

**As Reported by the Senate Finance and Financial Institutions
Committee**

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

Sub. H. B. No. 95

**Representative Calvert
Senators Carnes, Jacobson, Blessing, Goodman**

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, 121.08, 121.084,	3
121.41, 121.48, 121.62, 122.011, 122.04, 122.08,	4
122.17, 122.171, 122.25, 122.651, 122.658, 122.87,	5
122.88, 123.01, 124.03, 124.15, 124.152, 124.181,	6
125.15, 125.91, 125.92, 125.93, 125.95, 125.96,	7
125.98, 127.16, 131.02, 131.23, 131.35, 131.41,	8
145.38, 147.01, 147.37, 149.011, 149.30, 149.31,	9
149.33, 149.331, 149.332, 149.333, 149.34, 149.35,	10
153.65, 164.27, 165.09, 173.06, 173.061, 173.062,	11
173.07, 173.071, 173.14, 173.26, 173.54, 175.03,	12
175.21, 175.22, 183.02, 306.35, 306.99, 307.86,	13
307.87, 307.93, 307.98, 307.981, 307.987, 311.17,	14
317.32, 321.24, 323.01, 323.13, 325.31, 329.03,	15
329.04, 329.05, 329.051, 329.06, 340.021, 340.03,	16
341.05, 341.25, 504.03, 504.04, 505.376, 507.09,	17
511.12, 515.01, 515.07, 521.05, 715.013, 718.01,	18
718.02, 718.05, 718.11, 718.14, 718.15, 718.151,	19
731.14, 731.141, 735.05, 737.03, 753.22, 901.17,	20
901.21, 901.22, 901.63, 902.11, 921.151, 927.53,	21
927.69, 929.01, 955.51, 1309.109, 1317.07,	22
1321.21, 1333.99, 1337.11, 1346.02, 1501.04,	23

1503.05, 1513.05, 1515.08, 1519.05, 1521.06,	24
1521.063, 1531.26, 1533.08, 1533.10, 1533.101,	25
1533.11, 1533.111, 1533.112, 1533.13, 1533.151,	26
1533.19, 1533.23, 1533.301, 1533.32, 1533.35,	27
1533.40, 1533.54, 1533.631, 1533.632, 1533.71,	28
1533.82, 1541.10, 1563.42, 1702.59, 1711.13,	29
1711.15, 1711.17, 2101.16, 2117.06, 2117.25,	30
2133.01, 2151.352, 2151.3529, 2151.3530, 2151.83,	31
2151.84, 2152.19, 2301.58, 2305.234, 2329.07,	32
2329.66, 2505.13, 2715.041, 2715.045, 2716.13,	33
2743.02, 2743.60, 2915.01, 2915.02, 2915.08,	34
2915.09, 2915.091, 2915.092, 2915.093, 2915.10,	35
2915.101, 2915.13, 2917.41, 2921.13, 2923.35,	36
2925.44, 2929.38, 2933.43, 2935.01, 2935.36,	37
2949.091, 3111.04, 3119.01, 3121.01, 3123.952,	38
3125.12, 3301.0710, 3301.0711, 3301.0714, 3301.52,	39
3301.53, 3301.54, 3301.55, 3301.57, 3301.58,	40
3301.68, 3301.80, 3302.03, 3311.05, 3311.24,	41
3311.26, 3313.41, 3313.843, 3313.976, 3313.978,	42
3313.979, 3313.981, 3314.02, 3314.041, 3314.07,	43
3314.08, 3314.17, 3316.031, 3316.08, 3317.012,	44
3317.013, 3317.014, 3317.022, 3317.023, 3317.024,	45
3317.029, 3317.0217, 3317.03, 3317.032, 3317.05,	46
3317.064, 3317.07, 3317.09, 3317.10, 3317.15,	47
3317.16, 3318.01, 3318.03, 3318.042, 3318.05,	48
3318.06, 3318.08, 3318.30, 3318.31, 3318.37,	49
3318.41, 3319.01, 3319.02, 3319.03, 3319.07,	50
3319.19, 3319.22, 3319.33, 3319.36, 3323.16,	51
3327.01, 3327.011, 3329.06, 3329.08, 3332.04,	52
3333.12, 3353.11, 3361.01, 3375.41, 3377.01,	53
3377.06, 3383.01, 3383.07, 3501.18, 3501.30,	54
3503.10, 3505.01, 3505.061, 3505.08, 3505.10,	55
3517.092, 3701.02, 3701.021, 3701.022, 3701.024,	56

3701.141, 3701.145, 3701.342, 3701.82, 3701.83,	57
3701.881, 3701.99, 3702.31, 3702.529, 3702.53,	58
3702.532, 3702.54, 3702.544, 3702.55, 3702.60,	59
3702.61, 3702.68, 3702.74, 3705.01, 3705.23,	60
3705.24, 3709.09, 3710.05, 3710.07, 3711.021,	61
3721.02, 3721.121, 3721.19, 3721.51, 3721.56,	62
3722.151, 3733.43, 3733.45, 3734.02, 3734.05,	63
3734.12, 3734.123, 3734.124, 3734.18, 3734.28,	64
3734.42, 3734.44, 3734.46, 3734.57, 3735.27,	65
3735.67, 3735.671, 3737.01, 3737.02, 3737.03,	66
3737.21, 3737.22, 3737.65, 3737.71, 3737.81,	67
3737.82, 3737.83, 3737.84, 3737.85, 3737.86,	68
3737.88, 3737.881, 3737.882, 3737.883, 3737.89,	69
3737.91, 3737.92, 3737.98, 3741.14, 3743.57,	70
3743.75, 3745.04, 3745.11, 3745.14, 3745.40,	71
3746.02, 3746.13, 3747.16, 3748.07, 3748.13,	72
3769.087, 3770.07, 3770.10, 3770.12, 3770.99,	73
3773.33, 3773.43, 3781.07, 3781.19, 3901.491,	74
3901.501, 3901.72, 3901.86, 4104.01, 4104.02,	75
4104.04, 4104.06, 4104.07, 4104.08, 4104.15,	76
4104.18, 4104.19, 4104.20, 4104.41, 4104.44,	77
4104.45, 4104.46, 4105.17, 4112.15, 4115.10,	78
4117.02, 4117.14, 4123.27, 4123.41, 4141.04,	79
4141.09, 4141.23, 4301.03, 4301.19, 4303.02,	80
4303.021, 4303.03, 4303.04, 4303.05, 4303.06,	81
4303.07, 4303.08, 4303.09, 4303.10, 4303.11,	82
4303.12, 4303.121, 4303.13, 4303.14, 4303.141,	83
4303.15, 4303.151, 4303.16, 4303.17, 4303.171,	84
4303.18, 4303.181, 4303.182, 4303.183, 4303.184,	85
4303.19, 4303.20, 4303.201, 4303.202, 4303.203,	86
4303.204, 4303.21, 4303.22, 4303.23, 4303.231,	87
4501.06, 4503.101, 4503.103, 4505.06, 4506.14,	88
4506.15, 4506.16, 4506.20, 4506.24, 4508.08,	89

4509.60, 4511.33, 4511.62, 4511.63, 4519.55,	90
4707.071, 4707.072, 4707.10, 4709.12, 4717.07,	91
4717.09, 4719.01, 4723.01, 4723.06, 4723.07,	92
4723.08, 4723.082, 4723.17, 4723.271, 4723.34,	93
4723.35, 4723.431, 4723.63, 4729.01, 4729.41,	94
4731.27, 4731.65, 4731.71, 4734.15, 4736.12,	95
4743.05, 4747.05, 4747.06, 4747.07, 4747.10,	96
4749.01, 4749.02, 4749.03, 4749.04, 4749.05,	97
4749.06, 4749.07, 4749.08, 4749.10, 4749.11,	98
4749.12, 4749.13, 4749.14, 4751.06, 4751.07,	99
4755.03, 4759.08, 4771.22, 4779.08, 4779.17,	100
4779.18, 4903.24, 4905.79, 4905.91, 4919.79,	101
4928.62, 4928.63, 4931.45, 4931.47, 4931.48,	102
4973.17, 4981.20, 5101.11, 5101.14, 5101.141,	103
5101.142, 5101.144, 5101.145, 5101.146, 5101.16,	104
5101.162, 5101.18, 5101.181, 5101.21, 5101.211,	105
5101.212, 5101.22, 5101.24, 5101.26, 5101.27,	106
5101.28, 5101.35, 5101.36, 5101.58, 5101.59,	107
5101.75, 5101.80, 5101.83, 5101.97, 5103.031,	108
5103.033, 5103.034, 5103.036, 5103.037, 5103.038,	109
5103.0312, 5103.0313, 5103.0314, 5103.0315,	110
5103.0316, 5103.154, 5104.01, 5104.011, 5104.02,	111
5104.04, 5104.30, 5104.32, 5107.02, 5107.30,	112
5107.37, 5107.40, 5107.60, 5108.01, 5108.03,	113
5108.06, 5108.07, 5108.09, 5108.10, 5111.0112,	114
5111.02, 5111.021, 5111.022, 5111.03, 5111.06,	115
5111.082, 5111.111, 5111.17, 5111.171, 5111.20,	116
5111.21, 5111.22, 5111.25, 5111.251, 5111.252,	117
5111.28, 5111.29, 5111.30, 5111.31, 5111.34,	118
5111.85, 5111.87, 5111.871, 5111.872, 5111.873,	119
5111.92, 5111.94, 5112.03, 5112.08, 5112.17,	120
5112.31, 5112.99, 5115.01, 5115.02, 5115.03,	121
5115.04, 5115.05, 5115.07, 5115.10, 5115.11,	122

5115.13, 5115.15, 5115.20, 5119.61, 5119.611,	123
5120.52, 5123.01, 5123.051, 5123.19, 5123.60,	124
5123.801, 5126.01, 5126.042, 5126.11, 5126.12,	125
5126.121, 5126.15, 5126.18, 5126.44, 5139.01,	126
5139.04, 5139.33, 5139.34, 5139.36, 5139.41,	127
5139.43, 5139.87, 5153.122, 5153.16, 5153.163,	128
5153.60, 5153.69, 5153.72, 5153.78, 5301.68,	129
5301.691, 5310.15, 5502.01, 5502.13, 5549.21,	130
5703.052, 5705.39, 5705.41, 5705.412, 5709.20,	131
5709.21, 5709.22, 5709.25, 5709.26, 5709.27,	132
5709.61, 5709.62, 5709.63, 5709.632, 5709.64,	133
5711.02, 5711.13, 5711.18, 5711.22, 5711.27,	134
5711.33, 5713.07, 5713.08, 5713.081, 5713.082,	135
5713.30, 5715.27, 5715.39, 5717.03, 5719.07,	136
5727.111, 5727.30, 5727.32, 5727.33, 5727.56,	137
5727.84, 5728.04, 5728.06, 5728.99, 5733.04,	138
5733.05, 5733.051, 5733.056, 5733.059, 5733.06,	139
5733.0611, 5733.09, 5733.121, 5733.18, 5733.22,	140
5733.45, 5733.98, 5735.05, 5735.14, 5735.142,	141
5735.15, 5735.19, 5735.23, 5735.26, 5735.291,	142
5735.30, 5735.99, 5739.01, 5739.011, 5739.012,	143
5739.02, 5739.021, 5739.022, 5739.023, 5739.025,	144
5739.026, 5739.03, 5739.032, 5739.033, 5739.10,	145
5739.12, 5739.121, 5739.122, 5739.17, 5739.21,	146
5739.33, 5741.01, 5741.02, 5741.021, 5741.022,	147
5741.023, 5741.121, 5743.05, 5743.21, 5743.45,	148
5745.01, 5745.02, 5745.04, 5747.02, 5747.12,	149
5747.31, 5901.021, 6101.09, 6103.02, 6109.21,	150
6111.06, 6115.09, 6117.02, 6119.06, 6119.10,	151
6301.05, and 6301.07; to amend, for the purpose of	152
adopting new section numbers as indicated in	153
parentheses, sections 3301.33 (3301.40), 3701.145	154
(3701.0210), 4104.46 (4104.48), 5101.211	155

(5101.214), 5101.212 (5101.215), 5108.06	156
(5108.04), 5108.07 (5108.05), 5111.08 (5111.071),	157
5111.16 (5111.08), 5111.252 (5123.199), 5115.02	158
(5115.04), 5115.04 (5115.02), 5115.07 (5115.06),	159
5115.13 (5115.07), and 5115.15 (5115.23); to enact	160
new sections 718.03, 3301.31, 3301.33, 3317.11,	161
3318.052, 4104.42, 4104.43, 4104.46, 5101.211,	162
5101.212, 5101.213, 5108.06, 5108.07, 5111.16,	163
5111.173, 5115.13, 5709.211, 5709.23, 5709.24, and	164
5739.034 and sections 9.24, 107.12, 107.31,	165
107.32, 107.33, 121.36, 121.482, 122.041, 122.90,	166
123.152, 124.183, 125.073, 145.381, 153.691,	167
173.08, 317.36, 319.63, 511.181, 718.021, 718.051,	168
718.121, 901.85, 927.701, 1346.04, 1346.05,	169
1346.06, 1346.07, 1346.08, 1346.09, 1346.10,	170
1501.25, 1711.131, 2113.041, 2117.061, 3301.34,	171
3301.35, 3301.36, 3301.37, 3301.38, 3511.059,	172
3314.033, 3314.083, 3318.024, 3333.16, 3333.38,	173
3333.50, 3379.11, 3501.011, 3701.029, 3701.61,	174
3702.63, 3721.561, 3741.15, 3770.073, 3781.071,	175
3781.072, 3781.22, 4104.47, 4115.21, 4141.201,	176
4511.198, 4707.24, 4723.063, 4723.81, 4723.82,	177
4723.83, 4723.84, 4723.85, 4723.86, 4723.87,	178
4723.88, 4755.031, 5101.12, 5101.1410, 5101.20,	179
5101.201, 5101.216, 5101.221, 5101.222, 5101.241,	180
5101.242, 5101.243, 5101.271, 5103.155, 5108.11,	181
5108.12, 5111.0113, 5111.025, 5111.151, 5111.161,	182
5111.172, 5111.174, 5111.175, 5111.206, 5111.222,	183
5111.65, 5111.66, 5111.661, 5111.67, 5111.671,	184
5111.672, 5111.673, 5111.674, 5111.675, 5111.676,	185
5111.677, 5111.68, 5111.681, 5111.682, 5111.683,	186
5111.684, 5111.685, 5111.686, 5111.687, 5111.688,	187
5111.689, 5111.6810, 5111.911, 5111.912, 5111.913,	188

5111.95, 5111.96, 5111.97, 5115.12, 5115.14,	189
5115.22, 5123.196, 5123.198, 5123.1910, 5123.38,	190
5123.851, 5126.058, 5139.44, 5502.03, 5703.56,	191
5703.57, 5703.58, 5703.80, 5709.201, 5709.212,	192
5717.011, 5733.0511, 5733.55, 5733.56, 5733.57,	193
5735.053, 5741.25, 5743.051, and 5747.026; and to	194
repeal sections 122.12, 125.931, 125.932, 125.933,	195
125.934, 125.935, 131.38, 179.01, 179.02, 179.03,	196
179.04, 319.311, 504.21, 718.03, 1333.96, 1533.06,	197
1533.39, 1553.01, 1553.02, 1553.03, 1553.04,	198
1553.05, 1553.06, 1553.07, 1553.08, 1553.09,	199
1553.10, 1553.99, 2305.26, 3301.078, 3301.0719,	200
3301.0724, 3301.31, 3301.581, 3313.82, 3313.83,	201
3313.94, 3317.11, 3318.033, 3318.052, 3318.35,	202
3319.06, 3319.34, 3701.142, 3701.144, 3702.543,	203
3702.581, 4104.42, 4104.43, 4141.044, 4141.045,	204
5101.213, 5101.251, 5108.05, 5111.017, 5111.173,	205
5115.011, 5115.012, 5115.06, 5115.061, 5139.42,	206
5139.45, 5709.211, 5709.23, 5709.231, 5709.24,	207
5709.30, 5709.31, 5709.32, 5709.33, 5709.34,	208
5709.35, 5709.36, 5709.37, 5709.45, 5709.46,	209
5709.47, 5709.48, 5709.49, 5709.50, 5709.51,	210
5709.52, 5727.39, 5727.44, 5733.111, 5735.33,	211
5739.034, 5739.35, 5741.011, 5741.24, 5743.46,	212
5747.131, 5747.60, 6111.31, 6111.311, 6111.32,	213
6111.34, 6111.35, 6111.36, 6111.37, 6111.38, and	214
6111.39 of the Revised Code; to amend Sections 11	215
and 11.04 of Am. Sub. H.B. 87 of the 125th General	216
Assembly; to amend Section 13.05 of Am. Sub. H.B.	217
87 of the 125th General Assembly; to amend	218
Sections 1.09 and 35.03 of H.B. 675 of the 124th	219
General Assembly; to amend Sections 18.03, 18.04,	220
19.39, and 19.52 of H.B. 675 of the 124th General	221

Assembly; to amend Section 24.43 of Am. Sub. H.B.	222
524 of the 124th General Assembly; to amend	223
Sections 10 and 14 of Am. Sub. S.B. 242 of the	224
124th General Assembly; to amend Section 3 of Am.	225
Sub. S.B. 143 of the 124th General Assembly; to	226
amend Section 3 of Am. Sub. H.B. 215 of the 122nd	227
General Assembly, as subsequently amended; to	228
amend Section 3 of Am. Sub. H.B. 621 of the 122nd	229
General Assembly, as subsequently amended; to	230
amend Section 6 of Am. Sub. S.B. 67 of the 122nd	231
General Assembly; to amend Section 153 of Am. Sub.	232
H.B. 117 of the 121st General Assembly, as	233
subsequently amended; to amend Section 27 of Sub	234
H.B. 670 of the 121st General Assembly, as	235
subsequently amended; to amend Section 5 of Am.	236
Sub. S.B. 50 of the 121st General Assembly, as	237
subsequently amended; to amend Section 2 of Am.	238
Sub. H.B. 71 of the 120th General Assembly; to	239
repeal Section 16 of Am. Sub. H.B. 87 of the 125th	240
General Assembly; to repeal Section 63.37 of Am.	241
Sub. H.B. 94 of the 124th General Assembly, as	242
subsequently amended; to repeal Section 129 of Am.	243
Sub. H.B. 283 of the 123rd General Assembly, as	244
subsequently amended; to repeal Section 3 of Am.	245
Sub. S.B. 272 of the 123rd General Assembly, as	246
subsequently amended; to repeal Section 72 of Am.	247
Sub. H.B. 850 of the 122nd General Assembly; and	248
to repeal Section 11 of Am. Sub. S.B. 50 of the	249
121st General Assembly, as subsequently amended;	250
to repeal Section 3 of Am. Sub. S.B. 238 of the	251
123rd General Assembly; to levy taxes and provide	252
for implementation of those levies, to make	253
operating appropriations for the biennium	254

beginning July 1, 2003, and ending June 30, 2005, 255
and to provide authorization and conditions for 256
the operation of state programs; to amend the 257
version of section 921.22 of the Revised Code that 258
is scheduled to take effect July 1, 2004, to 259
continue the provisions of this act on and after 260
that effective date; to amend the version of 261
section 2305.234 of the Revised Code that is 262
scheduled to take effect January 1, 2004, to 263
continue the provisions of this act on and after 264
that effective date; to amend the version of 265
section 3332.04 of the Revised Code that is 266
scheduled to take effect July 1, 2003; to amend 267
the version of section 3734.44 of the Revised Code 268
that is scheduled to take effect January 1, 2004, 269
to continue the provisions of this act on and 270
after that effective date; to amend the versions 271
of sections 307.93, 2152.19, 2929.38, 4506.14, 272
4506.15, 4506.16, 4506.20, 4511.33, 4511.62, 273
4511.63, and 4511.75 of the Revised Code that are 274
scheduled to take effect January 1, 2004; to amend 275
the version of section 5101.28 of the Revised Code 276
that is scheduled to take effect January 1, 2004, 277
to continue the provisions of this act on and 278
after that effective date; to amend the version of 279
section 5743.45 of the Revised Code that is 280
scheduled to take effect January 1, 2004, to 281
continue the provisions of this act on and after 282
that effective date; to amend the version of 283
section 5739.033 of the Revised Code as it results 284
from Am. Sub. S.B. 143 of the 124th General 285
Assembly, as amended by H.B. 675 of the 124th 286
General Assembly; to terminate certain provisions 287

of this act on December 31, 2013, by repealing 288
section 4723.063 of the Revised Code on that date; 289
and to terminate certain provisions of this act on 290
October 1, 2005, by repealing section 5111.161 of 291
the Revised Code on that date. 292

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, 293
102.02, 109.57, 109.572, 109.71, 117.101, 117.16, 117.44, 117.45, 294
119.035, 121.04, 121.08, 121.084, 121.41, 121.48, 121.62, 122.011, 295
122.04, 122.08, 122.17, 122.171, 122.25, 122.651, 122.658, 122.87, 296
122.88, 123.01, 124.03, 124.15, 124.152, 124.181, 125.15, 125.91, 297
125.92, 125.93, 125.95, 125.96, 125.98, 127.16, 131.02, 131.23, 298
131.35, 145.38, 147.01, 147.37, 149.011, 149.30, 149.31, 149.33, 299
149.331, 149.332, 149.333, 149.34, 149.35, 153.65, 164.27, 165.09, 300
173.06, 173.061, 173.062, 173.07, 173.071, 173.14, 173.26, 173.54, 301
175.03, 175.21, 175.22, 183.02, 306.35, 306.99, 307.86, 307.87, 302
307.93, 307.98, 307.981, 307.987, 311.17, 317.32, 321.24, 323.01, 303
323.13, 325.31, 329.03, 329.04, 329.05, 329.051, 329.06, 340.021, 304
340.03, 341.05, 341.25, 504.03, 504.04, 505.376, 507.09, 511.12, 305
515.01, 515.07, 521.05, 715.013, 718.01, 718.02, 718.05, 718.11, 306
718.14, 718.15, 718.151, 731.14, 731.141, 735.05, 737.03, 753.22, 307
901.17, 901.21, 901.22, 901.63, 902.11, 921.151, 927.53, 927.69, 308
929.01, 955.51, 1309.109, 1317.07, 1321.21, 1333.99, 1337.11, 309
1346.02, 1501.04, 1503.05, 1513.05, 1515.08, 1519.05, 1521.06, 310
1521.063, 1531.26, 1533.08, 1533.10, 1533.101, 1533.11, 1533.111, 311
1533.112, 1533.13, 1533.151, 1533.19, 1533.23, 1533.301, 1533.32, 312
1533.35, 1533.40, 1533.54, 1533.631, 1533.632, 1533.71, 1533.82, 313
1541.10, 1563.42, 1702.59, 1711.13, 1711.15, 1711.17, 2101.16, 314
2117.06, 2117.25, 2133.01, 2151.352, 2151.3529, 2151.3530, 315
2151.83, 2151.84, 2152.19, 2301.58, 2305.234, 2329.07, 2329.66, 316

2505.13, 2715.041, 2715.045, 2716.13, 2743.02, 2743.60, 2915.01, 317
2915.02, 2915.08, 2915.09, 2915.091, 2915.092, 2915.093, 2915.10, 318
2915.101, 2915.13, 2917.41, 2921.13, 2923.35, 2925.44, 2929.38, 319
2933.43, 2935.01, 2935.36, 2949.091, 3111.04, 3119.01, 3121.01, 320
3123.952, 3125.12, 3301.0710, 3301.0711, 3301.0714, 3301.52, 321
3301.53, 3301.54, 3301.55, 3301.57, 3301.58, 3301.68, 3301.80, 322
3302.03, 3311.05, 3311.24, 3311.26, 3313.41, 3313.843, 3313.976, 323
3313.978, 3313.979, 3313.981, 3314.02, 3314.041, 3314.07, 3314.08, 324
3314.17, 3316.031, 3316.08, 3317.012, 3317.013, 3317.014, 325
3317.022, 3317.023, 3317.024, 3317.029, 3317.0217, 3317.03, 326
3317.032, 3317.05, 3317.064, 3317.07, 3317.09, 3317.10, 3317.15, 327
3317.16, 3318.01, 3318.03, 3318.042, 3318.05, 3318.06, 3318.08, 328
3318.30, 3318.31, 3318.37, 3318.41, 3319.01, 3319.02, 3319.03, 329
3319.07, 3319.19, 3319.22, 3319.33, 3319.36, 3323.16, 3327.01, 330
3327.011, 3329.06, 3329.08, 3332.04, 3333.12, 3353.11, 3361.01, 331
3375.41, 3377.01, 3377.06, 3383.01, 3383.07, 3501.18, 3501.30, 332
3503.10, 3505.01, 3505.061, 3505.08, 3505.10, 3517.092, 3701.02, 333
3701.021, 3701.022, 3701.024, 3701.141, 3701.145, 3701.342, 334
3701.82, 3701.83, 3701.881, 3701.99, 3702.31, 3702.529, 3702.53, 335
3702.532, 3702.54, 3702.544, 3702.55, 3702.60, 3702.61, 3702.68, 336
3702.74, 3705.01, 3705.23, 3705.24, 3709.09, 3710.05, 3710.07, 337
3711.021, 3721.02, 3721.121, 3721.19, 3721.51, 3721.56, 3722.151, 338
3733.43, 3733.45, 3734.02, 3734.05, 3734.12, 3734.123, 3734.124, 339
3734.18, 3734.28, 3734.42, 3734.44, 3734.46, 3734.57, 3735.27, 340
3735.67, 3735.671, 3737.01, 3737.02, 3737.03, 3737.21, 3737.22, 341
3737.65, 3737.71, 3737.81, 3737.82, 3737.83, 3737.84, 3737.85, 342
3737.86, 3737.88, 3737.881, 3737.882, 3737.883, 3737.89, 3737.91, 343
3737.92, 3737.98, 3741.14, 3743.57, 3743.75, 3745.04, 3745.11, 344
3745.14, 3745.40, 3746.02, 3746.13, 3747.16, 3748.07, 3748.13, 345
3769.087, 3770.07, 3770.10, 3770.12, 3770.99, 3773.33, 3773.43, 346
3781.07, 3781.19, 3901.491, 3901.501, 3901.72, 3901.86, 4104.01, 347
4104.02, 4104.04, 4104.06, 4104.07, 4104.08, 4104.15, 4104.18, 348
4104.19, 4104.20, 4104.41, 4104.44, 4104.45, 4104.46, 4105.17, 349

4112.15, 4115.10, 4117.02, 4117.14, 4123.27, 4123.41, 4141.04,	350
4141.09, 4141.23, 4301.03, 4301.19, 4303.02, 4303.021, 4303.03,	351
4303.04, 4303.05, 4303.06, 4303.07, 4303.08, 4303.09, 4303.10,	352
4303.11, 4303.12, 4303.121, 4303.13, 4303.14, 4303.141, 4303.15,	353
4303.151, 4303.16, 4303.17, 4303.171, 4303.18, 4303.181, 4303.182,	354
4303.183, 4303.184, 4303.19, 4303.20, 4303.201, 4303.202,	355
4303.203, 4303.204, 4303.21, 4303.22, 4303.23, 4303.231, 4501.06,	356
4503.101, 4503.103, 4505.06, 4506.14, 4506.15, 4506.16, 4506.20,	357
4506.24, 4508.08, 4509.60, 4511.33, 4511.62, 4511.63, 4519.55,	358
4707.071, 4707.072, 4707.10, 4709.12, 4717.07, 4717.09, 4719.01,	359
4723.01, 4723.06, 4723.07, 4723.08, 4723.082, 4723.17, 4723.271,	360
4723.34, 4723.35, 4723.431, 4723.63, 4729.01, 4729.41, 4731.27,	361
4731.65, 4731.71, 4734.15, 4736.12, 4743.05, 4747.05, 4747.06,	362
4747.07, 4747.10, 4749.01, 4749.02, 4749.03, 4749.04, 4749.05,	363
4749.06, 4749.07, 4749.08, 4749.10, 4749.11, 4749.12, 4749.13,	364
4749.14, 4751.06, 4751.07, 4755.03, 4759.08, 4771.22, 4779.08,	365
4779.17, 4779.18, 4903.24, 4905.79, 4905.91, 4919.79, 4928.62,	366
4928.63, 4931.45, 4931.47, 4931.48, 4973.17, 4981.20, 5101.11,	367
5101.14, 5101.141, 5101.142, 5101.144, 5101.145, 5101.146,	368
5101.16, 5101.162, 5101.18, 5101.181, 5101.21, 5101.211, 5101.212,	369
5101.22, 5101.24, 5101.26, 5101.27, 5101.28, 5101.35, 5101.36,	370
5101.58, 5101.59, 5101.75, 5101.80, 5101.83, 5101.97, 5103.031,	371
5103.033, 5103.034, 5103.036, 5103.037, 5103.038, 5103.0312,	372
5103.0313, 5103.0314, 5103.0315, 5103.0316, 5103.154, 5104.01,	373
5104.011, 5104.02, 5104.04, 5104.30, 5104.32, 5107.02, 5107.30,	374
5107.37, 5107.40, 5107.60, 5108.01, 5108.03, 5108.06, 5108.07,	375
5108.09, 5108.10, 5111.0112, 5111.02, 5111.021, 5111.022, 5111.03,	376
5111.06, 5111.082, 5111.111, 5111.17, 5111.171, 5111.20, 5111.21,	377
5111.22, 5111.25, 5111.251, 5111.252, 5111.28, 5111.29, 5111.30,	378
5111.31, 5111.34, 5111.85, 5111.87, 5111.871, 5111.872, 5111.873,	379
5111.92, 5111.94, 5112.03, 5112.08, 5112.17, 5112.31, 5112.99,	380
5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.07, 5115.10,	381
5115.11, 5115.13, 5115.15, 5115.20, 5119.61, 5119.611, 5120.52,	382

5123.01, 5123.051, 5123.19, 5123.60, 5123.801, 5126.01, 5126.042, 383
5126.11, 5126.12, 5126.121, 5126.15, 5126.18, 5126.44, 5139.04, 384
5139.04, 5139.33, 5139.34, 5139.36, 5139.41, 5139.43, 5139.87, 385
5153.122, 5153.16, 5153.163, 5153.60, 5153.69, 5153.72, 5153.78, 386
5301.68, 5301.691, 5310.15, 5502.01, 5502.13, 5549.21, 5703.052, 387
5705.39, 5705.41, 5705.412, 5709.20, 5709.21, 5709.22, 5709.25, 388
5709.26, 5709.27, 5709.61, 5709.62, 5709.63, 5709.632, 5709.64, 389
5711.02, 5711.13, 5711.18, 5711.22, 5711.27, 5711.33, 5713.07, 390
5713.08, 5713.081, 5713.082, 5713.30, 5715.27, 5715.39, 5717.03, 391
5719.07, 5727.111, 5727.30, 5727.32, 5727.33, 5727.56, 5727.84, 392
5728.04, 5728.06, 5728.99, 5733.04, 5733.05, 5733.051, 5733.056, 393
5733.059, 5733.06, 5733.0611, 5733.09, 5733.121, 5733.18, 5733.22, 394
5733.45, 5733.98, 5735.05, 5735.14, 5735.142, 5735.15, 5735.19, 395
5735.23, 5735.26, 5735.291, 5735.30, 5735.99, 5739.01, 5739.011, 396
5739.012, 5739.02, 5739.021, 5739.022, 5739.023, 5739.025, 397
5739.026, 5739.03, 5739.032, 5739.033, 5739.10, 5739.12, 5739.121, 398
5739.122, 5739.17, 5739.21, 5739.33, 5741.01, 5741.02, 5741.021, 399
5741.022, 5741.023, 5741.121, 5743.05, 5743.21, 5743.45, 5745.01, 400
5745.02, 5745.04, 5747.02, 5747.12, 5747.31, 5901.021, 6101.09, 401
6103.02, 6109.21, 6111.06, 6115.09, 6117.02, 6119.06, 6119.10, 402
6301.05, and 6301.07 be amended; that sections 3301.33 (3301.40), 403
3701.145 (3701.0210), 4104.46 (4104.48), 5101.211 (5101.214), 404
5101.212 (5101.215), 5108.06 (5108.04), 5108.07 (5108.05), 5111.08 405
(5111.071), 5111.16 (5111.08), 5111.252 (5123.199), 5115.02 406
(5115.04), 5115.04 (5115.02), 5115.07 (5115.06), 5115.13 407
(5115.07), and 5115.15 (5115.23) be amended for the purpose of 408
adopting new section numbers as indicated in parentheses; and that 409
new sections 718.03, 3301.31, 3301.33, 3317.11, 3318.052, 4104.42, 410
4104.43, 4104.46, 5101.211, 5101.212, 5101.213, 5108.06, 5108.07, 411
5111.16, 5111.173, 5115.13, 5709.211, 5709.23, 5709.24, and 412
5739.034 and sections 9.24, 107.12, 107.31, 107.32, 107.33, 413
121.36, 121.482, 122.041, 122.90, 123.152, 124.183, 125.073, 414
131.41, 145.381, 153.691, 173.08, 317.36, 319.63, 511.181, 415

718.021, 718.051, 718.121, 901.85, 927.701, 1346.04, 1346.05, 416
1346.06, 1346.07, 1346.08, 1346.09, 1346.10, 1501.25, 1711.131, 417
2113.041, 2117.061, 3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 418
3311.059, 3314.033, 3314.083, 3318.024, 3333.16, 3333.38, 3333.50, 419
3379.11, 3501.011, 3701.029, 3701.61, 3702.63, 3721.561, 3741.15, 420
3770.073, 3781.071, 3781.072, 3781.22, 4104.47, 4115.21, 4141.201, 421
4511.198, 4707.24, 4723.063, 4723.81, 4723.82, 4723.83, 4723.84, 422
4723.85, 4723.86, 4723.87, 4723.88, 4755.031, 5101.12, 5101.1410, 423
5101.20, 5101.201, 5101.216, 5101.221, 5101.222, 5101.241, 424
5101.242, 5101.243, 5101.271, 5103.155, 5108.11, 5108.12, 425
5111.0113, 5111.025, 5111.151, 5111.161, 5111.172, 5111.174, 426
5111.175, 5111.206, 5111.222, 5111.65, 5111.66, 5111.661, 5111.67, 427
5111.671, 5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 428
5111.677, 5111.68, 5111.681, 5111.682, 5111.683, 5111.684, 429
5111.685, 5111.686, 5111.687, 5111.688, 5111.689, 5111.6810, 430
5111.911, 5111.912, 5111.913, 5111.95, 5111.96, 5111.97, 5115.12, 431
5115.14, 5115.22, 5123.196, 5123.198, 5123.1910, 5123.38, 432
5123.851, 5126.058, 5139.44, 5502.03, 5703.56, 5703.57, 5703.58, 433
5703.80, 5709.201, 5709.212, 5717.011, 5733.0511, 5733.55, 434
5733.56, 5733.57, 5735.053, 5741.25, 5743.051, and 5747.026 of the 435
Revised Code be enacted to read as follows: 436

437
Sec. 9.01. When any officer, office, court, commission, 438
board, institution, department, agent, or employee of the state, 439
~~or~~ of a county, or of any other political subdivision, who is 440
charged with the duty or authorized or required by law to record, 441
preserve, keep, maintain, or file any record, document, plat, 442
court file, paper, or instrument in writing, or to make or furnish 443
copies of any ~~thereof~~ of them, deems it necessary or advisable, 444
when recording ~~any such document, plat, court file, paper, or~~ 445
~~instrument in writing,~~ or when making a copy or reproduction of 446
any ~~thereof~~ of them or of any such record, for the purpose of 447

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

Any such officer, office, court, commission, board, 469
institution, department, agent, or employee of the state, of a 470
county, or of any other political subdivision may purchase or rent 471
required equipment for any such photographic process and may enter 472
into contracts with private concerns or other governmental 473
agencies for the development of film and the making of 474
reproductions ~~thereof~~ of film as a part of any such photographic 475
process. When so recorded, or copied or reproduced to reduce space 476
required for storage or filing of such records, ~~said~~ such 477
photographs, microphotographs, microfilms, perforated tape, 478
magnetic tape, other magnetic means, electronic data processing, 479
machine readable means, graphic or video display, or ~~any~~ 480

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

Such photographs, microphotographs, microfilms, or films 496
shall be placed and kept in conveniently accessible, fireproof, 497
and insulated files, cabinets, or containers, and provisions shall 498
be made for preserving, safekeeping, using, examining, exhibiting, 499
projecting, and enlarging ~~the same~~ them whenever requested, during 500
office hours. 501

All persons utilizing the methods described in this section 502
for keeping records and information shall keep and make readily 503
available to the public the machines and equipment necessary to 504
reproduce the records and information in a readable form. 505

Sec. 9.24. (A) No state agency and no political subdivision 506
shall award a contract for goods, services, or construction, paid 507
for in whole or in part with state funds, to a person against whom 508
a finding for recovery has been issued by the auditor of state, if 509
the finding for recovery is unresolved. 510

(B) For purposes of this section, a finding for recovery is 511

<u>unresolved unless one of the following criteria applies:</u>	512
<u>(1) The money identified in the finding for recovery is paid</u>	513
<u>in full to the state agency or political subdivision to whom the</u>	514
<u>money was owed;</u>	515
<u>(2) The debtor has entered into a repayment plan that is</u>	516
<u>approved by the attorney general and the state agency or political</u>	517
<u>subdivision to whom the money identified in the finding for</u>	518
<u>recovery is owed. A repayment plan may include a provision</u>	519
<u>permitting a state agency or political subdivision to withhold</u>	520
<u>payment to a debtor for goods, services, or construction provided</u>	521
<u>to or for the state agency or political subdivision pursuant to a</u>	522
<u>contract that is entered into with the debtor after the date the</u>	523
<u>finding for recovery was issued.</u>	524
<u>(3) The attorney general waives a repayment plan described in</u>	525
<u>division (B)(2) of this section for good cause;</u>	526
<u>(4) The debtor and state agency or political subdivision to</u>	527
<u>whom the money identified in the finding for recovery is owed have</u>	528
<u>agreed to a payment plan established through an enforceable</u>	529
<u>settlement agreement.</u>	530
<u>(5) The state agency or political subdivision desiring to</u>	531
<u>enter into a contract with a debtor certifies, and the attorney</u>	532
<u>general concurs, that all of the following are true:</u>	533
<u>(a) Essential services the state agency or political</u>	534
<u>subdivision is seeking to obtain from the debtor cannot be</u>	535
<u>provided by any other person besides the debtor;</u>	536
<u>(b) Awarding a contract to the debtor for the essential</u>	537
<u>services described in division (B)(5)(a) is in the best interest</u>	538
<u>of the state;</u>	539
<u>(c) Good faith efforts have been made to collect the money</u>	540
<u>identified in the finding of recovery.</u>	541

(C) The attorney general shall submit an initial report to the auditor of state, not later than December 1, 2003, indicating the status of collection for all findings for recovery issued by the auditor of state for calendar years 2001, 2002, and 2003. Beginning on January 1, 2004, the attorney general shall submit to the auditor of state, on the first day of the month, a list of all findings for recovery that have been resolved in accordance with division (B) of this section during the month preceding the submission of the list and a description of the means of resolution.

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

Beginning January 15, 2004, the auditor of state shall update the database by the fifteenth day of each month to reflect resolved findings for recovery that are reported to the auditor of state by the attorney general on the first day of that same month pursuant to division (C) of this section.

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

(F) As used in this section:

(1) "State agency" has the same meaning as in section 9.66 of

the Revised Code. 573

(2) "Finding for recovery" means a determination issued by 574
the auditor of state, contained in a report the auditor of state 575
gives to the attorney general pursuant to section 117.28 of the 576
Revised Code, that public money has been illegally expended, 577
public money has been collected but not been accounted for, public 578
money is due but has not been collected, or public property has 579
been converted or misappropriated. 580

(3) "Debtor" means a person against whom a finding for 581
recovery has been issued. 582

Sec. 9.83. (A) The state and any political subdivision may 583
procure a policy or policies of insurance insuring its officers 584
and employees against liability for injury, death, or loss to 585
person or property that arises out of the operation of an 586
automobile, truck, motor vehicle with auxiliary equipment, 587
self-propelling equipment or trailer, aircraft, or watercraft by 588
the officers or employees while engaged in the course of their 589
employment or official responsibilities for the state or the 590
political subdivision. The state is authorized to expend funds to 591
pay judgments that are rendered in any court against its officers 592
or employees and that result from such operation, and is 593
authorized to expend funds to compromise claims for liability 594
against its officers or employees that result from such operation. 595
No insurer shall deny coverage under such a policy, and the state 596
shall not refuse to pay judgments or compromise claims, on the 597
ground that an automobile, truck, motor vehicle with auxiliary 598
equipment, self-propelling equipment or trailer, aircraft, or 599
watercraft was not being used in the course of an officer's or 600
employee's employment or official responsibilities for the state 601
or a political subdivision unless the officer or employee who was 602
operating an automobile, truck, motor vehicle with auxiliary 603

equipment, or self-propelling equipment or trailer is convicted of 604
a violation of section 124.71 of the Revised Code as a result of 605
the same events. 606

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 607
the exercise of sound and prudent actuarial judgment, to cover 608
potential expense, fees, damage, loss, or other liability. The 609
superintendent of insurance may recommend or, if the state 610
requests of the superintendent, shall recommend, a specific amount 611
for any period of time that, in the superintendent's opinion, 612
represents such a judgment. 613

(C) Nothing in this section shall be construed to require the 614
department of administrative services to purchase liability 615
insurance for all state vehicles in a single policy of insurance 616
or to cover all state vehicles under a single plan of 617
self-insurance. 618

(D) Insurance procured by the state pursuant to this section 619
shall be procured as provided in section 125.03 of the Revised 620
Code. 621

(E) For purposes of liability insurance procured under this 622
section to cover the operation of a motor vehicle by a prisoner 623
for whom the insurance is procured, "employee" includes a prisoner 624
in the custody of the department of rehabilitation and correction 625
who is enrolled in a work program that is established by the 626
department pursuant to section 5145.16 of the Revised Code and in 627
which the prisoner is required to operate a motor vehicle, as 628
defined in section 4509.01 of the Revised Code, and who is engaged 629
in the operation of a motor vehicle in the course of the work 630
program. 631

(F) There is hereby created in the state treasury the vehicle 632
liability fund. All contributions collected by the director of 633
administrative services under division (I) of this section shall 634

be deposited into the fund. The fund shall be used to provide 635
insurance and self-insurance for the state under this section. All 636
investment earnings of the fund shall be credited to it. 637

(G) The director of administrative services, through the 638
office of risk management, shall operate the vehicle liability 639
fund on an actuarially sound basis. 640

(H) Reserves shall be maintained in the vehicle liability 641
fund in any amount that is necessary and adequate, in the exercise 642
of sound and prudent actuarial judgment, to cover potential 643
liability claims, expenses, fees, or damages. Money in the fund 644
may be applied to the payment of liability claims that are filed 645
against the state in the court of claims and determined in the 646
manner provided in Chapter 2743. of the Revised Code. The director 647
of administrative services may procure the services of a qualified 648
actuarial firm for the purpose of recommending the specific amount 649
of money that is required to maintain adequate reserves for a 650
specified period of time. 651

(I) The director of administrative services shall collect 652
from each state agency or any participating state body its 653
contribution to the vehicle liability fund for the purpose of 654
purchasing insurance or administering self-insurance programs for 655
coverage authorized under this section. The amount of the 656
contribution shall be determined by the director, with the 657
approval of the director of budget and management. It shall be 658
based upon actuarial assumptions and the relative risk and loss 659
experience of each state agency or participating state body. The 660
amount of the contribution also shall include a reasonable sum to 661
cover administrative costs of the department of administrative 662
services. 663

Sec. 101.34. (A) There is hereby created a joint legislative 664
ethics committee to serve the general assembly. The committee 665

shall be composed of twelve members, six each from the two major 666
political parties, and each member shall serve on the committee 667
during the member's term as a member of that general assembly. Six 668
members of the committee shall be members of the house of 669
representatives appointed by the speaker of the house of 670
representatives, not more than three from the same political 671
party, and six members of the committee shall be members of the 672
senate appointed by the president of the senate, not more than 673
three from the same political party. A vacancy in the committee 674
shall be filled for the unexpired term in the same manner as an 675
original appointment. The members of the committee shall be 676
appointed within fifteen days after the first day of the first 677
regular session of each general assembly and the committee shall 678
meet and proceed to recommend an ethics code not later than thirty 679
days after the first day of the first regular session of each 680
general assembly. 681

In the first regular session of each general assembly, the 682
speaker of the house of representatives shall appoint the 683
chairperson of the committee from among the house members of the 684
committee and the president of the senate shall appoint the 685
vice-chairperson of the committee from among the senate members of 686
the committee. In the second regular session of each general 687
assembly, the president of the senate shall appoint the 688
chairperson of the committee from among the senate members of the 689
committee and the speaker of the house of representatives shall 690
appoint the vice-chairperson of the committee from among the house 691
members of the committee. The chairperson, vice-chairperson, and 692
members of the committee shall serve until their respective 693
successors are appointed or until they are no longer members of 694
the general assembly. 695

The committee shall meet at the call of the chairperson or 696
upon the written request of seven members of the committee. 697

(B) The joint legislative ethics committee:	698
(1) Shall recommend a code of ethics which is consistent with law to govern all members and employees of each house of the general assembly and all candidates for the office of member of each house;	699 700 701 702
(2) May receive and hear any complaint which alleges a breach of any privilege of either house, or misconduct of any member, employee, or candidate, or any violation of the appropriate code of ethics;	703 704 705 706
(3) May obtain information with respect to any complaint filed pursuant to this section and to that end may enforce the attendance and testimony of witnesses, and the production of books and papers;	707 708 709 710
(4) May recommend whatever sanction is appropriate with respect to a particular member, employee, or candidate as will best maintain in the minds of the public a good opinion of the conduct and character of members and employees of the general assembly;	711 712 713 714 715
(5) May recommend legislation to the general assembly relating to the conduct and ethics of members and employees of and candidates for the general assembly;	716 717 718
(6) Shall employ an executive director for the committee and may employ such other staff as the committee determines necessary to assist it in exercising its powers and duties. The executive director and staff of the committee shall be known as the office of legislative inspector general. At least one member of the staff of the committee shall be an attorney at law licensed to practice law in this state. The appointment and removal of the executive director shall require the approval of at least eight members of the committee.	719 720 721 722 723 724 725 726 727

(7) May employ a special counsel to assist the committee in 728
exercising its powers and duties. The appointment and removal of a 729
special counsel shall require the approval of at least eight 730
members of the committee. 731

(8) Shall act as an advisory body to the general assembly and 732
to individual members, candidates, and employees on questions 733
relating to ethics, possible conflicts of interest, and financial 734
disclosure; 735

(9) Shall provide for the proper forms on which the statement 736
required pursuant to section 102.02 of the Revised Code shall be 737
filed and instructions as to the filing of the statement; 738

(10) Exercise the powers and duties prescribed under sections 739
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 740

(11) Adopt in accordance with section 111.15 of the Revised 741
Code any rules that are necessary to implement and clarify Chapter 742
102. and sections 2921.42 and 2921.43 of the Revised Code. 743

(C) There is hereby created in the state treasury the joint 744
legislative ethics committee fund. ~~All money collected from~~ 745
~~registration fees and late filing fees prescribed under sections~~ 746
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 747
~~state treasury to the credit of the fund.~~ Money credited to the 748
fund and any interest and earnings from the fund shall be used 749
solely for the operation of the joint legislative ethics committee 750
and the office of legislative inspector general and for the 751
purchase of data storage and computerization facilities for the 752
statements filed with the joint committee under sections 101.73, 753
101.74, 121.63, and 121.64 of the Revised Code. 754

(D) The chairperson of the joint committee shall issue a 755
written report, not later than the thirty-first day of January of 756
each year, to the speaker and minority leader of the house of 757
representatives and to the president and minority leader of the 758

senate that lists the number of committee meetings and 759
investigations the committee conducted during the immediately 760
preceding calendar year and the number of advisory opinions it 761
issued during the immediately preceding calendar year. 762

(E) Any investigative report that contains facts and findings 763
regarding a complaint filed with the committee and that is 764
prepared by the staff of the committee or a special counsel to the 765
committee shall become a public record upon its acceptance by a 766
vote of the majority of the members of the committee, except for 767
any names of specific individuals and entities contained in the 768
report. If the committee recommends disciplinary action or reports 769
its findings to the appropriate prosecuting authority for 770
proceedings in prosecution of the violations alleged in the 771
complaint, the investigatory report regarding the complaint shall 772
become a public record in its entirety. 773

(F)(1) Any file obtained by or in the possession of the 774
former house ethics committee or former senate ethics committee 775
shall become the property of the joint legislative ethics 776
committee. Any such file is confidential if either of the 777
following applies: 778

(a) It is confidential under section 102.06 of the Revised 779
Code or the legislative code of ethics. 780

(b) If the file was obtained from the former house ethics 781
committee or from the former senate ethics committee, it was 782
confidential under any statute or any provision of a code of 783
ethics that governed the file. 784

(2) As used in this division, "file" includes, but is not 785
limited to, evidence, documentation, or any other tangible thing. 786

Sec. 101.72. (A) Each legislative agent and employer, within 787
ten days following an engagement of a legislative agent, shall 788

file with the joint legislative ethics committee an initial 789
registration statement showing all of the following: 790

(1) The name, business address, and occupation of the 791
legislative agent; 792

(2) The name and business address of the employer and the 793
real party in interest on whose behalf the legislative agent is 794
actively advocating, if it is different from the employer. For the 795
purposes of division (A) of this section, where a trade 796
association or other charitable or fraternal organization that is 797
exempt from federal income taxation under subsection 501(c) of the 798
federal Internal Revenue Code is the employer, the statement need 799
not list the names and addresses of each member of the association 800
or organization, so long as the association or organization itself 801
is listed. 802

(3) A brief description of the type of legislation to which 803
the engagement relates. 804

(B) In addition to the initial registration statement 805
required by division (A) of this section, each legislative agent 806
and employer shall file with the joint committee, not later than 807
the last day of January, May, and September of each year, an 808
updated registration statement that confirms the continuing 809
existence of each engagement described in an initial registration 810
statement and that lists the specific bills or resolutions on 811
which the agent actively advocated under that engagement during 812
the period covered by the updated statement, and with it any 813
statement of expenditures required to be filed by section 101.73 814
of the Revised Code and any details of financial transactions 815
required to be filed by section 101.74 of the Revised Code. 816

(C) If a legislative agent is engaged by more than one 817
employer, the agent shall file a separate initial and updated 818
registration statement for each engagement. If an employer engages 819

more than one legislative agent, the employer need file only one 820
updated registration statement under division (B) of this section, 821
which shall contain the information required by division (B) of 822
this section regarding all of the legislative agents engaged by 823
the employer. 824

(D)(1) A change in any information required by division 825
(A)(1), (2), or (B) of this section shall be reflected in the next 826
updated registration statement filed under division (B) of this 827
section. 828

(2) Within thirty days after the termination of an 829
engagement, the legislative agent who was employed under the 830
engagement shall send written notification of the termination to 831
the joint committee. 832

(E) Except as otherwise provided in this division, a 833
registration fee of ~~ten~~ twenty-five dollars shall be charged for 834
filing an initial registration statement. All money collected from 835
registration fees under this division and late filing fees under 836
division (G) of this section shall be deposited ~~to the credit of~~ 837
~~the joint legislative ethics committee fund created under section~~ 838
~~101.34 of the Revised Code~~ into the general revenue fund of the 839
state. 840

An officer or employee of a state agency who actively 841
advocates in a fiduciary capacity as a representative of that 842
state agency need not pay the registration fee prescribed by this 843
division or file expenditure statements under section 101.73 of 844
the Revised Code. As used in this division, "state agency" does 845
not include a state institution of higher education as defined in 846
section 3345.011 of the Revised Code. 847

(F) Upon registration pursuant to division (A) of this 848
section, the legislative agent shall be issued a card by the joint 849
committee showing that the legislative agent is registered. The 850

registration card and the legislative agent's registration shall 851
be valid from the date of their issuance until the next 852
thirty-first day of December of an even-numbered year. 853

(G) The executive director of the joint committee shall be 854
responsible for reviewing each registration statement filed with 855
the joint committee under this section and for determining whether 856
the statement contains all of the information required by this 857
section. If the joint committee determines that the registration 858
statement does not contain all of the required information or that 859
a legislative agent or employer has failed to file a registration 860
statement, the joint committee shall send written notification by 861
certified mail to the person who filed the registration statement 862
regarding the deficiency in the statement or to the person who 863
failed to file the registration statement regarding the failure. 864
Any person so notified by the joint committee shall, not later 865
than fifteen days after receiving the notice, file a registration 866
statement or an amended registration statement that does contain 867
all of the information required by this section. If any person who 868
receives a notice under this division fails to file a registration 869
statement or such an amended registration statement within this 870
fifteen-day period, the joint committee shall assess a late filing 871
fee equal to twelve dollars and fifty cents per day, up to a 872
maximum of one hundred dollars, upon that person. The joint 873
committee may waive the late filing fee for good cause shown. 874

(H) On or before the fifteenth day of March of each year, the 875
joint committee shall, in the manner and form that it determines, 876
publish a report containing statistical information on the 877
registration statements filed with it under this section during 878
the preceding year. 879

Sec. 101.82. As used in sections 101.82 to 101.87 of the 880
Revised Code: 881

(A) "Agency" means any board, commission, committee, or	882
council, or any other similar state public body required to be	883
established pursuant to state statutes for the exercise of any	884
function of state government and to which members are appointed or	885
elected. "Agency" does not include <u>the following</u> :	886
(1) The general assembly, or any commission, committee, or	887
other body composed entirely of members thereof <u>of the general</u>	888
<u>assembly</u> ;	889
(2) Any court;	890
(3) Any public body created by or directly pursuant to the	891
constitution of this state;	892
(4) The board of trustees of any institution of higher	893
education financially supported in whole or in part by the state;	894
(5) Any public body that has the authority to issue bonds or	895
notes or that has issued bonds or notes that have not been fully	896
repaid;	897
(6) The public utilities commission of Ohio;	898
(7) The consumers' council governing board;	899
(8) The Ohio board of regents;	900
(9) Any state board or commission that has the authority to	901
issue any final adjudicatory order that may be appealed to the	902
court of common pleas under Chapter 119. of the Revised Code;	903
(10) Any board of elections;	904
(11) The board of directors of the Ohio insurance guaranty	905
association and the board of governors of the Ohio fair plan	906
underwriting association;	907
(12) The Ohio public employees deferred compensation board;	908
(13) The Ohio retirement study council;	909

(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;

(15) The industrial commission.

