxpayer were a C corporation, but with respect to each owner-employee of the taxpayer, amounts paid or accrued to a qualified self-employed retirement plan and amounts paid or accrued to or for health insurance or life insurance shall not be allowed as a deduction.</u> | 9701 |
| | 9702 |
| | 9703 |
| | 9704 |
| | 9705 |
| | 9706 |
| | 9707 |
| <u>Nothing in division (A)(1) of section 718.01 of the Revised Code shall be construed as allowing the taxpayer to deduct any amount more than once.</u> | 9708 |
| | 9709 |
| | 9710 |
| (2) <u>"Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.</u> | 9711 |
| | 9712 |
| (2) (3) <u>"Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.</u> | 9713 |
| | 9714 |
| (3) (4) <u>"Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.</u> | 9715 |
| | 9716 |
| (4) (5) <u>"Intangible income" means income of any of the</u> | 9717 |

following types: income yield, interest, dividends, or other 9718
income arising from the ownership, sale, exchange, or other 9719
disposition of intangible property including, but not limited to, 9720
investments, deposits, money, or credits as those terms are 9721
defined in Chapter 5701. of the Revised Code. 9722

~~(5)~~(6) "S corporation" means a corporation that has made an 9723
election under subchapter S of Chapter 1 of Subtitle A of the 9724
Internal Revenue Code for its taxable year. 9725

(7) For taxable years beginning on or after January 1, 2004, 9726
"net profit" means adjusted federal taxable income calculated on 9727
the basis of the Internal Revenue Code. 9728

(8) "Taxpayer" means a person subject to a tax on income 9729
levied by a municipal corporation. 9730

(9) "Taxable year" means the corresponding tax reporting 9731
period as prescribed for the taxpayer under the Internal Revenue 9732
Code. 9733

(10) "Tax administrator" means the individual charged with 9734
direct responsibility for administration of a tax on income levied 9735
by a municipal corporation. 9736

(B) No municipal corporation ~~with respect to that income that~~ 9737
~~it may tax~~ shall tax ~~such~~ income at other than a uniform rate. 9738

(C) No municipal corporation shall levy a tax on income at a 9739
rate in excess of one per cent without having obtained the 9740
approval of the excess by a majority of the electors of the 9741
municipality voting on the question at a general, primary, or 9742
special election. The legislative authority of the municipal 9743
corporation shall file with the board of elections at least 9744
seventy-five days before the day of the election a copy of the 9745
ordinance together with a resolution specifying the date the 9746
election is to be held and directing the board of elections to 9747
conduct the election. The ballot shall be in the following form: 9748

"Shall the Ordinance providing for a ... per cent levy on income 9749
for (Brief description of the purpose of the proposed levy) be 9750
passed? 9751

FOR THE INCOME TAX 9752

AGAINST THE INCOME TAX" 9753

In the event of an affirmative vote, the proceeds of the levy 9754
may be used only for the specified purpose. 9755

(D)(1) Except as ~~otherwise~~ provided in division ~~(D)(2)~~ or 9756
~~(F)(9)~~(E) of this section, no municipal corporation shall exempt 9757
from a tax on income, compensation for personal services of 9758
individuals over eighteen years of age or the net profit from a 9759
business or profession. 9760

~~(2) The legislative authority of a municipal corporation may,~~ 9761
~~by ordinance or resolution, exempt from a tax on income any~~ 9762
~~compensation arising from the grant, sale, exchange, or other~~ 9763
~~disposition of a stock option; the exercise of a stock option; or~~ 9764
~~the sale, exchange, or other disposition of stock purchased under~~ 9765
~~a stock option. (a) For taxable years beginning on or after~~ 9766
January 1, 2004, no municipal corporation shall tax the net profit 9767
from a business or profession using any base other than the 9768
taxpayer's adjusted federal taxable income. 9769

(b) Division (D)(2)(a) of this section does not apply to any 9770
taxpayer required to file a return under section 5745.03 of the 9771
Revised Code or to the net profit from a sole proprietorship. 9772

(E) ~~Nothing in this section shall prevent~~ Except as provided 9773
in division (D)(2) of this section, a municipal corporation ~~from~~ 9774
~~permitting~~ may permit lawful deductions as prescribed by 9775
ordinance. The legislative authority of a municipal corporation 9776
may, by ordinance or resolution, exempt from a tax on income any 9777
compensation arising from the grant, sale, exchange, or other 9778
disposition of a stock option, the exercise of a stock option, or 9779

the sale, exchange, or other disposition of stock purchased under 9780
a stock option. If ~~a taxpayer's~~ an individual's taxable income 9781
includes income against which the taxpayer has taken a deduction 9782
for federal income tax purposes as reportable on the taxpayer's 9783
form 2106, and against which a like deduction has not been allowed 9784
by the municipal corporation, the municipal corporation shall 9785
deduct from the taxpayer's taxable income an amount equal to the 9786
deduction shown on such form allowable against such income, to the 9787
extent not otherwise so allowed as a deduction by the municipal 9788
corporation. ~~In~~ 9789

In the case of a taxpayer who has a net profit from a 9790
business or profession that is operated as a sole proprietorship, 9791
no municipal corporation may tax or use as the base for 9792
determining the amount of the net profit that shall be considered 9793
as having a taxable situs in the municipal corporation, ~~a greater~~ 9794
~~amount than the net profit reported by the taxpayer on schedule C~~ 9795
~~filed in reference to the year in question as taxable income from~~ 9796
~~such sole proprietorship, except as otherwise specifically~~ 9797
~~provided by ordinance or regulation~~ an amount other than the net 9798
profit required to be reported by the taxpayer on schedule C as 9799
taxable income from such sole proprietorship for the taxable year, 9800
but such amount shall be increased in accordance with the 9801
principles and concepts described in section 5745.042 of the 9802
Revised Code as if the taxpayer were a C corporation. 9803

(F) A municipal corporation shall not tax any of the 9804
following: 9805

(1) The military pay or allowances of members of the armed 9806
forces of the United States and of members of their reserve 9807
components, including the Ohio national guard; 9808

(2) The income of religious, fraternal, charitable, 9809
scientific, literary, or educational institutions to the extent 9810
that such income is derived from tax-exempt real estate, 9811

| | |
|---|------|
| tax-exempt tangible or intangible property, or tax-exempt | 9812 |
| activities; | 9813 |
| (3) Except as otherwise provided in division (G) of this | 9814 |
| section, intangible income; | 9815 |
| (4) Compensation paid under section 3501.28 or 3501.36 of the | 9816 |
| Revised Code to a person serving as a precinct election official, | 9817 |
| to the extent that such compensation does not exceed one thousand | 9818 |
| dollars annually. Such compensation in excess of one thousand | 9819 |
| dollars may be subjected to taxation by a municipal corporation. A | 9820 |
| municipal corporation shall not require the payer of such | 9821 |
| compensation to withhold any tax from that compensation. | 9822 |
| (5) Compensation paid to an employee of a transit authority, | 9823 |
| regional transit authority, or regional transit commission created | 9824 |
| under Chapter 306. of the Revised Code for operating a transit bus | 9825 |
| or other motor vehicle for the authority or commission in or | 9826 |
| through the municipal corporation, unless the bus or vehicle is | 9827 |
| operated on a regularly scheduled route, the operator is subject | 9828 |
| to such a tax by reason of residence or domicile in the municipal | 9829 |
| corporation, or the headquarters of the authority or commission is | 9830 |
| located within the municipal corporation; | 9831 |
| (6) The income of a public utility, when that public utility | 9832 |
| is subject to the tax levied under section 5727.24 or 5727.30 of | 9833 |
| the Revised Code, except starting January 1, 2002, the income of | 9834 |
| an electric company or combined company, as defined in section | 9835 |
| 5727.01 of the Revised Code, may be taxed by a municipal | 9836 |
| corporation <u>may tax the following</u> , subject to Chapter 5745. of the | 9837 |
| Revised Code: | 9838 |
| <u>(a) Beginning January 1, 2002, the income of an electric</u> | 9839 |
| <u>company or combined company;</u> | 9840 |
| <u>(b) Beginning January 1, 2004, the income of a telephone</u> | 9841 |
| <u>company.</u> | 9842 |

As used in division (F)(6) of this section, "combined company," "electric company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code.

(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code;

(8) On and after January 1, 2001, compensation paid to a nonresident individual to the extent prohibited under section 718.011 of the Revised Code;

(9) Except as provided in division (H) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code, to the extent such distributive share would not be allocated or apportioned to this state under division (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to the taxes imposed under Chapter 5733. of the Revised Code.

(G) Any municipal corporation that taxes any type of intangible income on March 29, 1988, pursuant to Section 3 of Amended Substitute Senate Bill No. 238 of the 116th general assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988.

(H) Any municipal corporation that, on December 6, 2002, taxes an S corporation shareholder's distributive share of net profits of the S corporation to any greater extent than that permitted under division (F)(9) of this section may continue after

2002 to tax such distributive shares to such greater extent only 9874
if a majority of the electors of the municipal corporation voting 9875
on the question of such continuation vote in favor thereof at an 9876
election held on November 4, 2003. If a majority of electors vote 9877
in favor of that question, then, for purposes of section 718.14 of 9878
the Revised Code, "pass-through entity" includes S corporations, 9879
"income from a pass-through entity" includes distributive shares 9880
from an S corporation, and "owner" includes a shareholder of an S 9881
corporation, notwithstanding that section to the contrary. 9882

(I) Nothing in this section or section 718.02 of the Revised 9883
Code shall authorize the levy of any tax on income that a 9884
municipal corporation is not authorized to levy under existing 9885
laws or shall require a municipal corporation to allow a deduction 9886
from taxable income for losses incurred from a sole proprietorship 9887
or partnership. 9888

Sec. 718.02. This section does not apply to electric 9889
~~companies or combined companies, or to electric light companies~~ 9890
~~for which an election made under section 5745.031 taxpayers that~~ 9891
~~are subject to and required to file reports under Chapter 5745. of~~ 9892
~~the Revised Code is in effect.~~ 9893

(A) ~~In the taxation of income that is subject to municipal~~ 9894
~~income taxes, if the books and records of a taxpayer conducting a~~ 9895
~~business or profession both within and without the boundaries of a~~ 9896
~~municipal corporation disclose with reasonable accuracy what~~ 9897
~~portion of its net profit is attributable to that part of the~~ 9898
~~business or profession conducted within the boundaries of the~~ 9899
~~municipal corporation, then only such portion shall be considered~~ 9900
~~as having a taxable situs in such municipal corporation for~~ 9901
~~purposes of municipal income taxation. In the absence of such~~ 9902
~~records, net~~ Net profit from a business or profession conducted 9903
both within and without the boundaries of a municipal corporation 9904

shall be considered as having a taxable situs in such municipal 9905
corporation for purposes of municipal income taxation in the same 9906
proportion as the average ratio of the following: 9907

(1) The average ~~net book value~~ original cost of the real and 9908
tangible personal property owned or used by the taxpayer in the 9909
business or profession in such municipal corporation during the 9910
taxable period to the average ~~net book value~~ original cost of all 9911
of the real and tangible personal property owned or used by the 9912
taxpayer in the business or profession during the same period, 9913
wherever situated. 9914

As used in the preceding paragraph, real property shall 9915
include property rented or leased by the taxpayer and the value of 9916
such property shall be determined by multiplying the annual rental 9917
thereon by eight; 9918

(2) Wages, salaries, and other compensation paid during the 9919
taxable period to persons employed in the business or profession 9920
for services performed in such municipal corporation to wages, 9921
salaries, and other compensation paid during the same period to 9922
persons employed in the business or profession, wherever their 9923
services are performed, excluding compensation that is not taxable 9924
by the municipal corporation under section 718.011 of the Revised 9925
Code; 9926

(3) Gross receipts of the business or profession from sales 9927
made and services performed during the taxable period in such 9928
municipal corporation to gross receipts of the business or 9929
profession during the same period from sales and services, 9930
wherever made or performed. 9931

If the foregoing ~~allocation~~ apportionment formula does not 9932
produce an equitable result, another basis may be substituted, 9933
under uniform regulations, so as to produce an equitable result. 9934
If, for any taxable year, the application of the foregoing 9935

apportionment formula produces an amount less than zero, the 9936
taxpayer shall not be entitled to a refund with respect to that 9937
taxable year of any amounts other than amounts the taxpayer has 9938
paid in estimated taxes for the taxable year and any overpayment 9939
from a previous taxable year credited towards the taxable year for 9940
which the foregoing apportionment formula produces an amount less 9941
than zero. 9942

(B) As used in division (A) of this section, "sales made in a 9943
municipal corporation" mean: 9944

(1) All sales of tangible personal property delivered within 9945
such municipal corporation regardless of where title passes if 9946
shipped or delivered from a stock of goods within such municipal 9947
corporation; 9948

(2) All sales of tangible personal property delivered within 9949
such municipal corporation regardless of where title passes even 9950
though transported from a point outside such municipal corporation 9951
if the taxpayer is regularly engaged through its own employees in 9952
the solicitation or promotion of sales within such municipal 9953
corporation and the sales result from such solicitation or 9954
promotion; 9955

(3) All sales of tangible personal property shipped from a 9956
place within such municipal corporation to purchasers outside such 9957
municipal corporation regardless of where title passes if the 9958
taxpayer is not, through its own employees, regularly engaged in 9959
the solicitation or promotion of sales at the place where delivery 9960
is made. 9961

Sec. 718.021. (A) As used in this section: 9962

(1) "Apportioned net income" means the amount derived from 9963
the application of the apportionment formula described in section 9964
718.02 of the Revised Code. 9965

(2) "Loss-generating taxable year" means a taxable year in which the taxpayer has negative apportioned net income. 9966
9967

(3) "Negative apportioned net income" means apportioned net income that is less than zero, except that if, for any taxable year, a taxpayer was not subject to the income tax imposed by a municipal corporation or was exempt from that tax, then the taxpayer's negative apportioned net income with respect to that municipal corporation is zero for that taxable year. 9968
9969
9970
9971
9972
9973

(4) "Positive apportioned net income" means apportioned net income greater than zero. 9974
9975

(B)(1) If a taxpayer has negative apportioned net income for a taxable year beginning on or after January 1, 2004, with respect to a municipal income tax, then for each of the next five ensuing taxable years, the taxpayer may reduce any positive apportioned net income with respect to the municipal corporation in which the negative apportioned net income was generated by the lesser of: 9976
9977
9978
9979
9980
9981

(a) The positive apportioned net income for that ensuing taxable year; or 9982
9983

(b) The absolute value of the negative apportioned net income attributable to the loss-generating taxable year reduced by any amount the taxpayer was allowed to deduct under this section in any of the previous taxable years. 9984
9985
9986
9987

(2) If, during a period of five consecutive taxable years, a taxpayer has negative apportioned net income in more than one taxable year, the negative apportioned net income generated in the earliest of those taxable years shall be the first negative apportioned net income deducted under this section. 9988
9989
9990
9991
9992

(C) Nothing in this section allows any negative apportioned net income for a taxable year to be deducted more than once in any subsequent taxable year. 9993
9994
9995

(D) Nothing in this section allows any negative apportioned net income for a taxable year to be deducted in any subsequent taxable year beginning more than five years after the beginning of the loss-generating taxable year. 9996
9997
9998
9999

(E) Nothing in this section denies a taxpayer any net operating loss deductions for any losses arising in taxable years beginning before 2004 if such deductions are permitted by a municipal corporation's ordinance. 10000
10001
10002
10003

Sec. 718.03. (A) As used in this section: 10004

(1) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any item included in the taxable income of the individual. 10005
10006
10007
10008

(2) "Qualifying wages" means wages, as defined in section 3121 of the Internal Revenue Code, adjusted as follows: 10009
10010

(a) Deduct any amount included in wages to the extent the amount constitutes compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code and is not included in any person's federal gross income. 10011
10012
10013
10014
10015

(b) Add any amount not included in wages to the extent the amount constitutes compensation attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the amount is included in any person's federal gross income, but only to the extent the municipal corporation did not impose its tax on that amount of nonqualified deferred compensation at the time the compensation was deferred. 10016
10017
10018
10019
10020
10021
10022
10023

(c) Add any amount not included in wages to the extent the amount has been directly or indirectly paid to or for the benefit 10024
10025

of any employee, payee, or former employee and is excluded from 10026
the employee's, payee's, or former employee's federal gross income 10027
under section 125 of the Internal Revenue Code. 10028

(B) For taxable years beginning after 2003, no municipal 10029
corporation shall require any employer or any agent of any 10030
employer or any other payer, to withhold tax from any compensation 10031
greater than qualifying wages directly or indirectly paid to or 10032
for the benefit of any employee or payee or former employee. 10033
Nothing in this section prohibits an employer from withholding 10034
amounts on a basis greater than qualifying wages. 10035

(C)(1) The failure of an employer to withhold tax as required 10036
by a municipal corporation does not relieve an employee from 10037
liability for the tax. 10038

(2) The failure of an employer to remit to the municipal 10039
corporation the tax withheld relieves the employee from liability 10040
for that tax unless the employee colluded with the employer to 10041
fail to remit the tax withheld. 10042

(D) The exemption of compensation from withholding under this 10043
section does not exempt that compensation from taxation as 10044
otherwise provided by law. 10045

Sec. 718.031. The tax administrator may require each 10046
employer, on or before the last day of February of each year, to 10047
notify the administrator of the name, address, and social security 10048
number of each employee for whom the employer deferred 10049
compensation, other than qualified deferred compensation, during 10050
the previous calendar year. The notification shall also include 10051
the amount so deferred for each employee. 10052

Sec. 718.05. (A) As used in this section: 10053

(1) "Generic form" means an electronic or paper form designed 10054
for reporting estimated municipal income taxes and annual 10055

municipal income tax liability or for filing a refund claim that 10056
is not prescribed by a particular municipal corporation for the 10057
reporting of that municipal corporation's tax on income. 10058

(2) "Return preparer" means any person other than a taxpayer 10059
that is authorized by a taxpayer to complete or file an income tax 10060
return, report, or other document for or on behalf of the 10061
taxpayer. 10062

(B) A municipal corporation shall not require a taxpayer to 10063
file an annual income tax return or report prior to the filing 10064
date for the corresponding tax reporting period as prescribed for 10065
such a taxpayer under the Internal Revenue Code. For taxable years 10066
beginning after 2003, except as otherwise provided in section 10067
718.051 of the Revised Code and division (D) of this section, a 10068
municipal corporation shall not require a taxpayer to file an 10069
annual income tax return or report on any date other than the 10070
fifteenth day of the fourth month following the end of the 10071
taxpayer's taxable year. 10072

(C) On and after January 1, 2001, any municipal corporation 10073
that requires taxpayers to file income tax returns, reports, or 10074
other documents shall accept for filing a generic form of such a 10075
return, report, or document if the generic form, once completed 10076
and filed, contains all of the information required to be 10077
submitted with the municipal corporation's prescribed returns, 10078
reports, or documents, and if the taxpayer or return preparer 10079
filing the generic form otherwise complies with rules or 10080
ordinances of the municipal corporation governing the filing of 10081
returns, reports, or documents. 10082

(D) ~~Beginning~~ Except as otherwise provided in section 718.051 10083
of the Revised Code, beginning January 1, 2001, any taxpayer that 10084
has requested an extension for filing a federal income tax return 10085
may request an extension for the filing of a municipal income tax 10086
return. The taxpayer shall make the request by filing a copy of 10087

the taxpayer's request for a federal filing extension with the 10088
individual or office charged with the administration of the 10089
municipal income tax. The request for extension shall be filed not 10090
later than the last day for filing the municipal income tax return 10091
as prescribed by ordinance or rule of the municipal corporation. A 10092
municipal corporation shall grant such a request for extension 10093
filed before January 1, 2004, for a period not less than the 10094
period of the federal extension request. For taxable years 10095
beginning after 2003, the extended due date of the municipal 10096
income tax return shall be the last day of the month to which the 10097
due date of the federal income tax return has been extended. A 10098
municipal corporation may deny a taxpayer's request for extension 10099
only if the taxpayer fails to timely file the request, fails to 10100
file a copy of the request for the federal extension, owes the 10101
municipal corporation any delinquent income tax or any penalty, 10102
interest, assessment, or other charge for the late payment or 10103
nonpayment of income tax, or has failed to file any required 10104
income tax return, report, or other related document for a prior 10105
tax period. The granting of an extension for filing a municipal 10106
corporation income tax return does not extend the last date for 10107
paying the tax without penalty unless the municipal corporation 10108
grants an extension of that date. 10109

Sec. 718.051. (A) As used in this section, "Ohio business 10110
gateway" means the online computer network system, initially 10111
created by the department of administrative services under section 10112
125.30 of the Revised Code, that allows private businesses to 10113
electronically file business reply forms with state agencies. 10114

(B) Notwithstanding section 718.05 of the Revised Code, on 10115
and after January 1, 2005, any taxpayer that is subject to any 10116
municipal corporation's tax on the net profit from a business or 10117
profession and has received an extension to file the federal 10118
income tax return shall not be required to notify the municipal 10119

corporation of the federal extension and shall not be required to 10120
file any municipal income tax return until the last day of the 10121
month to which the due date for filing the federal return has been 10122
extended, provided that, on or before the date for filing the 10123
municipal income tax return, the person notifies the tax 10124
commissioner of the federal extension through the Ohio business 10125
gateway or any successor electronic filing and payment system. 10126

(C) For taxable years beginning on or after January 1, 2005, 10127
a taxpayer subject to any municipal corporation's tax on the net 10128
profit from a business or profession may file any municipal income 10129
tax return or estimated municipal income return, and may make 10130
payment of amounts shown to be due on such returns, by using the 10131
Ohio business gateway or any successor electronic filing and 10132
payment system. 10133

(D)(1) As used in this division, "qualifying wages" has the 10134
same meaning as in section 718.03 of the Revised Code. 10135

(2) Any employer may report the amount of municipal income 10136
tax withheld from qualifying wages paid on or after January 1, 10137
2007, and may make remittance of such amounts, by using the Ohio 10138
business gateway or any successor electronic filing and payment 10139
system. 10140

(E) Nothing in this section affects the due dates for filing 10141
income tax returns or employer withholding tax returns or for 10142
paying any amounts shown to be due on such returns. 10143

(F) No municipal corporation shall be required to pay any fee 10144
or charge for the operation or maintenance of the Ohio business 10145
gateway. 10146

(G) The use of the Ohio business gateway by municipal 10147
corporations, taxpayers, or other persons pursuant to this section 10148
does not affect the legal rights of municipalities or taxpayers as 10149
otherwise permitted by law. This state shall not be a party to the 10150

administration of municipal income taxes or to an appeal of a 10151
municipal income tax matter, except as otherwise specifically 10152
provided by law. 10153

~~Sec. 718.11. As used in this section, "tax administrator"~~ 10154
~~means the individual charged with direct responsibility for~~ 10155
~~administration of a tax levied by a municipal corporation on~~ 10156
~~income.~~ 10157

~~Not later than one hundred eighty days after the effective~~ 10158
~~date of this section, the~~ The legislative authority of each 10159
municipal corporation that imposes a tax on income ~~on that~~ 10160
~~effective date shall establish by ordinance~~ maintain a board to 10161
hear appeals as provided in this section. The legislative 10162
authority of any municipal corporation that does not impose a tax 10163
on income on the effective date of this ~~section~~ amendment, but 10164
that imposes such a tax after that date, shall establish such a 10165
board by ordinance not later than one hundred eighty days after 10166
the tax takes effect. 10167

Whenever a tax administrator issues a decision regarding a 10168
municipal income tax obligation that is subject to appeal as 10169
provided in this section or in an ordinance or regulation of the 10170
municipal corporation, the tax administrator shall notify the 10171
taxpayer in writing at the same time of the taxpayer's right to 10172
appeal the decision and of the manner in which the taxpayer may 10173
appeal the decision. 10174

Any person who is aggrieved by a decision by the tax 10175
administrator and who has filed with the municipal corporation the 10176
required returns or other documents pertaining to the municipal 10177
income tax obligation at issue in the decision may appeal the 10178
decision to the board created pursuant to this section by filing a 10179
request with the board. The request shall be in writing, shall 10180
state why the decision should be deemed incorrect or unlawful, and 10181

shall be filed within thirty days after the tax administrator 10182
issues the decision complained of. 10183

The board shall schedule a hearing within forty-five days 10184
after receiving the request, unless the taxpayer waives a hearing. 10185
If the taxpayer does not waive the hearing, the taxpayer may 10186
appear before the board and may be represented by an attorney at 10187
law, certified public accountant, or other representative. 10188

The board may affirm, reverse, or modify the tax 10189
administrator's decision or any part of that decision. The board 10190
shall issue a final decision on the appeal within ninety days 10191
after the board's final hearing on the appeal, and send ~~notice a~~ 10192
copy of its final decision by ordinary mail to the petitioner 10193
within fifteen days after issuing the decision. The taxpayer may 10194
appeal the board's decision to the board of tax appeals as 10195
provided in section 5717.011 of the Revised Code. 10196

Each board of appeal created pursuant to this section shall 10197
adopt rules governing its procedures and shall keep a record of 10198
its transactions. Such records are not public records available 10199
for inspection under section 149.43 of the Revised Code. Hearings 10200
requested by a taxpayer before a board of appeal created pursuant 10201
to this section are not meetings of a public body subject to 10202
section 121.22 of the Revised Code. 10203

Sec. 718.121. (A) If tax or withholding is erroneously paid 10204
to a municipal corporation on income or wages, and if another 10205
municipal corporation imposes a tax on that income or wages after 10206
the time period allowed for a refund of the tax or withholding 10207
paid to the first municipal corporation, the second municipal 10208
corporation shall allow a nonrefundable credit, against the tax or 10209
withholding the second municipality claims is due, equal to the 10210
tax or withholding paid to the first municipal corporation. 10211

(B) If tax or withholding was paid to a municipal corporation 10212

on nonqualified deferred compensation for a previous taxable year 10213
in which the compensation was deferred, and if another municipal 10214
corporation imposes tax for the current taxable year on the 10215
compensation when it is paid in that current taxable year, then 10216
the second municipal corporation shall allow a credit for the tax 10217
paid to the first municipal corporation to the same extent that 10218
the second municipal corporation would allow a credit if the tax 10219
had been paid to the first municipal corporation in the current 10220
taxable year. 10221

Sec. 718.15. A municipal corporation, by ordinance, may grant 10222
a refundable or nonrefundable credit against its tax on income to 10223
a taxpayer that also receives a tax credit under section 122.17 of 10224
the Revised Code. If a credit is granted under this section, it 10225
shall be measured as a percentage of the new income tax revenue 10226
the municipal corporation derives from new employees of the 10227
taxpayer and shall be for a term not exceeding ~~ten~~ fifteen years. 10228
Before the municipal corporation passes an ordinance granting a 10229
credit, the municipal corporation and the taxpayer shall enter 10230
into an agreement specifying all the conditions of the credit. 10231
10232

Sec. 718.151. A municipal corporation, by ordinance, may 10233
grant a nonrefundable credit against its tax on income to a 10234
taxpayer that also receives a tax credit under section 122.171 of 10235
the Revised Code. If a credit is granted under this section, it 10236
shall be measured as a percentage of the income tax revenue the 10237
municipal corporation derives from the retained employees of the 10238
taxpayer, and shall be for a term not exceeding ~~ten~~ fifteen years. 10239
Before a municipal corporation passes an ordinance allowing such a 10240
credit, the municipal corporation and the taxpayer shall enter 10241
into an agreement specifying all the conditions of the credit. 10242

Sec. 731.14. All contracts made by the legislative authority 10243
of a village shall be executed in the name of the village and 10244
signed on its behalf by the mayor and clerk. Except where the 10245
contract is for equipment, services, materials, or supplies to be 10246
purchased under division (D) of section 713.23 or section 125.04 10247
or 5513.01 of the Revised Code or available from a qualified 10248
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 10249
Revised Code, when any expenditure, other than the compensation of 10250
persons employed ~~therein~~ in the village, exceeds ~~fifteen~~ 10251
twenty-five thousand dollars, such contracts shall be in writing 10252
and made with the lowest and best bidder after advertising for not 10253
less than two nor more than four consecutive weeks in a newspaper 10254
of general circulation within the village. The bids shall be 10255
opened and shall be publicly read by the clerk of ~~such~~ the village 10256
or a person designated by the clerk at the time, date, and place 10257
specified in the advertisement to bidders or specifications. The 10258
time, date, and place of bid openings may be extended to a later 10259
date by the legislative authority of the village, provided that 10260
written or oral notice of the change shall be given to all persons 10261
who have received or requested specifications no later than 10262
ninety-six hours prior to the original time and date fixed for the 10263
opening. This section does not apply to those villages that have 10264
provided for the appointment of a village administrator under 10265
section 735.271 of the Revised Code. 10266

Sec. 731.141. In those villages that have established the 10267
position of village administrator, as provided by section 735.271 10268
of the Revised Code, the village administrator shall make 10269
contracts, purchase supplies and materials, and provide labor for 10270
any work under the administrator's supervision involving not more 10271
than ~~fifteen~~ twenty-five thousand dollars. When an expenditure, 10272
other than the compensation of persons employed by the village, 10273

exceeds ~~fifteen~~ twenty-five thousand dollars, ~~such the~~ expenditure 10274
shall first be authorized and directed by ordinance of the 10275
legislative authority of the village. When so authorized and 10276
directed, except where the contract is for equipment, services, 10277
materials, or supplies to be purchased under division (D) of 10278
section 713.23 or section 125.04 or 5513.01 of the Revised Code or 10279
available from a qualified nonprofit agency pursuant to sections 10280
4115.31 to 4115.35 of the Revised Code, the village administrator 10281
shall make a written contract with the lowest and best bidder 10282
after advertisement for not less than two nor more than four 10283
consecutive weeks in a newspaper of general circulation within the 10284
village. The bids shall be opened and shall be publicly read by 10285
the village administrator or a person designated by the village 10286
administrator at the time, date, and place as specified in the 10287
advertisement to bidders or specifications. The time, date, and 10288
place of bid openings may be extended to a later date by the 10289
village administrator, provided that written or oral notice of the 10290
change shall be given to all persons who have received or 10291
requested specifications no later than ninety-six hours prior to 10292
the original time and date fixed for the opening. All contracts 10293
shall be executed in the name of the village and signed on its 10294
behalf by the village administrator and the clerk. 10295

The legislative authority of a village may provide, by 10296
ordinance, for central purchasing for all offices, departments, 10297
divisions, boards, and commissions of the village, under the 10298
direction of the village administrator, who shall make contracts, 10299
purchase supplies or materials, and provide labor for any work of 10300
the village in the manner provided by this section. 10301

Sec. 735.05. The director of public service may make any 10302
contract, purchase supplies or material, or provide labor for any 10303
work under the supervision of the department of public service 10304
involving not more than ~~fifteen~~ twenty-five thousand dollars. When 10305

an expenditure within the department, other than the compensation 10306
of persons employed ~~therein~~ in the department, exceeds ~~fifteen~~ 10307
twenty-five thousand dollars, ~~such~~ the expenditure shall first be 10308
authorized and directed by ordinance of the city legislative 10309
authority. When so authorized and directed, except where the 10310
contract is for equipment, services, materials, or supplies to be 10311
purchased under division (D) of section 713.23 or section 125.04 10312
or 5513.01 of the Revised Code or available from a qualified 10313
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 10314
Revised Code, the director shall make a written contract with the 10315
lowest and best bidder after advertisement for not less than two 10316
nor more than four consecutive weeks in a newspaper of general 10317
circulation within the city. 10318

Sec. 737.03. The director of public safety shall manage⁷ and 10319
make all contracts with reference to ~~the~~ police stations, fire 10320
houses, reform schools, infirmaries, hospitals, workhouses, farms, 10321
pesthouses, and all other charitable and reformatory institutions. 10322
In the control and supervision of those institutions, the director 10323
shall be governed by the provisions of Title VII of the Revised 10324
Code relating to those institutions. 10325

The director may make all contracts and expenditures of money 10326
for acquiring lands for the erection or repairing of station 10327
houses, police stations, fire department buildings, fire cisterns, 10328
and plugs, that are required, for the purchase of engines, 10329
apparatus, and all other supplies necessary for the police and 10330
fire departments, and for other undertakings and departments under 10331
the director's supervision, but no obligation involving an 10332
expenditure of more than ~~fifteen~~ twenty-five thousand dollars 10333
shall be created unless first authorized and directed by 10334
ordinance. In making, altering, or modifying those contracts, the 10335
director shall be governed by sections 735.05 to 735.09 of the 10336
Revised Code, except that all bids shall be filed with and opened 10337

by the director. The director shall make no sale or disposition of 10338
any property belonging to the city without first being authorized 10339
by resolution or ordinance of the city legislative authority. 10340

Sec. 753.22. (A) The director of public safety or the joint 10341
board established pursuant to section 753.15 of the Revised Code 10342
may establish a commissary for the workhouse. The commissary may 10343
be established either in-house or by another arrangement. If a 10344
commissary is established, all persons incarcerated in the 10345
workhouse shall receive commissary privileges. A person's 10346
purchases from the commissary shall be deducted from the person's 10347
account record in the workhouse's business office. The commissary 10348
shall provide for the distribution to indigent persons 10349
incarcerated in the workhouse necessary hygiene articles and 10350
writing materials. 10351

(B) If a commissary is established, the director of public 10352
safety or the joint board established pursuant to section 753.15 10353
of the Revised Code shall establish a commissary fund for the 10354
workhouse. The management of funds in the commissary fund shall be 10355
strictly controlled in accordance with procedures adopted by the 10356
auditor of state. Commissary fund revenue over and above operating 10357
costs and reserve shall be considered profits. All profits from 10358
the commissary fund shall be used to purchase supplies and 10359
equipment for the benefit of persons incarcerated in the workhouse 10360
and to pay salary and benefits for employees of the workhouse, or 10361
for any other persons, who work in or are employed for the sole 10362
purpose of providing service to the commissary. The director of 10363
public safety or the joint board established pursuant to section 10364
753.15 of the Revised Code shall adopt rules and regulations for 10365
the operation of any commissary fund the director or the joint 10366
board establishes. 10367

Sec. 901.17. (A) The division of markets ~~shall~~ may do all of 10368

| | |
|--|----------------------------------|
| the following: | 10369 |
| (1) (A) Investigate the cost of production and marketing in all its phases; | 10370 10371 |
| (2) (B) Gather and disseminate information concerning supply, demand, prevailing prices, and commercial movements, including common and cold storage of food products, and maintain market news service for disseminating such information; | 10372 10373 10374 10375 |
| (3) (C) Promote, assist, and encourage the organization and operation of cooperative and other associations and organizations for improving the relations and services among producers, distributors, and consumers of food products; | 10376 10377 10378 10379 |
| (4) (D) Investigate the practice, methods, and any specific transaction of commission merchants and others who receive, solicit, buy, or handle on commission or otherwise, food products; | 10380 10381 10382 |
| (5) (E) Act as mediator or arbitrator, when invited, in any controversy or issue that arises between producers and distributors and that affects the interest of the consumer; | 10383 10384 10385 |
| (6) (F) Act on behalf of the consumers in conserving and protecting their interests in every practicable way against excessive prices; | 10386 10387 10388 |
| (7) (G) Act as market adviser for producers and distributors, assisting them in economical and efficient distribution of good products at fair prices; | 10389 10390 10391 |
| (8) (H) Encourage the establishment of retail municipal markets and develop direct dealing between producers and consumers; | 10392 10393 10394 |
| (9) (I) Encourage the consumption of Ohio-grown products within the state, nationally, and internationally, and inspect and determine the grade and condition of farm produce, both at collecting and receiving centers within the state; | 10395 10396 10397 10398 |

~~(10)(J)~~ Take such means and use such powers, relative to shipment, transportation, and storage of foodstuffs of any kind, as are necessary, advisable, or desirable in case of an emergency creating or threatening to create a scarcity of food within the state;

(K) Participate in trade missions between states and foreign countries in order to encourage the sale and promotion of Ohio-grown products.