(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)~~(E) of section 149.331 of the Revised Code.

(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.

(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.

(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.

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; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the chief executive officer of each state

retirement system; all members of the board of commissioners on 940
grievances and discipline of the supreme court and the ethics 941
commission created under section 102.05 of the Revised Code; every 942
business manager, treasurer, or superintendent of a city, local, 943
exempted village, joint vocational, or cooperative education 944
school district or an educational service center; every person who 945
is elected to or is a candidate for the office of member of a 946
board of education of a city, local, exempted village, joint 947
vocational, or cooperative education school district or of a 948
governing board of an educational service center that has a total 949
student count of twelve thousand or more as most recently 950
determined by the department of education pursuant to section 951
3317.03 of the Revised Code; every person who is appointed to the 952
board of education of a municipal school district pursuant to 953
division (B) or (F) of section 3311.71 of the Revised Code; all 954
members of the board of directors of a sanitary district 955
established under Chapter 6115. of the Revised Code and organized 956
wholly for the purpose of providing a water supply for domestic, 957
municipal, and public use that includes two municipal corporations 958
in two counties; every public official or employee who is paid a 959
salary or wage in accordance with schedule C of section 124.15 or 960
schedule E-2 of section 124.152 of the Revised Code; members of 961
the board of trustees and the executive director of the tobacco 962
use prevention and control foundation; members of the board of 963
trustees and the executive director of the southern Ohio 964
agricultural and community development foundation; and every other 965
public official or employee who is designated by the appropriate 966
ethics commission pursuant to division (B) of this section shall 967
file with the appropriate ethics commission on a form prescribed 968
by the commission, a statement disclosing all of the following: 969

(1) The name of the person filing the statement and each 970
member of the person's immediate family and all names under which 971
the person or members of the person's immediate family do 972

business; 973

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 974
and except as otherwise provided in section 102.022 of the Revised 975
Code, identification of every source of income, other than income 976
from a legislative agent identified in division (A)(2)(b) of this 977
section, received during the preceding calendar year, in the 978
person's own name or by any other person for the person's use or 979
benefit, by the person filing the statement, and a brief 980
description of the nature of the services for which the income was 981
received. If the person filing the statement is a member of the 982
general assembly, the statement shall identify the amount of every 983
source of income received in accordance with the following ranges 984
of amounts: zero or more, but less than one thousand dollars; one 985
thousand dollars or more, but less than ten thousand dollars; ten 986
thousand dollars or more, but less than twenty-five thousand 987
dollars; twenty-five thousand dollars or more, but less than fifty 988
thousand dollars; fifty thousand dollars or more, but less than 989
one hundred thousand dollars; and one hundred thousand dollars or 990
more. Division (A)(2)(a) of this section shall not be construed to 991
require a person filing the statement who derives income from a 992
business or profession to disclose the individual items of income 993
that constitute the gross income of that business or profession, 994
except for those individual items of income that are attributable 995
to the person's or, if the income is shared with the person, the 996
partner's, solicitation of services or goods or performance, 997
arrangement, or facilitation of services or provision of goods on 998
behalf of the business or profession of clients, including 999
corporate clients, who are legislative agents as defined in 1000
section 101.70 of the Revised Code. A person who files the 1001
statement under this section shall disclose the identity of and 1002
the amount of income received from a person who the public 1003
official or employee knows or has reason to know is doing or 1004
seeking to do business of any kind with the public official's or 1005

employee's agency. 1006

(b) If the person filing the statement is a member of the 1007
general assembly, the statement shall identify every source of 1008
income and the amount of that income that was received from a 1009
legislative agent, as defined in section 101.70 of the Revised 1010
Code, during the preceding calendar year, in the person's own name 1011
or by any other person for the person's use or benefit, by the 1012
person filing the statement, and a brief description of the nature 1013
of the services for which the income was received. Division 1014
(A)(2)(b) of this section requires the disclosure of clients of 1015
attorneys or persons licensed under section 4732.12 of the Revised 1016
Code, or patients of persons certified under section 4731.14 of 1017
the Revised Code, if those clients or patients are legislative 1018
agents. Division (A)(2)(b) of this section requires a person 1019
filing the statement who derives income from a business or 1020
profession to disclose those individual items of income that 1021
constitute the gross income of that business or profession that 1022
are received from legislative agents. 1023

(c) Except as otherwise provided in division (A)(2)(c) of 1024
this section, division (A)(2)(a) of this section applies to 1025
attorneys, physicians, and other persons who engage in the 1026
practice of a profession and who, pursuant to a section of the 1027
Revised Code, the common law of this state, a code of ethics 1028
applicable to the profession, or otherwise, generally are required 1029
not to reveal, disclose, or use confidences of clients, patients, 1030
or other recipients of professional services except under 1031
specified circumstances or generally are required to maintain 1032
those types of confidences as privileged communications except 1033
under specified circumstances. Division (A)(2)(a) of this section 1034
does not require an attorney, physician, or other professional 1035
subject to a confidentiality requirement as described in division 1036
(A)(2)(c) of this section to disclose the name, other identity, or 1037

address of a client, patient, or other recipient of professional 1038
services if the disclosure would threaten the client, patient, or 1039
other recipient of professional services, would reveal details of 1040
the subject matter for which legal, medical, or professional 1041
advice or other services were sought, or would reveal an otherwise 1042
privileged communication involving the client, patient, or other 1043
recipient of professional services. Division (A)(2)(a) of this 1044
section does not require an attorney, physician, or other 1045
professional subject to a confidentiality requirement as described 1046
in division (A)(2)(c) of this section to disclose in the brief 1047
description of the nature of services required by division 1048
(A)(2)(a) of this section any information pertaining to specific 1049
professional services rendered for a client, patient, or other 1050
recipient of professional services that would reveal details of 1051
the subject matter for which legal, medical, or professional 1052
advice was sought or would reveal an otherwise privileged 1053
communication involving the client, patient, or other recipient of 1054
professional services. 1055

(3) The name of every corporation on file with the secretary 1056
of state that is incorporated in this state or holds a certificate 1057
of compliance authorizing it to do business in this state, trust, 1058
business trust, partnership, or association that transacts 1059
business in this state in which the person filing the statement or 1060
any other person for the person's use and benefit had during the 1061
preceding calendar year an investment of over one thousand dollars 1062
at fair market value as of the thirty-first day of December of the 1063
preceding calendar year, or the date of disposition, whichever is 1064
earlier, or in which the person holds any office or has a 1065
fiduciary relationship, and a description of the nature of the 1066
investment, office, or relationship. Division (A)(3) of this 1067
section does not require disclosure of the name of any bank, 1068
savings and loan association, credit union, or building and loan 1069
association with which the person filing the statement has a 1070

deposit or a withdrawable share account. 1071

(4) All fee simple and leasehold interests to which the 1072
person filing the statement holds legal title to or a beneficial 1073
interest in real property located within the state, excluding the 1074
person's residence and property used primarily for personal 1075
recreation; 1076

(5) The names of all persons residing or transacting business 1077
in the state to whom the person filing the statement owes, in the 1078
person's own name or in the name of any other person, more than 1079
one thousand dollars. Division (A)(5) of this section shall not be 1080
construed to require the disclosure of debts owed by the person 1081
resulting from the ordinary conduct of a business or profession or 1082
debts on the person's residence or real property used primarily 1083
for personal recreation, except that the superintendent of 1084
financial institutions shall disclose the names of all 1085
state-chartered savings and loan associations and of all service 1086
corporations subject to regulation under division (E)(2) of 1087
section 1151.34 of the Revised Code to whom the superintendent in 1088
the superintendent's own name or in the name of any other person 1089
owes any money, and that the superintendent and any deputy 1090
superintendent of banks shall disclose the names of all 1091
state-chartered banks and all bank subsidiary corporations subject 1092
to regulation under section 1109.44 of the Revised Code to whom 1093
the superintendent or deputy superintendent owes any money. 1094

(6) The names of all persons residing or transacting business 1095
in the state, other than a depository excluded under division 1096
(A)(3) of this section, who owe more than one thousand dollars to 1097
the person filing the statement, either in the person's own name 1098
or to any person for the person's use or benefit. Division (A)(6) 1099
of this section shall not be construed to require the disclosure 1100
of clients of attorneys or persons licensed under section 4732.12 1101
or 4732.15 of the Revised Code, or patients of persons certified 1102

under section 4731.14 of the Revised Code, nor the disclosure of 1103
debts owed to the person resulting from the ordinary conduct of a 1104
business or profession. 1105

(7) Except as otherwise provided in section 102.022 of the 1106
Revised Code, the source of each gift of over seventy-five 1107
dollars, or of each gift of over twenty-five dollars received by a 1108
member of the general assembly from a legislative agent, received 1109
by the person in the person's own name or by any other person for 1110
the person's use or benefit during the preceding calendar year, 1111
except gifts received by will or by virtue of section 2105.06 of 1112
the Revised Code, or received from spouses, parents, grandparents, 1113
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1114
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1115
fathers-in-law, mothers-in-law, or any person to whom the person 1116
filing the statement stands in loco parentis, or received by way 1117
of distribution from any inter vivos or testamentary trust 1118
established by a spouse or by an ancestor; 1119

(8) Except as otherwise provided in section 102.022 of the 1120
Revised Code, identification of the source and amount of every 1121
payment of expenses incurred for travel to destinations inside or 1122
outside this state that is received by the person in the person's 1123
own name or by any other person for the person's use or benefit 1124
and that is incurred in connection with the person's official 1125
duties, except for expenses for travel to meetings or conventions 1126
of a national or state organization to which any state agency, 1127
including, but not limited to, any legislative agency or state 1128
institution of higher education as defined in section 3345.011 of 1129
the Revised Code, pays membership dues, or any political 1130
subdivision or any office or agency of a political subdivision 1131
pays membership dues; 1132

(9) Except as otherwise provided in section 102.022 of the 1133
Revised Code, identification of the source of payment of expenses 1134

for meals and other food and beverages, other than for meals and 1135
other food and beverages provided at a meeting at which the person 1136
participated in a panel, seminar, or speaking engagement or at a 1137
meeting or convention of a national or state organization to which 1138
any state agency, including, but not limited to, any legislative 1139
agency or state institution of higher education as defined in 1140
section 3345.011 of the Revised Code, pays membership dues, or any 1141
political subdivision or any office or agency of a political 1142
subdivision pays membership dues, that are incurred in connection 1143
with the person's official duties and that exceed one hundred 1144
dollars aggregated per calendar year; 1145

(10) If the financial disclosure statement is filed by a 1146
public official or employee described in division (B)(2) of 1147
section 101.73 of the Revised Code or division (B)(2) of section 1148
121.63 of the Revised Code who receives a statement from a 1149
legislative agent, executive agency lobbyist, or employer that 1150
contains the information described in division (F)(2) of section 1151
101.73 of the Revised Code or division (G)(2) of section 121.63 of 1152
the Revised Code, all of the nondisputed information contained in 1153
the statement delivered to that public official or employee by the 1154
legislative agent, executive agency lobbyist, or employer under 1155
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1156
the Revised Code. As used in division (A)(10) of this section, 1157
"legislative agent," "executive agency lobbyist," and "employer" 1158
have the same meanings as in sections 101.70 and 121.60 of the 1159
Revised Code. 1160

A person may file a statement required by this section in 1161
person or by mail. A person who is a candidate for elective office 1162
shall file the statement no later than the thirtieth day before 1163
the primary, special, or general election at which the candidacy 1164
is to be voted on, whichever election occurs soonest, except that 1165
a person who is a write-in candidate shall file the statement no 1166

later than the twentieth day before the earliest election at which 1167
the person's candidacy is to be voted on. A person who holds 1168
elective office shall file the statement on or before the 1169
fifteenth day of April of each year unless the person is a 1170
candidate for office. A person who is appointed to fill a vacancy 1171
for an unexpired term in an elective office shall file the 1172
statement within fifteen days after the person qualifies for 1173
office. Other persons shall file an annual statement on or before 1174
the fifteenth day of April or, if appointed or employed after that 1175
date, within ninety days after appointment or employment. No 1176
person shall be required to file with the appropriate ethics 1177
commission more than one statement or pay more than one filing fee 1178
for any one calendar year. 1179

The appropriate ethics commission, for good cause, may extend 1180
for a reasonable time the deadline for filing a statement under 1181
this section. 1182

A statement filed under this section is subject to public 1183
inspection at locations designated by the appropriate ethics 1184
commission except as otherwise provided in this section. 1185

(B) The Ohio ethics commission, the joint legislative ethics 1186
committee, and the board of commissioners on grievances and 1187
discipline of the supreme court, using the rule-making procedures 1188
of Chapter 119. of the Revised Code, may require any class of 1189
public officials or employees under its jurisdiction and not 1190
specifically excluded by this section whose positions involve a 1191
substantial and material exercise of administrative discretion in 1192
the formulation of public policy, expenditure of public funds, 1193
enforcement of laws and rules of the state or a county or city, or 1194
the execution of other public trusts, to file an annual statement 1195
on or before the fifteenth day of April under division (A) of this 1196
section. The appropriate ethics commission shall send the public 1197
officials or employees written notice of the requirement by the 1198

fifteenth day of February of each year the filing is required 1199
unless the public official or employee is appointed after that 1200
date, in which case the notice shall be sent within thirty days 1201
after appointment, and the filing shall be made not later than 1202
ninety days after appointment. 1203

Except for disclosure statements filed by members of the 1204
board of trustees and the executive director of the tobacco use 1205
prevention and control foundation and members of the board of 1206
trustees and the executive director of the southern Ohio 1207
agricultural and community development foundation, disclosure 1208
statements filed under this division with the Ohio ethics 1209
commission by members of boards, commissions, or bureaus of the 1210
state for which no compensation is received other than reasonable 1211
and necessary expenses shall be kept confidential. Disclosure 1212
statements filed with the Ohio ethics commission under division 1213
(A) of this section by business managers, treasurers, and 1214
superintendents of city, local, exempted village, joint 1215
vocational, or cooperative education school districts or 1216
educational service centers shall be kept confidential, except 1217
that any person conducting an audit of any such school district or 1218
educational service center pursuant to section 115.56 or Chapter 1219
117. of the Revised Code may examine the disclosure statement of 1220
any business manager, treasurer, or superintendent of that school 1221
district or educational service center. The Ohio ethics commission 1222
shall examine each disclosure statement required to be kept 1223
confidential to determine whether a potential conflict of interest 1224
exists for the person who filed the disclosure statement. A 1225
potential conflict of interest exists if the private interests of 1226
the person, as indicated by the person's disclosure statement, 1227
might interfere with the public interests the person is required 1228
to serve in the exercise of the person's authority and duties in 1229
the person's office or position of employment. If the commission 1230
determines that a potential conflict of interest exists, it shall 1231

notify the person who filed the disclosure statement and shall 1232
make the portions of the disclosure statement that indicate a 1233
potential conflict of interest subject to public inspection in the 1234
same manner as is provided for other disclosure statements. Any 1235
portion of the disclosure statement that the commission determines 1236
does not indicate a potential conflict of interest shall be kept 1237
confidential by the commission and shall not be made subject to 1238
public inspection, except as is necessary for the enforcement of 1239
Chapters 102. and 2921. of the Revised Code and except as 1240
otherwise provided in this division. 1241

(C) No person shall knowingly fail to file, on or before the 1242
applicable filing deadline established under this section, a 1243
statement that is required by this section. 1244

(D) No person shall knowingly file a false statement that is 1245
required to be filed under this section. 1246

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1247
section, the statement required by division (A) or (B) of this 1248
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1249
dollars. 1250

(2) The statement required by division (A) of this section 1251
shall be accompanied by a the following filing fee to be paid by 1252
the person who is elected or appointed to, or is a candidate for, 1253
any of the following offices: 1254

For state office, except member of <u>the</u>		1255
state board of education	\$50 <u>65</u>	1256
For office of member of United States		1257
congress or member of general assembly	\$25 <u>40</u>	1258
For county office	\$25 <u>40</u>	1259
For city office	\$10 <u>25</u>	1260
For office of member of <u>the</u> state board		1261
of education	\$20 <u>25</u>	1262
For office of member of <u>a</u> city, local,		1263

exempted village, or cooperative	1264
education board of	1265
education or educational service	1266
center governing board	\$ 5 <u>20</u> 1267
For position of business manager,	1268
treasurer, or superintendent of a	1269
city, local, exempted village, joint	1270
vocational, or cooperative education	1271
school district or	1272
educational service center	\$ 5 <u>20</u> 1273

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section. 1274
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(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section. 1278
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(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee ~~equal to one half of the applicable filing fee~~ ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed ~~one~~ two hundred fifty dollars. 1283
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(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state. 1290
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1293

(2) The Ohio ethics commission shall deposit all receipts, 1294

including, but not limited to, fees it receives under divisions 1295
(E) and (F) of this section and all moneys it receives from 1296
settlements under division (G) of section 102.06 of the Revised 1297
Code, into the Ohio ethics commission fund, which is hereby 1298
created in the state treasury. All moneys credited to the fund 1299
shall be used solely for expenses related to the operation and 1300
statutory functions of the commission. 1301

(H) Division (A) of this section does not apply to a person 1302
elected or appointed to the office of precinct, ward, or district 1303
committee member under Chapter 3517. of the Revised Code; a 1304
presidential elector; a delegate to a national convention; village 1305
or township officials and employees; any physician or psychiatrist 1306
who is paid a salary or wage in accordance with schedule C of 1307
section 124.15 or schedule E-2 of section 124.152 of the Revised 1308
Code and whose primary duties do not require the exercise of 1309
administrative discretion; or any member of a board, commission, 1310
or bureau of any county or city who receives less than one 1311
thousand dollars per year for serving in that position. 1312

Sec. 107.12. (A) As used in this section, "organization" 1313
means a faith-based or other organization that is exempt from 1314
federal income taxation under section 501(c)(3) of the Internal 1315
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1316
provides charitable services to needy residents of this state. 1317

(B) There is hereby established within the office of the 1318
governor the governor's office for faith-based nonprofit and other 1319
nonprofit organizations. The office shall: 1320

(1) Serve as a clearinghouse of information on federal, 1321
state, and local funding for charitable services performed by 1322
organizations; 1323

(2) Encourage organizations to seek public funding for their 1324
charitable services; 1325

<u>(3) Act as a liaison between state agencies and organizations;</u>	1326
	1327
<u>(4) Advise the governor, general assembly, and the advisory board of the governor's office for faith-based nonprofit or other nonprofit organizations on the barriers that exist to collaboration between organizations and governmental entities and on ways to remove the barriers.</u>	1328
	1329
	1330
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<u>(C) The governor shall appoint an executive assistant to manage the office and perform or oversee the performance of the duties of the office.</u>	1333
	1334
	1335
<u>(D)(1) There is hereby created the advisory board of the governor's office for faith-based nonprofit and other nonprofit organizations. The board shall consist of members appointed as follows:</u>	1336
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<u>(a) The directors of aging, alcohol and drug addiction services, rehabilitation and correction, health, job and family services, mental health, and youth services shall each appoint to the board one employee of that director's department.</u>	1340
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	1343
<u>(b) The speaker of the house of representatives shall appoint to the board two members of the house of representatives, not more than one of whom shall be from the same political party and at least one of whom shall be from the legislative black caucus. The speaker of the house of representatives shall consult with the president of the legislative black caucus in making the legislative black caucus member appointment. The president of the senate shall appoint to the board two members of the senate, not more than one of whom shall be from the same political party.</u>	1344
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<u>(c) The governor, speaker of the house of representatives, and president of the senate shall each appoint to the board three representatives of the nonprofit, faith-based and other nonprofit community.</u>	1353
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	1356

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

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

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

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

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

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

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

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

(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 1387
of any client identifying information, as well as the target state 1388
agency's proposal for meeting the needs of the clients, shall be 1389
submitted to the general assembly in accordance with section 1390
101.68 of the Revised Code at least two months prior to the 1391
closing. 1392

Sec. 107.32. (A) As used in this section and section 107.33 1393
of the Revised Code: 1394

(1) "State institutional facility" means any institution or 1395
other facility for the housing of any person that is under the 1396
control of the department of rehabilitation and correction, the 1397
department of youth services, the department of mental retardation 1398
and developmental disabilities, the department of mental health, 1399
or any other agency or department of state government. 1400

(2) "Target state agency" means the agency of state 1401
government that the governor identifies in a notice provided under 1402
division (C)(1) of this section and that operates an institutional 1403
facility or facilities the governor believes should be closed. 1404

(B) Notwithstanding any other provision of law, the governor 1405
shall not order the closure of any state institutional facility, 1406
for the purpose of expenditure reductions or budget cuts, other 1407
than in accordance with this section. 1408

(C) If the governor determines that necessary expenditure 1409
reductions and budget cuts cannot be made without closing one or 1410
more state institutional facilities, all of the following apply: 1411

(1) The governor shall determine which state agency's 1412
institutional facility or facilities the governor believes should 1413
be closed, shall notify the general assembly and that agency of 1414
that determination, and shall specify in the notice the number of 1415
facilities of that agency that the governor believes should be 1416

closed and the anticipated savings to be obtained through that 1417
closure or those closures. 1418

(2) Upon the governor's provision of the notice described in 1419
division (C)(1) of this section, a state facilities closure 1420
commission shall be created as described in division (D) of this 1421
section regarding the target state agency. Not later than seven 1422
days after the governor provides that notice, the officials with 1423
the duties to appoint members of the commission for the target 1424
state agency, as described in division (D) of this section, shall 1425
appoint the specified members of the commission, and, as soon as 1426
possible after the appointments, the commission shall meet for the 1427
purposes described in that division. Not later than thirty days 1428
after the governor provides the notice described in division 1429
(C)(1) of this section, the state facilities closure commission 1430
shall provide to the general assembly, the governor, and the 1431
target state agency a report that contains the commission's 1432
recommendation as to the state institutional facility or 1433
facilities of the target state agency that the governor may close. 1434
The anticipated savings to be obtained by the commission's 1435
recommendation shall be approximately the same as the anticipated 1436
savings the governor specified in the governor's notice provided 1437
under division (C)(1) of this section, and, if the recommendation 1438
identifies more than one facility, it shall list them in order of 1439
the commission's preference for closure. A state facilities 1440
closure commission created for a particular target state agency 1441
shall make a report only regarding that target state agency and 1442
shall include no recommendations regarding any other state agency 1443
or department in its report. 1444

(3) Upon receipt of the report of the state facilities 1445
closure commission under division (C)(2) of this section for a 1446
target state agency, if the governor still believes that necessary 1447
expenditure reductions and budget cuts cannot be made without 1448

closing one or more state institutional facilities, the governor 1449
may close state institutional facilities of the target state 1450
agency that are identified in the commission's recommendation 1451
contained in the report. Except as otherwise provided in this 1452
division, the governor shall not close any state institutional 1453
facility of the target state agency that is not listed in the 1454
commission's recommendation, and shall not close multiple 1455
institutions in any order other than the order of the commission's 1456
preference as specified in the recommendation. The governor is not 1457
required to follow the recommendation of the commission in closing 1458
an institutional facility if the governor determines that a 1459
significant change in circumstances makes the recommendation 1460
unworkable. 1461

(D) A state facilities closure commission shall be created at 1462
the time and in the manner specified in division (C)(2) of this 1463
section. If more than one state agency or department is a target 1464
state agency, a separate state facilities closure commission shall 1465
be created for each such target state agency. Each commission 1466
consists of eleven members. Three members shall be members of the 1467
house of representatives appointed by the speaker of the house of 1468
representatives, none of the members so appointed may have a state 1469
institutional facility of the target state agency in the member's 1470
district, two of the members so appointed shall be members of the 1471
majority political party in the house of representatives, and one 1472
of the members so appointed shall not be a member of the majority 1473
political party in the house of representatives. Three members 1474
shall be members of the senate appointed by the president of the 1475
senate, none of the members so appointed may have a state 1476
institutional facility of the target state agency in the member's 1477
district, two of the members so appointed shall be members of the 1478
majority political party in the senate, and one of the members so 1479
appointed shall not be a member of the majority political party in 1480
the senate. One member shall be the director of budget and 1481

management. One member shall be the director, or other agency 1482
head, of the target state agency. Two members shall be private 1483
executives with expertise in facility utilization, with one of 1484
these members appointed by the speaker of the house of 1485
representatives and the other appointed by the president of the 1486
senate, and neither of the members so appointed may have a state 1487
institutional facility of the target state agency in the county in 1488
which the member resides. One member shall be a representative of 1489
the Ohio civil service employees' association or other 1490
representative association of the employees of the target state 1491
agency, appointed by the speaker of the house of representatives. 1492
The officials with the duties to appoint members of the commission 1493
shall make the appointments, and the commission shall meet, within 1494
the time periods specified in division (C)(2) of this section. The 1495
members of the commission shall serve without compensation. At the 1496
commission's first meeting, the members shall organize, and 1497
appoint a chairperson and vice-chairperson. 1498

The commission shall determine which state institutional 1499
facility or facilities under the control of the target state 1500
agency for which the commission was created should be closed. In 1501
making this determination, the commission shall, at a minimum, 1502
consider the following factors: 1503

(1) Whether there is a need to reduce the number of 1504
facilities; 1505

(2) The availability of alternate facilities; 1506

(3) The cost effectiveness of the facilities; 1507

(4) The geographic factors associated with each facility and 1508
its proximity to other similar facilities; 1509

(5) The impact of collective bargaining on facility 1510
operations; 1511

(6) The utilization and maximization of resources; 1512

(7) Continuity of the staff and ability to serve the facility 1513
population; 1514

(8) Continuing costs following closure of a facility; 1515

(9) The impact of the closure on the local economy; 1516

(10) Alternatives and opportunities for consolidation with 1517
other facilities. 1518

The commission shall meet as often as necessary to make its 1519
determination, may take testimony and consider all relevant 1520
information, and shall prepare and provide in accordance with 1521
division (C)(2) of this section a report containing its 1522
recommendations. Upon providing the report regarding the target 1523
state agency, the commission shall cease to exist, provided that 1524
another commission shall be created for the same state agency if 1525
the agency is made a target state agency in another report 1526
provided under division (C)(1) of this section and provided that 1527
another commission shall be created for a different state agency 1528
if that other agency is made a target state agency in a report 1529
provided under that division. 1530

Sec. 107.33. Notwithstanding any other provision of law, if 1531
the closure of the particular facility is authorized under section 1532
107.32 of the Revised Code, the governor may terminate any 1533
contract entered into under section 9.06 of the Revised Code for 1534
the private operation and management of any correctional facility 1535
under the control of the department of rehabilitation and 1536
correction, including, but not limited to the initial intensive 1537
program prison established pursuant to section 5120.033 of the 1538
Revised Code as it existed prior to the effective date of this 1539
section, and terminate the operation of, and close that facility. 1540
If the governor terminates a contract for the private operation 1541
and management of a facility, and terminates the operation of, and 1542

closes, the facility as described in this section, inmates in the 1543
facility shall be transferred to another correctional facility 1544
under the control of the department. If the initial intensive 1545
program prison is closed, divisions (G)(2)(a) and (b) of section 1546
2929.13 of the Revised Code have no effect while the facility is 1547
closed. 1548

Sec. 109.57. (A)(1) The superintendent of the bureau of 1549
criminal identification and investigation shall procure from 1550
wherever procurable and file for record photographs, pictures, 1551
descriptions, fingerprints, measurements, and other information 1552
that may be pertinent of all persons who have been convicted of 1553
committing within this state a felony, any crime constituting a 1554
misdemeanor on the first offense and a felony on subsequent 1555
offenses, or any misdemeanor described in division (A)(1)(a) of 1556
section 109.572 of the Revised Code, of all children under 1557
eighteen years of age who have been adjudicated delinquent 1558
children for committing within this state an act that would be a 1559
felony or an offense of violence if committed by an adult or who 1560
have been convicted of or pleaded guilty to committing within this 1561
state a felony or an offense of violence, and of all well-known 1562
and habitual criminals. The person in charge of any county, 1563
multicounty, municipal, municipal-county, or multicounty-municipal 1564
jail or workhouse, community-based correctional facility, halfway 1565
house, alternative residential facility, or state correctional 1566
institution and the person in charge of any state institution 1567
having custody of a person suspected of having committed a felony, 1568
any crime constituting a misdemeanor on the first offense and a 1569
felony on subsequent offenses, or any misdemeanor described in 1570
division (A)(1)(a) of section 109.572 of the Revised Code or 1571
having custody of a child under eighteen years of age with respect 1572
to whom there is probable cause to believe that the child may have 1573
committed an act that would be a felony or an offense of violence 1574

if committed by an adult shall furnish such material to the 1575
superintendent of the bureau. Fingerprints, photographs, or other 1576
descriptive information of a child who is under eighteen years of 1577
age, has not been arrested or otherwise taken into custody for 1578
committing an act that would be a felony or an offense of violence 1579
if committed by an adult, has not been adjudicated a delinquent 1580
child for committing an act that would be a felony or an offense 1581
of violence if committed by an adult, has not been convicted of or 1582
pleaded guilty to committing a felony or an offense of violence, 1583
and is not a child with respect to whom there is probable cause to 1584
believe that the child may have committed an act that would be a 1585
felony or an offense of violence if committed by an adult shall 1586
not be procured by the superintendent or furnished by any person 1587
in charge of any county, multicounty, municipal, municipal-county, 1588
or multicounty-municipal jail or workhouse, community-based 1589
correctional facility, halfway house, alternative residential 1590
facility, or state correctional institution, except as authorized 1591
in section 2151.313 of the Revised Code. 1592

(2) Every clerk of a court of record in this state, other 1593
than the supreme court or a court of appeals, shall send to the 1594
superintendent of the bureau a weekly report containing a summary 1595
of each case involving a felony, involving any crime constituting 1596
a misdemeanor on the first offense and a felony on subsequent 1597
offenses, involving a misdemeanor described in division (A)(1)(a) 1598
of section 109.572 of the Revised Code, or involving an 1599
adjudication in a case in which a child under eighteen years of 1600
age was alleged to be a delinquent child for committing an act 1601
that would be a felony or an offense of violence if committed by 1602
an adult. The clerk of the court of common pleas shall include in 1603
the report and summary the clerk sends under this division all 1604
information described in divisions (A)(2)(a) to (f) of this 1605
section regarding a case before the court of appeals that is 1606
served by that clerk. The summary shall be written on the standard 1607

forms furnished by the superintendent pursuant to division (B) of 1608
this section and shall include the following information: 1609

(a) The incident tracking number contained on the standard 1610
forms furnished by the superintendent pursuant to division (B) of 1611
this section; 1612

(b) The style and number of the case; 1613

(c) The date of arrest; 1614

(d) The date that the person was convicted of or pleaded 1615
guilty to the offense, adjudicated a delinquent child for 1616
committing the act that would be a felony or an offense of 1617
violence if committed by an adult, found not guilty of the 1618
offense, or found not to be a delinquent child for committing an 1619
act that would be a felony or an offense of violence if committed 1620
by an adult, the date of an entry dismissing the charge, an entry 1621
declaring a mistrial of the offense in which the person is 1622
discharged, an entry finding that the person or child is not 1623
competent to stand trial, or an entry of a nolle prosequi, or the 1624
date of any other determination that constitutes final resolution 1625
of the case; 1626

(e) A statement of the original charge with the section of 1627
the Revised Code that was alleged to be violated; 1628

(f) If the person or child was convicted, pleaded guilty, or 1629
was adjudicated a delinquent child, the sentence or terms of 1630
probation imposed or any other disposition of the offender or the 1631
delinquent child. 1632

If the offense involved the disarming of a law enforcement 1633
officer or an attempt to disarm a law enforcement officer, the 1634
clerk shall clearly state that fact in the summary, and the 1635
superintendent shall ensure that a clear statement of that fact is 1636
placed in the bureau's records. 1637

(3) The superintendent shall cooperate with and assist 1638
sheriffs, chiefs of police, and other law enforcement officers in 1639
the establishment of a complete system of criminal identification 1640
and in obtaining fingerprints and other means of identification of 1641
all persons arrested on a charge of a felony, any crime 1642
constituting a misdemeanor on the first offense and a felony on 1643
subsequent offenses, or a misdemeanor described in division 1644
(A)(1)(a) of section 109.572 of the Revised Code and of all 1645
children under eighteen years of age arrested or otherwise taken 1646
into custody for committing an act that would be a felony or an 1647
offense of violence if committed by an adult. The superintendent 1648
also shall file for record the fingerprint impressions of all 1649
persons confined in a county, multicounty, municipal, 1650
municipal-county, or multicounty-municipal jail or workhouse, 1651
community-based correctional facility, halfway house, alternative 1652
residential facility, or state correctional institution for the 1653
violation of state laws and of all children under eighteen years 1654
of age who are confined in a county, multicounty, municipal, 1655
municipal-county, or multicounty-municipal jail or workhouse, 1656
community-based correctional facility, halfway house, alternative 1657
residential facility, or state correctional institution or in any 1658
facility for delinquent children for committing an act that would 1659
be a felony or an offense of violence if committed by an adult, 1660
and any other information that the superintendent may receive from 1661
law enforcement officials of the state and its political 1662
subdivisions. 1663

(4) The superintendent shall carry out Chapter 2950. of the 1664
Revised Code with respect to the registration of persons who are 1665
convicted of or plead guilty to a sexually oriented offense and 1666
with respect to all other duties imposed on the bureau under that 1667
chapter. 1668

(B) The superintendent shall prepare and furnish to every 1669

county, multicounty, municipal, municipal-county, or 1670
multicounty-municipal jail or workhouse, community-based 1671
correctional facility, halfway house, alternative residential 1672
facility, or state correctional institution and to every clerk of 1673
a court in this state specified in division (A)(2) of this section 1674
standard forms for reporting the information required under 1675
division (A) of this section. The standard forms that the 1676
superintendent prepares pursuant to this division may be in a 1677
tangible format, in an electronic format, or in both tangible 1678
formats and electronic formats. 1679

(C) The superintendent may operate a center for electronic, 1680
automated, or other data processing for the storage and retrieval 1681
of information, data, and statistics pertaining to criminals and 1682
to children under eighteen years of age who are adjudicated 1683
delinquent children for committing an act that would be a felony 1684
or an offense of violence if committed by an adult, criminal 1685
activity, crime prevention, law enforcement, and criminal justice, 1686
and may establish and operate a statewide communications network 1687
to gather and disseminate information, data, and statistics for 1688
the use of law enforcement agencies. The superintendent may 1689
gather, store, retrieve, and disseminate information, data, and 1690
statistics that pertain to children who are under eighteen years 1691
of age and that are gathered pursuant to sections 109.57 to 109.61 1692
of the Revised Code together with information, data, and 1693
statistics that pertain to adults and that are gathered pursuant 1694
to those sections. 1695

(D) The information and materials furnished to the 1696
superintendent pursuant to division (A) of this section and 1697
information and materials furnished to any board or person under 1698
division (F) or (G) of this section are not public records under 1699
section 149.43 of the Revised Code. 1700

(E) The attorney general shall adopt rules, in accordance 1701

with Chapter 119. of the Revised Code, setting forth the procedure 1702
by which a person may receive or release information gathered by 1703
the superintendent pursuant to division (A) of this section. A 1704
reasonable fee may be charged for this service. If a temporary 1705
employment service submits a request for a determination of 1706
whether a person the service plans to refer to an employment 1707
position has been convicted of or pleaded guilty to an offense 1708
listed in division (A)(1), (3), (4), ~~or (5)~~, or (6) of section 1709
109.572 of the Revised Code, the request shall be treated as a 1710
single request and only one fee shall be charged. 1711

(F)(1) As used in division (F)(2) of this section, "head 1712
start agency" means an entity in this state that has been approved 1713
to be an agency for purposes of subchapter II of the "Community 1714
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1715
as amended. 1716

(2)(a) In addition to or in conjunction with any request that 1717
is required to be made under section 109.572, 2151.86, 3301.32, 1718
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1719
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1720
education of any school district; the director of mental 1721
retardation and developmental disabilities; any county board of 1722
mental retardation and developmental disabilities; any entity 1723
under contract with a county board of mental retardation and 1724
developmental disabilities; the chief administrator of any 1725
chartered nonpublic school; the chief administrator of any home 1726
health agency; the chief administrator of or person operating any 1727
child day-care center, type A family day-care home, or type B 1728
family day-care home licensed or certified under Chapter 5104. of 1729
the Revised Code; the administrator of any type C family day-care 1730
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1731
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1732
general assembly; the chief administrator of any head start 1733

agency; or the executive director of a public children services 1734
agency may request that the superintendent of the bureau 1735
investigate and determine, with respect to any individual who has 1736
applied for employment in any position after October 2, 1989, or 1737
any individual wishing to apply for employment with a board of 1738
education may request, with regard to the individual, whether the 1739
bureau has any information gathered under division (A) of this 1740
section that pertains to that individual. On receipt of the 1741
request, the superintendent shall determine whether that 1742
information exists and, upon request of the person, board, or 1743
entity requesting information, also shall request from the federal 1744
bureau of investigation any criminal records it has pertaining to 1745
that individual. Within thirty days of the date that the 1746
superintendent receives a request, the superintendent shall send 1747
to the board, entity, or person a report of any information that 1748
the superintendent determines exists, including information 1749
contained in records that have been sealed under section 2953.32 1750
of the Revised Code, and, within thirty days of its receipt, shall 1751
send the board, entity, or person a report of any information 1752
received from the federal bureau of investigation, other than 1753
information the dissemination of which is prohibited by federal 1754
law. 1755

(b) When a board of education is required to receive 1756
information under this section as a prerequisite to employment of 1757
an individual pursuant to section 3319.39 of the Revised Code, it 1758
may accept a certified copy of records that were issued by the 1759
bureau of criminal identification and investigation and that are 1760
presented by an individual applying for employment with the 1761
district in lieu of requesting that information itself. In such a 1762
case, the board shall accept the certified copy issued by the 1763
bureau in order to make a photocopy of it for that individual's 1764
employment application documents and shall return the certified 1765
copy to the individual. In a case of that nature, a district only 1766

shall accept a certified copy of records of that nature within one 1767
year after the date of their issuance by the bureau. 1768

(3) The state board of education may request, with respect to 1769
any individual who has applied for employment after October 2, 1770
1989, in any position with the state board or the department of 1771
education, any information that a school district board of 1772
education is authorized to request under division (F)(2) of this 1773
section, and the superintendent of the bureau shall proceed as if 1774
the request has been received from a school district board of 1775
education under division (F)(2) of this section. 1776

(4) When the superintendent of the bureau receives a request 1777
for information that is authorized under section 3319.291 of the 1778
Revised Code, the superintendent shall proceed as if the request 1779
has been received from a school district board of education under 1780
division (F)(2) of this section. 1781

(5) When a recipient of an OhioReads classroom or community 1782
reading grant paid under section 3301.86 or 3301.87 of the Revised 1783
Code or an entity approved by the OhioReads council requests, with 1784
respect to any individual who applies to participate in providing 1785
any program or service through an entity approved by the OhioReads 1786
council or funded in whole or in part by the grant, the 1787
information that a school district board of education is 1788
authorized to request under division (F)(2)(a) of this section, 1789
the superintendent of the bureau shall proceed as if the request 1790
has been received from a school district board of education under 1791
division (F)(2)(a) of this section. 1792

(G) In addition to or in conjunction with any request that is 1793
required to be made under section 173.41, 3701.881, 3712.09, 1794
3721.121, or 3722.151 of the Revised Code with respect to an 1795
individual who has applied for employment in a position that 1796
involves providing direct care to an older adult, the chief 1797
administrator of a PASSPORT agency that provides services through 1798

the PASSPORT program created under section 173.40 of the Revised Code, home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, on request of the administrator requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date a request is received, the superintendent shall send to the administrator a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the administrator a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

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

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013,

or 5153.111 of the Revised Code, a completed form prescribed 1830
pursuant to division (C)(1) of this section, and a set of 1831
fingerprint impressions obtained in the manner described in 1832
division (C)(2) of this section, the superintendent of the bureau 1833
of criminal identification and investigation shall conduct a 1834
criminal records check in the manner described in division (B) of 1835
this section to determine whether any information exists that 1836
indicates that the person who is the subject of the request 1837
previously has been convicted of or pleaded guilty to any of the 1838
following: 1839

(a) A violation of section 2903.01, 2903.02, 2903.03, 1840
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1841
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1842
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1843
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1844
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1845
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1846
2925.06, or 3716.11 of the Revised Code, felonious sexual 1847
penetration in violation of former section 2907.12 of the Revised 1848
Code, a violation of section 2905.04 of the Revised Code as it 1849
existed prior to July 1, 1996, a violation of section 2919.23 of 1850
the Revised Code that would have been a violation of section 1851
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1852
had the violation been committed prior to that date, or a 1853
violation of section 2925.11 of the Revised Code that is not a 1854
minor drug possession offense; 1855

(b) A violation of an existing or former law of this state, 1856
any other state, or the United States that is substantially 1857
equivalent to any of the offenses listed in division (A)(1)(a) of 1858
this section. 1859

(2) On receipt of a request pursuant to section 5123.081 of 1860
the Revised Code with respect to an applicant for employment in 1861

any position with the department of mental retardation and 1862
developmental disabilities, pursuant to section 5126.28 of the 1863
Revised Code with respect to an applicant for employment in any 1864
position with a county board of mental retardation and 1865
developmental disabilities, or pursuant to section 5126.281 of the 1866
Revised Code with respect to an applicant for employment in a 1867
direct services position with an entity contracting with a county 1868
board for employment, a completed form prescribed pursuant to 1869
division (C)(1) of this section, and a set of fingerprint 1870
impressions obtained in the manner described in division (C)(2) of 1871
this section, the superintendent of the bureau of criminal 1872
identification and investigation shall conduct a criminal records 1873
check. The superintendent shall conduct the criminal records check 1874
in the manner described in division (B) of this section to 1875
determine whether any information exists that indicates that the 1876
person who is the subject of the request has been convicted of or 1877
pleaded guilty to any of the following: 1878

(a) A violation of section 2903.01, 2903.02, 2903.03, 1879
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1880
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1881
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1882
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1883
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1884
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1885
3716.11 of the Revised Code; 1886

(b) An existing or former municipal ordinance or law of this 1887
state, any other state, or the United States that is substantially 1888
equivalent to any of the offenses listed in division (A)(2)(a) of 1889
this section. 1890

(3) On receipt of a request pursuant to section 173.41, 1891
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1892
form prescribed pursuant to division (C)(1) of this section, and a 1893

set of fingerprint impressions obtained in the manner described in 1894
division (C)(2) of this section, the superintendent of the bureau 1895
of criminal identification and investigation shall conduct a 1896
criminal records check with respect to any person who has applied 1897
for employment in a position that involves providing direct care 1898
to an older adult. The superintendent shall conduct the criminal 1899
records check in the manner described in division (B) of this 1900
section to determine whether any information exists that indicates 1901
that the person who is the subject of the request previously has 1902
been convicted of or pleaded guilty to any of the following: 1903

(a) A violation of section 2903.01, 2903.02, 2903.03, 1904
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1905
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1906
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1907
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1908
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1909
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1910
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1911
2925.22, 2925.23, or 3716.11 of the Revised Code; 1912

(b) An existing or former law of this state, any other state, 1913
or the United States that is substantially equivalent to any of 1914
the offenses listed in division (A)(3)(a) of this section. 1915

(4) On receipt of a request pursuant to section 3701.881 of 1916
the Revised Code with respect to an applicant for employment with 1917
a home health agency as a person responsible for the care, 1918
custody, or control of a child, a completed form prescribed 1919
pursuant to division (C)(1) of this section, and a set of 1920
fingerprint impressions obtained in the manner described in 1921
division (C)(2) of this section, the superintendent of the bureau 1922
of criminal identification and investigation shall conduct a 1923
criminal records check. The superintendent shall conduct the 1924
criminal records check in the manner described in division (B) of 1925

this section to determine whether any information exists that 1926
indicates that the person who is the subject of the request 1927
previously has been convicted of or pleaded guilty to any of the 1928
following: 1929

(a) A violation of section 2903.01, 2903.02, 2903.03, 1930
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1931
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1932
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1933
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1934
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1935
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1936
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1937
violation of section 2925.11 of the Revised Code that is not a 1938
minor drug possession offense; 1939

(b) An existing or former law of this state, any other state, 1940
or the United States that is substantially equivalent to any of 1941
the offenses listed in division (A)(4)(a) of this section. 1942

(5) On receipt of a request pursuant to section 5111.95 or 1943
5111.96 of the Revised Code with respect to an applicant for 1944
employment with a waiver agency participating in a department of 1945
job and family services administered home and community-based 1946
waiver program or an independent provider participating in a 1947
department administered home and community-based waiver program in 1948
a position that involves providing home and community-based waiver 1949
services to consumers with disabilities, a completed form 1950
prescribed pursuant to division (C)(1) of this section, and a set 1951
of fingerprint impressions obtained in the manner described in 1952
division (C)(2) of this section, the superintendent of the bureau 1953
of criminal identification and investigation shall conduct a 1954
criminal records check. The superintendent shall conduct the 1955
criminal records check in the manner described in division (B) of 1956
this section to determine whether any information exists that 1957

indicates that the person who is the subject of the request 1958
previously has been convicted of or pleaded guilty to any of the 1959
following: 1960

(a) A violation of section 2903.01, 2903.02, 2903.03, 1961
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1962
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1963
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1964
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1965
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1966
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1967
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1968
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1969
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1970
Revised Code, felonious sexual penetration in violation of former 1971
section 2907.12 of the Revised Code, a violation of section 1972
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1973
violation of section 2919.23 of the Revised Code that would have 1974
been a violation of section 2905.04 of the Revised Code as it 1975
existed prior to July 1, 1996, had the violation been committed 1976
prior to that date; 1977

(b) An existing or former law of this state, any other state, 1978
or the United States that is substantially equivalent to any of 1979
the offenses listed in division (A)(5)(a) of this section. 1980

(6) On receipt of a request pursuant to section 3701.881 of 1981
the Revised Code with respect to an applicant for employment with 1982
a home health agency in a position that involves providing direct 1983
care to an older adult, a completed form prescribed pursuant to 1984
division (C)(1) of this section, and a set of fingerprint 1985
impressions obtained in the manner described in division (C)(2) of 1986
this section, the superintendent of the bureau of criminal 1987
identification and investigation shall conduct a criminal records 1988
check. The superintendent shall conduct the criminal records check 1989

in the manner described in division (B) of this section to 1990
determine whether any information exists that indicates that the 1991
person who is the subject of the request previously has been 1992
convicted of or pleaded guilty to any of the following: 1993

(a) A violation of section 2903.01, 2903.02, 2903.03, 1994
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1995
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1996
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1997
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1998
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1999
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2000
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2001
2925.22, 2925.23, or 3716.11 of the Revised Code; 2002

(b) An existing or former law of this state, any other state, 2003
or the United States that is substantially equivalent to any of 2004
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 2005

~~(6)~~(7) When conducting a criminal records check upon a 2006
request pursuant to section 3319.39 of the Revised Code for an 2007
applicant who is a teacher, in addition to the determination made 2008
under division (A)(1) of this section, the superintendent shall 2009
determine whether any information exists that indicates that the 2010
person who is the subject of the request previously has been 2011
convicted of or pleaded guilty to any offense specified in section 2012
3319.31 of the Revised Code. 2013

~~(7)~~(8) When conducting a criminal records check on a request 2014
pursuant to section 2151.86 of the Revised Code for a person who 2015
is a prospective foster caregiver or who is eighteen years old or 2016
older and resides in the home of a prospective foster caregiver, 2017
the superintendent, in addition to the determination made under 2018
division (A)(1) of this section, shall determine whether any 2019
information exists that indicates that the person has been 2020
convicted of or pleaded guilty to a violation of: 2021

(a) Section 2909.02 or 2909.03 of the Revised Code; 2022

(b) An existing or former law of this state, any other state, 2023
or the United States that is substantially equivalent to section 2024
2909.02 or 2909.03 of the Revised Code. 2025

~~(8)~~(9) Not later than thirty days after the date the 2026
superintendent receives the request, completed form, and 2027
fingerprint impressions, the superintendent shall send the person, 2028
board, or entity that made the request any information, other than 2029
information the dissemination of which is prohibited by federal 2030
law, the superintendent determines exists with respect to the 2031
person who is the subject of the request that indicates that the 2032
person previously has been convicted of or pleaded guilty to any 2033
offense listed or described in division (A)(1), (2), (3), (4), 2034
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 2035
superintendent shall send the person, board, or entity that made 2036
the request a copy of the list of offenses specified in division 2037
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 2038
as appropriate. If the request was made under section 3701.881 of 2039
the Revised Code with regard to an applicant who may be both 2040
responsible for the care, custody, or control of a child and 2041
involved in providing direct care to an older adult, the 2042
superintendent shall provide a list of the offenses specified in 2043
divisions (A)(4) and ~~(5)~~(6) of this section. 2044

(B) The superintendent shall conduct any criminal records 2045
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 2046
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 2047
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 2048
5153.111 of the Revised Code as follows: 2049

(1) The superintendent shall review or cause to be reviewed 2050
any relevant information gathered and compiled by the bureau under 2051
division (A) of section 109.57 of the Revised Code that relates to 2052

the person who is the subject of the request, including any 2053
relevant information contained in records that have been sealed 2054
under section 2953.32 of the Revised Code; 2055

(2) If the request received by the superintendent asks for 2056
information from the federal bureau of investigation, the 2057
superintendent shall request from the federal bureau of 2058
investigation any information it has with respect to the person 2059
who is the subject of the request and shall review or cause to be 2060
reviewed any information the superintendent receives from that 2061
bureau. 2062

(C)(1) The superintendent shall prescribe a form to obtain 2063
the information necessary to conduct a criminal records check from 2064
any person for whom a criminal records check is required by 2065
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2066
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 2067
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 2068
form that the superintendent prescribes pursuant to this division 2069
may be in a tangible format, in an electronic format, or in both 2070
tangible and electronic formats. 2071

(2) The superintendent shall prescribe standard impression 2072
sheets to obtain the fingerprint impressions of any person for 2073
whom a criminal records check is required by section 173.41, 2074
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2075
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2076
5126.281, or 5153.111 of the Revised Code. Any person for whom a 2077
records check is required by any of those sections shall obtain 2078
the fingerprint impressions at a county sheriff's office, 2079
municipal police department, or any other entity with the ability 2080
to make fingerprint impressions on the standard impression sheets 2081
prescribed by the superintendent. The office, department, or 2082
entity may charge the person a reasonable fee for making the 2083
impressions. The standard impression sheets the superintendent 2084

prescribes pursuant to this division may be in a tangible format, 2085
in an electronic format, or in both tangible and electronic 2086
formats. 2087

(3) Subject to division (D) of this section, the 2088
superintendent shall prescribe and charge a reasonable fee for 2089
providing a criminal records check requested under section 173.41, 2090
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2091
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2092
5126.281, or 5153.111 of the Revised Code. The person making a 2093
criminal records request under section 173.41, 2151.86, 3301.32, 2094
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2095
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2096
or 5153.111 of the Revised Code shall pay the fee prescribed 2097
pursuant to this division. A person making a request under section 2098
3701.881 of the Revised Code for a criminal records check for an 2099
applicant who may be both responsible for the care, custody, or 2100
control of a child and involved in providing direct care to an 2101
older adult shall pay one fee for the request. 2102

(4) The superintendent of the bureau of criminal 2103
identification and investigation may prescribe methods of 2104
forwarding fingerprint impressions and information necessary to 2105
conduct a criminal records check, which methods shall include, but 2106
not be limited to, an electronic method. 2107

(D) A determination whether any information exists that 2108
indicates that a person previously has been convicted of or 2109
pleaded guilty to any offense listed or described in division 2110
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2111
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 2112
or (b) of this section that is made by the superintendent with 2113
respect to information considered in a criminal records check in 2114
accordance with this section is valid for the person who is the 2115
subject of the criminal records check for a period of one year 2116

from the date upon which the superintendent makes the 2117
determination. During the period in which the determination in 2118
regard to a person is valid, if another request under this section 2119
is made for a criminal records check for that person, the 2120
superintendent shall provide the information that is the basis for 2121
the superintendent's initial determination at a lower fee than the 2122
fee prescribed for the initial criminal records check. 2123

(E) As used in this section: 2124

(1) "Criminal records check" means any criminal records check 2125
conducted by the superintendent of the bureau of criminal 2126
identification and investigation in accordance with division (B) 2127
of this section. 2128

(2) "Home and community-based waiver services" and "waiver 2129
agency" have the same meanings as in section 5111.95 of the 2130
Revised Code. 2131

(3) "Independent provider" has the same meaning as in section 2132
5111.96 of the Revised Code. 2133

(4) "Minor drug possession offense" has the same meaning as 2134
in section 2925.01 of the Revised Code. 2135

~~(3)~~(5) "Older adult" means a person age sixty or older. 2136

Sec. 109.71. There is hereby created in the office of the 2137
attorney general the Ohio peace officer training commission. The 2138
commission shall consist of nine members appointed by the governor 2139
with the advice and consent of the senate and selected as follows: 2140
one member representing the public; two members who are incumbent 2141
sheriffs; two members who are incumbent chiefs of police; one 2142
member from the bureau of criminal identification and 2143
investigation; one member from the state highway patrol; one 2144
member who is the special agent in charge of a field office of the 2145
federal bureau of investigation in this state; and one member from 2146

the department of education, trade and industrial education	2147
services, law enforcement training.	2148
As used in sections 109.71 to 109.77 of the Revised Code:	2149
(A) "Peace officer" means:	2150
(1) A deputy sheriff, marshal, deputy marshal, member of the	2151
organized police department of a township or municipal	2152
corporation, member of a township police district or joint	2153
township police district police force, member of a police force	2154
employed by a metropolitan housing authority under division (D) of	2155
section 3735.31 of the Revised Code, or township constable, who is	2156
commissioned and employed as a peace officer by a political	2157
subdivision of this state or by a metropolitan housing authority,	2158
and whose primary duties are to preserve the peace, to protect	2159
life and property, and to enforce the laws of this state,	2160
ordinances of a municipal corporation, resolutions of a township,	2161
or regulations of a board of county commissioners or board of	2162
township trustees, or any of those laws, ordinances, resolutions,	2163
or regulations;	2164
(2) A police officer who is employed by a railroad company	2165
and appointed and commissioned by the governor pursuant to	2166
sections 4973.17 to 4973.22 of the Revised Code;	2167
(3) Employees of the department of taxation engaged in the	2168
enforcement of Chapter 5743. of the Revised Code <u>laws the tax</u>	2169
<u>commissioner administers</u> and designated by the tax commissioner	2170
for peace officer training for purposes of the delegation of	2171
investigation powers under section 5743.45 <u>5703.58</u> of the Revised	2172
Code;	2173
(4) An undercover drug agent;	2174
(5) Enforcement agents of the department of public safety	2175
whom the director of public safety designates under section	2176
5502.14 of the Revised Code;	2177

(6) An employee of the department of natural resources who is	2178
a natural resources law enforcement staff officer designated	2179
pursuant to section 1501.013, a park officer designated pursuant	2180
to section 1541.10, a forest officer designated pursuant to	2181
section 1503.29, a preserve officer designated pursuant to section	2182
1517.10, a wildlife officer designated pursuant to section	2183
1531.13, or a state watercraft officer designated pursuant to	2184
section 1547.521 of the Revised Code;	2185
(7) An employee of a park district who is designated pursuant	2186
to section 511.232 or 1545.13 of the Revised Code;	2187
(8) An employee of a conservancy district who is designated	2188
pursuant to section 6101.75 of the Revised Code;	2189
(9) A police officer who is employed by a hospital that	2190
employs and maintains its own proprietary police department or	2191
security department, and who is appointed and commissioned by the	2192
governor pursuant to sections 4973.17 to 4973.22 of the Revised	2193
Code;	2194
(10) Veterans' homes police officers designated under section	2195
5907.02 of the Revised Code;	2196
(11) A police officer who is employed by a qualified	2197
nonprofit corporation police department pursuant to section	2198
1702.80 of the Revised Code;	2199
(12) A state university law enforcement officer appointed	2200
under section 3345.04 of the Revised Code or a person serving as a	2201
state university law enforcement officer on a permanent basis on	2202
June 19, 1978, who has been awarded a certificate by the executive	2203
director of the Ohio peace officer training commission attesting	2204
to the person's satisfactory completion of an approved state,	2205
county, municipal, or department of natural resources peace	2206
officer basic training program;	2207

(13) A special police officer employed by the department of	2208
mental health pursuant to section 5119.14 of the Revised Code or	2209
the department of mental retardation and developmental	2210
disabilities pursuant to section 5123.13 of the Revised Code;	2211
(14) A member of a campus police department appointed under	2212
section 1713.50 of the Revised Code;	2213
(15) A member of a police force employed by a regional	2214
transit authority under division (Y) of section 306.35 of the	2215
Revised Code;	2216
(16) Investigators appointed by the auditor of state pursuant	2217
to section 117.091 of the Revised Code and engaged in the	2218
enforcement of Chapter 117. of the Revised Code;	2219
(17) A special police officer designated by the	2220
superintendent of the state highway patrol pursuant to section	2221
5503.09 of the Revised Code or a person who was serving as a	2222
special police officer pursuant to that section on a permanent	2223
basis on October 21, 1997, and who has been awarded a certificate	2224
by the executive director of the Ohio peace officer training	2225
commission attesting to the person's satisfactory completion of an	2226
approved state, county, municipal, or department of natural	2227
resources peace officer basic training program;	2228
(18) A special police officer employed by a port authority	2229
under section 4582.04 or 4582.28 of the Revised Code or a person	2230
serving as a special police officer employed by a port authority	2231
on a permanent basis on May 17, 2000, who has been awarded a	2232
certificate by the executive director of the Ohio peace officer	2233
training commission attesting to the person's satisfactory	2234
completion of an approved state, county, municipal, or department	2235
of natural resources peace officer basic training program;	2236
(19) A special police officer employed by a municipal	2237
corporation who has been awarded a certificate by the executive	2238

director of the Ohio peace officer training commission for 2239
satisfactory completion of an approved peace officer basic 2240
training program and who is employed on a permanent basis on or 2241
after ~~the effective date of this amendment~~ March 19, 2003, at a 2242
municipal airport, or other municipal air navigation facility, 2243
that has scheduled operations, as defined in section 119.3 of 2244
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 2245
amended, and that is required to be under a security program and 2246
is governed by aviation security rules of the transportation 2247
security administration of the United States department of 2248
transportation as provided in Parts 1542. and 1544. of Title 49 of 2249
the Code of Federal Regulations, as amended. 2250

(B) "Undercover drug agent" has the same meaning as in 2251
division (B)(2) of section 109.79 of the Revised Code. 2252

(C) "Crisis intervention training" means training in the use 2253
of interpersonal and communication skills to most effectively and 2254
sensitively interview victims of rape. 2255

(D) "Missing children" has the same meaning as in section 2256
2901.30 of the Revised Code. 2257

Sec. 117.101. The auditor of state ~~may establish~~ shall 2258
provide, operate, and maintain a uniform and compatible 2259
computerized financial management and accounting system known as 2260
the uniform accounting network. ~~Any such~~ The network shall be 2261
designed to provide public offices, other than state agencies and 2262
the Ohio education computer network and public school districts, 2263
with efficient and economical access to data processing and 2264
management information facilities and expertise. In accordance 2265
with this objective, activities of the network shall include, but 2266
not be limited to, provision, maintenance, and operation of the 2267
following facilities and services: 2268

(A) A cooperative program of technical assistance for public 2269

offices, other than state agencies and the Ohio education computer 2270
network and public school districts, including, but not limited 2271
to, an adequate computer software system and a data base; 2272

(B) An information processing service center providing 2273
approved computerized financial accounting and reporting services 2274
to participating public offices. 2275

The auditor of state and any public office, other than a 2276
state agency and the Ohio education computer network and public 2277
school districts, may enter into any necessary agreements, without 2278
advertisement or bidding, for the provision of necessary goods, 2279
materials, supplies, and services to such public offices by the 2280
auditor of state through the network. 2281

The auditor of state may, by rule, provide for a system of 2282
user fees to be charged participating public offices for goods, 2283
materials, supplies, and services received from the network. All 2284
such fees shall be paid into the state treasury to the credit of 2285
the uniform accounting network fund, which is hereby created. The 2286
fund shall be used by the auditor of state to pay the costs of 2287
establishing and maintaining the network. The fund shall be 2288
assessed a proportionate share of the auditor of state's 2289
administrative costs in accordance with procedures prescribed by 2290
the auditor of state and approved by the director of budget and 2291
management. 2292

Sec. 117.16. (A) The auditor of state shall do all of the 2293
following: 2294

(1) Develop a force account project assessment form that each 2295
public office that undertakes force account projects shall use to 2296
estimate or report the cost of a force account project. The form 2297
shall include costs for employee salaries and benefits, any other 2298
labor costs, materials, freight, fuel, hauling, overhead expense, 2299
workers' compensation premiums, and all other items of cost and 2300

expense, including a reasonable allowance for the use of all tools 2301
and equipment used on or in connection with such work and for the 2302
depreciation on the tools and equipment. 2303

(2) Make the form available to public offices by any 2304
cost-effective, convenient method accessible to the auditor of 2305
state and the public offices; 2306

(3) When conducting an audit under this chapter of ~~such~~ a 2307
public office ~~under this chapter~~ that undertakes force account 2308
projects, examine ~~a sample~~ of the forms and records of any a 2309
sampling of the force account ~~project that projects~~ the public 2310
office completed since an audit was last conducted, to determine 2311
compliance with ~~the~~ its force account limits ~~and other force~~ 2312
~~account provisions established by law. If the auditor of state~~ 2313
~~finds a violation of the force account limits, the auditor of~~ 2314
~~state shall conduct an audit of each force account project~~ 2315
~~completed since an audit was last conducted.~~ 2316

(B) If the auditor of state receives a complaint from any 2317
person that a public office has violated the force account limits 2318
established for that office, the auditor of state may conduct an 2319
audit in addition to the audit provided in section 117.11 of the 2320
Revised Code if the auditor of state has reasonable cause to 2321
believe that an additional audit is in the public interest. 2322

(C)(1) If the auditor of state finds that a county, township, 2323
or municipal corporation violated the force account limits 2324
established for that political subdivision, the auditor of state, 2325
in addition to any other action authorized by this chapter, shall 2326
notify the political subdivision that, for a period of one year 2327
from the date of the notification, the force account limits for 2328
the subdivision are reduced as follows: 2329

(a) For a county, the limits shall be ten thousand dollars 2330
per mile for construction or reconstruction of a road and forty 2331

thousand dollars for construction, reconstruction, maintenance, or 2332
repair of a bridge or culvert; 2333

(b) For a township, the limit shall be fifteen thousand 2334
dollars for maintenance and repair of a road or five thousand per 2335
mile for construction or reconstruction of a township road; 2336

(c) For a municipal corporation, the limit shall be ten 2337
thousand dollars for the construction, reconstruction, widening, 2338
resurfacing, or repair of a street or other public way. 2339

(2) If the auditor of state finds that a county, township, or 2340
municipal corporation violated the force account limits 2341
established for that political subdivision a second or subsequent 2342
time, the auditor of state, in addition to any other action 2343
authorized by this chapter, shall notify the political subdivision 2344
that, for a period of two years from the date of the notification, 2345
the force account limits for the subdivision are reduced in 2346
accordance with division (C)(1)(a), (b), or (c) of this section. 2347

(3) If the auditor of state finds that a county, township, or 2348
municipal corporation violated the force account limits 2349
established for that political subdivision a third or subsequent 2350
time, the ~~subdivision shall pay the~~ auditor of state shall certify 2351
to the tax commissioner an amount the auditor of state determines 2352
to be twenty per cent of the total cost of the force account 2353
project that is the basis of the violation. ~~The~~ Upon receipt of 2354
this certification, the tax commissioner shall withhold the 2355
certified amount from any funds under the tax commissioner's 2356
control that are due or payable to that political subdivision. The 2357
tax commissioner shall promptly deposit this withheld amount to 2358
the credit of the highway operating fund created by section 2359
5735.291 of the Revised Code to be redistributed to local 2360
governments that have not violated their force account limits. 2361

If the tax commissioner determines that no funds are due and 2362

payable to the violating political subdivision or that 2363
insufficient amounts of such funds are available to cover the 2364
entire certified amount, the tax commissioner shall withhold and 2365
deposit to the credit of the highway operating fund any amount 2366
available and certify the remaining amount to be withheld to the 2367
county auditor of the county in which the political subdivision is 2368
located. The county auditor shall withhold from that political 2369
subdivision any amount, up to that certified by the tax 2370
commissioner, that is available from any funds under the county 2371
auditor's control, that is due or payable to that political 2372
subdivision, and that can be lawfully withheld. The county auditor 2373
shall promptly pay that withheld amount to the tax commissioner 2374
for deposit into the highway operating fund and redistribution to 2375
local governments that have not violated their force account 2376
limits. 2377

The tax commissioner shall make a distribution from the 2378
highway operating fund to local governments that have not violated 2379
their force account limits at least once every six months. 2380

The payments required under division (C)(3) of this section 2381
are in addition to the force account limit reductions ~~under~~ 2382
~~described in~~ division (C)(2) of this section and also are in 2383
addition to any other action authorized by this chapter. ~~The~~ 2384
~~auditor of state shall certify any money due under division (C)(3)~~ 2385
~~of this section for collection in accordance with division (D) of~~ 2386
~~section 117.13 of the Revised Code.~~ 2387

(D) If the auditor of state finds that a county, township, or 2388
municipal corporation violated its force account ~~limit~~ limits when 2389
participating in a joint force account project, the auditor of 2390
state shall impose the reduction in force account limits under 2391
division (C) of this section on all entities participating in the 2392
joint project. 2393

(E) As used in this section, "force account limits" means any 2394

of the following, as applicable:	2395
(1) For a county, the amounts established in section 5543.19 of the Revised Code;	2396 2397
(2) For a township, the amounts established in section 5575.01 of the Revised Code;	2398 2399
(3) For a municipal corporation, the amount established in section 723.52 of the Revised Code;	2400 2401
(4) For the department of transportation, the amount established in section 5517.02 of the Revised Code.	2402 2403
Sec. 117.44. To enhance local officials' background and working knowledge of government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall hold training programs for persons elected for the first time as township clerks, city auditors, and village clerks, between the first day of December and the fifteenth <u>first</u> day of February <u>April</u> immediately following a general election for any of these offices. Similar training may also be provided to any township clerk, city auditor, or village clerk who is appointed to fill a vacancy or who is elected in a special election.	2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414
The auditor of state also shall develop and provide an annual training program of continuing education for village clerks.	2415 2416
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	2417 2418 2419 2420 2421 2422 2423 2424

officials as a result of attending the training program shall be 2425
borne by the political subdivisions they represent. 2426

The auditor of state shall allow any other interested person 2427
to attend any of the training programs that the auditor of state 2428
holds pursuant to this section; provided, that before attending 2429
any such training program, the interested person shall pay to the 2430
auditor of state the full registration fee that the auditor of 2431
state has set for the training program. 2432

The auditor of state may provide any other appropriate 2433
training or educational programs that may be developed and offered 2434
by the auditor of state or in collaboration with one or more other 2435
state agencies, political subdivisions, or other public or private 2436
entities. 2437

There is hereby established in the state treasury the auditor 2438
of state training program fund, to be used by the auditor of state 2439
for the actual and necessary expenses of any training programs 2440
held pursuant to this section, section 117.441, or section 321.46 2441
of the Revised Code. All registration fees collected under this 2442
section shall be paid into the fund. 2443

Sec. 117.45. (A) The auditor of state shall draw warrants 2444
against the treasurer of state pursuant to all requests for 2445
payment that the director of budget and management has approved 2446
under section 126.07 of the Revised Code. 2447

(B) Unless the director of job and family services has 2448
provided for the making of payments by electronic benefit 2449
transfer, if a financial institution and account have been 2450
designated by the participant or recipient, payment by the auditor 2451
of state to a participant in the Ohio works first program pursuant 2452
to Chapter 5107. of the Revised Code or a recipient of disability 2453
financial assistance pursuant to Chapter 5115. of the Revised Code 2454
shall be made by direct deposit to the account of the participant 2455

or recipient in the financial institution. Payment by the auditor 2456
of state to a recipient of benefits distributed through the medium 2457
of electronic benefit transfer pursuant to section 5101.33 of the 2458
Revised Code shall be by electronic benefit transfer. Payment by 2459
the auditor of state as compensation to an employee of the state 2460
who has, pursuant to section 124.151 of the Revised Code, 2461
designated a financial institution and account for the direct 2462
deposit of such payments shall be made by direct deposit to the 2463
account of the employee. Payment to any other payee who has 2464
designated a financial institution and account for the direct 2465
deposit of such payment may be made by direct deposit to the 2466
account of the payee in the financial institution as provided in 2467
section 9.37 of the Revised Code. The auditor of state shall 2468
contract with an authorized financial institution for the services 2469
necessary to make direct deposits or electronic benefit transfers 2470
under this division and draw lump sum warrants payable to that 2471
institution in the amount to be transferred. Accounts maintained 2472
by the auditor of state or the auditor of state's agent in a 2473
financial institution for the purpose of effectuating payment by 2474
direct deposit or electronic benefit transfer shall be maintained 2475
in accordance with section 135.18 of the Revised Code. 2476

(C) All other payments from the state treasury shall be made 2477
by paper warrants or by direct deposit payable to the respective 2478
payees. The auditor of state may mail the paper warrants to the 2479
respective payees or distribute them through other state agencies, 2480
whichever the auditor of state determines to be the better 2481
procedure. 2482

(D) If the average per transaction cost the auditor of state 2483
incurs in making direct deposits for a state agency exceeds the 2484
average per transaction cost the auditor of state incurs in 2485
drawing paper warrants for all public offices during the same 2486
period of time, the auditor of state may certify the difference in 2487

cost and the number of direct deposits for the agency to the 2488
director of administrative services. The director shall reimburse 2489
the auditor of state for such additional costs and add the amount 2490
to the processing charge assessed upon the state agency. 2491

Sec. 119.035. An agency may appoint an advisory committee to 2492
advise the agency concerning its development of a rule, amendment, 2493
or rescission, and may otherwise consult with persons representing 2494
interests that would be affected by the rule, amendment, or 2495
rescission were it actually to be proposed and adopted. ~~Upon an~~ 2496
~~agency's request, the executive director or another officer or~~ 2497
~~employee of the Ohio commission on dispute resolution and conflict~~ 2498
~~management may serve as a group facilitator for, but not as a~~ 2499
~~member of, such an advisory committee.~~ 2500

Sec. 121.04. Offices are created within the several 2501
departments as follows: 2502

In the department of commerce: 2503

Commissioner of securities; 2504

Superintendent of real estate and professional 2505
licensing;

Superintendent of financial institutions; 2506

~~Fire marshal;~~ 2507

Superintendent of labor and worker safety; 2508

Beginning on July 1, 1997, 2509

Superintendent of liquor control; 2510

Superintendent of industrial compliance. 2511

In the department of administrative services: 2512

State architect and engineer; 2513

Equal employment opportunity coordinator. 2514

In the department of agriculture: 2515

Chiefs of divisions as follows: 2516

Administration;	2517
Animal industry;	2518
Dairy;	2519
Food safety;	2520
Plant industry;	2521
Markets;	2522
Meat inspection;	2523
Consumer analytical laboratory;	2524
Amusement ride safety;	2525
Enforcement;	2526
Weights and measures.	2527
In the department of natural resources:	2528
Chiefs of divisions as follows:	2529
Water;	2530
Mineral resources management;	2531
Forestry;	2532
Natural areas and preserves;	2533
Wildlife;	2534
Geological survey;	2535
Parks and recreation;	2536
Watercraft;	2537
Recycling and litter prevention;	2538
Civilian conservation;	2539
Soil and water conservation;	2540
Real estate and land management;	2541
Engineering.	2542
In the department of insurance:	2543
Deputy superintendent of insurance;	2544
Assistant superintendent of insurance, technical;	2545
Assistant superintendent of insurance, administrative;	2546
Assistant superintendent of insurance, research.	2547

Sec. 121.08. (A) There is hereby created in the department of 2548
commerce the position of deputy director of administration. This 2549
officer shall be appointed by the director of commerce, serve 2550
under the director's direction, supervision, and control, perform 2551
such duties as the director prescribes, and hold office during the 2552
director's pleasure. The director of commerce may designate an 2553
assistant director of commerce to serve as the deputy director of 2554
administration. The deputy director of administration shall 2555
perform such duties as are prescribed by the director of commerce 2556
in supervising the activities of the division of administration of 2557
the department of commerce. 2558

(B) Except as provided in section 121.07 of the Revised Code, 2559
the department of commerce shall have all powers and perform all 2560
duties vested in the deputy director of administration, ~~the state~~ 2561
~~fire marshal~~, the superintendent of financial institutions, the 2562
superintendent of real estate and professional licensing, the 2563
superintendent of liquor control, the superintendent of the 2564
division of industrial compliance, the superintendent of labor and 2565
worker safety, and the commissioner of securities, and shall have 2566
all powers and perform all duties vested by law in all officers, 2567
deputies, and employees of such offices. Except as provided in 2568
section 121.07 of the Revised Code, wherever powers are conferred 2569
or duties imposed upon any of such officers, such powers and 2570
duties shall be construed as vested in the department of commerce. 2571

(C)(1) There is hereby created in the department of commerce 2572
a division of financial institutions, which shall have all powers 2573
and perform all duties vested by law in the superintendent of 2574
financial institutions. Wherever powers are conferred or duties 2575
imposed upon the superintendent of financial institutions, such 2576
powers and duties shall be construed as vested in the division of 2577
financial institutions. The division of financial institutions 2578

shall be administered by a superintendent of financial 2579
institutions. 2580

(2) All provisions of law governing the superintendent of 2581
financial institutions shall apply to and govern the 2582
superintendent of financial institutions provided for in this 2583
section; all authority vested by law in the superintendent of 2584
financial institutions with respect to the management of the 2585
division of financial institutions shall be construed as vested in 2586
the superintendent of financial institutions created by this 2587
section with respect to the division of financial institutions 2588
provided for in this section; and all rights, privileges, and 2589
emoluments conferred by law upon the superintendent of financial 2590
institutions shall be construed as conferred upon the 2591
superintendent of financial institutions as head of the division 2592
of financial institutions. The director of commerce shall not 2593
transfer from the division of financial institutions any of the 2594
functions specified in division (C)(2) of this section. 2595

(D) Beginning on July 1, 1997, there is hereby created in the 2596
department of commerce a division of liquor control, which shall 2597
have all powers and perform all duties vested by law in the 2598
superintendent of liquor control. Wherever powers are conferred or 2599
duties are imposed upon the superintendent of liquor control, 2600
those powers and duties shall be construed as vested in the 2601
division of liquor control. The division of liquor control shall 2602
be administered by a superintendent of liquor control. 2603

(E) The director of commerce shall not be interested, 2604
directly or indirectly, in any firm or corporation which is a 2605
dealer in securities as defined in sections 1707.01 and 1707.14 of 2606
the Revised Code, or in any firm or corporation licensed under 2607
sections 1321.01 to 1321.19 of the Revised Code. 2608

(F) The director of commerce shall not have any official 2609
connection with a savings and loan association, a savings bank, a 2610

bank, a bank holding company, a savings and loan association 2611
holding company, a consumer finance company, or a credit union 2612
that is under the supervision of the division of financial 2613
institutions, or a subsidiary of any of the preceding entities, or 2614
be interested in the business thereof. 2615

(G) There is hereby created in the state treasury the 2616
division of administration fund. The fund shall receive 2617
assessments on the operating funds of the department of commerce 2618
in accordance with procedures prescribed by the director of 2619
commerce and approved by the director of budget and management. 2620
All operating expenses of the division of administration shall be 2621
paid from the division of administration fund. 2622

(H) There is hereby created in the department of commerce a 2623
division of real estate and professional licensing, which shall be 2624
under the control and supervision of the director of commerce. The 2625
division of real estate and professional licensing shall be 2626
administered by a superintendent of real estate and professional 2627
licensing. The superintendent of real estate and professional 2628
licensing shall exercise the powers and perform the functions and 2629
duties delegated to the superintendent under Chapters ~~4707.~~, 2630
~~4735.~~, ~~4749.~~, 4763., and 4767. of the Revised Code. 2631

(I) There is hereby created in the department of commerce a 2632
division of labor and worker safety, which shall have all powers 2633
and perform all duties vested by law in the superintendent of 2634
labor and worker safety. Wherever powers are conferred or duties 2635
imposed upon the superintendent of labor and worker safety, such 2636
powers and duties shall be construed as vested in the division of 2637
labor and worker safety. The division of labor and worker safety 2638
is under the control and supervision of the director of commerce, 2639
and administered by a superintendent of labor and worker safety. 2640
The superintendent of labor and worker safety shall exercise the 2641
powers and perform the duties delegated to the superintendent by 2642

the director under Chapters ~~4709.~~ 4109., ~~4711.~~ 4111., ~~4715.~~ 4115., 2643
and ~~4767.~~ 4167. of the Revised Code. 2644

Sec. 121.084. (A) All moneys collected under sections 2645
~~1333.96,~~ 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42,~~ 4104.44, 2646
~~4104.45,~~ 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the 2647
Revised Code, and any other moneys collected by the division of 2648
industrial compliance shall be paid into the state treasury to the 2649
credit of the industrial compliance operating fund, which is 2650
hereby created. The department of commerce shall use the moneys in 2651
the fund for paying the operating expenses of the division and the 2652
administrative assessment described in division (B) of this 2653
section. 2654

(B) The director of commerce, with the approval of the 2655
director of budget and management, shall prescribe procedures for 2656
assessing the industrial compliance operating fund a proportionate 2657
share of the administrative costs of the department of commerce. 2658
The assessment shall be made in accordance with those procedures 2659
and be paid from the industrial compliance operating fund to the 2660
division of administration fund created in section 121.08 of the 2661
Revised Code. 2662

Sec. 121.36. (A) As used in this section, "home care 2663
dependent adult" means an individual who resides in a private home 2664
or other noninstitutional and unlicensed living arrangement, 2665
without the presence of a parent or guardian, but has health and 2666
safety needs that require the provision of regularly scheduled 2667
home care services to remain in the home or other living 2668
arrangement because one of the following is the case: 2669

(1) The individual is at least twenty-one years of age but 2670
less than sixty years of age and has a disability. 2671

(2) The individual is sixty years of age or older, regardless 2672

of whether the individual has a disability. 2673

(B) Except as provided in division (D) of this section, the 2674
departments of mental retardation and developmental disabilities, 2675
aging, job and family services, and health shall each implement 2676
this section with respect to all contracts entered into by the 2677
department for the provision of home care services to home care 2678
dependent adults that are paid for in whole or in part with 2679
federal, state, or local funds. Except as provided in division (D) 2680
of this section, each department shall also require all public and 2681
private entities that receive money from or through the department 2682
to comply with this section when entering into contracts for the 2683
provision of home care services to home care dependent adults that 2684
are paid for in whole or in part with federal, state, or local 2685
funds. Such entities may include county boards of mental 2686
retardation and developmental disabilities, area agencies on 2687
aging, county departments of job and family services, and boards 2688
of health of city and general health districts. 2689

(C) Beginning one year after the effective date of this 2690
section, each contract subject to this section shall include terms 2691
requiring that the provider of home care services to home care 2692
dependent adults have a system in place that effectively monitors 2693
whether the provider's employees are present at the location where 2694
the services are to be provided and at the time the services are 2695
to be provided. To be considered an effective monitoring system 2696
for purposes of the contract, the system established by a provider 2697
must include at least the following components: 2698

(1) A mechanism for verifying whether the provider's 2699
employees are providing home care services at the location where 2700
the services are to be provided and at the time the services are 2701
to be provided; 2702

(2) A protocol to be followed in scheduling a substitute 2703
employee when the monitoring mechanism identifies that an employee 2704

has failed to provide home care services at the proper location 2705
and time, including standards for determining the length of time 2706
that may elapse without jeopardizing the health and safety of the 2707
home care dependent adult; 2708

(3) Procedures for maintaining records of the information 2709
obtained through the monitoring mechanism; 2710

(4) Procedures for compiling notarized annual reports of the 2711
information obtained through the monitoring mechanism, including 2712
statistics on the rate at which home care services were provided 2713
at the proper location and time; 2714

(5) Procedures for conducting random checks of the accuracy 2715
of the monitoring system. For purposes of conducting these checks, 2716
random is considered not less than five nor more than fifteen per 2717
cent of the home care visits the provider's employees make to 2718
different home care dependent adults within a particular work 2719
shift. 2720

(D) In implementing this section, the departments shall 2721
exempt providers of home care services who are self-employed 2722
providers with no other employees or are otherwise considered by 2723
the departments not to be agency providers. The departments shall 2724
conduct a study on how the exempted providers may be made subject 2725
to the requirement of effectively monitoring whether home care 2726
services are being provided at the location where the services are 2727
to be provided and at the time the services are to be provided. 2728
Not later than two years after the effective date of this section, 2729
the departments shall prepare a report of their findings and 2730
recommendations. The report shall be submitted to the president of 2731
the senate and the speaker of the house of representatives. 2732

(E) The departments of mental retardation and developmental 2733
disabilities, aging, job and family services, and health shall 2734
each adopt rules as necessary to implement this section. The rules 2735

shall be adopted in accordance with Chapter 119. of the Revised Code. 2736
2737

Sec. 121.41. As used in sections 121.41 to 121.50 of the Revised Code: 2738
2739

(A) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code. 2740
2741

(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. 2742
2743
2744

(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. 2745
2746
2747

(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: 2748
2749

(a) The Ohio retirement study council; 2750

(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; 2751
2752
2753

(c) The Ohio historical society. 2754

(2) "State agency" does not include any of the following: 2755

~~(1)~~(a) The general assembly; 2756

~~(2)~~(b) Any court; 2757

~~(3)~~(c) The secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices. 2758
2759

(E) "State employee" means any person who is an employee of a state agency or any person who does business with the state. 2760
2761

(F) "State officer" means any person who is elected or appointed to a public office in a state agency. 2762
2763

(G) "Wrongful act or omission" means an act or omission, 2764
committed in the course of office holding or employment, that is 2765
not in accordance with the requirements of law or ~~such~~ the 2766
standards of proper governmental conduct ~~as~~ that are commonly 2767
accepted in the community and thereby subverts, or tends to 2768
subvert, the process of government. 2769

Sec. 121.48. There is hereby created the office of the 2770
inspector general, to be headed by the inspector general. 2771

The governor shall appoint the inspector general, subject to 2772
section 121.49 of the Revised Code and the advice and consent of 2773
the senate. The inspector general shall hold office for a term 2774
coinciding with the term of the appointing governor. The governor 2775
may remove the inspector general from office only after delivering 2776
written notice to the inspector general of the reasons for which 2777
~~he~~ the governor intends to remove ~~him~~ the inspector general from 2778
office and providing ~~him~~ the inspector general with an opportunity 2779
to appear and show cause why ~~he~~ the inspector general should not 2780
be removed. 2781

In addition to the duties imposed by section 121.42 of the 2782
Revised Code, the inspector general shall manage the office of the 2783
inspector general. The inspector general shall establish and 2784
maintain offices in Columbus. 2785

The inspector general may appoint one or more deputy 2786
inspectors general. Each deputy inspector general shall serve for 2787
a term coinciding with the term of the appointing inspector 2788
general, and shall perform ~~such~~ the duties, including the 2789
performance of investigations, ~~as~~ that are assigned by the 2790
inspector general. All deputy inspectors general are in the 2791
unclassified service and serve at the pleasure of the inspector 2792
general. 2793

In addition to deputy inspectors general, the inspector 2794
general may appoint ~~such~~ professional, technical, and clerical 2795
employees ~~as~~ that are necessary for the effective and efficient 2796
operation of the office of the inspector general. All 2797
professional, technical, and clerical employees of the office of 2798
the inspector general are in the unclassified service and serve at 2799
the pleasure of the appointing inspector general. 2800

The inspector general may enter into any contracts that are 2801
necessary to the operation of the office of the inspector general. 2802
The contracts may include, but are not limited to, contracts for 2803
the services of persons who are experts in a particular field and 2804
whose expertise is necessary to the successful completion of an 2805
investigation. 2806

The inspector general may enter into agreements with state 2807
agencies for reimbursement of the costs of investigations by the 2808
inspector general under section 121.42 of the Revised Code and may 2809
accept from private parties reimbursement of the costs of 2810
investigations by the inspector general that result in judicial or 2811
administrative proceedings against the parties. 2812

Not later than the first day of March in each year, the 2813
inspector general shall publish an annual report summarizing the 2814
activities of ~~his~~ the inspector general's office during the 2815
previous calendar year. The annual report shall not disclose the 2816
results of any investigation insofar as the results are designated 2817
as confidential under section 121.44 of the Revised Code. 2818

The inspector general shall provide copies of ~~his~~ the 2819
inspector general's annual report to the governor and the general 2820
assembly. The inspector general also shall provide a copy of ~~his~~ 2821
the annual report to any other person who requests the copy and 2822
pays a fee prescribed by the inspector general. The fee shall not 2823
exceed the cost of reproducing and delivering the annual report. 2824

Sec. 121.482. There is hereby created in the state treasury 2825
the inspector general reimbursement fund. All amounts received by 2826
the inspector general under section 121.48 of the Revised Code as 2827
reimbursement of the costs of investigation shall be paid into the 2828
state treasury to the credit of the fund. Money in the fund shall 2829
be used for the expenses of the office of the inspector general. 2830

Sec. 121.62. (A) Each executive agency lobbyist and each 2831
employer shall file with the joint legislative ethics committee, 2832
within ten days following the engagement of an executive agency 2833
lobbyist, an initial registration statement showing all of the 2834
following: 2835

(1) The name, business address, and occupation of the 2836
executive agency lobbyist; 2837

(2) The name and business address of the employer or of the 2838
real party in interest on whose behalf the executive agency 2839
lobbyist is acting, if it is different from the employer. For the 2840
purposes of division (A) of this section, where a trade 2841
association or other charitable or fraternal organization that is 2842
exempt from federal income taxation under subsection 501(c) of the 2843
federal Internal Revenue Code is the employer, the statement need 2844
not list the names and addresses of every member of the 2845
association or organization, so long as the association or 2846
organization itself is listed. 2847

(3) A brief description of the executive agency decision to 2848
which the engagement relates; 2849

(4) The name of the executive agency or agencies to which the 2850
engagement relates. 2851

(B) In addition to the initial registration statement 2852
required by division (A) of this section, each executive agency 2853
lobbyist and employer shall file with the joint committee, not 2854

later than the last day of January, May, and September of each 2855
year, an updated registration statement that confirms the 2856
continuing existence of each engagement described in an initial 2857
registration statement and that lists the specific executive 2858
agency decisions that the lobbyist sought to influence under the 2859
engagement during the period covered by the updated statement, and 2860
with it any statement of expenditures required to be filed by 2861
section 121.63 of the Revised Code and any details of financial 2862
transactions required to be filed by section 121.64 of the Revised 2863
Code. 2864

(C) If an executive agency lobbyist is engaged by more than 2865
one employer, the lobbyist shall file a separate initial and 2866
updated registration statement for each engagement. If an employer 2867
engages more than one executive agency lobbyist, the employer need 2868
file only one updated registration statement under division (B) of 2869
this section, which shall contain the information required by 2870
division (B) of this section regarding all of the executive agency 2871
lobbyists engaged by the employer. 2872

(D)(1) A change in any information required by division 2873
(A)(1), (2), or (B) of this section shall be reflected in the next 2874
updated registration statement filed under division (B) of this 2875
section. 2876

(2) Within thirty days following the termination of an 2877
engagement, the executive agency lobbyist who was employed under 2878
the engagement shall send written notification of the termination 2879
to the joint committee. 2880

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2881
charged for filing an initial registration statement. All money 2882
collected from this fee shall be deposited into the ~~state treasury~~ 2883
~~to the credit of the joint legislative ethics committee fund~~ 2884
~~created under section 101.34 of the Revised Code~~ general revenue 2885
fund of the state. 2886

(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 2919
created under section 121.02 of the Revised Code of the pending 2920
investigation. 2921~~

(H) On or before the fifteenth day of March of each year, the 2922
joint committee shall, in the manner and form that it determines, 2923
publish a report containing statistical information on the 2924
registration statements filed with it under this section during 2925
the preceding year. 2926

(I) If an employer who engages an executive agency lobbyist 2927
is the recipient of a contract, grant, lease, or other financial 2928
arrangement pursuant to which funds of the state or of an 2929
executive agency are distributed or allocated, the executive 2930
agency or any aggrieved party may consider the failure of the 2931
employer or the executive agency lobbyist to comply with this 2932
section as a breach of a material condition of the contract, 2933
grant, lease, or other financial arrangement. 2934

(J) Executive agency officials may require certification from 2935
any person seeking the award of a contract, grant, lease, or 2936
financial arrangement that the person and ~~his~~ the person's 2937
employer are in compliance with this section. 2938

Sec. 122.011. (A) The department of development shall develop 2939
and promote plans and programs designed to assure that state 2940
resources are efficiently used, economic growth is properly 2941
balanced, community growth is developed in an orderly manner, and 2942
local governments are coordinated with each other and the state, 2943
and for such purposes may do all of the following: 2944

(1) Serve as a clearinghouse for information, data, and other 2945
materials that may be helpful or necessary to persons or local 2946
governments, as provided in section 122.07 of the Revised Code; 2947

(2) Prepare and activate plans for the retention, 2948

development, expansion, and use of the resources and commerce of	2949
the state, as provided in section 122.04 of the Revised Code;	2950
(3) Assist and cooperate with federal, state, and local	2951
governments and agencies of federal, state, and local governments	2952
in the coordination of programs to carry out the functions and	2953
duties of the department;	2954
(4) Encourage and foster research and development activities,	2955
conduct studies related to the solution of community problems, and	2956
develop recommendations for administrative or legislative actions,	2957
as provided in section 122.03 of the Revised Code;	2958
(5) Serve as the economic and community development planning	2959
agency, which shall prepare and recommend plans and programs for	2960
the orderly growth and development of this state and which shall	2961
provide planning assistance, as provided in section 122.06 of the	2962
Revised Code;	2963
(6) Cooperate with and provide technical assistance to state	2964
departments, political subdivisions, regional and local planning	2965
commissions, tourist associations, councils of government,	2966
community development groups, community action agencies, and other	2967
appropriate organizations for carrying out the functions and	2968
duties of the department or for the solution of community	2969
problems;	2970
(7) Coordinate the activities of state agencies that have an	2971
impact on carrying out the functions and duties of the department;	2972
(8) Encourage and assist the efforts of and cooperate with	2973
local governments to develop mutual and cooperative solutions to	2974
their common problems that relate to carrying out the purposes of	2975
this section;	2976
(9) Study existing structure, operations, and financing of	2977
regional or local government and those state activities that	2978
involve significant relations with regional or local governmental	2979

units, recommend to the governor and to the general assembly such 2980
changes in these provisions and activities as will improve the 2981
operations of regional or local government, and conduct other 2982
studies of legal provisions that affect problems related to 2983
carrying out the purposes of this section; 2984

(10) Appoint, with the approval of the governor, technical 2985
and other advisory councils as it considers appropriate, as 2986
provided in section 122.09 of the Revised Code; 2987

(11) Create and operate a division of community development 2988
to develop and administer programs and activities that are 2989
authorized by federal statute or the Revised Code; 2990

(12) Until ~~July 1, 2003~~ October 15, 2005, establish fees and 2991
charges, in consultation with the director of agriculture, for 2992
purchasing loans from financial institutions and providing loan 2993
guarantees under the family farm loan program created under 2994
sections 901.80 to 901.83 of the Revised Code; 2995

(13) Provide loan servicing for the loans purchased and loan 2996
guarantees provided under section 901.80 of the Revised Code as 2997
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2998

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2999
by the controlling board under division (A)(3) of section 901.82 3000
of the Revised Code of the release of money to be used for 3001
purchasing a loan or providing a loan guarantee, request the 3002
release of that money in accordance with division (B) of section 3003
166.03 of the Revised Code for use for the purposes of the fund 3004
created by section 166.031 of the Revised Code. 3005

(B) The director of development may request the attorney 3006
general to, and the attorney general, in accordance with section 3007
109.02 of the Revised Code, shall bring a civil action in any 3008
court of competent jurisdiction. The director may be sued in the 3009
director's official capacity, in connection with this chapter, in 3010

accordance with Chapter 2743. of the Revised Code.	3011
Sec. 122.04. The department of development shall <u>do the</u>	3012
<u>following:</u>	3013
(A) Maintain a continuing evaluation of the sources available	3014
for the retention, development, or expansion of industrial and	3015
commercial facilities in this state through both public and	3016
private agencies;	3017
(B) Assist public and private agencies in obtaining	3018
information necessary to evaluate the desirability of the	3019
retention, construction, or expansion of industrial and commercial	3020
facilities in the state;	3021
(C) Facilitate contracts between community improvement	3022
corporations organized under Chapter 1724. of the Revised Code or	3023
Ohio development corporations organized under Chapter 1726. of the	3024
Revised Code and industrial and commercial concerns seeking to	3025
locate or expand in Ohio <u>the state</u> ;	3026
(D) Upon request, consult with public agencies or authorities	3027
in the preparation of studies of human and economic needs or	3028
advantages relating to economic and community development;	3029
(E) Encourage, promote, and assist trade and commerce between	3030
this state and foreign nations;	3031
(F) Promote and encourage persons to visit and travel within	3032
this state;	3033
(G) Maintain membership in <u>the</u> national association of state	3034
development agencies;	3035
(H) Assist in the development of facilities and technologies	3036
that will lead to increased, environmentally sound use of Ohio	3037
coal;	3038
<u>(I) Promote economic growth in the state.</u>	3039

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: 3069
- (1) Act as liaison between the small business community and 3070
state governmental agencies; 3071
- (2) Furnish information and technical assistance to persons 3072
and small businesses concerning the establishment and maintenance 3073
of a small business, and concerning state laws and rules relevant 3074
to the operation of a small business. In conjunction with these 3075
duties, the office shall keep a record of all state agency rules 3076
affecting individuals, small businesses, or small organizations, 3077
as defined in section 121.24 of the Revised Code, and may testify 3078
before the joint committee on agency rule review concerning any 3079
proposed rule affecting individuals, small businesses, or small 3080
organizations. 3081
- (3) Prepare and publish the small business register under 3082
section 122.081 of the Revised Code; 3083
- (4) Receive complaints from small businesses concerning 3084
governmental activity, compile and analyze those complaints, and 3085
periodically make recommendations to the governor and the general 3086
assembly on changes in state laws or agency rules needed to 3087
eliminate burdensome and unproductive governmental regulation to 3088
improve the economic climate within which small businesses 3089
operate; 3090
- (5) Receive complaints or questions from small businesses and 3091
direct ~~such~~ those businesses to the appropriate governmental 3092
agency. If, within a reasonable period of time, a complaint is not 3093
satisfactorily resolved or a question is not satisfactorily 3094
answered, the office shall, on behalf of the small business, make 3095
every effort to secure a satisfactory result. For this purpose, 3096
the office may consult with any state governmental agency and may 3097
make any suggestion or request that seems appropriate. 3098
- (6) Utilize, to the maximum extent possible, the printed and 3099

electronic media to disseminate information of current concern and 3100
interest to the small business community and to make known to 3101
small businesses the services available through the office. The 3102
office shall publish such books, pamphlets, and other printed 3103
materials, and shall participate in such trade association 3104
meetings, conventions, fairs, and other meetings involving the 3105
small business community, as the manager considers appropriate. 3106

(7) Prepare for inclusion in the department of development's 3107
annual report to the governor and general assembly, a description 3108
of the activities of the office and a report of the number of 3109
rules affecting individuals, small businesses, and small 3110
organizations that were filed with the office under division 3111
(B)(2) of section 121.24 of the Revised Code, during the preceding 3112
calendar year; 3113

(8) Operate the Ohio ~~one-stop-business-permit-center~~ 3114
first-stop business connection to assist individuals in 3115
identifying and preparing applications for business licenses, 3116
permits, and certificates and to serve as the central public 3117
distributor for all forms, applications, and other information 3118
related to business licensing. Each state agency, board, and 3119
commission shall cooperate in providing assistance, information, 3120
and materials to enable the ~~center~~ connection to perform its 3121
duties under this division ~~(B)(8) of this section.~~ 3122

(C) The office ~~of small-business~~ may, upon the request of a 3123
state agency, assist the agency with the preparation of any rule 3124
that will affect individuals, small businesses, or small 3125
organizations. 3126

(D) The director of development shall assign ~~such~~ employees 3127
and furnish ~~such~~ equipment and supplies to the office as the 3128
director considers necessary for the proper performance of the 3129
duties assigned to the office. 3130

Sec. 122.17. (A) As used in this section: 3131

(1) "Full-time employee" means an individual who is employed 3132
for consideration for at least thirty-five hours a week, or who 3133
renders any other standard of service generally accepted by custom 3134
or specified by contract as full-time employment. 3135

(2) "New employee" means one of the following: 3136

(a) A full-time employee first employed by a taxpayer in the 3137
project that is the subject of the agreement after the taxpayer 3138
enters into a tax credit agreement with the tax credit authority 3139
under this section; 3140

(b) A full-time employee first employed by a taxpayer in the 3141
project that is the subject of the tax credit after the tax credit 3142
authority approves a project for a tax credit under this section 3143
in a public meeting, as long as the taxpayer enters into the tax 3144
credit agreement prepared by the department of development after 3145
such meeting within sixty days after receiving the agreement from 3146
the department. If the taxpayer fails to enter into the agreement 3147
within sixty days, "new employee" has the same meaning as under 3148
division (A)(2)(a) of this section. 3149

Under division (A)(2)(a) or (b) of this section, if the tax 3150
credit authority determines it appropriate, "new employee" also 3151
may include an employee re-hired or called back from lay-off to 3152
work in a new facility or on a new product or service established 3153
or produced by the taxpayer after entering into the agreement 3154
under this section or after the tax credit authority approves the 3155
tax credit in a public meeting. "New employee" does not include 3156
any employee of the taxpayer who was previously employed in this 3157
state by a related member of the taxpayer and whose employment was 3158
shifted to the taxpayer after the taxpayer entered into the tax 3159
credit agreement or after the tax credit authority approved the 3160

credit in a public meeting, or any employee of the taxpayer for 3161
which the taxpayer has been granted a certificate under division 3162
(B) of section 5709.66 of the Revised Code. "New employee" also 3163
does not include an employee of the taxpayer who is employed in an 3164
employment position that was relocated to a project from other 3165
operations of the taxpayer in this state or from operations of a 3166
related member of the taxpayer in this state. In addition, "new 3167
employee" does not include a child, grandchild, parent, or spouse, 3168
other than a spouse who is legally separated from the individual, 3169
of any individual who is an employee of the taxpayer and who has a 3170
direct or indirect ownership interest of at least five per cent in 3171
the profits, capital, or value of the taxpayer. Such ownership 3172
interest shall be determined in accordance with section 1563 of 3173
the Internal Revenue Code and regulations prescribed thereunder. 3174

(3) "New income tax revenue" means the total amount withheld 3175
under section 5747.06 of the Revised Code by the taxpayer during 3176
the taxable year from the compensation of new employees for the 3177
tax levied under Chapter 5747. of the Revised Code. 3178

(4) "Related member" has the same meaning as under division 3179
(A)(6) of section 5733.042 of the Revised Code without regard to 3180
division (B) of that section. 3181

(B) The tax credit authority may make grants under this 3182
section to foster job creation in this state. Such a grant shall 3183
take the form of a refundable credit allowed against the tax 3184
imposed by section 5733.06 or 5747.02 of the Revised Code. The 3185
credit shall be claimed for the taxable years specified in the 3186
taxpayer's agreement with the tax credit authority under division 3187
(D) of this section. The credit shall be claimed after the 3188
allowance of all other credits provided by Chapter 5733. or 5747. 3189
of the Revised Code. The amount of the credit equals the new 3190
income tax revenue for the taxable year multiplied by the 3191
percentage specified in the agreement with the tax credit 3192

authority.	3193
(C) A taxpayer or potential taxpayer who proposes a project	3194
to create new jobs in this state may apply to the tax credit	3195
authority to enter into an agreement for a tax credit under this	3196
section. The director of development shall prescribe the form of	3197
the application. After receipt of an application, the authority	3198
may enter into an agreement with the taxpayer for a credit under	3199
this section if it determines all of the following:	3200
(1) The taxpayer's project will create new jobs in this	3201
state;	3202
(2) The taxpayer's project is economically sound and will	3203
benefit the people of this state by increasing opportunities for	3204
employment and strengthening the economy of this state;	3205
(3) Receiving the tax credit is a major factor in the	3206
taxpayer's decision to go forward with the project.	3207
(D) An agreement under this section shall include all of the	3208
following:	3209
(1) A detailed description of the project that is the subject	3210
of the agreement;	3211
(2) The term of the tax credit, which shall not exceed ten	3212
<u>fifteen</u> years, and the first taxable year for which the credit may	3213
be claimed;	3214
(3) A requirement that the taxpayer shall maintain operations	3215
at the project location for at least twice the number of years as	3216
the term of the tax credit;	3217
(4) The percentage, as determined by the tax credit	3218
authority, of new income tax revenue that will be allowed as the	3219
amount of the credit for each taxable year;	3220
(5) A specific method for determining how many new employees	3221
are employed during a taxable year;	3222

(6) A requirement that the taxpayer annually shall report to 3223
the director of development the number of new employees, the new 3224
income tax revenue withheld in connection with the new employees, 3225
and any other information the director needs to perform ~~his~~ the 3226
director's duties under this section; 3227

(7) A requirement that the director of development annually 3228
shall verify the amounts reported under division (D)(6) of this 3229
section, and after doing so shall issue a certificate to the 3230
taxpayer stating that the amounts have been verified; 3231

(8)(a) A provision requiring that the taxpayer, except as 3232
otherwise provided in division (D)(8)(b) of this section, shall 3233
not relocate employment positions from elsewhere in this state to 3234
the project site that is the subject of the agreement for the 3235
lesser of five years from the date the agreement is entered into 3236
or the number of years the taxpayer is entitled to claim the tax 3237
credit. 3238

(b) The taxpayer may relocate employment positions from 3239
elsewhere in this state to the project site that is the subject of 3240
the agreement if the director of development determines both of 3241
the following: 3242

(i) That the site from which the employment positions would 3243
be relocated is inadequate to meet market and industry conditions, 3244
expansion plans, consolidation plans, or other business 3245
considerations affecting the taxpayer; 3246

(ii) That the legislative authority of the county, township, 3247
or municipal corporation from which the employment positions would 3248
be relocated has been notified of the relocation. 3249

For purposes of this section, the movement of an employment 3250
position from one political subdivision to another political 3251
subdivision shall be considered a relocation of an employment 3252
position, but the transfer of an individual employee from one 3253

political subdivision to another political subdivision shall not 3254
be considered a relocation of an employment position as long as 3255
the individual's employment position in the first political 3256
subdivision is refilled. 3257

(E) If a taxpayer fails to meet or comply with any condition 3258
or requirement set forth in a tax credit agreement, the tax credit 3259
authority may amend the agreement to reduce the percentage or term 3260
of the tax credit. The reduction of the percentage or term shall 3261
take effect in the taxable year immediately following the taxable 3262
year in which the authority amends the agreement. If the taxpayer 3263
relocates employment positions in violation of the provision 3264
required under division (D)(8)(a) of this section, the taxpayer 3265
shall not claim the tax credit under section 5733.0610 of the 3266
Revised Code for any tax years following the calendar year in 3267
which the relocation occurs, or shall not claim the tax credit 3268
under section 5747.058 of the Revised Code for the taxable year in 3269
which the relocation occurs and any subsequent taxable years. 3270