~~(B)(1) The director of agriculture shall adopt and may amend schedules of fees to be charged for inspecting farm produce at collecting and receiving centers or such other services as may be rendered under this section. All such fees shall be made with a view to the minimum cost and to make this branch of the department of agriculture self-sustaining.~~

~~The fees shall be deposited in the state treasury and credited to the inspection fund, which is hereby created, for use in carrying out the purposes of this section. All investment earnings of the inspection fund shall be credited to the fund. If, in any year, the balance in the inspection fund is not sufficient to meet the expenses incurred pursuant to this section, the deficit shall be paid from funds appropriated for the use of the department.~~

~~(2) The director may adopt a schedule of fees to be charged for inspecting any agricultural product for the purposes of the issuance of an export certificate, as may be required by the United States department of agriculture or foreign purchasers. Such fees shall be credited to the general revenue fund.~~

Sec. 901.21. (A) As used in this section and section 901.22 of the Revised Code:

(1) "Agricultural easement" has the same meaning as in

section 5301.67 of the Revised Code. 10429

(2) "Agriculture" means those activities occurring on land 10430
devoted exclusively to agricultural use, as defined in section 10431
5713.30 of the Revised Code, or on land that constitutes a 10432
homestead. 10433

(3) "Homestead" means the portion of a farm on which is 10434
located a dwelling house, yard, or outbuildings such as a barn or 10435
garage. 10436

(B) The director of agriculture may acquire real property 10437
used predominantly in agriculture and agricultural easements by 10438
gift, devise, or bequest if, at the time an easement is granted, 10439
such an easement is on land that is valued for purposes of real 10440
property taxation at its current value for agricultural use under 10441
section 5713.31 of the Revised Code or that constitutes a 10442
homestead. Any terms may be included in an agricultural easement 10443
so acquired that are necessary or appropriate to preserve on 10444
behalf of the grantor of the easement the favorable tax 10445
consequences of the gift, devise, or bequest under the "Internal 10446
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 10447
The director, by any such means or by purchase or lease, may 10448
acquire, or acquire the use of, stationary personal property or 10449
equipment that is located on land acquired in fee by the director 10450
under this section and that is necessary or appropriate for the 10451
use of the land predominantly in agriculture. 10452

(C) The director may do all things necessary or appropriate 10453
to retain the use of real property acquired in fee under division 10454
(B) of this section predominantly in agriculture, including, 10455
without limitation, performing any of the activities described in 10456
division (A)(1) or (2) of section 5713.30 of the Revised Code or 10457
entering into contracts to lease or rent the real property so 10458
acquired to persons or governmental entities that will use the 10459
land predominantly in agriculture. 10460

(D)(1) When the director considers it to be necessary or 10461
appropriate, the director may sell real property acquired in fee, 10462
and stationary personal property or equipment acquired by gift, 10463
devise, bequest, or purchase, under division (B) of this section 10464
on such terms as the director considers to be advantageous to this 10465
state. 10466

(2) An agricultural easement acquired under division (B) of 10467
this section may be extinguished under the circumstances 10468
prescribed, and in accordance with the terms and conditions set 10469
forth, in the instrument conveying the agricultural easement. 10470

(E) There is hereby created in the state treasury the 10471
agricultural easement purchase fund. The fund shall consist of the 10472
proceeds received from the sale of real and personal property 10473
under division (D) of this section; moneys received due to the 10474
extinguishment of agricultural easements acquired by the director 10475
under division (B) of this section or section 5301.691 of the 10476
Revised Code; moneys received due to the extinguishment of 10477
agricultural easements purchased with the assistance of matching 10478
grants made under section 901.22 of the Revised Code; gifts, 10479
bequests, devises, and contributions received by the director for 10480
the purpose of acquiring agricultural easements; and grants 10481
received from public or private sources for the purpose of 10482
purchasing agricultural easements. The fund shall be administered 10483
by the director, and moneys in the fund shall be used by the 10484
director exclusively to purchase agricultural easements under 10485
division (A) of section 5301.691 of the Revised Code and provide 10486
matching grants under section 901.22 of the Revised Code to 10487
municipal corporations, counties, townships, soil and water 10488
conservation districts established under Chapter 1515. of the 10489
Revised Code, and charitable organizations described in division 10490
(B) of section 5301.69 of the Revised Code for the purchase of 10491
agricultural easements. Money in the fund shall be used only to 10492

purchase agricultural easements on land that is valued for 10493
purposes of real property taxation at its current value for 10494
agricultural use under section 5713.31 of the Revised Code or that 10495
constitutes a homestead when the easement is purchased. 10496

(F) There is hereby created in the state treasury the clean 10497
Ohio agricultural easement fund. Twelve and one-half per cent of 10498
net proceeds of obligations issued and sold pursuant to sections 10499
151.01 and 151.09 of the Revised Code shall be deposited into the 10500
fund. The fund shall be used by the director for the purposes of 10501
~~sections 901.21 and this section, section 901.22 of the Revised~~ 10502
Code, and the provisions of sections 5301.67 to 5301.70 of the 10503
Revised Code governing agricultural easements. Investment earnings 10504
of the fund shall be credited to the fund. ~~For two years after the~~ 10505
~~effective date of this amendment, investment earnings credited to~~ 10506
~~the fund and~~ and may be used to pay costs incurred by the director in 10507
administering those sections and provisions. 10508

(G) The term of an agricultural easement purchased wholly or 10509
in part with money from the clean Ohio agricultural easement fund 10510
or the agricultural easement purchase fund shall be perpetual and 10511
shall run with the land. 10512

Sec. 901.22. (A) The director of agriculture, in accordance 10513
with Chapter 119. of the Revised Code, shall adopt rules that do 10514
all of the following: 10515

(1) Establish procedures and eligibility criteria for making 10516
matching grants to municipal corporations, counties, townships, 10517
soil and water conservation districts established under Chapter 10518
1515. of the Revised Code, and charitable organizations described 10519
in division (B) of section 5301.69 of the Revised Code for the 10520
purchase of agricultural easements. With respect to agricultural 10521
easements that are purchased or proposed to be purchased with such 10522
matching grants that consist in whole or in part of moneys from 10523

| | |
|--|-------|
| the clean Ohio agricultural easement fund created in section | 10524 |
| 901.21 of the Revised Code, the rules shall establish all of the | 10525 |
| following: | 10526 |
| (a) Procedures for all of the following: | 10527 |
| (i) Soliciting and accepting applications for matching | 10528 |
| grants; | 10529 |
| (ii) Participation by local governments and by the public in | 10530 |
| the process of making matching grants to charitable organizations; | 10531 |
| (iii) Notifying local governments, charitable organizations, | 10532 |
| and organizations that represent the interests of farmers of the | 10533 |
| ranking system established in rules adopted under division | 10534 |
| (A)(1)(b) of this section. | 10535 |
| (b) A ranking system for applications for the matching grants | 10536 |
| that is based on the soil type, proximity of the land or other | 10537 |
| land that is conducive to agriculture as defined by rules adopted | 10538 |
| under this section and that is the subject of an application to | 10539 |
| other agricultural land or other land that is conducive to | 10540 |
| agriculture as defined by rules adopted under this section and | 10541 |
| that is already or is in the process of becoming permanently | 10542 |
| protected from development, farm stewardship, development | 10543 |
| pressure, and, if applicable, a local comprehensive land use plan | 10544 |
| involved with a proposed agricultural easement. The rules shall | 10545 |
| require that preference be given to proposed agricultural | 10546 |
| easements that involve the greatest proportion of all of the | 10547 |
| following: | 10548 |
| (i) Prime soils, unique or locally important soils, | 10549 |
| microclimates, or similar features; | 10550 |
| (ii) Land that is adjacent to or that is in close proximity | 10551 |
| to other agricultural land or other land that is conducive to | 10552 |
| agriculture as defined by rules adopted under this section and | 10553 |
| that is already or is in the process of becoming permanently | 10554 |

protected from development, by agricultural easement or otherwise, 10555
so that a buffer would exist between the land involving the 10556
proposed agricultural easement and areas that have been developed 10557
or likely will be developed for purposes other than agriculture; 10558

(iii) The use of best management practices, including 10559
federally or state approved conservation plans, and a history of 10560
substantial compliance with applicable federal and state laws; 10561

(iv) Development pressure that is imminent, but not a result 10562
of current location in the direct path of urban development; 10563

(v) Areas identified for agricultural protection in local 10564
comprehensive land use plans. 10565

(c) Any other criteria that the director determines are 10566
necessary for selecting applications for matching grants; 10567

(d) Requirements regarding the information that must be 10568
included in the annual monitoring report that must be prepared for 10569
an agricultural easement under division ~~(D)~~(E)(2) of section 10570
5301.691 of the Revised Code, procedures for submitting a copy of 10571
the report to the office of farmland preservation in the 10572
department of agriculture, and requirements and procedures 10573
governing corrective actions that may be necessary to enforce the 10574
terms of the agricultural easement. 10575

(2) Establish provisions that shall be included in the 10576
instrument conveying to a municipal corporation, county, township, 10577
soil and water conservation district, or charitable organization 10578
any agricultural easement purchased with matching grant funds 10579
provided by the director under this section, including, without 10580
limitation, all of the following provisions: 10581

(a) A provision stating that an easement so purchased may be 10582
extinguished only if an unexpected change in the conditions of or 10583
surrounding the land that is subject to the easement makes 10584
impossible or impractical the continued use of the land for the 10585

purposes described in the easement, or if the requirements of the 10586
easement are extinguished by judicial proceedings; 10587

(b) A provision requiring that, upon the sale, exchange, or 10588
involuntary conversion of the land subject to the easement, the 10589
holder of the easement shall be paid an amount of money that is at 10590
least equal to the proportionate value of the easement compared to 10591
the total value of the land at the time the easement was acquired; 10592

(c) A provision requiring that, upon receipt of the portion 10593
of the proceeds of a sale, exchange, or involuntary conversion 10594
described in division (A)(2)(b) of this section, the municipal 10595
corporation, county, township, soil and water conservation 10596
district, or charitable organization remit to the director an 10597
amount of money equal to the percentage of the cost of purchasing 10598
the easement it received as a matching grant under this section. 10599

Moneys received by the director pursuant to rules adopted 10600
under division (A)(2)(c) of this section shall be credited to the 10601
agricultural easement purchase fund created in section 901.21 of 10602
the Revised Code. 10603

(3) Establish a provision that provides a charitable 10604
organization ~~described in division (B) of section 5301.69 of the~~ 10605
~~Revised Code~~, municipal corporation, township, ~~or~~ county, or soil 10606
and water conservation district with the option of purchasing 10607
agricultural easements either in installments or with a lump sum 10608
payment. The rules shall include a requirement that a charitable 10609
organization, municipal corporation, township, ~~or~~ county, or soil 10610
and water conservation district negotiate with the seller of the 10611
agricultural easement concerning any installment payment terms, 10612
including the dates and amounts of payments and the interest rate 10613
on the outstanding balance. The rules also shall require the 10614
director to approve any method of payment that is undertaken in 10615
accordance with the rules adopted under division (A)(3) of this 10616
section. 10617

(4) Establish any other requirements that the director 10618
considers to be necessary or appropriate to implement or 10619
administer a program to make matching grants under this section 10620
and monitor those grants. 10621

(B) The director may develop guidelines regarding the 10622
acquisition of agricultural easements by the department of 10623
agriculture and the provisions of instruments conveying those 10624
easements. The director may make the guidelines available to 10625
public and private entities authorized to acquire and hold 10626
agricultural easements. 10627

(C) The director may provide technical assistance in 10628
developing a program for the acquisition and monitoring of 10629
agricultural easements to public and private entities authorized 10630
to hold agricultural easements. The technical assistance may 10631
include, without limitation, reviewing and providing advisory 10632
recommendations regarding draft instruments conveying agricultural 10633
easements. 10634

(D) The director may make matching grants from the 10635
agricultural easement purchase fund and the clean Ohio 10636
agricultural easement fund to municipal corporations, counties, 10637
townships, soil and water conservation districts, and charitable 10638
organizations ~~described in division (B) of section 5301.69 of the~~ 10639
~~Revised Code~~, to assist those political subdivisions and 10640
charitable organizations in purchasing agricultural easements. 10641
Application for a matching grant shall be made on forms prescribed 10642
and provided by the director. The matching grants shall be made in 10643
compliance with the criteria and procedures established in rules 10644
adopted under this section. Instruments conveying agricultural 10645
easements purchased with matching grant funds provided under this 10646
section, at a minimum, shall include the mandatory provisions set 10647
forth in those rules. 10648

Matching grants made under this division using moneys from 10649
the clean Ohio agricultural easement fund created in section 10650
901.21 of the Revised Code may provide up to seventy-five per cent 10651
of the value of an agricultural easement as determined by a 10652
general real estate appraiser who is certified under Chapter 4763. 10653
of the Revised Code or as determined through a points based 10654
appraisal system that is recommended by the director. The method 10655
of appraisal that is used shall be determined by the director. Not 10656
less than twenty-five per cent of the value of the agricultural 10657
easement shall be provided by the recipient of the matching grant 10658
or donated by the person who is transferring the easement to the 10659
grant recipient. The amount of such a matching grant used for the 10660
purchase of a single agricultural easement shall not exceed one 10661
million dollars. 10662

(E) For any agricultural easement purchased with a matching 10663
grant that consists in whole or in part of moneys from the clean 10664
Ohio agricultural easement fund, the director shall be named as a 10665
grantee on the instrument conveying the easement, as shall the 10666
municipal corporation, county, township, soil and water 10667
conservation district, or charitable organization that receives 10668
the grant. 10669

(F)(1) The director shall monitor and evaluate the 10670
effectiveness and efficiency of the agricultural easement program 10671
as a farmland preservation tool. On or before July 1, 1999, and 10672
the first day of July of each year thereafter, the director shall 10673
prepare and submit a report to the chairpersons of the standing 10674
committees of the senate and the house of representatives that 10675
consider legislation regarding agriculture. The report shall 10676
consider and address the following criteria to determine the 10677
program's effectiveness: 10678

(a) The number of agricultural easements purchased during the 10679
preceding year; 10680

| | |
|---|---|
| (b) The location of those easements; | 10681 |
| (c) The number of acres of land preserved for agricultural use; | 10682 10683 |
| (d) The amount of money used by a municipal corporation, township, or county, <u>or soil and water conservation district</u> from its general fund or special <u>any</u> fund to purchase the agricultural easements; | 10684 10685 10686 10687 |
| (e) The number of state matching grants given to purchase the agricultural easements; | 10688 10689 |
| (f) The amount of state matching grant moneys used to purchase the agricultural easements. | 10690 10691 |
| (2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency: | 10692 10693 10694 |
| (a) The total number of acres in the county; | 10695 |
| (b) The total number of acres in current agricultural use; | 10696 |
| (c) The total number of acres preserved for agricultural use in the preceding year; | 10697 10698 |
| (d) The average cost, per acre, of land preserved for agricultural use in the preceding year. | 10699 10700 |
| Sec. 901.63. (A) The agricultural financing commission shall do both of the following until July 1, 2003 <u>October 15, 2005</u> : | 10701 10702 |
| (1) Make recommendations to the director of agriculture about financial assistance applications made pursuant to sections 901.80 to 901.83 of the Revised Code. In making its recommendations, the commission shall utilize criteria established by rules adopted under division (A)(8)(b) of section 901.82 of the Revised Code. | 10703 10704 10705 10706 10707 |
| (2) Advise the director in the administration of sections | 10708 |

901.80 to 901.83 of the Revised Code. 10709

With respect to sections 901.80 to 901.83 of the Revised 10710
Code, the role of the commission is solely advisory. No officer, 10711
member, or employee of the commission is liable for damages in a 10712
civil action for any injury, death, or loss to person or property 10713
that allegedly arises out of purchasing any loan or providing a 10714
loan guarantee, failure to purchase a loan or provide a loan 10715
guarantee, or failure to take action under sections 901.80 to 10716
901.83 of the Revised Code, or that allegedly arises out of any 10717
act or omission of the department of agriculture that involves 10718
those sections. 10719

(B) The commission may: 10720

(1) Adopt bylaws for the conduct of its business; 10721

(2) Exercise all rights, powers, and duties conferred on the 10722
commission as an issuer under Chapter 902. of the Revised Code; 10723

(3) Contract with, retain, or designate financial 10724
consultants, accountants, and such other consultants and 10725
independent contractors as the commission may determine to be 10726
necessary or appropriate to carry out the purposes of this chapter 10727
and to fix the terms of those contracts; 10728

(4) Undertake and carry out or authorize the completion of 10729
studies and analyses of agricultural conditions and needs within 10730
the state relevant to the purpose of this chapter to the extent 10731
not otherwise undertaken by other departments or agencies of the 10732
state satisfactory for that purpose; 10733

(5) Acquire by gift, purchase, foreclosure, or other means, 10734
and hold, assign, pledge, lease, transfer, or otherwise dispose 10735
of, real and personal property, or any interest in that real and 10736
personal property, in the exercise of its powers and the 10737
performance of its duties under this chapter and Chapter 902. of 10738
the Revised Code; 10739

(6) Receive and accept gifts, grants, loans, or any other 10740
financial or other form of aid from any federal, state, local, or 10741
private agency or fund and enter into any contract with any such 10742
agency or fund in connection therewith, and receive and accept aid 10743
or contributions from any other source of money, property, labor, 10744
or things of value, to be held, used, and applied only for the 10745
purposes for which the grants and contributions are made, all 10746
within the purposes of this chapter and Chapter 902. of the 10747
Revised Code; 10748

(7) Sue and be sued in its own name with respect to its 10749
contracts or to enforce this chapter or its obligations or 10750
covenants made under this chapter and Chapter 902. of the Revised 10751
Code; 10752

(8) Make and enter into all contracts, commitments, and 10753
agreements, and execute all instruments necessary or incidental to 10754
the performance of its duties and the execution of its powers 10755
under this chapter and Chapter 902. of the Revised Code; 10756

(9) Adopt an official seal; 10757

(10) Do any and all things necessary or appropriate to carry 10758
out the public purposes and exercise the powers granted to the 10759
commission in this chapter and Chapter 902. of the Revised Code 10760
and the public purposes of Section 13 of Article VIII, Ohio 10761
Constitution. 10762

Any instrument by which real property is acquired pursuant to 10763
this section shall identify the agency of the state that has the 10764
use and benefit of the real property as specified in section 10765
5301.012 of the Revised Code. 10766

Sec. 901.85. There is hereby created in the state treasury 10767
the farm service agency electronic filing fund, which shall 10768
consist of money reimbursed to the fund by the farm service agency 10769

in the United States department of agriculture together with any 10770
money appropriated to the fund by the general assembly. The 10771
director of agriculture shall use money credited to the fund to 10772
pay the secretary of state for fees that the secretary of state 10773
charges in advance for the electronic filing by the farm service 10774
agency of financing statements related to agricultural loans that 10775
the farm service agency disburses. 10776

Sec. 902.11. (A) Any real or personal property, or both, of 10777
an issuer ~~which~~ that is acquired, constructed, reconstructed, 10778
enlarged, improved, furnished, or equipped, or any combination 10779
thereof, and leased or subleased under authority of this chapter 10780
shall be subject to ad valorem, sales, use, and franchise taxes 10781
and to zoning, planning, and building regulations and fees, to the 10782
same extent and in the same manner as if the lessee-user or 10783
sublessee-user thereof, rather than the issuer, had acquired, 10784
constructed, reconstructed, enlarged, improved, furnished, or 10785
equipped, or any combination thereof, such real or personal 10786
property, and title thereto was in the name of such lessee-user or 10787
sublessee-user. 10788

The transfer of tangible personal property by lease or 10789
sublease under authority of this chapter is not a sale as used in 10790
Chapter 5739. of the Revised Code. The exemptions provided in 10791
divisions (B)(1) and ~~(14)~~(13) of section 5739.02 of the Revised 10792
Code shall not be applicable to purchases for a project under this 10793
chapter. 10794

An issuer shall be exempt from all taxes on its real or 10795
personal property, or both, which has been acquired, constructed, 10796
reconstructed, enlarged, improved, furnished, or equipped, or any 10797
combination thereof, under this chapter so long as such property 10798
is used by the issuer for purposes which would otherwise exempt 10799
such property; has ceased to be used by a former lessee-user or 10800

sublessee-user and is not occupied or used; or has been acquired 10801
by the issuer but development has not yet commenced. The exemption 10802
shall be effective as of the date the exempt use begins. All taxes 10803
on the exempt real or personal property for the year should be 10804
prorated and the taxes for the exempt portion of the year shall be 10805
remitted by the county auditor. 10806

(B) Bonds issued under this chapter, the transfer thereof, 10807
and the interest and other income from the bonds, including any 10808
profit made on the sale thereof, are free from taxation within the 10809
state. 10810

Sec. 921.151. The pesticide program fund is hereby created in 10811
the state treasury. All The portion of the money in the fund that 10812
is collected under this chapter shall be used to carry out the 10813
purposes of this chapter. The portion of the money in the fund 10814
that is collected under section 927.53 of the Revised Code shall 10815
be used to carry out the purposes specified in that section, the 10816
portion of the money in the fund that is collected under section 10817
927.69 of the Revised Code shall be used to carry out the purposes 10818
specified in that section, and the portion of the money in the 10819
fund that is collected under section 927.701 of the Revised Code 10820
shall be used to carry out the purposes of that section. The fund 10821
shall consist of fees collected under sections 921.01 to 921.15, 10822
division (F) of section 927.53, and section 927.69 of the Revised 10823
Code, money collected under section 927.701 of the Revised Code, 10824
and all fines, penalties, costs, and damages, except court costs, 10825
~~which that~~ are collected by either the director of agriculture or 10826
the attorney general in consequence of any violation of sections 10827
921.01 to 921.29 of the Revised Code. Not later than the thirtieth 10828
day of June of each year, the director of budget and management 10829
shall determine whether the amount credited to the pesticide 10830
program fund under this chapter is in excess of the amount 10831
necessary to meet the expenses of the director of agriculture in 10832

administering this chapter and shall transfer any such excess from 10833
the pesticide program fund to the general revenue fund. 10834

Sec. 927.53. (A) Each collector or dealer who sells, offers, 10835
or exposes for sale, or distributes nursery stock within this 10836
state, or ships nursery stock to other states, shall pay an annual 10837
license fee of fifty dollars to the director of agriculture for 10838
each place of business ~~he~~ the collector or dealer operates. 10839

(B)(1) Each dealer shall furnish the director, annually, an 10840
affidavit that ~~he~~ the dealer will buy and sell only nursery stock 10841
which has been inspected and certified by an official state or 10842
federal inspector. 10843

(2) Each dealer's license expires on the thirty-first day of 10844
December of each year. Each licensed dealer shall apply for 10845
renewal of ~~his~~ the dealer's license prior to the first day of 10846
January of each year and in accordance with the standard renewal 10847
procedure of sections 4745.01 to 4745.03 of the Revised Code. 10848

(C) Each licensed ~~nurseryman~~ nurseryperson shall post 10849
conspicuously in ~~his~~ the nurseryperson's principal place of 10850
business, the certificate which is issued to ~~him~~ the nurseryperson 10851
in accordance with section 927.61 of the Revised Code. 10852

(D) Each licensed ~~nurseryman~~ nurseryperson, or dealer, shall 10853
post conspicuously in each place of business, each certificate or 10854
license which is issued to ~~him~~ the nurseryperson or dealer in 10855
compliance with this section or section 927.61 of the Revised 10856
Code. 10857

(E)(1) Each ~~nurseryman~~ nurseryperson who produces, sells, 10858
offers for sale, or distributes woody nursery stock within the 10859
state, or ships woody nursery stock to other states, shall pay to 10860
the director an annual inspection fee of fifty dollars plus four 10861
dollars per acre, or fraction thereof, of growing nursery stock in 10862

intensive production areas and two dollars per acre, or fraction thereof, of growing nursery stock in nonintensive production areas, as applicable. 10863
10864
10865

(2) Each ~~nurseryman~~ nurseryperson who limits ~~his~~ production and sales of nursery stock to brambles, herbaceous, perennial, and other nonwoody plants, shall pay to the director an inspection fee of thirty dollars, plus four dollars per acre, or fraction thereof, of growing nursery stock in intensive and nonintensive production areas. 10866
10867
10868
10869
10870
10871

(F) On and after the effective date of this amendment, the following additional fees shall be assessed: 10872
10873

(1) Each collector or dealer who pays a fee under division (A) of this section shall pay an additional fee of twenty-five dollars. 10874
10875
10876

(2) Each nurseryperson who pays fees under division (E)(1) of this section shall pay additional fees as follows: 10877
10878

(a) Fifteen dollars for the inspection fee; 10879

(b) Fifty cents per acre, or fraction thereof, of growing nursery stock in intensive production areas; 10880
10881

(c) One dollar and fifty cents per acre, or fraction thereof, of growing nursery stock in nonintensive production areas. 10882
10883

(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows: 10884
10885

(a) Thirty-five dollars for the inspection fee; 10886

(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. 10887
10888

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 10889
10890
10891
10892

costs incurred by the department of agriculture in administering 10893
this chapter, including employing a minimum of two additional 10894
inspectors. 10895

Sec. 927.69. To effect the purpose of sections 927.51 to 10896
927.74, ~~inclusive,~~ of the Revised Code, the director of 10897
agriculture, ~~or his~~ the director's authorized representative, may: 10898

(A) Make reasonable inspection of any premises in this state 10899
and any property therein or thereon; 10900

(B) Stop and inspect in a reasonable manner, any means of 10901
conveyance moving within this state upon probable cause to believe 10902
it contains or carries any pest, host, commodity, or other article 10903
~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive,~~ of 10904
the Revised Code; 10905

(C) Conduct inspections of agricultural products that are 10906
required by other states, the United States department of 10907
agriculture, other federal agencies, or foreign countries to 10908
determine whether the products are infested. If, upon making such 10909
an inspection, the director or the director's authorized 10910
representative determines that an agricultural product is not 10911
infested, the director or the director's authorized representative 10912
may issue a certificate, as required by other states, the United 10913
States department of agriculture, other federal agencies, or 10914
foreign countries, indicating that the product is not infested. 10915

If the director charges fees for any of the certificates, 10916
agreements, or inspections specified in this section, the fees 10917
shall be as follows: 10918

(1) Phyto sanitary certificates, twenty-five dollars; 10919

(2) Compliance agreements, twenty dollars; 10920

(3) Solid wood packing certificates, twenty dollars; 10921

(4) Agricultural products and their conveyances inspections, 10922

sixty-five dollars. 10923

The director may adopt rules under section 927.52 of the 10924
Revised Code that define the certificates, agreements, and 10925
inspections. 10926

The fees shall be deposited into the state treasury to the 10927
credit of the pesticide program fund created in Chapter 921. of 10928
the Revised Code. Money credited to the fund shall be used to pay 10929
the costs incurred by the department of agriculture in 10930
administering this chapter, including employing a minimum of two 10931
additional inspectors. 10932

Sec. 927.701. (A) As used in this section, "gypsy moth" means 10933
the live insect, Lymantria dispar, in any stage of development. 10934
10935

(B) The director of agriculture may establish a voluntary 10936
gypsy moth suppression program under which a landowner may request 10937
that the department of agriculture have the landowner's property 10938
aerially sprayed to suppress the presence of gypsy moths in 10939
exchange for payment from the landowner of a portion of the cost 10940
of the spraying. To determine the amount of payment that is due 10941
from a landowner, the department first shall determine the 10942
projected cost per acre to the department of gypsy moth 10943
suppression activities for the year in which the landowner's 10944
request is made. The cost shall be calculated by determining the 10945
total expense of aerial spraying for gypsy moths to be incurred by 10946
the department in that year divided by the total number of acres 10947
proposed to be sprayed in that year. With respect to a landowner, 10948
the department shall multiply the cost per acre by the number of 10949
acres that the landowner requests to be sprayed. The department 10950
shall add to that amount any administrative costs that it incurs 10951
in billing the landowner and collecting payment. The amount that 10952
the landowner shall pay to the department shall not exceed fifty 10953

per cent of the resulting amount. 10954

(C) The director shall adopt rules under Chapter 119. of the 10955
Revised Code to establish procedures under which a landowner may 10956
make a request under division (B) of this section and to establish 10957
provisions governing agreements between the department and 10958
landowners concerning gypsy moth suppression together with any 10959
other provisions that the director considers appropriate to 10960
administer this section. 10961

(D) The director shall deposit all money collected under this 10962
section into the state treasury to the credit of the pesticide 10963
program fund created in Chapter 921. of the Revised Code. Money 10964
credited to the fund under this section shall be used for the 10965
suppression of gypsy moths in accordance with this section. 10966

Sec. 929.01. As used in ~~Chapter 929. of the Revised Code~~ this 10967
chapter: 10968

(A) "Agricultural production" means commercial aquaculture, 10969
apiculture, animal husbandry, or poultry husbandry; the production 10970
for a commercial purpose of timber, field crops, tobacco, fruits, 10971
vegetables, nursery stock, ornamental shrubs, ornamental trees, 10972
flowers, or sod; the growth of timber for a noncommercial purpose, 10973
if the land on which the timber is grown is contiguous to or part 10974
of a parcel of land under common ownership that is otherwise 10975
devoted exclusively to agricultural use; or any combination of 10976
such husbandry, production, or growth; and includes the 10977
processing, drying, storage, and marketing of agricultural 10978
products when those activities are conducted in conjunction with 10979
such husbandry, production, or growth. 10980

"Agricultural production" includes conservation practices, 10981
provided that the tracts, lots, or parcels of land or portions 10982
thereof that are used for conservation practices comprise not more 10983
than twenty-five per cent of tracts, lots, or parcels of land that 10984

are otherwise devoted exclusively to agricultural use and for 10985
which an application is filed under section 929.02 of the Revised 10986
Code. 10987

(B) "Withdrawal from an agricultural district" includes the 10988
explicit removal of land from an agricultural district, conversion 10989
of land in an agricultural district to use for purposes other than 10990
agricultural production, and withdrawal of land from a land 10991
retirement or conservation program to use for ~~purposes~~ purposes 10992
other than agricultural production. Withdrawal from an 10993
agricultural district does not include land described in division 10994
(A)(4) of section 5713.30 of the Revised Code. 10995

(C) "Conservation practice" has the same meaning as in 10996
section 5713.30 of the Revised Code. 10997

Sec. 955.51. (A) Any owner of horses, sheep, cattle, swine, 10998
mules, goats, domestic rabbits, or domestic fowl or poultry that 10999
have an aggregate fair market value of ten dollars or more and 11000
that have been injured or killed by a coyote or a black vulture 11001
shall notify the dog warden within three days after the loss or 11002
injury has been discovered. The dog warden promptly shall 11003
investigate the loss or injury and shall determine whether or not 11004
the loss or injury was made by a coyote or a black vulture. If the 11005
dog warden finds that the loss or injury was not made by a coyote 11006
or a black vulture, the owner has no claim under sections 955.51 11007
to 955.53 of the Revised Code. If the dog warden finds that the 11008
loss or injury was made by a coyote or a black vulture, ~~he~~ the dog 11009
warden promptly shall notify the wildlife officer of that finding. 11010
The wildlife officer then shall confirm the finding, disaffirm it, 11011
or state that ~~he~~ the wildlife officer is uncertain about the 11012
finding. If the wildlife officer affirms the finding of the dog 11013
warden or states that ~~he~~ the wildlife officer is uncertain about 11014
that finding, the owner may proceed with ~~his~~ a claim under 11015

sections 955.51 to 955.53 of the Revised Code, and the dog warden 11016
shall provide the owner with duplicate copies of the claim form 11017
provided for in section 955.53 of the Revised Code and assist ~~him~~ 11018
the owner in filling it out. The owner shall set forth the kind, 11019
grade, quality, and what ~~he~~ the owner has determined is the fair 11020
market value of the animals, fowl, or poultry, the nature and 11021
amount of the loss or injury, the place where the loss or injury 11022
occurred, and all other pertinent facts in the possession of the 11023
claimant. If the animals, fowl, or poultry die as a result of 11024
their injuries, their fair market value is the market value of 11025
uninjured animals, fowl, or poultry on the date of the death of 11026
the injured animals, fowl, or poultry. If the animals, fowl, or 11027
poultry do not die as a result of their injuries, their fair 11028
market value is their market value on the date on which they 11029
received their injuries. 11030

(B) If the dog warden finds all the statements that the owner 11031
made on the form to be correct and agrees with the owner as to the 11032
fair market value of the animals, fowl, or poultry, ~~he~~ the dog 11033
warden promptly shall so certify and send both copies of the form, 11034
together with whatever other documents, testimony, or information 11035
~~he~~ the dog warden has received relating to the loss or injury, to 11036
the department of agriculture. 11037