(F) Projects that consist solely of point-of-final-purchase 3271
retail facilities are not eligible for a tax credit under this 3272
section. If a project consists of both point-of-final-purchase 3273
retail facilities and nonretail facilities, only the portion of 3274
the project consisting of the nonretail facilities is eligible for 3275
a tax credit and only the new income tax revenue from new 3276
employees of the nonretail facilities shall be considered when 3277
computing the amount of the tax credit. If a warehouse facility is 3278
part of a point-of-final-purchase retail facility and supplies 3279
only that facility, the warehouse facility is not eligible for a 3280
tax credit. Catalog distribution centers are not considered 3281
point-of-final-purchase retail facilities for the purposes of this 3282
division, and are eligible for tax credits under this section. 3283

(G) Financial statements and other information submitted to 3284
the department of development or the tax credit authority by an 3285

applicant or recipient of a tax credit under this section, and any 3286
information taken for any purpose from such statements or 3287
information, are not public records subject to section 149.43 of 3288
the Revised Code. However, the chairperson of the authority may 3289
make use of the statements and other information for purposes of 3290
issuing public reports or in connection with court proceedings 3291
concerning tax credit agreements under this section. Upon the 3292
request of the tax commissioner, the chairperson of the authority 3293
shall provide to the commissioner any statement or information 3294
submitted by an applicant or recipient of a tax credit in 3295
connection with the credit. The commissioner shall preserve the 3296
confidentiality of the statement or information. 3297

(H) A taxpayer claiming a credit under this section shall 3298
submit to the tax commissioner a copy of the director of 3299
development's certificate of verification under division (D)(7) of 3300
this section for the taxable year. However, failure to submit a 3301
copy of the certificate does not invalidate a claim for a credit. 3302

(I) The director of development, after consultation with the 3303
tax commissioner and in accordance with Chapter 119. of the 3304
Revised Code, shall adopt rules necessary to implement this 3305
section. The rules may provide for recipients of tax credits under 3306
this section to be charged fees to cover administrative costs of 3307
the tax credit program. At the time the director gives public 3308
notice under division (A) of section 119.03 of the Revised Code of 3309
the adoption of the rules, the director shall submit copies of the 3310
proposed rules to the chairpersons of the standing committees on 3311
economic development in the senate and the house of 3312
representatives. 3313

(J) For the purposes of this section, a taxpayer may include 3314
a partnership, a corporation that has made an election under 3315
subchapter S of chapter one of subtitle A of the Internal Revenue 3316
Code, or any other business entity through which income flows as a 3317

distributive share to its owners. A credit received under this 3318
section by a partnership, S-corporation, or other such business 3319
entity shall be apportioned among the persons to whom the income 3320
or profit of the partnership, S-corporation, or other entity is 3321
distributed, in the same proportions as those in which the income 3322
or profit is distributed. 3323

(K) If the director of development determines that a taxpayer 3324
who has received a credit under this section is not complying with 3325
the requirement under division (D)(3) of this section, the 3326
director shall notify the tax credit authority of the 3327
noncompliance. After receiving such a notice, and after giving the 3328
taxpayer an opportunity to explain the noncompliance, the tax 3329
credit authority may require the taxpayer to refund to this state 3330
a portion of the credit in accordance with the following: 3331

(1) If the taxpayer maintained operations at the project 3332
location for at least one and one-half times the number of years 3333
of the term of the tax credit, an amount not exceeding twenty-five 3334
per cent of the sum of any previously allowed credits under this 3335
section; 3336

(2) If the taxpayer maintained operations at the project 3337
location for at least the number of years of the term of the tax 3338
credit, an amount not exceeding fifty per cent of the sum of any 3339
previously allowed credits under this section; 3340

(3) If the taxpayer maintained operations at the project 3341
location for less than the number of years of the term of the tax 3342
credit, an amount not exceeding one hundred per cent of the sum of 3343
any previously allowed credits under this section. 3344

In determining the portion of the tax credit to be refunded 3345
to this state, the tax credit authority shall consider the effect 3346
of market conditions on the taxpayer's project and whether the 3347
taxpayer continues to maintain other operations in this state. 3348

After making the determination, the authority shall certify the 3349
amount to be refunded to the tax commissioner. The commissioner 3350
shall make an assessment for that amount against the taxpayer 3351
under Chapter 5733. or 5747. of the Revised Code. The time 3352
limitations on assessments under Chapter 5733. or 5747. of the 3353
Revised Code do not apply to an assessment under this division, 3354
but the commissioner shall make the assessment within one year 3355
after the date the authority certifies to the commissioner the 3356
amount to be refunded. 3357

(L) On or before the thirty-first day of March each year, the 3358
director of development shall submit a report to the governor, the 3359
president of the senate, and the speaker of the house of 3360
representatives on the tax credit program under this section. The 3361
report shall include information on the number of agreements that 3362
were entered into under this section during the preceding calendar 3363
year, a description of the project that is the subject of each 3364
such agreement, and an update on the status of projects under 3365
agreements entered into before the preceding calendar year. 3366

During the fifth year of the tax credit program, the director 3367
of development in conjunction with the director of budget and 3368
management shall conduct an evaluation of it. The evaluation shall 3369
include assessments of the effectiveness of the program in 3370
creating new jobs in this state and of the revenue impact of the 3371
program, and may include a review of the practices and experiences 3372
of other states with similar programs. The director of development 3373
shall submit a report on the evaluation to the governor, the 3374
president of the senate, and the speaker of the house of 3375
representatives on or before January 1, 1998. 3376

(M) There is hereby created the tax credit authority, which 3377
consists of the director of development and four other members 3378
appointed as follows: the governor, the president of the senate, 3379
and the speaker of the house of representatives each shall appoint 3380

one member who shall be a specialist in economic development; the 3381
governor also shall appoint a member who is a specialist in 3382
taxation. Of the initial appointees, the members appointed by the 3383
governor shall serve a term of two years; the members appointed by 3384
the president of the senate and the speaker of the house of 3385
representatives shall serve a term of four years. Thereafter, 3386
terms of office shall be for four years. Initial appointments to 3387
the authority shall be made within thirty days after January 13, 3388
1993. Each member shall serve on the authority until the end of 3389
the term for which the member was appointed. Vacancies shall be 3390
filled in the same manner provided for original appointments. Any 3391
member appointed to fill a vacancy occurring prior to the 3392
expiration of the term for which the member's predecessor was 3393
appointed shall hold office for the remainder of that term. 3394
Members may be reappointed to the authority. Members of the 3395
authority shall receive their necessary and actual expenses while 3396
engaged in the business of the authority. The director of 3397
development shall serve as chairperson of the authority, and the 3398
members annually shall elect a vice-chairperson from among 3399
themselves. Three members of the authority constitute a quorum to 3400
transact and vote on the business of the authority. The majority 3401
vote of the membership of the authority is necessary to approve 3402
any such business, including the election of the vice-chairperson. 3403

The director of development may appoint a professional 3404
employee of the department of development to serve as the 3405
director's substitute at a meeting of the authority. The director 3406
shall make the appointment in writing. In the absence of the 3407
director from a meeting of the authority, the appointed substitute 3408
shall serve as chairperson. In the absence of both the director 3409
and the director's substitute from a meeting, the vice-chairperson 3410
shall serve as chairperson. 3411

Sec. 122.171. (A) As used in this section: 3412

(1) "Capital investment project" means a plan of investment 3413
at a project site for the acquisition, construction, renovation, 3414
or repair of buildings, machinery, or equipment, or for 3415
capitalized costs of basic research and new product development 3416
determined in accordance with generally accepted accounting 3417
principles, but does not include any of the following: 3418

(a) Payments made for the acquisition of personal property 3419
through operating leases; 3420

(b) Project costs paid before January 1, 2002, or after 3421
December 31, 2006; 3422

(c) Payments made to a related member as defined in section 3423
5733.042 of the Revised Code. 3424

(2) "Eligible business" means a business with Ohio operations 3425
satisfying all of the following: 3426

(a) Employed an average of at least one thousand employees in 3427
full-time employment positions at a project site during each of 3428
the twelve months preceding the application for a tax credit under 3429
this section; and 3430

(b) On or after January 1, 2002, has made payments for the 3431
capital investment project of either of the following: 3432

(i) At least two hundred million dollars in the aggregate at 3433
the project site during a period of three consecutive calendar 3434
years including the calendar year that includes a day of the 3435
taxpayer's taxable year with respect to which the credit is 3436
granted; 3437

(ii) If the average wage of all full-time employment 3438
positions at the project site is greater than four hundred per 3439
cent of the federal minimum wage, at least one hundred million 3440
dollars in the aggregate at the project site during a period of 3441
three consecutive calendar years including the calendar year that 3442

includes a day of the taxpayer's taxable year with respect to 3443
which the credit is granted. 3444

(c) Is engaged at the project site primarily as a 3445
manufacturer or is providing significant corporate administrative 3446
functions; 3447

(d) Has had a capital investment project reviewed and 3448
approved by the tax credit authority as provided in divisions (C), 3449
(D), and (E) of this section. 3450

(3) "Full-time employment position" means a position of 3451
employment for consideration for at least thirty-five hours a week 3452
that has been filled for at least one hundred eighty days 3453
immediately preceding the filing of an application under this 3454
section and for at least one hundred eighty days during each 3455
taxable year with respect to which the credit is granted. 3456

(4) "Manufacturer" has the same meaning as in section 3457
5739.011 of the Revised Code. 3458

(5) "Project site" means an integrated complex of facilities 3459
in this state, as specified by the tax credit authority under this 3460
section, within a fifteen-mile radius where a taxpayer is 3461
primarily operating as an eligible business. 3462

(6) "Applicable corporation" means a corporation satisfying 3463
all of the following: 3464

(a)(i) For the entire taxable year immediately preceding the 3465
tax year, the corporation develops software applications primarily 3466
to provide telecommunication billing and information services 3467
through outsourcing or licensing to domestic or international 3468
customers. 3469

(ii) Sales and licensing of software generated at least six 3470
hundred million dollars in revenue during the taxable year 3471
immediately preceding the tax year the corporation is first 3472

entitled to claim the credit provided under division (B) of this section. 3473
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(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. 3475
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(c) The corporation is eligible for the credit under division (B) of this section for the tax year. 3483
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(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. 3485
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(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. 3489
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(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. 3493
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(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. 3497
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(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.

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

(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

agreement. 3536

The credit computed under this division is in addition to any 3537
credit allowed under division (M) of this section. 3538

Any unused portion of a tax credit may be carried forward for 3539
not more than three additional years after the year for which the 3540
credit is granted. 3541

(C) A taxpayer that proposes a capital investment project to 3542
retain jobs in this state may apply to the tax credit authority to 3543
enter into an agreement for a tax credit under this section. The 3544
director of development shall prescribe the form of the 3545
application. After receipt of an application, the authority shall 3546
forward copies of the application to the director of budget and 3547
management, the tax commissioner, and the director of development, 3548
each of whom shall review the application to determine the 3549
economic impact the proposed project would have on the state and 3550
the affected political subdivisions and shall submit a summary of 3551
their determinations and recommendations to the authority. The 3552
authority shall make no agreements under this section after June 3553
30, 2007. 3554

(D) Upon review of the determinations and recommendations 3555
described in division (C) of this section, the tax credit 3556
authority may enter into an agreement with the taxpayer for a 3557
credit under this section if the authority determines all of the 3558
following: 3559

(1) The taxpayer's capital investment project will result in 3560
the retention of full-time employment positions in this state. 3561

(2) The taxpayer is economically sound and has the ability to 3562
complete the proposed capital investment project. 3563

(3) The taxpayer intends to and has the ability to maintain 3564
operations at the project site for at least twice the term of the 3565
credit. 3566

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	3567 3568
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	3569 3570 3571
(E) An agreement under this section shall include all of the following:	3572 3573
(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.	3574 3575 3576 3577
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	3578 3579 3580
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	3581 3582
(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.	3583 3584 3585
(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.	3586 3587 3588 3589 3590 3591 3592
(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	3593 3594 3595 3596

the capital investment project, and any other information the 3597
director needs to perform the director's duties under this 3598
section. 3599

(7) A requirement that the director of development annually 3600
review the annual reports of the taxpayer to verify the 3601
information reported under division (E)(6) of this section and 3602
compliance with the agreement. Upon verification, the director 3603
shall issue a certificate to the taxpayer stating that the 3604
information has been verified and identifying the amount of the 3605
credit for the taxable year. The Unless otherwise specified by the 3606
tax credit authority in a resolution and included as part of the 3607
agreement, the director shall not issue a certificate for any year 3608
in which the total number of filled full-time employment positions 3609
for each day of the calendar year divided by three hundred 3610
sixty-five is less than ninety per cent of the full-time 3611
employment positions specified in division (E)(5) of this section. 3612
In determining the number of full-time employment positions, no 3613
position shall be counted that is filled by an employee who is 3614
included in the calculation of a tax credit under section 122.17 3615
of the Revised Code. 3616

(8)(a) A provision requiring that the taxpayer, except as 3617
otherwise provided in division (E)(8)(b) of this section, shall 3618
not relocate employment positions from elsewhere in this state to 3619
the project site that is the subject of the agreement for the 3620
lesser of five years from the date the agreement is entered into 3621
or the number of years the taxpayer is entitled to claim the 3622
credit. 3623

(b) The taxpayer may relocate employment positions from 3624
elsewhere in this state to the project site that is the subject of 3625
the agreement if the director of development determines both of 3626
the following: 3627

(i) That the site from which the employment positions would 3628

be relocated is inadequate to meet market and industry conditions, 3629
expansion plans, consolidation plans, or other business 3630
considerations affecting the taxpayer; 3631

(ii) That the legislative authority of the county, township, 3632
or municipal corporation from which the employment positions would 3633
be relocated has been notified of the relocation. 3634

For purposes of this section, the movement of an employment 3635
position from one political subdivision to another political 3636
subdivision shall be considered a relocation of an employment 3637
position unless the movement is confined to the project site. The 3638
transfer of an individual employee from one political subdivision 3639
to another political subdivision shall not be considered a 3640
relocation of an employment position as long as the individual's 3641
employment position in the first political subdivision is 3642
refilled. 3643

(9) A waiver by the taxpayer of any limitations periods 3644
relating to assessments or adjustments resulting from the 3645
taxpayer's failure to comply with the agreement. 3646

(F) If a taxpayer fails to meet or comply with any condition 3647
or requirement set forth in a tax credit agreement, the tax credit 3648
authority may amend the agreement to reduce the percentage or term 3649
of the credit. The reduction of the percentage or term shall take 3650
effect in the taxable year immediately following the taxable year 3651
in which the authority amends the agreement. If the taxpayer 3652
relocates employment positions in violation of the provision 3653
required under division (D)(8)(a) of this section, the taxpayer 3654
shall not claim the tax credit under section 5733.0610 of the 3655
Revised Code for any tax years following the calendar year in 3656
which the relocation occurs, or shall not claim the tax credit 3657
under section 5747.058 of the Revised Code for the taxable year in 3658
which the relocation occurs and any subsequent taxable years. 3659

(G) Financial statements and other information submitted to 3660
the department of development or the tax credit authority by an 3661
applicant for or recipient of a tax credit under this section, and 3662
any information taken for any purpose from such statements or 3663
information, are not public records subject to section 149.43 of 3664
the Revised Code. However, the chairperson of the authority may 3665
make use of the statements and other information for purposes of 3666
issuing public reports or in connection with court proceedings 3667
concerning tax credit agreements under this section. Upon the 3668
request of the tax commissioner, the chairperson of the authority 3669
shall provide to the commissioner any statement or other 3670
information submitted by an applicant for or recipient of a tax 3671
credit in connection with the credit. The commissioner shall 3672
preserve the confidentiality of the statement or other 3673
information. 3674

(H) A taxpayer claiming a tax credit under this section shall 3675
submit to the tax commissioner a copy of the director of 3676
development's certificate of verification under division (E)(7) of 3677
this section for the taxable year. However, failure to submit a 3678
copy of the certificate does not invalidate a claim for a credit. 3679

(I) For the purposes of this section, a taxpayer may include 3680
a partnership, a corporation that has made an election under 3681
subchapter S of chapter one of subtitle A of the Internal Revenue 3682
Code, or any other business entity through which income flows as a 3683
distributive share to its owners. A tax credit received under this 3684
section by a partnership, S-corporation, or other such business 3685
entity shall be apportioned among the persons to whom the income 3686
or profit of the partnership, S-corporation, or other entity is 3687
distributed, in the same proportions as those in which the income 3688
or profit is distributed. 3689

(J) If the director of development determines that a taxpayer 3690
that received a tax credit under this section is not complying 3691

with the requirement under division (E)(4) of this section, the 3692
director shall notify the tax credit authority of the 3693
noncompliance. After receiving such a notice, and after giving the 3694
taxpayer an opportunity to explain the noncompliance, the 3695
authority may terminate the agreement and require the taxpayer to 3696
refund to the state all or a portion of the credit claimed in 3697
previous years, as follows: 3698

(1) If the taxpayer maintained operations at the project site 3699
for less than the term of the credit, the amount required to be 3700
refunded shall not exceed the amount of any tax credits previously 3701
allowed and received under this section. 3702

(2) If the taxpayer maintained operations at the project site 3703
longer than the term of the credit but less than one and one-half 3704
times the term of the credit, the amount required to be refunded 3705
shall not exceed fifty per cent of the sum of any tax credits 3706
previously allowed and received under this section. 3707

(3) If the taxpayer maintained operations at the project site 3708
for at least one and one-half times the term of the credit but 3709
less than twice the term of the credit, the amount required to be 3710
refunded shall not exceed twenty-five per cent of the sum of any 3711
tax credits previously allowed and received under this section. 3712

In determining the portion of the credit to be refunded to 3713
this state, the authority shall consider the effect of market 3714
conditions on the taxpayer's project and whether the taxpayer 3715
continues to maintain other operations in this state. After making 3716
the determination, the authority shall certify the amount to be 3717
refunded to the tax commissioner. The commissioner shall make an 3718
assessment for that amount against the taxpayer under Chapter 3719
5733. or 5747. of the Revised Code. The time limitations on 3720
assessments under Chapter 5733. or 5747. of the Revised Code do 3721
not apply to an assessment under this division, but the 3722
commissioner shall make the assessment within one year after the 3723

date the authority certifies to the commissioner the amount to be 3724
refunded. 3725

If the director of development determines that a taxpayer 3726
that received a tax credit under this section has reduced the 3727
number of employees agreed to under division (E)(5) of this 3728
section by more than ten per cent, the director shall notify the 3729
tax credit authority of the noncompliance. After receiving such 3730
notice, and after providing the taxpayer an opportunity to explain 3731
the noncompliance, the authority may amend the agreement to reduce 3732
the percentage or term of the tax credit. The reduction in the 3733
percentage or term shall take effect in the taxable year in which 3734
the authority amends the agreement. 3735

(K) The director of development, after consultation with the 3736
tax commissioner and in accordance with Chapter 119. of the 3737
Revised Code, shall adopt rules necessary to implement this 3738
section. The rules may provide for recipients of tax credits under 3739
this section to be charged fees to cover administrative costs of 3740
the tax credit program. At the time the director gives public 3741
notice under division (A) of section 119.03 of the Revised Code of 3742
the adoption of the rules, the director shall submit copies of the 3743
proposed rules to the chairpersons of the standing committees on 3744
economic development in the senate and the house of 3745
representatives. 3746

(L) On or before the thirty-first day of March of each year, 3747
the director of development shall submit a report to the governor, 3748
the president of the senate, and the speaker of the house of 3749
representatives on the tax credit program under this section. The 3750
report shall include information on the number of agreements that 3751
were entered into under this section during the preceding calendar 3752
year, a description of the project that is the subject of each 3753
such agreement, and an update on the status of projects under 3754
agreements entered into before the preceding calendar year. 3755

(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.	3786 3787
(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;	3788 3789 3790 3791
(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;	3792 3793 3794 3795
(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;	3796 3797 3798 3799 3800
(7) Require each applicant to provide a marketing plan and management strategy for the project;	3801 3802
(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:	3803 3804
(a) Forms and procedures by which eligible applicants may apply for assistance;	3805 3806
(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;	3807 3808 3809
(c) Reporting requirements and monitoring procedures;	3810
(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;	3811 3812 3813
(e) Any other rules necessary to implement and administer the program created by section 122.24 of the Revised Code.	3814 3815

(B) The director may adopt rules in accordance with Chapter 3816
119. of the Revised Code establishing requirements governing the 3817
use of any industrial park site receiving assistance under section 3818
122.24 of the Revised Code, such that a certain portion of the 3819
site must be used for manufacturing, distribution, high 3820
technology, research and development, or other businesses wherein 3821
a majority of the product or service produced is exported out of 3822
the state. 3823

(C) As a condition to receiving assistance under section 3824
122.24 of the Revised Code, and except as provided in division (D) 3825
of this section, an applicant must agree, for a period of five 3826
years, not to permit the use of a site that is developed or 3827
improved with such assistance to cause the relocation of jobs to 3828
that site from elsewhere in Ohio. 3829

(D) A site developed or improved with assistance under 3830
section 122.24 of the Revised Code may be the site of jobs 3831
relocated from elsewhere in Ohio if the director of development 3832
does all of the following: 3833

(1) Makes a written determination that the site from which 3834
the jobs would be relocated is inadequate to meet market or 3835
industry conditions, expansion plans, consolidation plans, or 3836
other business considerations affecting the relocating employer; 3837

(2) Provides a copy of the determination required by division 3838
(D)(1) of this section to the members of the general assembly 3839
whose legislative districts include the site from which the jobs 3840
would be relocated, ~~and to the joint legislative committee on tax~~ 3841
~~incentives;~~ 3842

(3) Determines that the governing body of the area from which 3843
the jobs would be relocated has been notified in writing by the 3844
relocating company of the possible relocation. 3845

(E) The director of development must obtain the approval of 3846

the controlling board for any loan or loan guarantee provided 3847
under sections 122.23 to 122.27 of the Revised Code. 3848

Sec. 122.651. (A) There is hereby created the clean Ohio 3849
council consisting of the director of development or the 3850
director's designee, the director of environmental protection or 3851
the director's designee, the lieutenant governor or the lieutenant 3852
governor's designee, the director of the Ohio public works 3853
commission as a nonvoting, ex officio member, one member of the 3854
majority party of the senate and one member of the minority party 3855
of the senate to be appointed by the president of the senate, one 3856
member of the majority party of the house of representatives and 3857
one member of the minority party of the house of representatives 3858
to be appointed by the speaker of the house of representatives, 3859
and seven members to be appointed by the governor with the advice 3860
and consent of the senate. Of the members appointed by the 3861
governor, one shall represent the interests of counties, one shall 3862
represent the interests of townships, one shall represent the 3863
interests of municipal corporations, two shall represent the 3864
interests of business and development, and two shall represent 3865
statewide environmental advocacy organizations. The members 3866
appointed by the governor shall reflect the demographic and 3867
economic diversity of the population of the state. Additionally, 3868
the governor's appointments shall represent all areas of the 3869
state. All appointments to the council shall be made not later 3870
than one hundred twenty days after July 26, 2001. 3871

(B) The members appointed by the president of the senate and 3872
speaker of the house of representatives shall serve at the 3873
pleasure of their appointing authorities. Of the initial members 3874
appointed by the governor to the clean Ohio council, four shall be 3875
appointed for two years and three shall be appointed for one year. 3876
Thereafter, terms of office for members appointed by the governor 3877
shall be for two years, with each term ending on the same day of 3878

the same month as did the term that it succeeds. Each of those 3879
members shall hold office from the date of appointment until the 3880
end of the term for which the member is appointed. 3881

Members may be reappointed. Vacancies shall be filled in the 3882
same manner as provided for original appointments. Any member 3883
appointed to fill a vacancy occurring prior to the expiration date 3884
of the term for which the member was appointed shall hold office 3885
for the remainder of that term. A member shall continue in office 3886
after the expiration date of the member's term until the member's 3887
successor takes office or until a period of sixty days has 3888
elapsed, whichever occurs first. The governor may remove a member 3889
appointed by the governor for misfeasance, nonfeasance, or 3890
malfeasance in office. 3891

(C) The ~~director of development~~ governor shall appoint a 3892
member of the clean Ohio council to serve as the chairperson of 3893
the ~~clean Ohio~~ council. The director of development shall serve as 3894
the vice-chairperson of the council unless appointed chairperson. 3895
If the director is appointed chairperson, the council annually 3896
shall select from among its members a vice-chairperson to serve 3897
while the director is chairperson. The council annually shall 3898
select from among its members ~~a vice-chairperson and~~ a secretary 3899
to keep a record of its proceedings. A majority vote of a quorum 3900
of the members of the council is necessary to take action on any 3901
matter. The council may adopt bylaws governing its operation, 3902
including bylaws that establish the frequency of meetings, 3903
procedures for reviewing eligible projects under sections 122.65 3904
to 122.658 of the Revised Code and policies and requirements 3905
established under section 122.657 of the Revised Code, and other 3906
necessary procedures. 3907

(D) Members of the clean Ohio council shall be deemed to be 3908
public officials or officers only for the purposes of section 9.86 3909
and Chapters 102. and 2921. of the Revised Code. Serving as a 3910

member of the clean Ohio council does not constitute holding a 3911
public office or position of employment so as to constitute 3912
grounds for removal of public officers or employees serving as 3913
members of the council from their offices or positions of 3914
employment. Members of the council shall file with the Ohio ethics 3915
commission the disclosure statement described in division (A) of 3916
section 102.02 of the Revised Code on the form prescribed by the 3917
commission and be subject to divisions (C) and (D) of that 3918
section. Members of the council shall serve without compensation 3919
for attending council meetings, but shall receive their actual and 3920
necessary traveling and other expenses incurred in the performance 3921
of their official duties in accordance with the rules of the 3922
office of budget and management. 3923

(E) Members appointed by the governor to represent the 3924
interests of counties, townships, and municipal corporations do 3925
not have a conflict of interest by virtue of their service in the 3926
position. For the purposes of this division, "conflict of 3927
interest" means the taking of any action as a member of the 3928
council that affects a public agency the person serves as an 3929
officer or employee. 3930

(F) The department of development shall provide office space 3931
for the council. The council shall be assisted in its duties by 3932
the staff of the department of development and the environmental 3933
protection agency. 3934

(G) Sections 101.82 to 101.87 of the Revised Code do not 3935
apply to the clean Ohio council. 3936

Sec. 122.658. (A) The clean Ohio revitalization fund is 3937
hereby created in the state treasury. The fund shall consist of 3938
moneys credited to it pursuant to section 151.40 of the Revised 3939
Code. Moneys in the fund shall be used to make grants or loans for 3940
projects that have been approved by the clean Ohio council in 3941

accordance with section 122.653 of the Revised Code, except that 3942
the council annually shall devote twenty per cent of the net 3943
proceeds of obligations deposited in the clean Ohio revitalization 3944
fund for the purposes of section 122.656 of the Revised Code. 3945

Moneys in the clean Ohio revitalization fund may be used to 3946
pay reasonable costs incurred by the department of development and 3947
the environmental protection agency in administering sections 3948
122.65 to 122.658 of the Revised Code. All investment earnings of 3949
the fund shall be credited to the fund. ~~For two years after July~~ 3950
~~26, 2001, investment~~ Investment earnings credited to the clean 3951
Ohio revitalization fund may be used to pay costs incurred by the 3952
department of development and the environmental protection agency 3953
pursuant to sections 122.65 to 122.658 of the Revised Code. 3954

The department of development shall administer the clean Ohio 3955
revitalization fund in accordance with this section, policies and 3956
requirements established under section 122.657 of the Revised 3957
Code, and the terms of agreements entered into by the council 3958
under section 122.653 of the Revised Code. 3959

(B) Grants awarded and loans made under section 122.653 of 3960
the Revised Code shall provide not more than seventy-five per cent 3961
of the estimated total cost of a project. A grant or loan to any 3962
one project shall not exceed three million dollars. An applicant 3963
shall provide at least twenty-five per cent of the estimated total 3964
cost of a project. The applicant's share may consist of one or a 3965
combination of any of the following: 3966

(1) Payment of the cost of acquiring the property for the 3967
purposes of sections 122.65 to 122.658 of the Revised Code; 3968

(2) Payment of the reasonable cost of an assessment at the 3969
property; 3970

(3) The reasonable value, as determined by the council, of 3971
labor and materials that will be contributed by the applicant in 3972

performing the cleanup or remediation; 3973

(4) Moneys received by the applicant in any form for use in 3974
performing the cleanup or remediation; 3975

(5) Loans secured by the applicant for the purpose of the 3976
cleanup or remediation of the brownfield. 3977

Costs that were incurred more than two years prior to the 3978
submission of an application to the clean Ohio council for the 3979
acquisition of property, assessments, and labor and materials 3980
shall not be used as part of the applicant's matching share. 3981

(C) The department of development shall not make any payment 3982
to an applicant from the clean Ohio revitalization fund to pay 3983
costs of the applicant that were not included in an application 3984
for a grant or loan under section 122.653 of the Revised Code or 3985
that exceed the amount of the estimated total cost of the project 3986
included in the application. If, upon completion of a project, the 3987
costs of the project are less than the amounts included in the 3988
application, the amounts included in the application less the 3989
amounts of the actual costs of the project shall be credited to 3990
the clean Ohio revitalization fund. However, the amounts credited 3991
shall be equivalent in percentage to the percentage of the costs 3992
of the project that were to be funded by the grant or loan from 3993
the fund. 3994

(D) Grants awarded or loans made under section 122.653 of the 3995
Revised Code from the clean Ohio revitalization fund shall be used 3996
by an applicant only to pay the costs of the actual cleanup or 3997
remediation of a brownfield and shall not be used by an applicant 3998
to pay any administrative costs incurred by the applicant. Costs 3999
related to the use of a certified professional for purposes of 4000
section 122.654 of the Revised Code are not administrative costs 4001
and may be paid with moneys from grants awarded or loans made 4002
under section 122.653 of the Revised Code. 4003

(E) The portion of net proceeds of obligations devoted under 4004
division (A) of this section for the purposes of section 122.656 4005
of the Revised Code shall be used to make grants for assessments, 4006
cleanup or remediation of brownfields, and public health projects 4007
that have been approved by the director of development under that 4008
section. The department of development shall administer section 4009
122.656 of the Revised Code in accordance with this section, 4010
policies and requirements established under section 122.657 of the 4011
Revised Code, and the terms of agreements entered into by the 4012
director under section 122.656 of the Revised Code. The director 4013
shall not grant more than twenty-five million dollars for public 4014
health projects under section 122.656 of the Revised Code. 4015

(F) Grants awarded under section 122.656 of the Revised Code 4016
shall be used by an applicant only to pay the costs of actually 4017
conducting an assessment, a cleanup or remediation of a 4018
brownfield, or a public health project and shall not be used by an 4019
applicant to pay any administrative costs incurred by the 4020
applicant. Costs related to the use of a certified professional 4021
for purposes of section 122.654 of the Revised Code are not 4022
administrative costs and may be paid with moneys from grants 4023
awarded under section 122.656 of the Revised Code. 4024

(G)(1) The clean Ohio revitalization revolving loan fund is 4025
hereby created in the state treasury. Payments of principal and 4026
interest on loans made from the clean Ohio revitalization fund 4027
shall be credited to this revolving loan fund, as shall payments 4028
of principal and interest on loans made from the revolving loan 4029
fund itself. The revolving loan fund's investment earnings shall 4030
be credited to it. 4031

(2) The clean Ohio revitalization revolving loan fund shall 4032
be used to make loans for the same purposes and subject to the 4033
same policies, requirements, criteria, and application procedures 4034
as loans made from the clean Ohio revitalization fund. 4035

Sec. 122.87. As used in sections 122.87 to ~~122.89~~ 122.90 of 4036
the Revised Code: 4037

(A) "Surety company" means a company that is authorized by 4038
the department of insurance to issue bonds as surety. 4039

(B) "Minority business" means any of the following 4040
occupations: 4041

(1) Minority construction contractor; 4042

(2) Minority seller; 4043

(3) Minority service vendor. 4044

(C) "Minority construction contractor" means a person who is 4045
both a construction contractor and an owner of a minority business 4046
enterprise certified under division (B) of section 123.151 of the 4047
Revised Code. 4048

(D) "Minority seller" means a person who is both a seller of 4049
goods and an owner of a minority business enterprise listed on the 4050
special minority business enterprise bid notification list under 4051
division (B) of section 125.08 of the Revised Code. 4052

(E) "Minority service vendor" means a person who is both a 4053
vendor of services and an owner of a minority business enterprise 4054
listed on the special minority business enterprise bid 4055
notification list under division (B) of section 125.08 of the 4056
Revised Code. 4057

(F) "Minority business enterprise" has the meaning given in 4058
section 122.71 of the Revised Code. 4059

(G) "EDGE business enterprise" means a sole proprietorship, 4060
association, partnership, corporation, limited liability 4061
corporation, or joint venture certified as a participant in the 4062
encouraging diversity, growth, and equity program by the director 4063
of administrative services under section 123.152 of the Revised 4064

Code. 4065

Sec. 122.88. (A) There is hereby created in the state 4066
treasury the minority business bonding fund, consisting of moneys 4067
deposited or credited to it pursuant to section 169.05 of the 4068
Revised Code; all grants, gifts, and contributions received 4069
pursuant to division (B)(9) of section 122.74 of the Revised Code; 4070
all moneys recovered following defaults; and any other moneys 4071
obtained by the director of development for the purposes of 4072
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 4073
shall be administered by the director. Moneys in the fund shall be 4074
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 4075
of the Revised Code. 4076

(B) Any claims against the state arising from defaults shall 4077
be payable from the minority business bonding program 4078
administrative and loss reserve fund as provided in division (C) 4079
of this section or from the minority business bonding fund. 4080
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 4081
grants or pledges to any obligee or other person any state moneys 4082
other than the moneys in the minority business bonding program 4083
administrative and loss reserve fund or the minority business 4084
bonding fund, or moneys available to the minority business bonding 4085
fund upon request of the director in accordance with division (B) 4086
of section 169.05 of the Revised Code. 4087

(C) There is hereby created in the state treasury the 4088
minority business bonding program administrative and loss reserve 4089
fund, consisting of all premiums charged and collected in 4090
accordance with section 122.89 of the Revised Code and any 4091
interest income earned from the moneys in the minority business 4092
bonding fund. All expenses of the director and the minority 4093
development financing advisory board in carrying out the purposes 4094
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 4095

paid from the minority business bonding program administrative and 4096
loss reserve fund. 4097

Any moneys to the credit of the minority business bonding 4098
program administrative and loss reserve fund in excess of the 4099
amount necessary to fund the appropriation authority for the 4100
minority business bonding program administrative and loss reserve 4101
fund shall be held as a loss reserve to pay claims arising from 4102
defaults on surety bonds underwritten in accordance with section 4103
122.89 of the Revised Code or guaranteed in accordance with 4104
section 122.90 of the Revised Code. If the balance of funds in the 4105
minority business bonding program administrative and loss reserve 4106
fund is insufficient to pay a claim against the state arising from 4107
default, then such claim shall be payable from the minority 4108
business bonding fund. 4109

Sec. 122.90. (A) The director of development may guarantee 4110
bonds executed by sureties for minority businesses and EDGE 4111
business enterprises certified under section 123.152 of the 4112
Revised Code as principals on contracts with the state, any 4113
political subdivision or instrumentality, or any person as the 4114
obligee. The director, as guarantor, may exercise all the rights 4115
and powers of a company authorized by the department of insurance 4116
to guarantee bonds under Chapter 3929. of the Revised Code but 4117
otherwise is not subject to any laws related to a guaranty company 4118
under Title XXXIX of the Revised Code nor to any rules of the 4119
department of insurance. 4120

(B) The director shall adopt rules under Chapter 119. of the 4121
Revised Code to establish procedures for the application for bond 4122
guarantees and the review and approval of applications for bond 4123
guarantees submitted by sureties that execute bonds eligible for 4124
guarantees under division (A) of this section. 4125

(C) In accordance with rules adopted pursuant to this 4126

section, the director may guarantee up to ninety per cent of the 4127
loss incurred and paid by sureties on bonds guaranteed under 4128
division (A) of this section. 4129

(D) The penal sum amounts of all outstanding guarantees made 4130
by the director under this section shall not exceed three times 4131
the difference between the amount of moneys in the minority 4132
business bonding fund and available to the fund under division (B) 4133
of section 169.05 of the Revised Code and the amount of all 4134
outstanding bonds issued by the director in accordance with 4135
division (A) of section 122.89 of the Revised Code. 4136

Sec. 123.01. (A) The department of administrative services, 4137
in addition to those powers enumerated in Chapters 124. and 125. 4138
of the Revised Code, and as provided elsewhere by law, shall 4139
exercise the following powers: 4140

(1) To prepare, or contract to be prepared, by licensed 4141
engineers or architects, surveys, general and detailed plans, 4142
specifications, bills of materials, and estimates of cost for any 4143
projects, improvements, or public buildings to be constructed by 4144
state agencies that may be authorized by legislative 4145
appropriations or any other funds made available therefor, 4146
provided that the construction of the projects, improvements, or 4147
public buildings is a statutory duty of the department. This 4148
section does not require the independent employment of an 4149
architect or engineer as provided by section 153.01 of the Revised 4150
Code in the cases to which that section applies nor affect or 4151
alter the existing powers of the director of transportation. 4152

(2) To have general supervision over the construction of any 4153
projects, improvements, or public buildings constructed for a 4154
state agency and over the inspection of materials previous to 4155
their incorporation into those projects, improvements, or 4156
buildings; 4157

(3) To make contracts for and supervise the construction of 4158
any projects and improvements or the construction and repair of 4159
buildings under the control of a state agency, except contracts 4160
for the repair of buildings under the management and control of 4161
the departments of public safety, job and family services, mental 4162
health, mental retardation and developmental disabilities, 4163
rehabilitation and correction, and youth services, the bureau of 4164
workers' compensation, the rehabilitation services commission, and 4165
boards of trustees of educational and benevolent institutions. 4166
These contracts shall be made and entered into by the directors of 4167
public safety, job and family services, mental health, mental 4168
retardation and developmental disabilities, rehabilitation and 4169
correction, and youth services, the administrator of workers' 4170
compensation, the rehabilitation services commission, and the 4171
boards of trustees of such institutions, respectively. All such 4172
contracts may be in whole or in part on unit price basis of 4173
maximum estimated cost, with payment computed and made upon actual 4174
quantities or units. 4175

(4) To prepare and suggest comprehensive plans for the 4176
development of grounds and buildings under the control of a state 4177
agency; 4178

(5) To acquire, by purchase, gift, devise, lease, or grant, 4179
all real estate required by a state agency, in the exercise of 4180
which power the department may exercise the power of eminent 4181
domain, in the manner provided by sections 163.01 to 163.22 of the 4182
Revised Code; 4183

(6) To make and provide all plans, specifications, and models 4184
for the construction and perfection of all systems of sewerage, 4185
drainage, and plumbing for the state in connection with buildings 4186
and grounds under the control of a state agency; 4187

(7) To erect, supervise, and maintain all public monuments 4188

and memorials erected by the state, except where the supervision 4189
and maintenance is otherwise provided by law; 4190

(8) To procure, by lease, storage accommodations for a state 4191
agency; 4192

(9) To lease or grant easements or licenses for unproductive 4193
and unused lands or other property under the control of a state 4194
agency. Such leases, easements, or licenses shall be granted for a 4195
period not to exceed fifteen years and shall be executed for the 4196
state by the director of administrative services and the governor 4197
and shall be approved as to form by the attorney general, provided 4198
that leases, easements, or licenses may be granted to any county, 4199
township, municipal corporation, port authority, water or sewer 4200
district, school district, library district, health district, park 4201
district, soil and water conservation district, conservancy 4202
district, or other political subdivision or taxing district, or 4203
any agency of the United States government, for the exclusive use 4204
of that agency, political subdivision, or taxing district, without 4205
any right of sublease or assignment, for a period not to exceed 4206
fifteen years, and provided that the director shall grant leases, 4207
easements, or licenses of university land for periods not to 4208
exceed twenty-five years for purposes approved by the respective 4209
university's board of trustees wherein the uses are compatible 4210
with the uses and needs of the university and may grant leases of 4211
university land for periods not to exceed forty years for purposes 4212
approved by the respective university's board of trustees pursuant 4213
to section 123.77 of the Revised Code. 4214

(10) To lease office space in buildings for the use of a 4215
state agency; 4216

(11) To have general supervision and care of the storerooms, 4217
offices, and buildings leased for the use of a state agency; 4218

(12) To exercise general custodial care of all real property 4219

of the state; 4220

(13) To assign and group together state offices in any city 4221
in the state and to establish, in cooperation with the state 4222
agencies involved, rules governing space requirements for office 4223
or storage use; 4224

(14) To lease for a period not to exceed forty years, 4225
pursuant to a contract providing for the construction thereof 4226
under a lease-purchase plan, buildings, structures, and other 4227
improvements for any public purpose, and, in conjunction 4228
therewith, to grant leases, easements, or licenses for lands under 4229
the control of a state agency for a period not to exceed forty 4230
years. The lease-purchase plan shall provide that at the end of 4231
the lease period, the buildings, structures, and related 4232
improvements, together with the land on which they are situated, 4233
shall become the property of the state without cost. 4234

(a) Whenever any building, structure, or other improvement is 4235
to be so leased by a state agency, the department shall retain 4236
either basic plans, specifications, bills of materials, and 4237
estimates of cost with sufficient detail to afford bidders all 4238
needed information or, alternatively, all of the following plans, 4239
details, bills of materials, and specifications: 4240

(i) Full and accurate plans suitable for the use of mechanics 4241
and other builders in the improvement; 4242

(ii) Details to scale and full sized, so drawn and 4243
represented as to be easily understood; 4244

(iii) Accurate bills showing the exact quantity of different 4245
kinds of material necessary to the construction; 4246

(iv) Definite and complete specifications of the work to be 4247
performed, together with such directions as will enable a 4248
competent mechanic or other builder to carry them out and afford 4249
bidders all needed information; 4250

(v) A full and accurate estimate of each item of expense and 4251
of the aggregate cost thereof. 4252

(b) The department shall give public notice, in such 4253
newspaper, in such form, and with such phraseology as the director 4254
of administrative services prescribes, published once each week 4255
for four consecutive weeks, of the time when and place where bids 4256
will be received for entering into an agreement to lease to a 4257
state agency a building, structure, or other improvement. The last 4258
publication shall be at least eight days preceding the day for 4259
opening the bids. The bids shall contain the terms upon which the 4260
builder would propose to lease the building, structure, or other 4261
improvement to the state agency. The form of the bid approved by 4262
the department shall be used, and a bid is invalid and shall not 4263
be considered unless that form is used without change, alteration, 4264
or addition. Before submitting bids pursuant to this section, any 4265
builder shall comply with Chapter 153. of the Revised Code. 4266

(c) On the day and at the place named for receiving bids for 4267
entering into lease agreements with a state agency, the director 4268
of administrative services shall open the bids and shall publicly 4269
proceed immediately to tabulate the bids upon duplicate sheets. No 4270
lease agreement shall be entered into until the bureau of workers' 4271
compensation has certified that the person to be awarded the lease 4272
agreement has complied with Chapter 4123. of the Revised Code, 4273
until, if the builder submitting the lowest and best bid is a 4274
foreign corporation, the secretary of state has certified that the 4275
corporation is authorized to do business in this state, until, if 4276
the builder submitting the lowest and best bid is a person 4277
nonresident of this state, the person has filed with the secretary 4278
of state a power of attorney designating the secretary of state as 4279
its agent for the purpose of accepting service of summons in any 4280
action brought under Chapter 4123. of the Revised Code, and until 4281
the agreement is submitted to the attorney general and the 4282

attorney general's approval is certified thereon. Within thirty 4283
days after the day on which the bids are received, the department 4284
shall investigate the bids received and shall determine that the 4285
bureau and the secretary of state have made the certifications 4286
required by this section of the builder who has submitted the 4287
lowest and best bid. Within ten days of the completion of the 4288
investigation of the bids, the department shall award the lease 4289
agreement to the builder who has submitted the lowest and best bid 4290
and who has been certified by the bureau and secretary of state as 4291
required by this section. If bidding for the lease agreement has 4292
been conducted upon the basis of basic plans, specifications, 4293
bills of materials, and estimates of costs, upon the award to the 4294
builder the department, or the builder with the approval of the 4295
department, shall appoint an architect or engineer licensed in 4296
this state to prepare such further detailed plans, specifications, 4297
and bills of materials as are required to construct the building, 4298
structure, or improvement. The department shall adopt such rules 4299
as are necessary to give effect to this section. The department 4300
may reject any bid. Where there is reason to believe there is 4301
collusion or combination among bidders, the bids of those 4302
concerned therein shall be rejected. 4303

(15) To acquire by purchase, gift, devise, or grant and to 4304
transfer, lease, or otherwise dispose of all real property 4305
required to assist in the development of a conversion facility as 4306
defined in section 5709.30 of the Revised Code as that section 4307
existed before its repeal by H.B. 95 of the 125th general 4308
assembly; 4309

(16) To lease for a period not to exceed forty years, 4310
notwithstanding any other division of this section, the 4311
state-owned property located at 408-450 East Town Street, 4312
Columbus, Ohio, formerly the state school for the deaf, to a 4313
developer in accordance with this section. "Developer," as used in 4314

this section, has the same meaning as in section 123.77 of the Revised Code. 4315
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Such a lease shall be for the purpose of development of the land for use by senior citizens by constructing, altering, renovating, repairing, expanding, and improving the site as it existed on June 25, 1982. A developer desiring to lease the land shall prepare for submission to the department a plan for development. Plans shall include provisions for roads, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the development, and shall set forth details of the developer's financial responsibility. 4317
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The department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and other necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following: 4328
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(a) The best interests of the state will be promoted by entering into a lease with the developer; 4334
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(b) The development plans are satisfactory; 4336

(c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development. 4337
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The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and 4340
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stipulations as the director considers necessary to preserve the 4346
best interest of the state. Moneys received by the state pursuant 4347
to this lease shall be paid into the general revenue fund. The 4348
lease shall provide that at the end of the lease period the 4349
buildings, structures, and related improvements shall become the 4350
property of the state without cost. 4351

(17) To lease to any person any tract of land owned by the 4352
state and under the control of the department, or any part of such 4353
a tract, for the purpose of drilling for or the pooling of oil or 4354
gas. Such a lease shall be granted for a period not exceeding 4355
forty years, with the full power to contract for, determine the 4356
conditions governing, and specify the amount the state shall 4357
receive for the purposes specified in the lease, and shall be 4358
prepared as in other cases. 4359

(18) Biennially implement, by state agency location, a census 4360
of agency employees assigned space; 4361

(19) Require each state agency to categorize periodically the 4362
use of space allotted to the agency between office space, common 4363
areas, storage space, and other uses and report its findings to 4364
the department; 4365

(20) Create and update periodically a master space 4366
utilization plan for all space allotted to state agencies. The 4367
plan shall incorporate space utilization metrics. 4368

(21) Conduct periodically a cost-benefit analysis to 4369
determine the effectiveness of state-owned buildings; 4370

(22) Assess periodically the alternatives associated with 4371
consolidating the commercial leases for buildings located in 4372
Columbus; 4373

(23) Commission a comprehensive space utilization and 4374
capacity study in order to determine the feasibility of 4375
consolidating existing commercially leased space used by state 4376

agencies into a new state-owned facility. 4377

(B) This section and section 125.02 of the Revised Code shall 4378
not interfere with any of the following: 4379

(1) The power of the adjutant general to purchase military 4380
supplies, or with the custody of the adjutant general of property 4381
leased, purchased, or constructed by the state and used for 4382
military purposes, or with the functions of the adjutant general 4383
as director of state armories; 4384

(2) The power of the director of transportation in acquiring 4385
rights-of-way for the state highway system, or the leasing of 4386
lands for division or resident district offices, or the leasing of 4387
lands or buildings required in the maintenance operations of the 4388
department of transportation, or the purchase of real property for 4389
garage sites or division or resident district offices, or in 4390
preparing plans and specifications for and constructing such 4391
buildings as the director may require in the administration of the 4392
department; 4393

(3) The power of the director of public safety and the 4394
registrar of motor vehicles to purchase or lease real property and 4395
buildings to be used solely as locations to which a deputy 4396
registrar is assigned pursuant to division (B) of section 4507.011 4397
of the Revised Code and from which the deputy registrar is to 4398
conduct the deputy registrar's business, the power of the director 4399
of public safety to purchase or lease real property and buildings 4400
to be used as locations for division or district offices as 4401
required in the maintenance of operations of the department of 4402
public safety, and the power of the superintendent of the state 4403
highway patrol in the purchase or leasing of real property and 4404
buildings needed by the patrol, to negotiate the sale of real 4405
property owned by the patrol, to rent or lease real property owned 4406
or leased by the patrol, and to make or cause to be made repairs 4407
to all property owned or under the control of the patrol; 4408

(4) The power of the division of liquor control in the 4409
leasing or purchasing of retail outlets and warehouse facilities 4410
for the use of the division; 4411

(5) The power of the director of development to enter into 4412
leases of real property, buildings, and office space to be used 4413
solely as locations for the state's foreign offices to carry out 4414
the purposes of section 122.05 of the Revised Code. 4415

(C) Purchases for, and the custody and repair of, buildings 4416
under the management and control of the capitol square review and 4417
advisory board, the rehabilitation services commission, the bureau 4418
of workers' compensation, or the departments of public safety, job 4419
and family services, mental health, mental retardation and 4420
developmental disabilities, and rehabilitation and correction, and 4421
buildings of educational and benevolent institutions under the 4422
management and control of boards of trustees, are not subject to 4423
the control and jurisdiction of the department of administrative 4424
services. 4425

(D) Any instrument by which real property is acquired 4426
pursuant to this section shall identify the agency of the state 4427
that has the use and benefit of the real property as specified in 4428
section 5301.012 of the Revised Code. 4429

Sec. 123.152. (A) As used in this section, "EDGE business 4430
enterprise" means a sole proprietorship, association, partnership, 4431
corporation, limited liability corporation, or joint venture 4432
certified as a participant in the encouraging diversity, growth, 4433
and equity program by the director of administrative services 4434
under this section of the Revised Code. 4435

(B) The director of administrative services shall establish a 4436
business assistance program known as the encouraging diversity, 4437
growth, and equity program and shall adopt rules in accordance 4438

with Chapter 119. of the Revised Code to administer the program 4439
and that do all of the following: 4440

(1) Establish procedures by which a sole proprietorship, 4441
association, partnership, corporation, limited liability 4442
corporation, or joint venture may apply for certification as an 4443
EDGE business enterprise; 4444

(2) Establish agency procurement goals for contracting with 4445
EDGE business enterprises in the award of contracts under Chapters 4446
123., 125., and 153. of the Revised Code based on the availability 4447
of eligible program participants by region or geographic area, as 4448
determined by the director, and by standard industrial code. 4449

(a) Goals established under division (B)(2) of this section 4450
shall be based on a percentage level of participation and a 4451
percentage of contractor availability. 4452

(b) Goals established under division (B)(2) of this section 4453
shall be applied at the contract level, relative to an overall 4454
dollar goal for each state agency, in accordance with the 4455
following certification categories: construction, architecture, 4456
and engineering; professional services; goods and services; and 4457
information technology services. 4458

(3) Establish a system of certifying EDGE business 4459
enterprises based on a requirement that the business owner or 4460
owners show both social and economic disadvantage based on the 4461
following, as determined to be sufficient by the director: 4462

(a) Relative wealth of the business seeking certification as 4463
well as the personal wealth of the owner or owners of the 4464
business; 4465

(b) Social disadvantage based on any of the following: 4466

(i) A rebuttable presumption when the business owner or 4467
owners demonstrate membership in a racial minority group or show 4468

<u>personal disadvantage due to color, ethnic origin, gender,</u>	4469
<u>physical disability, long-term residence in an environment</u>	4470
<u>isolated from the mainstream of American society, location in an</u>	4471
<u>area of high unemployment;</u>	4472
<u>(ii) Some other demonstration of personal disadvantage not</u>	4473
<u>common to other small businesses;</u>	4474
<u>(iii) By business location in a qualified census tract.</u>	4475
<u>(c) Economic disadvantage based on economic and business size</u>	4476
<u>thresholds and eligibility criteria designed to stimulate economic</u>	4477
<u>development through contract awards to businesses located in</u>	4478
<u>qualified census tracts.</u>	4479
<u>(4) Establish standards to determine when an EDGE business</u>	4480
<u>enterprise no longer qualifies for EDGE business enterprise</u>	4481
<u>certification;</u>	4482
<u>(5) Develop a process for evaluating and adjusting goals</u>	4483
<u>established by this section to determine what adjustments are</u>	4484
<u>necessary to achieve participation goals established by the</u>	4485
<u>director;</u>	4486
<u>(6) Establish a point system to evaluate bid proposals to</u>	4487
<u>encourage EDGE business enterprises to participate in the</u>	4488
<u>procurement of professional design and information technology</u>	4489
<u>services;</u>	4490
<u>(7) Establish a system to track data and analyze each</u>	4491
<u>certification category established under division (B)(2)(b) of</u>	4492
<u>this section;</u>	4493
<u>(8) Establish a process to mediate complaints and to review</u>	4494
<u>EDGE business enterprise certification appeals;</u>	4495
<u>(9) Implement an outreach program to educate potential</u>	4496
<u>participants about the encouraging diversity, growth, and equity</u>	4497
<u>program;</u>	4498

(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes; 4499
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(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; 4502
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(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; 4505
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(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies. 4509
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(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. 4513
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Sec. 124.03. The state personnel board of review shall exercise the following powers and perform the following duties: 4518
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(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 4520
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(D) of section 124.14 of the Revised Code. As used in this 4529
division, "discharge" includes disability separations. ~~The~~ 4530

The board may affirm, disaffirm, or modify the decisions of 4531
the appointing authorities or the director, as the case may be, 4532
and its decision is final. The board's decisions shall be 4533
consistent with the applicable classification specifications. ~~The~~ 4534

The board shall not be deprived of jurisdiction to hear any 4535
appeal due to the failure of an appointing authority to file its 4536
decision with the board. Any final decision of an appointing 4537
authority or of the director not filed in the manner provided in 4538
this chapter shall be disaffirmed. ~~The~~ 4539

The board may place an exempt employee, as defined in section 4540
124.152 of the Revised Code, into a bargaining unit 4541
classification, if the board determines that the bargaining unit 4542
classification is the proper classification for that employee. 4543
Notwithstanding Chapter 4117. of the Revised Code or instruments 4544
and contracts negotiated under it, such placements are at the 4545
board's discretion. 4546

In any hearing before the board, including any hearing at 4547
which a record is taken that may be the basis of an appeal to a 4548
court, an employee may be represented by a person permitted to 4549
practice before the board who is not an attorney at law ~~so~~ as long 4550
as the person does not receive any compensation from the employee 4551
for ~~such~~ the representation. 4552

(B) Hear appeals, as provided by law, of appointing 4553
authorities from final decisions of the director relative to the 4554
classification or reclassification of any position in the 4555
classified state service under the jurisdiction of ~~such~~ that 4556
appointing authority. The board may affirm, disaffirm, or modify 4557
the decisions of the director, and its decision is final. The 4558
board's decisions shall be consistent with the applicable 4559

classification specifications. 4560

(C) Exercise the authority provided by section 124.40 of the 4561
Revised Code, for appointment, removal, and supervision of 4562
municipal and civil service township civil service commissions; 4563

(D) Appoint a secretary, referees, examiners, and whatever 4564
other employees are necessary in the exercise of its powers and 4565
performance of its duties and functions. The board shall determine 4566
appropriate education and experience requirements for its 4567
secretary, referees, examiners, and other employees and shall 4568
prescribe their duties. A referee or examiner does not need to 4569
have been admitted to the practice of law. 4570

(E) Maintain a journal ~~which~~ that shall be open to public 4571
inspection, in which it shall keep a record of all of its 4572
proceedings and of the vote of each of its members upon every 4573
action taken by it; 4574

(F) Adopt rules in accordance with Chapter 119. of the 4575
Revised Code relating to the procedure of the board in 4576
administering the laws ~~which~~ it has the authority or duty to 4577
administer and for the purpose of invoking the jurisdiction of the 4578
board in hearing appeals of appointing authorities and employees 4579
in matters set forth in divisions (A) and (B) of this section; 4580

(G) Subpoena and require the attendance and testimony of 4581
witnesses and the production of books, papers, public records, and 4582
other documentary evidence pertinent to any matter ~~which~~ it has 4583
authority to investigate, inquire into, or hear in the same manner 4584
and to the same extent as provided by division (G) of section 4585
124.09 of the Revised Code. All witness fees shall be paid in the 4586
manner set forth in that division. 4587

(H) The board shall be funded by general revenue fund 4588
appropriations. All moneys received by the board for copies of 4589
documents, rule books, and transcriptions shall be paid into the 4590

state treasury to the credit of the transcript and other documents 4591
 fund, which is hereby created to defray the cost of ~~furnishing or~~ 4592
~~making available such copies, rule books, and transcriptions~~ 4593
producing an administrative record. 4594

Sec. 124.15. (A) Board and commission members appointed prior 4595
 to July 1, 1991, shall be paid a salary or wage in accordance with 4596
 the following schedules of rates: 4597

Schedule B 4598

Pay Ranges and Step Values 4599

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	4601
Annually	11897.60	12292.80	12688.00	13124.80	4602
	Step 5	Step 6			4603
Hourly	6.52	6.75			4604
Annually	13561.60	14040.00			4605
	Step 1	Step 2	Step 3	Step 4	4606
24 Hourly	6.00	6.20	6.41	6.63	4607
Annually	12480.00	12896.00	13332.80	13790.40	4608
	Step 5	Step 6			4609
Hourly	6.87	7.10			4610
Annually	14289.60	14768.00			4611
	Step 1	Step 2	Step 3	Step 4	4612
25 Hourly	6.31	6.52	6.75	6.99	4613
Annually	13124.80	13561.60	14040.00	14539.20	4614
	Step 5	Step 6			4615
Hourly	7.23	7.41			4616
Annually	15038.40	15412.80			4617
	Step 1	Step 2	Step 3	Step 4	4618
26 Hourly	6.63	6.87	7.10	7.32	4619
Annually	13790.40	14289.60	14768.00	15225.60	4620
	Step 5	Step 6			4621
Hourly	7.53	7.77			4622

	Annually	15662.40	16161.60			4623
		Step 1	Step 2	Step 3	Step 4	4624
27	Hourly	6.99	7.23	7.41	7.64	4625
	Annually	14534.20	15038.40	15412.80	15891.20	4626
		Step 5	Step 6	Step 7		4627
	Hourly	7.88	8.15	8.46		4628
	Annually	16390.40	16952.00	17596.80		4629
		Step 1	Step 2	Step 3	Step 4	4630
28	Hourly	7.41	7.64	7.88	8.15	4631
	Annually	15412.80	15891.20	16390.40	16952.00	4632
		Step 5	Step 6	Step 7		4633
	Hourly	8.46	8.79	9.15		4634
	Annually	17596.80	18283.20	19032.00		4635
		Step 1	Step 2	Step 3	Step 4	4636
29	Hourly	7.88	8.15	8.46	8.79	4637
	Annually	16390.40	16952.00	17596.80	18283.20	4638
		Step 5	Step 6	Step 7		4639
	Hourly	9.15	9.58	10.01		4640
	Annually	19032.00	19926.40	20820.80		4641
		Step 1	Step 2	Step 3	Step 4	4642
30	Hourly	8.46	8.79	9.15	9.58	4643
	Annually	17596.80	18283.20	19032.00	19926.40	4644
		Step 5	Step 6	Step 7		4645
	Hourly	10.01	10.46	10.99		4646
	Annually	20820.80	21756.80	22859.20		4647
		Step 1	Step 2	Step 3	Step 4	4648
31	Hourly	9.15	9.58	10.01	10.46	4649
	Annually	19032.00	19962.40	20820.80	21756.80	4650
		Step 5	Step 6	Step 7		4651
	Hourly	10.99	11.52	12.09		4652
	Annually	22859.20	23961.60	25147.20		4653
		Step 1	Step 2	Step 3	Step 4	4654
32	Hourly	10.01	10.46	10.99	11.52	4655

	Annually	20820.80	21756.80	22859.20	23961.60	4656
		Step 5	Step 6	Step 7	Step 8	4657
	Hourly	12.09	12.68	13.29	13.94	4658
	Annually	25147.20	26374.40	27643.20	28995.20	4659
		Step 1	Step 2	Step 3	Step 4	4660
33	Hourly	10.99	11.52	12.09	12.68	4661
	Annually	22859.20	23961.60	25147.20	26374.40	4662
		Step 5	Step 6	Step 7	Step 8	4663
	Hourly	13.29	13.94	14.63	15.35	4664
	Annually	27643.20	28995.20	30430.40	31928.00	4665
		Step 1	Step 2	Step 3	Step 4	4666
34	Hourly	12.09	12.68	13.29	13.94	4667
	Annually	25147.20	26374.40	27643.20	28995.20	4668
		Step 5	Step 6	Step 7	Step 8	4669
	Hourly	14.63	15.35	16.11	16.91	4670
	Annually	30430.40	31928.00	33508.80	35172.80	4671
		Step 1	Step 2	Step 3	Step 4	4672
35	Hourly	13.29	13.94	14.63	15.35	4673
	Annually	27643.20	28995.20	30430.40	31928.00	4674
		Step 5	Step 6	Step 7	Step 8	4675
	Hourly	16.11	16.91	17.73	18.62	4676
	Annually	33508.80	35172.80	36878.40	38729.60	4677
		Step 1	Step 2	Step 3	Step 4	4678
36	Hourly	14.63	15.35	16.11	16.91	4679
	Annually	30430.40	31928.00	33508.80	35172.80	4680
		Step 5	Step 6	Step 7	Step 8	4681
	Hourly	17.73	18.62	19.54	20.51	4682
	Annually	36878.40	38729.60	40643.20	42660.80	4683
	Schedule C					4684
		Pay Range and Values				4685
	Range	Minimum		Maximum		4686
41	Hourly	10.44		15.72		4687
	Annually	21715.20		32697.60		4688

42 Hourly	11.51	17.35	4689
Annually	23940.80	36088.00	4690
43 Hourly	12.68	19.12	4691
Annually	26374.40	39769.60	4692
44 Hourly	13.99	20.87	4693
Annually	29099.20	43409.60	4694
45 Hourly	15.44	22.80	4695
Annually	32115.20	47424.00	4696
46 Hourly	17.01	24.90	4697
Annually	35380.80	51792.00	4698
47 Hourly	18.75	27.18	4699
Annually	39000.00	56534.40	4700
48 Hourly	20.67	29.69	4701
Annually	42993.60	61755.20	4702
49 Hourly	22.80	32.06	4703
Annually	47424.00	66684.80	4704

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 4705
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(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. 4707
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(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 4710
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administrative services and the director of budget and management, 4721
may establish payments to employees for uniforms, tools, 4722
equipment, and other requirements of the department and payments 4723
for the maintenance of them. 4724

The director of administrative services may review collective 4725
bargaining agreements entered into under Chapter 4117. of the 4726
Revised Code that cover state employees and determine whether 4727
certain benefits or payments provided to state employees covered 4728
by those agreements should also be provided to employees who are 4729
exempt from collective bargaining coverage and are paid in 4730
accordance with section 124.152 of the Revised Code or are listed 4731
in division (B)(2) or (4) of section 124.14 of the Revised Code. 4732
On completing the review, the director of administrative services, 4733
with the approval of the director of budget and management, may 4734
provide to some or all of these employees any payment or benefit, 4735
except for salary, contained in such a collective bargaining 4736
agreement even if it is similar to a payment or benefit already 4737
provided by law to some or all of these employees. Any payment or 4738
benefit so provided shall not exceed the highest level for that 4739
payment or benefit specified in such a collective bargaining 4740
agreement. The director of administrative services shall not 4741
provide, and the director of budget and management shall not 4742
approve, any payment or benefit to such an employee under this 4743
division unless the payment or benefit is provided pursuant to a 4744
collective bargaining agreement to a state employee who is in a 4745
position with similar duties as, is supervised by, or is employed 4746
by the same appointing authority as, the employee to whom the 4747
benefit or payment is to be provided. 4748

As used in this division, "payment or benefit already 4749
provided by law" includes, but is not limited to, bereavement, 4750
personal, vacation, administrative, and sick leave, disability 4751
benefits, holiday pay, and pay supplements provided under the 4752

Revised Code, but does not include wages or salary. 4753

(E) New employees paid under schedule B of division (A) of 4754
this section or under schedule E-1 of section 124.152 of the 4755
Revised Code shall be employed at the minimum rate established for 4756
the range unless otherwise provided. Employees with qualifications 4757
that are beyond the minimum normally required for the position and 4758
that are determined by the director to be exceptional may be 4759
employed in, or may be transferred or promoted to, a position at 4760
an advanced step of the range. Further, in time of a serious labor 4761
market condition when it is relatively impossible to recruit 4762
employees at the minimum rate for a particular classification, the 4763
entrance rate may be set at an advanced step in the range by the 4764
director of administrative services. This rate may be limited to 4765
geographical regions of the state. Appointments made to an 4766
advanced step under the provision regarding exceptional 4767
qualifications shall not affect the step assignment of employees 4768
already serving. However, anytime the hiring rate of an entire 4769
classification is advanced to a higher step, all incumbents of 4770
that classification being paid at a step lower than that being 4771
used for hiring, shall be advanced beginning at the start of the 4772
first pay period thereafter to the new hiring rate, and any time 4773
accrued at the lower step will be used to calculate advancement to 4774
a succeeding step. If the hiring rate of a classification is 4775
increased for only a geographical region of the state, only 4776
incumbents who work in that geographical region shall be advanced 4777
to a higher step. When an employee in the unclassified service 4778
changes from one state position to another or is appointed to a 4779
position in the classified service, or if an employee in the 4780
classified service is appointed to a position in the unclassified 4781
service, the employee's salary or wage in the new position shall 4782
be determined in the same manner as if the employee were an 4783
employee in the classified service. When an employee in the 4784
unclassified service who is not eligible for step increases is 4785

appointed to a classification in the classified service under 4786
which step increases are provided, future step increases shall be 4787
based on the date on which the employee last received a pay 4788
increase. If the employee has not received an increase during the 4789
previous year, the date of the appointment to the classified 4790
service shall be used to determine the employee's annual step 4791
advancement eligibility date. In reassigning any employee to a 4792
classification resulting in a pay range increase or to a new pay 4793
range as a result of a promotion, an increase pay range 4794
adjustment, or other classification change resulting in a pay 4795
range increase, the director shall assign such employee to the 4796
step in the new pay range that will provide an increase of 4797
approximately four per cent if the new pay range can accommodate 4798
the increase. When an employee is being assigned to a 4799
classification or new pay range as the result of a class plan 4800
change, if the employee has completed a probationary period, the 4801
employee shall be placed in a step no lower than step two of the 4802
new pay range. If the employee has not completed a probationary 4803
period, the employee may be placed in step one of the new pay 4804
range. Such new salary or wage shall become effective on such date 4805
as the director determines. 4806

(F) If employment conditions and the urgency of the work 4807
require such action, the director of administrative services may, 4808
upon the application of a department head, authorize payment at 4809
any rate established within the range for the class of work, for 4810
work of a casual or intermittent nature or on a project basis. 4811
Payment at such rates shall not be made to the same individual for 4812
more than three calendar months in any one calendar year. Any such 4813
action shall be subject to the approval of the director of budget 4814
and management as to the availability of funds. This section and 4815
sections 124.14 and 124.152 of the Revised Code do not repeal any 4816
authority of any department or public official to contract with or 4817
fix the compensation of professional persons who may be employed 4818

temporarily for work of a casual nature or for work on a project 4819
basis. 4820

(G) ~~Each~~ (1) Except as provided in division (G)(2) of this 4821
section, each state employee paid under schedule B of this section 4822
or under schedule E-1 of section 124.152 of the Revised Code shall 4823
be eligible for advancement to succeeding steps in the range for 4824
the employee's class according to the schedule established in this 4825
division. Beginning on the first day of the pay period within 4826
which the employee completes the prescribed probationary period in 4827
the employee's classification with the state, each employee shall 4828
receive an automatic salary adjustment equivalent to the next 4829
higher step within the pay range for the employee's class or 4830
grade. 4831

Each employee paid under schedule E-1 of section 124.152 of 4832
the Revised Code shall be eligible to advance to the next higher 4833
step until the employee reaches step six, if the employee has 4834
maintained satisfactory performance in accordance with criteria 4835
established by the employee's appointing authority. Those step 4836
~~increases~~ advancements shall not occur more frequently than once 4837
in any twelve-month period. An employee only may advance to step 4838
seven upon performing at an exemplary level as determined in the 4839
employee's performance evaluation. An employee's advancement to 4840
step seven is at the discretion of the employee's appointing 4841
authority. An employee may not appeal the denial of advancement to 4842
step seven to the state personnel board of review. 4843

When an employee is promoted or reassigned to a higher pay 4844
range, the employee's step indicator shall return to "0" or be 4845
adjusted to account for a probationary period, as appropriate. 4846
Step advancement shall not be affected by demotion. A promoted 4847
employee shall advance to the next higher step of the pay range on 4848
the first day of the pay period in which the required probationary 4849
period is completed. Step advancement shall become effective at 4850

the beginning of the pay period within which the employee attains 4851
the necessary length of service. Time spent on authorized leave of 4852
absence shall be counted for this purpose. 4853

If determined to be in the best interest of the state 4854
service, the director of administrative services may, either 4855
statewide or in selected agencies, adjust the dates on which 4856
annual step ~~increases~~ advancements are received by employees paid 4857
under schedule E-1 of section 124.152 of the Revised Code. 4858

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 4859
this section, there shall be a moratorium on step advancements 4860
under division (G)(1) of this section from the pay period 4861
beginning June 29, 2003, through the pay period ending June 25, 4862
2005. Step advancements shall resume with the pay period beginning 4863
June 26, 2005. Upon the resumption of step advancements, there 4864
shall be no retroactive step advancements for the period the 4865
moratorium was in effect. The moratorium shall not affect an 4866
employee's performance evaluation schedule. 4867

(ii) During the moratorium under division (G)(2)(a)(i) of 4868
this section, an employee who is hired or promoted and serves a 4869
probationary period in the employee's new position shall advance 4870
to the next step in the employee's pay range upon successful 4871
completion of the employee's probationary period. Thereafter, the 4872
employee is subject to the moratorium. 4873

(b) The moratorium under division (G)(2)(a)(i) of this 4874
section shall apply to the employees of the secretary of state, 4875
the auditor of state, the treasurer of state, the attorney 4876
general, the supreme court, and state boards and commissions, who 4877
are subject to this section unless the secretary of state, auditor 4878
of state, treasurer of state, attorney general, supreme court, 4879
board, or commission decides to exempt its employees from the 4880
moratorium and so notifies the director of administrative services 4881
in writing on or before July 1, 2003. 4882

(H) Employees in appointive managerial or professional 4883
positions paid under salary schedule C of this section or under 4884
salary schedule E-2 of section 124.152 of the Revised Code may be 4885
appointed at any rate within the appropriate pay range. This rate 4886
of pay may be adjusted higher or lower within the respective pay 4887
range at any time the appointing authority so desires as long as 4888
the adjustment is based on the employee's ability to successfully 4889
administer those duties assigned to the employee. Salary 4890
adjustments shall not be made more frequently than once in any 4891
six-month period under this provision to incumbents holding the 4892
same position and classification. 4893

(I) When an employee is assigned to duty outside this state, 4894
the employee may be compensated, upon request of the department 4895
head and with the approval of the director of administrative 4896
services, at a rate not to exceed fifty per cent in excess of the 4897
employee's current base rate for the period of time spent on that 4898
duty. 4899

(J) Unless compensation for members of a board or commission 4900
is otherwise specifically provided by law, the director of 4901
administrative services shall establish the rate and method of 4902
payment for members of boards and commissions pursuant to the pay 4903
schedules listed in section 124.152 of the Revised Code. 4904

(K) Regular full-time employees in positions assigned to 4905
classes within the instruction and education administration series 4906
under the rules of the director of administrative services, except 4907
certificated employees on the instructional staff of the state 4908
school for the blind or the state school for the deaf, whose 4909
positions are scheduled to work on the basis of an academic year 4910
rather than a full calendar year, shall be paid according to the 4911
pay range assigned by such rules but only during those pay periods 4912
included in the academic year of the school where the employee is 4913
located. 4914

(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 4946
that begins on the ensuing first day of July, teacher salary 4947
schedules with the highest minimum salaries for a teacher with a 4948
bachelor's degree and no experience; 4949

(c) Divide the sum of such six highest minimum salaries by 4950
ten thousand five hundred sixty; 4951

(d) Multiply each per cent determined in division (L)(1)(a) 4952
of this section by the quotient obtained in division (L)(1)(c) of 4953
this section; 4954

(e) One hundred five per cent of each product thus obtained 4955
shall be the hourly rate for the corresponding level of training, 4956
experience, or other professional qualification in the schedule 4957
for the ensuing fiscal year. 4958

(2) Annually, assign each certificated employee on the 4959
instructional staff of the superintendent's respective school to 4960
an hourly rate on the schedule that is commensurate with the 4961
employee's training, experience, and other professional 4962
qualifications. 4963

If an employee is employed on the basis of an academic year, 4964
the employee's annual salary shall be calculated by multiplying 4965
the employee's assigned hourly rate times one thousand seven 4966
hundred sixty. If an employee is not employed on the basis of an 4967
academic year, the employee's annual salary shall be calculated in 4968
accordance with the following formula: 4969

(a) Multiply the number of days the employee is required to 4970
work pursuant to the employee's contract by eight; 4971

(b) Multiply the product of division (L)(2)(a) of this 4972
section by the employee's assigned hourly rate. 4973

Each employee shall be paid an annual salary in biweekly 4974
installments. The amount of each installment shall be calculated 4975

by dividing the employee's annual salary by the number of biweekly installments to be paid during the year. 4976
4977

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division. 4978
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As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year. 4980
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(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section. 4994
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Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable. 4997
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~~Sec. 124.152. (A) Beginning on the first day of the pay period that includes July 1, 2000, each exempt employee shall be paid a salary or wage in accordance with the following schedule of rates:~~ 5002
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5005

	Annually	51667	54558	57658	60840	64189	67746	71469	5039
16	Hourly	27.39	28.91	30.51	32.21	33.99	35.92	37.90	5040
	Annually	56971	60133	63461	66997	70699	74714	78832	5041
17	Hourly	30.18	31.85	33.63	35.49	37.47	39.56	41.74	5042
	Annually	62774	66248	69950	73819	77938	82285	86819	5043
18	Hourly	33.26	35.10	37.07	39.12	41.28	43.59	45.99	5044
	Annually	69181	73008	77106	81370	85862	90667	95659	5045
Schedule E-2									5046
	Range			Minimum				Maximum	5047
41	Hourly			16.23				30.15	5048
	Annually			33758				62712	5049
42	Hourly			17.89				33.31	5050
	Annually			37211				69285	5051
43	Hourly			19.70				36.69	5052
	Annually			40976				76315	5053
44	Hourly			21.73				40.07	5054
	Annually			45198				83346	5055
45	Hourly			24.01				43.75	5056
	Annually			49941				91000	5057
46	Hourly			26.43				47.81	5058
	Annually			54974				99445	5059
47	Hourly			29.14				52.17	5060
	Annually			60611				108514	5061
48	Hourly			32.14				56.94	5062
	Annually			66851				118435	5063
49	Hourly			35.44				61.48	5064
	Annually			73715				127878	5065
(B) Beginning on the first day of the pay period that									5066
includes July 1, 2001, each exempt employee shall be paid a salary									5067
or wage in accordance with the following schedule of rates:									5068
Schedule E-1									5069
Pay Ranges and Step Values									5070

		Step	Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	7	
									5071
									5072
1	Hourly	8.44	8.81	9.19	9.59				5073
	Annually	17555	18325	19115	19947				5074
2	Hourly	10.23	10.66	11.13	11.62				5075
	Annually	21278	22173	23150	24170				5076
3	Hourly	10.71	11.20	11.69	12.20				5077
	Annually	22277	23296	24315	25376				5078
4	Hourly	11.25	11.76	12.32	12.87				5079
	Annually	23400	24461	25626	26770				5080
5	Hourly	11.81	12.35	12.87	13.43				5081
	Annually	24565	25688	26770	27934				5082
6	Hourly	12.44	12.95	13.53	14.08				5083
	Annually	25875	26936	28142	29286				5084
7	Hourly	13.21	13.71	14.26	14.76	15.33			5085
	Annually	27477	28517	29661	30701	31886			5086
8	Hourly	13.97	14.58	15.22	15.89	16.57			5087
	Annually	29058	30326	31658	33051	34466			5088
9	Hourly	14.90	15.67	16.45	17.26	18.14			5089
	Annually	30992	32594	34216	35901	37731			5090
10	Hourly	16.08	16.95	17.87	18.89	19.90			5091
	Annually	33446	35256	37170	39291	41392			5092
11	Hourly	17.50	18.53	19.60	20.70	21.88			5093
	Annually	36400	38542	40768	43056	45510			5094
12	Hourly	19.31	20.39	21.49	22.68	23.94	25.25	26.64	5095
	Annually	40165	42411	44699	47174	49795	52520	55411	5096
13	Hourly	21.28	22.45	23.68	24.95	26.35	27.79	29.32	5097
	Annually	44262	46696	49254	51896	54808	57803	60986	5098
14	Hourly	23.41	24.73	26.06	27.49	29.04	30.65	32.33	5099
	Annually	48693	51438	54205	57179	60403	63752	67246	5100
15	Hourly	25.71	27.15	28.69	30.27	31.94	33.71	35.56	5101
	Annually	53477	56472	59675	62962	66435	70117	73965	5102
16	Hourly	28.35	29.92	31.58	33.34	35.18	37.18	39.23	5103

	Annually	58968	62234	65686	69347	73174	77334	81598	5104
17	Hourly	31.24	32.96	34.81	36.73	38.78	40.94	43.20	5105
	Annually	64979	68557	72405	76398	80662	85155	89856	5106
18	Hourly	34.42	36.33	38.37	40.49	42.72	45.12	47.60	5107
	Annually	71594	75566	79810	84219	88858	93850	99008	5108

Schedule E-2 5109

	Range		Minimum		Maximum				5110
41	Hourly		16.23		31.21				5111
	Annually		33758		64917				5112
42	Hourly		17.89		34.48				5113
	Annually		37211		71718				5114
43	Hourly		19.70		37.97				5115
	Annually		40976		78978				5116
44	Hourly		21.73		41.47				5117
	Annually		45198		86258				5118
45	Hourly		24.01		45.28				5119
	Annually		49941		94182				5120
46	Hourly		26.43		49.48				5121
	Annually		54974		102918				5122
47	Hourly		29.14		54.00				5123
	Annually		60611		112320				5124
48	Hourly		32.14		58.93				5125
	Annually		66851		122574				5126
49	Hourly		35.44		63.63				5127
	Annually		73715		132350				5128

(C) Beginning on the first day of the pay period that 5129
includes July 1, 2002, each exempt employee shall be paid a salary 5130
or wage in accordance with the following schedule of rates: 5131

Schedule E-1 5132

Pay Ranges and Step Values 5133

	Step	Step	Step	Step	Step	Step	Step		5134
Range	1	2	3	4	5	6	7		5135

1	Hourly	8.78	9.16	9.56	9.97				5136
	Annually	18262	19053	19885	20738				5137
2	Hourly	10.64	11.09	11.58	12.08				5138
	Annually	22131	23067	24086	25126				5139
3	Hourly	11.14	11.65	12.16	12.69				5140
	Annually	23171	24232	25293	26395				5141
4	Hourly	11.70	12.23	12.81	13.38				5142
	Annually	24336	25438	26645	27830				5143
5	Hourly	12.28	12.84	13.38	13.97				5144
	Annually	25542	26707	27830	29058				5145
6	Hourly	12.94	13.47	14.07	14.64				5146
	Annually	26915	28018	29266	30451				5147
7	Hourly	13.74	14.26	14.83	15.35	15.94			5148
	Annually	28579	29661	30846	31928	33155			5149
8	Hourly	14.53	15.16	15.83	16.53	17.23			5150
	Annually	30222	31533	32926	34382	35838			5151
9	Hourly	15.50	16.30	17.11	17.95	18.87			5152
	Annually	32240	33904	35589	37336	39250			5153
10	Hourly	16.72	17.63	18.58	19.65	20.70			5154
	Annually	34778	36670	38646	40872	43056			5155
11	Hourly	18.20	19.27	20.38	21.53	22.76			5156
	Annually	37856	40082	42390	44782	47341			5157
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	27.71	5158
	Annually	41766	44117	46488	49067	51792	54621	57637	5159
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	30.49	5160
	Annually	46030	48568	51230	53976	56992	60112	63419	5161
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	33.62	5162
	Annually	50648	53498	56368	59467	62816	66310	69930	5163
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	36.98	5164
	Annually	55619	58739	62067	65478	69098	72925	76918	5165
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	40.80	5166
	Annually	61318	64730	68307	72114	76107	80434	84864	5167
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	44.93	5168

	Annually	67579	71302	75296	79456	83886	88566	93454	5169
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	49.50	5170
	Annually	74464	78582	82992	87589	92414	97594	102960	5171
Schedule E-2									5172
	Range			Minimum				Maximum	5173
41	Hourly			16.23				32.46	5174
	Annually			33758				67517	5175
42	Hourly			17.89				35.86	5176
	Annually			37211				74589	5177
43	Hourly			19.70				39.49	5178
	Annually			40976				82139	5179
44	Hourly			21.73				43.13	5180
	Annually			45198				89710	5181
45	Hourly			24.01				47.09	5182
	Annually			49941				97947	5183
46	Hourly			26.43				51.46	5184
	Annually			54974				107037	5185
47	Hourly			29.14				56.16	5186
	Annually			60611				116813	5187
48	Hourly			32.14				61.29	5188
	Annually			66851				127483	5189
49	Hourly			35.44				66.18	5190
	Annually			73715				137654	5191

(D)(B) Beginning on the first day of the pay period that 5192
includes July 1, 2005, each exempt employee shall be paid a salary 5193
or wage in accordance with the following schedule of rates: 5194

Schedule E-1 5195

		<u>Pay Ranges and Step Values</u>							5196
		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	5197
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	5198
1	<u>Hourly</u>	<u>9.13</u>	<u>9.53</u>	<u>9.94</u>	<u>10.37</u>				5199
	<u>Annually</u>	<u>18990</u>	<u>19822</u>	<u>20675</u>	<u>21570</u>				5200

<u>2</u>	<u>Hourly</u>	<u>11.07</u>	<u>11.53</u>	<u>12.04</u>	<u>12.56</u>				5201
	<u>Annually</u>	<u>23026</u>	<u>23982</u>	<u>25043</u>	<u>26125</u>				5202
<u>3</u>	<u>Hourly</u>	<u>11.59</u>	<u>12.12</u>	<u>12.65</u>	<u>13.20</u>				5203
	<u>Annually</u>	<u>24107</u>	<u>25210</u>	<u>26312</u>	<u>27456</u>				5204
<u>4</u>	<u>Hourly</u>	<u>12.17</u>	<u>12.72</u>	<u>13.32</u>	<u>13.92</u>				5205
	<u>Annually</u>	<u>25314</u>	<u>26458</u>	<u>27706</u>	<u>28954</u>				5206
<u>5</u>	<u>Hourly</u>	<u>12.77</u>	<u>13.35</u>	<u>13.92</u>	<u>14.53</u>				5207
	<u>Annually</u>	<u>26562</u>	<u>27768</u>	<u>28954</u>	<u>30222</u>				5208
<u>6</u>	<u>Hourly</u>	<u>13.46</u>	<u>14.01</u>	<u>14.63</u>	<u>15.23</u>				5209
	<u>Annually</u>	<u>27997</u>	<u>29141</u>	<u>30430</u>	<u>31678</u>				5210
<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>			5211
	<u>Annually</u>	<u>29723</u>	<u>30846</u>	<u>32074</u>	<u>33197</u>	<u>34486</u>			5212
<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>			5213
	<u>Annually</u>	<u>31429</u>	<u>32802</u>	<u>34237</u>	<u>35755</u>	<u>37274</u>			5214
<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>			5215
	<u>Annually</u>	<u>33530</u>	<u>35256</u>	<u>37003</u>	<u>38834</u>	<u>40810</u>			5216
<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>			5217
	<u>Annually</u>	<u>36171</u>	<u>38147</u>	<u>40186</u>	<u>42515</u>	<u>44782</u>			5218
<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>			5219
	<u>Annually</u>	<u>39374</u>	<u>41683</u>	<u>44096</u>	<u>46571</u>	<u>49234</u>			5220
<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>	5221
	<u>Annually</u>	<u>43430</u>	<u>45885</u>	<u>48339</u>	<u>51022</u>	<u>53872</u>	<u>56805</u>	<u>59946</u>	5222
<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>	5223
	<u>Annually</u>	<u>47882</u>	<u>50502</u>	<u>53290</u>	<u>56139</u>	<u>59280</u>	<u>62525</u>	<u>65957</u>	5224
<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>	5225
	<u>Annually</u>	<u>52666</u>	<u>55640</u>	<u>58614</u>	<u>61838</u>	<u>65333</u>	<u>68973</u>	<u>72717</u>	5226
<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>	5227
	<u>Annually</u>	<u>57845</u>	<u>61090</u>	<u>64542</u>	<u>68099</u>	<u>71864</u>	<u>75837</u>	<u>79997</u>	5228
<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>	5229
	<u>Annually</u>	<u>63773</u>	<u>67309</u>	<u>71032</u>	<u>75005</u>	<u>79144</u>	<u>83658</u>	<u>88254</u>	5230
<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>	5231
	<u>Annually</u>	<u>70283</u>	<u>74152</u>	<u>78312</u>	<u>82638</u>	<u>87235</u>	<u>92102</u>	<u>97198</u>	5232
<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>	5233

	<u>Annually</u>	<u>77438</u>	<u>81723</u>	<u>86320</u>	<u>91083</u>	<u>96117</u>	<u>101504</u>	<u>107078</u>	5234
	<u>Schedule E-2</u>								5235
	<u>Range</u>			<u>Minimum</u>				<u>Maximum</u>	5236
<u>41</u>	<u>Hourly</u>			<u>16.23</u>				<u>33.76</u>	5237
	<u>Annually</u>			<u>33758</u>				<u>70221</u>	5238
<u>42</u>	<u>Hourly</u>			<u>17.89</u>				<u>37.29</u>	5239
	<u>Annually</u>			<u>37211</u>				<u>77563</u>	5240
<u>43</u>	<u>Hourly</u>			<u>19.70</u>				<u>41.07</u>	5241
	<u>Annually</u>			<u>40976</u>				<u>85426</u>	5242
<u>44</u>	<u>Hourly</u>			<u>21.73</u>				<u>44.86</u>	5243
	<u>Annually</u>			<u>45198</u>				<u>93309</u>	5244
<u>45</u>	<u>Hourly</u>			<u>24.01</u>				<u>48.97</u>	5245
	<u>Annually</u>			<u>49941</u>				<u>101858</u>	5246
<u>46</u>	<u>Hourly</u>			<u>26.43</u>				<u>53.52</u>	5247
	<u>Annually</u>			<u>54974</u>				<u>111322</u>	5248
<u>47</u>	<u>Hourly</u>			<u>29.14</u>				<u>58.41</u>	5249
	<u>Annually</u>			<u>60611</u>				<u>121493</u>	5250
<u>48</u>	<u>Hourly</u>			<u>32.14</u>				<u>63.74</u>	5251
	<u>Annually</u>			<u>66851</u>				<u>132579</u>	5252
<u>49</u>	<u>Hourly</u>			<u>35.44</u>				<u>68.83</u>	5253
	<u>Annually</u>			<u>73715</u>				<u>143166</u>	5254

(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 5266
section, any employee paid under schedule B of section 124.15 or 5267
under schedule E-1 of section 124.152 of the Revised Code is 5268
eligible for the pay supplements provided in this section upon 5269
application by the appointing authority substantiating the 5270
employee's qualifications for the supplement and with the approval 5271
of the director of administrative services except as provided in 5272
division (E) of this section. 5273

(B) ~~In~~ Except as provided in section 124.183 of the Revised 5274
Code, in computing any of the pay supplements provided in this 5275
section, the classification salary base shall be the minimum 5276
hourly rate of the pay range, provided in section 124.15 or 5277
124.152 of the Revised Code, in which the employee is assigned at 5278
the time of computation. 5279

(C) The effective date of any pay supplement, except as 5280
provided in section 124.183 of the Revised Code or unless 5281
otherwise provided in this section, shall be determined by the 5282
director. 5283

(D) The director shall, by rule, establish standards 5284
regarding the administration of this section. 5285

(E)(1) Except as otherwise provided in this division, 5286
beginning on the first day of the pay period within which the 5287
employee completes five years of total service with the state 5288
government or any of its political subdivisions, each employee in 5289
positions paid under salary schedule B of section 124.15 or under 5290
salary schedule E-1 of section 124.152 of the Revised Code shall 5291
receive an automatic salary adjustment equivalent to two and 5292
one-half per cent of the classification salary base, to the 5293
nearest whole cent. Each employee shall receive thereafter an 5294
annual adjustment equivalent to one-half of one per cent of the 5295
employee's classification salary base, to the nearest whole cent, 5296

for each additional year of qualified employment until a maximum 5297
of ten per cent of the employee's classification salary base is 5298
reached. The granting of longevity adjustments shall not be 5299
affected by promotion, demotion, or other changes in 5300
classification held by the employee, nor by any change in pay 5301
range for the employee's class. Longevity pay adjustments shall 5302
become effective at the beginning of the pay period within which 5303
the employee completes the necessary length of service, except 5304
that when an employee requests credit for prior service, the 5305
effective date of the prior service credit and of any longevity 5306
adjustment shall be the first day of the pay period following 5307
approval of the credit by the director of administrative services. 5308
No employee, other than an employee who submits proof of prior 5309
service within ninety days after the date of the employee's 5310
hiring, shall receive any longevity adjustment for the period 5311
prior to the director's approval of a prior service credit. Time 5312
spent on authorized leave of absence shall be counted for this 5313
purpose. 5314

(2) An employee who has retired in accordance with the 5315
provisions of any retirement system offered by the state and who 5316
is employed by the state or any political subdivision of the state 5317
on or after June 24, 1987, shall not have prior service with the 5318
state or any political subdivision of the state counted for the 5319
purpose of determining the amount of the salary adjustment 5320
provided under this division. 5321

(3) There shall be a moratorium on employees' receipt under 5322
this division of credit for service with the state government or 5323
any of its political subdivisions during the period from July 1, 5324
2003, through June 30, 2005. In calculating the number of years of 5325
total service under this division, no credit shall be included for 5326
service during the moratorium. The moratorium shall apply to the 5327
employees of the secretary of state, the auditor of state, the 5328

treasurer of state, the attorney general, the supreme court, and 5329
state boards and commissions, who are subject to this section 5330
unless the secretary of state, auditor of state, treasurer of 5331
state, attorney general, supreme court, board, or commission 5332
decides to exempt its employees from the moratorium and so 5333
notifies the director of administrative services in writing. 5334

If an employee is exempt from the moratorium, receives credit 5335
for a period of service during the moratorium, and takes a 5336
position with another entity in the state government or any of its 5337
political subdivisions, either during or after the moratorium, and 5338
if that entity's employees are or were subject to the moratorium, 5339
the employee shall continue to retain the credit. However, if the 5340
moratorium is in effect upon the taking of the new position, the 5341
employee shall cease receiving additional credit as long as the 5342
employee is in the position, until the moratorium expires. 5343

(F) When an exceptional condition exists that creates a 5344
temporary or a permanent hazard for one or more positions in a 5345
class paid under schedule B of section 124.15 or under salary 5346
schedule E-1 of section 124.152 of the Revised Code, a special 5347
hazard salary adjustment may be granted for the time the employee 5348
is subjected to the hazardous condition. All special hazard 5349
conditions shall be identified for each position and incidence 5350
from information submitted to the director on an appropriate form 5351
provided by the director and categorized into standard conditions 5352
of: some unusual hazard not common to the class; considerable 5353
unusual hazard not common to the class; and exceptional hazard not 5354
common to the class. 5355

(1) A hazardous salary adjustment of five per cent of the 5356
employee's classification salary base may be applied in the case 5357
of some unusual hazardous condition not common to the class for 5358
those hours worked, or a fraction thereof, while the employee was 5359
subject to the unusual hazard condition. 5360

(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 5392
qualified bilingual employees. The bilingual pay supplement 5393
provided in this division may be granted in the amount of five per 5394
cent of the employee's classification salary base for each 5395
required foreign language and shall remain in effect as long as 5396
the bilingual requirement exists. 5397

(I) The director may establish a shift differential for 5398
employees. Such differential shall be paid to employees in 5399
positions working in other than the regular or first shift. In 5400
those divisions or agencies where only one shift prevails, no 5401
shift differential shall be paid regardless of the hours of the 5402
day that are worked. The director and the appointing authority 5403
shall designate which positions shall be covered by this division. 5404

(J) Whenever an employee is assigned to work in a higher 5405
level position for a continuous period of more than two weeks but 5406
no more than two years because of a vacancy, the employee's pay 5407
may be established at a rate that is approximately four per cent 5408
above the employee's current base rate for the period the employee 5409
occupies the position, provided that this temporary occupancy is 5410
approved by the director. Employees paid under this division shall 5411
continue to receive any of the pay supplements due them under 5412
other divisions of this section based on the step one base rate 5413
for their normal classification. 5414

(K) If a certain position, or positions, within a class paid 5415
under schedule B of section 124.15 or under salary schedule E-1 of 5416
section 124.152 of the Revised Code are mandated by state or 5417
federal law or regulation or other regulatory agency or other 5418
certification authority to have special technical certification, 5419
registration, or licensing to perform the functions which are 5420
under the mandate, a special professional achievement pay 5421
supplement may be granted. This special professional achievement 5422
pay supplement shall not be granted when all incumbents in all 5423

positions in a class require license as provided in the 5424
classification description published by the department of 5425
administrative services; to licensees where no special or 5426
extensive training is required; when certification is granted upon 5427
completion of a stipulated term of in-service training; when an 5428
appointing authority has required certification; or any other 5429
condition prescribed by the director. 5430

(1) Before this supplement may be applied, evidence as to the 5431
requirement must be provided by the agency for each position 5432
involved, and certification must be received from the director as 5433
to the director's concurrence for each of the positions so 5434
affected. 5435

(2) The professional achievement pay supplement provided in 5436
this division shall be granted in an amount up to ten per cent of 5437
the employee's classification salary base and shall remain in 5438
effect as long as the mandate exists. 5439

(L) Those employees assigned to teaching supervisory, 5440
principal, assistant principal, or superintendent positions who 5441
have attained a higher educational level than a basic bachelor's 5442
degree may receive an educational pay supplement to remain in 5443
effect as long as the employee's assignment and classification 5444
remain the same. 5445

(1) An educational pay supplement of two and one-half per 5446
cent of the employee's classification salary base may be applied 5447
upon the achievement of a bachelor's degree plus twenty quarter 5448
hours of postgraduate work. 5449

(2) An educational pay supplement of an additional five per 5450
cent of the employee's classification salary base may be applied 5451
upon achievement of a master's degree. 5452

(3) An educational pay supplement of an additional two and 5453
one-half per cent of the employee's classification salary base may 5454

be applied upon achievement of a master's degree plus thirty 5455
quarter hours of postgraduate work. 5456

(4) An educational pay supplement of five per cent of the 5457
employee's classification salary base may be applied when the 5458
employee is performing as a master teacher. 5459

(5) An educational pay supplement of five per cent of the 5460
employee's classification salary base may be applied when the 5461
employee is performing as a special education teacher. 5462

(6) Those employees in teaching supervisory, principal, 5463
assistant principal, or superintendent positions who are 5464
responsible for specific extracurricular activity programs shall 5465
receive overtime pay for those hours worked in excess of their 5466
normal schedule, at their straight time hourly rate up to a 5467
maximum of five per cent of their regular base salary in any 5468
calendar year. 5469

(M)(1) A state agency, board, or commission may establish a 5470
supplementary compensation schedule for those licensed physicians 5471
employed by the agency, board, or commission in positions 5472
requiring a licensed physician. The supplementary compensation 5473
schedule, together with the compensation otherwise authorized by 5474
this chapter, shall provide for the total compensation for these 5475
employees to range appropriately, but not necessarily uniformly, 5476
for each classification title requiring a licensed physician, in 5477
accordance with a schedule approved by the state controlling 5478
board. The individual salary levels recommended for each such 5479
physician employed shall be approved by the director. 5480
Notwithstanding section 124.11 of the Revised Code, such personnel 5481
are in the unclassified civil service. 5482

(2) The director of administrative services may approve 5483
supplementary compensation for the director of health, if the 5484
director is a licensed physician, in accordance with a 5485

supplementary compensation schedule approved under division (M)(1) 5486
of this section or in accordance with another supplementary 5487
compensation schedule the director of administrative services 5488
considers appropriate. The supplementary compensation shall not 5489
exceed twenty per cent of the director of health's base rate of 5490
pay. 5491

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 5492
117.42, and 131.02 of the Revised Code, the state shall not 5493
institute any civil action to recover and shall not seek 5494
reimbursement for overpayments made in violation of division (E) 5495
of this section or division (C) of section 9.44 of the Revised 5496
Code for the period starting after June 24, 1987, and ending on 5497
October 31, 1993. 5498

(O) Employees of the office of the treasurer of state who are 5499
exempt from collective bargaining coverage may be granted a merit 5500
pay supplement of up to one and one-half per cent of their step 5501
rate. The rate at which this supplement is granted shall be based 5502
on performance standards established by the treasurer of state. 5503
Any supplements granted under this division shall be administered 5504
on an annual basis. 5505

Sec. 124.183. (A) As used in this section, "active payroll" 5506
means when an employee is actively working; on military, worker's 5507
compensation, occupational injury, or disability leave; or on an 5508
approved leave of absence. 5509

(B) Each permanent employee paid under schedule E-1 of 5510
section 124.152 of the Revised Code who was appointed on or before 5511
March 6, 2003, and is on the active payroll as of November 14, 5512
2004, shall receive a one-time pay supplement. The supplement 5513
shall be a two per cent lump sum payment that is based on the 5514
annualization of the top step of the pay range that the employee 5515
is in on November 14, 2004. 5516

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 5548
benefits in any state retirement system. 5549

(G)(1) This section does not apply to employees of the 5550
general assembly, legislative agencies, or the supreme court. 5551

(2) This section does not apply to employees of the secretary 5552
of state, auditor of state, treasurer of state, attorney general, 5553
or state boards and commissions unless the secretary of state, 5554
auditor of state, treasurer of state, attorney general, board, or 5555
commission decides that its employees should be eligible for the 5556
one-time pay supplement and so notifies the director of 5557
administrative services in writing on or before July 1, 2004. 5558

Sec. 125.073. (A) The department of administrative services 5559
shall actively promote and accelerate the use of electronic 5560
procurement, including reverse auctions as defined by section 5561
125.072 of the Revised Code, by implementing the relevant 5562
recommendations concerning electronic procurement from the "2000 5563
Management Improvement Commission Report to the Governor" when 5564
exercising its statutory powers. 5565

(B) Beginning July 1, 2004, the department shall annually on 5566
or before the first day of July report to the committees in each 5567
house of the general assembly dealing with finance indicating the 5568
effectiveness of electronic procurement. 5569

Sec. 125.15. All state agencies required to secure any 5570
equipment, materials, supplies, or services, ~~or contracts of~~ 5571
~~insurance~~ from the department of administrative services shall 5572
make acquisition in the manner and upon forms prescribed by the 5573
director of administrative services and shall reimburse the 5574
department for the equipment, materials, supplies, or services, ~~or~~ 5575
~~contracts of insurance~~, including a reasonable sum to cover the 5576
department's administrative costs, whenever reimbursement is 5577

required by the department. The money so paid shall be deposited 5578
in the state treasury to the credit of the general services fund 5579
or the information technology fund, as appropriate. ~~Such~~ Those 5580
funds are hereby created. 5581

Sec. 125.91. As used in sections 125.92 to 125.98 of the 5582
Revised Code: 5583

(A) "State agency" includes every department, bureau, board, 5584
commission, office, or other organized body established by the 5585
constitution and laws of the state for the exercise of any 5586
function of state government, but does not include any 5587
state-supported institution of higher education, the general 5588
assembly or any legislative agency, the attorney general, the 5589
auditor of state, the secretary of state, the treasurer of state, 5590
the bureau of workers' compensation, any court or judicial agency, 5591
or any political subdivision or agency ~~thereof~~ of a political 5592
subdivision. 5593

(B) "Form" means any document, device, or item used to convey 5594
information, regardless of medium, that has blank spaces for the 5595
insertion of information and that may have a predetermined format 5596
and data elements to guide the entry, ~~interpretation~~ 5597
interpretation, and use of the information. "Form" does not 5598
include letterheads, envelopes, labels, tags, tickets, or note 5599
pads, or forms mandated by the federal government, but does 5600
include all computer-generated forms except those mandated by the 5601
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 5602
~~Revised Code, "form" applies only to a form that is used by a~~ 5603
~~state agency and that is completed in whole or in part by private~~ 5604
~~business, political subdivisions, or the public.~~ 5605

Sec. 125.92. There is hereby established in the department of 5606
administrative services a state forms management ~~control center~~ 5607

program, which shall be under the control and supervision of the 5608
director of administrative services, ~~who shall appoint an~~ 5609
~~administrator of the center~~ or the director's designee. 5610

The ~~center~~ state forms management program shall ~~develop,~~ 5611
~~implement, and maintain a statewide forms management program that~~ 5612
~~involves~~ be developed, implemented, and maintained for all state 5613
agencies and ~~is~~ be designed to simplify, consolidate, or 5614
eliminate, when expedient, forms, surveys, and other documents 5615
used by state agencies. In developing the program, particular 5616
emphasis shall be placed upon determining the actual need for any 5617
information, records, and reports sought from private business, 5618
agriculture, and local governments through the use of ~~such~~ forms, 5619
surveys, and other documents. 5620

Sec. 125.93. The state forms management ~~control-center~~ 5621
program shall do each of the following: 5622

(A) Assist state agencies in establishing internal forms 5623
management capabilities; 5624

(B) Study, develop, coordinate, and initiate forms of 5625
interagency and common administrative usage, and establish basic 5626
design and specification criteria to standardize state forms; 5627

(C) Assist state agencies to design economical forms ~~and~~ 5628
~~compose art work for forms;~~ 5629

(D) ~~Establish and supervise control procedures to prevent the~~ 5630
~~undue creation and reproduction of state forms;~~ 5631

~~(E)~~ Assist, train, and instruct state agencies and their 5632
forms management representatives in forms management techniques, 5633
and provide direct forms management assistance to new state 5634
agencies as they are created; 5635

~~(F)~~(E) Maintain a central ~~cross-index~~ forms repository of all 5636
state forms to facilitate standardization of the forms, eliminate 5637

redundant forms, and provide a central source of information on 5638
forms usage and availability. 5639

~~(G) Utilize existing functions within the department of 5640
administrative services to design economical forms and compose art 5641
work, as well as use appropriate procurement techniques to take 5642
advantage of competitive selection, consolidated orders, and 5643
contract procurement of forms; 5644~~

~~(H) Conduct an annual evaluation of the effectiveness of the 5645
forms management program and the forms management practices of 5646
individual state agencies, and maintain records that indicate 5647
dollar savings resulting from, and the number of forms eliminated, 5648
simplified, or standardized through, centralized forms management. 5649
The results of the evaluation shall be reported to the speaker of 5650
the house of representatives and president of the senate not later 5651
than the fifteenth day of January each year. The center shall 5652
report on the first day of each month to the state records 5653
administrator on its activities during the preceding month. 5654~~

Sec. 125.95. (A) The administrator of the state forms 5655
management ~~control center~~ program may permit any state agency to 5656
manage fully any forms used or proposed to be used by it, whenever 5657
the ~~administrator~~ program determines that the delegation will 5658
result in the most timely and economical method of accomplishing 5659
the objectives of the ~~forms management~~ program as set forth in 5660
section 125.93 of the Revised Code. A determination to delegate to 5661
a state agency authority to manage forms may, among other matters, 5662
take into consideration the benefits of central management of any 5663
form in relation to the costs associated with ~~such that~~ 5664
management. 5665

(B) To expedite the collection and disposition of general 5666
state and local revenue, the ~~administrator~~ state forms management 5667
program shall permit, without prior authorization, the tax 5668

commissioner to design, print or have printed, distribute, and 5669
require the use of those forms ~~which~~ that the tax commissioner 5670
determines are necessary for the proper administration of those 5671
taxes and programs ~~he~~ the tax commissioner administers except as 5672
provided in division (A) of section 4307.05 of the Revised Code. 5673
The tax commissioner shall report to the ~~administrator~~ program not 5674
later than fifteen days after the close of each calendar quarter 5675
with respect to the forms activities occurring within ~~his~~ the tax 5676
commissioner's agency during the preceding calendar quarter. 5677