(C) If the dog warden does not find all the statements to be 11038
correct or does not agree with the owner as to the fair market 11039
value, the owner may appeal to the department of agriculture for a 11040
determination of ~~his~~ the owner's claim. In that case the owner 11041
shall secure statements as to the nature and amount of the loss or 11042
injury from at least two witnesses who viewed the results of the 11043
killing or injury and who can testify about the results and shall 11044
submit both copies of the form to the department no later than 11045
twenty days after the loss or injury was discovered. The dog 11046
warden shall submit to the department whatever documents, 11047

testimony, and other information ~~he~~ the dog warden has received 11048
relating to the loss or injury. The department shall receive any 11049
other information or testimony that will enable it to determine 11050
the fair market value of the animals, fowl, or poultry injured or 11051
killed. 11052

(D) If the animals, fowl, or poultry described in division 11053
(A) of this section are registered in any accepted association or 11054
registry, the owner or ~~his~~ the owner's employee or tenant shall 11055
submit with the claim form the registration papers showing the 11056
lines of breeding, age, and other relevant matters. If the animals 11057
are the offspring of registered stock and eligible for 11058
registration, the registration papers showing the breeding of the 11059
offspring shall be submitted. 11060

Sec. 1309.109. (A) Except as otherwise provided in divisions 11061
(C) and (D) of this section, this chapter applies to the 11062
following: 11063

(1) A transaction, regardless of its form, that creates a 11064
security interest in personal property or fixtures by contract; 11065

(2) An agricultural lien; 11066

(3) A sale of accounts, chattel paper, payment intangibles, 11067
or promissory notes; 11068

(4) A consignment; 11069

(5) A security interest arising under section 1302.42 or 11070
1302.49, division (C) of section 1302.85, or division (E) of 11071
section 1310.54 of the Revised Code, as provided in section 11072
1309.110 of the Revised Code; and 11073

(6) A security interest arising under section 1304.20 or 11074
1305.18 of the Revised Code. 11075

(B) The application of this chapter to a security interest in 11076
a secured obligation is not affected by the fact that the 11077

obligation is itself secured by a transaction or interest to which 11078
this chapter does not apply. 11079

(C) This chapter does not apply to the extent that: 11080

(1) A statute, regulation, or treaty of the United States 11081
preempts this chapter; or 11082

(2) The rights of a transferee beneficiary or nominated 11083
person under a letter of credit are independent and superior under 11084
section 1305.13 of the Revised Code. 11085

(D) This chapter does not apply to the following: 11086

(1) A landlord's lien, other than an agricultural lien; 11087

(2)(a) A lien, not enumerated in division (D)(2) of this 11088
section and other than an agricultural lien, given by statute or 11089
other rule of law for services or materials, including any lien 11090
created under any provision of Chapter 926., sections 1311.55 to 11091
1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter 11092
4585. of the Revised Code; 11093

(b) Notwithstanding division (D)(2)(a) of this section, 11094
section 1309.333 of the Revised Code applies with respect to 11095
priority of the lien. 11096

(3) An assignment of a claim for wages, salary, or other 11097
compensation of an employee; 11098

(4) A sale of accounts, chattel paper, payment intangibles, 11099
or promissory notes as part of a sale of the business out of which 11100
they arose; 11101

(5) An assignment of accounts, chattel paper, payment 11102
intangibles, or promissory notes that is for the purpose of 11103
collection only; 11104

(6) An assignment of a right to payment under a contract to 11105
an assignee that is also obligated to perform under the contract; 11106

| | |
|---|--|
| (7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness; | 11107 11108 11109 |
| (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; | 11110 11111 11112 11113 11114 11115 |
| (9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral; | 11116 11117 |
| (10) A right of recoupment or set-off, but: | 11118 |
| (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 | 11119 11120 11121 |
| (b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor. | 11122 11123 |
| (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: | 11124 11125 11126 |
| (a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code; | 11127 11128 |
| (b) Fixtures in section 1309.334 of the Revised Code; | 11129 |
| (c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 1309.516, and 1309.519 of the Revised Code; and | 11130 11131 |
| (d) Security agreements covering personal and real property in section 1309.604 of the Revised Code. | 11132 11133 |
| (12) An assignment of a claim arising in tort, other than a commercial tort claim, but sections 1309.315 and 1309.322 of the | 11134 11135 |

Revised Code apply with respect to proceeds and priorities in 11136
proceeds; 11137

(13) An assignment of a deposit account in a consumer 11138
transaction, but sections 1309.315 and 1309.322 of the Revised 11139
Code apply with respect to proceeds and priorities in proceeds; or 11140

(14) A transfer by a government, state, or governmental unit. 11141

(E) The granting of a security interest in all or any part of 11142
a lottery prize award for consideration is subject to the 11143
prohibition of division ~~(A)(3)(C)~~ of section 3770.07 of the 11144
Revised Code. The sale, assignment, or other redirection of a 11145
lottery prize award for consideration is subject to the provisions 11146
of division ~~(A)(4)(D)~~ of section 3770.07 and sections 3770.10 to 11147
3770.14 of the Revised Code. 11148

Sec. 1317.07. No retail installment contract authorized by 11149
section 1317.03 of the Revised Code that is executed in connection 11150
with any retail installment sale shall evidence any indebtedness 11151
in excess of the time balance fixed in the written instrument in 11152
compliance with section 1317.04 of the Revised Code, but it may 11153
evidence in addition any agreements of the parties for the payment 11154
of delinquent charges, as provided for in section 1317.06 of the 11155
Revised Code, taxes, and any lawful fee actually paid out, or to 11156
be paid out, by the retail seller to any public officer for 11157
filing, recording, or releasing any instrument securing the 11158
payment of the obligation owed on any retail installment contract. 11159
No retail seller, directly or indirectly, shall charge, contract 11160
for, or receive from any retail buyer, any further or other amount 11161
for examination, service, brokerage, commission, expense, fee, or 11162
other thing of value. A documentary service charge customarily and 11163
presently being paid on May 9, 1949, in a particular business and 11164
area may be charged if the charge does not exceed ~~fifty one~~ 11165
hundred dollars per sale. 11166

No retail seller shall use multiple agreements with respect 11167
to a single item or related items purchased at the same time, with 11168
intent to obtain a higher charge than would otherwise be permitted 11169
by Chapter 1317. of the Revised Code or to avoid disclosure of an 11170
annual percentage rate, nor by use of such agreements make any 11171
charge greater than that which would be permitted by Chapter 1317. 11172
of the Revised Code had a single agreement been used. 11173

Sec. 1321.21. All fees, charges, penalties, and forfeitures 11174
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 11175
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 11176
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 11177
the superintendent of financial institutions and shall be 11178
deposited by the superintendent into the state treasury to the 11179
credit of the consumer finance fund, which is hereby created. The 11180
fund may be expended or obligated by the superintendent for the 11181
defrayment of the costs of administration of Chapters 1321., 11182
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 11183
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 11184
the Revised Code by the division of financial institutions. All 11185
actual and necessary expenses incurred by the superintendent, 11186
including any services rendered by the department of commerce for 11187
the division's administration of Chapters 1321., 1322., 4712., 11188
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 11189
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 11190
Code, shall be paid from the fund. The fund shall be assessed a 11191
proportionate share of the administrative costs of the department 11192
and the division. The proportionate share of the administrative 11193
costs of the division of financial institutions shall be 11194
determined in accordance with procedures prescribed by the 11195
superintendent and approved by the director of budget and 11196
management. Such assessment shall be paid from the consumer 11197
finance fund to the division of administration fund or the 11198

financial institutions fund. 11199

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 11200
1333.04 of the Revised Code is guilty of a minor misdemeanor. 11201

(B) Whoever violates section 1333.12 of the Revised Code is 11202
guilty of a misdemeanor of the fourth degree. 11203

(C) Whoever violates section 1333.36 of the Revised Code is 11204
guilty of a misdemeanor of the third degree. 11205

(D) A prosecuting attorney may file an action to restrain any 11206
person found in violation of section 1333.36 of the Revised Code. 11207
Upon the filing of such an action, the common pleas court may 11208
receive evidence of such violation and forthwith grant a temporary 11209
restraining order as may be prayed for, pending a hearing on the 11210
merits of said cause. 11211

(E) Whoever violates division (A)(1) of section 1333.52 or 11212
section 1333.81 of the Revised Code is guilty of a misdemeanor of 11213
the first degree. 11214

(F) Whoever violates division (A)(2) or (B) of section 11215
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 11216
Code is guilty of a misdemeanor of the second degree. 11217

(G) Except as otherwise provided in this division, whoever 11218
violates section 1333.92 of the Revised Code is guilty of a 11219
misdemeanor of the first degree. If the value of the compensation 11220
is five hundred dollars or more and less than five thousand 11221
dollars, whoever violates section 1333.92 of the Revised Code is 11222
guilty of a felony of the fifth degree. If the value of the 11223
compensation is five thousand dollars or more and less than one 11224
hundred thousand dollars, whoever violates section 1333.92 of the 11225
Revised Code is guilty of a felony of the fourth degree. If the 11226
value of the compensation is one hundred thousand dollars or more, 11227
whoever violates section 1333.92 of the Revised Code is guilty of 11228

a felony of the third degree. 11229

~~(H) Whoever violates division (B), (C), or (I) of section 1333.96 of the Revised Code is guilty of a misdemeanor of the third degree.~~ 11230
11231
11232

~~(I) Any person not registered as a travel agency or tour promoter as provided in divisions (B) and (C) of section 1333.96 of the Revised Code who states that the person is so registered is guilty of a misdemeanor of the first degree.~~ 11233
11234
11235
11236

Sec. 1346.04. As used in this section and sections 1346.05 to 1346.10 of the Revised Code: 11237
11238

(A) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s." "Brand family" includes cigarettes sold under any brand name (whether that name is used alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or other indicia of product identification identical or similar to, or identifiable with, a previous brand of cigarettes. 11239
11240
11241
11242
11243
11244
11245
11246
11247

(B) "Cigarette," "Master Settlement Agreement," "qualified escrow fund," "tobacco product manufacturer," and "units sold" have the same meanings as in section 1346.01 of the Revised Code. 11248
11249
11250

(C) "Nonparticipating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer. 11251
11252

(D) "Participating manufacturer" means a participating manufacturer as that term is defined in section II(jj) of the Master Settlement Agreement. 11253
11254
11255

(E) "Stamping agent" means a person who is authorized to affix tax stamps to packages or other containers of cigarettes under section 5743.03 of the Revised Code or a person who is 11256
11257
11258

required to pay the excise tax imposed on cigarettes and other 11259
tobacco products under sections 5743.03 and 5743.51 of the Revised 11260
Code. 11261

Sec. 1346.05. (A)(1) Every tobacco product manufacturer whose 11262
cigarettes are sold in this state either directly or through a 11263
distributor, retailer, or other intermediary shall execute and 11264
deliver to the attorney general an annual certification, made 11265
under penalty of falsification, stating that, as of the date of 11266
the certification, the tobacco manufacturer is either a 11267
participating manufacturer or a nonparticipating manufacturer in 11268
full compliance with section 1346.02 of the Revised Code, 11269
including full compliance with all quarterly installment payment 11270
requirements, if required to make such payments by an 11271
administrative rule adopted by the attorney general. The 11272
certification shall be on a form prescribed by the attorney 11273
general and shall be filed not later than the thirtieth day of 11274
April in each year. 11275

(2) Each participating manufacturer shall include in its 11276
certification a list of its brand families. Thirty days before 11277
making any additions to or modifications of its brand families, a 11278
participating manufacturer shall update its brand family list by 11279
executing and delivering a supplemental certification to the 11280
attorney general. 11281

(3) Each nonparticipating manufacturer shall include all of 11282
the following in its certification: 11283

(a) A list of all of its brand families and the number of 11284
units sold during the preceding calendar year for each brand 11285
family, and a list of all of its brand families that have been 11286
sold in the state at any time during the current calendar year. 11287
The list shall indicate, by an asterisk, any brand family that was 11288
sold in the state during the preceding calendar year and that is 11289

no longer being sold in the state as of the date of the 11290
certification. The list shall identify by name and address any 11291
other manufacturer in the preceding or current year of the brand 11292
families included on the list. Thirty days before making any 11293
additions to or modifications of its brand families, a 11294
nonparticipating manufacturer shall update its brand family list 11295
by executing and delivering a supplemental certification to the 11296
attorney general. 11297

(b) A statement that the nonparticipating manufacturer is 11298
registered to do business in this state, or has appointed an agent 11299
for service of process in this state and provided notice of that 11300
appointment as required by section 1346.06 of the Revised Code; 11301

(c) A certification that the nonparticipating manufacturer 11302
has established and continues to maintain a qualified escrow fund 11303
under section 1346.02 of the Revised Code and that the qualified 11304
escrow fund is governed by a qualified escrow agreement executed 11305
by the nonparticipating manufacturer and reviewed and approved by 11306
the attorney general; 11307

(d) All of the following information regarding the qualified 11308
escrow fund the nonparticipating manufacturer is required to 11309
establish and maintain under section 1346.02 of the Revised Code 11310
and the rules adopted under that section: 11311

(i) The name, address, and telephone number of the financial 11312
institution at which the nonparticipating manufacturer has 11313
established its qualified escrow fund; 11314

(ii) The account number of the qualified escrow fund and any 11315
subaccount number for the state; 11316

(iii) The amount that the nonparticipating manufacturer 11317
deposited in the qualified escrow fund for cigarettes sold in the 11318
state during the preceding calendar year, the date and amount of 11319
each deposit, and any evidence or verification the attorney 11320

general deems necessary to confirm those deposits; 11321

(iv) The amount and date of any withdrawal or transfer of funds the nonparticipating manufacturer made at any time from any qualified escrow fund into which it ever made payments under section 1346.02 of the Revised Code and the rules adopted under that section. 11322
11323
11324
11325
11326

(e) A statement that the nonparticipating manufacturer is in full compliance with this section and sections 1346.02, 1346.06, and 1346.07 of the Revised Code and any rules adopted under those sections. 11327
11328
11329
11330

(4)(a) No tobacco product manufacturer shall include a brand family in its certification unless either of the following applies: 11331
11332
11333

(i) In the case of a participating manufacturer, the participating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose of calculating its payments under the Master Settlement Agreement for the relevant year in the volume and shares determined pursuant to that agreement. 11334
11335
11336
11337
11338
11339

(ii) In the case of a nonparticipating manufacturer, the nonparticipating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose of section 1346.02 of the Revised Code. 11340
11341
11342
11343

(b) Nothing in this section limits or shall be construed to limit the state's authority to determine that the cigarettes in a brand family constitute the cigarettes of another tobacco product manufacturer for the purpose of calculating payments under the Master Settlement Agreement or for the purpose of section 1346.02 of the Revised Code. 11344
11345
11346
11347
11348
11349

(5) Each tobacco product manufacturer shall maintain all invoices and documentations of sales and other information relied 11350
11351

upon for its certification for a period of at least five years. 11352

(B)(1) Except as otherwise provided in division (B)(3) of 11353
this section, the attorney general shall develop and publish on 11354
its web site a directory listing all tobacco product manufacturers 11355
that have provided current and accurate certifications under 11356
division (A) of this section and all brand families listed in 11357
those certifications. 11358

(2)(a) The attorney general shall update the directory as 11359
necessary to correct mistakes or to add or remove a tobacco 11360
product manufacturer or brand family to keep the directory in 11361
conformity with the requirements of this section. At least ten 11362
days before any tobacco product manufacturer or brand family is 11363
added to or removed from the directory, the attorney general shall 11364
publish notice of the pending addition or removal online in the 11365
directory and shall notify the tax commissioner of those pending 11366
changes. At least ten days before such addition or removal, the 11367
tax commissioner shall transmit by electronic mail or other 11368
practicable means to each stamping agent notice of the pending 11369
addition or removal. 11370

(b) Unless an agreement between a stamping agent and a 11371
tobacco product manufacturer provides otherwise, a tobacco product 11372
manufacturer that is removed from the directory or whose brand 11373
family is removed from the directory shall refund to the stamping 11374
agent any money paid by the stamping agent to the tobacco product 11375
manufacturer for cigarettes of that tobacco product manufacturer 11376
that are in the possession of the stamping agent at the time the 11377
stamping agent receives notice of the pending removal of the 11378
tobacco product manufacturer or a brand family of that tobacco 11379
product manufacturer from the directory under division (B)(2)(a) 11380
of this section. 11381

(c) The tax commissioner shall notify the attorney general of 11382
any tobacco product manufacturer that fails to refund money to a 11383

stamping agent under division (B)(2)(b) of this section. The 11384
attorney general shall not restore to the directory any tobacco 11385
product manufacturer or brand family of a tobacco product 11386
manufacturer until the tobacco product manufacturer has paid the 11387
stamping agent any required refund. Once a required refund has 11388
been so paid, the tax commissioner shall notify the attorney 11389
general of that payment. 11390

(3) The attorney general shall not include or retain in the 11391
directory a nonparticipating manufacturer or a brand family of a 11392
nonparticipating manufacturer if any of the following applies: 11393

(a) The nonparticipating manufacturer fails to provide the 11394
required certification under this section, or the attorney general 11395
determines that the certification is not in compliance with the 11396
requirements of this section, unless the attorney general 11397
determines that the violation has been cured to the attorney 11398
general's satisfaction. 11399

(b) The attorney general determines that any escrow payment 11400
required under section 1346.02 of the Revised Code for any period 11401
for any brand family of the nonparticipating manufacturer, 11402
regardless of whether the brand family is listed by the 11403
nonparticipating manufacturer in its certification under this 11404
section, has not been fully paid into a qualified escrow fund 11405
governed by a qualified escrow agreement that has been approved by 11406
the attorney general. 11407

(c) The attorney general determines that the nonparticipating 11408
manufacturer has not fully satisfied any outstanding final 11409
judgment, including interest, for a violation of section 1346.02 11410
of the Revised Code. 11411

(4) Each stamping agent shall provide an electronic mail 11412
address to the tax commissioner for the purpose of receiving 11413
notifications under division (B)(2) of this section. As necessary, 11414

each stamping agent shall update the agent's electronic mail address with the tax commissioner. 11415
11416

(C)(1) No person shall do any of the following: 11417

(a) Affix a tax stamp to a package or other container of cigarettes of a tobacco product manufacturer or a brand family that is not included in the directory; 11418
11419
11420

(b) Sell, offer for sale, or possess for sale in this state cigarettes of a tobacco product manufacturer or a brand family that is not included in the directory; 11421
11422
11423

(c) Sell or distribute cigarettes that have had a tax stamp affixed while the tobacco product manufacturer or brand family of those cigarettes was not included in the directory; 11424
11425
11426

(d) Acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in this state and that have had a tax stamp affixed while the tobacco product manufacturer or brand family of those cigarettes was not included in the directory; 11427
11428
11429
11430
11431
11432

(e) Acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in this state and that are the cigarettes of a tobacco product manufacturer or a brand family that is not included in the directory. 11433
11434
11435
11436
11437

(2) Except as otherwise provided in this division, a violation of division (C)(1) of this section is a misdemeanor of the first degree. If the offender has a previous conviction for a violation of that division, a violation of division (C)(1) of this section is a felony of the fourth degree. 11438
11439
11440
11441
11442

(3) Any cigarettes sold, offered for sale, or possessed for sale in violation of division (C)(1) of this section shall be 11443
11444

considered contraband under section 5743.21 of the Revised Code, 11445
and those cigarettes shall be subject to seizure and forfeiture 11446
under that section. Cigarettes so seized and forfeited shall not 11447
be resold and shall be destroyed. 11448

Sec. 1346.06. (A)(1) Any nonresident or foreign 11449
nonparticipating manufacturer that has not registered to do 11450
business in the state as a foreign corporation or business entity, 11451
as a condition precedent to having its brand families included or 11452
retained in the directory developed and published by the attorney 11453
general under section 1346.05 of the Revised Code, shall appoint, 11454
and continually engage without interruption the services of, an 11455
agent in the state to act as agent for the service, in any manner 11456
authorized by law, of all process pertaining to any action or 11457
proceeding in the courts of this state against the manufacturer 11458
concerning or arising out of the enforcement of this chapter. 11459

(2) Service on a nonparticipating manufacturer's agent shall 11460
constitute legal and valid service of process on the manufacturer. 11461

(3) A nonparticipating manufacturer shall provide the 11462
attorney general, to the satisfaction of the attorney general, 11463
with proof of the appointment of, and notice of the name, address, 11464
telephone number, and availability of, the manufacturer's agent. 11465

(B)(1) If a nonparticipating manufacturer decides to 11466
terminate its agent's appointment, the manufacturer shall provide 11467
notice of the termination to the attorney general thirty calendar 11468
days prior to the termination and shall provide proof, to the 11469
satisfaction of the attorney general, of the appointment of a new 11470
agent not less than five calendar days prior to the termination. 11471

(2) If a nonparticipating manufacturer's agent terminates the 11472
agent's appointment, the manufacturer shall provide notice of the 11473
termination to the attorney general and include proof, to the 11474
satisfaction of the attorney general, of the appointment of a new 11475

agent within five calendar days of the termination. 11476

(C)(1) Any nonparticipating manufacturer whose cigarettes are 11477
sold in the state and who has not appointed and continually 11478
engaged an agent in accordance with divisions (A) and (B) of this 11479
section shall be deemed to have appointed the secretary of state 11480
as the manufacturer's agent and may be proceeded against in any 11481
action or proceeding in the courts of the state described in 11482
division (A) of this section by service of process on the 11483
secretary of state. 11484

(2) The deemed appointment of the secretary of state as a 11485
nonparticipating manufacturer's agent does not satisfy the 11486
requirements of divisions (A)(3)(b) and (B)(1) of section 1346.05 11487
of the Revised Code that a nonparticipating manufacturer that has 11488
not registered to do business in the state shall appoint an agent 11489
for service of process as a condition precedent to the existence 11490
of an accurate certification permitting the manufacturer's brand 11491
families to be included or retained in the directory. 11492

Sec. 1346.07. (A) Not later than the last day of each month 11493
or less frequently if so directed by the tax commissioner, each 11494
stamping agent shall submit information for the previous month or 11495
for the relevant time period, if directed by the tax commissioner 11496
to make the submission less frequently, which the tax commissioner 11497
requires to facilitate compliance with sections 1346.05 to 1346.10 11498
of the Revised Code. The information shall include, but is not 11499
limited to, a list by brand family of the total number of 11500
cigarettes, or, in the case of roll-your-own, the equivalent stick 11501
count, for which the stamping agent during the previous calendar 11502
quarter affixed stamps or otherwise paid the tax due. 11503

The stamping agent shall maintain and make available to the 11504
tax commissioner all invoices and documentations of sales of all 11505
nonparticipating manufacturer cigarettes and any other information 11506

the agent relies upon in submitting information under this 11507
division to the tax commissioner. This duty shall be for a period 11508
of five years from the date of each submission of information 11509
under this division. 11510

(B) The attorney general at any time may require a 11511
nonparticipating manufacturer to provide proof, from the financial 11512
institution in which the manufacturer has established a qualified 11513
escrow fund under section 1346.02 of the Revised Code, of the 11514
amount of money in the fund, exclusive of interest, the amount and 11515
date of each deposit in the fund, and the amount and date of each 11516
withdrawal from the fund. 11517

(C) In addition to the information required to be submitted 11518
or provided to the tax commissioner and the attorney general under 11519
divisions (A) and (B) of this section, the attorney general may 11520
require a stamping agent or tobacco product manufacturer to submit 11521
any additional information necessary to enable the attorney 11522
general to determine whether a manufacturer is in compliance with 11523
sections 1346.05 to 1346.10 of the Revised Code. The information 11524
shall include, but is not limited to, samples of the packaging or 11525
labeling of each brand family. 11526

(D) The tax commissioner and the attorney general shall share 11527
information received under sections 1346.05 to 1346.10 of the 11528
Revised Code for purposes of determining compliance with and 11529
enforcement of those sections. The tax commissioner and the 11530
attorney general also may share information received under these 11531
sections with federal, state, or local agencies for purposes of 11532
the enforcement of this chapter or corresponding laws of other 11533
states. 11534

Sec. 1346.08. (A) The tax commissioner and the attorney 11535
general may adopt administrative rules necessary to implement 11536
sections 1346.05 to 1346.10 of the Revised Code. 11537

(B) Subject to the requirements of section 1346.05 of the Revised Code, the attorney general may adopt an administrative rule requiring a tobacco product manufacturer to make required escrow deposits in quarterly installments during the year in which the sales covered by the deposits are made. If the attorney general adopts such a rule, the tax commissioner may require a tobacco product manufacturer to produce information sufficient to enable the tax commissioner and the attorney general to determine the adequacy of the amount of an installment deposit. 11538
11539
11540
11541
11542
11543
11544
11545
11546

Sec. 1346.09. (A) The attorney general, on behalf of the tax commissioner, may seek an injunction to restrain a threatened or actual violation of division (C)(1) of section 1346.05 of the Revised Code or division (A) or (C) of section 1346.07 of the Revised Code by a stamping agent and to compel the stamping agent to comply with those divisions. 11547
11548
11549
11550
11551
11552

(B) In any action brought by the state to enforce sections 1346.05 to 1346.10 of the Revised Code, the state shall be entitled to recover the costs of the investigation, expert witness fees, court costs, and reasonable attorney's fees. 11553
11554
11555
11556

(C) If a court determines that a person has violated any prohibition or other provision of sections 1346.05 to 1346.10 of the Revised Code, the court shall order that the person's profits, gain, gross receipts, or other benefit from the violation be disgorged and paid to the general revenue fund of the state. 11557
11558
11559
11560
11561

(D) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of the state. 11562
11563
11564
11565

Sec. 1346.10. (A) In lieu of or in addition to any other remedy provided by law, upon a determination that a stamping agent 11566
11567

has violated division (C)(1) of section 1346.05 of the Revised Code or any administrative rule adopted under sections 1346.05 to 1346.10 of the Revised Code, the tax commissioner may revoke the license of the stamping agent in the manner provided by section 5743.18 of the Revised Code. 11568
11569
11570
11571
11572

(B) For each violation of division (C)(1) of section 1346.05 of the Revised Code, in addition to any other penalty provided by law, the tax commissioner may impose a fine in an amount not to exceed the greater of five hundred per cent of the retail value of the cigarettes involved or five thousand dollars. The fine shall be imposed in the manner provided by section 5743.081 of the Revised Code. 11573
11574
11575
11576
11577
11578
11579

For the purpose of this division, each stamp affixed to a package of cigarettes and each sale or offer for sale of cigarettes in violation of division (C)(1) of section 1346.05 of the Revised Code shall constitute a separate violation. 11580
11581
11582
11583

Sec. 1501.04. There is hereby created in the department of natural resources a recreation and resources commission composed of the ~~chairman~~ chairperson of the wildlife council created under section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of the parks and recreation council created under section 1541.40 of the Revised Code, the ~~chairman~~ chairperson of the waterways safety council created under section 1547.73 of the Revised Code, the ~~chairman~~ chairperson of the technical advisory council on oil and gas created under section 1509.38 of the Revised Code, the chairman of the forestry advisory council created under section 1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio soil and water conservation commission created under section 1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio natural areas council created under section 1517.03 of the Revised Code, the ~~chairman~~ chairperson of the Ohio water advisory council 11584
11585
11586
11587
11588
11589
11590
11591
11592
11593
11594
11595
11596
11597
11598

created under section 1521.031 of the Revised Code, the 11599
chairperson of the recycling and litter prevention advisory 11600
council created under section 1502.04 of the Revised Code, ~~the~~ 11601
~~chairperson of the civilian conservation advisory council created~~ 11602
~~under section 1553.10 of the Revised Code, the chairman~~ 11603
chairperson of the Ohio geology advisory council created under 11604
section 1505.11 of the Revised Code, and five members appointed by 11605
the governor with the advice and consent of the senate, not more 11606
than three of whom shall belong to the same political party. The 11607
director of natural resources shall be an ex officio member of the 11608
commission, with a voice in its deliberations, but without the 11609
power to vote. 11610

Terms of office of members of the commission appointed by the 11611
governor shall be for five years, commencing on the second day of 11612
February and ending on the first day of February. Each member 11613
shall hold office from the date of ~~his~~ appointment until the end 11614
of the term for which ~~he~~ the member was appointed. 11615

In the event of the death, removal, resignation, or 11616
incapacity of a member of the commission, the governor, with the 11617
advice and consent of the senate, shall appoint a successor who 11618
shall hold office for the remainder of the term for which ~~his~~ the 11619
member's predecessor was appointed. Any member shall continue in 11620
office subsequent to the expiration date of ~~his~~ the member's term 11621
until ~~his~~ the member's successor takes office, or until a period 11622
of sixty days has elapsed, whichever occurs first. 11623

The governor may remove any appointed member of the 11624
commission for misfeasance, nonfeasance, or malfeasance in office. 11625

The commission shall exercise no administrative function, but 11626
may: 11627

(A) Advise with and recommend to the director ~~of natural~~ 11628
~~resources~~ as to plans and programs for the management, 11629

development, utilization, and conservation of the natural 11630
resources of the state; 11631

(B) Advise with and recommend to the director as to methods 11632
of coordinating the work of the divisions of the department; 11633

(C) Consider and make recommendations upon any matter ~~which~~ 11634
that the director may submit to it; 11635

(D) Submit to the governor biennially recommendations for 11636
amendments to the conservation laws of the state. 11637

~~Before~~ Each member of the commission, before entering upon 11638
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 11639
~~commission~~ shall take and subscribe to an oath of office, which 11640
oath, in writing, shall be filed in the office of the secretary of 11641
state. 11642

The members of the commission shall serve without 11643
compensation, but shall be entitled to receive their actual and 11644
necessary expenses incurred in the performance of their official 11645
duties. 11646

The commission, by a majority vote of all its members, shall 11647
adopt and amend bylaws. 11648

To be eligible for appointment, a person shall be a citizen 11649
of the United States and an elector of the state and shall possess 11650
a knowledge of and have an interest in the natural resources of 11651
this state. 11652

The commission shall hold at least four regular quarterly 11653
meetings each year. Special meetings shall be held at such times 11654
as the bylaws of the commission provide. Notices of all meetings 11655
shall be given in such manner as the bylaws provide. The 11656
commission shall choose annually from among its members a ~~chairman~~ 11657
chairperson to preside over its meetings and a secretary to keep a 11658
record of its proceedings. A majority of the members of the 11659

commission constitutes a quorum. No advice shall be given or 11660
recommendation made without a majority of the members of the 11661
commission concurring therein. 11662

Sec. 1501.25. (A) There is hereby created the Muskingum river 11663
advisory council consisting of the following members: 11664

(1) Two members of the house of representatives, one from 11665
each party to be appointed by the speaker of the house of 11666
representatives after conferring with the minority leader of the 11667
house, and two members of the senate, one from each party to be 11668
appointed by the president of the senate after conferring with the 11669
minority leader of the senate; 11670

(2) Four persons interested in the development of 11671
recreational and commercial uses of the Muskingum river, to be 11672
appointed by the governor; 11673

(3) Two representatives of the department of natural 11674
resources to be appointed by the director of natural resources, 11675
one representative of the department of development to be 11676
appointed by the director of development, one representative of 11677
the environmental protection agency to be appointed by the 11678
director of environmental protection, one representative of the 11679
department of transportation to be appointed by the director of 11680
transportation, and one representative of the Ohio historical 11681
society to be appointed by the director of the society; 11682

(4) Twelve persons to be appointed from the four counties 11683
through which the Muskingum river flows, who shall be appointed in 11684
the following manner. The board of county commissioners of 11685
Coshocton county shall appoint two members, and the mayor of the 11686
city of Coshocton shall appoint one member. The board of county 11687
commissioners of Muskingum county shall appoint two members, and 11688
the mayor of the city of Zanesville shall appoint one member. The 11689
board of county commissioners of Morgan county shall appoint two 11690

members, and the mayor of the city of McConelsville shall appoint 11691
one member. The board of county commissioners of Washington county 11692
shall appoint two members, and the mayor of the city of Marietta 11693
shall appoint one member. 11694

(5) One member representing the Muskingum watershed 11695
conservancy district, to be appointed by the board of directors of 11696
the district. 11697

Members shall serve at the pleasure of their appointing 11698
authority. Vacancies shall be filled in the manner of the original 11699
appointment. 11700

The council biennially shall elect from among its members a 11701
chairperson and a vice-chairperson. One of the representatives of 11702
the department of natural resources shall serve as secretary of 11703
the council unless a majority of the members elect another member 11704
to that position. The council shall meet at least once each year 11705
for the purpose of taking testimony from residents of the 11706
Muskingum river area, users of the river and adjacent lands, and 11707
the general public and may hold additional meetings at the call of 11708
the chairperson. 11709

The chairperson may appoint members of the council and other 11710
persons to committees and study groups as needed. 11711

The council shall submit an annual report to the general 11712
assembly, the governor, and the director of natural resources. The 11713
report shall include, without limitation, a description of the 11714
conditions of the Muskingum river area, a discussion of the 11715
council's activities, any recommendations for actions by the 11716
general assembly or any state agency that the council determines 11717
are needed, and estimates of the costs of those recommendations. 11718

The department of natural resources shall provide staff 11719
assistance to the council as needed. 11720

(B) The council may do any of the following: 11721

(1) Provide coordination among political subdivisions, state agencies, and federal agencies involved in dredging, debris removal or disposal, and recreational, commercial, tourism, and economic development; 11722
11723
11724
11725

(2) Provide aid to civic groups and individuals who want to make improvements to the Muskingum river if the council determines that the improvements would be beneficial to the residents of the area and to the state; 11726
11727
11728
11729

(3) Provide information and planning aid to state and local agencies responsible for historic, commercial, and recreational development of the Muskingum river area, including, without limitation, suggestions as to priorities for pending Muskingum river projects of the department of natural resources; 11730
11731
11732
11733
11734

(4) Provide updated information to the United States army corps of engineers, the department of natural resources, and the Muskingum conservancy district established under Chapter 6101. of the Revised Code concerning potential hazards to flood control or navigation, erosion problems, debris accumulation, and deterioration of locks or dams. 11735
11736
11737
11738
11739
11740

Sec. 1503.05. (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state. 11741
11742
11743
11744
11745
11746

(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount equal to 11747
11748
11749
11750
11751

twenty-five per cent of the highest value cutting section. All 11752
bonds shall be given in a form prescribed by the chief and shall 11753
run to the state as obligee. 11754

The chief shall not approve any bond until it is personally 11755
signed and acknowledged by both principal and surety, or as to 11756
either by the attorney in fact thereof, with a certified copy of 11757
the power of attorney attached. The chief shall not approve the 11758
bond unless there is attached a certificate of the superintendent 11759
of insurance that the company is authorized to transact a fidelity 11760
and surety business in this state. 11761