Sec. 125.96. The director of administrative services may 5678
adopt, amend, or rescind rules necessary to carry out the powers 5679
and duties imposed upon the state forms management ~~control center~~ 5680
~~and its administrator~~ program and state agencies by sections 5681
125.92 to 125.98 of the Revised Code. The director shall adopt, 5682
and may amend or rescind, rules providing ~~that~~ each of the 5683
following: 5684

(A) After a date to be determined by the ~~administrator~~ state 5685
forms management program, no state agency shall utilize any form, 5686
other than a form subject to division (B) of section 125.95 of the 5687
Revised Code, the management of which has not been delegated to 5688
the agency by the ~~administrator~~ program under division (A) of that 5689
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 5690
by the ~~center~~ program. 5691

(B) The notice required by section 125.97 of the Revised Code 5692
shall appear in a standard place and a standard manner on each 5693
form to which the notice applies, and shall include specified 5694
indicia of approval by the ~~administrator~~ state forms management 5695
program. 5696

(C) Any form required by a state agency on an emergency basis 5697
may be given interim approval by the ~~administrator~~ state forms 5698
management program if the form is accompanied by a letter from the 5699

director or other head of the agency setting forth the nature of 5700
the emergency and requesting interim approval. 5701

Sec. 125.98. (A) Each state agency shall appoint a forms 5702
management representative, who may be from existing personnel. The 5703
appointee shall cooperate with, and provide other necessary 5704
assistance to, the director of administrative services and the 5705
~~administrator of the~~ state forms management control center program 5706
in implementing the ~~state forms management~~ program. A forms 5707
management representative shall do all of the following: 5708

(1) Manage the agency's forms management program and 5709
cooperate with and provide other necessary assistance to the 5710
director of administrative services in implementing the state 5711
forms management program; 5712

(2) Monitor the use and reproduction of all forms to ensure 5713
that all policies, procedures, guidelines, and standards 5714
established by the agency and the director of administrative 5715
services are followed; 5716

(3) Ensure that every form used by the agency is presented to 5717
the state forms management ~~control center~~ program for registration 5718
prior to its reproduction; 5719

(4) Maintain a master forms file history file, in numeric 5720
order, of all agency forms; 5721

(5) Verify and update the information on all forms ~~computer~~ 5722
~~file reports returned to the agency by the state forms management~~ 5723
~~control center~~ in the central forms repository database. 5724

(B) Any state agency, as ~~such term is~~ defined in section 1.60 5725
of the Revised Code, not included within the definition of a state 5726
agency in section 125.91 of the Revised Code may elect to 5727
participate in the state forms management program. The ~~center~~ 5728
program may provide to any such agency any service required or 5729

authorized by sections 125.92 to 125.98 of the Revised Code to be 5730
performed for a state agency. 5731

Sec. 127.16. (A) Upon the request of either a state agency or 5732
the director of budget and management and after the controlling 5733
board determines that an emergency or a sufficient economic reason 5734
exists, the controlling board may approve the making of a purchase 5735
without competitive selection as provided in division (B) of this 5736
section. 5737

(B) Except as otherwise provided in this section, no state 5738
agency, using money that has been appropriated to it directly, 5739
shall: 5740

(1) Make any purchase from a particular supplier, that would 5741
amount to fifty thousand dollars or more when combined with both 5742
the amount of all disbursements to the supplier during the fiscal 5743
year for purchases made by the agency and the amount of all 5744
outstanding encumbrances for purchases made by the agency from the 5745
supplier, unless the purchase is made by competitive selection or 5746
with the approval of the controlling board; 5747

(2) Lease real estate from a particular supplier, if the 5748
lease would amount to seventy-five thousand dollars or more when 5749
combined with both the amount of all disbursements to the supplier 5750
during the fiscal year for real estate leases made by the agency 5751
and the amount of all outstanding encumbrances for real estate 5752
leases made by the agency from the supplier, unless the lease is 5753
made by competitive selection or with the approval of the 5754
controlling board. 5755

(C) Any person who authorizes a purchase in violation of 5756
division (B) of this section shall be liable to the state for any 5757
state funds spent on the purchase, and the attorney general shall 5758
collect the amount from the person. 5759

(D) Nothing in division (B) of this section shall be construed as:	5760 5761
(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;	5762 5763 5764
(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;	5765 5766 5767 5768
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	5769 5770 5771
(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;	5772 5773 5774 5775 5776 5777 5778 5779 5780
(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;	5781 5782 5783 5784
(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	5785 5786 5787 5788 5789 5790

of the agency. The filing shall be in a form and at such times as 5791
the board considers appropriate. 5792

(7) Applying to purchases made with money for the per cent 5793
for arts program established by section 3379.10 of the Revised 5794
Code; 5795

(8) Applying to purchases made by the rehabilitation services 5796
commission of services, or supplies, that are provided to persons 5797
with disabilities, or to purchases made by the commission in 5798
connection with the eligibility determinations it makes for 5799
applicants of programs administered by the social security 5800
administration; 5801

(9) Applying to payments by the department of job and family 5802
services under section 5111.13 of the Revised Code for group 5803
health plan premiums, deductibles, coinsurance, and other 5804
cost-sharing expenses; 5805

(10) Applying to any agency of the legislative branch of the 5806
state government; 5807

(11) Applying to agreements or contracts entered into under 5808
section 5101.11, 5101.20, 5101.201, 5101.21, or ~~5101.211~~ 5101.214 5809
of the Revised Code; 5810

(12) Applying to purchases of services by the adult parole 5811
authority under section 2967.14 of the Revised Code or by the 5812
department of youth services under section 5139.08 of the Revised 5813
Code; 5814

(13) Applying to dues or fees paid for membership in an 5815
organization or association; 5816

(14) Applying to purchases of utility services pursuant to 5817
section 9.30 of the Revised Code; 5818

(15) Applying to purchases made in accordance with rules 5819
adopted by the department of administrative services of motor 5820

vehicle, aviation, or watercraft fuel, or emergency repairs of	5821
such vehicles;	5822
(16) Applying to purchases of tickets for passenger air	5823
transportation;	5824
(17) Applying to purchases necessary to provide public	5825
notifications required by law or to provide notifications of job	5826
openings;	5827
(18) Applying to the judicial branch of state government;	5828
(19) Applying to purchases of liquor for resale by the	5829
division of liquor control;	5830
(20) Applying to purchases of motor courier and freight	5831
services made in accordance with department of administrative	5832
services rules;	5833
(21) Applying to purchases from the United States postal	5834
service and purchases of stamps and postal meter replenishment	5835
from vendors at rates established by the United States postal	5836
service;	5837
(22) Applying to purchases of books, periodicals, pamphlets,	5838
newspapers, maintenance subscriptions, and other published	5839
materials;	5840
(23) Applying to purchases from other state agencies,	5841
including state-assisted institutions of higher education;	5842
(24) Limiting the authority of the director of environmental	5843
protection to enter into contracts under division (D) of section	5844
3745.14 of the Revised Code to conduct compliance reviews, as	5845
defined in division (A) of that section;	5846
(25) Applying to purchases from a qualified nonprofit agency	5847
pursuant to sections 4115.31 to 4115.35 of the Revised Code;	5848
(26) Applying to payments by the department of job and family	5849
services to the United States department of health and human	5850

services for printing and mailing notices pertaining to the tax	5851
refund offset program of the internal revenue service of the	5852
United States department of the treasury;	5853
(27) Applying to contracts entered into by the department of	5854
mental retardation and developmental disabilities under sections	5855
5123.18, 5123.182, and 5111.252 <u>5123.199</u> of the Revised Code;	5856
(28) Applying to payments made by the department of mental	5857
health under a physician recruitment program authorized by section	5858
5119.101 of the Revised Code;	5859
(29) Applying to contracts entered into with persons by the	5860
director of commerce for unclaimed funds collection and remittance	5861
efforts as provided in division (F) of section 169.03 of the	5862
Revised Code. The director shall keep an itemized accounting of	5863
unclaimed funds collected by those persons and amounts paid to	5864
them for their services.	5865
(30) Applying to purchases made by a state institution of	5866
higher education in accordance with the terms of a contract	5867
between the vendor and an inter-university purchasing group	5868
comprised of purchasing officers of state institutions of higher	5869
education;	5870
(31) Applying to the department of job and family services'	5871
purchases of health assistance services under the children's	5872
health insurance program part I provided for under section 5101.50	5873
of the Revised Code or the children's health insurance program	5874
part II provided for under section 5101.51 of the Revised Code;	5875
(32) Applying to payments by the attorney general from the	5876
reparations fund to hospitals and other emergency medical	5877
facilities for performing medical examinations to collect physical	5878
evidence pursuant to section 2907.28 of the Revised Code;	5879
(33) Applying to contracts with a contracting authority or	5880
administrative receiver under division (G)(2) of section 5126.055	5881

of the Revised Code;	5882
<u>(34) Applying to reimbursements paid to the United States</u>	5883
<u>department of veterans affairs for pharmaceutical and patient</u>	5884
<u>supply purchases made on behalf of the Ohio veterans' home agency.</u>	5885
(E) Notwithstanding division (B)(1) of this section, the	5886
cumulative purchase threshold shall be seventy-five thousand	5887
dollars for the departments of mental retardation and	5888
developmental disabilities, mental health, rehabilitation and	5889
correction, and youth services.	5890
(F) When determining whether a state agency has reached the	5891
cumulative purchase thresholds established in divisions (B)(1),	5892
(B)(2), and (E) of this section, all of the following purchases by	5893
such agency shall not be considered:	5894
(1) Purchases made through competitive selection or with	5895
controlling board approval;	5896
(2) Purchases listed in division (D) of this section;	5897
(3) For the purposes of the thresholds of divisions (B)(1)	5898
and (E) of this section only, leases of real estate.	5899
(G) As used in this section, "competitive selection,"	5900
"purchase," "supplies," and "services" have the same meanings as	5901
in section 125.01 of the Revised Code.	5902
Sec. 131.02. (A) Whenever any amount is payable to the state,	5903
the officer, employee, or agent responsible for administering the	5904
law under which the amount is payable shall immediately proceed to	5905
collect the amount or cause the amount to be collected and shall	5906
pay the amount into the state treasury <u>or into the appropriate</u>	5907
<u>custodial fund</u> in the manner set forth pursuant to section 113.08	5908
of the Revised Code. If the amount is not paid within forty-five	5909
days after payment is due, the officer, employee, or agent shall	5910
certify the amount due to the attorney general, in the form and	5911

manner prescribed by the attorney general, and notify the director 5912
of budget and management thereof. The attorney general may assess 5913
the collection cost to the amount certified in such manner and 5914
amount as prescribed by the attorney general. 5915

(B)(1) The attorney general shall give immediate notice by 5916
mail or otherwise to the party indebted of the nature and amount 5917
of the indebtedness. 5918

(2) If the amount payable to this state arises from a tax 5919
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 5920
Code, the notice also shall specify all of the following: 5921

(a) The assessment or case number; 5922

(b) The tax pursuant to which the assessment is made; 5923

(c) The reason for the liability, including, if applicable, 5924
that a penalty or interest is due; 5925

(d) An explanation of how and when interest will be added to 5926
the amount assessed; 5927

(e) That the attorney general and tax commissioner, acting 5928
together, have the authority, but are not required, to compromise 5929
the claim and accept payment over a reasonable time, if such 5930
actions are in the best interest of the state. 5931

(C) The attorney general shall collect the claim or secure a 5932
judgment and issue an execution for its collection. 5933

(D) Each claim shall bear interest, from the day on which the 5934
claim became due, at the ~~base rate per annum for advances and~~ 5935
~~discounts to member banks in effect at the federal reserve bank in~~ 5936
required by section 5703.47 of the second federal reserve district 5937
Revised Code. 5938

(E) The attorney general and the chief officer of the agency 5939
reporting a claim, acting together, may do ~~either or both~~ any of 5940
the following if such action is in the best interests of the 5941

state:	5942
(1) Compromise the claim;	5943
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	5944 5945 5946 5947
<u>(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.</u>	5948 5949 5950
Sec. 131.23. The various political subdivisions of this state may issue bonds, and any indebtedness created by such issuance shall not be subject to the limitations or included in the calculation of indebtedness prescribed by sections 133.05, 133.06, 133.07, and 133.09 of the Revised Code, but such bonds may be issued only under the following conditions:	5951 5952 5953 5954 5955 5956
(A) The subdivision desiring to issue such bonds shall obtain from the county auditor a certificate showing the total amount of delinquent taxes due and unpayable to such subdivision at the last semiannual tax settlement.	5957 5958 5959 5960
(B) The fiscal officer of that subdivision shall prepare a statement, from the books of the subdivision, verified by him <u>the</u> <u>fiscal officer</u> under oath, which shall contain the following facts of such subdivision:	5961 5962 5963 5964
(1) The total bonded indebtedness;	5965
(2) The aggregate amount of notes payable or outstanding accounts of the subdivision, incurred prior to the commencement of the current fiscal year, which shall include all evidences of indebtedness issued by the subdivision except notes issued in anticipation of bond issues and the indebtedness of any nontax-supported public utility;	5966 5967 5968 5969 5970 5971

(3) Except in the case of school districts, the aggregate 5972
current year's requirement for disability financial assistance and 5973
disability medical assistance provided under Chapter 5115. of the 5974
Revised Code that the subdivision is unable to finance except by 5975
the issue of bonds; 5976

(4) The indebtedness outstanding through the issuance of any 5977
bonds or notes pledged or obligated to be paid by any delinquent 5978
taxes; 5979

(5) The total of any other indebtedness; 5980

(6) The net amount of delinquent taxes unpledged to pay any 5981
bonds, notes, or certificates, including delinquent assessments on 5982
improvements on which the bonds have been paid; 5983

(7) The budget requirements for the fiscal year for bond and 5984
note retirement; 5985

(8) The estimated revenue for the fiscal year. 5986

(C) The certificate and statement provided for in divisions 5987
(A) and (B) of this section shall be forwarded to the tax 5988
commissioner together with a request for authority to issue bonds 5989
of such subdivision in an amount not to exceed seventy per cent of 5990
the net unobligated delinquent taxes and assessments due and owing 5991
to such subdivision, as set forth in division (B)(6) of this 5992
section. 5993

(D) No subdivision may issue bonds under this section in 5994
excess of a sufficient amount to pay the indebtedness of the 5995
subdivision as shown by division (B)(2) of this section and, 5996
except in the case of school districts, to provide funds for 5997
disability financial assistance and disability medical assistance, 5998
as shown by division (B)(3) of this section. 5999

(E) The tax commissioner shall grant to such subdivision 6000
authority requested by such subdivision as restricted by divisions 6001

(C) and (D) of this section and shall make a record of the 6002
certificate, statement, and grant in a record book devoted solely 6003
to such recording and which shall be open to inspection by the 6004
public. 6005

(F) The commissioner shall immediately upon issuing the 6006
authority provided in division (E) of this section notify the 6007
proper authority having charge of the retirement of bonds of such 6008
subdivision by forwarding a copy of such grant of authority and of 6009
the statement provided for in division (B) of this section. 6010

(G) Upon receipt of authority, the subdivision shall proceed 6011
according to law to issue the amount of bonds authorized by the 6012
commissioner, and authorized by the taxing authority, provided the 6013
taxing authority of that subdivision may by resolution submit to 6014
the electors of that subdivision the question of issuing such 6015
bonds. Such resolution shall make the declarations and statements 6016
required by section 133.18 of the Revised Code. The county auditor 6017
and taxing authority shall thereupon proceed as set forth in 6018
divisions (C) and (D) of such section. The election on the 6019
question of issuing such bonds shall be held under divisions (E), 6020
(F), and (G) of such section, except that publication of the 6021
notice of such election shall be made on four separate days prior 6022
to such election in one or more newspapers of general circulation 6023
in the subdivisions. Such bonds may be exchanged at their face 6024
value with creditors of the subdivision in liquidating the 6025
indebtedness described and enumerated in division (B)(2) of this 6026
section or may be sold as provided in Chapter 133. of the Revised 6027
Code, and in either event shall be uncontestable. 6028

(H) The per cent of delinquent taxes and assessments 6029
collected for and to the credit of the subdivision after the 6030
exchange or sale of bonds as certified by the commissioner shall 6031
be paid to the authority having charge of the sinking fund of the 6032
subdivision, which money shall be placed in a separate fund for 6033

the purpose of retiring the bonds so issued. The proper authority 6034
of the subdivisions shall provide for the levying of a tax 6035
sufficient in amount to pay the debt charges on all such bonds 6036
issued under this section. 6037

(I) This section is for the sole purpose of assisting the 6038
various subdivisions in paying their unsecured indebtedness, and 6039
providing funds for disability financial assistance and disability 6040
medical assistance. The bonds issued under authority of this 6041
section shall not be used for any other purpose and any exchange 6042
for other purposes, or the use of the money derived from the sale 6043
of such bonds by the subdivision for any other purpose, is 6044
misapplication of funds. 6045

(J) The bonds authorized by this section shall be redeemable 6046
or payable in not to exceed ten years from date of issue and shall 6047
not be subject to or considered in calculating the net 6048
indebtedness of the subdivision. The budget commission of the 6049
county in which the subdivision is located shall annually allocate 6050
such portion of the then delinquent levy due such subdivision 6051
which is unpledged for other purposes to the payment of debt 6052
charges on the bonds issued under authority of this section. 6053

(K) The issue of bonds under this section shall be governed 6054
by Chapter 133. of the Revised Code, respecting the terms used, 6055
forms, manner of sale, and redemption except as otherwise provided 6056
in this section. 6057

The board of county commissioners of any county may issue 6058
bonds authorized by this section and distribute the proceeds of 6059
such bond issues to any or all of the cities and townships of such 6060
counties, according to their relative needs for disability 6061
financial assistance and disability medical assistance as 6062
determined by such county. 6063

All sections of the Revised Code inconsistent with or 6064

prohibiting the exercise of the authority conferred by this 6065
section are inoperative respecting bonds issued under this 6066
section. 6067

Sec. 131.35. (A) With respect to the federal funds received 6068
into any fund of the state from which transfers may be made under 6069
division (D) of section 127.14 of the Revised Code: 6070

(1) No state agency may make expenditures of any federal 6071
funds, whether such funds are advanced prior to expenditure or as 6072
reimbursement, unless such expenditures are made pursuant to 6073
specific appropriations of the general assembly ~~identifying the~~ 6074
~~federal program that is the source of funds, are authorized~~ 6075
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 6076
the controlling board pursuant to division (A)(5) of this section, 6077
or are authorized by an executive order issued in accordance with 6078
section 107.17 of the Revised Code, and until an allotment has 6079
been approved by the director of budget and management. All 6080
federal funds received by a state agency shall be reported to the 6081
director within fifteen days of the receipt of such funds or the 6082
notification of award, whichever occurs first. The director shall 6083
prescribe the forms and procedures to be used when reporting the 6084
receipt of federal funds. 6085

(2) If the federal funds received are greater than the amount 6086
of such funds appropriated by the general assembly for a specific 6087
purpose, the total appropriation of federal and state funds for 6088
such purpose shall remain at the amount designated by the general 6089
assembly, except that the expenditure of federal funds received in 6090
excess of such specific appropriation may be authorized by the 6091
controlling board. 6092

(3) To the extent that the expenditure of excess federal 6093
funds is authorized, the controlling board may transfer a like 6094
amount of general revenue fund appropriation authority from the 6095

affected agency to the emergency purposes appropriation of the 6096
controlling board, if such action is permitted under federal 6097
regulations. 6098

(4) Additional funds may be created by the controlling board 6099
to receive revenues not anticipated in an appropriations act for 6100
the biennium in which such new revenues are received. Expenditures 6101
from such additional funds may be authorized by the controlling 6102
board, but such authorization shall not extend beyond the end of 6103
the biennium in which such funds are created. 6104

(5) Controlling board authorization for a state agency to 6105
make an expenditure of federal funds constitutes authority for the 6106
agency to participate in the federal program providing the funds, 6107
and the agency is not required to obtain an executive order under 6108
section 107.17 of the Revised Code to participate in the federal 6109
program. 6110

(B) With respect to nonfederal funds received into the 6111
waterways safety fund, the wildlife fund, and any fund of the 6112
state from which transfers may be made under division (D) of 6113
section 127.14 of the Revised Code: 6114

(1) No state agency may make expenditures of any such funds 6115
unless the expenditures are made pursuant to specific 6116
appropriations of the general assembly. 6117

(2) If the receipts received into any fund are greater than 6118
the amount appropriated, the appropriation for that fund shall 6119
remain at the amount designated by the general assembly or as 6120
increased and approved by the controlling board. 6121

(3) Additional funds may be created by the controlling board 6122
to receive revenues not anticipated in an appropriations act for 6123
the biennium in which such new revenues are received. Expenditures 6124
from such additional funds may be authorized by the controlling 6125
board, but such authorization shall not extend beyond the end of 6126

the biennium in which such funds are created. 6127

(C) The controlling board shall not authorize more than ten 6128
per cent of additional spending from the occupational licensing 6129
and regulatory fund, created in section 4743.05 of the Revised 6130
Code, in excess of any appropriation made by the general assembly 6131
to a licensing agency except an appropriation for costs related to 6132
the examination or reexamination of applicants for a license. As 6133
used in this division, "licensing agency" and "license" have the 6134
same meanings as in section 4745.01 of the Revised Code. 6135

Sec. 131.41. There is hereby created in the state treasury 6136
the family services stabilization fund. The fund shall consist of 6137
moneys deposited into it pursuant to acts of the general assembly. 6138
The director of budget and management, with advice from the 6139
director of job and family services, may transfer moneys in the 6140
family services stabilization fund to the general revenue fund for 6141
the department of job and family services. Moneys may be 6142
transferred due to identified shortfalls for family services 6143
activities, such as higher caseloads, federal funding changes, and 6144
unforeseen costs due to significant state policy changes. Before 6145
transfers are authorized, the director of budget and management 6146
shall exhaust the possibilities for transfers of moneys within the 6147
department of job and family services to meet the identified 6148
shortfall. Transfers shall not be used to fund policy changes not 6149
contemplated by acts of the general assembly. Any investment 6150
earnings of the family services stabilization fund shall be 6151
credited to that fund. 6152

Sec. 145.38. (A) As used in this section and ~~section~~ sections 6153
145.381 and 145.384 of the Revised Code: 6154

(1) "PERS retirant" means a former member of the public 6155
employees retirement system who is receiving one of the following: 6156

(a) Age and service retirement benefits under section 145.32, 6157
145.33, 145.331, 145.34, or 145.46 of the Revised Code; 6158

(b) Age and service retirement benefits paid by the public 6159
employees retirement system under section 145.37 of the Revised 6160
Code; 6161

(c) Any benefit paid under a PERS defined contribution plan. 6162

(2) "Other system retirant" means both of the following: 6163

(a) A member or former member of the Ohio police and fire 6164
pension fund, state teachers retirement system, school employees 6165
retirement system, state highway patrol retirement system, or 6166
Cincinnati retirement system who is receiving age and service or 6167
commuted age and service retirement benefits or a disability 6168
benefit from a system of which the person is a member or former 6169
member; 6170

(b) A member or former member of the public employees 6171
retirement system who is receiving age and service retirement 6172
benefits or a disability benefit under section 145.37 of the 6173
Revised Code paid by the school employees retirement system or the 6174
state teachers retirement system. 6175

(B)(1) Subject to this section and section 145.381 of the 6176
Revised Code, a PERS retirant or other system retirant may be 6177
employed by a public employer. If so employed, the PERS retirant 6178
or other system retirant shall contribute to the public employees 6179
retirement system in accordance with section 145.47 of the Revised 6180
Code, and the employer shall make contributions in accordance with 6181
section 145.48 of the Revised Code. 6182

(2) A public employer that employs a PERS retirant or other 6183
system retirant, or enters into a contract for services as an 6184
independent contractor with a PERS retirant shall notify the 6185
retirement board of the employment or contract not later than the 6186

end of the month in which the employment or contract commences. 6187
Any overpayment of benefits to a PERS retirant by the retirement 6188
system resulting from delay or failure of the employer to give the 6189
notice shall be repaid to the retirement system by the employer. 6190

(3) On receipt of notice from a public employer that a person 6191
who is an other system retirant has been employed, the retirement 6192
system shall notify the retirement system of which the other 6193
system retirant was a member of such employment. 6194

(4)(a) A PERS retirant who has received a retirement 6195
allowance for less than two months when employment subject to this 6196
section commences shall forfeit the retirement allowance for any 6197
month the PERS retirant is employed prior to the expiration of the 6198
two-month period. Service and contributions for that period shall 6199
not be included in calculation of any benefits payable to the PERS 6200
retirant and those contributions shall be refunded on the 6201
retirant's death or termination of the employment. 6202

(b) An other system retirant who has received a retirement 6203
allowance or disability benefit for less than two months when 6204
employment subject to this section commences shall forfeit the 6205
retirement allowance or disability benefit for any month the other 6206
system retirant is employed prior to the expiration of the 6207
two-month period. Service and contributions for that period shall 6208
not be included in the calculation of any benefits payable to the 6209
other system retirant and those contributions shall be refunded on 6210
the retirant's death or termination of the employment. 6211

(c) Contributions made on compensation earned after the 6212
expiration of the two-month period shall be used in the 6213
calculation of the benefit or payment due under section 145.384 of 6214
the Revised Code. 6215

(5) On receipt of notice from the Ohio police and fire 6216
pension fund, school employees retirement system, or state 6217

teachers retirement system of the re-employment of a PERS 6218
retirant, the public employees retirement system shall not pay, or 6219
if paid, shall recover, the amount to be forfeited by the PERS 6220
retirant in accordance with section 742.26, 3307.35, or 3309.341 6221
of the Revised Code. 6222

(6) A PERS retirant who enters into a contract to provide 6223
services as an independent contractor to the employer by which the 6224
retirant was employed at the time of retirement or, less than two 6225
months after the retirement allowance commences, begins providing 6226
services as an independent contractor pursuant to a contract with 6227
another public employer, shall forfeit the pension portion of the 6228
retirement benefit for the period beginning the first day of the 6229
month following the month in which the services begin and ending 6230
on the first day of the month following the month in which the 6231
services end. The annuity portion of the retirement allowance 6232
shall be suspended on the day services under the contract begin 6233
and shall accumulate to the credit of the retirant to be paid in a 6234
single payment after services provided under the contract 6235
terminate. A PERS retirant subject to division (B)(6) of this 6236
section shall not contribute to the retirement system and shall 6237
not become a member of the system. 6238

(7) As used in this division, "employment" includes service 6239
for which a PERS retirant or other system retirant, the retirant's 6240
employer, or both, have waived any earnable salary for the 6241
service. 6242

(C)(1) Except as provided in division (C)(3) of this section, 6243
this division applies to both of the following: 6244

(a) A PERS retirant who, prior to September 14, 2000, was 6245
subject to division (C)(1)(b) of this section as that division 6246
existed immediately prior to September 14, 2000, and has not 6247
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 6248
assembly to cease to be subject to that division; 6249

(b) A PERS retirant to whom both of the following apply: 6250

(i) The retirant held elective office in this state, or in 6251
any municipal corporation, county, or other political subdivision 6252
of this state at the time of retirement under this chapter. 6253

(ii) The retirant was elected or appointed to the same office 6254
for the remainder of the term or the term immediately following 6255
the term during which the retirement occurred. 6256

(2) A PERS retirant who is subject to this division is a 6257
member of the public employees retirement system with all the 6258
rights, privileges, and obligations of membership, except that the 6259
membership does not include survivor benefits provided pursuant to 6260
section 145.45 of the Revised Code or, beginning on the ninetieth 6261
day after September 14, 2000, any amount calculated under section 6262
145.401 of the Revised Code. The pension portion of the PERS 6263
retirant's retirement allowance shall be forfeited until the first 6264
day of the first month following termination of the employment. 6265
The annuity portion of the retirement allowance shall accumulate 6266
to the credit of the PERS retirant to be paid in a single payment 6267
after termination of the employment. The retirement allowance 6268
shall resume on the first day of the first month following 6269
termination of the employment. On termination of the employment, 6270
the PERS retirant shall elect to receive either a refund of the 6271
retirant's contributions to the retirement system during the 6272
period of employment subject to this section or a supplemental 6273
retirement allowance based on the retirant's contributions and 6274
service credit for that period of employment. 6275

(3) This division does not apply to any of the following: 6276

(a) A PERS retirant elected to office who, at the time of the 6277
election for the retirant's current term, was not retired but, not 6278
less than ninety days prior to the election for the term, filed a 6279
written declaration of intent to retire before the end of the term 6280

with the board of elections of the county in which petitions for nomination or election to the office were filed;

(b) A PERS retirant elected to office who, at the time of the election for the retirant's current term, was a retirant and had been retired for not less than ninety days;

(c) A PERS retirant appointed to office who, at the time of appointment to the retirant's current term, notified the person or entity making the appointment that the retirant was already retired or intended to retire before the end of the term.

(D)(1) Except as provided in division (C) of this section, a PERS retirant or other system retirant subject to this section is not a member of the public employees retirement system, and, except as specified in this section does not have any of the rights, privileges, or obligations of membership. Except as specified in division (D)(2) of this section, the retirant is not eligible to receive health, medical, hospital, or surgical benefits under section 145.58 of the Revised Code for employment subject to this section.

(2) A PERS retirant subject to this section shall receive primary health, medical, hospital, or surgical insurance coverage from the retirant's employer, if the employer provides coverage to other employees performing comparable work. Neither the employer nor the PERS retirant may waive the employer's coverage, except that the PERS retirant may waive the employer's coverage if the retirant has coverage comparable to that provided by the employer from a source other than the employer or the public employees retirement system. If a claim is made, the employer's coverage shall be the primary coverage and shall pay first. The benefits provided under section 145.58 of the Revised Code shall pay only those medical expenses not paid through the employer's coverage or coverage the PERS retirant receives through a source other than the retirement system.

(E) If the disability benefit of an other system retirant 6313
employed under this section is terminated, the retirant shall 6314
become a member of the public employees retirement system, 6315
effective on the first day of the month next following the 6316
termination with all the rights, privileges, and obligations of 6317
membership. If such person, after the termination of the 6318
disability benefit, earns two years of service credit under this 6319
system or under the Ohio police and fire pension fund, state 6320
teachers retirement system, school employees retirement system, or 6321
state highway patrol retirement system, the person's prior 6322
contributions as an other system retirant under this section shall 6323
be included in the person's total service credit as a public 6324
employees retirement system member, and the person shall forfeit 6325
all rights and benefits of this section. Not more than one year of 6326
credit may be given for any period of twelve months. 6327

(F) This section does not affect the receipt of benefits by 6328
or eligibility for benefits of any person who on August 20, 1976, 6329
was receiving a disability benefit or service retirement pension 6330
or allowance from a state or municipal retirement system in Ohio 6331
and was a member of any other state or municipal retirement system 6332
of this state. 6333

(G) The public employees retirement board may adopt rules to 6334
carry out this section. 6335

Sec. 145.381. (A) Except as provided in division (B) of this 6336
section, no person who is, or at the time of employment will be, a 6337
PERS retirant may be employed by a public employer or provide 6338
service as an independent contractor to a public employer unless 6339
the public employer does both of the following in accordance with 6340
rules adopted under division (C) of this section: 6341

(1) Not less than sixty days before the employment or service 6342
is to begin, gives public notice that the person is or will be 6343

retired and is seeking employment with the public employer or to 6344
provide service as an independent contractor to the public 6345
employer; 6346

(2) Between fifteen and thirty days before the employment or 6347
service is to begin and after complying with division (A)(1) of 6348
this section, holds a public meeting on the issue of the person 6349
being employed by or providing services as an independent 6350
contractor to the public employer. 6351

The notice regarding division (A)(1) of this section shall 6352
include the time, date, and location at which the public meeting 6353
is to take place. 6354

(B) A person is not subject to division (A) of this section 6355
if the employment involved is an elective office of this state or 6356
any municipal corporation, county, or other political subdivision 6357
of this state. 6358

(C) The public employees retirement board shall adopt rules 6359
as necessary to implement this section. 6360

Sec. 147.01. (A) The secretary of state may appoint and 6361
commission as notaries public as many persons who meet the 6362
qualifications of division (B) of this section as the secretary of 6363
state considers necessary. 6364

(B) In order for a person to qualify to be appointed and 6365
commissioned as a notary public, the person must satisfy both of 6366
the following: 6367

(1) The person has attained the age of eighteen years. 6368

(2) One of the following applies: 6369

(a) The person is a ~~citizen~~ legal resident of this state who 6370
is not an attorney admitted to the practice of law in this state 6371
by the Ohio supreme court. 6372

(b) The person is a ~~citizen~~ legal resident of this state who 6373
is an attorney admitted to the practice of law in this state by 6374
the Ohio supreme court. 6375

(c) The person is not a ~~citizen~~ legal resident of this state, 6376
is an attorney admitted to the practice of law in this state by 6377
the Ohio supreme court, and has the person's principal place of 6378
business or the person's primary practice in this state. 6379

(C) A notary public shall be appointed and commissioned as a 6380
notary public for the state. The secretary of state may revoke a 6381
commission issued to a notary public upon presentation of 6382
satisfactory evidence of official misconduct or incapacity. 6383

Sec. 147.37. Each person receiving a commission as notary 6384
public, ~~except~~ including an attorney admitted to the practice of 6385
law in this state by the Ohio supreme court, shall pay a fee of 6386
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 6387
~~receiving a commission as a notary public who is an attorney~~ 6388
~~admitted to the practice of law in this state by the Ohio supreme~~ 6389
~~court shall pay a fee of ten dollars to the secretary of state.~~ 6390

Sec. 149.011. As used in this chapter: 6391

(A) "Public office" includes any state agency, public 6392
institution, political subdivision, or ~~any~~ other organized body, 6393
office, agency, institution, or entity established by the laws of 6394
this state for the exercise of any function of government. 6395

(B) "State agency" includes every department, bureau, board, 6396
commission, office, or other organized body established by the 6397
constitution and laws of this state for the exercise of any 6398
function of state government, including any state-supported 6399
institution of higher education, the general assembly, ~~or~~ any 6400
legislative agency, any court or judicial agency, or any political 6401
subdivision or agency ~~thereof~~ of a political subdivision. 6402

(C) "Public money" includes all money received or collected 6403
by or due a public official, whether in accordance with or under 6404
authority of any law, ordinance, resolution, or order, under color 6405
of office, or otherwise. It also includes any money collected by 6406
any individual on behalf of a public office or as a purported 6407
representative or agent of the public office. 6408

(D) "Public official" includes all officers, employees, or 6409
duly authorized representatives or agents of a public office. 6410

(E) "Color of office" includes any act purported or alleged 6411
to be done under any law, ordinance, resolution, order, or other 6412
pretension to official right, power, or authority. 6413

(F) "Archive" includes any public record that is transferred 6414
to the state archives or other designated archival institutions 6415
because of the historical information contained on it. 6416

(G) "Records" includes any document, device, or item, 6417
regardless of physical form or characteristic, including an 6418
electronic record as defined in section 1306.01 of the Revised 6419
Code, created or received by or coming under the jurisdiction of 6420
any public office of the state or its political subdivisions, 6421
which serves to document the organization, functions, policies, 6422
decisions, procedures, operations, or other activities of the 6423
office. 6424

Sec. 149.30. The Ohio historical society, chartered by this 6425
state as a corporation not for profit to promote a knowledge of 6426
history and archaeology, especially of Ohio, and operated 6427
continuously in the public interest since 1885, may perform public 6428
functions as prescribed by law. 6429

The general assembly may appropriate money to the Ohio 6430
historical society each biennium to carry out the public functions 6431
of the society as enumerated in this section. An appropriation by 6432

the general assembly to the society constitutes an offer to 6433
contract with the society to carry out those public functions for 6434
which appropriations are made. An acceptance by the society of the 6435
appropriated funds constitutes an acceptance by the society of the 6436
offer and is considered an agreement by the society to perform 6437
those functions in accordance with the terms of the appropriation 6438
and the law and to expend the funds only for the purposes for 6439
which appropriated. The governor may request on behalf of the 6440
society, and the controlling board may release, additional funds 6441
to the society for survey, salvage, repair, or rehabilitation of 6442
an emergency nature for which funds have not been appropriated, 6443
and acceptance by the society of those funds constitutes an 6444
agreement on the part of the society to expend those funds only 6445
for the purpose for which released by the controlling board. 6446

The society shall faithfully expend and apply all moneys 6447
received from the state to the uses and purposes directed by law 6448
and for necessary administrative expenses. The society shall 6449
perform the public function of sending notice by certified mail to 6450
the owner of any property at the time it is listed on the national 6451
register of historic places. The society shall accurately record 6452
all expenditures of such funds in conformity with generally 6453
accepted accounting principles. 6454

The auditor of state shall audit all funds and fiscal records 6455
of the society. 6456

The public functions to be performed by the Ohio historical 6457
society shall include all of the following: 6458

(A) Creating, supervising, operating, protecting, 6459
maintaining, and promoting for public use a system of state 6460
memorials, titles to which may reside wholly or in part with this 6461
state or wholly or in part with the society as provided in and in 6462
conformity to appropriate acts and resolves of the general 6463
assembly, and leasing for renewable periods of two years or less, 6464

with the advice and consent of the attorney general and the 6465
director of administrative services, lands and buildings owned by 6466
the state which are in the care, custody, and control of the 6467
society, all of which shall be maintained and kept for public use 6468
at reasonable hours; 6469

(B) Making alterations and improvements, marking, and 6470
constructing, reconstructing, protecting, or restoring structures, 6471
earthworks, and monuments in its care, and equipping such 6472
facilities with appropriate educational maintenance facilities; 6473

(C) Serving as the archives administration for the state and 6474
its political subdivisions as provided in sections 149.31 to 6475
149.42 of the Revised Code; 6476

(D) Administering a state historical museum, to be the 6477
headquarters of the society and its principal museum and library, 6478
which shall be maintained and kept for public use at reasonable 6479
hours; 6480

(E) Establishing a marking system to identify all designated 6481
historic and archaeological sites within the state and marking or 6482
causing to be marked historic sites and communities considered by 6483
the society to be historically or archaeologically significant; 6484

(F) Publishing books, pamphlets, periodicals, and other 6485
publications about history, archaeology, and natural science and 6486
~~supplying~~ offering one copy of each regular periodical issue to 6487
all public libraries in this state ~~without charge~~ at a reasonable 6488
price, which shall not exceed one hundred ten per cent more than 6489
the total cost of publication; 6490

(G) Engaging in research in history, archaeology, and natural 6491
science and providing historical information upon request to all 6492
state agencies; 6493

(H) Collecting, preserving, and making available by all 6494
appropriate means and under approved safeguards all manuscript, 6495

print, or near-print library collections and all historical 6496
objects, specimens, and artifacts which pertain to the history of 6497
Ohio and its people, including the following original documents: 6498
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 6499
Ohio Constitution of 1875; design and the letters of patent and 6500
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 6501
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 6502
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 6503
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 6504
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 6505
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 6506
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 6507
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 6508
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 6509
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 6510
(1947); 6511

(I) Encouraging and promoting the organization and 6512
development of county and local historical societies; 6513

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 6514
~~near cost~~ as the society may prepare to facilitate the instruction 6515
of Ohio history at a reasonable price, which shall not exceed one 6516
hundred ten per cent more than the total cost of preparation and 6517
delivery; 6518

(K) Providing advisory and technical assistance to local 6519
societies for the preservation and restoration of historic and 6520
archaeological sites; 6521

(L) Devising uniform criteria for the designation of historic 6522
and archaeological sites throughout the state and advising local 6523
historical societies of the criteria and their application; 6524

(M) Taking inventory, in cooperation with the Ohio arts 6525
council, the Ohio archaeological council, and the archaeological 6526

society of Ohio, of significant designated and undesignated state 6527
and local sites and keeping an active registry of all designated 6528
sites within the state; 6529

(N) Contracting with the owners or persons having an interest 6530
in designated historic or archaeological sites or property 6531
adjacent or contiguous to those sites, or acquiring, by purchase, 6532
gift, or devise, easements in those sites or in property adjacent 6533
or contiguous to those sites, in order to control or restrict the 6534
use of those historic or archaeological sites or adjacent or 6535
contiguous property for the purpose of restoring or preserving the 6536
historical or archaeological significance or educational value of 6537
those sites; 6538

(O) Constructing a monument honoring Governor James A. 6539
Rhodes, which shall stand on the northeast quadrant of the grounds 6540
surrounding the capitol building. The monument shall be 6541
constructed with private funds donated to the Ohio historical 6542
society and designated for this purpose. No public funds shall be 6543
expended to construct this monument. The department of 6544
administrative services shall cooperate with the Ohio historical 6545
society in carrying out this function and shall maintain the 6546
monument in a manner compatible with the grounds of the capitol 6547
building. 6548

(P) Commissioning a portrait of each departing governor, 6549
which shall be displayed in the capitol building. The Ohio 6550
historical society may accept private contributions designated for 6551
this purpose and, at the discretion of its board of trustees, also 6552
may apply for the same purpose funds appropriated by the general 6553
assembly to the society pursuant to this section. 6554

(Q) Planning and developing a center at the capitol building 6555
for the purpose of educating visitors about the history of Ohio, 6556
including its political, economic, and social development and the 6557
design and erection of the capitol building and its grounds. The 6558

Ohio historical society may accept contributions of private moneys 6559
and in-kind services designated for this purpose and may, at the 6560
discretion of its board of trustees, also apply, for the same 6561
purpose, personnel and other resources paid in whole or in part by 6562
its state subsidy. 6563

(R) Submitting an annual report of its activities, programs, 6564
and operations to the governor within two months after the close 6565
of each fiscal year of the state. 6566

The society shall not sell, mortgage, transfer, or dispose of 6567
historical or archaeological sites to which it has title and in 6568
which the state has monetary interest except by action of the 6569
general assembly. 6570

In consideration of the public functions performed by the 6571
Ohio historical society for the state, employees of the society 6572
shall be considered public employees within the meaning of section 6573
145.01 of the Revised Code. 6574

Sec. 149.31. (A) The Ohio historical society, in addition to 6575
its other functions, shall function as the state archives 6576
administration for the state and its political subdivisions. 6577

It shall be the function of the state archives to preserve 6578
government archives, documents, and records of historical value 6579
~~which that~~ may come into its possession from public or private 6580
sources. 6581

The archives administration shall evaluate, preserve, 6582
arrange, service repair, or make other disposition, such as 6583
transfer to public libraries, county historical societies, state 6584
universities, or other public or quasi-public institutions, 6585
agencies, or corporations, of those public records of the state 6586
and its political subdivisions ~~which that~~ may come into its 6587
possession under ~~the provisions of~~ this section. Such public 6588

records shall be transferred by written agreement only, and only 6589
to public or quasi-public institutions, agencies, or corporations 6590
capable of meeting accepted archival standards for housing and 6591
use. 6592

The archives administration shall be headed by a trained 6593
archivist designated by the Ohio historical society, and shall 6594
make its services available to county, city, township, and ~~school~~ 6595
school district records commissions upon request. The archivist 6596
shall be designated as the "state archivist." 6597

(B) The archives administration ~~of the Ohio historical~~ 6598
~~society~~ may purchase or procure for itself, or authorize the board 6599
of trustees of an archival institution to purchase or procure from 6600
an insurance company licensed to do business in this state 6601
policies of insurance insuring the administration or the members 6602
of the board and their officers, employees, and agents against 6603
liability on account of damage or injury to persons and property 6604
resulting from any act or omission of the board members, officers, 6605
employees, and agents in their official capacity. 6606

(C) Notwithstanding any other provision of the Revised Code 6607
to the contrary, the archives administration may establish a fee 6608
schedule, which may include the cost of labor, for researching, 6609
retrieving, copying, and mailing copies of public records in the 6610
state archives. Revisions to the fee schedule shall be subject to 6611
approval by the board of trustees of the Ohio historical society. 6612

Sec. 149.33. (A) The department of administrative services 6613
shall have ~~full~~ responsibility for establishing and administering 6614
a state records program for all state agencies, except for 6615
state-supported institutions of higher education. The department 6616
shall apply efficient and economical management methods to the 6617
creation, utilization, maintenance, retention, preservation, and 6618
disposition of state records. 6619

There is hereby established within the department of 6620
administrative services ~~an office of a~~ a state records 6621
~~administration program~~, which shall be under the control and 6622
supervision of the director of administrative services or ~~his~~ the 6623
~~director's~~ appointed deputy. ~~The director shall designate an~~ 6624
~~administrator of the office of state records administration.~~ 6625

(B) The boards of trustees of state-supported institutions of 6626
higher education shall have full responsibility for establishing 6627
and administering a records program for their respective 6628
institutions. The boards shall apply efficient and economical 6629
management methods to the creation, utilization, maintenance, 6630
retention, preservation, and disposition of the records of their 6631
respective institutions. 6632

Sec. 149.331. The state ~~record administration~~ records program 6633
of the department of administrative services shall do all of the 6634
following: 6635

(A) Establish and promulgate in consultation with the state 6636
archivist standards, procedures, and techniques for the effective 6637
management of state records; 6638

~~(B) Make continuing surveys of record keeping operations and~~ 6639
~~recommend improvements in current records management practices~~ 6640
~~including the use of space, equipment, and supplies employed in~~ 6641
~~creating, maintaining, storing, and servicing records;~~ 6642

~~(C) Establish and operate such state records centers and~~ 6643
~~auxiliary facilities as may be authorized by appropriation and~~ 6644
~~provide such related services as are deemed necessary for the~~ 6645
~~preservation, screening, storage, and servicing of state records~~ 6646
~~pending disposition;~~ 6647

~~(D) Review applications for one-time records disposal and~~ 6648
schedules of records retention and destruction submitted by state 6649

agencies in accordance with section 149.333 of the Revised Code; 6650

~~(E)~~(C) Establish "general schedules" proposing the disposal, 6651
after the lapse of specified periods of time, of records of 6652
specified form or character common to several or all agencies that 6653
either have accumulated or may accumulate in such agencies and 6654
that apparently will not, after the lapse of the periods 6655
specified, have sufficient administrative, legal, fiscal, or other 6656
value to warrant their further preservation by the state; 6657

~~(F)~~(D) Establish and maintain a records management training 6658
program, and provide a basic consulting service, for personnel 6659
involved in record-making and record-keeping functions of 6660
departments, offices, and institutions; 6661

~~(G)~~ Obtain reports from departments, offices, and 6662
~~institutions necessary for the effective administration of the~~ 6663
~~program;~~ 6664

~~(H)~~(E) Provide for the disposition of any remaining records 6665
of any state agency, board, or commission, whether in the 6666
executive, judicial, or legislative branch of government, that has 6667
terminated its operations. After the closing of the Ohio veterans' 6668
children's home, the resident records of the home and the resident 6669
records of the home when it was known as the soldiers' and 6670
sailors' orphans' home required to be maintained by approved 6671
records retention schedules shall be administered by the state 6672
department of education pursuant to this chapter, the 6673
administrative records of the home required to be maintained by 6674
approved records retention schedules shall be administered by the 6675
department of administrative services pursuant to this chapter, 6676
and historical records of the home shall be transferred to an 6677
appropriate archival institution in this state prescribed by the 6678
state ~~record administration~~ records program. 6679

~~(I)~~(F) Establish a centralized program coordinating 6680

micrographics standards, training, and services for the benefit of 6681
all state agencies; 6682

~~(J)~~(G) Establish and publish in accordance with the 6683
applicable law necessary procedures and rules for the retention 6684
and disposal of state records. 6685

This section does not apply to the records of state-supported 6686
institutions of higher education, which shall keep their own 6687
records. 6688

Sec. 149.332. Upon request the ~~state records administrator~~ 6689
director of administrative services and the state archivist shall 6690
assist and advise in the establishment of records management 6691
programs in the legislative and judicial branches of state 6692
government and shall, as required by them, provide program 6693
services similar to those available to the executive branch 6694
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 6695
disposal of any records, the state archivist shall be allowed 6696
sixty days to select for preservation in the state archives those 6697
records ~~he~~ the state archivist determines to have continuing 6698
historical value. 6699

Sec. 149.333. No state agency shall retain, destroy, or 6700
otherwise transfer its state records in violation of this section. 6701
This section does not apply to state-supported institutions of 6702
higher education. 6703

Each state agency shall submit to the state records 6704
~~administrator~~ program under the director of administrative 6705
services all applications for records disposal or transfer and all 6706
schedules of records retention and destruction. The state records 6707
~~administrator~~ program shall review ~~such~~ the applications and 6708
schedules and provide written approval, rejection, or modification 6709
of ~~the~~ an application or schedule. The state records ~~administrator~~ 6710

program shall then forward the application for records disposal or 6711
transfer or the schedule for retention or destruction, with the 6712
~~administrator's~~ program's recommendation attached, to the auditor 6713
of state for review and approval. The decision of the auditor of 6714
state to approve, reject, or modify the ~~applications~~ application 6715
or ~~schedules~~ schedule shall be based upon the continuing 6716
administrative and fiscal value of the state records to the state 6717
or to its citizens. If the auditor of state disapproves the action 6718
by the state agency, ~~he~~ the auditor of state shall so inform the 6719
state agency through the state records ~~administrator~~ program 6720
within sixty days, and ~~these~~ the records shall not be destroyed. 6721
~~At~~ 6722

At the same time, the state records ~~administrator~~ program 6723
shall forward the application for records disposal or transfer or 6724
the schedule for retention or destruction to the state archivist 6725
for review and approval. The state archivist shall have sixty days 6726
to select for custody ~~such~~ the state records ~~as he~~ that the state 6727
archivist determines to be of continuing historical value. Records 6728
not ~~so~~ selected shall be disposed of in accordance with this 6729
section. 6730

Sec. 149.34. The head of each state agency, office, 6731
institution, board, or commission shall do the following: 6732

(A) Establish, maintain, and direct an active continuing 6733
program for the effective management of the records of the state 6734
agency; 6735

~~(B) Cooperate with the state records administrator in the~~ 6736
~~conduct of surveys pursuant to section 149.331 of the Revised~~ 6737
~~Code;~~ 6738

~~(C)~~ Submit to the state records ~~administrator~~ program, in 6739
accordance with applicable standards and procedures, schedules 6740
proposing the length of time each record series warrants retention 6741

for administrative, legal, or fiscal purposes after it has been 6742
received or created by the agency. The head of each state agency 6743
also shall submit to the state records ~~administrator~~ program 6744
applications for disposal of records in ~~his~~ the head's custody 6745
that are not needed in the transaction of current business and are 6746
not otherwise scheduled for retention or destruction. 6747

~~(D) Transfer to a state records center or auxiliary 6748
facilities, in the manner prescribed by the state records 6749
administrator, those records of the agency that can be retained 6750
more efficiently and economically in such a center;~~ 6751

~~(E)~~ (C) Within one year after their date of creation or 6752
receipt, schedule all records for disposition or retention in the 6753
manner prescribed by applicable law and procedures. 6754

This section does not apply to state-supported institutions 6755
of higher education. 6756

Sec. 149.35. If any law prohibits the destruction of records, 6757
~~neither the state records administrator nor director of~~ 6758
~~administrative services, the director's designee, or~~ the boards of 6759
trustees of state-supported institutions of higher education shall 6760
not order their destruction or other disposition, ~~and, if.~~ If any 6761
law provides that records shall be kept for a specified period of 6762
time, ~~neither the administrator nor director of administrative~~ 6763
~~services, the director's designee, or~~ the boards shall not order 6764
their destruction or other disposition prior to the expiration of 6765
~~such~~ that period. 6766

Sec. 153.65. As used in sections 153.65 to 153.71 of the 6767
Revised Code: 6768

(A) "Public authority" means the state, ~~or~~ a county, 6769
township, municipal corporation, school district, or other 6770
political subdivision, or any public agency, authority, board, 6771

commission, instrumentality, or special district of the state or a 6772
county, township, municipal corporation, school district, or other 6773
political subdivision. 6774

(B) "Professional design firm" means any person legally 6775
engaged in rendering professional design services. 6776

(C) "Professional design services" means services within the 6777
scope of practice of an architect or landscape architect 6778
registered under Chapter 4703. of the Revised Code or a 6779
professional engineer or surveyor registered under Chapter 4733. 6780
of the Revised Code. 6781

(D) "Qualifications" means all of the following: 6782

(1) Competence of the professional design firm to perform the 6783
required professional design services as indicated by the 6784
technical training, education, and experience of the firm's 6785
personnel, especially the technical training, education, and 6786
experience of the employees within the firm who would be assigned 6787
to perform the services; 6788

(2) Ability of the firm in terms of its workload and the 6789
availability of qualified personnel, equipment, and facilities to 6790
perform the required professional design services competently and 6791
expeditiously; 6792

(3) Past performance of the firm as reflected by the 6793
evaluations of previous clients with respect to such factors as 6794
control of costs, quality of work, and meeting of deadlines; 6795

(4) ~~Other similar~~ Any other relevant factors as determined by 6796
the public authority. 6797