In lieu of a bond, the bidder may deposit any of the 11762
following: 11763

(1) Cash in an amount equal to the amount of the bond; 11764

(2) United States government securities having a par value 11765
equal to or greater than the amount of the bond; 11766

(3) Negotiable certificates of deposit or irrevocable letters 11767
of credit issued by any bank organized or transacting business in 11768
this state having a par value equal to or greater than the amount 11769
of the bond. 11770

The cash or securities shall be deposited on the same terms 11771
as bonds. If one or more certificates of deposit are deposited in 11772
lieu of a bond, the chief shall require the bank that issued any 11773
of the certificates to pledge securities of the aggregate market 11774
value equal to the amount of the certificate or certificates that 11775
is in excess of the amount insured by the federal deposit 11776
insurance corporation. The securities to be pledged shall be those 11777
designated as eligible under section 135.18 of the Revised Code. 11778
The securities shall be security for the repayment of the 11779
certificate or certificates of deposit. 11780

Immediately upon a deposit of cash, securities, certificates 11781
of deposit, or letters of credit, the chief shall deliver them to 11782

the treasurer of state, who shall hold them in trust for the 11783
purposes for which they have been deposited. The treasurer of 11784
state is responsible for the safekeeping of the deposits. A bidder 11785
making a deposit of cash, securities, certificates of deposit, or 11786
letters of credit may withdraw and receive from the treasurer of 11787
state, on the written order of the chief, all or any portion of 11788
the cash, securities, certificates of deposit, or letters of 11789
credit upon depositing with the treasurer of state cash, other 11790
United States government securities, or other negotiable 11791
certificates of deposit or irrevocable letters of credit issued by 11792
any bank organized or transacting business in this state, equal in 11793
par value to the par value of the cash, securities, certificates 11794
of deposit, or letters of credit withdrawn. 11795

A bidder may demand and receive from the treasurer of state 11796
all interest or other income from any such securities or 11797
certificates as it becomes due. If securities so deposited with 11798
and in the possession of the treasurer of state mature or are 11799
called for payment by their issuer, the treasurer of state, at the 11800
request of the bidder who deposited them, shall convert the 11801
proceeds of the redemption or payment of the securities into other 11802
United States government securities, negotiable certificates of 11803
deposit, or cash as the bidder designates. 11804

When the chief finds that a person or governmental agency has 11805
failed to comply with the conditions of the person's or 11806
governmental agency's bond, the chief shall make a finding of that 11807
fact and declare the bond, cash, securities, certificates, or 11808
letters of credit forfeited. The chief thereupon shall certify the 11809
total forfeiture to the attorney general, who shall proceed to 11810
collect the amount of the bond, cash, securities, certificates, or 11811
letters of credit. 11812

In lieu of total forfeiture, the surety, at its option, may 11813
cause the timber sale to be completed or pay to the treasurer of 11814

state the cost thereof. 11815

All moneys collected as a result of forfeitures of bonds, 11816
cash, securities, certificates, and letters of credit under this 11817
section shall be credited to the state forest fund created in this 11818
section. 11819

(C) The chief may grant easements and leases on portions of 11820
the state forest lands and state forest nurseries under terms that 11821
are advantageous to the state, and the chief may grant mineral 11822
rights on a royalty basis on those lands and nurseries, with the 11823
approval of the attorney general and the director. 11824

(D) All moneys received from the sale of state forest lands, 11825
or in payment for easements or leases on or as rents from those 11826
lands or from state forest nurseries, shall be paid into the state 11827
treasury to the credit of the state forest fund, which is hereby 11828
created. All moneys received from the sale of standing timber 11829
taken from the state forest lands shall be deposited into the 11830
state treasury. Twenty-five per cent of the moneys so deposited 11831
shall be credited to the state forest fund. Seventy-five per cent 11832
of the moneys so deposited shall be credited to the general 11833
revenue fund. All moneys received from the sale of forest 11834
products, other than standing timber, and minerals taken from the 11835
state forest lands and state forest nurseries, together with 11836
royalties from mineral rights, shall be paid into the state 11837
treasury to the credit of the state forest fund. 11838

At the time of making such a ~~payment or deposit~~ into the 11839
state treasury to the credit of the general revenue fund, the 11840
chief shall determine the amount and ~~gross net~~ value of all such 11841
~~products standing timber~~ sold ~~or royalties received~~ from lands and 11842
nurseries in each county, in each township within the county, and 11843
in each school district within the county. Afterward the chief 11844
shall send to each county treasurer a copy of the determination 11845
and shall provide for payment to the county treasurer, for the use 11846

of the general fund of that county from the amount so received as 11847
provided in this division, an amount equal to ~~eighty~~ sixty-five 11848
per cent of the ~~gross~~ net value of the ~~products~~ standing timber 11849
sold ~~or royalties received~~ from lands and nurseries located in 11850
that county. The county auditor shall do all of the following: 11851

(1) Retain for the use of the general fund of the county 11852
one-fourth of the amount received by the county under division (D) 11853
of this section; 11854

(2) Pay into the general fund of any township located within 11855
the county and containing such lands and nurseries one-fourth of 11856
the amount received by the county from ~~products~~ standing timber 11857
sold ~~or royalties received~~ from lands and nurseries located in the 11858
township; 11859

(3) Request the board of education of any school district 11860
located within the county and containing such lands and nurseries 11861
to identify which fund or funds of the district should receive the 11862
moneys available to the school district under division (D)(3) of 11863
this section. After receiving notice from the board, the county 11864
auditor shall pay into the fund or funds so identified one-half of 11865
the amount received by the county from ~~products~~ standing timber 11866
sold ~~or royalties received~~ from lands and nurseries located in the 11867
school district, distributed proportionately as identified by the 11868
board. 11869

The division of forestry shall not supply logs, lumber, or 11870
other forest products or minerals, taken from the state forest 11871
lands or state forest nurseries, to any other agency or 11872
subdivision of the state unless payment is made therefor in the 11873
amount of the actual prevailing value thereof. This section is 11874
applicable to the moneys so received. All moneys received from the 11875
sale of reforestation tree stock or other revenues derived from 11876
the operation of the state forests, facilities, or equipment shall 11877
be paid into the state forest fund. 11878

The fund shall not be expended for any purpose other than the 11879
administration, operation, maintenance, development, or 11880
utilization of the state forests, forest nurseries, and forest 11881
programs, for facilities or equipment incident to them, or for the 11882
further purchase of lands for state forest or forest nursery 11883
purposes. 11884

Sec. 1513.05. There is hereby created a reclamation 11885
commission consisting of seven members appointed by the governor 11886
with the advice and consent of the senate. For the purposes of 11887
hearing appeals under section 1513.13 of the Revised Code that 11888
involve mine safety issues, the reclamation commission shall 11889
consist of two additional members appointed specifically for that 11890
function by the governor with the advice and consent of the 11891
senate. All terms of office shall be for five years, commencing on 11892
the twenty-ninth day of June and ending on the twenty-eighth day 11893
of June. Each member shall hold office from the date of 11894
appointment until the end of the term for which the appointment 11895
was made. Each vacancy occurring on the commission shall be filled 11896
by appointment within sixty days after the vacancy occurs. Any 11897
member appointed to fill a vacancy occurring prior to the 11898
expiration of the term for which the member's predecessor was 11899
appointed shall hold office for the remainder of such term. Any 11900
member shall continue in office subsequent to the expiration date 11901
of the member's term until the member's successor takes office, or 11902
until a period of sixty days has elapsed, whichever occurs first. 11903

Two of the appointees to the commission shall be persons who, 11904
at the time of their appointment, own and operate a farm or are 11905
retired farmers. Notwithstanding section 1513.04 of the Revised 11906
Code, one of the appointees to the commission shall be a person 11907
who, at the time of appointment, is the representative of an 11908
operator of a coal mine. One of the appointees to the commission 11909

shall be a person who, by reason of the person's previous 11910
vocation, employment, or affiliations, can be classed as a 11911
representative of the public. One of the appointees to the 11912
commission shall be a person who, by reason of previous training 11913
and experience, can be classed as one learned and experienced in 11914
modern forestry practices. One of the appointees to the commission 11915
shall be a person who, by reason of previous training and 11916
experience, can be classed as one learned and experienced in 11917
agronomy. One of the appointees to the commission shall be either 11918
a person who, by reason of previous training and experience, can 11919
be classed as one capable and experienced in earth-grading 11920
problems, or a civil engineer. Beginning not later than five years 11921
after the effective date of this amendment, at least one of the 11922
seven appointees to the commission shall be an attorney at law who 11923
is admitted to practice in this state and is familiar with mining 11924
issues. Not more than four members shall be members of the same 11925
political party. 11926

The two additional members of the commission who are 11927
appointed specifically to hear appeals that involve mine safety 11928
issues shall be individuals who, because of previous vocation, 11929
employment, or affiliation, can be classified as representatives 11930
of employees currently engaged in mining operations. One shall be 11931
a representative of coal miners, and one shall be a representative 11932
of aggregates miners. Prior to making the appointment, the 11933
governor shall request the highest ranking officer in the major 11934
employee organization representing coal miners in this state to 11935
submit to the governor the names and qualifications of three 11936
nominees and shall request the highest ranking officer in the 11937
major employee organization representing aggregates miners in this 11938
state to do the same. The governor shall appoint one person 11939
nominated by each organization to the commission. The nominees 11940
shall have not less than five years of practical experience in 11941
dealing with mine health and safety issues and at the time of the 11942

nomination shall be employed in positions that involve the 11943
protection of the health and safety of miners. The major employee 11944
organization representing coal miners and the major employee 11945
organization representing aggregates miners shall represent a 11946
membership consisting of the largest number of coal miners and 11947
aggregates miners, respectively, in this state compared to other 11948
employee organizations in the year prior to the year in which the 11949
appointments are made. 11950

When the commission hears an appeal that involves a coal 11951
mining safety issue, one of the commission members who owns and 11952
operates a farm or is a retired farmer shall be replaced by the 11953
additional member who is a representative of coal miners. When the 11954
commission hears an appeal that involves an aggregates mining 11955
safety issue, one of the commission members who owns and operates 11956
a farm or is a retired farmer shall be replaced by the additional 11957
member who is a representative of aggregates miners. Neither of 11958
the additional members who are appointed specifically to hear 11959
appeals that involve mine safety issues shall be considered to be 11960
members of the commission for any other purpose, and they shall 11961
not participate in any other matters that come before the 11962
commission. 11963

The commission may appoint a secretary to hold office at its 11964
pleasure. A commission member may serve as secretary. The 11965
secretary shall perform such duties as the commission prescribes, 11966
and shall receive such compensation as the commission fixes in 11967
accordance with such schedules as are provided by law for the 11968
compensation of state employees. 11969

The commission shall appoint one or more hearing officers who 11970
shall be attorneys at law admitted to practice in this state to 11971
conduct hearings under this chapter. 11972

Four members constitute a quorum, and no action of the 11973
commission shall be valid unless it has the concurrence of at 11974

least four members. The commission shall keep a record of its 11975
proceedings. 11976

Each member shall be paid as compensation for work as a 11977
member one hundred fifty dollars per day when actually engaged in 11978
the performance of work as a member and when engaged in travel 11979
necessary in connection with such work. In addition to such 11980
compensation each member shall be reimbursed for all traveling, 11981
hotel, and other expenses, in accordance with the current travel 11982
rules of the office of budget and management, necessarily incurred 11983
in the performance of the member's work as a member. 11984

Annually one member shall be elected as chairperson and 11985
another member shall be elected as vice-chairperson for terms of 11986
one year. 11987

The governor may remove any member of the commission from 11988
office for inefficiency, neglect of duty, malfeasance, 11989
misfeasance, or nonfeasance, after delivering to the member the 11990
charges against the member in writing with at least ten days' 11991
written notice of the time and place at which the governor will 11992
publicly hear the member, either in person or by counsel, in 11993
defense of the charges against the member. If the member is 11994
removed from office, the governor shall file in the office of the 11995
secretary of state a complete statement of the charges made 11996
against the member and a complete report of the proceedings. The 11997
action of the governor removing a member from office is final. 11998

The commission shall adopt rules governing procedure of 11999
appeals under section 1513.13 of the Revised Code and may, for its 12000
own internal management, adopt rules that do not affect private 12001
rights. 12002

Sec. 1515.08. The supervisors of a soil and water 12003
conservation district have the following powers in addition to 12004
their other powers: 12005

(A) To conduct surveys, investigations, and research relating 12006
to the character of soil erosion, floodwater and sediment damages, 12007
and the preventive and control measures and works of improvement 12008
for flood prevention and the conservation, development, 12009
utilization, and disposal of water needed within the district, and 12010
to publish the results of those surveys, investigations, or 12011
research, provided that no district shall initiate any research 12012
program except in cooperation or after consultation with the Ohio 12013
agricultural research and development center; 12014

(B) To develop plans for the conservation of soil resources, 12015
for the control and prevention of soil erosion, and for works of 12016
improvement for flood prevention and the conservation, 12017
development, utilization, and disposal of water within the 12018
district, and to publish those plans and information; 12019

(C) To implement, construct, repair, maintain, and operate 12020
preventive and control measures and other works of improvement for 12021
natural resource conservation and development and flood 12022
prevention, and the conservation, development, utilization, and 12023
disposal of water within the district on lands owned or controlled 12024
by this state or any of its agencies and on any other lands within 12025
the district, which works may include any facilities authorized 12026
under state or federal programs, and to acquire, by purchase or 12027
gift, to hold, encumber, or dispose of, and to lease real and 12028
personal property or interests in such property for those 12029
purposes; 12030

(D) To cooperate or enter into agreements with any occupier 12031
of lands within the district in the carrying on of natural 12032
resource conservation operations and works of improvement for 12033
flood prevention and the conservation, development, utilization, 12034
and management of natural resources within the district, subject 12035
to such conditions as the supervisors consider necessary; 12036

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

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

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

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

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

receiving bids. 12068

(2) Each bid for a contract shall contain the full name of 12069
every person interested in it. 12070

(3) Each bid for a contract for the construction, demolition, 12071
alteration, repair, or reconstruction of an improvement shall meet 12072
the requirements of section 153.54 of the Revised Code. 12073

(4) Each bid for a contract, other than a contract for the 12074
construction, demolition, alteration, repair, or reconstruction of 12075
an improvement, at the discretion of the supervisors, may be 12076
accompanied by a bond or certified check on a solvent bank in an 12077
amount not to exceed five per cent of the bid, conditioned that, 12078
if the bid is accepted, a contract shall be entered into. 12079

(5) The supervisors may reject any and all bids. 12080

(I) To make agreements with the department of natural 12081
resources giving it control over lands of the district for the 12082
purpose of construction of improvements by the department under 12083
section 1501.011 of the Revised Code; 12084

(J) To charge, alter, and collect rentals and other charges 12085
for the use or services of any works of the district; 12086

(K) To enter, either in person or by designated 12087
representatives, upon lands, private or public, in the necessary 12088
discharge of their duties; 12089

(L) To enter into agreements or contracts with the department 12090
for the determination, implementation, inspection, and funding of 12091
agricultural pollution abatement and urban sediment pollution 12092
abatement measures whereby landowners, operators, managers, and 12093
developers may meet adopted state standards for a quality 12094
environment, except that failure of a district board of 12095
supervisors to negotiate an agreement or contract with the 12096
department shall authorize the division of soil and water 12097

conservation to implement the required program; 12098

(M) To conduct demonstrations and provide information to the 12099
public regarding practices and methods for natural resource 12100
conservation, development, and utilization; 12101

(N) Until June 1, 1996, to conduct surveys and investigations 12102
relating to the incidence of the multiflora rose within the 12103
district and of the nature and extent of the adverse effects of 12104
the multiflora rose on agriculture, forestry, recreation, and 12105
other beneficial land uses; 12106

(O) Until June 1, 1996, to develop plans for the control of 12107
the multiflora rose within the district and to publish those plans 12108
and information related to control of the multiflora rose; 12109

(P) Until June 1, 1996, to enter into contracts or agreements 12110
with the chief of the division of soil and water conservation to 12111
implement and administer a program for control of the multiflora 12112
rose and to receive and expend funds provided by the chief for 12113
that purpose; 12114

(Q) Until June 1, 1996, to enter into cost-sharing agreements 12115
with landowners for control of the multiflora rose. Before 12116
entering into any such agreement, the board of supervisors shall 12117
determine that the landowner's application meets the eligibility 12118
criteria established under division (E)(6) of section 1511.02 of 12119
the Revised Code. The cost-sharing agreements shall contain the 12120
contract provisions required by the rules adopted under that 12121
division and such other provisions as the board of supervisors 12122
considers appropriate to ensure effective control of the 12123
multiflora rose. 12124

(R) To enter into contracts or agreements with the chief to 12125
implement and administer a program for urban sediment pollution 12126
abatement and to receive and expend moneys provided by the chief 12127
for that purpose; 12128

(S) To develop operation and management plans, as defined in 12129
section 1511.01 of the Revised Code, as necessary; 12130

(T) To determine whether operation and management plans 12131
developed under division (A) of section 1511.021 of the Revised 12132
Code comply with the standards established under division (E)(1) 12133
of section 1511.02 of the Revised Code and to approve or 12134
disapprove the plans, based on such compliance. If an operation 12135
and management plan is disapproved, the board shall provide a 12136
written explanation to the person who submitted the plan. The 12137
person may appeal the plan disapproval to the chief, who shall 12138
afford the person a hearing. Following the hearing, the chief 12139
shall uphold the plan disapproval or reverse it. If the chief 12140
reverses the plan disapproval, the plan shall be deemed approved 12141
under this division. In the event that any person operating or 12142
owning agricultural land or a concentrated animal feeding 12143
operation in accordance with an approved operation and management 12144
plan who, in good faith, is following that plan, causes 12145
agricultural pollution, the plan shall be revised in a fashion 12146
necessary to mitigate the agricultural pollution, as determined 12147
and approved by the board of supervisors of the soil and water 12148
conservation district. 12149

(U) With regard to composting conducted in conjunction with 12150
agricultural operations, to do all of the following: 12151

(1) Upon request or upon their own initiative, inspect 12152
composting at any such operation to determine whether the 12153
composting is being conducted in accordance with section 1511.022 12154
of the Revised Code; 12155

(2) If the board determines that composting is not being so 12156
conducted, request the chief to issue an order under division (G) 12157
of section 1511.02 of the Revised Code requiring the person who is 12158
conducting the composting to prepare a composting plan in 12159

accordance with rules adopted under division (E)(10)(c) of that 12160
section and to operate in accordance with that plan or to operate 12161
in accordance with a previously prepared plan, as applicable; 12162

(3) In accordance with rules adopted under division 12163
(E)(10)(c) of section 1511.02 of the Revised Code, review and 12164
approve or disapprove any such composting plan. If a plan is 12165
disapproved, the board shall provide a written explanation to the 12166
person who submitted the plan. 12167

As used in division (U) of this section, "composting" has the 12168
same meaning as in section 1511.01 of the Revised Code. 12169

(V) With regard to conservation activities that are conducted 12170
in conjunction with agricultural operations, to assist the county 12171
auditor, upon request, in determining whether a conservation 12172
activity is a conservation practice for purposes of Chapter 929. 12173
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 12174

As used in this division, "conservation practice" has the 12175
same meaning as in section 5713.30 of the Revised Code. 12176

(W) To do all acts necessary or proper to carry out the 12177
powers granted in this chapter. 12178

The director of natural resources shall make recommendations 12179
to reduce the adverse environmental effects of each project that a 12180
soil and water conservation district plans to undertake under 12181
division (A), (B), (C), or (D) of this section and that will be 12182
funded in whole or in part by moneys authorized under section 12183
1515.16 of the Revised Code and shall disapprove any such project 12184
that the director finds will adversely affect the environment 12185
without equal or greater benefit to the public. The director's 12186
disapproval or recommendations, upon the request of the district 12187
filed in accordance with rules adopted by the Ohio soil and water 12188
conservation commission, shall be reviewed by the commission, 12189
which may confirm the director's decision, modify it, or add 12190

recommendations to or approve a project the director has 12191
disapproved. 12192

Any instrument by which real property is acquired pursuant to 12193
this section shall identify the agency of the state that has the 12194
use and benefit of the real property as specified in section 12195
5301.012 of the Revised Code. 12196

Sec. 1519.05. (A) As used in this section, "local political 12197
subdivision" and "nonprofit organization" have the same meanings 12198
as in section 164.20 of the Revised Code. 12199

(B) There is hereby created in the state treasury the clean 12200
Ohio trail fund. Twelve and one-half per cent of the net proceeds 12201
of obligations issued and sold pursuant to sections 151.01 and 12202
151.09 of the Revised Code shall be deposited into the fund. 12203

Investment earnings of the fund shall be credited to the 12204
fund. ~~For two years after the effective date of this section,~~ 12205
~~investment earnings credited to the fund~~ and may be used to pay 12206
costs incurred by the director of natural resources in 12207
administering this section. 12208

Money in the clean Ohio trail fund shall not be used for the 12209
appropriation of land, rights, rights-of-way, franchises, 12210
easements, or other property through the exercise of the right of 12211
eminent domain. 12212

The director shall use moneys in the fund exclusively to 12213
provide matching grants to nonprofit organizations and to local 12214
political subdivisions for the purposes of purchasing land or 12215
interests in land for recreational trails and for the construction 12216
of such trails. A matching grant may provide up to seventy-five 12217
per cent of the cost of a recreational trail project, and the 12218
recipient of the matching grant shall provide not less than 12219
twenty-five per cent of that cost. 12220

(C) The director shall establish policies for the purposes of 12221
this section. The policies shall establish all of the following: 12222

(1) Procedures for providing matching grants to nonprofit 12223
organizations and local political subdivisions for the purposes of 12224
purchasing land or interests in land for recreational trails and 12225
for the construction of such trails, including, without 12226
limitation, procedures for both of the following: 12227

(a) Developing a grant application form and soliciting, 12228
accepting, and approving grant applications; 12229

(b) Participation by nonprofit organizations and local 12230
political subdivisions in the application process. 12231

(2) A requirement that an application for a matching grant 12232
for a recreational trail project include a copy of a resolution 12233
supporting the project from each county in which the proposed 12234
project is to be conducted and whichever of the following is 12235
applicable: 12236

(a) If the proposed project is to be conducted wholly within 12237
the geographical boundaries of one township, a copy of a 12238
resolution supporting the project from the township; 12239

(b) If the proposed project is to be conducted wholly within 12240
the geographical boundaries of one municipal corporation, a copy 12241
of a resolution supporting the project from the municipal 12242
corporation; 12243

(c) If the proposed project is to be conducted in more than 12244
one, but fewer than five townships or municipal corporations, a 12245
copy of a resolution supporting the project from at least one-half 12246
of the total number of townships and municipal corporations in 12247
which the proposed project is to be conducted; 12248

(d) If the proposed project is to be conducted in five or 12249
more municipal corporations, a copy of a resolution supporting the 12250

project from at least three-fifths of the total number of 12251
townships and municipal corporations in which the proposed project 12252
is to be conducted. 12253

(3) Eligibility criteria that must be satisfied by an 12254
applicant in order to receive a matching grant and that emphasize 12255
the following: 12256

(a) Synchronization with the statewide trail plan; 12257

(b) Complete regional systems and links to the statewide 12258
trail system; 12259

(c) A combination of funds from various state agencies; 12260

(d) The provision of links in urban areas that support 12261
commuter access and show economic impact on local communities; 12262

(e) The linkage of population centers with public outdoor 12263
recreation areas and facilities; 12264

(f) The purchase of rail lines that are linked to the 12265
statewide trail plan; 12266

(g) The preservation of natural corridors. 12267

(4) Items of value, such as in-kind contributions of land, 12268
easements or other interests in land, labor, or materials, that 12269
may be considered as contributing toward the percentage of the 12270
cost of a recreational trails project that must be provided by a 12271
matching grant recipient. 12272

Sec. 1521.06. (A) No dam may be constructed for the purpose 12273
of storing, conserving, or retarding water, or for any other 12274
purpose, nor shall any dike or levee be constructed for the 12275
purpose of diverting or retaining flood water, unless the person 12276
or governmental agency desiring the construction has a 12277
construction permit for the dam, dike, or levee issued by the 12278
chief of the division of water. 12279

A construction permit is not required under this section for: 12280

(1) A dam ~~which~~ that is or will be less than ten feet in 12281
height and ~~which~~ that has or will have a storage capacity of not 12282
more than fifty acre-feet at the elevation of the top of the dam, 12283
as determined by the chief. For the purposes of this section, the 12284
height of a dam shall be measured from the natural stream bed or 12285
lowest ground elevation at the downstream or outside limit of the 12286
dam to the elevation of the top of the dam. 12287

(2) A dam, regardless of height, ~~which~~ that has or will have 12288
a storage capacity of not more than fifteen acre-feet at the 12289
elevation of the top of the dam, as determined by the chief; 12290

(3) A dam, regardless of storage capacity, ~~which~~ that is or 12291
will be six feet or less in height, as determined by the chief; 12292

(4) A dam, dike, or levee ~~which~~ that belongs to a class 12293
exempted by the chief; 12294

(5) The repair, maintenance, improvement, alteration, or 12295
removal of a dam, dike, or levee ~~which~~ that is subject to section 12296
1521.062 of the Revised Code, unless the construction constitutes 12297
an enlargement of the structure as determined by the chief; 12298

(6) A dam or impoundment constructed under Chapter 1513. of 12299
the Revised Code. 12300

(B) Before a construction permit may be issued, three copies 12301
of the plans and specifications, including a detailed cost 12302
estimate, for the proposed construction, prepared by a registered 12303
professional engineer, together with the filing fee specified by 12304
this section and the bond or other security required by section 12305
1521.061 of the Revised Code, shall be filed with the chief. The 12306
detailed estimate of the cost shall include all costs associated 12307
with the construction of the dam, dike, or levee, including 12308
supervision and inspection of the construction by a registered 12309

professional engineer. ~~Except for a political subdivision, the~~ The 12310
filing fee shall be based on the detailed cost estimate for the 12311
proposed construction as filed with and approved by the chief, and 12312
shall be determined by the following schedule unless otherwise 12313
provided by rules adopted under this section: 12314

(1) For the first one hundred thousand dollars of estimated 12315
cost, a fee of ~~two~~ four per cent; 12316

(2) For the next four hundred thousand dollars of estimated 12317
cost, a fee of ~~one and one-half~~ three per cent; 12318

(3) For the next five hundred thousand dollars of estimated 12319
cost, a fee of ~~one~~ two per cent; 12320

(4) For all costs in excess of one million dollars, a fee of 12321
~~one-quarter~~ one-half of one per cent. 12322

In no case shall the filing fee be less than ~~two hundred~~ one 12323
thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 12324
If the actual cost exceeds the estimated cost by more than fifteen 12325
per cent, an additional filing fee shall be required equal to the 12326
fee determined by the preceding schedule less the original filing 12327
fee. ~~The filing fee for a political subdivision shall be two~~ 12328
~~hundred dollars.~~ All fees collected pursuant to this section, and 12329
all fines collected pursuant to section 1521.99 of the Revised 12330
Code, shall be deposited in the state treasury to the credit of 12331
the dam safety fund, which is hereby created. Expenditures from 12332
the fund shall be made by the chief for the purpose of 12333
administering this section and sections 1521.061 and 1521.062 of 12334
the Revised Code. 12335

(C) The chief shall, within thirty days from the date of the 12336
receipt of the application, fee, and bond or other security, issue 12337
or deny a construction permit for the construction or may issue a 12338
construction permit conditioned upon the making of such changes in 12339
the plans and specifications for the construction as ~~he~~ the chief 12340

considers advisable if ~~he~~ the chief determines that the 12341
construction of the proposed dam, dike, or levee, in accordance 12342
with the plans and specifications filed, would endanger life, 12343
health, or property. 12344

(D) The chief may deny a construction permit ~~if he finds~~ 12345
after finding that a dam, dike, or levee built in accordance with 12346
the plans and specifications would endanger life, health, or 12347
property, because of improper or inadequate design, or for such 12348
other reasons as the chief may determine. 12349

In the event the chief denies a permit for the construction 12350
of the dam, dike, or levee, or issues a permit conditioned upon a 12351
making of changes in the plans or specifications for the 12352
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 12353
and so notify, in writing, the person or governmental agency 12354
making the application for a permit. If the permit is denied, the 12355
chief shall return the bond or other security to the person or 12356
governmental agency making application for the permit. 12357

The decision of the chief conditioning or denying a 12358
construction permit is subject to appeal as provided in Chapter 12359
119. of the Revised Code. A dam, dike, or levee built 12360
substantially at variance from the plans and specifications upon 12361
which a construction permit was issued is in violation of this 12362
section. The chief may at any time inspect any dam, dike, or 12363
levee, or site upon which any dam, dike, or levee is to be 12364
constructed, in order to determine whether it complies with this 12365
section. 12366

(E) A registered professional engineer shall inspect the 12367
construction for which the permit was issued during all phases of 12368
construction and shall furnish to the chief such regular reports 12369
of ~~his~~ the engineer's inspections as the chief may require. When 12370
the chief finds that construction has been fully completed in 12371
accordance with the terms of the permit and the plans and 12372

specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 12373
approve the construction. When one year has elapsed after approval 12374
of the completed construction, and the chief finds that within 12375
this period no fact has become apparent to indicate that the 12376
construction was not performed in accordance with the terms of the 12377
permit and the plans and specifications approved by the chief, or 12378
that the construction as performed would endanger life, health, or 12379
property, ~~he~~ the chief shall release the bond or other security. 12380
No bond or other security shall be released until one year after 12381
final approval by the chief, unless the dam, dike, or levee has 12382
been modified so that it will not retain water and has been 12383
approved as nonhazardous after determination by the chief that the 12384
dam, dike, or levee as modified will not endanger life, health, or 12385
property. 12386

(F) When inspections required by this section are not being 12387
performed, the chief shall notify the person or governmental 12388
agency to which the permit has been issued that inspections are 12389
not being performed by the registered professional engineer and 12390
that the chief will inspect the remainder of the construction. 12391
Thereafter, the chief shall inspect the construction and the cost 12392
of inspection shall be charged against the owner. Failure of the 12393
registered professional engineer to submit required inspection 12394
reports shall be deemed notice that ~~his~~ the engineer's inspections 12395
are not being performed. 12396

(G) The chief may order construction to cease on any dam, 12397
dike, or levee ~~which~~ that is being built in violation of ~~the~~ 12398
~~provisions of~~ this section, and may prohibit the retention of 12399
water behind any dam, dike, or levee ~~which~~ that has been built in 12400
violation of ~~the provisions of~~ this section. The attorney general, 12401
upon written request of the chief, may bring an action for an 12402
injunction against any person who violates this section or to 12403
enforce an order or prohibition of the chief made pursuant to this 12404

section. 12405

(H) The chief may adopt rules in accordance with Chapter 119. 12406
of the Revised Code, for the design and construction of dams, 12407
dikes, and levees for which a construction permit is required by 12408
this section or for which periodic inspection is required by 12409
section 1521.062 of the Revised Code, for establishing a filing 12410
fee schedule in lieu of the schedule established under division 12411
(B) of this section, for deposit and forfeiture of bonds and other 12412
securities required by section 1521.061 of the Revised Code, for 12413
the periodic inspection, operation, repair, improvement, 12414
alteration, or removal of all dams, dikes, and levees, as 12415
specified in section 1521.062 of the Revised Code, and for 12416
establishing classes of dams, dikes, or levees ~~which~~ that are 12417
exempt from the requirements of sections 1521.06 and 1521.062 of 12418
the Revised Code as being of a size, purpose, or situation ~~which~~ 12419
that does not present a substantial hazard to life, health, or 12420
property. The chief may, by rule, limit the period during which a 12421
construction permit issued under this section is valid. If a 12422
construction permit expires before construction is completed, the 12423
person or agency shall apply for a new permit, and shall not 12424
continue construction until the new permit is issued. 12425

~~(I) As used in this section and section 1521.063 of the~~ 12426
~~Revised Code, "political subdivision" includes townships,~~ 12427
~~municipal corporations, counties, school districts, municipal~~ 12428
~~universities, park districts, sanitary districts, and conservancy~~ 12429
~~districts and subdivisions thereof.~~ 12430

Sec. 1521.063. (A) Except for a ~~political subdivision~~ the 12431
federal government, the owner of any dam subject to section 12432
1521.062 of the Revised Code shall pay an annual fee, based upon 12433
the height of the dam, to the division of water on or before June 12434
30, 1988, and on or before the thirtieth day of June of each 12435

succeeding year. The annual fee shall be as follows until 12436
otherwise provided by rules adopted under this section: 12437

(1) For any dam classified as a class I dam under rules 12438
adopted by the chief of the division of water under section 12439
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 12440
per foot of height of dam; 12441

(2) For any dam classified as a class II dam under those 12442
rules, thirty dollars plus one dollar per foot of height of dam; 12443

(3) For any dam classified as a class III dam under those 12444
rules, thirty dollars. 12445

For purposes of this section, the height of a dam is the 12446
vertical height, to the nearest foot, as determined by the 12447
division under section 1521.062 of the Revised Code. All fees 12448
collected under this section shall be deposited in the dam safety 12449
fund created in section 1521.06 of the Revised Code. Any owner who 12450
fails to pay any annual fee required by this section within sixty 12451
days after the due date shall be assessed a penalty of ten per 12452
cent of the annual fee plus interest at the rate of one-half per 12453
cent per month from the due date until the date of payment. 12454

(B) The chief shall, in accordance with Chapter 119. of the 12455
Revised Code, adopt, and may amend or rescind, rules for the 12456
collection of fees and the administration, implementation, and 12457
enforcement of this section and for the establishment of an annual 12458
fee schedule in lieu of the schedule established under division 12459
(A) of this section. 12460

(C)(1) No person, political subdivision, or state 12461
governmental agency shall violate or fail to comply with this 12462
section or any rule or order adopted or issued under it. 12463

(2) The attorney general, upon written request of the chief, 12464
may commence an action against any such violator. Any action under 12465
division (C)(2) of this section is a civil action. 12466

(D) As used in this section, "political subdivision" includes 12467
townships, municipal corporations, counties, school districts, 12468
municipal universities, park districts, sanitary districts, and 12469
conservancy districts and subdivisions thereof. 12470

Sec. 1531.26. There is hereby created in the state treasury 12471
the nongame and endangered wildlife fund, which shall consist of 12472
moneys paid into it by the tax commissioner under section 5747.113 12473
of the Revised Code, moneys deposited in the fund from the 12474
issuance of wildlife conservation license plates under section 12475
4503.57 of the Revised Code, moneys deposited in the fund from the 12476
issuance of bald eagle license plates under section 4503.572 of 12477
the Revised Code, moneys credited to the fund under section 12478
1533.151 of the Revised Code, and ~~of~~ contributions made directly 12479
to it. Any person may contribute directly to the fund in addition 12480
to or independently of the income tax refund contribution system 12481
established in section 5747.113 of the Revised Code. Moneys in the 12482
fund shall be disbursed pursuant to vouchers approved by the 12483
director of natural resources for use by the division of wildlife 12484
solely for the purchase, management, preservation, propagation, 12485
protection, and stocking of wild animals that are not commonly 12486
taken for sport or commercial purposes, including the acquisition 12487
of title and easements to lands, biological investigations, law 12488
enforcement, production of educational materials, sociological 12489
surveys, habitat development, and personnel and equipment costs; 12490
and for carrying out section 1531.25 of the Revised Code. Moneys 12491
in the fund also may be used to promote and develop nonconsumptive 12492
wildlife recreational opportunities involving wild animals. Moneys 12493
in the fund from the issuance of bald eagle license plates under 12494
section 4503.572 of the Revised Code shall be expended by the 12495
division only to pay the costs of acquiring, developing, and 12496
restoring habitat for bald eagles within this state. Moneys in the 12497
fund from any other source also may be used to pay the costs of 12498

acquiring, developing, and restoring habitat for bald eagles 12499
within this state. 12500

All investment earnings of the fund shall be credited to the 12501
fund. Subject to the approval of the director, the chief of the 12502
division of wildlife may enter into agreements that the chief 12503
considers appropriate to obtain additional moneys for the 12504
protection of nongame native wildlife under the "Endangered 12505
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 12506
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 12507
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 12508
from the fund are not intended to replace other moneys 12509
appropriated for these purposes. 12510

Sec. 1533.08. Except as otherwise provided by division rule, 12511
any person desiring to collect wild animals that are protected by 12512
law or their nests or eggs for scientific study, school 12513
instruction, other educational uses, or rehabilitation shall make 12514
application to the chief of the division of wildlife for a wild 12515
animal collecting permit on a form furnished by the chief. Each 12516
applicant for a wild animal collecting permit, other than an 12517
applicant desiring to rehabilitate wild animals, shall pay an 12518
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 12519
shall be charged to an applicant desiring to rehabilitate wild 12520
animals. When it appears that the application is made in good 12521
faith, the chief shall issue to the applicant a permit to take, 12522
possess, and transport at any time and in any manner specimens of 12523
wild animals protected by law or their nests and eggs for 12524
scientific study, school instruction, other educational uses, or 12525
rehabilitation and under any additional rules recommended by the 12526
wildlife council. Upon the receipt of a permit, the holder may 12527
take, possess, and transport those wild animals in accordance with 12528
the permit. 12529

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

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

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

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

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

the owner's children of any age and grandchildren under eighteen 12561
years of age may hunt on the lands without a hunting license. The 12562
tenant ~~or manager~~ and children of the tenant ~~or manager~~, residing 12563
on lands in the state, may hunt on them without a hunting license. 12564
Every applicant for a hunting license who is a nonresident of the 12565
state shall procure a nonresident hunting license, the fee for 12566
which shall be ~~ninety four~~ one hundred twenty-four dollars, unless the 12567
applicant is a resident of a state that is a party to an agreement 12568
under section 1533.91 of the Revised Code, in which case the fee 12569
shall be ~~fourteen~~ eighteen dollars. 12570

The chief of the division of wildlife may issue a ~~tourist's~~ 12571
small game hunting license expiring three days from the effective 12572
date of the license to a nonresident of the state, the fee for 12573
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 12574
take or possess deer, wild turkeys, fur-bearing animals, ducks, 12575
geese, brant, or any nongame animal while possessing only a 12576
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 12577
hunting license does not authorize the taking or possessing of 12578
ducks, geese, or brant without having obtained, in addition to the 12579
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 12580
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 12581
small game hunting license does not authorize the taking or 12582
possessing of deer, wild turkeys, or fur-bearing animals. A 12583
nonresident of the state who wishes to take or possess deer, wild 12584
turkeys, or fur-bearing animals in this state shall procure, 12585
respectively, a special deer or wild turkey permit as provided in 12586
section 1533.11 of the Revised Code or a fur taker permit as 12587
provided in section 1533.111 of the Revised Code in addition to a 12588
nonresident hunting license as provided in this section. 12589

No person shall procure or attempt to procure a hunting 12590
license by fraud, deceit, misrepresentation, or any false 12591
statement. 12592

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

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

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

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

No person shall issue a hunting license to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the

hunting license. Any hunting license issued in violation of this 12624
section is void. 12625

The chief, with approval of the wildlife council, shall adopt 12626
rules prescribing a hunter education and conservation course for 12627
first-time hunting license buyers and for volunteer instructors. 12628
The course shall consist of subjects including, but not limited 12629
to, hunter safety and health, use of hunting implements, hunting 12630
tradition and ethics, the hunter and conservation, the law in 12631
section 1533.17 of the Revised Code along with the penalty for its 12632
violation, including a description of terms of imprisonment and 12633
fines that may be imposed, and other law relating to hunting. 12634
Authorized personnel of the division or volunteer instructors 12635
approved by the chief shall conduct such courses with such 12636
frequency and at such locations throughout the state as to 12637
reasonably meet the needs of license applicants. The chief shall 12638
issue a certificate of completion to each person who successfully 12639
completes the course and passes an examination prescribed by the 12640
chief. 12641

Sec. 1533.101. Any person who has been issued a hunting or 12642
fishing license, a wetlands habitat stamp, a deer or wild turkey 12643
permit, or a fur taker permit for the current license, stamp, or 12644
permit year or for the license, stamp, or permit year next 12645
preceding the current such year pursuant to this chapter, and if 12646
the license, stamp, or permit has been lost, destroyed, or stolen, 12647
may be issued a reissued hunting or fishing license, wetlands 12648
habitat stamp, deer or wild turkey permit, or fur taker permit. 12649
The person shall file with the clerk of the court of common pleas 12650
an application in affidavit form or, if the chief of the division 12651
of wildlife authorizes it, apply for a reissued license, stamp, or 12652
permit to an authorized agent designated by the chief, and pay a 12653
fee for each license, stamp, or permit of ~~two~~ four dollars plus 12654
one dollar to the clerk or agent, who shall issue a reissued 12655

license, stamp, or permit that shall allow the applicant to hunt, 12656
fish, or trap, as the case may be. The clerk or agent shall 12657
administer the oath to the applicant and shall send a copy of the 12658
reissued license, stamp, or permit to the division of wildlife. 12659

All moneys received as fees for the issuance of reissued 12660
licenses, stamps, or permits shall be transmitted to the director 12661
of natural resources to be paid into the state treasury to the 12662
credit of the funds to which the fees for the original licenses, 12663
stamps, and permits were credited. 12664

No person shall knowingly or willfully secure, attempt to 12665
secure, or use a reissued hunting or fishing license, wetlands 12666
habitat stamp, deer or wild turkey permit, or fur taker permit to 12667
which the person is not entitled. No person shall knowingly or 12668
willfully issue a reissued hunting or fishing license, wetlands 12669
habitat stamp, deer or wild turkey permit, or fur taker permit 12670
under this section to any person who is not entitled to receive 12671
and use such a reissued license, stamp, or permit. 12672

Sec. 1533.11. (A) Except as provided in this section, no 12673
person shall hunt deer on lands of another without first obtaining 12674
an annual special deer permit. Except as provided in this section, 12675
no person shall hunt wild turkeys on lands of another without 12676
first obtaining an annual special wild turkey permit. Each 12677
applicant for a special deer or wild turkey permit shall pay an 12678
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 12679
together with the one-dollar ~~as a~~ fee to the clerk or other 12680
issuing agent established in section 1533.13 of the Revised Code, 12681
for the permit unless the rules adopted under division (B) of 12682
section 1533.12 of the Revised Code provide for issuance of a deer 12683
or wild turkey permit to the applicant free of charge. Except as 12684
provided in division (A) of section 1533.12 of the Revised Code, a 12685
deer or wild turkey permit shall run concurrently with the hunting 12686

license. The money received, other than the ~~one-dollar~~ issuing 12687
agent's fee ~~provided for above~~, shall be paid into the state 12688
treasury to the credit of the wildlife fund, created in section 12689
1531.17 of the Revised Code, exclusively for the use of the 12690
division of wildlife in the acquisition and development of land 12691
for deer or wild turkey management, for investigating deer or wild 12692
turkey problems, and for the stocking, management, and protection 12693
of deer or wild turkey. Every person, while hunting deer or wild 12694
turkey on lands of another, shall carry the person's special deer 12695
or wild turkey permit and exhibit it to any enforcement officer so 12696
requesting. Failure to so carry and exhibit such a permit 12697
constitutes an offense under this section. The chief of the 12698
division of wildlife shall adopt any additional rules the chief 12699
considers necessary to carry out this section and section 1533.10 12700
of the Revised Code. 12701

The owner and the children of the owner of lands in this 12702
state may hunt deer or wild turkey thereon without a special deer 12703
or wild turkey permit. The tenant ~~or manager~~ and children of the 12704
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 12705
reside without a special deer or wild turkey permit. 12706

(B) A special deer or wild turkey permit is not transferable. 12707
No person shall carry a special deer or wild turkey permit issued 12708
in the name of another person. 12709

(C) The wildlife refunds fund is hereby created in the state 12710
treasury. The fund shall consist of money received from 12711
application fees for special deer permits that are not issued. 12712
Money in the fund shall be used to make refunds of such 12713
application fees. 12714

Sec. 1533.111. Except as provided in this section or division 12715
(A) of section 1533.12 of the Revised Code, no person shall hunt 12716
or trap fur-bearing animals on land of another without first 12717

obtaining an annual fur taker permit. Each applicant for a fur 12718
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 12719
together with one dollar as a fee to the clerk or other issuing 12720
agent, for the permit, except as otherwise provided in this 12721
section or unless the rules adopted under division (B) of section 12722
1533.12 of the Revised Code provide for issuance of a fur taker 12723
permit to the applicant free of charge. Each applicant who is a 12724
resident of the state and under the age of sixteen years shall 12725
procure a special youth fur taker permit, the fee for which shall 12726
be one-half of the regular fur taker permit fee and which shall be 12727
paid together with the one-dollar ~~as a~~ fee to the clerk or other 12728
issuing agent established in section 1533.13 of the Revised Code. 12729
The fur taker permit shall run concurrently with the hunting 12730
license. The money received, other than the ~~one-dollar~~ issuing 12731
agent's fee ~~provided for in this section~~, shall be paid into the 12732
state treasury to the credit of the fund established in section 12733
1533.15 of the Revised Code. 12734

No fur taker permit shall be issued unless it is accompanied 12735
by a written explanation of the law in section 1533.17 of the 12736
Revised Code and the penalty for its violation, including a 12737
description of terms of imprisonment and fines that may be 12738
imposed. 12739

No fur taker permit shall be issued unless the applicant 12740
presents to the agent authorized to issue a fur taker permit a 12741
previously held hunting license or trapping or fur taker permit or 12742
evidence of having held such a license or permit in content and 12743
manner approved by the chief of the division of wildlife, a 12744
certificate of completion issued upon completion of a trapper 12745
education course approved by the chief, or evidence of equivalent 12746
training in content and manner approved by the chief. 12747

No person shall issue a fur taker permit to any person who 12748
fails to present the evidence required by this section. No person 12749

shall purchase or obtain a fur taker permit without presenting to 12750
the issuing agent the evidence required by this section. Issuance 12751
of a fur taker permit in violation of the requirements of this 12752
section is an offense by both the purchaser of the illegally 12753
obtained permit and the clerk or agent who issued the permit. Any 12754
fur taker permit issued in violation of this section is void. 12755

The chief, with approval of the wildlife council, shall adopt 12756
rules prescribing a trapper education course for first-time fur 12757
taker permit buyers and for volunteer instructors. The course 12758
shall consist of subjects that include, but are not limited to, 12759
trapping techniques, animal habits and identification, trapping 12760
tradition and ethics, the trapper and conservation, the law in 12761
section 1533.17 of the Revised Code along with the penalty for its 12762
violation, including a description of terms of imprisonment and 12763
fines that may be imposed, and other law relating to trapping. 12764
Authorized personnel of the division of wildlife or volunteer 12765
instructors approved by the chief shall conduct the courses with 12766
such frequency and at such locations throughout the state as to 12767
reasonably meet the needs of permit applicants. The chief shall 12768
issue a certificate of completion to each person who successfully 12769
completes the course and passes an examination prescribed by the 12770
chief. 12771

Every person, while hunting or trapping fur-bearing animals 12772
on lands of another, shall carry the person's fur taker permit 12773
affixed to the person's hunting license with the person's 12774
signature written across the face of the permit. Failure to carry 12775
such a signed permit constitutes an offense under this section. 12776
The chief shall adopt any additional rules the chief considers 12777
necessary to carry out this section. 12778

The owner and the children of the owner of lands in this 12779
state may hunt or trap fur-bearing animals thereon without a fur 12780
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 12781

~~manager~~ may hunt or trap fur-bearing animals on lands where they
reside without a fur taker permit. 12782
12783

A fur taker permit is not transferable. No person shall carry
a fur taker permit issued in the name of another person. 12784
12785

A fur taker permit entitles a nonresident to take from this
state fur-bearing animals taken and possessed by the nonresident
as provided by law or division rule. 12786
12787
12788

Sec. 1533.112. Except as provided in this section or unless
otherwise provided by division rule, no person shall hunt ducks,
geese, or brant on the lands of another without first obtaining an
annual wetlands habitat stamp. The annual fee for the wetlands
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp,
together with the ~~one-dollar~~ as a fee to the clerk or other
issuing agent established in section 1533.13 of the Revised Code,
unless the rules adopted under division (B) of section 1533.12
provide for issuance of a wetlands habitat stamp to the applicant
free of charge. 12789
12790
12791
12792
12793
12794
12795
12796
12797
12798

Moneys received from the stamp fee, other than the ~~one-~~
~~dollar-clerk's~~ issuing agent's fee, shall be paid into the state
treasury to the credit of the wetlands habitat fund, which is
hereby established. Moneys shall be paid from the fund on the
order of the director of natural resources for the following
purposes: 12799
12800
12801
12802
12803
12804

(A) Sixty per cent for projects that the division approves
for the acquisition, development, management, or preservation of
waterfowl areas within the state; 12805
12806
12807

(B) Forty per cent for contribution by the division to an
appropriate nonprofit organization for the acquisition,
development, management, or preservation of lands and waters
within the United States or Canada that provide or will provide 12808
12809
12810
12811

habitat for waterfowl with migration routes that cross this state. 12812

No moneys derived from the issuance of wetlands habitat 12813
stamps shall be spent for purposes other than those specified by 12814
this section. All investment earnings of the fund shall be 12815
credited to the fund. 12816

Wetlands habitat stamps shall be furnished by and in a form 12817
prescribed by the chief of the division of wildlife and issued by 12818
clerks and other agents authorized to issue licenses and permits 12819
under section 1533.13 of the Revised Code. The record of stamps 12820
kept by the clerks and other agents shall be uniform throughout 12821
the state, in such form or manner as the director prescribes, and 12822
open at all reasonable hours to the inspection of any person. 12823
Unless otherwise provided by rule, each stamp shall remain in 12824
force until midnight of the thirty-first day of August next 12825
ensuing. Wetlands habitat stamps may be issued in any manner to 12826
any person on any date, whether or not that date is within the 12827
period in which they are effective. 12828

Every person to whom this section applies, while hunting 12829
ducks, geese, or brant, shall carry an unexpired wetlands habitat 12830
stamp that is validated by the person's signature written on the 12831
stamp in ink and shall exhibit the stamp to any enforcement 12832
officer so requesting. No person shall fail to carry and exhibit 12833
the person's stamp. 12834

A wetlands habitat stamp is not transferable. 12835

The chief shall establish a procedure to obtain subject 12836
matter to be printed on the wetlands habitat stamp and shall use, 12837
dispose of, or distribute the subject matter as the chief 12838
considers necessary. The chief also shall adopt rules necessary to 12839
administer this section. 12840

This section does not apply to persons under sixteen years of 12841
age nor to persons exempted from procuring a hunting license under 12842

section 1533.10 or division (A) of section 1533.12 of the Revised Code. 12843
12844

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, and fur taker permits shall be issued by the clerk of the court of common pleas, village and township clerks, and other authorized agents designated by the chief of the division of wildlife. When required by the chief, a clerk or agent shall give bond in the manner provided by the chief. All bonds, reports, except records prescribed by the auditor of state, and moneys received by those persons shall be handled under rules adopted by the director of natural resources. 12845
12846
12847
12848
12849
12850
12851
12852
12853

The premium of any bond prescribed by the chief under this section may be paid by the chief. Any person who is designated and authorized by the chief to issue licenses, stamps, and permits as provided in this section, except the clerk of the court of common pleas and the village and township clerks, shall pay to the chief a premium in an amount that represents the person's portion of the premium paid by the chief under this section, which amount shall be established by the chief and approved by the wildlife council created under section 1531.03 of the Revised Code. The chief shall pay all moneys that the chief receives as premiums under this section into the state treasury to the credit of the wildlife fund created under section 1531.17 of the Revised Code. 12854
12855
12856
12857
12858
12859
12860
12861
12862
12863
12864
12865

Every authorized agent, for the purpose of issuing hunting and fishing licenses, deer and wild turkey permits, and fur taker permits, may administer oaths to and take affidavits from applicants for the licenses or permits when required. An authorized agent may appoint deputies to perform any acts that the agent is authorized to perform, consistent with division rules. 12866
12867
12868
12869
12870
12871

Every applicant for a hunting or fishing license, deer or wild turkey permit, or fur taker permit, unless otherwise provided 12872
12873

by division rule, shall make and subscribe an affidavit setting 12874
forth the applicant's name, age, weight, height, occupation, place 12875
of residence, personal description, and citizenship. The clerk or 12876
other agent authorized to issue licenses, stamps, and permits 12877
shall charge each applicant a fee of one dollar for taking the 12878
affidavit and issuing the license, stamp, or permit unless a 12879
different fee for the issuance of a fishing license is established 12880
in division rule as authorized by section 1533.32 of the Revised 12881
Code. The application, license, permit, and other blanks required 12882
by this section shall be prepared and furnished by the chief, in 12883
such form as the chief provides, to the clerk or other agent 12884
authorized to issue them. The licenses and permits shall be issued 12885
to applicants by the clerk or other agent. The record of licenses 12886
and permits kept by the clerk and other authorized agents shall be 12887
uniform throughout the state and in such form or manner as the 12888
auditor of state prescribes and shall be open at all reasonable 12889
hours to the inspection of any person. Unless otherwise provided 12890
by division rule, each hunting license, deer or wild turkey 12891
permit, and fur taker permit issued shall remain in force until 12892
midnight of the thirty-first day of August next ensuing. 12893
Application for any such license or permit may be made and a 12894
license or permit issued prior to the date upon which it becomes 12895
effective. 12896

The chief may require an applicant who wishes to purchase a 12897
license, stamp, or permit by mail or telephone to pay a nominal 12898
fee for postage and handling. 12899

The court before whom a violator of any laws or division 12900
rules for the protection of wild animals is tried, as a part of 12901
the punishment, shall revoke the license, stamp, or permit of any 12902
person convicted. The license, stamp, or permit fee paid by that 12903
person shall not be returned to the person. The person shall not 12904
procure or use any other license, stamp, or permit or engage in 12905

hunting wild animals or trapping fur-bearing animals during the 12906
period of revocation as ordered by the court. 12907

No person under sixteen years of age shall engage in hunting 12908
unless accompanied by the person's parent or another adult person. 12909

Sec. 1533.151. The chief of the division of wildlife, with 12910
the approval of the director of natural resources, ~~is hereby~~ 12911
~~authorized to~~ may print and issue stamps portraying wild animals 12912
of the state. This stamp shall be identified as a wildlife 12913
conservation stamp ~~and the~~. The fee for each stamp shall be five 12914
dollars not more than the fee for a wetlands habitat stamp issued 12915
under section 1533.112 of the Revised Code together with the 12916
one-dollar fee to the issuing agent established in section 1533.13 12917
of the Revised Code unless otherwise provided by division rule. 12918

The purchase of wildlife conservation stamps shall provide no 12919
privileges to the purchaser, but merely recognizes ~~such~~ the person 12920
as voluntarily contributing to the management, protection, and the 12921
perpetuation of the wildlife resources of the state. All moneys 12922
received from the sale of wildlife conservation stamps shall be 12923
paid into the state treasury to the credit of the nongame and 12924
endangered wildlife fund to be used exclusively by the division of 12925
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 12926
the Revised Code ~~and for the management of all forms of wildlife~~ 12927
~~for its ecological and non consumptive recreational value.~~ 12928

Sec. 1533.19. Except as otherwise provided by division rule, 12929
recognized field trial clubs may shoot domestically raised quails, 12930
chukar partridges, ducks, pheasants, or other game birds and 12931
common pigeons at any time during the daylight hours from the 12932
first day of September to the thirtieth day of April of the 12933
following year, both dates inclusive. Such domestically raised 12934
quails, chukar partridges, ducks, pheasants, and other game birds 12935

shall be banded prior to release and approved by the division of 12936
wildlife for field trial use, provided that permission for the 12937
holding of such a trial shall be obtained from the division. 12938
Permission shall be requested in writing at least thirty days in 12939
advance of the trial. The request shall contain the name of the 12940
recognized field trial club and the names of its officers, the 12941
date and location of the trial, and the name of the licensed 12942
breeders from whom the quails, chukar partridges, ducks, 12943
pheasants, or other game birds will be obtained. The division may 12944
grant a written permit when it is satisfied that the trial is a 12945
bona fide one conducted by a bona fide club under this section. 12946
When an application is approved, a permit shall be issued after 12947
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 12948
upon which the trials are conducted. Participants in such trials 12949
need not possess a hunter's license while participating in the 12950
trials. The division shall supervise all such trials and shall 12951
enforce all laws and division rules governing them. If unbanded 12952
quails, chukar partridges, ducks, pheasants, or other game birds 12953
are accidentally shot during such trials, they immediately shall 12954
be replaced by the club by the releasing of an equal number of 12955
live quails, chukar partridges, ducks, pheasants, or other game 12956
birds under the supervision of the division. 12957

Sec. 1533.23. No person shall deal in or buy green or dried 12958
furs, skins, or parts thereof, taken from fur-bearing animals of 12959
the state, except domesticated rabbits, without a fur dealer's 12960
permit. Every applicant for a fur dealer's permit shall make and 12961
subscribe a statement setting forth ~~his~~ the applicant's name, 12962
place of residence, and whom ~~he~~ the applicant represents. Every 12963
applicant for a dealer's permit who is a nonresident of the state, 12964
or who is a resident of the state and is an agent or 12965
representative of a nonresident person, firm, or corporation, 12966
shall pay an annual fee of two hundred dollars to the chief of the 12967

division of wildlife issuing such permit, and every applicant for 12968
a dealer's permit who is a resident of the state shall pay an 12969
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 12970
~~division of wildlife~~ issuing such permit, ~~and every~~. Every fur 12971
dealer shall operate under such additional ~~regulations~~ rules as 12972
are provided by the chief ~~of the division of wildlife~~. The chief 12973
shall pay ~~such~~ the fees into the state treasury to the credit of 12974
the fund created by section 1533.15 of the Revised Code for the 12975
use of the division of wildlife in the purchase, preservation, 12976
protection, and stocking of fur-bearing animals and for the 12977
necessary clerical help and forms required by this section and 12978
section 1533.24 of the Revised Code. 12979

All permits shall be procured from the chief and the 12980
application, license, and other blanks required by this section 12981
and section 1533.24 of the Revised Code shall be in such form as 12982
the chief prescribes. Each such permit shall expire on the 12983
thirtieth day of April next after its issuance. 12984

Sec. 1533.301. Any person may apply for a permit to transport 12985
fish that are for sale, sold, or purchased. The chief of the 12986
division of wildlife shall issue an annual permit granting the 12987
applicant the privilege to transport such fish, upon filing of an 12988
application on a form prescribed by the chief and payment of a fee 12989
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 12990
part thereof that is for sale, sold, or purchased, whether 12991
acquired in or outside this state, unless the consignor has a 12992
permit ~~issued to him~~ for the calendar year in which the fish is 12993
transported, except that no such permit is required for any of the 12994
following: 12995

(A) Fish transported from a point outside this state to 12996
another point outside this state if the fish are not unloaded in 12997
this state. A fish is not to be considered unloaded for purposes 12998

of this section if it remains under the control of a common carrier. 12999
13000

(B) Fish being transported by a person holding a valid license under section 1533.34 of the Revised Code from the place of taking to ~~his~~ the person's usual place of processing or temporary storage as designated by ~~him~~ the person in the application for the license under that section; 13001
13002
13003
13004
13005

(C) Fish being transported from a premises designated in a valid permit issued under section 1533.631 of the Revised Code to a premises where fish are to be sold at retail, sold for immediate consumption, or consumed if inspection of the designated premises as required by that section has not been denied during the preceding thirty days; 13006
13007
13008
13009
13010
13011

(D) Any quantity of fish the total weight of which does not exceed five hundred pounds in one vehicle; 13012
13013

(E) Minnows for which a permit is required under section 1533.40 of the Revised Code. 13014
13015

If a fish for which a permit is required under this section is transported in this state from a consignor who does not have a valid permit at the time of transportation, or if such a fish is transported in this state from a consignor who has a valid permit at the time of transportation, but the fish is part of the contents of a box, package, or receptacle that was or could be the basis for conviction of a violation of this chapter or a division rule, the fish may be seized by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and division rules, and the fish shall escheat to the state unless a court of this state makes a specific finding that the consignor at the time of seizure had a valid permit under this section ~~1533.301 of the Revised Code~~ and that the fish are lawful under the requirements of this chapter or a division rule relating 13016
13017
13018
13019
13020
13021
13022
13023
13024
13025
13026
13027
13028
13029

thereto. 13030

A fish for which a permit is required under this section may 13031
be transported only if each box, package, or other receptacle 13032
bears a label showing the total weight in pounds, the species of 13033
the fish, the name of the consignor and consignee, the initial 13034
point of billing, the destination, and a statement that each 13035
species of fish by weight in the box, package, or other receptacle 13036
that are undersized under ~~the provisions of~~ section 1533.63 of the 13037
Revised Code or division rule is ten per cent or less or is in 13038
excess of ten per cent, whichever the fact may be. If fish are not 13039
boxed or packaged, each compartment of a tank or other receptacle 13040
shall be considered a separate receptacle, but in lieu of a label 13041
on the compartment or tank a written statement containing the same 13042
information required to be contained on a label, and clearly 13043
identifying the tank or receptacle concerned, may be carried in 13044
the vehicle. Species may be designated in any manner, but the 13045
label also shall bear either the common name indicated in section 13046
1533.63 of the Revised Code or the scientific name contained in 13047
section 1531.01 of the Revised Code. The consignor shall ascertain 13048
that labels are attached or statements carried as required herein 13049
and that the facts stated thereon are true. 13050

The permit required by this section may be suspended by the 13051
chief for a period not to exceed five days upon conviction of the 13052
permittee of a violation of this chapter or Chapter 1531. of the 13053
Revised Code or a division rule if the permittee has been 13054
convicted of another such violation during the preceding 13055
twelve-month period. If the permittee has had two or more such 13056
convictions during the twelve-month period preceding such a 13057
conviction, ~~his~~ the permittee's permit may be suspended as 13058
provided herein for a period not to exceed twenty days. A permit 13059
is invalid during the period of suspension, but in no case is a 13060
permit invalid until fifteen days after mailing by certified mail 13061

a notice of the rule of suspension by the chief. 13062

The chief may not suspend more than one permit of the same 13063
permittee, or suspend a permit of the same permittee more than 13064
once, for convictions resulting from violations that occur in a 13065
load in one vehicle. 13066

A driver or other person in charge of a vehicle transporting 13067
fish that are for sale, sold, or purchased, upon demand by any law 13068
enforcement officer authorized by section 1531.13 of the Revised 13069
Code to enforce laws and division rules, shall stop and open the 13070
vehicle and allow inspection of the load, and any box, package, or 13071
receptacle, and the contents thereof, for the purpose of 13072
determining whether this chapter or a division rule is being 13073
violated. 13074

The word "fish" in the English language, at least eight 13075
inches high and maintained in a clear, conspicuous, and legible 13076
condition at all times, shall appear on both sides of the vehicle 13077
body of all vehicles transporting fresh water fish in this state 13078
when the fish are for sale or sold, except those fish exempt from 13079
a transportation permit in divisions (A), (B), and (E) of this 13080
section. 13081

The chief may refuse to issue a permit to any person whose 13082
purpose in applying for the permit is to allow it to be used by 13083
another person to whom a permit has been refused or revoked. The 13084
chief also may revoke a person's permit when it is used for that 13085
purpose. 13086

No civil action may be brought in any court in the state for 13087
the value or agreed price of fish that have escheated to the state 13088
under this section. 13089

No person shall fail to comply with any provision of this 13090
section or a division rule adopted pursuant thereto. 13091

In addition to other penalties provided in the Revised Code, 13092

the permit of any person who is convicted of two violations of 13093
this section that occurred within a twelve-month period is 13094
suspended upon the second such conviction by operation of law for 13095
a period of five fishing season days immediately following that 13096
conviction. 13097

In addition to other penalties provided in the Revised Code, 13098
the permit of any person who is convicted of three or more 13099
violations of this section that occurred within a twelve-month 13100
period is suspended upon the third or subsequent conviction by 13101
operation of law for a period of twenty fishing season days 13102
immediately following that conviction. 13103

During any period of suspension, no person shall use or 13104
engage in hauling or transporting fish with equipment owned, used, 13105
or controlled at the time of conviction by the permittee whose 13106
permit has been suspended. 13107

Sec. 1533.32. Except as provided in this section or division 13108
(A) or (C) of section 1533.12 of the Revised Code, no person, 13109
including nonresidents, shall take or catch any fish by angling in 13110
any of the waters in the state or engage in fishing in those 13111
waters without a license. No person shall take or catch frogs or 13112
turtles without a valid fishing license, except as provided in 13113
this section. Persons fishing in privately owned ponds, lakes, or 13114
reservoirs to or from which fish are not accustomed to migrate are 13115
exempt from the license requirements set forth in this section. 13116
Persons fishing in privately owned ponds, lakes, or reservoirs 13117
that are open to public fishing through an agreement or lease with 13118
the division of wildlife shall comply with the license 13119
requirements set forth in this section. 13120

The fee for an annual license shall be ~~twenty-three~~ 13121
thirty-nine dollars, unless otherwise provided by division rule, 13122
for a resident of a state that is not a party to an agreement 13123

under section 1533.91 of the Revised Code. The fee for an annual 13124
license shall be ~~fourteen~~ eighteen dollars, unless otherwise 13125
provided by division rule, for a resident of a state that is a 13126
party to such an agreement. The fee for an annual license for 13127
residents of this state shall be ~~fourteen~~ eighteen dollars unless 13128
otherwise provided by division rule or unless the rules adopted 13129
under division (B) of section 1533.12 of the Revised Code provide 13130
for issuance of a resident fishing license to the applicant free 13131
of charge. 13132

Any person under the age of sixteen years may take or catch 13133
frogs and turtles and take or catch fish by angling without a 13134
license. Any resident of this state sixty-six years of age or 13135
older may take or catch frogs and turtles without a license. 13136

The chief of the division of wildlife may issue a tourist's 13137
license expiring three days from the effective date of the license 13138
to a resident of a state that is not a party to an agreement under 13139
section 1533.91 of the Revised Code. The fee for a tourist's 13140
license shall be ~~fourteen~~ eighteen dollars unless otherwise 13141
provided by division rule. 13142

The chief shall adopt rules under section 1531.10 of the 13143
Revised Code providing for the issuance of a one-day fishing 13144
license to a resident of this state or of any other state. The fee 13145
for such a license shall be ~~forty~~ fifty-five per cent of the 13146
amount established under this section for a tourist's license, 13147
rounded up to the nearest whole dollar. A one-day fishing license 13148
shall allow the holder to take or catch fish by angling in the 13149
waters in the state, engage in fishing in those waters, or take or 13150
catch frogs or turtles in those waters for one day without 13151
obtaining an annual license or a tourist's license under this 13152
section. At the request of a holder of a one-day fishing license 13153
who wishes to obtain an annual license, a clerk or agent 13154
authorized to issue licenses under section 1533.13 of the Revised 13155

Code, not later than the last day on which the one-day license 13156
would be valid if it were an annual license, shall credit the 13157
amount of the fee paid for the one-day license toward the fee 13158
charged for the annual license if so authorized by the chief. The 13159
clerk or agent shall issue the annual license upon presentation of 13160
the one-day license and payment of a fee in an amount equal to the 13161
difference between the fee for the annual license and the fee for 13162
the one-day license. 13163

A fee of one dollar for each license issued under this 13164
section shall be paid to the issuing clerk or agent in accordance 13165
with section 1533.13 of the Revised Code unless otherwise provided 13166
by division rule. 13167

Unless otherwise provided by division rule, each annual 13168
license shall begin on the first day of March of the current year 13169
and expire on the last day of February of the following year. 13170

No person shall alter a fishing license or possess a fishing 13171
license that has been altered. 13172

No person shall procure or attempt to procure a fishing 13173
license by fraud, deceit, misrepresentation, or any false 13174
statement. 13175

Owners of land over, through, upon, or along which any water 13176
flows or stands, except where the land is in or borders on state 13177
parks or state-owned lakes, together with the members of the 13178
immediate families of such owners, may take frogs and turtles and 13179
may take or catch fish of the kind permitted to be taken or caught 13180
therefrom without procuring a license provided for in this 13181
section. This exemption extends to tenants actually residing upon 13182
such lands and to the members of the immediate families of the 13183
tenants. Residents of state or county institutions, charitable 13184
institutions, and military homes in this state may take frogs and 13185
turtles without procuring the required license, provided that a 13186

member of the institution or home has an identification card, 13187
which shall be carried on that person when fishing. 13188