Sec. 153.691. No public authority planning to contract for 6798
professional design services under section 153.69 of the Revised 6799
Code shall require any form of fee estimate, fee proposal, or 6800
other estimate or measure of compensation prior to selecting and 6801

ranking professional design firms, except in instances when firms 6802
are selected and ranked by a state agency from a list of 6803
prequalified firms created under section 153.68 of the Revised 6804
Code and the state agency's payment of funds for the professional 6805
design services has been preapproved by the controlling board. 6806

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 6807
created in the state treasury. Seventy-five per cent of the net 6808
proceeds of obligations issued and sold by the issuing authority 6809
pursuant to sections 151.01 and 151.09 of the Revised Code shall 6810
be deposited into the fund. Investment earnings of the fund shall 6811
be credited to the fund. ~~For two years after the effective date of~~ 6812
~~this section, investment earnings credited to the fund and~~ may be 6813
used to pay costs incurred by the Ohio public works commission in 6814
administering sections 164.20 to 164.27 of the Revised Code. 6815
Moneys in the clean Ohio conservation fund shall be used to make 6816
grants to local political subdivisions and nonprofit organizations 6817
for projects that have been approved for grants under sections 6818
164.20 to 164.27 of the Revised Code. 6819

The clean Ohio conservation fund shall be administered by the 6820
Ohio public works commission. 6821

(B) For the purpose of grants issued under sections 164.20 to 6822
164.27 of the Revised Code, moneys shall be allocated on an annual 6823
basis from the clean Ohio conservation fund to districts 6824
represented by natural resources assistance councils as follows: 6825

(1) Each district shall receive an amount that is equal to 6826
one-fourth of one per cent of the total annual amount allocated to 6827
all districts each year for each county that is represented by the 6828
district. 6829

(2) The remaining moneys shall be allocated to each district 6830
annually on a per capita basis. 6831

(C) A grant that is awarded under sections 164.20 to 164.27 6832
of the Revised Code may provide up to seventy-five per cent of the 6833
estimated cost of a project. Matching funds from a grant recipient 6834
may consist of contributions of money by any person, any local 6835
political subdivision, or the federal government or of 6836
contributions in-kind by such entities through the purchase or 6837
donation of equipment, land, easements, interest in land, labor, 6838
or materials necessary to complete the project. 6839

(D) The director of the Ohio public works commission shall 6840
notify the director of budget and management of the amounts 6841
allocated pursuant to this section, and that information shall be 6842
entered in the state accounting system. The director of budget and 6843
management may establish appropriate line items or other 6844
mechanisms that are needed to track the allocations. 6845

(E) Grants awarded under sections 164.20 to 164.27 of the 6846
Revised Code from the clean Ohio conservation fund shall be used 6847
by a local political subdivision or nonprofit organization only to 6848
pay the costs related to the purposes for which grants may be 6849
issued under section 164.22 of the Revised Code and shall not be 6850
used by a local political subdivision or nonprofit organization to 6851
pay any administrative costs incurred by the local political 6852
subdivision or nonprofit organization. 6853

Sec. 165.09. Any real or personal property, or both, of an 6854
issuer ~~which~~ that is acquired, constructed, reconstructed, 6855
enlarged, improved, furnished or equipped, or any combination 6856
thereof, and leased or subleased under authority of either Chapter 6857
165. or 761. of the Revised Code shall be subject to ad valorem, 6858
sales, use, and franchise taxes and to zoning, planning, and 6859
building regulations and fees, to the same extent and in the same 6860
manner as if the lessee-user or sublessee-user thereof, rather 6861
than the issuer, had acquired, constructed, reconstructed, 6862

enlarged, improved, furnished, or equipped, or any combination 6863
thereof, such real or personal property, and title thereto was in 6864
the name of such lessee-user or sublessee-user. 6865

The transfer of tangible personal property by lease or 6866
sublease under authority of either Chapter 165. or 761. of the 6867
Revised Code is not a sale as used in Chapter 5739. of the Revised 6868
Code. The exemptions provided in divisions (B)(1) and (B)~~(14)~~(13) 6869
of section 5739.02 of the Revised Code shall not be applicable to 6870
purchases for a project under either Chapters 165. or 761. of the 6871
Revised Code. 6872

An issuer shall be exempt from all taxes on its real or 6873
personal property, or both, which has been acquired, constructed, 6874
reconstructed, enlarged, improved, furnished, or equipped, or any 6875
combination thereof, under Chapter 165. or 761. of the Revised 6876
Code, so long as such property is used by the issuer for purposes 6877
which would otherwise exempt such property; has ceased to be used 6878
by a former lessee-user or sublessee-user and is not occupied or 6879
used; or has been acquired by the issuer, but development has not 6880
yet commenced. The exemption shall be effective as of the date the 6881
exempt use begins. All taxes on the exempt real or personal 6882
property for the year should be prorated and the taxes for the 6883
exempt portion of the year shall be remitted by the county 6884
auditor. 6885

Sec. 173.06. (A) The director of aging shall establish a 6886
golden buckeye card program and provide a golden buckeye card to 6887
any resident of this state who applies to the director for a card 6888
and ~~who~~ is sixty years of age or older or ~~disabled~~ is a person 6889
with a disability and is eighteen years of age or older. The 6890
director shall devise programs to provide benefits of any kind to 6891
card holders, and encourage support and participation in them by 6892
all persons, including governmental organizations. Card holders 6893

shall be entitled to any benefits granted to them by private 6894
persons or organizations, the laws of this state, or ordinances or 6895
resolutions of political subdivisions. This section does not 6896
require any person or organization to provide benefits to any card 6897
holder. The department of aging shall bear all costs of the 6898
program, except that the department is not required to bear any 6899
costs related to the prescription drug ~~discount~~ programs 6900
established pursuant to section 173.061 of the Revised Code. 6901

(B) Before issuing a golden buckeye card to any person, the 6902
director shall establish the identity of any person who applies 6903
for a card and shall ascertain that such person is sixty years of 6904
age or older or ~~disabled~~ is a person with a disability and is 6905
eighteen years of age or older. The director shall adopt rules 6906
under Chapter 119. of the Revised Code to prevent the issuance of 6907
cards to persons not qualified to have them. Cards shall contain 6908
the signature of the card holder and any other information the 6909
director considers necessary to carry out the purposes of the 6910
golden buckeye card program under this section. Any card that the 6911
director issues shall be held in perpetuity by the original card 6912
holder and shall not be transferable to any other person. A person 6913
who loses the person's card may obtain another card from the 6914
director upon providing the same information to the director as 6915
was required for the issuance of the original card. 6916

(C) No person shall use a golden buckeye card except to 6917
obtain a benefit for the holder of the card to which the holder is 6918
entitled under the conditions of the offer. 6919

(D) As used in this section, "~~disabled~~ person with a 6920
disability" means a person who has some impairment of body or mind 6921
~~that makes the person unfit to work at any substantially~~ 6922
~~remunerative employment that the person is substantially able to~~ 6923
~~perform and that will, with reasonable probability, continue for a~~ 6924
~~period of at least twelve months without any present indication of~~ 6925

~~recovery therefrom, or who~~ and has been certified as permanently 6926
and totally disabled by an agency of this state or the United 6927
States having the function of so classifying persons. 6928

Sec. 173.061. (A) As used in this section: 6929

(1) "Prescription drug" means a drug that may not be 6930
dispensed without a prescription from a licensed health 6931
professional authorized to prescribe drugs. 6932

(2) "Drug," "licensed health professional authorized to 6933
prescribe drugs," "pharmacy," and "prescription" have the same 6934
meanings as in section 4729.01 of the Revised Code. 6935

(3) ~~"Disabled person~~ Person with a disability" has the same 6936
meaning as in section 173.06 of the Revised Code. 6937

(4) "Drug discount" means a reimbursement of a certain 6938
portion of the wholesale price of a drug to the administrator of a 6939
prescription drug program for funds accrued or paid in connection 6940
with a reduction in cost of the drug by the manufacturer to the 6941
prescription drug program cardholder pursuant to an agreement 6942
between the manufacturer and the administrator and in 6943
consideration of the administrator's agreement to return one 6944
hundred per cent of the non-negotiated discounts to the cardholder 6945
at the point of sale. A discount is not tied to and does not vary 6946
based on market share performance. 6947

(5) "Rebate" means a refund of a certain portion of the 6948
wholesale price of a drug to the administrator of a prescription 6949
drug program based on a negotiated agreement between the 6950
manufacturer and the administrator and in consideration of market 6951
share performance or continued access or availability of the drug 6952
under the administrator's prescription drug program. 6953

(B) The director of aging shall establish one or more 6954
prescription drug ~~discount card~~ programs that enable cardholders 6955

to receive ~~discounts~~ reduced prices on prescription drugs 6956
dispensed at participating pharmacies. A card shall be provided to 6957
any resident of this state who applies in accordance with rules 6958
adopted by the director pursuant to division (F) of this section 6959
and is sixty years of age or older or is a ~~disabled~~ person with a 6960
disability. 6961

If the director establishes more than one prescription drug 6962
~~discount card~~ program under this section, an eligible resident may 6963
participate in one or more or all of the programs. 6964

(C)(1) The director shall solicit and accept proposals from 6965
entities separate from the department of aging to provide for 6966
administration of a program or programs in accordance with rules 6967
adopted under division (F) of this section. Proposals must be 6968
submitted not later than a date established by the director. The 6969
director shall accept only those proposals that specify all of the 6970
following: 6971

(a) The estimated amount of the ~~discount~~ reduced prices on 6972
prescription drugs based on the entity's previous experience and 6973
how the ~~discount~~ reduction is to be achieved; 6974

(b) To the extent that ~~discounts on prescription drugs are to~~ 6975
~~be achieved through rebates or discounts in prices that the an~~ 6976
entity negotiates rebates with drug manufacturers, the proportion 6977
of the rebates ~~or discounts~~ to be used to do ~~all~~ any of the 6978
following: 6979

(i) Reduce any costs to cardholders; 6980

(ii) ~~Achieve discounts for cardholders;~~ 6981

~~(iii) Cover costs for administering the program;~~ 6982

(iii) Offer any other benefits to cardholders. 6983

(c) Any other benefits offered to cardholders; 6984

(d) If fees are permitted, the fee, if any, to cardholders 6985

for participation in the program and whether the fee is to be a	6986
one-time or periodic fee;	6987
(e) The estimated number and geographic distribution of	6988
participating pharmacies and the process for establishing the	6989
program's pharmacy network;	6990
(f) Financial incentives to be paid to participating	6991
pharmacies by the entity;	6992
(g) The percentage of prescription drugs to be covered by the	6993
program by major drug category;	6994
(h) How the entity proposes to improve medication management	6995
for cardholders;	6996
(i) How cardholders and participating pharmacies will be	6997
informed of the discounted <u>reduced</u> price negotiated by the entity;	6998
(j) How the entity will handle complaints about the program's	6999
operation;	7000
(k) The entity's previous experience in managing similar	7001
programs;	7002
(1) Any additional information requested by the director.	7003
(2) The director shall contract with one or more entities to	7004
administer a program or programs on the basis of the proposals	7005
submitted, but may require an administrator to modify its conduct	7006
of a program in accordance with rules adopted under division (F)	7007
of this section. Prior to entering into a contract with an entity,	7008
the director shall obtain approval of the contract from the	7009
controlling board at a public hearing.	7010
The director shall adopt rules specifying the period for	7011
which a contract will be in effect and may terminate a contract if	7012
an administrator fails to conduct a program in accordance with its	7013
proposal or with any modifications required by rule. When a	7014
contract period ends or a contract is terminated, the director	7015

shall enter into a new contract in the manner specified in this 7016
section for an original contract. Prior to making a new contract, 7017
the director may modify the rules for administration of the 7018
program or programs. 7019

(D) The rules for administration of a program established 7020
under division (C)(2) of this section may permit an administrator 7021
to charge a fee for a prescription drug ~~discount~~ card. The fee may 7022
be a one-time or periodic fee. If the rules permit a fee to be 7023
charged, each entity that submits a proposal under which a fee 7024
will be charged shall specify the amount of the fee and the period 7025
to which the fee will apply. 7026

If an administrator charges a fee for a prescription drug 7027
~~discount~~ card, the rules may require the administrator to issue 7028
the cards. If an administrator does not charge a fee, the rules 7029
may require the administrator to issue the cards or may include 7030
the prescription drug ~~discount~~ information on golden buckeye cards 7031
issued under section 173.06 of the Revised Code. 7032

(E) As used in this division, "administrator" includes the 7033
administrator's parent company and any subsidiary of the parent 7034
company. 7035

(1) No administrator shall sell any information concerning a 7036
person who holds a prescription drug ~~discount~~ card, other than 7037
aggregate information that does not identify the cardholder, 7038
without the cardholder's written consent. 7039

(2) Unless an administrator has the cardholder's written 7040
consent, no administrator shall use any personally identifiable 7041
information that it obtains concerning a cardholder through the 7042
program to promote or sell a program or product offered by the 7043
administrator that is not related to the administration of the 7044
program. This division does not prohibit an administrator from 7045
contacting cardholders concerning participation in or 7046

administration of the program, including, but not limited to, 7047
mailing a list of pharmacies participating in the program's 7048
network. 7049

(3) When determining medicaid drug rebates, an administrator 7050
shall be subject to best price calculations promulgated by the 7051
centers for medicare and medicaid services in the United States 7052
department of health and human services. An administrator may use 7053
rebates negotiated with a drug manufacturer without restriction, 7054
including sharing a portion of the rebate with the administrator's 7055
clients, prescription drug program participants, or participating 7056
pharmacies. To the extent that ~~a discount is achieved through~~ 7057
~~rebates or discounts in prices that~~ an administrator negotiates 7058
rebates with drug manufacturers, ~~an~~ the administrator shall use 7059
the rebates ~~or discounts~~ to do one or more of the following: 7060

- (a) Reduce any costs to cardholders; 7061
- (b) ~~Achieve discounts for cardholders;~~ 7062
- ~~(e)~~ Cover any administrative costs of the program; 7063
- (c) Offer any other benefits to cardholders. 7064

(4) An administrator may negotiate with drug manufacturers to 7065
have the prescription drug program or programs established by the 7066
department of aging under this section serve as a single 7067
enrollment point for the manufacturer's discount program. To the 7068
extent that discounts are offered by manufacturers through the 7069
program, discounts are exempt from best price calculations when 7070
determining medicaid drug rebates pursuant to 42 U.S.C. 1396r-8, 7071
as amended, if all of the following apply: 7072

(a) The manufacturer's program provides prescription drug 7073
assistance to a limited group of persons without negotiations 7074
between the manufacturer and a third party regarding the amount of 7075
assistance. 7076

(b) The manufacturer establishes the amount of the benefit to be given to persons without negotiations between the manufacturer and a third party regarding the amount of the benefit. 7077
7078
7079

(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. 7080
7081
7082
7083

(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. 7084
7085
7086
7087

(e) Other than the benefit amount, a participating pharmacy collects no additional payment from the manufacturer's discount program. 7088
7089
7090

(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. 7091
7092
7093
7094

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following: 7095
7096

(1) Specify how a resident may apply to participate in any one or more prescription drug discount card programs; 7097
7098

(2) Provide for the administration of each program; 7099

(3) Specify the circumstances under which the director may require an administrator to modify its conduct of a program; 7100
7101

(4) Specify the duration of a contract; 7102

(5) Specify whether an administrator may charge a fee for a card and whether an administrator is required to issue the cards; 7103
7104

(6) Require that an administrator permit any pharmacy willing 7105

to comply with the administrator's terms and conditions for 7106
participation in the program's network to participate in any 7107
network used by the administrator for its program; 7108

(7) Prohibit an administrator from requiring a pharmacy or 7109
drug manufacturer to participate in the program's network as a 7110
condition of participation in another network operated by the 7111
administrator; 7112

(8) Permit an administrator to work with one or more drug 7113
manufacturers to obtain drug discounts; 7114

(9) Permit an administrator to negotiate with one or more 7115
drug manufacturers for ~~discounts in drug prices or~~ rebates; 7116

~~(9)~~(10) Permit an administrator to receive any rebate 7117
payments from drug manufacturers; 7118

~~(10)~~(11) Require that an administrator create a financial 7119
incentive program for participating pharmacies through which the 7120
administrator shall distribute a portion of any rebate payments 7121
from drug manufacturers received under division (F)~~(9)~~(10) of this 7122
section. 7123

(G) Not later than one month after the end of each 7124
twelve-month period that one or more prescription drug ~~discount~~ 7125
~~card~~ programs are in operation, each administrator shall collect 7126
from each of its participating pharmacies and provide to the 7127
director of aging the information required by section 173.071 of 7128
the Revised Code. 7129

Sec. 173.062. Records identifying the recipients of golden 7130
buckeye cards issued under section 173.06 of the Revised Code or 7131
prescription drug ~~discount~~ cards issued under section 173.061 of 7132
the Revised Code are not public records subject to inspection or 7133
copying under section 149.43 of the Revised Code and may be 7134
disclosed only at the discretion of the director of aging. The 7135

director may disclose only information in records identifying the 7136
recipients of golden buckeye cards or prescription drug ~~discount~~ 7137
cards that does not contain the recipient's medical history or 7138
prescription drug utilization history. 7139

Sec. 173.07. Not later than four months after the end of each 7140
twelve-month period that one or more prescription drug ~~discount~~ 7141
~~card~~ programs established under section 173.061 of the Revised 7142
Code are in operation, the director of aging shall issue a report 7143
on the operation of each program during that twelve-month period. 7144

Sec. 173.071. Each report issued under section 173.07 of the 7145
Revised Code shall be based on information received by the 7146
director of aging from each administrator under division (G) of 7147
section 173.061 of the Revised Code and specify all of the 7148
following about each program: 7149

(A) The number of prescription drug ~~discount~~ cardholders; 7150

(B) The number of cardholders who used the card at least once 7151
in the immediately preceding twelve-month period; 7152

(C) The total cost savings to all cardholders generated by 7153
the program; 7154

(D) The average cost savings to a cardholder per 7155
prescription; 7156

(E) The source and method of cost savings under the program; 7157

(F) The drugs that are discounted under the program listed 7158
according to major drug category; 7159

(G) The drugs for which rebates are offered under the 7160
program, listed according to major drug category; 7161

(H) For each participating pharmacy, the number of times in 7162
the twelve-month period that the pharmacy's customary and usual 7163
price was lower than the price offered under the prescription drug 7164

discount program;	7165
(H) (I) The name of the program's administrator;	7166
(I) (J) The length of the contract between the director and the program's administrator;	7167 7168
(J) (K) The number of pharmacies participating in the program;	7169
(K) (L) Other than the cost of prescription drugs, any fees paid by cardholders to participate in the program;	7170 7171
(L) (M) Any costs incurred by the state to operate the program;	7172 7173
(M) (N) Any costs incurred by participating pharmacies to participate in the program.	7174 7175
<u>Sec. 173.08. (A) The resident services coordinator program is</u>	7176
<u>established in the department of aging to fund resident services</u>	7177
<u>coordinators. The coordinators shall provide information to</u>	7178
<u>low-income and special-needs tenants, including the elderly, who</u>	7179
<u>live in subsidized rental housing complexes, and assist those</u>	7180
<u>tenants in identifying and obtaining community and program</u>	7181
<u>services and other benefits for which they are eligible.</u>	7182
<u>(B) The resident services coordinator program fund is hereby</u>	7183
<u>created in the state treasury to support the resident services</u>	7184
<u>coordinator program established pursuant to this section. The fund</u>	7185
<u>consists of all moneys the department of development sets aside</u>	7186
<u>pursuant to division (A)(4) of section 175.21 of the Revised Code</u>	7187
<u>and moneys the general assembly appropriates to the fund.</u>	7188
Sec. 173.14. As used in sections 173.14 to 173.26 of the	7189
Revised Code:	7190
(A)(1) Except as otherwise provided in division (A)(2) of	7191
this section, "long-term care facility" includes any residential	7192
facility that provides personal care services for more than	7193

twenty-four hours for two or more unrelated adults, including all	7194
of the following:	7195
(a) A "nursing home," "residential care facility," or "home	7196
for the aging" as defined in section 3721.01 of the Revised Code;	7197
(b) A facility authorized to provide extended care services	7198
under Title XVIII of the "Social Security Act," 49 Stat. 620	7199
(1935), 42 U.S.C. 301, as amended;	7200
(c) A county home or district home operated pursuant to	7201
Chapter 5155. of the Revised Code;	7202
(d) An "adult care facility" as defined in section 3722.01 of	7203
the Revised Code;	7204
(e) A facility approved by the veterans administration under	7205
section 104(a) of the "Veterans Health Care Amendments of 1983,"	7206
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for	7207
the placement and care of veterans;	7208
(f) An adult foster home certified under section 173.36 of	7209
the Revised Code.	7210
(2) "Long-term care facility" does not include a "residential	7211
facility" as defined in section 5119.22 of the Revised Code or a	7212
"residential facility" as defined in section 5123.19 of the	7213
Revised Code.	7214
(B) "Resident" means a resident of a long-term care facility	7215
and, where appropriate, includes a prospective, previous, or	7216
deceased resident of a long-term care facility.	7217
(C) "Community-based long-term care services" means health	7218
and social services provided to persons age sixty or older in	7219
their own homes or in community care settings, and includes any of	7220
the following:	7221
(1) Case management;	7222
(2) Home health care;	7223

(3) Homemaker services;	7224
(4) Chore services;	7225
(5) Respite care;	7226
(6) Adult day care;	7227
(7) Home-delivered meals;	7228
(8) Personal care;	7229
(9) Physical, occupational, and speech therapy;	7230
(10) Any other health and social services provided to persons	7231
age sixty or older that allow them to retain their independence in	7232
their own homes or in community care settings.	7233
(D) "Recipient" means a recipient of community-based	7234
long-term care services and, where appropriate, includes a	7235
prospective, previous, or deceased recipient of community-based	7236
long-term care services.	7237
(E) "Sponsor" means an adult relative, friend, or guardian	7238
who has an interest in or responsibility for the welfare of a	7239
resident or a recipient.	7240
(F) "Personal care services" has the same meaning as in	7241
section 3721.01 of the Revised Code.	7242
(G) "Regional long-term care ombudsperson program" means an	7243
entity, either public or private and nonprofit, designated as a	7244
regional long-term care ombudsperson program by the state	7245
long-term care ombudsperson.	7246
(H) "Representative of the office of the state long-term care	7247
ombudsperson program" means the state long-term care ombudsperson	7248
or a member of the ombudsperson's staff, or a person certified as	7249
a representative of the office under section 173.21 of the Revised	7250
Code.	7251
(I) "Area agency on aging" means an area agency on aging	7252

established under the "Older Americans Act of 1965," 79 Stat. 219, 7253
42 U.S.C.A. 3001, as amended. 7254

Sec. 173.26. (A) Each of the following facilities shall 7255
annually pay to the department of aging ~~three~~ six dollars for each 7256
bed maintained by the facility for use by a resident during any 7257
part of the previous year: 7258

(1) Nursing homes, residential care facilities, and homes for 7259
the aging as defined in section 3721.01 of the Revised Code; 7260

(2) Facilities authorized to provide extended care services 7261
under Title XVIII of the "Social Security Act," 49 Stat. 620 7262
(1935), 42 U.S.C. 301, as amended; 7263

(3) County homes and district homes operated pursuant to 7264
Chapter 5155. of the Revised Code; 7265

(4) Adult care facilities as defined in section 3722.01 of 7266
the Revised Code; 7267

(5) ~~Adult foster homes certified under section 173.36 of the~~ 7268
~~Revised Code;~~ 7269

~~(6)~~ Facilities approved by the Veterans Administration under 7270
Section 104(a) of the "Veterans Health Care Amendments of 1983," 7271
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 7272
the placement and care of veterans. 7273

The department shall, by rule adopted ~~under section 111.15 in~~ 7274
accordance with Chapter 119. of the Revised Code, establish 7275
deadlines for payments required by this section. 7276

(B) All money collected under this section shall be deposited 7277
in the state treasury to the credit of the office of the state 7278
long-term care ~~ombudsman~~ ombudsperson program fund, which is 7279
hereby created. Money credited to the fund shall be used solely to 7280
pay the costs of operating the regional long-term care ~~ombudsman~~ 7281
ombudsperson programs. 7282

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

Sec. 173.54. (A) Through the contract required under section 173.47 of the Revised Code, the department of aging shall provide for customer satisfaction surveys for use in publishing the Ohio long-term care consumer guide. The department shall ensure that the customer satisfaction surveys are conducted as follows:

(1) ~~The surveys~~ One survey shall be conducted ~~annually each year.~~ The survey shall alternate between a survey of nursing facility residents and a survey of families of nursing facility residents.

(2) The surveys shall consist of standardized, statistically valid and reliable questionnaires for nursing facility residents ~~and or~~ or for families of nursing facility residents. Each questionnaire shall be structured in a manner that produces statistically tested valid and reliable responses, as specified in rules adopted by the department. Each questionnaire shall ask the resident's age and gender. The resident questionnaire shall ask who, if anyone, assisted the resident in completing the questionnaire. The family questionnaire shall ask the relationship of the person completing the questionnaire to the resident.

(3) The resident survey shall be conducted in person, using a standardized survey protocol developed by the department in consultation with the long-term care consumer guide advisory council. The survey shall be conducted in a manner designed to preserve the resident's confidentiality as much as possible.

(4) The family survey shall be conducted using anonymous

questionnaires distributed to families and returned to a person 7313
other than the nursing facility, in accordance with a standardized 7314
survey protocol developed by the department in consultation with 7315
the long-term care consumer guide advisory council. 7316

(B) In addition to being used for the consumer guide, the 7317
results of the surveys conducted under this section shall be 7318
provided to the nursing facilities to which they pertain. Each 7319
nursing facility in this state shall participate as necessary for 7320
successful completion of the surveys. 7321

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 7322
consist of eleven members. Nine of the members shall be appointed 7323
by the governor with the advice and consent of the senate. The 7324
director of commerce and the director of development, or their 7325
respective designees, shall also be voting members of the agency. 7326
Of the nine appointed members, at least one shall have experience 7327
in residential housing construction; at least one shall have 7328
experience in residential housing mortgage lending, loan 7329
servicing, or brokering; at least one shall have experience in the 7330
licensed residential housing brokerage business; at least one 7331
shall have experience with the housing needs of senior citizens; 7332
at least one shall be from a background in labor representation in 7333
the construction industry; at least one shall represent the 7334
interests of nonprofit multifamily housing development 7335
corporations; at least one shall represent the interests of 7336
for-profit multifamily housing development organizations; and two 7337
shall be public members. The governor shall receive 7338
recommendations from the Ohio housing council for appointees to 7339
represent the interests of nonprofit multifamily housing 7340
development corporations and for-profit multifamily housing 7341
development organizations. Each appointee representing multifamily 7342
housing interests currently shall be employed with an organization 7343
that is active in the area of affordable housing development or 7344

management. No more than six of the appointed members of the 7345
agency shall be of the same political party. Of the appointments 7346
made to the agency for the eighth and ninth appointed members in 7347
accordance with this amendment, one shall be for a term ending on 7348
January 31, 2005, and one shall be for a term ending on January 7349
31, 2006. Thereafter, each appointed member shall serve for a term 7350
ending on the thirty-first day of January which is six years 7351
following the date of termination of the term which it succeeds. 7352
Each member shall hold office from the date of the member's 7353
appointment until the end of the term for which the member was 7354
appointed. Any member appointed to fill a vacancy occurring prior 7355
to the expiration of the term for which the member's predecessor 7356
was appointed shall hold office for the remainder of such term. 7357
Any appointed member shall continue in office subsequent to the 7358
expiration date of the member's term until the member's successor 7359
takes office, or until a period of sixty days has elapsed, 7360
whichever occurs first. Each appointed member may be removed from 7361
office by the governor for misfeasance, nonfeasance, malfeasance 7362
in office, or for failure to attend in person three consecutive 7363
meetings of the agency. 7364

(2) The ~~director of development or the director's designee~~ 7365
governor shall ~~be~~ appoint the chairperson of the agency. The 7366
agency shall elect one of its ~~appointed~~ members as 7367
vice-chairperson and such other officers as it deems necessary, 7368
who need not be members of the agency. Each appointed member of 7369
the agency shall receive compensation at the rate of one hundred 7370
fifty dollars per agency meeting attended in person, not to exceed 7371
a maximum of three thousand dollars per year. All members shall be 7372
reimbursed for their actual and necessary expenses incurred in the 7373
discharge of their official duties. 7374

(3) Six members of the agency constitute a quorum, and the 7375
affirmative vote of six members shall be necessary for any action 7376

taken by the agency. No vacancy in membership of the agency 7377
impairs the right of a quorum to exercise all the rights and 7378
perform all the duties of the agency. Meetings of the agency may 7379
be held at any place within the state. Meetings of the agency, 7380
including notice of the place of meetings, shall comply with 7381
section 121.22 of the Revised Code. 7382

(B)(1) The appointed members of the agency are not subject to 7383
section 102.02 of the Revised Code. Each such appointed member 7384
shall file with the agency a signed written statement setting 7385
forth the general nature of sales of goods, property or services 7386
or of loans to the agency in which such member has a pecuniary 7387
interest or in which any member of the member's immediate family, 7388
as defined in section 102.01 of the Revised Code, or any 7389
corporation, partnership or enterprise of which the member is an 7390
officer, director, or partner, or of which the member or a member 7391
of the member's immediate family, as so defined, owns more than a 7392
five per cent interest, has a pecuniary interest, and of which 7393
sale, loan and interest such member has knowledge. The statement 7394
shall be supplemented from time to time to reflect changes in the 7395
general nature of any such sales or loans. No member shall 7396
participate in portions of agency meetings dealing with, or vote 7397
concerning, any such matter. 7398

(2) The requirements of this section pertaining to disclosure 7399
and prohibition from participation and voting do not apply to 7400
agency loans to lending institutions or contracts between the 7401
agency and lending institutions for the purchase, administration, 7402
or servicing of loans notwithstanding that such lending 7403
institution has a director, officer, employee, or owner who is a 7404
member of the agency, and no such loans or contracts shall be 7405
deemed to be prohibited or otherwise regulated by reason of any 7406
other law or rule. 7407

(3) The members of the agency representing multifamily 7408

housing interests are not in violation of division (A) of section 7409
2921.42, division (D) of section 102.03, or division (E) of 7410
section 102.03 of the Revised Code in regard to a contract the 7411
agency enters into if both of the following apply: 7412

(a) The contract is entered into for a loan, grant, or 7413
participation in a program administered or funded by the agency 7414
and the contract was awarded pursuant to rules or guidelines the 7415
agency adopted. 7416

(b) The member does not participate in the discussion or vote 7417
on the contract if the contract secured a grant or loan that would 7418
directly benefit the member, a family member, or a business 7419
associate of the member. 7420

Sec. 175.21. (A) The low- and moderate-income housing trust 7421
fund is hereby created in the state treasury. The fund shall 7422
consist of all appropriations, made to the fund, housing trust 7423
fund fees collected by county recorders pursuant to section 317.36 7424
of the Revised Code and deposited into the fund pursuant to 7425
section 319.63 of the Revised Code, and all grants, gifts, loan 7426
repayments, and contributions of money made from any source to the 7427
department of development for deposit in the fund. All investment 7428
earnings of the fund shall be credited to the fund. The director 7429
of development shall allocate a portion of the money in the fund 7430
to an account of the Ohio housing finance agency. The department 7431
shall administer the fund. The agency shall use money allocated to 7432
it in the fund for implementing and administering its programs and 7433
duties under sections 175.22 and 175.24 of the Revised Code, and 7434
the department shall use the remaining money in the fund for 7435
implementing and administering its programs and duties under 7436
sections 175.22 to 175.25 of the Revised Code. Use of all money in 7437
the fund is subject to the following restrictions: 7438

(1) Not more than six per cent of any current year 7439

appropriation authority for the fund shall be used for the 7440
transitional and permanent housing program to make grants to 7441
municipal corporations, counties, townships, and nonprofit 7442
organizations for the acquisition, rehabilitation, renovation, 7443
construction, conversion, operation, and cost of supportive 7444
services for new and existing transitional and permanent housing 7445
for homeless persons. 7446

(2)(a) Not more than five per cent of any current year 7447
appropriation authority for the fund shall be used for grants and 7448
loans to community development corporations and the Ohio community 7449
development finance fund, a private nonprofit corporation. 7450

(b) In any year in which the amount in the fund exceeds one 7451
hundred thousand dollars, not less than one hundred thousand 7452
dollars shall be used to provide training, technical assistance, 7453
and capacity building assistance to nonprofit development 7454
organizations in areas of the state the director designates as 7455
underserved. 7456

(c) For monies awarded in any fiscal year, priority shall be 7457
given to proposals submitted by nonprofit development 7458
organizations from areas of the state the director designates as 7459
underserved. 7460

(3) Not more than seven per cent of any current year 7461
appropriation authority for the fund shall be used for the 7462
emergency shelter housing grants program to make grants to 7463
private, nonprofit organizations and municipal corporations, 7464
counties, and townships for emergency shelter housing for the 7465
homeless. The grants shall be distributed pursuant to rules the 7466
director adopts and qualify as matching funds for funds obtained 7467
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 7468
11371 to 11378. 7469

(4) In any fiscal year in which the amount in the fund 7470

exceeds the amount awarded pursuant to division (A)(2)(b) of this 7471
section by at least two hundred fifty thousand dollars, at least 7472
two hundred fifty thousand dollars from the fund shall be provided 7473
to the department of aging for the resident services coordinator 7474
program. 7475

(5) Of all money in the fund: 7476

(a) Not more than five per cent shall be used for 7477
administration. 7478

(b) Not less than forty-five per cent of the ~~amount of~~ funds 7479
awarded during any one fiscal year shall be ~~used to make for~~ 7480
grants and loans to nonprofit organizations under section 175.22 7481
of the Revised Code, ~~not.~~ 7482

(c) Not less than fifty per cent of the amount of funds 7483
awarded during any one fiscal year, excluding the amounts awarded 7484
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 7485
shall be ~~used to make for~~ grants and loans for activities that 7486
~~will~~ provide housing and housing assistance to families and 7487
individuals in rural areas and small cities that ~~would~~ are not be 7488
eligible to participate as a participating jurisdiction under the 7489
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 7490
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 7491
~~in the fund shall be used for administration, and no.~~ 7492

(d) No money in the fund shall be used to pay for any legal 7493
services other than the usual and customary legal services 7494
associated with the acquisition of housing. 7495

(6) Except as otherwise provided by the director under 7496
division (B) of this section, money in the fund may be used as 7497
matching money for federal funds received by the state, counties, 7498
municipal corporations, and townships for the activities listed in 7499
section 175.22 of the Revised Code. 7500

(B) If after the second quarter of any year it appears to the 7501

director that the full amount of the money in the ~~low~~ and 7502
~~moderate-income housing trust~~ fund designated in that year for 7503
activities that ~~will~~ provide housing and housing assistance to 7504
families and individuals in rural areas and small cities under 7505
division (A) of this section will not be ~~so~~ used for that purpose, 7506
the director may reallocate all or a portion of that amount for 7507
other housing activities. In determining whether or how to 7508
reallocate money under this division, the director may consult 7509
with and shall receive advice from the housing trust fund advisory 7510
committee. 7511

Sec. 175.22. (A) The department of development and the Ohio 7512
housing finance agency shall each develop programs under which, in 7513
accordance with rules adopted under this section, ~~it~~ they may make 7514
grants, loans, loan guarantees, and loan subsidies to counties, 7515
municipal corporations, townships, local housing authorities, and 7516
nonprofit organizations and may make loans, loan guarantees, and 7517
loan subsidies to private developers and private lenders to assist 7518
~~them~~ in activities that ~~will~~ provide housing and housing 7519
assistance for specifically targeted low- and moderate-income 7520
families and individuals. There ~~shall be~~ is no minimum housing 7521
project size for awards under this division for any project that 7522
is ~~being~~ developed for a special needs population and that is 7523
supported by a social service agency where the housing project 7524
~~will be~~ is located. Activities for which grants, loans, loan 7525
guarantees, and loan subsidies may be made under this section 7526
include all of the following: 7527

(1) Acquiring, financing, constructing, leasing, 7528
rehabilitating, remodeling, improving, and equipping publicly or 7529
privately owned housing; 7530

(2) Providing supportive services related to housing and the 7531
homeless, including housing counseling. Not more than twenty per 7532

cent of the current year appropriation authority for the low- and 7533
moderate-income housing trust fund that remains after the 7534
expenditures made pursuant to divisions (A)(1), (A)(2), and (A)(3) 7535
of section 175.21 of the Revised Code, shall be awarded in any 7536
fiscal year for ~~such~~ supportive services. 7537

(3) Providing rental assistance payments or other project 7538
operating subsidies that lower tenant rents. 7539

(B) Grants, loans, loan guarantees, and loan subsidies may be 7540
made to counties, municipal corporations, townships, and nonprofit 7541
organizations for the additional purposes of providing technical 7542
assistance, design and finance services and consultation, and 7543
payment of pre-development and administrative costs related to any 7544
of the activities listed above. 7545

(C) In developing programs under this section, the department 7546
and the agency shall invite, accept, and consider public comment, 7547
and recommendations from the housing trust fund advisory committee 7548
created under section 175.25 of the Revised Code, on how the 7549
programs should be designed to most effectively benefit low- and 7550
moderate-income families and individuals. The programs developed 7551
under this section shall respond collectively to housing and 7552
housing assistance needs of low- and moderate-income families and 7553
individuals statewide. 7554

(D) The department and the agency, in accordance with Chapter 7555
119. of the Revised Code, shall each adopt rules ~~under which it~~ 7556
~~shall to~~ administer programs developed ~~by it~~ under this section. 7557
The rules shall prescribe procedures and forms ~~whereby that~~ 7558
counties, municipal corporations, townships, local housing 7559
authorities, and nonprofit organizations ~~may apply~~ shall use in 7560
applying for grants, loans, loan guarantees, and loan subsidies 7561
and that private developers and private lenders ~~may apply~~ shall 7562
use in applying for loans, loan guarantees, and loan subsidies; 7563
eligibility criteria for the receipt of funds; procedures for 7564

reviewing and granting or denying applications; procedures for 7565
paying out funds; conditions on the use of funds; procedures for 7566
monitoring the use of funds; and procedures under which a 7567
recipient shall be required to repay funds that are improperly 7568
used. The rules ~~adopted by the department~~ shall do both of the 7569
following: 7570

(1) Require each recipient of a grant or loan made from the 7571
low- and moderate-income housing trust fund for activities that 7572
~~will~~ provide, or assist in providing, a rental housing project, to 7573
reasonably ensure that the rental housing project will ~~be~~ remain 7574
affordable to those families and individuals targeted for the 7575
rental housing project for the useful life of the rental housing 7576
project or for thirty years, whichever is longer; 7577

(2) Require each recipient of a grant or loan made from the 7578
low- and moderate-income housing trust fund for activities that 7579
~~will~~ provide, or assist in providing, a housing project to prepare 7580
and implement a plan to reasonably assist any families and 7581
individuals displaced by the housing project in obtaining decent 7582
affordable housing. 7583

(E) In prescribing eligibility criteria and conditions for 7584
the use of funds, neither the department nor the agency is limited 7585
to the criteria and conditions specified in this section and each 7586
may prescribe additional eligibility criteria and conditions that 7587
relate to the purposes for which grants, loans, loan guarantees, 7588
and loan subsidies may be made. However, the department and agency 7589
are limited by the following specifically targeted low- and 7590
moderate-income guidelines: 7591

(1) Not less than seventy-five per cent of the money granted 7592
and loaned under this section in any fiscal year shall be for 7593
activities that ~~will~~ provide affordable housing and housing 7594
assistance to families and individuals ~~in a county~~ whose incomes 7595
are equal to or less than fifty per cent of the median income for 7596

~~that~~ the county in which they live, as determined by the 7597
department under section 175.23 of the Revised Code. 7598

(2) ~~The remainder of the~~ Any money granted and loaned under 7599
this section in any fiscal year that is not granted or loaned 7600
pursuant to division (E)(1) of this section shall be for 7601
activities that ~~will~~ provide affordable housing and housing 7602
assistance to families and individuals ~~in a county~~ whose incomes 7603
are equal to or less than eighty per cent of the median income for 7604
~~that~~ the county in which they live, as determined by the 7605
department under section 175.23 of the Revised Code. 7606

(F) In making grants, loans, loan guarantees, and loan 7607
subsidies under this section, the department and the agency shall 7608
give preference to viable projects and activities that ~~will~~ 7609
benefit those families and individuals ~~in a county~~ whose incomes 7610
are equal to or less than thirty-five per cent of the median 7611
income for ~~that~~ the county in which they live, as determined by 7612
the department under section 175.23 of the Revised Code. 7613

(G) The department and the agency shall monitor the programs 7614
developed under this section to ensure that money granted and 7615
loaned under this section is not used in a manner that violates 7616
division (H) of section 4112.02 of the Revised Code or 7617
discriminates against families with children. 7618

Sec. 183.02. This section's references to years mean state 7619
fiscal years. 7620

All payments received by the state pursuant to the tobacco 7621
master settlement agreement shall be deposited into the state 7622
treasury to the credit of the tobacco master settlement agreement 7623
fund, which is hereby created. All investment earnings of the fund 7624
shall also be credited to the fund. Except as provided in division 7625
(K) of this section, payments and interest credited to the fund 7626
shall be transferred by the director of budget and management as 7627

follows: 7628

(A)(1) Of the first payment credited to the tobacco master 7629
settlement agreement fund in 2000 and the net amounts credited to 7630
the fund annually from 2000 to 2006 and in 2012, the following 7631
amount or percentage shall be transferred to the tobacco use 7632
prevention and cessation trust fund, created in section 183.03 of 7633
the Revised Code: 7634

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment	\$104,855,222.85	7636
credited)		
2000 (net amount credited)	70.30%	7637
2001	62.84	7638
2002	61.41	7639
2003	63.24	7640
2004	66.65	7641
2005	66.24	7642
2006	65.97	7643
2012	56.01	7644

(2) Of the net amounts credited to the tobacco master 7645
settlement agreement fund in 2013, the director shall transfer to 7646
the tobacco use prevention and cessation trust fund the amount not 7647
transferred to the tobacco use prevention and cessation trust fund 7648
from the net amounts credited to the tobacco master settlement 7649
agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. 7650
S.B. No. 242 of the 124th general assembly. Of the net amounts 7651
credited to the tobacco master settlement agreement fund in 2014, 7652
the director shall transfer to the tobacco use prevention and 7653
cessation trust fund the amount not transferred to the tobacco use 7654
prevention and cessation trust fund from the net amounts credited 7655
to the tobacco master settlement agreement fund in 2003 due to Am. 7656
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 7657
assembly. Of the net amounts credited to the tobacco master 7658

settlement agreement fund in 2015, the director shall transfer to 7659
the tobacco use prevention and cessation trust fund the amount not 7660
transferred to the tobacco use prevention and cessation trust fund 7661
from the net amounts credited to the tobacco master settlement 7662
agreement fund in 2004 due to Am. Sub. H.B. 95 of the 125th 7663
general assembly. 7664

(B) Of the first payment credited to the tobacco master 7665
settlement agreement fund in 2000 and the net amounts credited to 7666
the fund annually in 2000 and 2001, the following amount or 7667
percentage shall be transferred to the law enforcement 7668
improvements trust fund, created in section 183.10 of the Revised 7669
Code: 7670

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$10,000,000	7672
2000 (net amount credited)	5.41%	7673
2001	2.32	7674

(C)(1) Of the first payment credited to the tobacco master 7675
settlement agreement fund in 2000 and the net amounts credited to 7676
the fund annually from 2000 to 2011, the following percentages 7677
shall be transferred to the southern Ohio agricultural and 7678
community development trust fund, created in section 183.11 of the 7679
Revised Code: 7680

YEAR	PERCENTAGE	
2000 (first payment credited)	5.00%	7682
2000 (net amount credited)	8.73	7683
2001	8.12	7684
2002	9.18	7685
2003	8.91	7686
2004	7.84	7687
2005	7.79	7688

2006	7.76	7689
2007	17.39	7690
2008 through 2011	17.25	7691

(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to the southern Ohio agricultural and community development trust fund the amount not transferred to the southern Ohio agricultural and community development trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to the southern Ohio agricultural and community development trust fund the amount not transferred to the southern Ohio agricultural and community development trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly.

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

YEAR	PERCENTAGE	
2000	5.41	7712
2001	6.68	7713
2002	6.79	7714
2003	6.90	7715
2004	7.82	7716
2005	8.18	7717
2006	8.56	7718
2007	19.83	7719
2008	19.66	7720

2009	20.48	7721
2010	21.30	7722
2011	22.12	7723
2012	10.47	7724

~~(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	7743
2001	14.03	7744
2002	13.29	7745
2003	12.73	7746
2004	13.78	7747
2005	14.31	7748
2006	14.66	7749
2007	49.57	7750
2008 to 2011	45.06	7751
2012	18.77	7752

(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	
2000	\$133,062,504.95	7758
2001	128,938,732.73	7759
2002	185,804,475.78	7760
2003	180,561,673.11	7761
2004	122,778,219.49	7762
2005	121,389,325.80	7763
2006	120,463,396.67	7764
2007	246,389,369.01	7765
2008 to 2011	267,531,291.85	7766
2012	110,954,545.28	7767

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

YEAR	PERCENTAGE	
2013	30.22	7776
2014	33.36	7777
2015 to 2025	40.90	7778

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

YEAR	PERCENTAGE	
2000	7.44	7784

2001	6.01	7785
2002	9.33	7786
2003	8.22	7787
2004	3.91	7788
2005	3.48	7789
2006	3.05	7790
2007	13.21	7791
2008	18.03	7792
2009	17.21	7793
2010	16.39	7794
2011	15.57	7795
2012	14.75	7796

(I) In each year from 2003 to 2025, after the transfers made 7797
under divisions (F) and (G) of this section but prior to the 7798
transfers made under divisions (A) to (E) of this section, the 7799
director of budget and management shall transfer to the tobacco 7800
settlement oversight, administration, and enforcement fund created 7801
in section 183.34 of the Revised Code such amount as the director 7802
determines necessary to pay the costs incurred by the attorney 7803
general in tobacco settlement oversight, administration, and 7804
enforcement. 7805

(J) In each year from 2003 to 2025, after the transfers made 7806
under divisions (F) and (G) of this section but prior to the 7807
transfers made under divisions (A) to (E) of this section, the 7808
director of budget and management shall transfer to the tobacco 7809
settlement enforcement fund created in section 183.35 of the 7810
Revised Code such amount as the director determines necessary to 7811
pay the costs incurred by the tax commissioner in the enforcement 7812
of divisions (F) and (G) of section 5743.03 of the Revised Code. 7813

(K) If in any year from 2001 to 2012 the payments and 7814
interest credited to the tobacco master settlement agreement fund 7815
during the year amount to less than the amounts required to be 7816

transferred to the education facilities trust fund and the 7817
education facilities endowment fund that year, the director of 7818
budget and management shall make none of the transfers required by 7819
divisions (A) to (J) of this section. 7820

(L) If in any year from 2000 to 2025 the payments credited to 7821
the tobacco master settlement agreement fund during the year 7822
exceed the following amounts, the director of budget and 7823
management shall transfer the excess to the income tax reduction 7824
fund, created in section 131.44 of the Revised Code: 7825

YEAR	AMOUNT	
2000	\$443,892,767.51	7827
2001	348,780,049.22	7828
2002	418,783,038.09	7829
2003	422,746,368.61	7830
2004	352,827,184.57	7831
2005	352,827,184.57	7832
2006	352,827,184.57	7833
2007	352,827,184.57	7834
2008 to 2017	383,779,323.15	7835
2018 to 2025	403,202,282.16	7836

Sec. 306.35. Upon the creation of a regional transit 7837
authority as provided by section 306.32 of the Revised Code, and 7838
upon the qualifying of its board of trustees and the election of a 7839
president and a vice-president, the authority shall exercise in 7840
its own name all the rights, powers, and duties vested in and 7841
conferred upon it by sections 306.30 to 306.53 of the Revised 7842
Code. Subject to any reservations, limitations, and qualifications 7843
that are set forth in those sections, the regional transit 7844
authority: 7845

(A) May sue or be sued in its corporate name; 7846

(B) May make contracts in the exercise of the rights, powers, 7847

and duties conferred upon it; 7848

(C) May adopt and at will alter a seal and use such seal by 7849
causing it to be impressed, affixed, reproduced, or otherwise 7850
used, but failure to affix the seal shall not affect the validity 7851
of any instrument; 7852

(D)(1) May adopt, amend, and repeal bylaws for the 7853
administration of its affairs and rules for the control of the 7854
administration and operation of transit facilities under its 7855
jurisdiction, and for the exercise of all of its rights of 7856
ownership in those transit facilities; 7857

(2) The regional transit authority also may adopt bylaws and 7858
rules for the following purposes: 7859

(a) To prohibit selling, giving away, or using any beer or 7860
intoxicating liquor on transit vehicles or transit property; 7861

(b) For the preservation of good order within or on transit 7862
vehicles or transit property; 7863

(c) To provide for the protection and preservation of all 7864
property and life within or on transit vehicles or transit 7865
property; 7866

(d) To regulate and enforce the collection of fares. 7867

(3) Before a bylaw or rule adopted under division (D)(2) of 7868
this section takes effect, the regional transit authority shall 7869
provide for a notice of its adoption to be published once a week 7870
for two consecutive weeks in a newspaper of general circulation 7871
within the territorial boundaries of the regional transit 7872
authority. 7873

(4) No person shall violate any bylaw or rule of a regional 7874
transit authority adopted under division (D)(2) of this section. 7875

(E) May fix, alter, and collect fares, rates, and rentals and 7876
other charges for the use of transit facilities under its 7877

jurisdiction to be determined exclusively by it for the purpose of 7878
providing for the payment of the expenses of the regional transit 7879
authority, the acquisition, construction, improvement, extension, 7880
repair, maintenance, and operation of transit facilities under its 7881
jurisdiction, the payment of principal and interest on its 7882
obligations, and to fulfill the terms of any agreements made with 7883
purchasers or holders of any such obligations, or with any person 7884
or political subdivision; 7885

(F) Shall have jurisdiction, control, possession, and 7886
supervision of all property, rights, easements, licenses, moneys, 7887
contracts, accounts, liens, books, records, maps, or other 7888
property rights and interests conveyed, delivered, transferred, or 7889
assigned to it; 7890

(G) May acquire, construct, improve, extend, repair, lease, 7891
operate, maintain, or manage transit facilities within or without 7892
its territorial boundaries, considered necessary to accomplish the 7893
purposes of its organization and make charges for the use of 7894
transit facilities; 7895

(H) May levy and collect taxes as provided in sections 306.40 7896
and 306.49 of the Revised Code; 7897

(I) May issue bonds secured by its general credit as provided 7898
in section 306.40 of the Revised Code; 7899

(J) May hold, encumber, control, acquire by donation, by 7900
purchase for cash or by installment payments, by lease-purchase 7901
agreement, by lease with option to purchase, or by condemnation, 7902
and may construct, own, lease as lessee or lessor, use, and sell, 7903
real and personal property, or any interest or right in real and 7904
personal property, within or without its territorial boundaries, 7905
for the location or protection of transit facilities and 7906
improvements and access to transit facilities and improvements, 7907
the relocation of buildings, structures, and improvements situated 7908

on lands acquired by the regional transit authority, or for any 7909
other necessary purpose, or for obtaining or storing materials to 7910
be used in constructing, maintaining, and improving transit 7911
facilities under its jurisdiction; 7912

(K) May exercise the power of eminent domain to acquire 7913
property or any interest in property, within or without its 7914
territorial boundaries, that is necessary or proper for the 7915
construction or efficient operation of any transit facility or 7916
access to any transit facility under its jurisdiction in 7917
accordance with section 306.36 of the Revised Code; 7918

(L) May provide by agreement with any county, including the 7919
counties within its territorial boundaries, or any municipal 7920
corporation or any combination of counties or municipal 7921
corporations for the making of necessary surveys, appraisals, and 7922
examinations preliminary to the acquisition or construction of any 7923
transit facility and the amount of the expense for the surveys, 7924
appraisals, and examinations to be paid by each such county or 7925
municipal corporation; 7926

(M) May provide by agreement with any county, including the 7927
counties within its territorial boundaries, or any municipal 7928
corporation or any combination of those counties or municipal 7929
corporations for the acquisition, construction, improvement, 7930
extension, maintenance, or operation of any transit facility owned 7931
or to be owned and operated by it or owned or to be owned and 7932
operated by any such county or municipal corporation and the terms 7933
on which it shall be acquired, leased, constructed, maintained, or 7934
operated, and the amount of the cost and expense of the 7935
acquisition, lease, construction, maintenance, or operation to be 7936
paid by each such county or municipal corporation; 7937

(N) May issue revenue bonds for the purpose of acquiring, 7938
replacing, improving, extending, enlarging, or constructing any 7939
facility or permanent improvement that it is authorized to 7940

acquire, replace, improve, extend, enlarge, or construct, 7941
including all costs in connection with and incidental to the 7942
acquisition, replacement, improvement, extension, enlargement, or 7943
construction, and their financing, as provided by section 306.37 7944
of the Revised Code; 7945

(O) May enter into and supervise franchise agreements for the 7946
operation of a transit system; 7947

(P) May accept the assignment of and supervise an existing 7948
franchise agreement for the operation of a transit system; 7949

(Q) May exercise a right to purchase a transit system in 7950
accordance with the acquisition terms of an existing franchise 7951
agreement; and in connection with the purchase the regional 7952
transit authority may issue revenue bonds as provided by section 7953
306.37 of the Revised Code or issue bonds secured by its general 7954
credit as provided in section 306.40 of the Revised Code; 7955

(R) May apply for and accept grants or loans from the United 7956
States, the state, or any other public body for the purpose of 7957
providing for the development or improvement of transit 7958
facilities, mass transportation facilities, equipment, techniques, 7959
methods, or services, and grants or loans needed to exercise a 7960
right to purchase a transit system pursuant to agreement with the 7961
owner of those transit facilities, or for providing lawful 7962
financial assistance to existing transit systems; and may provide 7963
any consideration that may be required in order to obtain those 7964
grants or loans from the United States, the state, or other public 7965
body, either of which grants or loans may be evidenced by the 7966
issuance of revenue bonds as provided by section 306.37 of the 7967
Revised Code or general obligation bonds as provided by section 7968
306.40 of the Revised Code; 7969

(S) May employ and fix the compensation of consulting 7970
engineers, superintendents, managers, and such other engineering, 7971

construction, accounting and financial experts, attorneys, and 7972
other employees and agents necessary for the accomplishment of its 7973
purposes; 7974

(T) May procure insurance against loss to it by reason of 7975
damages to its properties resulting from fire, theft, accident, or 7976
other casualties or by reason of its liability for any damages to 7977
persons or property occurring in the construction or operation of 7978
transit facilities under its jurisdiction or the conduct of its 7979
activities; 7980

(U) May maintain funds that it considers necessary for the 7981
efficient performance of its duties; 7982

(V) May direct its agents or employees, when properly 7983
identified in writing, after at least five days' written notice, 7984
to enter upon lands within or without its territorial boundaries 7985
in order to make surveys and examinations preliminary to the 7986
location and construction of transit facilities, without liability 7987
to it or its agents or employees except for actual damage done; 7988

(W) On its own motion, may request the appropriate zoning 7989
board, as defined in section 4563.03 of the Revised Code, to 7990
establish and enforce zoning regulations pertaining to any transit 7991
facility under its jurisdiction in the manner prescribed by 7992
sections 4563.01 to 4563.21 of the Revised Code; 7993

(X) If it acquires any existing transit system, shall assume 7994
all the employer's obligations under any existing labor contract 7995
between the employees and management of the system. If the board 7996
acquires, constructs, controls, or operates any such facilities, 7997
it shall negotiate arrangements to protect the interests of 7998
employees affected by the acquisition, construction, control, or 7999
operation. The arrangements shall include, but are not limited to: 8000

(1) The preservation of rights, privileges, and benefits 8001
under existing collective bargaining agreements or otherwise, the 8002

preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;	8003 8004 8005 8006 8007
(2) The continuation of collective bargaining rights;	8008
(3) The protection of individual employees against a worsening of their positions with respect to their employment;	8009 8010
(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;	8011 8012 8013
(5) Paid training or retraining programs;	8014
(6) Signed written labor agreements.	8015
The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.	8016 8017
(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	8018 8019 8020 8021 8022 8023 8024 8025 8026 8027 8028 8029 8030 8031 8032 8033

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 assistance and the circumstances observed by the regional transit authority police officer reasonably indicate that emergency assistance is appropriate.