Every fisher required to be licensed, while fishing or taking 13189
or attempting to take frogs or turtles, shall carry the license 13190
and exhibit it to any person. Failure to so carry and exhibit the 13191
license constitutes an offense under this section. 13192

Sec. 1533.35. (A) Commercial fishing devices shall be 13193
annually licensed as follows: 13194

(1) Trap and fyke nets, for the first twenty nets or any 13195
portion thereof, eight hundred dollars; and for each additional 13196
group of ten such nets or any portion thereof, four hundred 13197
dollars; 13198

(2) For each seine of one hundred fifty rods or less in 13199
length other than an inland fishing district seine, four hundred 13200
dollars; 13201

(3) For each seine over one hundred fifty rods in length 13202
other than an inland fishing district seine, six hundred dollars; 13203

(4) For each inland fishing district seine, one hundred 13204
dollars; 13205

(5) For each carp apron, one hundred dollars; 13206

(6) For one trotline with seventy hooks or less attached 13207
thereto, twenty dollars; 13208

(7) For each trotline, or trotlines, with a total of more 13209
than seventy hooks attached thereto, one hundred dollars; 13210

(8) For each dip net, one hundred dollars. 13211

The license fee for other commercial fishing gear not 13212
mentioned in this section, as approved by the chief of the 13213
division of wildlife, shall be set by the chief with approval of 13214
the wildlife council. 13215

Commercial fishing gear owned or used by a nonresident may be 13216
licensed in this state only if a reciprocal agreement is in effect 13217
as provided for in section 1533.352 of the Revised Code. 13218

All commercial license fees shall be paid upon application or 13219
shall be paid one-fourth upon application with the balance due and 13220
owing within ninety days of the date of application, except that 13221
those license fees of one hundred dollars or less shall be paid in 13222
full at the time of application. 13223

(B) Royalty fees are hereby established ~~as set forth~~ on the 13224
following species of fish when taken commercially: catfish, white 13225
bass, and yellow perch. 13226

The amount of the royalty fees shall be as follows: on the 13227
species taken for which an allowable catch or quota has been 13228
established by division rule, ~~two~~ five cents per pound. On the 13229
species taken for which an allowable catch or quota has not been 13230
established by division rule, ~~one cent~~ two cents per pound ~~on that~~ 13231
~~portion taken that exceeds one half of the previous year's taking~~ 13232
~~of the species.~~ 13233

~~For the purpose of this section, the previous year's taking~~ 13234
~~shall be the amount reported for that previous year by the license~~ 13235
~~holder to the division pursuant to reporting procedures set forth~~ 13236
~~in this chapter and Chapter 1531. of the Revised Code.~~ 13237

All royalty fees established or provided for in this section 13238
shall be paid by the license holder to the division. No person may 13239
be issued a commercial fishing license until all royalty fees due 13240
from that person for the preceding fishing season have been paid 13241
in full. The chief may request the attorney general to recover any 13242
royalty fee or amount thereof that is not paid by the opening date 13243
of the next fishing season, and the attorney general shall 13244
commence appropriate legal proceedings to recover the unpaid fee 13245
or amount. 13246

All commercial fishing license moneys and all other fees 13247
collected from commercial ~~fishermen~~ fishers shall be deposited in 13248
the state treasury in accordance with section 1533.33 of the 13249
Revised Code. 13250

No person shall fail to comply with any provision of this 13251
section or a division rule adopted pursuant to it. 13252

In addition to other penalties provided in the Revised Code, 13253
the license of any person who is convicted of one or more 13254
violations of this section shall be suspended upon the conviction 13255
by operation of law for a period of eighteen fishing season months 13256
immediately following the conviction. 13257

During any period of suspension, no person shall use or 13258
engage in fishing with commercial gear owned, used, or controlled 13259
at the time of conviction by the licensee whose license has been 13260
suspended. 13261

Sec. 1533.40. Each person, firm, partnership, association, or 13262
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 13263
or hellgrammites or collects the listed species for sale shall 13264
obtain, annually, from the chief of the division of wildlife a 13265
permit and shall operate under such rules as the chief ~~of the~~ 13266
~~division of wildlife prescribes~~ adopts. ~~Such~~ A permit shall be 13267
issued upon application and the payment of a fee of ~~twenty-five~~ 13268
forty dollars. This permit expires at midnight, on the 13269
thirty-first day of December ~~31~~. Nonresidents engaging in the 13270
collecting, seining, or picking of minnows, crayfish, or 13271
hellgrammites for bait shall have a nonresident fishing license as 13272
prescribed in section 1533.32 of the Revised Code. 13273

Sec. 1533.54. No person shall draw, set, place, locate, 13274
maintain, or possess a pound net, crib net, trammel net, fyke net, 13275
set net, seine, bar net, or fish trap, or any part thereof, or 13276

throw or hand line, with more than three hooks attached thereto, 13277
or any other device for catching fish, except a line with not more 13278
than three hooks attached thereto or lure with not more than three 13279
sets of three hooks each, in the inland fishing district of this 13280
state, except for taking carp, mullet, sheepshead, and grass pike 13281
as provided in section 1533.62 of the Revised Code, and except as 13282
provided in section 1533.60 of the Revised Code, or as otherwise 13283
provided for by division rule. No person shall catch or kill a 13284
fish in that fishing district with what are known as bob lines, 13285
trotlines, or float lines, or by grabbing with the hands, or by 13286
spearing or shooting, or with any other device other than by 13287
angling. In the waters of the inland fishing district, except 13288
those lakes, harbors, and reservoirs controlled by the state, a 13289
trotline may be used with not more than fifty hooks, and no two 13290
hooks less than three feet apart, by the owner or person having 13291
the owner's consent in that part of the stream bordering on or 13292
running through that owner's lands. 13293

Notwithstanding this section, any resident who is licensed to 13294
fish with nets in the Ohio river may possess fish nets for the 13295
sole purpose of storage, repair, drying, and tarring in the area 13296
between United States route fifty and the Ohio river from the 13297
Indiana state line to Cincinnati, Ohio, and in the area between 13298
United States route fifty-two and the Ohio river from Cincinnati, 13299
Ohio, to Chesapeake, Ohio, and in the area between state route 13300
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 13301
Ohio. 13302

Any person possessing a net in this reserve district shall 13303
have an Ohio permit for each net in ~~his~~ the person's possession. 13304
The permit shall be issued annually by the chief of the division 13305
of wildlife upon application of the owner of the net and 13306
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 13307
valid fishing license permitting ~~him~~ the owner to fish with nets 13308

in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 13309
net for which an application is made and a permit is issued. The 13310
permit shall expire at twelve midnight on the fifteenth day of 13311
March of each year. 13312

Sec. 1533.631. Any person may apply for a permit to handle 13313
commercial fish, or other fish that may be bought or sold under 13314
the Revised Code or division rule, at wholesale. The chief of the 13315
division of wildlife shall issue an annual permit granting the 13316
applicant the privilege to handle such fish at wholesale at one or 13317
more designated premises upon filing of an application on a form 13318
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 13319
dollars. No person or ~~his~~ a person's agent shall handle at 13320
wholesale any fresh water fish or part thereof unless a permit has 13321
been issued for the calendar year in which the fish is handled at 13322
wholesale for the premises at which the fish is handled. 13323

A fish is handled at wholesale for purposes of this section 13324
when it is on a premises within the state and is being held, 13325
stored, handled, or processed for the purpose of sale to a person 13326
who ordinarily resells the fish. 13327

The permit required by this section shall be issued subject 13328
to the right of entry and inspection of the designated premises of 13329
the permittee by any law enforcement officer authorized by section 13330
1531.13 of the Revised Code to enforce the laws and rules of the 13331
division of wildlife. Such an officer may enter and inspect the 13332
designated premises and any box, package, or receptacle, and the 13333
contents thereof, for the purpose of determining whether any 13334
provision of this chapter or Chapter 1531. of the Revised Code or 13335
division rule is being violated. 13336

No person holding a permit under this section shall remove a 13337
label required by section 1533.301 of the Revised Code unless the 13338
box, package, or receptacle bearing the label has been opened or 13339

unless the label is replaced with another label that meets the 13340
requirements of that section. 13341

No person shall fail to comply with any provision of this 13342
section or division rule adopted pursuant to it. 13343

In addition to other penalties provided in the Revised Code, 13344
the permit of any person who is convicted of two violations of 13345
this section that occurred within a twelve-month period is 13346
suspended upon the second such conviction by operation of law for 13347
a period of five fishing season days immediately following that 13348
conviction. 13349

In addition to other penalties provided in the Revised Code, 13350
the permit of any person who is convicted of three or more 13351
violations of this section that occurred within a twelve-month 13352
period is suspended upon the third or subsequent such conviction 13353
by operation of law for a period of twenty fishing season days 13354
immediately following that conviction. 13355

During any period of suspension, no person shall use or 13356
engage in handling commercial fish at wholesale with equipment or 13357
facilities owned, used, or controlled at the time of conviction by 13358
the permittee whose permit has been suspended. 13359

Sec. 1533.632. (A) As used in this section: 13360

(1) "Aquaculture" means a form of agriculture that involves 13361
the propagation and rearing of aquatic species in controlled 13362
environments under private control, including, but not limited to, 13363
for the purpose of sale for consumption as food. 13364

(2) "Aquaculture species" means any aquatic species that may 13365
be raised through aquaculture that is either a class A aquaculture 13366
species or a class B aquaculture species. 13367

(3) "Class A aquaculture species" includes all of the 13368
following: 13369

| | |
|---|---|
| (a) Trout and salmon (Onchorhynchus sp., Salmo sp., Salvelinus sp.); | 13370 13371 |
| (b) Walleye (Stizostedion vitreum); | 13372 |
| (c) Sauger (Stizostedion canadense); | 13373 |
| (d) Bluegill (Lepomis macrochirus); | 13374 |
| (e) Redear sunfish (Lepomis microlophus); | 13375 |
| (f) Green sunfish (Lepomis cyanellus); | 13376 |
| (g) White crappie (Pomoxis annularis); | 13377 |
| (h) Black crappie (Pomoxis nigromaculatus); | 13378 |
| (i) Blue catfish (Ictalurus furcatus); | 13379 |
| (j) Any species added by rule under division (B) of this section or listed as commercial fish under section 1531.01 of the Revised Code except white perch (Morone americana). | 13380 13381 13382 |
| (4) "Class B aquaculture species" includes any species, except for class A aquaculture species, designated as such by the chief of the division of wildlife. | 13383 13384 13385 |
| (5) "Aquaculture production facility" means a facility used for aquaculture. | 13386 13387 |
| (B) The chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the regulation of aquaculture and may issue permits to persons wishing to engage in aquaculture for the production of aquaculture species. Rules adopted under this section shall ensure the protection and preservation of the wildlife and natural resources of this state. The legal length and weight limitations established under section 1533.63 of the Revised Code do not apply to class A or class B aquaculture species. | 13388 13389 13390 13391 13392 13393 13394 13395 13396 |
| A permit may be issued upon application to any person who satisfies the chief that the person has suitable equipment, of | 13397 13398 |

which ~~he~~ the person is the owner or lessee, to engage in 13399
aquaculture for a given aquaculture species or group of 13400
aquaculture species. Each permit shall be in such form as the 13401
chief prescribes. The permits shall be classified as either class 13402
A or class B. A class A permit shall be required for all class A 13403
aquaculture species that are specified in this section or 13404
designated by rule as a class A aquaculture species. Class B 13405
permits shall be issued on a case-by-case basis. In determining 13406
whether to issue a class B permit, the chief shall take into 13407
account the species for which the class B permit is requested, the 13408
location of the aquaculture production facility, and any other 13409
information determined by the chief to be necessary to protect the 13410
wildlife and natural resources of this state. The annual fee for a 13411
class A permit shall be fifty dollars unless otherwise provided by 13412
rule by the chief. The annual fee for a class B permit shall be 13413
set by the chief at a level between one hundred and five hundred 13414
dollars. In determining the fee to be charged for a class B 13415
permit, the chief shall take into account the additional costs to 13416
the division for the inspection of aquaculture facilities used to 13417
raise a given class B aquaculture species. 13418

The chief may revoke a permit upon a determination that the 13419
person to whom the permit was issued has violated any rule adopted 13420
under this section. The permit shall be reissued upon a showing by 13421
the person that ~~he~~ the person is in compliance with the rules 13422
adopted under this section. A holder of an aquaculture permit may 13423
receive a permit issued under section 1533.301, ~~1533.39~~, or 13424
1533.40 of the Revised Code without payment of the fee for that 13425
permit if the conditions for the issuance of the permit have been 13426
met. 13427

(C) No person shall knowingly sell any aquatic species under 13428
an aquaculture permit issued under this section that was not 13429
raised in an aquaculture production facility. In addition to any 13430

other penalties prescribed for violation of this division, the 13431
chief may revoke the permit of any person convicted of a violation 13432
of this division for any period of time ~~he~~ the chief considers 13433
necessary. 13434

(D) No person who does not hold a current valid aquaculture 13435
permit shall knowingly sell an aquaculture species while claiming 13436
to possess an aquaculture permit. 13437

Sec. 1533.71. Unless otherwise provided by division rule, any 13438
person desiring to engage in the business of raising and selling 13439
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 13440
animals in a wholly enclosed preserve of which the person is the 13441
owner or lessee, or to have game birds, game quadrupeds, reptiles, 13442
amphibians, or fur-bearing animals in captivity, shall apply in 13443
writing to the division of wildlife for a license to do so. 13444

The division, when it appears that the application is made in 13445
good faith and upon the payment of the fee for each license, ~~shall~~ 13446
may issue to the applicant any of the following licenses that may 13447
be applied for: 13448
13449

(A) "Commercial propagating license" permitting the licensee 13450
to propagate game birds, game quadrupeds, reptiles, amphibians, or 13451
fur-bearing animals in the wholly enclosed preserve the location 13452
of which is stated in the license and the application therefor, 13453
and to sell the propagated game birds, game quadrupeds, reptiles, 13454
amphibians, or fur-bearing animals and ship them from the state 13455
alive at any time, and permitting the licensee and the licensee's 13456
employees to kill the propagated game birds, game quadrupeds, or 13457
fur-bearing animals and sell the carcasses for food subject to 13458
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 13459
a license is ~~twenty-five~~ forty dollars per annum. 13460

(B) "Noncommercial propagating license" permitting the 13461

licensee to propagate game birds, game quadrupeds, reptiles, 13462
amphibians, or fur-bearing animals and to hold the animals in 13463
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 13464
fur-bearing animals propagated or held in captivity by authority 13465
of a noncommercial propagating license are for the licensee's own 13466
use and shall not be sold. The fee for such a license is ~~ten~~ 13467
twenty-five dollars per annum. 13468

(C) A free "raise to release license" permitting duly 13469
organized clubs, associations, or individuals approved by the 13470
division to engage in the raising of game birds, game quadrupeds, 13471
or fur-bearing animals for release only and not for sale or 13472
personal use. 13473

Except as provided by law, no person shall possess game 13474
birds, game quadrupeds, or fur-bearing animals in closed season, 13475
provided that municipal or governmental zoological parks are not 13476
required to obtain the licenses provided for in this section. 13477

All licenses issued under this section shall expire on the 13478
fifteenth day of March of each year. 13479

The chief of the division of wildlife shall pay all moneys 13480
received as fees for the issuance of licenses under this section 13481
into the state treasury to the credit of the fund created by 13482
section 1533.15 of the Revised Code for the use of the division in 13483
the purchase, preservation, and protection of wild animals and for 13484
the necessary clerical help and forms required by sections 1533.70 13485
to 1533.80 of the Revised Code. 13486

This section does not authorize the taking or the release for 13487
taking of the following: 13488

(1) Game birds, without first obtaining a commercial bird 13489
shooting preserve license issued under section 1533.72 of the 13490
Revised Code; 13491

(2) Game or nonnative wildlife, without first obtaining a 13492

wild animal hunting preserve license issued under section 1533.721 13493
of the Revised Code. 13494

Sec. 1533.82. (A) On receipt of a notice pursuant to section 13495
3123.43 of the Revised Code, the chief of the division of wildlife 13496
shall comply with sections 3123.41 to 3123.50 of the Revised Code 13497
and any applicable rules adopted under section 3123.63 of the 13498
Revised Code with respect to a license, permit, or certificate 13499
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 13500
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 13501
1533.881 of the Revised Code. 13502

(B) On receipt of a notice pursuant to section 3123.62 of the 13503
Revised Code, the chief shall comply with that section and any 13504
applicable rules adopted under section 3123.63 of the Revised Code 13505
with respect to a license, permit, or stamp issued pursuant to 13506
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 13507
Revised Code. 13508

Sec. 1541.10. Any person selected by the chief of the 13509
division of parks and recreation for custodial or patrol service 13510
on the lands and waters operated or administered by the division 13511
of parks and recreation shall be employed in conformity with the 13512
law applicable to the classified civil service of the state. 13513
Subject to section 1541.11 of the Revised Code, the chief may 13514
designate that person as a park officer. A park officer, on any 13515
lands and waters owned, controlled, maintained, or administered by 13516
the department of natural resources and on highways, as defined in 13517
section 4511.01 of the Revised Code, adjacent to lands and waters 13518
owned, controlled, maintained, or administered by the division, 13519
has the authority specified under section 2935.03 of the Revised 13520
Code for peace officers of the department of natural resources to 13521
keep the peace, to enforce all laws and rules governing those 13522
lands and waters, and to make arrests for violation of those laws 13523

and rules, provided that the authority shall be exercised on lands 13524
or waters administered by another division of the department only 13525
pursuant to an agreement with the chief of that division or to a 13526
request for assistance by an enforcement officer of that division 13527
in an emergency. A park officer, in or along any watercourse 13528
within, abutting, or upstream from the boundary of any area 13529
administered by the department, has the authority to enforce 13530
section 3767.32 of the Revised Code and any other laws prohibiting 13531
the dumping of refuse into or along waters and to make arrests for 13532
violation of those laws. The jurisdiction of park officers shall 13533
be concurrent with that of the peace officers of the county, 13534
township, or municipal corporation in which the violation occurs. 13535
A state park, for purposes of this section, is any area that is 13536
administered as a state park by the division of parks and 13537
recreation. 13538

The ~~governor~~ secretary of state, upon the recommendation of 13539
the chief, shall issue to each park officer a commission 13540
indicating authority to make arrests as provided in this section. 13541

The chief shall furnish a suitable badge to each commissioned 13542
park officer as evidence of that park officer's authority. 13543

If any person employed under this section is designated by 13544
the chief to act as an agent of the state in the collection of 13545
moneys resulting from the sale of licenses, fees of any nature, or 13546
other moneys belonging to the state, the chief shall require a 13547
surety bond from that person in an amount not less than one 13548
thousand dollars. 13549

A park officer may render assistance to a state or local law 13550
enforcement officer at the request of that officer or may render 13551
assistance to a state or local law enforcement officer in the 13552
event of an emergency. 13553

Park officers serving outside the division of parks and 13554

recreation under this section or serving under the terms of a 13555
mutual aid compact authorized under section 1501.02 of the Revised 13556
Code shall be considered as performing services within their 13557
regular employment for the purposes of compensation, pension or 13558
indemnity fund rights, workers' compensation, and other rights or 13559
benefits to which they may be entitled as incidents of their 13560
regular employment. 13561

Park officers serving outside the division of parks and 13562
recreation under this section or under a mutual aid compact retain 13563
personal immunity from civil liability as specified in section 13564
9.86 of the Revised Code and shall not be considered an employee 13565
of a political subdivision for purposes of Chapter 2744. of the 13566
Revised Code. A political subdivision that uses park officers 13567
under this section or under the terms of a mutual aid compact 13568
authorized under section 1501.02 of the Revised Code is not 13569
subject to civil liability under Chapter 2744. of the Revised Code 13570
as the result of any action or omission of any park officer acting 13571
under this section or under a mutual aid compact. 13572

Sec. 1563.42. The operator of a mine, before the pillars are 13573
drawn previous to the abandonment of any part of the mine, shall 13574
have a correct map of such part of the mine made, showing its area 13575
and workings to the day of the abandonment and the pillars drawn 13576
previous to abandonment, and file such map within ninety days 13577
after the abandonment of such mine, in the office of the county 13578
recorder of the county where such mine is located, and with the 13579
chief of the division of mineral resources management. Such map 13580
shall have attached the usual certificate of the mining engineer 13581
making it, and the mine foreperson in charge of the underground 13582
workings of the mine, and such operator shall pay to the recorder 13583
for filing such map, a base fee of five dollars for services and a 13584
housing trust fee of five dollars pursuant to section 317.36 of 13585
the Revised Code. 13586

No operator of a mine shall refuse or neglect to comply with 13587
this section. 13588

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 13589
under the general corporation laws of this state, or previous 13590
laws, or under special provisions of the Revised Code, or created 13591
before September 1, 1851, which corporation has expressly or 13592
impliedly elected to be governed by the laws passed since that 13593
date, and whose articles or other documents are filed with the 13594
secretary of state, shall file with the secretary of state a 13595
verified statement of continued existence, signed by a director, 13596
officer, or three members in good standing, setting forth the 13597
corporate name, the place where the principal office of the 13598
corporation is located, the date of incorporation, the fact that 13599
the corporation is still actively engaged in exercising its 13600
corporate privileges, and the name and address of its agent 13601
appointed pursuant to section 1702.06 of the Revised Code. 13602

(B) Each corporation required to file a statement of 13603
continued existence shall file it with the secretary of state 13604
within each five years after the date of incorporation or of the 13605
last corporate filing. 13606

(C) Corporations specifically exempted by division (N) of 13607
section 1702.06 of the Revised Code, or whose activities are 13608
regulated or supervised by another state official, agency, bureau, 13609
department, or commission are exempted from this section. 13610

(D) The secretary of state shall give notice in writing and 13611
provide a form for compliance with this section to each 13612
corporation required by this section to file the statement of 13613
continued existence, such notice and form to be mailed to the last 13614
known address of the corporation as it appears on the records of 13615
the secretary of state or which the secretary of state may 13616
ascertain upon a reasonable search. 13617

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

(F) A corporation whose articles have been canceled may be reinstated by filing an application for reinstatement and paying to the secretary of state the fee specified in division (Q) of section 111.16 of the Revised Code. The name of a corporation whose articles have been canceled shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year from the date of the cancellation of its articles of incorporation and it appears that a corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name has been filed, the name of which is not distinguishable upon the record as provided in section 1702.06 of the Revised Code, the applicant for reinstatement shall be required by the secretary of state, as a condition prerequisite to such reinstatement, to amend its articles by changing its name. A certificate of reinstatement may be filed in the recorder's office of any county in the state, for which the recorder shall charge and collect a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1702.60 of the Revised Code.

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

Sec. 1711.13. County agricultural societies are hereby 13649
declared bodies corporate and politic, and as such they shall be 13650
capable of suing and being sued and of holding in fee simple any 13651
real estate purchased by them as sites for their fairs. ~~They~~ In 13652
addition, they may mortgage do either or both of the following: 13653

(A) Mortgage their grounds for the purpose of renewing or 13654
extending pre-existing debts, and for the purpose of furnishing 13655
money to purchase additional land, but if the board of county 13656
commissioners has caused money to be paid out of the county 13657
treasury to aid in the purchase of ~~such~~ the grounds, no mortgage 13658
shall be given without the consent of ~~such~~ the board. 13659

Deeds, conveyances, and agreements in writing, made to and by 13660
such societies, for the purchase of real estate as sites for their 13661
fairs, shall vest a title in fee simple to the real estate ~~therein~~ 13662
described in those documents, without words of inheritance. 13663

(B) Enter into agreements to obtain loans and credit for 13664
expenses related to the purposes of the county agricultural 13665
society, provided that the agreements are in writing and are first 13666
approved by the board of directors of the society. The total net 13667
indebtedness incurred by a county agricultural society pursuant to 13668
this division shall not exceed an amount equal to twenty-five per 13669
cent of its annual revenues. 13670

Sec. 1711.131. (A) The board of directors of a county 13671
agricultural society or an independent agricultural society may 13672
authorize by resolution an officer or employee of the agricultural 13673
society to use a credit card held by the board to pay for expenses 13674
related to the purposes of the agricultural society. If a board 13675
elects to authorize the use of a credit card held by the board as 13676
described in this section, the board first shall adopt a policy 13677
specifying the purposes for which the credit card may be used. 13678

(B) An officer or employee of an agricultural society who makes unauthorized use of a credit card held by the society's board of directors is personally liable for the unauthorized use. 13679
The prosecuting attorney of the appropriate county shall recover the amount of any unauthorized expenses incurred by the officer or employee through the misuse of the credit card in a civil action in any court of competent jurisdiction. This section does not limit any other liability of the officer or employee for the unauthorized use of a credit card held by the board of directors. 13680
13681
13682
13683
13684
13685
13686
13687

(C) An officer or employee who is authorized to use a credit card held by the board of directors of an agricultural society and who suspects the loss, theft, or possibility of unauthorized use of the credit card immediately shall notify the board in writing of the suspected loss, theft, or possible unauthorized use. The officer or employee may be held personally liable for not more than fifty dollars in unauthorized debt incurred before the board receives the notification. 13688
13689
13690
13691
13692
13693
13694
13695

(D) The misuse by an officer or employee of an agricultural society of a credit card held by the society's board of directors is a violation of section 2913.21 of the Revised Code. 13696
13697
13698

Sec. 1711.15. In any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society itself may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect ~~thereon~~ suitable buildings on the real estate and otherwise improve it. 13699
13700
13701
13702
13703
13704
13705

In counties in which there is a county agricultural society that has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs or in which the title to the site is vested in fee in the county, the board of 13706
13707
13708
13709

county commissioners may erect or repair buildings or otherwise 13710
improve the site and pay the rental ~~thereof~~ of it, or contribute 13711
to or pay any other form of indebtedness of the society, if the 13712
director of agriculture has certified to the board that the county 13713
agricultural society is complying with all laws and rules 13714
governing the operation of county agricultural societies. The 13715
board may appropriate from the general fund any amount that it 13716
considers necessary for any of those purposes. 13717

Sec. 1711.17. (A) In any counties in which there is a duly 13718
organized independent agricultural society, the respective boards 13719
of county commissioners may purchase or lease jointly, for a term 13720
of not less than twenty years, real estate on which to hold fairs 13721
under the management and control of the society, and may erect 13722
suitable buildings and otherwise improve the property, and pay the 13723
rental thereof, or contribute to or pay any other form of 13724
indebtedness of the society, if the director of agriculture has 13725
certified to the board that the independent agricultural society 13726
is complying with all laws and rules governing the operation of 13727
county agricultural societies. The boards may appropriate from 13728
their respective general funds such an amount as they consider 13729
necessary for any of those purposes. 13730

(B) An independent agricultural society may purchase or 13731
lease, for a term of not less than twenty years, real estate on 13732
which to hold fairs under its management and control and may erect 13733
suitable buildings on the real estate and otherwise improve it. 13734

Sec. 2101.16. (A) The fees enumerated in this division shall 13735
be charged and collected, if possible, by the probate judge and 13736
shall be in full for all services rendered in the respective 13737
proceedings: 13738

- (1) Account, in addition to advertising charges \$12.00 13739
- Waivers and proof of notice of hearing on account, per 13740

| | | |
|--|---------|-------------------------|
| page, minimum one dollar | \$ 1.00 | 13741 |
| (2) Account of distribution, in addition to advertising charges | \$ 7.00 | 13742 13743 |
| (3) Adoption of child, petition for | \$50.00 | 13744 |
| (4) Alter or cancel contract for sale or purchase of real estate, petition to | \$20.00 | 13745 13746 |
| (5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section | \$ 5.00 | 13747 13748 13749 |
| (6) Appropriation suit, per day, hearing in | \$20.00 | 13750 |
| (7) Birth, application for registration of | \$ 7.00 | 13751 |
| (8) Birth record, application to correct | \$ 5.00 | 13752 |
| (9) Bond, application for new or additional | \$ 5.00 | 13753 |
| (10) Bond, application for release of surety or reduction of | \$ 5.00 | 13754 13755 |
| (11) Bond, receipt for securities deposited in lieu of | \$ 5.00 | 13756 |
| (12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar | \$ 1.00 | 13757 13758 |
| (13) Citation and issuing citation, application for | \$ 5.00 | 13759 |
| (14) Change of name, petition for | \$20.00 | 13760 |
| (15) Claim, application of administrator or executor for allowance of administrator's or executor's own | \$10.00 | 13761 13762 |
| (16) Claim, application to compromise or settle | \$10.00 | 13763 |
| (17) Claim, authority to present | \$10.00 | 13764 |
| (18) Commissioner, appointment of | \$ 5.00 | 13765 |
| (19) Compensation for extraordinary services and attorney's fees for fiduciary, application for | \$ 5.00 | 13766 13767 |
| (20) Competency, application to procure adjudication of ... | \$20.00 | 13768 |
| (21) Complete contract, application to | \$10.00 | 13769 |
| (22) Concealment of assets, citation for | \$10.00 | 13770 |
| (23) Construction of will, petition for | \$20.00 | 13771 |
| (24) Continue decedent's business, application to | \$10.00 | 13772 |
| Monthly reports of operation | \$ 5.00 | 13773 |

| | | |
|---|---------|-------------------------|
| (25) Declaratory judgment, petition for | \$20.00 | 13774 |
| (26) Deposit of will | \$ 5.00 | 13775 |
| (27) Designation of heir | \$20.00 | 13776 |
| (28) Distribution in kind, application, assent, and order for | \$ 5.00 | 13777 13778 |
| (29) Distribution under section 2109.36 of the Revised Code, application for an order of | \$ 7.00 | 13779 13780 |
| (30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars | \$15.00 | 13781 13782 13783 |
| (31) Exceptions to any proceeding named in this section, contest of appointment or | \$10.00 | 13784 13785 |
| (32) Election of surviving partner to purchase assets of partnership, proceedings relating to | \$10.00 | 13786 13787 |
| (33) Election of surviving spouse under will | \$ 5.00 | 13788 |
| (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 | 13789 13790 13791 |
| (35) Foreign will, application to record | \$10.00 | 13792 |
| Record of foreign will, additional, per page | \$ 1.00 | 13793 |
| (36) Forms when supplied by the probate court, not to exceed | \$10.00 | 13794 13795 |
| (37) Heirship, petition to determine | \$20.00 | 13796 |
| (38) Injunction proceedings | \$20.00 | 13797 |
| (39) Improve real estate, petition to | \$20.00 | 13798 |
| (40) Inventory with appraisement | \$10.00 | 13799 |
| (41) Inventory without appraisement | \$ 7.00 | 13800 |
| (42) Investment or expenditure of funds, application for .. | \$10.00 | 13801 |
| (43) Invest in real estate, application to | \$10.00 | 13802 |
| (44) Lease for oil, gas, coal, or other mineral, petition to | \$20.00 | 13803 13804 |
| (45) Lease or lease and improve real estate, petition to .. | \$20.00 | 13805 |
| (46) Marriage license | \$10.00 | 13806 |

| | | | |
|------|--|---------|----------------------------------|
| | Certified abstract of each marriage | \$ 2.00 | 13807 |
| (47) | Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of | \$10.00 | 13808 13809 |
| (48) | Mortgage or mortgage and repair or improve real estate, petition to | \$20.00 | 13810 13811 |
| (49) | Newly discovered assets, report of | \$ 7.00 | 13812 |
| (50) | Nonresident executor or administrator to bar creditors' claims, proceedings by | \$20.00 | 13813 13814 |
| (51) | Power of attorney or revocation of power, bonding company | \$10.00 | 13815 13816 |
| (52) | Presumption of death, petition to establish | \$20.00 | 13817 |
| (53) | Probating will | \$15.00 | 13818 |
| | Proof of notice to beneficiaries | \$ 5.00 | 13819 |
| (54) | Purchase personal property, application of surviving spouse to | \$10.00 | 13820 13821 |
| (55) | Purchase real estate at appraised value, petition of surviving spouse to | \$20.00 | 13822 13823 |
| (56) | Receipts in addition to advertising charges, application and order to record | \$ 5.00 | 13824 13825 |
| | Record of those receipts, additional, per page | \$ 1.00 | 13826 |
| (57) | Record in excess of fifteen hundred words in any proceeding in the probate court, per page | \$ 1.00 | 13827 13828 |
| (58) | Release of estate by mortgagee or other lienholder ... | \$ 5.00 | 13829 |
| (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 | 13830 13831 13832 13833 |
| (60) | Removal of fiduciary, application for | \$10.00 | 13834 |
| (61) | Requalification of executor or administrator | \$10.00 | 13835 |
| (62) | Resignation of fiduciary | \$ 5.00 | 13836 |
| (63) | Sale bill, public sale of personal property | \$10.00 | 13837 |
| (64) | Sale of personal property and report, application for | \$10.00 | 13838 13839 |

| | | |
|--|---------|----------------|
| (65) Sale of real estate, petition for | \$25.00 | 13840 |
| (66) Terminate guardianship, petition to | \$10.00 | 13841 |
| (67) Transfer of real estate, application, entry, and certificate for | \$ 7.00 | 13842 13843 |
| (68) Unclaimed money, application to invest | \$ 7.00 | 13844 |
| (69) Vacate approval of account or order of distribution, motion to | \$10.00 | 13845 13846 |
| (70) Writ of execution | \$ 5.00 | 13847 |
| (71) Writ of possession | \$ 5.00 | 13848 |
| (72) Wrongful death, application and settlement of claim for | \$20.00 | 13849 13850 |
| (73) Year's allowance, petition to review | \$ 7.00 | 13851 |
| (74) Guardian's report, filing and review of | \$ 5.00 | 13852 |

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury.

If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

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

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

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

(G)(1) Thirty dollars of the fifty-dollar fee collected pursuant to division (A)(3) of this section shall be deposited

into the "putative father registry fund," which is hereby created 13903
in the state treasury. The department of job and family services 13904
shall use the money in the fund to fund the department's costs of 13905
performing its duties related to the putative father registry 13906
established under section 3107.062 of the Revised Code. 13907

(2) If the department determines that money in the putative 13908
father registry fund is more than is needed for its duties related 13909
to the putative father registry, the department may use the 13910
surplus moneys in the fund as permitted in division (C) of section 13911
2151.3529, division (B) of section 2151.3530, or section 5103.155 13912
of the Revised Code. 13913

Sec. 2113.041. (A) The administrator of the estate recovery 13914
program established pursuant to section 5111.11 of the Revised 13915
Code may present an affidavit to a financial institution 13916
requesting that the financial institution release account proceeds 13917
to recover the cost of services correctly provided to a medicaid 13918
recipient. The affidavit shall include all of the following 13919
information: 13920

(1) The name of the decedent; 13921

(2) The name of any person who gave notice that the decedent 13922
was a medicaid recipient and that person's relationship to the 13923
decedent; 13924

(3) The name of the financial institution; 13925

(4) The account number; 13926

(5) A description of the claim for estate recovery; 13927

(6) The amount of funds to be recovered. 13928

(B) A financial institution may release account proceeds to 13929
the administrator of the estate recovery program if all of the 13930
following apply: 13931

| | |
|---|-------|
| <u>(1) The decedent held an account at the financial institution</u> | 13932 |
| <u>that was in the decedent's name only.</u> | 13933 |
| <u>(2) No estate has been, and it is reasonable to assume that</u> | 13934 |
| <u>no estate will be, opened for the decedent.</u> | 13935 |
| <u>(3) The decedent has no outstanding debts known to the</u> | 13936 |
| <u>administrator of the estate recovery program.</u> | 13937 |
| <u>(4) The financial institution has received no objections or</u> | 13938 |
| <u>has determined that no valid objections to release of proceeds</u> | 13939 |
| <u>have been received.</u> | 13940 |
| <u>(C) If proceeds have been released pursuant to division (B)</u> | 13941 |
| <u>of this section and the department of job and family services</u> | 13942 |
| <u>receives notice of a valid claim to the proceeds that has a higher</u> | 13943 |
| <u>priority under section 2117.25 of the Revised Code than the claim</u> | 13944 |
| <u>of the estate recovery program, the department may refund the</u> | 13945 |
| <u>proceeds to the financial institution or pay them to the person or</u> | 13946 |
| <u>government entity with the claim.</u> | 13947 |
| Sec. 2117.06. (A) All creditors having claims against an | 13948 |
| estate, including claims arising out of contract, out of tort, on | 13949 |
| cognovit notes, or on judgments, whether due or not due, secured | 13950 |
| or unsecured, liquidated or unliquidated, shall present their | 13951 |
| claims in one of the following manners: | 13952 |
| (1) To the executor or administrator in a writing; | 13953 |
| (2) To the executor or administrator in a writing, and to the | 13954 |
| probate court by filing a copy of the writing with it; | 13955 |
| (3) In a writing that is sent by ordinary mail addressed to | 13956 |
| the decedent and that is actually received by the executor or | 13957 |
| administrator within the appropriate time specified in division | 13958 |
| (B) of this section. For purposes of this division, if an executor | 13959 |
| or administrator is not a natural person, the writing shall be | 13960 |
| considered as being actually received by the executor or | 13961 |

administrator only if the person charged with the primary 13962
responsibility of administering the estate of the decedent 13963
actually receives the writing within the appropriate time 13964
specified in division (B) of this section. 13965

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 13966
Code, all claims shall be presented within one year after the 13967
death of the decedent, whether or not the estate is released from 13968
administration or an executor or administrator is appointed during 13969
that one-year period. Every claim presented shall set forth the 13970
claimant's address. 13971

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 13972
Code, a claim that is not presented within one year after the 13973
death of the decedent shall be forever barred as to all parties, 13974
including, but not limited to, devisees, legatees, and 13975
distributees. No payment shall be made on the claim and no action 13976
shall be maintained on the claim, except as otherwise provided in 13977
sections 2117.37 to 2117.42 of the Revised Code with reference to 13978
contingent claims. 13979

(D) In the absence of any prior demand for allowance, the 13980
executor or administrator shall allow or reject all claims, except 13981
tax assessment claims, within thirty days after their 13982
presentation, provided that failure of the executor or 13983
administrator to allow or reject within that time shall not 13984
prevent the executor or administrator from doing so after that 13985
time and shall not prejudice the rights of any claimant. Upon the 13986
allowance of a claim, the executor or the administrator, on demand 13987
of the creditor, shall furnish the creditor with a written 13988
statement or memorandum of the fact and date of the allowance. 13989

(E) If the executor or administrator has actual knowledge of 13990
a pending action commenced against the decedent prior to the 13991
decedent's death in a court of record in this state, the executor 13992
or administrator shall file a notice of the appointment of the 13993

executor or administrator in the pending action within ten days 13994
after acquiring that knowledge. If the administrator or executor 13995
is not a natural person, actual knowledge of a pending suit 13996
against the decedent shall be limited to the actual knowledge of 13997
the person charged with the primary responsibility of 13998
administering the estate of the decedent. Failure to file the 13999
notice within the ten-day period does not extend the claim period 14000
established by this section. 14001

(F) This section applies to any person who is required to 14002
give written notice to the executor or administrator of a motion 14003
or application to revive an action pending against the decedent at 14004
the date of the death of the decedent. 14005

(G) Nothing in this section or in section 2117.07 of the 14006
Revised Code shall be construed to reduce the time mentioned in 14007
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 14008
of the Revised Code, provided that no portion of any recovery on a 14009
claim brought pursuant to any of those sections shall come from 14010
the assets of an estate unless the claim has been presented 14011
against the estate in accordance with Chapter 2117. of the Revised 14012
Code. 14013

(H) Any person whose claim has been presented and has not 14014
been rejected after presentment is a creditor as that term is used 14015
in Chapters 2113. to 2125. of the Revised Code. Claims that are 14016
contingent need not be presented except as provided in sections 14017
2117.37 to 2117.42 of the Revised Code, but, whether presented 14018
pursuant to those sections or this section, contingent claims may 14019
be presented in any of the manners described in division (A) of 14020
this section. 14021

(I) If a creditor presents a claim against an estate in 14022
accordance with division (A)(2) of this section, the probate court 14023
shall not close the administration of the estate until that claim 14024
is allowed or rejected. 14025

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

(K) If the executor or administrator makes a distribution of the assets of the estate prior to the expiration of the time for the filing of claims as set forth in this section, the executor or administrator shall provide notice on the account delivered to each distributee that the distributee may be liable to the estate up to the value of the distribution and may be required to return all or any part of the value of the distribution if a valid claim is subsequently made against the estate within the time permitted under this section.

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

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

(1) The granting of letters testamentary;

(2) The administration of the estate;

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

(C) The person responsible for an estate shall mark the

appropriate box on the appropriate probate form to indicate 14056
compliance with the requirements of division (B) of this section. 14057

(D) The estate recovery program administrator shall present a 14058
claim for estate recovery to the person responsible for the estate 14059
or the person's legal representative not later than ninety days 14060
after the date on which notice is received under division (B) of 14061
this section or one year after the decedent's death, whichever is 14062
later. 14063

Sec. 2117.25. (A) Every executor or administrator shall 14064
proceed with diligence to pay the debts of the decedent and shall 14065
apply the assets in the following order: 14066

(1) Costs and expenses of administration; 14067

(2) An amount, not exceeding two thousand dollars, for 14068
funeral expenses that are included in the bill of a funeral 14069
director, funeral expenses other than those in the bill of a 14070
funeral director that are approved by the probate court, and an 14071
amount, not exceeding two thousand dollars, for burial and 14072
cemetery expenses, including that portion of the funeral 14073
director's bill allocated to cemetery expenses that have been paid 14074
to the cemetery by the funeral director. 14075

For purposes of this division, burial and cemetery expenses 14076
shall be limited to the following: 14077

(a) The purchase of a place of interment; 14078

(b) Monuments or other markers; 14079

(c) The outer burial container; 14080

(d) The cost of opening and closing the place of interment; 14081

(e) The urn. 14082

(3) The allowance for support made to the surviving spouse, 14083
minor children, or both under section 2106.13 of the Revised Code; 14084

| | |
|--|---|
| (4) Debts entitled to a preference under the laws of the United States; | 14085 14086 |
| (5) Expenses of the last sickness of the decedent; | 14087 |
| (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; | 14088 14089 14090 14091 14092 |
| (7) <u>Personal property taxes, claims made under the estate recovery program instituted pursuant to section 5111.11 of the Revised Code,</u> and obligations for which the decedent was personally liable to the state or any of its subdivisions; | 14093 14094 14095 14096 |
| (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; | 14097 14098 14099 |
| (9) Other debts for which claims have been presented and finally allowed. | 14100 14101 |
| (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. | 14102 14103 14104 14105 14106 14107 14108 |
| (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. | 14109 14110 14111 14112 14113 14114 |

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 14115
to the manner in which and the time within which claims shall be 14116
presented, shall apply to claims set forth in divisions (A)(2), 14117
(6), and (8) of this section. Claims for an expense of 14118
administration or for the allowance for support need not be 14119
presented. The executor or administrator shall pay debts included 14120
in divisions (A)(4) and (7) of this section, of which the executor 14121
or administrator has knowledge, regardless of presentation. 14122

(2) The giving of written notice to an executor or 14123
administrator of a motion or application to revive an action 14124
pending against the decedent at the date of death shall be 14125
equivalent to the presentation of a claim to the executor or 14126
administrator for the purpose of determining the order of payment 14127
of any judgment rendered or decree entered in such an action. 14128

(E) No payments shall be made to creditors of one class until 14129
all those of the preceding class are fully paid or provided for. 14130
If the assets are insufficient to pay all the claims of one class, 14131
the creditors of that class shall be paid ratably. 14132

(F) If it appears at any time that the assets have been 14133
exhausted in paying prior or preferred charges, allowances, or 14134
claims, those payments shall be a bar to an action on any claim 14135
not entitled to that priority or preference. 14136

Sec. 2151.352. A Except as otherwise provided in this 14137
section, a child, or the child's parents, or custodian, or any 14138
other person in loco parentis of ~~such~~ the child is entitled to 14139
representation by legal counsel at all stages of the proceedings 14140
under this chapter or Chapter 2152. of the Revised Code ~~and if,~~ 14141
If, as an indigent person, any such person a party is unable to 14142
employ counsel, the party is entitled to have counsel provided for 14143
the person pursuant to Chapter 120. of the Revised Code. If a 14144
party appears without counsel, the court shall ascertain whether 14145

the party knows of the party's right to counsel and of the party's 14146
right to be provided with counsel if the party is an indigent 14147
person. The court may continue the case to enable a party to 14148
obtain counsel or to be represented by the county public defender 14149
or the joint county public defender and shall provide counsel upon 14150
request pursuant to Chapter 120. of the Revised Code. Counsel must 14151
be provided for a child not represented by the child's parent, 14152
guardian, or custodian. If the interests of two or more ~~such~~ 14153
parties conflict, separate counsel shall be provided for each of 14154
them. 14155

This section does not confer the right to court-appointed 14156
counsel in civil actions arising under division (A)(2), (D), or 14157
(F) of section 2151.23 or division (C) of section 3111.13 of the 14158
Revised Code. 14159

Section 2935.14 of the Revised Code applies to any child 14160
taken into custody. The parents, custodian, or guardian of ~~such a~~ 14161
child taken into custody, and any attorney at law representing 14162
them or the child, shall be entitled to visit ~~such~~ the child at 14163
any reasonable time, be present at any hearing involving the 14164
child, and be given reasonable notice of ~~such~~ the hearing. 14165

Any report or part ~~thereof~~ of a report concerning ~~such~~ the 14166
child, which is used in the hearing and is pertinent ~~thereto~~ to 14167
the hearing, shall for good cause shown be made available to any 14168
attorney at law representing ~~such~~ the child and to any attorney at 14169
law representing the parents, custodian, or guardian of ~~such~~ the 14170
child, upon written request prior to any hearing involving ~~such~~ 14171
the child. 14172

Sec. 2151.3529. (A) The director of job and family services 14173
shall promulgate forms designed to gather pertinent medical 14174
information concerning a deserted child and the child's parents. 14175
The forms shall clearly and unambiguously state on each page that 14176

the information requested is to facilitate medical care for the 14177
child, that the forms may be fully or partially completed or left 14178
blank, that completing the forms or parts of the forms is 14179
completely voluntary, and that no adverse legal consequence will 14180
result from failure to complete any part of the forms. 14181

(B) The director shall promulgate written materials to be 14182
given to the parents of a child delivered pursuant to section 14183
2151.3516 of the Revised Code. The materials shall describe 14184
services available to assist parents and newborns and shall 14185
include information directly relevant to situations that might 14186
cause parents to desert a child and information on the procedures 14187
for a person to follow in order to reunite with a child the person 14188
delivered under section 2151.3516 of the Revised Code, including 14189
notice that the person will be required to submit to a DNA test, 14190
at that person's expense, to prove that the person is the parent 14191
of the child. 14192

(C) If the department of job and family services determines 14193
that money in the putative father registry fund created under 14194
section 2101.16 of the Revised Code is more than is needed for its 14195
duties related to the putative father registry, the department may 14196
use surplus moneys in the fund for costs related to the 14197
development and publication of forms and materials promulgated 14198
pursuant to divisions (A) and (B) of this section. 14199

Sec. 2151.3530. (A) The director of job and family services 14200
shall distribute the medical information forms and written 14201
materials promulgated under section 2151.3529 of the Revised Code 14202
to entities permitted to receive a deserted child, to public 14203
children services agencies, and to other public or private 14204
agencies that, in the discretion of the director, are best able to 14205
disseminate the forms and materials to the persons who are most in 14206
need of the forms and materials. 14207

(B) If the department of job and family services determines 14208
that money in the putative father registry fund created under 14209
section 2101.16 of the Revised Code is more than is needed to 14210
perform its duties related to the putative father registry, the 14211
department may use surplus moneys in the fund for costs related to 14212
the distribution of forms and materials pursuant to this section. 14213

Sec. 2151.83. (A) A public children services agency or 14214
private child placing agency, on the request of a young adult, 14215
shall enter into a jointly prepared written agreement with the 14216
young adult that obligates the agency to ensure that independent 14217
living services are provided to the young adult and sets forth the 14218
responsibilities of the young adult regarding the services. The 14219
agreement shall be developed based on the young adult's strengths, 14220
needs, and circumstances ~~and the availability of funds provided~~ 14221
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 14222
shall be designed to promote the young adult's successful 14223
transition to independent adult living and emotional and economic 14224
self-sufficiency. 14225

(B) If the young adult appears to be eligible for services 14226
from one or more of the following entities, the agency must 14227
contact the appropriate entity to determine eligibility: 14228

(1) An entity, other than the agency, that is represented on 14229
a county family and children first council established pursuant to 14230
section 121.37 of the Revised Code. If the entity is a board of 14231
alcohol, drug addiction, and mental health services, an alcohol 14232
and drug addiction services board, or a community mental health 14233
board, the agency shall contact the provider of alcohol, drug 14234
addiction, or mental health services that has been designated by 14235
the board to determine the young adult's eligibility for services. 14236

(2) The rehabilitation services commission; 14237

(3) A metropolitan housing authority established pursuant to 14238
section 3735.27 of the Revised Code. 14239

If an entity described in this division determines that the 14240
young adult qualifies for services from the entity, that entity, 14241
the young adult, and the agency to which the young adult made the 14242
request for independent living services shall enter into a written 14243
addendum to the jointly prepared agreement entered into under 14244
division (A) of this section. The addendum shall indicate how 14245
services under the agreement and addendum are to be coordinated 14246
and allocate the service responsibilities among the entities and 14247
agency that signed the addendum. 14248

Sec. 2151.84. The department of job and family services shall 14249
establish model agreements that may be used by public children 14250
services agencies and private child placing agencies required to 14251
provide services under an agreement with a young adult pursuant to 14252
section 2151.83 of the Revised Code. The model agreements shall 14253
include provisions describing the specific independent living 14254
services to be provided ~~to the extent funds are provided pursuant~~ 14255
~~to this section~~, the duration of the services and the agreement, 14256
the duties and responsibilities of each party under the agreement, 14257
and grievance procedures regarding disputes that arise regarding 14258
the agreement or services provided under it. 14259

~~To facilitate the provision of independent living services,~~ 14260
~~the department shall provide funds to meet the requirement of~~ 14261
~~state matching funds needed to qualify for federal funds under the~~ 14262
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 14263
~~U.S.C. 677, as amended. The department shall seek controlling~~ 14264
~~board approval of any fund transfers necessary to meet this~~ 14265
~~requirement.~~ 14266

Sec. 2152.19. (A) If a child is adjudicated a delinquent 14267

child, the court may make any of the following orders of 14268
disposition, in addition to any other disposition authorized or 14269
required by this chapter: 14270

(1) Any order that is authorized by section 2151.353 of the 14271
Revised Code for the care and protection of an abused, neglected, 14272
or dependent child; 14273

(2) Commit the child to the temporary custody of any school, 14274
camp, institution, or other facility operated for the care of 14275
delinquent children by the county, by a district organized under 14276
section 2152.41 or 2151.65 of the Revised Code, or by a private 14277
agency or organization, within or without the state, that is 14278
authorized and qualified to provide the care, treatment, or 14279
placement required, including, but not limited to, a school, camp, 14280
or facility operated under section 2151.65 of the Revised Code; 14281

(3) Place the child in a detention facility or district 14282
detention facility operated under section 2152.41 of the Revised 14283
Code, for up to ninety days; 14284

(4) Place the child on community control under any sanctions, 14285
services, and conditions that the court prescribes. As a condition 14286
of community control in every case and in addition to any other 14287
condition that it imposes upon the child, the court shall require 14288
the child to abide by the law during the period of community 14289
control. As referred to in this division, community control 14290
includes, but is not limited to, the following sanctions and 14291
conditions: 14292

(a) A period of basic probation supervision in which the 14293
child is required to maintain contact with a person appointed to 14294
supervise the child in accordance with sanctions imposed by the 14295
court; 14296

(b) A period of intensive probation supervision in which the 14297
child is required to maintain frequent contact with a person 14298

appointed by the court to supervise the child while the child is 14299
seeking or maintaining employment and participating in training, 14300
education, and treatment programs as the order of disposition; 14301

(c) A period of day reporting in which the child is required 14302
each day to report to and leave a center or another approved 14303
reporting location at specified times in order to participate in 14304
work, education or training, treatment, and other approved 14305
programs at the center or outside the center; 14306

(d) A period of community service of up to five hundred hours 14307
for an act that would be a felony or a misdemeanor of the first 14308
degree if committed by an adult, up to two hundred hours for an 14309
act that would be a misdemeanor of the second, third, or fourth 14310
degree if committed by an adult, or up to thirty hours for an act 14311
that would be a minor misdemeanor if committed by an adult; 14312

(e) A requirement that the child obtain a high school 14313
diploma, a certificate of high school equivalence, vocational 14314
training, or employment; 14315

(f) A period of drug and alcohol use monitoring; 14316

(g) A requirement of alcohol or drug assessment or 14317
counseling, or a period in an alcohol or drug treatment program 14318
with a level of security for the child as determined necessary by 14319
the court; 14320

(h) A period in which the court orders the child to observe a 14321
curfew that may involve daytime or evening hours; 14322

(i) A requirement that the child serve monitored time; 14323

(j) A period of house arrest with or without electronic 14324
monitoring; 14325

(k) A period of electronic monitoring without house arrest or 14326
electronically monitored house arrest that does not exceed the 14327
maximum sentence of imprisonment that could be imposed upon an 14328

adult who commits the same act. 14329

A period of electronically monitored house arrest imposed 14330
under this division shall not extend beyond the child's 14331
twenty-first birthday. If a court imposes a period of 14332
electronically monitored house arrest upon a child under this 14333
division, it shall require the child: to wear, otherwise have 14334
attached to the child's person, or otherwise be subject to 14335
monitoring by a certified electronic monitoring device or to 14336
participate in the operation of and monitoring by a certified 14337
electronic monitoring system; to remain in the child's home or 14338
other specified premises for the entire period of electronically 14339
monitored house arrest except when the court permits the child to 14340
leave those premises to go to school or to other specified 14341
premises; to be monitored by a central system that can determine 14342
the child's location at designated times; to report periodically 14343
to a person designated by the court; and to enter into a written 14344
contract with the court agreeing to comply with all requirements 14345
imposed by the court, agreeing to pay any fee imposed by the court 14346
for the costs of the electronically monitored house arrest, and 14347
agreeing to waive the right to receive credit for any time served 14348
on electronically monitored house arrest toward the period of any 14349
other dispositional order imposed upon the child if the child 14350
violates any of the requirements of the dispositional order of 14351
electronically monitored house arrest. The court also may impose 14352
other reasonable requirements upon the child. 14353

Unless ordered by the court, a child shall not receive credit 14354
for any time served on electronically monitored house arrest 14355
toward any other dispositional order imposed upon the child for 14356
the act for which was imposed the dispositional order of 14357
electronically monitored house arrest. 14358

(1) A suspension of the driver's license, probationary 14359
driver's license, or temporary instruction permit issued to the 14360

child or a suspension of the registration of all motor vehicles 14361
registered in the name of the child. A child whose license or 14362
permit is so suspended is ineligible for issuance of a license or 14363
permit during the period of suspension. At the end of the period 14364
of suspension, the child shall not be reissued a license or permit 14365
until the child has paid any applicable reinstatement fee and 14366
complied with all requirements governing license reinstatement. 14367

(5) Commit the child to the custody of the court; 14368

(6) Require the child to not be absent without legitimate 14369
excuse from the public school the child is supposed to attend for 14370
five or more consecutive days, seven or more school days in one 14371
school month, or twelve or more school days in a school year; 14372

(7)(a) If a child is adjudicated a delinquent child for being 14373
a chronic truant or an habitual truant who previously has been 14374
adjudicated an unruly child for being a habitual truant, do either 14375
or both of the following: 14376

(i) Require the child to participate in a truancy prevention 14377
mediation program; 14378

(ii) Make any order of disposition as authorized by this 14379
section, except that the court shall not commit the child to a 14380
facility described in division (A)(2) or (3) of this section 14381
unless the court determines that the child violated a lawful court 14382
order made pursuant to division (C)(1)(e) of section 2151.354 of 14383
the Revised Code or division (A)(6) of this section. 14384

(b) If a child is adjudicated a delinquent child for being a 14385
chronic truant or a habitual truant who previously has been 14386
adjudicated an unruly child for being a habitual truant and the 14387
court determines that the parent, guardian, or other person having 14388
care of the child has failed to cause the child's attendance at 14389
school in violation of section 3321.38 of the Revised Code, do 14390
either or both of the following: 14391

(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program; 14392
14393
14394

(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child. 14395
14396
14397
14398
14399

(8) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following: 14400
14401

(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held; 14402
14403
14404
14405

(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to this chapter. 14406
14407
14408
14409
14410
14411
14412

(B) If a child is adjudicated a delinquent child, in addition to any order of disposition made under division (A) of this section, the court, in the following situations, shall suspend the child's temporary instruction permit, restricted license, probationary driver's license, or nonresident operating privilege, or suspend the child's ability to obtain such a permit: 14413
14414
14415
14416
14417
14418

(1) The child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, with the suspension and denial being in accordance with division (E)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised Code. 14419
14420
14421
14422

(2) The child is adjudicated a delinquent child for 14423
committing an act that if committed by an adult would be a drug 14424
abuse offense or for violating division (B) of section 2917.11 of 14425
the Revised Code, with the suspension continuing until the child 14426
attends and satisfactorily completes a drug abuse or alcohol abuse 14427
education, intervention, or treatment program specified by the 14428
court. During the time the child is attending the program, the 14429
court shall retain any temporary instruction permit, probationary 14430
driver's license, or driver's license issued to the child, and the 14431
court shall return the permit or license when the child 14432
satisfactorily completes the program. 14433

(C) The court may establish a victim-offender mediation 14434
program in which victims and their offenders meet to discuss the 14435
offense and suggest possible restitution. If the court obtains the 14436
assent of the victim of the delinquent act committed by the child, 14437
the court may require the child to participate in the program. 14438

(D)(1) If a child is adjudicated a delinquent child for 14439
committing an act that would be a felony if committed by an adult 14440
and if the child caused, attempted to cause, threatened to cause, 14441
or created a risk of physical harm to the victim of the act, the 14442
court, prior to issuing an order of disposition under this 14443
section, shall order the preparation of a victim impact statement 14444
by the probation department of the county in which the victim of 14445
the act resides, by the court's own probation department, or by a 14446
victim assistance program that is operated by the state, a county, 14447
a municipal corporation, or another governmental entity. The court 14448
shall consider the victim impact statement in determining the 14449
order of disposition to issue for the child. 14450

(2) Each victim impact statement shall identify the victim of 14451
the act for which the child was adjudicated a delinquent child, 14452
itemize any economic loss suffered by the victim as a result of 14453
the act, identify any physical injury suffered by the victim as a 14454

result of the act and the seriousness and permanence of the 14455
injury, identify any change in the victim's personal welfare or 14456
familial relationships as a result of the act and any 14457
psychological impact experienced by the victim or the victim's 14458
family as a result of the act, and contain any other information 14459
related to the impact of the act upon the victim that the court 14460
requires. 14461

(3) A victim impact statement shall be kept confidential and 14462
is not a public record. However, the court may furnish copies of 14463
the statement to the department of youth services if the 14464
delinquent child is committed to the department or to both the 14465
adjudicated delinquent child or the adjudicated delinquent child's 14466
counsel and the prosecuting attorney. The copy of a victim impact 14467
statement furnished by the court to the department pursuant to 14468
this section shall be kept confidential and is not a public 14469
record. If an officer is preparing pursuant to section 2947.06 or 14470
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 14471
investigation report pertaining to a person, the court shall make 14472
available to the officer, for use in preparing the report, a copy 14473
of any victim impact statement regarding that person. The copies 14474
of a victim impact statement that are made available to the 14475
adjudicated delinquent child or the adjudicated delinquent child's 14476
counsel and the prosecuting attorney pursuant to this division 14477
shall be returned to the court by the person to whom they were 14478
made available immediately following the imposition of an order of 14479
disposition for the child under this chapter. 14480

The copy of a victim impact statement that is made available 14481
pursuant to this division to an officer preparing a criminal 14482
presentence investigation report shall be returned to the court by 14483
the officer immediately following its use in preparing the report. 14484

(4) The department of youth services shall work with local 14485
probation departments and victim assistance programs to develop a 14486

standard victim impact statement. 14487

(E) If a child is adjudicated a delinquent child for being a 14488
chronic truant or an habitual truant who previously has been 14489
adjudicated an unruly child for being an habitual truant and the 14490
court determines that the parent, guardian, or other person having 14491
care of the child has failed to cause the child's attendance at 14492
school in violation of section 3321.38 of the Revised Code, in 14493
addition to any order of disposition it makes under this section, 14494
the court shall warn the parent, guardian, or other person having 14495
care of the child that any subsequent adjudication of the child as 14496
an unruly or delinquent child for being an habitual or chronic 14497
truant may result in a criminal charge against the parent, 14498
guardian, or other person having care of the child for a violation 14499
of division (C) of section 2919.21 or section 2919.24 of the 14500
Revised Code. 14501

(F)(1) During the period of a delinquent child's community 14502
control granted under this section, authorized probation officers 14503
who are engaged within the scope of their supervisory duties or 14504
responsibilities may search, with or without a warrant, the person 14505
of the delinquent child, the place of residence of the delinquent 14506
child, and a motor vehicle, another item of tangible or intangible 14507
personal property, or other real property in which the delinquent 14508
child has a right, title, or interest or for which the delinquent 14509
child has the express or implied permission of a person with a 14510
right, title, or interest to use, occupy, or possess if the 14511
probation officers have reasonable grounds to believe that the 14512
delinquent child is not abiding by the law or otherwise is not 14513
complying with the conditions of the delinquent child's community 14514
control. The court that places a delinquent child on community 14515
control under this section shall provide the delinquent child with 14516
a written notice that informs the delinquent child that authorized 14517
probation officers who are engaged within the scope of their 14518

supervisory duties or responsibilities may conduct those types of 14519
searches during the period of community control if they have 14520
reasonable grounds to believe that the delinquent child is not 14521
abiding by the law or otherwise is not complying with the 14522
conditions of the delinquent child's community control. The court 14523
also shall provide the written notice described in division (E)(2) 14524
of this section to each parent, guardian, or custodian of the 14525
delinquent child who is described in that division. 14526

(2) The court that places a child on community control under 14527
this section shall provide the child's parent, guardian, or other 14528
custodian with a written notice that informs them that authorized 14529
probation officers may conduct searches pursuant to division 14530
(E)(1) of this section. The notice shall specifically state that a 14531
permissible search might extend to a motor vehicle, another item 14532
of tangible or intangible personal property, or a place of 14533
residence or other real property in which a notified parent, 14534
guardian, or custodian has a right, title, or interest and that 14535
the parent, guardian, or custodian expressly or impliedly permits 14536
the child to use, occupy, or possess. 14537

(G) If a juvenile court commits a delinquent child to the 14538
custody of any person, organization, or entity pursuant to this 14539
section and if the delinquent act for which the child is so 14540
committed is a sexually oriented offense, the court in the order 14541
of disposition shall do one of the following: 14542

(1) Require that the child be provided treatment as described 14543
in division (A)(2) of section 5139.13 of the Revised Code; 14544

(2) Inform the person, organization, or entity that it is the 14545
preferred course of action in this state that the child be 14546
provided treatment as described in division (A)(2) of section 14547
5139.13 of the Revised Code and encourage the person, 14548
organization, or entity to provide that treatment. 14549

Sec. 2301.58. (A) The director of the community-based 14550
correctional facility or district community-based correctional 14551
facility may establish a commissary for the facility. The 14552
commissary may be established either in-house or by another 14553
arrangement. If a commissary is established, all persons 14554
incarcerated in the facility shall receive commissary privileges. 14555
A person's purchases from the commissary shall be deducted from 14556
the person's account record in the facility's business office. The 14557
commissary shall provide for the distribution to indigent persons 14558
incarcerated in the facility necessary hygiene articles and 14559
writing materials. 14560

(B) If a commissary is established, the director of the 14561
community-based correctional facility or district community-based 14562
correctional facility shall establish a commissary fund for the 14563
facility. The management of funds in the commissary fund shall be 14564
strictly controlled in accordance with procedures adopted by the 14565
auditor of state. Commissary fund revenue over and above operating 14566
costs and reserve shall be considered profits. All profits from 14567
the commissary fund shall be used to purchase supplies and 14568
equipment for the benefit of persons incarcerated in the facility 14569
and to pay salary and benefits for employees of the facility, or 14570
for any other persons, who work in or are employed for the sole 14571
purpose of providing service to the commissary. The director of 14572
the community-based correctional facility or district 14573
community-based correctional facility shall adopt rules and 14574
regulations for the operation of any commissary fund the director 14575
establishes. 14576

Sec. 2305.234. (A) As used in this section: 14577

(1) "Chiropractic claim," "medical claim," and "optometric 14578
claim" have the same meanings as in section 2305.113 of the 14579

| | |
|--|-------|
| Revised Code. | 14580 |
| (2) "Dental claim" has the same meaning as in section | 14581 |
| 2305.113 of the Revised Code, except that it does not include any | 14582 |
| claim arising out of a dental operation or any derivative claim | 14583 |
| for relief that arises out of a dental operation. | 14584 |
| (3) "Governmental health care program" has the same meaning | 14585 |
| as in section 4731.65 of the Revised Code. | 14586 |
| (4) "Health care professional" means any of the following who | 14587 |
| provide medical, dental, or other health-related diagnosis, care, | 14588 |
| or treatment: | 14589 |
| (a) Physicians authorized under Chapter 4731. of the Revised | 14590 |
| Code to practice medicine and surgery or osteopathic medicine and | 14591 |
| surgery; | 14592 |
| (b) Registered nurses, advanced practice nurses, and licensed | 14593 |
| practical nurses licensed under Chapter 4723. of the Revised Code; | 14594 |
| (c) Physician assistants authorized to practice under Chapter | 14595 |
| 4730. of the Revised Code; | 14596 |
| (d) Dentists and dental hygienists licensed under Chapter | 14597 |
| 4715. of the Revised Code; | 14598 |
| (e) Physical therapists licensed under Chapter 4755. of the | 14599 |
| Revised Code; | 14600 |
| (f) Chiropractors licensed under Chapter 4734. of the Revised | 14601 |
| Code; | 14602 |
| (g) Optometrists licensed under Chapter 4725. of the Revised | 14603 |
| Code; | 14604 |
| (h) Podiatrists authorized under Chapter 4731. of the Revised | 14605 |
| Code to practice podiatry; | 14606 |
| (i) Dietitians licensed under Chapter 4759. of the Revised | 14607 |
| Code; | 14608 |

| | |
|--|---|
| (j) Pharmacists licensed under Chapter 4729. of the Revised Code; | 14609 14610 |
| (k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code. | 14611 14612 14613 14614 |
| (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 similar capacities. | 14615 14616 14617 14618 14619 14620 14621 |
| (6) "Indigent and uninsured person" means a person who meets all of the following requirements: | 14622 14623 |
| (a) The person's income is not greater than one hundred fifty per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. | 14624 14625 14626 14627 14628 |
| (b) The person is not eligible to receive medical assistance under Chapter 5111., disability assistance medical assistance under Chapter 5115. of the Revised Code, or assistance under any other governmental health care program. | 14629 14630 14631 14632 |
| (c) Either of the following applies: | 14633 |
| (i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan. | 14634 14635 14636 14637 |
| (ii) The person is a policyholder, certificate holder, | 14638 |

insured, contract holder, subscriber, enrollee, member, 14639
beneficiary, or other covered individual under a health insurance 14640
or health care policy, contract, or plan, but the insurer, policy, 14641
contract, or plan denies coverage or is the subject of insolvency 14642
or bankruptcy proceedings in any jurisdiction. 14643

(7) "Operation" means any procedure that involves cutting or 14644
otherwise infiltrating human tissue by mechanical means, including 14645
surgery, laser surgery, ionizing radiation, therapeutic 14646
ultrasound, or the removal of intraocular foreign bodies. 14647
"Operation" does not include the administration of medication by 14648
injection, unless the injection is administered in conjunction 14649
with a procedure infiltrating human tissue by mechanical means 14650
other than the administration of medicine by injection. 14651

(8) "Nonprofit shelter or health care facility" means a 14652
charitable nonprofit corporation organized and operated pursuant 14653
to Chapter 1702. of the Revised Code, or any charitable 14654
organization not organized and not operated for profit, that 14655
provides shelter, health care services, or shelter and health care 14656
services to indigent and uninsured persons, except that "shelter 14657
or health care facility" does not include a hospital as defined in 14658
section 3727.01 of the Revised Code, a facility licensed under 14659
Chapter 3721. of the Revised Code, or a medical facility that is 14660
operated for profit. 14661

(9) "Tort action" means a civil action for damages for 14662
injury, death, or loss to person or property other than a civil 14663
action for damages for a breach of contract or another agreement 14664
between persons or government entities. 14665

(10) "Volunteer" means an individual who provides any 14666
medical, dental, or other health-care related diagnosis, care, or 14667
treatment without the expectation of receiving and without receipt 14668
of any compensation or other form of remuneration from an indigent 14669
and uninsured person, another person on behalf of an indigent and 14670

uninsured person, any shelter or health care facility, or any 14671
other person or government entity. 14672

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 14673
health care professional who is a volunteer and complies with 14674
division (B)(2) of this section is not liable in damages to any 14675
person or government entity in a tort or other civil action, 14676
including an action on a medical, dental, chiropractic, 14677
optometric, or other health-related claim, for injury, death, or 14678
loss to person or property that allegedly arises from an action or 14679
omission of the volunteer in the provision at a nonprofit shelter 14680
or health care facility to an indigent and uninsured person of 14681
medical, dental, or other health-related diagnosis, care, or 14682
treatment, including the provision of samples of medicine and 14683
other medical products, unless the action or omission constitutes 14684
willful or wanton misconduct. 14685

(2) To qualify for the immunity described in division (B)(1) 14686
of this section, a health care professional shall do all of the 14687
following prior to providing diagnosis, care, or treatment: 14688

(a) Determine, in good faith, that the indigent and uninsured 14689
person is mentally capable of giving informed consent to the 14690
provision of the diagnosis, care, or treatment and is not subject 14691
to duress or under undue influence; 14692

(b) Inform the person of the provisions of this section; 14693

(c) Obtain the informed consent of the person and a written 14694
waiver, signed by the person or by another individual on behalf of 14695
and in the presence of the person, that states that the person is 14696
mentally competent to give informed consent and, without being 14697
subject to duress or under undue influence, gives informed consent 14698
to the provision of the diagnosis, care, or treatment subject to 14699
the provisions of this section. 14700

(3) A physician or podiatrist who is not covered by medical 14701

malpractice insurance, but complies with division (B)(2) of this 14702
section, is not required to comply with division (A) of section 14703
4731.143 of the Revised Code. 14704

(C) Subject to divisions (E) and (F)(3) of this section, 14705
health care workers who are volunteers are not liable in damages 14706
to any person or government entity in a tort or other civil 14707
action, including an action upon a medical, dental, chiropractic, 14708
optometric, or other health-related claim, for injury, death, or 14709
loss to person or property that allegedly arises from an action or 14710
omission of the health care worker in the provision at a nonprofit 14711
shelter or health care facility to an indigent and uninsured 14712
person of medical, dental, or other health-related diagnosis, 14713
care, or treatment, unless the action or omission constitutes 14714
willful or wanton misconduct. 14715

(D) Subject to divisions (E) and (F)(3) of this section and 14716
section 3701.071 of the Revised Code, a nonprofit shelter or 14717
health care facility associated with a health care professional 14718
described in division (B)(1) of this section or a health care 14719
worker described in division (C) of this section is not liable in 14720
damages to any person or government entity in a tort or other 14721
civil action, including an action on a medical, dental, 14722
chiropractic, optometric, or other health-related claim, for 14723
injury, death, or loss to person or property that allegedly arises 14724
from an action or omission of the health care professional or 14725
worker in providing for the shelter or facility medical, dental, 14726
or other health-related diagnosis, care, or treatment to an 14727
indigent and uninsured person, unless the action or omission 14728
constitutes willful or wanton misconduct. 14729

(E)(1) Except as provided in division (E)(2) of this section, 14730
the immunities provided by divisions (B), (C), and (D) of this 14731
section are not available to an individual or to a nonprofit 14732
shelter or health care facility if, at the time of an alleged 14733

injury, death, or loss to person or property, the individuals 14734
involved are providing one of the following: 14735

(a) Any medical, dental, or other health-related diagnosis, 14736
care, or treatment pursuant to a community service work order 14737
entered by a court under division (F) of section 2951.02 of the 14738
Revised Code as a condition of probation or other suspension of a 14739
term of imprisonment or imposed by a court as a community control 14740
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 14741
Code. 14742

(b) Performance of an operation. 14743

(c) Delivery of a baby. 14744

(2) Division (E)(1) of this section does not apply to an 14745
individual who provides, or a nonprofit shelter or health care 14746
facility at which the individual provides, diagnosis, care, or 14747
treatment that is necessary to preserve the life of a person in a 14748
medical emergency. 14749

(F)(1) This section does not create a new cause of action or 14750
substantive legal right against a health care professional, health 14751
care worker, or nonprofit shelter or health care facility. 14752

(2) This section does not affect any immunities from civil 14753
liability or defenses established by another section of the 14754
Revised Code or available at common law to which an individual or 14755
a nonprofit shelter or health care facility may be entitled in 14756
connection with the provision of emergency or other diagnosis, 14757
care, or treatment. 14758

(3) This section does not grant an immunity from tort or 14759
other civil liability to an individual or a nonprofit shelter or 14760
health care facility for actions that are outside the scope of 14761
authority of health care professionals or health care workers. 14762

(4) This section does not affect any legal responsibility of 14763

a health care professional or health care worker to comply with 14764
any applicable law of this state or rule of an agency of this 14765
state. 14766

(5) This section does not affect any legal responsibility of 14767
a nonprofit shelter or health care facility to comply with any 14768
applicable law of this state, rule of an agency of this state, or 14769
local code, ordinance, or regulation that pertains to or regulates 14770
building, housing, air pollution, water pollution, sanitation, 14771
health, fire, zoning, or safety. 14772

Sec. 2329.07. If neither execution on a judgment rendered in 14773
a court of record or certified to the clerk of the court of common 14774
pleas in the county in which the judgment was rendered is issued, 14775
nor a certificate of judgment for obtaining a lien upon lands and 14776
tenements is issued and filed, as provided in sections 2329.02 and 14777
2329.04 of the Revised Code, within five years from the date of 14778
the judgment or within five years from the date of the issuance of 14779
the last execution thereon or the issuance and filing of the last 14780
such certificate, whichever is later, then, unless the judgment is 14781
in favor of the state, the judgment shall be dormant and shall not 14782
operate as a lien upon the estate of the judgment debtor. 14783

If the judgment is in favor of the state, the judgment shall 14784
not become dormant and shall not cease to operate as a lien 14785
against the estate of the judgment debtor ~~unless neither such~~ 14786
provided that either execution on the judgment is issued ~~nor such~~ 14787
or a certificate of judgment is issued and filed, as provided in 14788
sections 2329.02 and 2329.04 of the Revised Code, within ten years 14789
from the date of the judgment ~~or within ten years from the date of~~ 14790
~~the issuance of the last execution thereon or the issuance and~~ 14791
~~filing of the last such certificate, whichever is later.~~ 14792

If, in any county other than that in which a judgment was 14793
rendered, the judgment has become a lien by reason of the filing, 14794

in the office of the clerk of the court of common pleas of that 14795
county, of a certificate of the judgment as provided in sections 14796
2329.02 and 2329.04 of the Revised Code, and if no execution is 14797
issued for the enforcement of the judgment within that county, or 14798
no further certificate of the judgment is filed in that county, 14799
within five years ~~or, if the judgment is in favor of the state,~~ 14800
~~within ten years~~ from the date of issuance of the last execution 14801
for the enforcement of the judgment within that county or the date 14802
of filing of the last certificate in that county, whichever is the 14803
later, then the judgment shall cease to operate as a lien upon 14804
lands and tenements of the judgment debtor within that county, 14805
unless the judgment is in favor of the state, in which case the 14806
judgment shall not become dormant. 14807

~~This section applies to judgments in favor of the state.~~ 14808

Sec. 2329.66. (A) Every person who is domiciled in this state 14809
may hold property exempt from execution, garnishment, attachment, 14810
or sale to satisfy a judgment or order, as follows: 14811

(1)(a) In the case of a judgment or order regarding money 14812
owed for health care services rendered or health care supplies 14813
provided to the person or a dependent of the person, one parcel or 14814
item of real or personal property that the person or a dependent 14815
of the person uses as a residence. Division (A)(1)(a) of this 14816
section does not preclude, affect, or invalidate the creation 14817
under this chapter of a judgment lien upon the exempted property 14818
but only delays the enforcement of the lien until the property is 14819
sold or otherwise transferred by the owner or in accordance with 14820
other applicable laws to a person or entity other than the 14821
surviving spouse or surviving minor children of the judgment 14822
debtor. Every person who is domiciled in this state may hold 14823
exempt from a judgment lien created pursuant to division (A)(1)(a) 14824
of this section the person's interest, not to exceed five thousand 14825

| | |
|---|--|
| dollars, in the exempted property. | 14826 |
| (b) In the case of all other judgments and orders, the person's interest, not to exceed five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. | 14827 14828 14829 14830 |
| (2) The person's interest, not to exceed one thousand dollars, in one motor vehicle; | 14831 14832 |
| (3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit; | 14833 14834 14835 14836 14837 |
| (4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section. | 14838 14839 14840 14841 14842 14843 14844 14845 |
| (b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person; | 14846 14847 14848 14849 14850 14851 |
| (c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry; | 14852 14853 14854 14855 |
| (d) Divisions (A)(4)(b) and (c) of this section do not | 14856 |

include items of personal property listed in division (A)(3) of 14857
this section. 14858

If the person does not claim an exemption under division 14859
(A)(1) of this section, the total exemption claimed under division 14860
(A)(4)(b) of this section shall be added to the total exemption 14861
claimed under division (A)(4)(c) of this section, and the total 14862
shall not exceed two thousand dollars. If the person claims an 14863
exemption under division (A)(1) of this section, the total 14864
exemption claimed under division (A)(4)(b) of this section shall 14865
be added to the total exemption claimed under division (A)(4)(c) 14866
of this section, and the total shall not exceed one thousand five 14867
hundred dollars. 14868

(5) The person's interest, not to exceed an aggregate of 14869
seven hundred fifty dollars, in all implements, professional 14870
books, or tools of the person's profession, trade, or business, 14871
including agriculture; 14872

(6)(a) The person's interest in a beneficiary fund set apart, 14873
appropriated, or paid by a benevolent association or society, as 14874
exempted by section 2329.63 of the Revised Code; 14875

(b) The person's interest in contracts of life or endowment 14876
insurance or annuities, as exempted by section 3911.10 of the 14877
Revised Code; 14878

(c) The person's interest in a policy of group insurance or 14879
the proceeds of a policy of group insurance, as exempted by 14880
section 3917.05 of the Revised Code; 14881

(d) The person's interest in money, benefits, charity, 14882
relief, or aid to be paid, provided, or rendered by a fraternal 14883
benefit society, as exempted by section 3921.18 of the Revised 14884
Code; 14885

(e) The person's interest in the portion of benefits under 14886
policies of sickness and accident insurance and in lump sum 14887

| | |
|---|---|
| payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code. | 14888 14889 |
| (7) The person's professionally prescribed or medically necessary health aids; | 14890 14891 |
| (8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code; | 14892 14893 14894 |
| (9) The person's interest in the following: | 14895 |
| (a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code; | 14896 14897 |
| (b) Workers' compensation, as exempted by section 4123.67 of the Revised Code; | 14898 14899 |
| (c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code; | 14900 14901 |
| (d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; | 14902 14903 |
| (e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; | 14904 14905 14906 |
| (f) Disability <u>financial</u> assistance payments, as exempted by section 5115.07 <u>5115.06</u> of the Revised Code. | 14907 14908 |
| (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, | 14909 14910 14911 14912 14913 14914 14915 14916 14917 |

retirement allowance, or accumulated contributions, the person's 14918
right to a participant account in any deferred compensation 14919
program offered by the Ohio public employees deferred compensation 14920
board, a government unit, or a municipal corporation, or the 14921
person's other accrued or accruing rights, as exempted by section 14922
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 14923
the Revised Code, and the person's right to benefits from the Ohio 14924
public safety officers death benefit fund; 14925

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 14926
3121.03, and 3123.06 of the Revised Code, the person's right to 14927
receive a payment under any pension, annuity, or similar plan or 14928
contract, not including a payment from a stock bonus or 14929
profit-sharing plan or a payment included in division (A)(6)(b) or 14930
(10)(a) of this section, on account of illness, disability, death, 14931
age, or length of service, to the extent reasonably necessary for 14932
the support of the person and any of the person's dependents, 14933
except if all the following apply: 14934

(i) The plan or contract was established by or under the 14935
auspices of an insider that employed the person at the time the 14936
person's rights under the plan or contract arose. 14937

(ii) The payment is on account of age or length of service. 14938

(iii) The plan or contract is not qualified under the 14939
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 14940
amended. 14941

(c) Except for any portion of the assets that were deposited 14942
for the purpose of evading the payment of any debt and except as 14943
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 14944
3123.06 of the Revised Code, the person's right in the assets held 14945
in, or to receive any payment under, any individual retirement 14946
account, individual retirement annuity, "Roth IRA," or education 14947
individual retirement account that provides benefits by reason of 14948

illness, disability, death, or age, to the extent that the assets, 14949
payments, or benefits described in division (A)(10)(c) of this 14950
section are attributable to any of the following: 14951

(i) Contributions of the person that were less than or equal 14952
to the applicable limits on deductible contributions to an 14953
individual retirement account or individual retirement annuity in 14954
the year that the contributions were made, whether or not the 14955
person was eligible to deduct the contributions on the person's 14956
federal tax return for the year in which the contributions were 14957
made; 14958

(ii) Contributions of the person that were less than or equal 14959
to the applicable limits on contributions to a Roth IRA or 14960
education individual retirement account in the year that the 14961
contributions were made; 14962

(iii) Contributions of the person that are within the 14963
applicable limits on rollover contributions under subsections 219, 14964
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 14965
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 14966
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 14967

(d) Except for any portion of the assets that were deposited 14968
for the purpose of evading the payment of any debt and except as 14969
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 14970
3123.06 of the Revised Code, the person's right in the assets held 14971
in, or to receive any payment under, any Keogh or "H.R. 10" plan 14972
that provides benefits by reason of illness, disability, death, or 14973
age, to the extent reasonably necessary for the support of the 14974
person and any of the person's dependents. 14975

(11) The person's right to receive spousal support, child 14976
support, an allowance, or other maintenance to the extent 14977
reasonably necessary for the support of the person and any of the 14978
person's dependents; 14979

(12) The person's right to receive, or moneys received during 14980
the preceding twelve calendar months from, any of the following: 14981

(a) An award of reparations under sections 2743.51 to 2743.72 14982
of the Revised Code, to the extent exempted by division (D) of 14983
section 2743.66 of the Revised Code; 14984

(b) A payment on account of the wrongful death of an 14985
individual of whom the person was a dependent on the date of the 14986
individual's death, to the extent reasonably necessary for the 14987
support of the person and any of the person's dependents; 14988

(c) Except in cases in which the person who receives the 14989
payment is an inmate, as defined in section 2969.21 of the Revised 14990
Code, and in which the payment resulted from a civil action or 14991
appeal against a government entity or employee, as defined in 14992
section 2969.21 of the Revised Code, a payment, not to exceed five 14993
thousand dollars, on account of personal bodily injury, not 14994
including pain and suffering or compensation for actual pecuniary 14995
loss, of the person or an individual for whom the person is a 14996
dependent; 14997

(d) A payment in compensation for loss of future earnings of 14998
the person or an individual of whom the person is or was a 14999
dependent, to the extent reasonably necessary for the support of 15000
the debtor and any of the debtor's dependents. 15001

(13) Except as provided in sections 3119.80, 3119.81, 15002
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 15003
earnings of the person owed to the person for services in an 15004
amount equal to the greater of the following amounts: 15005

(a) If paid weekly, thirty times the current federal minimum 15006
hourly wage; if paid biweekly, sixty times the current federal 15007
minimum hourly wage; if paid semimonthly, sixty-five times the 15008
current federal minimum hourly wage; or if paid monthly, one 15009
hundred thirty times the current federal minimum hourly wage that 15010

is in effect at the time the earnings are payable, as prescribed 15011
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 15012
U.S.C. 206(a)(1), as amended; 15013

(b) Seventy-five per cent of the disposable earnings owed to 15014
the person. 15015

(14) The person's right in specific partnership property, as 15016
exempted by division (B)(3) of section 1775.24 of the Revised 15017
Code; 15018

(15) A seal and official register of a notary public, as 15019
exempted by section 147.04 of the Revised Code; 15020

(16) The person's interest in a tuition credit or a payment 15021
under section 3334.09 of the Revised Code pursuant to a tuition 15022
credit contract, as exempted by section 3334.15 of the Revised 15023
Code; 15024

(17) Any other property that is specifically exempted from 15025
execution, attachment, garnishment, or sale by federal statutes 15026
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 15027
U.S.C.A. 101, as amended; 15028

(18) The person's interest, not to exceed four hundred 15029
dollars, in any property, except that division (A)(18) of this 15030
section applies only in bankruptcy proceedings. 15031

(B) As used in this section: 15032

(1) "Disposable earnings" means net earnings after the 15033
garnishee has made deductions required by law, excluding the 15034
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 15035
3121.03, or 3123.06 of the Revised Code. 15036

(2) "Insider" means: 15037

(a) If the person who claims an exemption is an individual, a 15038
relative of the individual, a relative of a general partner of the 15039
individual, a partnership in which the individual is a general 15040

partner, a general partner of the individual, or a corporation of 15041
which the individual is a director, officer, or in control; 15042

(b) If the person who claims an exemption is a corporation, a 15043
director or officer of the corporation; a person in control of the 15044
corporation; a partnership in which the corporation is a general 15045
partner; a general partner of the corporation; or a relative of a 15046
general partner, director, officer, or person in control of the 15047
corporation; 15048

(c) If the person who claims an exemption is a partnership, a 15049
general partner in the partnership; a general partner of the 15050
partnership; a person in control of the partnership; a partnership 15051
in which the partnership is a general partner; or a relative in, a 15052
general partner of, or a person in control of the partnership; 15053

(d) An entity or person to which or whom any of the following 15054
applies: 15055

(i) The entity directly or indirectly owns, controls, or 15056
holds with power to vote, twenty per cent or more of the 15057
outstanding voting securities of the person who claims an 15058
exemption, unless the entity holds the securities in a fiduciary 15059
or agency capacity without sole discretionary power to vote the 15060
securities or holds the securities solely to secure to debt and 15061
the entity has not in fact exercised the power to vote. 15062

(ii) The entity is a corporation, twenty per cent or more of 15063
whose outstanding voting securities are directly or indirectly 15064
owned, controlled, or held with power to vote, by the person who 15065
claims an exemption or by an entity to which division (B)(2)(d)(i) 15066
of this section applies. 15067

(iii) A person whose business is operated under a lease or 15068
operating agreement by the person who claims an exemption, or a 15069
person substantially all of whose business is operated under an 15070
operating agreement with the person who claims an exemption. 15071

(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. 15072
15073
15074

(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; 15075
15076
15077
15078

(f) A managing agent of the person who claims an exemption. 15079

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 15080
15081

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 15082
15083

(C) For purposes of this section, "interest" shall be determined as follows: 15084
15085

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code; 15086
15087
15088

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution. 15089
15090
15091

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code. 15092
15093
15094

Sec. 2505.13. If a supersedeas bond has been executed and filed and the surety is one other than a surety company, the clerk of the court with which the bond has been filed, upon request, shall issue a certificate that sets forth the fact that the bond has been filed and that states the style and number of the appeal, the amount of the bond, and the sureties on it. Such a certificate 15095
15096
15097
15098
15099
15100

may be filed in the office of the county recorder of any county in 15101
which the sureties may own land, and, when filed, the bond shall 15102
be a lien upon the land of the sureties in such county. The lien 15103
shall be extinguished upon the satisfaction, reversal, or vacation 15104
of the final order, judgment, or decree involved, or by an order 15105
of the court that entered the final order, judgment, or decree, 15106
that releases the lien or releases certain land from the operation 15107
of the lien. 15108

The clerk, upon request, shall issue a notice of discharge of 15109
such a lien, which may be filed in the office of any recorder in 15110
whose office the certificate of lien was filed. Such notice shall 15111
state that the final order, judgment, or decree involved is 15112
satisfied, reversed, or vacated, or that an order has been entered 15113
that releases the lien or certain land from the operation of the 15114
lien. Such recorder shall properly keep and file such certificates 15115
and notices as are filed with ~~him~~ the recorder and shall index 15116
them in the book or record provided for in section 2937.27 of the 15117
Revised Code. 15118

The fee for issuing such a certificate or notice shall be as 15119
provided by law, and shall be taxed as part of the costs of the 15120
appeal. A county recorder shall receive a base fee of fifty cents 15121
for filing and indexing such a certificate, which fee shall cover 15122
the filing and the entering on the index of ~~such a~~ the notice and 15123
a housing trust fund fee of fifty cents pursuant to section 317.36 15124
of the Revised Code. 15125

Sec. 2715.041. (A) Upon the filing of a motion for an order 15126
of attachment pursuant to section 2715.03 of the Revised Code, the 15127
plaintiff shall file with the clerk of the court a praecipe 15128
instructing the clerk to issue to the defendant against whom the 15129
motion was filed a notice of the proceeding. Upon receipt of the 15130
praecipe, the clerk shall issue the notice which shall be in 15131

| | |
|---|-------|
| substantially the following form: | 15132 |
| "(Name and Address of Court) | 15133 |
| Case No..... | 15134 |
| (Case Caption) | 15135 |
| NOTICE | 15136 |
| You are hereby notified that (name and address of plaintiff), | 15137 |
| the plaintiff in this proceeding, has applied to this court for | 15138 |
| the attachment of property in your possession. The basis for this | 15139 |
| application is indicated in the documents that are enclosed with | 15140 |
| this notice. | 15141 |
| The law of Ohio and the United States provides that certain | 15142 |
| benefit payments cannot be taken from you to pay a debt. Typical | 15143 |
| among the benefits that cannot be attached or executed on by a | 15144 |
| creditor are: | 15145 |
| (1) Workers' compensation benefits; | 15146 |
| (2) Unemployment compensation payments; | 15147 |
| (3) Cash assistance payments under the Ohio works first | 15148 |
| program; | 15149 |
| (4) Benefits and services under the prevention, retention, | 15150 |
| and contingency program; | 15151 |
| (5) Disability <u>financial</u> assistance administered by the Ohio | 15152 |
| department of job and family services; | 15153 |
| (6) Social security benefits; | 15154 |
| (7) Supplemental security income (S.S.I.); | 15155 |
| (8) Veteran's benefits; | 15156 |
| (9) Black lung benefits; | 15157 |
| (10) Certain pensions. | 15158 |
| Additionally, your wages never can be taken to pay a debt | 15159 |
| until a judgment has been obtained against you. There may be other | 15160 |

benefits not included in this list that apply in your case. 15161

If you dispute the plaintiff's claim and believe that you are 15162
entitled to retain possession of the property because it is exempt 15163
or for any other reason, you may request a hearing before this 15164
court by disputing the claim in the request for hearing form 15165
appearing below, or in a substantially similar form, and 15166
delivering the request for the hearing to this court, at the 15167
office of the clerk of this court, not later than the end of the 15168
fifth business day after you receive this notice. You may state 15169
your reasons for disputing the claim in the space provided on the 15170
form, but you are not required to do so. If you do state your 15171
reasons for disputing the claim in the space provided on the form, 15172
you are not prohibited from stating any other reasons at the 15173
hearing, and if you do not state your reasons, it will not be held 15174
against you by the court and you can state your reasons at the 15175
hearing. 15176

If you request a hearing, it will be conducted in 15177
..... courtroom, (address of court), at 15178
.....m. on, 15179

You may avoid having a hearing but retain possession of the 15180
property until the entry of final judgment in the action by filing 15181
with the court, at the office of the clerk of this court, not 15182
later than the end of the fifth business day after you receive 15183
this notice, a bond executed by an acceptable surety in the amount 15184
of \$..... 15185

If you do not request a hearing or file a bond on or before 15186
the end of the fifth business day after you receive this notice, 15187
the court, without further notice to you, may order a law 15188
enforcement officer or bailiff to take possession of the property. 15189
Notice of the dates, times, places, and purposes of any subsequent 15190
hearings and of the date, time, and place of the trial of the 15191
action will be sent to you. 15192

OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15223
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 15224
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 15225

(C) The notice required by division (A) of this section shall 15226
be served on the defendant in duplicate not less than seven 15227
business days prior to the date on which the hearing is scheduled, 15228
together with a copy of the complaint and summons, if not 15229
previously served, and a copy of the motion for the attachment of 15230
property and the affidavit attached to the motion, in the same 15231
manner as provided in the Rules of Civil Procedure for the service 15232
of process. Service may be effected by publication as provided in 15233
the Rules of Civil Procedure except that the number of weeks for 15234
publication may be reduced by the court to the extent appropriate. 15235

Sec. 2715.045. (A) Upon the filing of a motion for 15236
attachment, a court may issue an order of attachment without 15237
issuing notice to the defendant against whom the motion was filed 15238
and without conducting a hearing if the court finds that there is 15239
probable cause to support the motion and that the plaintiff that 15240
filed the motion for attachment will suffer irreparable injury if 15241
the order is delayed until the defendant against whom the motion 15242
has been filed has been given the opportunity for a hearing. The 15243
court's findings shall be based upon the motion and affidavit 15244
filed pursuant to section 2715.03 of the Revised Code and any 15245
other relevant evidence that it may wish to consider. 15246

(B) A finding by the court that the plaintiff will suffer 15247
irreparable injury may be made only if the court finds the 15248
existence of either of the following circumstances: 15249

(1) There is present danger that the property will be 15250
immediately disposed of, concealed, or placed beyond the 15251
jurisdiction of the court. 15252

(2) The value of the property will be impaired substantially 15253

if the issuance of an order of attachment is delayed. 15254

(C)(1) Upon the issuance by a court of an order of attachment 15255
without notice and hearing pursuant to this section, the plaintiff 15256
shall file the order with the clerk of the court, together with a 15257
praecipe instructing the clerk to issue to the defendant against 15258
whom the order was issued a copy of the motion, affidavit, and 15259
order of attachment, and a notice that an order of attachment was 15260
issued and that the defendant has a right to a hearing on the 15261
matter. The clerk then immediately shall serve upon the defendant, 15262
in the manner provided by the Rules of Civil Procedure for service 15263
of process, a copy of the complaint and summons, if not previously 15264
served, a copy of the motion, affidavit, and order of attachment, 15265
and the following notice: 15266

"(Name and Address of the Court) 15267

(Case Caption) Case No. 15268

NOTICE 15269

You are hereby notified that this court has issued an order 15270
in the above case in favor of (name and address of plaintiff), the 15271
plaintiff in this proceeding, directing that property now in your 15272
possession, be taken from you. This order was issued on the basis 15273
of the plaintiff's claim against you as indicated in the documents 15274
that are enclosed with this notice. 15275

The law of Ohio and the United States provides that certain 15276
benefit payments cannot be taken from you to pay a debt. Typical 15277
among the benefits that cannot be attached or executed on by a 15278
creditor are: 15279

(1) Workers' compensation benefits; 15280

(2) Unemployment compensation payments; 15281

(3) Cash assistance payments under the Ohio works first 15282
program; 15283

(4) Benefits and services under the prevention, retention, 15284

| | |
|---|---|
| and contingency program; | 15285 |
| (5) Disability <u>financial</u> assistance administered by the Ohio department of job and family services; | 15286 15287 |
| (6) Social security benefits; | 15288 |
| (7) Supplemental security income (S.S.I.); | 15289 |
| (8) Veteran's benefits; | 15290 |
| (9) Black lung benefits; | 15291 |
| (10) Certain pensions. | 15292 |
| Additionally, your wages never can be taken to pay a debt until a judgment has been obtained against you. There may be other benefits not included in this list that apply in your case. | 15293 15294 15295 |
| If you dispute the plaintiff's claim and believe that you are entitled to possession of the property because it is exempt or 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 claim in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the claim, you are not prohibited from stating any other reasons at the hearing, and 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. If you request a hearing, it will be held within three business days after delivery of your request for hearing and notice of the date, time, and place of the hearing will be sent to you. | 15296 15297 15298 15299 15300 15301 15302 15303 15304 15305 15306 15307 15308 15309 15310 15311 15312 |
| You may avoid a hearing but recover and retain possession of the property until the entry of final judgment in the action by | 15313 15314 |

filing with the court, at the office of the clerk of this court, 15315
not later than the end of the fifth business day after you receive 15316
this notice, a bond executed by an acceptable surety in the amount 15317
of \$..... 15318

If you do not request a hearing or file a bond before the end 15319
of the fifth business day after you receive this notice, 15320
possession of the property will be withheld from you during the 15321
pendency of the action. Notice of the dates, times, places, and 15322
purposes of any subsequent hearings and of the date, time, and 15323
place of the trial of the action will be sent to you. 15324

..... 15325
Clerk of the Court 15326
..... 15327
Date" 15328

(2) Along with the notice required by division (C)(1) of this 15329
section, the clerk of the court also shall deliver to the 15330
defendant a request for hearing form together with a postage-paid, 15331
self-addressed envelope or a request for hearing form on a 15332
postage-paid, self-addressed postcard. The request for hearing 15333
shall be in substantially the following form: 15334

"(Name and Address of Court) 15335
Case Number Date 15336
REQUEST FOR HEARING 15337

I dispute the claim for possession of property in the above 15338
case and request that a hearing in this matter be held within 15339
three business days after delivery of this request to the court. 15340

I dispute the claim for the following reasons: 15341
..... 15342
(Optional) 15343
..... 15344

garnishment of property, other than personal earnings, under 15376
section 2716.11 of the Revised Code, the court shall cause the 15377
matter to be set for hearing within twelve days after that filing. 15378

(B) Upon the scheduling of a hearing relative to a proceeding 15379
in garnishment of property, other than personal earnings, under 15380
division (A) of this section, the clerk of the court immediately 15381
shall issue to the garnishee three copies of the order of 15382
garnishment of property, other than personal earnings, and of a 15383
written notice that the garnishee answer as provided in section 15384
2716.21 of the Revised Code and the garnishee's fee required by 15385
section 2716.12 of the Revised Code. The copies of the order and 15386
of the notice shall be served upon the garnishee in the same 15387
manner as a summons is served. The copies of the order and of the 15388
notice shall not be served later than seven days prior to the date 15389
on which the hearing is scheduled. The order shall bind the 15390
property, other than personal earnings, of the judgment debtor in 15391
the possession of the garnishee at the time of service. 15392

The order of garnishment of property, other than personal 15393
earnings, and notice to answer shall be in substantially the 15394
following form: 15395

"ORDER AND NOTICE OF GARNISHMENT 15396
OF PROPERTY OTHER THAN PERSONAL EARNINGS 15397
AND ANSWER OF GARNISHEE 15398
Docket No. 15399
Case No. 15400
In the Court 15401
....., Ohio 15402

The State of Ohio 15403

County of, ss 15404

....., Judgment Creditor 15405

vs. 15406

....., Judgment Debtor 15407

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 15408

To:, Garnishee 15409

The judgment creditor in the above case has filed an 15410
affidavit, satisfactory to the undersigned, in this Court stating 15411
that you have money, property, or credits, other than personal 15412
earnings, in your hands or under your control that belong to the 15413
judgment debtor, and that some of the money, property, or credits 15414
may not be exempt from garnishment under the laws of the State of 15415
Ohio or the laws of the United States. 15416

You are therefore ordered to complete the "ANSWER OF 15417
GARNISHEE" in section (B) of this form. Return one completed and 15418
signed copy of this form to the clerk of this court together with 15419
the amount determined in accordance with the "ANSWER OF GARNISHEE" 15420
by the following date on which a hearing is tentatively scheduled 15421
relative to this order of garnishment: Deliver one 15422
completed and signed copy of this form to the judgment debtor 15423
prior to that date. Keep the other completed and signed copy of 15424
this form for your files. 15425

The total probable amount now due on this judgment is 15426
\$..... The total probable amount now due includes the unpaid 15427
portion of the judgment in favor of the judgment creditor, which 15428
is \$.....; interest on that judgment and, if applicable, 15429
prejudgment interest relative to that judgment at the rate of 15430
.....% per annum payable until that judgment is satisfied in full; 15431
and court costs in the amount of \$..... 15432

You also are ordered to hold safely anything of value that 15433
belongs to the judgment debtor and that has to be paid to the 15434
court, as determined under the "ANSWER OF GARNISHEE" in section 15435
(B) of this form, but that is of such a nature that it cannot be 15436
so delivered, until further order of the court. 15437

| | |
|--|-------|
| | 15468 |
| (Print Name and Title of | 15469 |
| Person Who Completed Form) | 15470 |
| Signed..... | 15471 |
| (Signature of Person Completing Form) | 15472 |
| Dated this day of," | 15473 |
| Section A of the form described in this division shall be | 15474 |
| completed before service. Section B of the form shall be completed | 15475 |
| by the garnishee, and the garnishee shall file one completed and | 15476 |
| signed copy of the form with the clerk of the court as the | 15477 |
| garnishee's answer. The garnishee may keep one completed and | 15478 |
| signed copy of the form and shall deliver the other completed and | 15479 |
| signed copy of the form to the judgment debtor. | 15480 |
| If several affidavits seeking orders of garnishment of | 15481 |
| property, other than personal earnings, are filed against the same | 15482 |
| judgment debtor in accordance with section 2716.11 of the Revised | 15483 |
| Code, the court involved shall issue the requested orders in the | 15484 |
| same order in which the clerk received the associated affidavits. | 15485 |
| (C)(1) At the time of the filing of a proceeding in | 15486 |
| garnishment of property, other than personal earnings, under | 15487 |
| section 2716.11 of the Revised Code, the judgment creditor also | 15488 |
| shall file with the clerk of the court a praecipe instructing the | 15489 |
| clerk to issue to the judgment debtor a notice to the judgment | 15490 |
| debtor form and a request for hearing form. Upon receipt of the | 15491 |
| praecipe and the scheduling of a hearing relative to an action in | 15492 |
| garnishment of property, other than personal earnings, under | 15493 |
| division (A) of this section, the clerk of the court immediately | 15494 |
| shall serve upon the judgment debtor, in accordance with division | 15495 |
| (D) of this section, two copies of the notice to the judgment | 15496 |
| debtor form and of the request for hearing form. The copies of the | 15497 |
| notice to the judgment debtor form and of the request for hearing | 15498 |