Before exercising powers of arrest and the other powers and duties of a peace officer, each regional transit authority police officer shall take an oath and give bond to the state in a sum that the board of trustees prescribes for the proper performance of the officer's duties.

Persons employed as regional transit authority police officers shall complete training for the position to which they have been appointed as required by the Ohio peace officer training commission as authorized in section 109.77 of the Revised Code, or be otherwise qualified. The cost of the training shall be provided by the regional transit authority.

(Z) May procure a policy or policies insuring members of its board of trustees against liability on account of damages or injury to persons and property resulting from any act or omission of a member in the member's official capacity as a member of the board or resulting solely out of the member's membership on the board;

(AA) May enter into any agreement for the sale and leaseback or lease and leaseback of transit facilities, which agreement may contain all necessary covenants for the security and protection of any lessor or the regional transit authority including, but not limited to, indemnification of the lessor against the loss of anticipated tax benefits arising from acts, omissions, or misrepresentations of the regional transit authority. In connection with that transaction, the regional transit authority

may contract for insurance and letters of credit and pay any 8066
premiums or other charges for the insurance and letters of credit. 8067
The fiscal officer shall not be required to furnish any 8068
certificate under section 5705.41 of the Revised Code in 8069
connection with the execution of any such agreement. 8070

(BB) In regard to any contract entered into on or after March 8071
19, 1993, for the rendering of services or the supplying of 8072
materials or for the construction, demolition, alteration, repair, 8073
or reconstruction of transit facilities in which a bond is 8074
required for the faithful performance of the contract, may permit 8075
the person awarded the contract to utilize a letter of credit 8076
issued by a bank or other financial institution in lieu of the 8077
bond; 8078

(CC) May enter into agreements with municipal corporations 8079
located within the territorial jurisdiction of the regional 8080
transit authority permitting regional transit authority police 8081
officers employed under division (Y) of this section to exercise 8082
full arrest powers, as provided in section 2935.03 of the Revised 8083
Code, for the purpose of preserving the peace and enforcing all 8084
laws of the state and ordinances and regulations of the municipal 8085
corporation within the areas that may be agreed to by the regional 8086
transit authority and the municipal corporation. 8087

Sec. 306.99. (A) No person shall violate any rule or 8088
regulation adopted pursuant to division (N) of section 306.04 of 8089
the Revised Code and whoever violates such a rule or regulation 8090
shall be fined not more than one thousand dollars or imprisoned 8091
not more than ninety days or both. 8092

(B) Whoever violates division (D)(4) of section 306.35 of the 8093
Revised Code shall be fined not more than one hundred dollars on a 8094
first offense and not more than five hundred dollars on each 8095
subsequent offense. 8096

Fines levied and collected for such violations shall be paid 8097
into the treasury of the regional transit authority. The regional 8098
transit authority may use such fine money for any purpose that is 8099
not inconsistent with sections 306.30 to 306.54 of the Revised 8100
Code. 8101

Sec. 307.86. Anything to be purchased, leased, leased with an 8102
option or agreement to purchase, or constructed, including, but 8103
not limited to, any product, structure, construction, 8104
reconstruction, improvement, maintenance, repair, or service, 8105
except the services of an accountant, architect, attorney at law, 8106
physician, professional engineer, construction project manager, 8107
consultant, surveyor, or appraiser, by or on behalf of the county 8108
or contracting authority, as defined in section 307.92 of the 8109
Revised Code, at a cost in excess of ~~fifteen~~ twenty-five thousand 8110
dollars, except as otherwise provided in division (D) of section 8111
713.23 and in sections 125.04, 307.022, 307.041, 307.861, 339.05, 8112
340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 8113
5713.01, and 6137.05 of the Revised Code, shall be obtained 8114
through competitive bidding. However, competitive bidding is not 8115
required when any of the following applies: 8116

(A) The board of county commissioners, by a unanimous vote of 8117
its members, makes a determination that a real and present 8118
emergency exists, and that determination and the reasons for it 8119
are entered in the minutes of the proceedings of the board, when 8120
either of the following applies: 8121

(1) The estimated cost is less than fifty thousand dollars. 8122

(2) There is actual physical disaster to structures, radio 8123
communications equipment, or computers. 8124

For purposes of this division, "unanimous vote" means all 8125
three members of a board of county commissioners when all three 8126

members are present, or two members of the board if only two 8127
members, constituting a quorum, are present. 8128

Whenever a contract of purchase, lease, or construction is 8129
exempted from competitive bidding under division (A)(1) of this 8130
section because the estimated cost is less than fifty thousand 8131
dollars, but the estimated cost is ~~fifteen~~ twenty-five thousand 8132
dollars or more, the county or contracting authority shall solicit 8133
informal estimates from no fewer than three persons who could 8134
perform the contract, before awarding the contract. With regard to 8135
each such contract, the county or contracting authority shall 8136
maintain a record of such estimates, including the name of each 8137
person from whom an estimate is solicited. The county or 8138
contracting authority shall maintain the record for the longer of 8139
at least one year after the contract is awarded or the amount of 8140
time the federal government requires. 8141

(B)(1) The purchase consists of supplies or a replacement or 8142
supplemental part or parts for a product or equipment owned or 8143
leased by the county, and the only source of supply for the 8144
supplies, part, or parts is limited to a single supplier. 8145

(2) The purchase consists of services related to information 8146
technology, such as programming services, that are proprietary or 8147
limited to a single source. 8148

(C) The purchase is from the federal government, the state, 8149
another county or contracting authority of another county, or a 8150
board of education, township, or municipal corporation. 8151

(D) ~~Public~~ The purchase is made by a county department of job 8152
and family services under section 329.04 of the Revised Code and 8153
consists of family services duties or workforce development 8154
activities ~~are purchased for provision by the county department of 8155
job and family services under section 329.04 of the Revised Code,~~ 8156
or is made by a county board of mental retardation and 8157

developmental disabilities under section 5126.05 of the Revised 8158
Code and consists of program services, such as direct and 8159
ancillary client services, child day-care, case management 8160
services, residential services, and family resource services, ~~are~~ 8161
~~purchased for provision by a county board of mental retardation~~ 8162
~~and developmental disabilities under section 5126.05 of the~~ 8163
~~Revised Code.~~ 8164

(E) The purchase consists of criminal justice services, 8165
social services programs, family services, or workforce 8166
development activities by the board of county commissioners from 8167
nonprofit corporations or associations under programs funded by 8168
the federal government or by state grants. 8169

(F) The purchase consists of any form of an insurance policy 8170
or contract authorized to be issued under Title XXXIX of the 8171
Revised Code or any form of health care plan authorized to be 8172
issued under Chapter 1751. of the Revised Code, or any combination 8173
of such policies, contracts, or plans that the contracting 8174
authority is authorized to purchase, and the contracting authority 8175
does all of the following: 8176

(1) Determines that compliance with the requirements of this 8177
section would increase, rather than decrease, the cost of the 8178
purchase; 8179

(2) Employs a competent consultant to assist the contracting 8180
authority in procuring appropriate coverages at the best and 8181
lowest prices; 8182

(3) Requests issuers of the policies, contracts, or plans to 8183
submit proposals to the contracting authority, in a form 8184
prescribed by the contracting authority, setting forth the 8185
coverage and cost of the policies, contracts, or plans as the 8186
contracting authority desires to purchase; 8187

(4) Negotiates with the issuers for the purpose of purchasing 8188

the policies, contracts, or plans at the best and lowest price 8189
reasonably possible. 8190

(G) The purchase consists of computer hardware, software, or 8191
consulting services that are necessary to implement a computerized 8192
case management automation project administered by the Ohio 8193
prosecuting attorneys association and funded by a grant from the 8194
federal government. 8195

(H) Child day-care services are purchased for provision to 8196
county employees. 8197

(I)(1) Property, including land, buildings, and other real 8198
property, is leased for offices, storage, parking, or other 8199
purposes, and all of the following apply: 8200

(a) The contracting authority is authorized by the Revised 8201
Code to lease the property. 8202

(b) The contracting authority develops requests for proposals 8203
for leasing the property, specifying the criteria that will be 8204
considered prior to leasing the property, including the desired 8205
size and geographic location of the property. 8206

(c) The contracting authority receives responses from 8207
prospective lessors with property meeting the criteria specified 8208
in the requests for proposals by giving notice in a manner 8209
substantially similar to the procedures established for giving 8210
notice under section 307.87 of the Revised Code. 8211

(d) The contracting authority negotiates with the prospective 8212
lessors to obtain a lease at the best and lowest price reasonably 8213
possible considering the fair market value of the property and any 8214
relocation and operational costs that may be incurred during the 8215
period the lease is in effect. 8216

(2) The contracting authority may use the services of a real 8217
estate appraiser to obtain advice, consultations, or other 8218

recommendations regarding the lease of property under this 8219
division. 8220

(J) The purchase is made pursuant to section 5139.34 or 8221
sections 5139.41 to 5139.46 of the Revised Code and is of programs 8222
or services that provide case management, treatment, or prevention 8223
services to any felony or misdemeanor delinquent, unruly youth, 8224
or status offender under the supervision of the juvenile court, 8225
including, but not limited to, community residential care, day 8226
treatment, services to children in their home, or electronic 8227
monitoring. 8228

(K) The purchase is made by a public children services agency 8229
pursuant to section 307.92 or 5153.16 of the Revised Code and 8230
consists of family services, programs, or ancillary services that 8231
provide case management, prevention, or treatment services for 8232
children at risk of being or alleged to be abused, neglected, or 8233
dependent children. 8234

Any issuer of policies, contracts, or plans listed in 8235
division (F) of this section and any prospective lessor under 8236
division (I) of this section may have the issuer's or prospective 8237
lessor's name and address, or the name and address of an agent, 8238
placed on a special notification list to be kept by the 8239
contracting authority, by sending the contracting authority that 8240
name and address. The contracting authority shall send notice to 8241
all persons listed on the special notification list. Notices shall 8242
state the deadline and place for submitting proposals. The 8243
contracting authority shall mail the notices at least six weeks 8244
prior to the deadline set by the contracting authority for 8245
submitting proposals. Every five years the contracting authority 8246
may review this list and remove any person from the list after 8247
mailing the person notification of that action. 8248

Any contracting authority that negotiates a contract under 8249
division (F) of this section shall request proposals and 8250

renegotiate with issuers in accordance with that division at least 8251
every three years from the date of the signing of such a contract. 8252

Any consultant employed pursuant to division (F) of this 8253
section and any real estate appraiser employed pursuant to 8254
division (I) of this section shall disclose any fees or 8255
compensation received from any source in connection with that 8256
employment. 8257

Sec. 307.87. Where competitive bidding is required by section 8258
307.86 of the Revised Code, notice thereof shall be given in the 8259
following manner: 8260

(A) Notice shall be published once a week for not less than 8261
two consecutive weeks preceding the day of the opening of bids in 8262
a newspaper of general circulation within the county for any 8263
purchase, lease, lease with option or agreement to purchase, or 8264
construction contract in excess of ~~ten~~ twenty-five thousand 8265
dollars. The contracting authority may also cause notice to be 8266
inserted in trade papers or other publications designated by it or 8267
to be distributed by electronic means, including posting the 8268
notice on the contracting authority's internet site on the world 8269
wide web. If the contracting authority posts the notice on that 8270
location on the world wide web, it may eliminate the second notice 8271
otherwise required to be published in a newspaper of general 8272
circulation within the county, provided that the first notice 8273
published in such a newspaper meets all of the following 8274
requirements: 8275

(1) It is published at least two weeks before the opening of 8276
bids. 8277

(2) It includes a statement that the notice is posted on the 8278
contracting authority's internet site on the world wide web. 8279

(3) It includes the internet address of the contracting 8280

<u>authority's internet site on the world wide web.</u>	8281
<u>(4) It includes instructions describing how the notice may be accessed on the contracting authority's internet site on the world wide web.</u>	8282
	8283
	8284
<u>(B) Notices shall state all of the following:</u>	8285
(1) A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and estimated quantities can be obtained or examined;	8286
	8287
	8288
	8289
(2) The time and place where bids will be opened;	8290
(3) The time and place for filing bids;	8291
(4) The terms of the proposed purchase;	8292
(5) Conditions under which bids will be received;	8293
(6) The existence of a system of preference, if any, for products mined and produced in Ohio and the United States adopted pursuant to section 307.90 of the Revised Code.	8294
	8295
	8296
(B) (C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids.	8297
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	8299
	8300
	8301
Sec. 307.93. (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal corporations located in that county or those counties for the joint establishment of a municipal-county or multicounty-municipal correctional center. The center shall augment county and, where	8302
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applicable, municipal jail programs and facilities by providing 8310
custody and rehabilitative programs for those persons under the 8311
charge of the sheriff of any of the contracting counties or of the 8312
officer or officers of the contracting municipal corporation or 8313
municipal corporations having charge of persons incarcerated in 8314
the municipal jail, workhouse, or other correctional facility who, 8315
in the opinion of the sentencing court, need programs of custody 8316
and rehabilitation not available at the county or municipal jail 8317
and by providing custody and rehabilitative programs in accordance 8318
with division (C) of this section, if applicable. The contract may 8319
include, but need not be limited to, provisions regarding the 8320
acquisition, construction, maintenance, repair, termination of 8321
operations, and administration of the center. The contract shall 8322
prescribe the manner of funding of, and debt assumption for, the 8323
center and the standards and procedures to be followed in the 8324
operation of the center. Except as provided in division (H) of 8325
this section, the contracting counties and municipal corporations 8326
shall form a corrections commission to oversee the administration 8327
of the center. Members of the commission shall consist of the 8328
sheriff of each participating county, the president of the board 8329
of county commissioners of each participating county, the 8330
presiding judge of the court of common pleas of each participating 8331
county, or, if the court of common pleas of a participating county 8332
has only one judge, then that judge, the chief of police of each 8333
participating municipal corporation, the mayor or city manager of 8334
each participating municipal corporation, and the presiding judge 8335
or the sole judge of the municipal court of each participating 8336
municipal corporation. Any of the foregoing officers may appoint a 8337
designee to serve in the officer's place on the corrections 8338
commission. The standards and procedures shall be formulated and 8339
agreed to by the commission and may be amended at any time during 8340
the life of the contract by agreement of the parties to the 8341
contract upon the advice of the commission. The standards and 8342

procedures formulated by the commission shall include, but need 8343
not be limited to, designation of the person in charge of the 8344
center, the categories of employees to be employed at the center, 8345
the appointing authority of the center, and the standards of 8346
treatment and security to be maintained at the center. The person 8347
in charge of, and all persons employed to work at, the center 8348
shall have all the powers of police officers that are necessary 8349
for the proper performance of the duties relating to their 8350
positions at the center. 8351

(B) Each board of county commissioners that enters a contract 8352
under division (A) of this section may appoint a building 8353
commission pursuant to section 153.21 of the Revised Code. If any 8354
commissions are appointed, they shall function jointly in the 8355
construction of a multicounty or multicounty-municipal 8356
correctional center with all the powers and duties authorized by 8357
law. 8358

(C) Prior to the acceptance for custody and rehabilitation 8359
into a center established under this section of any persons who 8360
are designated by the department of rehabilitation and correction, 8361
who plead guilty to or are convicted of a felony of the fourth or 8362
fifth degree, and who satisfy the other requirements listed in 8363
section 5120.161 of the Revised Code, the corrections commission 8364
of a center established under this section shall enter into an 8365
agreement with the department of rehabilitation and correction 8366
under section 5120.161 of the Revised Code for the custody and 8367
rehabilitation in the center of persons who are designated by the 8368
department, who plead guilty to or are convicted of a felony of 8369
the fourth or fifth degree, and who satisfy the other requirements 8370
listed in that section, in exchange for a per diem fee per person. 8371
Persons incarcerated in the center pursuant to an agreement 8372
entered into under this division shall be subject to supervision 8373
and control in the manner described in section 5120.161 of the 8374

Revised Code. This division does not affect the authority of a 8375
court to directly sentence a person who is convicted of or pleads 8376
guilty to a felony to the center in accordance with section 8377
2929.16 of the Revised Code. 8378

(D) Pursuant to section 2929.37 of the Revised Code, each 8379
board of county commissioners and the legislative authority of 8380
each municipal corporation that enters into a contract under 8381
division (A) of this section may require a person who was 8382
convicted of an offense, who is under the charge of the sheriff of 8383
their county or of the officer or officers of the contracting 8384
municipal corporation or municipal corporations having charge of 8385
persons incarcerated in the municipal jail, workhouse, or other 8386
correctional facility, and who is confined in the multicounty, 8387
municipal-county, or multicounty-municipal correctional center as 8388
provided in that division, to reimburse the applicable county or 8389
municipal corporation for its expenses incurred by reason of the 8390
person's confinement in the center. 8391

(E) Notwithstanding any contrary provision in this section or 8392
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 8393
the corrections commission of a center may establish a policy that 8394
complies with section 2929.38 of the Revised Code and that 8395
requires any person who is not indigent and who is confined in the 8396
multicounty, municipal-county, or multicounty-municipal 8397
correctional center to pay a reception fee, a fee for medical 8398
treatment or service requested by and provided to that person, or 8399
the fee for a random drug test assessed under division (E) of 8400
section 341.26 of the Revised Code. 8401

(F)(1) The corrections commission of a center established 8402
under this section may establish a commissary for the center. The 8403
commissary may be established either in-house or by another 8404
arrangement. If a commissary is established, all persons 8405
incarcerated in the center shall receive commissary privileges. A 8406

person's purchases from the commissary shall be deducted from the 8407
person's account record in the center's business office. The 8408
commissary shall provide for the distribution to indigent persons 8409
incarcerated in the center of necessary hygiene articles and 8410
writing materials. 8411

(2) If a commissary is established, the corrections 8412
commission of a center established under this section shall 8413
establish a commissary fund for the center. The management of 8414
funds in the commissary fund shall be strictly controlled in 8415
accordance with procedures adopted by the auditor of state. 8416
Commissary fund revenue over and above operating costs and reserve 8417
shall be considered profits. All profits from the commissary fund 8418
shall be used to purchase supplies and equipment for the benefit 8419
of persons incarcerated in the center and to pay salary and 8420
benefits for employees of the center, or for any other persons, 8421
who work in or are employed for the sole purpose of providing 8422
service to the commissary. The corrections commission shall adopt 8423
rules and regulations for the operation of any commissary fund it 8424
establishes. 8425

(G) In lieu of forming a corrections commission to administer 8426
a multicounty correctional center or a municipal-county or 8427
multicounty-municipal correctional center, the boards of county 8428
commissioners and the legislative authorities of the municipal 8429
corporations contracting to establish the center may also agree to 8430
contract for the private operation and management of the center as 8431
provided in section 9.06 of the Revised Code, but only if the 8432
center houses only misdemeanor inmates. In order to enter into a 8433
contract under section 9.06 of the Revised Code, all the boards 8434
and legislative authorities establishing the center shall approve 8435
and be parties to the contract. 8436

(H) If a person who is convicted of or pleads guilty to an 8437
offense is sentenced to a term in a multicounty correctional 8438

center or a municipal-county or multicounty-municipal correctional 8439
center or is incarcerated in the center in the manner described in 8440
division (C) of this section, or if a person who is arrested for 8441
an offense, and who has been denied bail or has had bail set and 8442
has not been released on bail is confined in a multicounty 8443
correctional center or a municipal-county or multicounty-municipal 8444
correctional center pending trial, at the time of reception and at 8445
other times the officer, officers, or other person in charge of 8446
the operation of the center determines to be appropriate, the 8447
officer, officers, or other person in charge of the operation of 8448
the center may cause the convicted or accused offender to be 8449
examined and tested for tuberculosis, HIV infection, hepatitis, 8450
including but not limited to hepatitis A, B, and C, and other 8451
contagious diseases. The officer, officers, or other person in 8452
charge of the operation of the center may cause a convicted or 8453
accused offender in the center who refuses to be tested or treated 8454
for tuberculosis, HIV infection, hepatitis, including but not 8455
limited to hepatitis A, B, and C, or another contagious disease to 8456
be tested and treated involuntarily. 8457

(I) As used in this section, "multicounty-municipal" means 8458
more than one county and a municipal corporation, or more than one 8459
municipal corporation and a county, or more than one municipal 8460
corporation and more than one county. 8461

Sec. 307.98. ~~Each board~~ Boards of county commissioners shall 8462
may enter into a one or more written ~~partnership agreement~~ fiscal 8463
agreements with the director of job and family services in 8464
accordance with section 5101.21 of the Revised Code. ~~Prior to~~ 8465
~~entering into or substantially amending the agreement, the board~~ 8466
~~shall conduct a public hearing and consult with the county family~~ 8467
~~services planning committee established under section 329.06 of~~ 8468
~~the Revised Code. Through the hearing and consultation, the board~~ 8469
~~shall obtain comments and recommendations concerning what would be~~ 8470

~~the county's obligations and responsibilities under the agreement 8471
or amendment. As evidence that the board consulted with the county 8472
family services planning committee, the committee's chair shall 8473
sign a letter confirming that the consultation occurred, which 8474
shall be attached to the partnership agreement and any substantial 8475
amendments to the agreement. If a board enters into a fiscal 8476
agreement, the board shall enter into the agreement on behalf of 8477
the county family services agencies, other than a county family 8478
services agency that is a county signer as defined in section 8479
5101.21 of the Revised Code. 8480~~

Sec. 307.981. (A)(1) As used in the Revised Code: 8481

(a) "County family services agency" means all of the 8482
following: 8483

(i) A child support enforcement agency; 8484

(ii) A county department of job and family services; 8485

(iii) A public children services agency. 8486

(b) "Family services duty" means a duty state law requires or 8487
allows a county family services agency to assume, including 8488
financial and general administrative duties. "Family services 8489
duty" does not include a duty funded by the United States 8490
department of labor. 8491

(2) As used in sections 307.981 to 307.989 of the Revised 8492
Code, "private entity" means an entity other than a government 8493
entity. 8494

(B) To the extent permitted by federal law, including, when 8495
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8496
limitations established by the Revised Code, including division 8497
(H) of this section, a board of county commissioners may designate 8498
any private or government entity within this state to serve as any 8499
of the following: 8500

- (1) A child support enforcement agency; 8501
- (2) A county department of job and family services; 8502
- (3) A public children services agency; 8503
- (4) A county department of job and family services and one 8504
other of those county family services agencies; 8505
- (5) All three of those county family services agencies; 8506
- ~~(6) A workforce development agency; 8507~~
- ~~(7) A workforce development agency and a county department of 8508
job and family services; 8509~~
- ~~(8) A workforce development agency and a county department of 8510
job and family services and one or two of the other county family 8511
services agencies. 8512~~
- (C) To the extent permitted by federal law, including, when 8513
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8514
limitations of the Revised Code, including division (H) of this 8515
section, a board of county commissioners may change the 8516
designation it makes under division (B) of this section by 8517
designating another private or government entity. 8518
- (D) ~~If the director of job and family services determines~~ 8519
~~that~~ a designation under division (B) or (C) of this section 8520
constitutes a ~~substantial~~ change from ~~what is~~ the designation in 8521
~~the current partnership~~ a fiscal agreement between the director of 8522
job and family services and the board ~~of county commissioners~~ 8523
~~under section 5101.21 of the Revised Code, the director may~~ 8524
require that the director and board amend the ~~partnership~~ fiscal 8525
agreement and that the board provide the director written 8526
assurances that the newly designated private or government entity 8527
will meet or exceed all requirements of the family services duties 8528
~~or workforce development activities~~ the entity is to assume. 8529
- (E) Not less than sixty days before a board of county 8530

commissioners designates an entity under division (B) or (C) of 8531
this section, the board shall notify the director of job and 8532
family services and publish notice in a newspaper of general 8533
circulation in the county of the board's intention to make the 8534
designation and reasons for the designation. 8535

(F) A board of county commissioners shall enter into a 8536
written contract with each entity it designates under division (B) 8537
or (C) of this section specifying the entity's responsibilities 8538
and standards the entity is required to meet. 8539

(G) This section does not require a board of county 8540
commissioners to abolish the child support enforcement agency, 8541
county department of job and family services, or public children 8542
services agency serving the county on October 1, 1997, and 8543
designate a different private or government entity to serve as the 8544
county's child support enforcement agency, county department of 8545
job and family services, or public children services agency. 8546

(H) If a county children services board appointed under 8547
section 5153.03 of the Revised Code serves as a public children 8548
services agency for a county, the board of county commissioners 8549
may not redesignate the public children services agency unless the 8550
board of county commissioners does all of the following: 8551

(1) Notifies the county children services board of its intent 8552
to redesignate the public children services agency. In its 8553
notification, the board of county commissioners shall provide the 8554
county children services board a written explanation of the 8555
administrative, fiscal, or performance considerations causing the 8556
board of county commissioners to seek to redesignate the public 8557
children services agency. 8558

(2) Provides the county children services board an 8559
opportunity to comment on the proposed redesignation before the 8560
redesignation occurs; 8561

(3) If the county children services board, not more than 8562
sixty days after receiving the notice under division (H)(1) of 8563
this section, notifies the board of county commissioners that the 8564
county children services board has voted to oppose the 8565
redesignation, votes unanimously to proceed with the 8566
redesignation. 8567

Sec. 307.987. To the extent federal ~~statutes and regulations~~ 8568
and state law permit, ~~a partnership agreement entered into under~~ 8569
~~section 307.98~~, a contract entered into under section 307.981 or 8570
307.982, a plan of cooperation entered into under section 307.983, 8571
a regional plan of cooperation entered into under section 307.984, 8572
a transportation work plan developed under section 307.985, and 8573
procedures established under section 307.986 of the Revised Code 8574
shall permit the exchange of information needed to improve 8575
services and assistance to individuals and families and the 8576
protection of children. A private or government entity that 8577
receives information pursuant to ~~an agreement~~, a contract, plan, 8578
or procedures is bound by the same standards of confidentiality as 8579
the entity that provides the information. 8580

~~An agreement~~, A contract, plan, or procedures shall: 8581

(A) Be coordinated and not conflict with another ~~agreement~~, 8582
contract, plan, or procedures or an agreement entered into under 8583
section 329.05 of the Revised Code; 8584

(B) Prohibit discrimination in hiring and promotion against 8585
applicants for and participants of the Ohio works first program 8586
established under Chapter 5107. of the Revised Code and the 8587
prevention, retention, and contingency program established under 8588
Chapter 5108. of the Revised Code; 8589

(C) Comply with federal ~~statutes and regulations~~ and state 8590
law; 8591

(D) Be adopted by resolution of a board of county commissioners;	8592 8593
(E) Specify how the agreement , contract, plan, or procedures may be amended.	8594 8595
Sec. 311.17. For the services specified in this section, the sheriff shall charge the following fees, which the court or <u>its</u> clerk thereof shall tax in the bill of costs against the judgment debtor or those legally liable therefor <u>for the judgment</u> :	8596 8597 8598 8599
(A) For the service and return of the following writs and orders:	8600 8601
(1) Execution:	8602
(a) When money is paid without levy or when no property is found, five <u>twenty</u> dollars;	8603 8604
(b) When levy is made on real property, for the first tract, twenty <u>twenty-five</u> dollars, and for each additional tract, five <u>ten</u> dollars;	8605 8606 8607
(c) When levy is made on goods and chattels, including inventory, twenty-five <u>fifty</u> dollars;.	8608 8609
(2) Writ of attachment of property, except for purpose of garnishment, twenty <u>forty</u> dollars;	8610 8611
(3) Writ of attachment for the purpose of garnishment, five <u>ten</u> dollars;	8612 8613
(4) Writ of replevin, twenty <u>forty</u> dollars;	8614
(5) Warrant to arrest, for each person named in the writ, five <u>ten</u> dollars;	8615 8616
(6) Attachment for contempt, for each person named in the writ, three <u>six</u> dollars;	8617 8618
(7) Writ of possession or restitution, twenty <u>sixty</u> dollars;	8619

(8) Subpoena, for each person named in the writ, if in either	8620
a civil <u>or criminal</u> case three, six dollars, if in a criminal case	8621
one dollar ;	8622
(9) Venire, for each person named in the writ, if in either	8623
a civil <u>or criminal</u> case three, six dollars, if in a criminal case	8624
one dollar ;	8625
(10) Summoning each juror, other than on venire, if in either	8626
a civil <u>or criminal</u> case three, six dollars, if in a criminal case	8627
one dollar ;	8628
(11) Writ of partition, fifteen <u>twenty-five</u> dollars;	8629
(12) Order of sale on partition, for the first tract,	8630
twenty-five <u>fifty</u> dollars, and for each additional tract, five	8631
<u>twenty-five</u> dollars;	8632
(13) Other order of sale of real property, for the first	8633
tract, twenty <u>fifty</u> dollars, and for each additional tract, five	8634
<u>twenty-five</u> dollars;	8635
(14) Administering oath to appraisers, one dollar and fifty	8636
cents <u>three dollars</u> each;	8637
(15) Furnishing copies for advertisements, fifty cents <u>one</u>	8638
<u>dollar</u> for each hundred words;	8639
(16) Copy of indictment, for each defendant, two <u>five</u>	8640
dollars;	8641
(17) All summons, writs, orders, or notices, for the first	8642
name, three <u>six</u> dollars, and for each additional name, fifty cents	8643
<u>one dollar</u> .	8644
(B) In addition to the fee for service and return, the	8645
sheriff may charge :	8646
(1) On each summons, writ, order, or notice, a fee of fifty	8647
cents <u>one dollar</u> per mile for the first mile, and twenty <u>fifty</u>	8648

cents per mile for each additional mile, going and returning, 8649
actual mileage to be charged on each additional name; 8650

(2) Taking bail bond, ~~one dollar~~ three dollars; 8651

(3) Jail fees, as follows: 8652

(a) For receiving a prisoner, ~~four~~ five dollars each time a 8653
prisoner is received, and for discharging or surrendering a 8654
prisoner, ~~four~~ five dollars; each time a prisoner is discharged or 8655
surrendered. The departure or return of a prisoner from or to a 8656
jail in connection with a program established under section 8657
5147.28 of the Revised Code is not a receipt, discharge, or 8658
surrender of the prisoner for purposes of this division. 8659

(b) Taking a prisoner before a judge or court, per day, ~~three~~ 8660
five dollars; 8661

(c) Calling action, ~~fifty cents~~ one dollar; 8662

(d) Calling jury, ~~one dollar~~ three dollars; 8663

(e) Calling each witness, ~~one dollar~~ three dollars; 8664

(f) Bringing prisoner before court on habeas corpus, ~~four~~ six 8665
dollars; 8666

(4) Poundage on all moneys actually made and paid to the 8667
sheriff on execution, decree, or sale of real estate, one and 8668
one-half per cent; 8669

(5) Making and executing a deed of land sold on execution, 8670
decree, or order of the court, to be paid by the purchaser, 8671
~~twenty-five~~ fifty dollars. 8672

When any of the ~~foregoing~~ services described in division (A) 8673
or (B) of this section are rendered by an officer or employee, 8674
whose salary or per diem compensation is paid by the county, the 8675
applicable legal fees and any other extraordinary expenses, 8676
including overtime, provided for such the service in this section 8677
shall be taxed in the costs in the case, and, when ~~such fees are~~ 8678

collected ~~they~~, shall be paid into the general fund of the county. 8679

The sheriff shall charge the same fees for the execution of 8680
process issued in any other state as ~~he~~ the sheriff charges for 8681
the execution of process of a substantively similar nature that is 8682
issued in this state. 8683

Sec. 317.32. The county recorder shall charge and collect the 8684
following fees, to include base fees for the recorder's services 8685
and housing trust fund fees, collected pursuant to section 317.36 8686
of the Revised Code: 8687

(A) For recording and indexing an instrument when the 8688
photocopy or any similar process is employed, a base fee of 8689
fourteen dollars for the first two pages and a housing trust fund 8690
fee of fourteen dollars, and a base fee of four dollars and a 8691
housing trust fund fee of four dollars for each subsequent page, 8692
size eight and one-half inches by fourteen inches, or fraction of 8693
a page, including the caption page, of such instrument; 8694

(B) For certifying a photocopy from the record previously 8695
recorded, a base fee of one dollar and a housing trust fund fee of 8696
one dollar per page, size eight and one-half inches by fourteen 8697
inches, or fraction of a page; for each certification where the 8698
recorder's seal is required, except as to instruments issued by 8699
the armed forces of the United States, a base fee of fifty cents 8700
and a housing trust fund fee of fifty cents; 8701

(C) For manual or typewritten recording of assignment or 8702
satisfaction of mortgage or lease or any other marginal entry, a 8703
base fee of four dollars and a housing trust fund fee of four 8704
dollars; 8705

(D) For entering any marginal reference by separate recorded 8706
instrument, a base fee of two dollars and a housing trust fund fee 8707
of two dollars for each marginal reference set out in that 8708

instrument, in addition to the ~~recording fee~~ fees set forth in 8709
division (A) of this section; 8710

(E) For indexing in the real estate mortgage records, 8711
pursuant to section 1309.519 of the Revised Code, financing 8712
statements covering crops growing or to be grown, timber to be 8713
cut, minerals or the like, including oil and gas, accounts subject 8714
to section 1309.301 of the Revised Code, or fixture filings made 8715
pursuant to section 1309.334 of the Revised Code, a base fee of 8716
two dollars and a housing trust fund fee of two dollars for each 8717
name indexed; 8718

(F) For recording manually any plat not exceeding six lines, 8719
a base fee of two dollars and a housing trust fund fee of two 8720
dollars, and for each additional line, a base fee of ten cents and 8721
a housing trust fund fee of ten cents; 8722

(G) For filing zoning resolutions, including text and maps, 8723
in the office of the recorder as required under sections 303.11 8724
and 519.11 of the Revised Code, a base fee of fifty dollars and a 8725
housing trust fund fee of fifty dollars, regardless of the size or 8726
length of the resolutions; 8727

(H) For filing zoning amendments, including text and maps, in 8728
the office of the recorder as required under sections 303.12 and 8729
519.12 of the Revised Code, a base fee of ten dollars and a 8730
housing trust fund fee of ten dollars for the first page and a 8731
base fee of four dollars and a housing trust fund fee of four 8732
dollars for each additional page; 8733

(I) For photocopying a document, other than at the time of 8734
recording and indexing as provided for in division (A) of this 8735
section, a base fee of one dollar and a housing trust fund fee of 8736
one dollar per page, size eight and one-half inches by fourteen 8737
inches, or fraction thereof; 8738

(J) For local facsimile transmission of a document, a base 8739

fee of one dollar and a housing trust fund fee of one dollar per 8740
page, size eight and one-half inches by fourteen inches, or 8741
fraction thereof; for long distance facsimile transmission of a 8742
document, a base fee of two dollars and a housing trust fund fee 8743
of two dollars per page, size eight and one-half inches by 8744
fourteen inches, or fraction thereof; 8745

(K) For recording a declaration executed pursuant to section 8746
2133.02 of the Revised Code or a durable power of attorney for 8747
health care executed pursuant to section 1337.12 of the Revised 8748
Code, or both a declaration and a durable power of attorney for 8749
health care, a base fee of at least fourteen dollars but not more 8750
than twenty dollars and a housing trust fund fee of at least 8751
fourteen dollars but not more than twenty dollars. 8752

In any county in which the recorder employs the photostatic 8753
or any similar process for recording maps, plats, or prints the 8754
recorder shall determine, charge, and collect for the recording or 8755
rerecording of any map, plat, or print, a base fee of five cents 8756
and a housing trust fund fee of five cents per square inch, for 8757
each square inch of the map, plat, or print filed for that 8758
recording or rerecording, with a minimum base fee of twenty 8759
dollars and a minimum housing trust fund fee of twenty dollars; 8760
for certifying a copy from the record, a base fee of two cents and 8761
a housing trust fund fee of two cents per square inch of the 8762
record, with a minimum base fee of two dollars and a minimum 8763
housing trust fund fee of two dollars. 8764

The fees provided in this section shall be paid upon the 8765
presentation of the instruments for record or upon the application 8766
for any certified copy of the record, except that the payment of 8767
fees associated with the filing and recording of, or the copying 8768
of, notices of internal revenue tax liens and notices of other 8769
liens in favor of the United States as described in division (A) 8770
of section 317.09 of the Revised Code and certificates of 8771

discharge or release of those liens, shall be governed by section 8772
317.09 of the Revised Code, and the payment of fees for providing 8773
copies of instruments conveying or extinguishing agricultural 8774
easements to the office of farmland preservation in the department 8775
of agriculture under division ~~(G)~~(H) of section 5301.691 of the 8776
Revised Code shall be governed by that division. 8777

Sec. 317.36. (A) The county recorder shall collect the low- 8778
and moderate-income housing trust fund fee as specified in 8779
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 8780
5111.021, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, 8781
and 6115.09 of the Revised Code. The amount of any housing trust 8782
fund fee the recorder is authorized to collect is equal to the 8783
amount of any base fee the recorder is authorized to collect for 8784
services. The housing trust fund fee shall be collected in 8785
addition to the base fee. 8786

(B) The recorder shall certify the amounts collected as 8787
housing trust fund fees pursuant to division (A) of this section 8788
into the county treasury as housing trust fund fees to be paid to 8789
the treasurer of state pursuant to section 319.63 of the Revised 8790
Code. 8791

Sec. 319.63. (A) During the first thirty days of each 8792
calendar quarter, the county auditor shall pay to the treasurer of 8793
state all amounts that the county recorder collected as housing 8794
trust fund fees pursuant to section 317.36 of the Revised Code 8795
during the previous calendar quarter. If payment is made to the 8796
treasurer of state within the first thirty days of the quarter, 8797
the county auditor may retain an administrative fee of one per 8798
cent of the amount of the trust fund fees collected during the 8799
previous calendar quarter. 8800

(B) The treasurer of state shall deposit the first fifty 8801

million dollars of housing trust fund fees received each year 8802
pursuant to this section into the low- and moderate-income housing 8803
trust fund, created under section 175.21 of the Revised Code, and 8804
shall deposit any amounts received each year in excess of fifty 8805
million dollars into the state general revenue fund. 8806

(C) The county auditor shall deposit the administrative fee 8807
that the auditor is permitted to retain pursuant to division (A) 8808
of this section into the county general fund for the county 8809
recorder to use in administering the trust fund fee. 8810

Sec. 321.24. (A) On or before the fifteenth day of February, 8811
in each year, the county treasurer shall settle with the county 8812
auditor for all taxes and assessments that the treasurer has 8813
collected on the general duplicate of real and public utility 8814
property at the time of making the settlement. 8815

(B) On or before the thirtieth day of June, in each year, the 8816
treasurer shall settle with the auditor for all advance payments 8817
of general personal and classified property taxes that the 8818
treasurer has received at the time of making the settlement. 8819

(C) On or before the tenth day of August, in each year, the 8820
treasurer shall settle with the auditor for all taxes and 8821
assessments that the treasurer has collected on the general 8822
duplicates of real and public utility property at the time of 8823
making such settlement, not included in the preceding February 8824
settlement. 8825

(D) On or before the thirty-first day of October, in each 8826
year, the treasurer shall settle with the auditor for all taxes 8827
that the treasurer has collected on the general personal and 8828
classified property duplicates, and for all advance payments of 8829
general personal and classified property taxes, not included in 8830
the preceding June settlement, that the treasurer has received at 8831
the time of making such settlement. 8832

(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 authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each taxing district shall be reduced by the total of the amounts

computed for the district under divisions (A), (B), and (C) of 8865
section 5703.80 of the Revised Code, but the reduction shall not 8866
exceed the amount that otherwise would be distributed to the 8867
taxing district under this division. The tax commissioner shall 8868
make available to taxing districts such information as is 8869
sufficient for a taxing district to be able to determine the 8870
amount of the reduction in its distribution under this section. 8871

(G)(1) Within thirty days after the day of the settlement 8872
required in division (D) of this section, the county treasurer 8873
shall ~~certify to~~ notify the tax commissioner that the settlement 8874
has been completed. Upon receipt of that ~~certification~~ 8875
notification, the commissioner shall provide for payment to the 8876
county treasurer from the general revenue fund of an amount equal 8877
to the amount certified under former section 319.311 of the 8878
Revised Code ~~in the current year and paid in the state's fiscal~~ 8879
year 2003 multiplied by the percentage specified in division 8880
(G)(2) of this section. The payment shall be credited upon receipt 8881
to the county's undivided income tax fund, and the county auditor 8882
shall distribute the amount thereof among the various taxing 8883
districts of the county as if it had been levied, collected, and 8884
settled as personal property taxes. The amount received by a 8885
taxing district under this division shall be apportioned among its 8886
funds in the same proportion as the current year's personal 8887
property taxes are apportioned. 8888

(2) Payments required under division (G)(1) of this section 8889
shall be made at the following percentages of the amount certified 8890
under former section 319.311 of the Revised Code and paid under 8891
division (G)(1) of this section in the state's fiscal year 2003: 8892

(a) In fiscal year 2004, ninety per cent; 8893

(b) In fiscal year 2005, eighty per cent; 8894

(c) In fiscal year 2006, seventy per cent; 8895

<u>(d) In fiscal year 2007, sixty per cent;</u>	8896
<u>(e) In fiscal year 2008, fifty per cent;</u>	8897
<u>(f) In fiscal year 2009, forty per cent;</u>	8898
<u>(g) In fiscal year 2010, thirty per cent;</u>	8899
<u>(h) In fiscal year 2011, twenty per cent;</u>	8900
<u>(i) In fiscal year 2012, ten per cent.</u>	8901
<u>After fiscal year 2012, no payments shall be made under</u>	8902
<u>division (G)(1) of this section.</u>	8903
(H)(1) On or before the fifteenth day of April each year, the	8904
county treasurer shall settle with the county auditor for all	8905
manufactured home taxes that the county treasurer has collected on	8906
the manufactured home tax duplicate at the time of making the	8907
settlement.	8908
(2) On or before the fifteenth day of September each year,	8909
the county treasurer shall settle with the county auditor for all	8910
remaining manufactured home taxes that the county treasurer has	8911
collected on the manufactured home tax duplicate at the time of	8912
making the settlement.	8913
(3) If the time for payment of such taxes is extended under	8914
section 4503.06 of the Revised Code, the time for making the	8915
settlement as prescribed by divisions (H)(1) and (2) of this	8916
section is extended for a like period of time.	8917
Sec. 323.01. Except as otherwise provided, as used in Chapter	8918
323. of the Revised Code:	8919
(A) "Subdivision" means any county, township, school	8920
district, or municipal corporation.	8921
(B) "Municipal corporation" includes charter municipalities.	8922
(C) "Taxes" means the total amount of all charges against an	8923

entry appearing on a tax list and the duplicate thereof that was 8924
prepared and certified in accordance with section 319.28 of the 8925
Revised Code, including taxes levied against real estate; taxes on 8926
property whose value is certified pursuant to section 5727.23 of 8927
the Revised Code; recoupment charges applied pursuant to section 8928
5713.35 of the Revised Code; all assessments; penalties and 8929
interest charged pursuant to section 323.121 of the Revised Code; 8930
charges added pursuant to section 319.35 of the Revised Code; and 8931
all of such charges which remain unpaid from any previous tax 8932
year. 8933

(D) "Current taxes" means all taxes charged against an entry 8934
on the general tax list and duplicate of real and public utility 8935
property that have not appeared on such list and duplicate for any 8936
prior tax year and any penalty thereon charged by division (A) of 8937
section 323.121 of the Revised Code. Current taxes, whether or not 8938
they have been certified delinquent, become delinquent taxes if 8939
they remain unpaid after the last day prescribed for payment of 8940
the second installment of current taxes without penalty. 8941

(E) "Delinquent taxes" means: 8942

(1) Any taxes charged against an entry on the general tax 8943
list and duplicate of real and public utility property that were 8944
charged against an entry on such list and duplicate for a prior 8945
tax year and any penalties and interest charged against such 8946
taxes. 8947

(2) Any current taxes charged on the general tax list and 8948
duplicate of real and public utility property that remain unpaid 8949
after the last day prescribed for payment of the second 8950
installment of such taxes without penalty, whether or not they 8951
have been certified delinquent, and any penalties and interest 8952
charged against such taxes. 8953

(F) "Current tax year" means, with respect to particular 8954

taxes, the calendar year in which the first installment of taxes 8955
is due prior to any extension granted under section 323.17 of the 8956
Revised Code. 8957

(G) "Liquidated claim" means: 8958

(1) Any sum of money due and payable, upon a written 8959
contractual obligation executed between the subdivision and the 8960
taxpayer, but excluding any amount due on general and special 8961
assessment bonds and notes; 8962

(2) Any sum of money due and payable, for disability 8963
financial assistance or disability medical assistance provided 8964
under Chapter 5115. of the Revised Code that is furnished to or in 8965
behalf of a subdivision, provided that such claim is recognized by 8966
a resolution or ordinance of the legislative body of such 8967
subdivision; 8968

(3) Any sum of money advanced and paid to or received and 8969
used by a subdivision, pursuant to a resolution or ordinance of 8970
such subdivision or its predecessor in interest, and the moral 8971
obligation to repay which sum, when in funds, shall be recognized 8972
by resolution or ordinance by the subdivision. 8973

Sec. 323.13. Except as provided in section 323.134 of the 8974
Revised Code, immediately upon receipt of any tax duplicate from 8975
the county auditor, but not less than twenty days prior to the 8976
last date on which the first one-half taxes may be paid without 8977
penalty as prescribed in section 323.12 or 323.17 of the Revised 8978
Code, the county treasurer shall cause to be prepared and mailed 8979
or delivered to each person charged on such duplicate with taxes 8980
or to an agent designated by such person, the tax bill prescribed 8981
by the commissioner of tax equalization under section 323.131 of 8982
the Revised Code. When taxes are paid by installments, the county 8983
treasurer shall mail or deliver to each person charged on such 8984
duplicate or the agent designated by such person, a second tax 8985

bill showing the amount due at the time of the second tax 8986
collection. The second half tax bill shall be mailed or delivered 8987
at least twenty days prior to the close of the second half tax 8988
collection period. 8989

After delivery of the delinquent land duplicate as prescribed 8990
in section 5721.011 of the Revised Code, the county treasurer may 8991
prepare and mail to each person in whose name property therein is 8992
listed an additional tax bill showing the total amount of 8993
delinquent taxes appearing on such duplicate against such 8994
property. The tax bill shall include a notice that the interest 8995
charge prescribed by division (B) of section 323.121 of the 8996
Revised Code has begun to accrue. 8997

A change in the mailing address of any tax bill shall be made 8998
in writing to the county treasurer. 8999

Upon certification by the county auditor of the apportionment 9000
of taxes following the transfer of a part of a tract or lot of 9001
real estate, and upon request by the owner of any transferred or 9002
remaining part of such tract or parcel, the treasurer shall cause 9003
to be prepared and mailed or delivered to such owner a tax bill 9004
for the taxes allocated to ~~his~~ the owner's part, together with the 9005
penalties, interest, and other charges. 9006

Failure to receive any bill required by this section does not 9007
excuse failure or delay to pay any taxes shown on such bill or, 9008
except as provided in division ~~(A)~~(B)(1) of section 5715.39 of the 9009
Revised Code, avoid any penalty, interest, or charge for such 9010
delay. 9011

Sec. 325.31. (A) On the first business day of each month, and 9012
at the end of the officer's term of office, each officer named in 9013
section 325.27 of the Revised Code shall pay into the county 9014
treasury, to the credit of the general county fund, on the warrant 9015
of the county auditor, all fees, costs, penalties, percentages, 9016

allowances, and perquisites collected by the officer's office 9017
during the preceding month or part thereof for official services, 9018
except the fees allowed the county auditor by division (B) of 9019
section 319.54 of the Revised Code, which shall be paid into the 9020
county treasury to the credit of the real estate assessment fund 9021
hereby created. 9022

(B) Moneys to the credit of the real estate assessment fund 9023
may be expended, upon appropriation by the board of county 9024
commissioners, for the purpose of defraying ~~the~~ one or more of the 9025
following: 9026

(1) The cost incurred by the county auditor in assessing real 9027
estate pursuant to Chapter 5713. of the Revised Code and 9028
manufactured and mobile homes pursuant to Chapter 4503. of the 9029
Revised Code, ~~and, at;~~ 9030

(2) At the county auditor's discretion, costs and expenses 9031
incurred by the county auditor in preparing the list of real and 9032
public utility property, in administering laws related to the 9033
taxation of real property and the levying of special assessments 9034
on real property, including administering reductions under 9035
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9036
and to support assessments of real property in any administrative 9037
or judicial proceeding; 9038

(3) At the county auditor's discretion, the expenses incurred 9039
by the county board of revision under Chapter 5715. of the Revised 9040
Code. ~~Any;~~ 9041

(4) At the county auditor's discretion, the expenses incurred 9042
by the county auditor for geographic information systems, mapping 9043
programs, and technological advances in those or similar systems 9044
or programs; 9045

(5) At the county auditor's discretion, expenses incurred by 9046
the county auditor in compiling the general tax list of tangible 9047

personal property and administering tangible personal property 9048
taxes under Chapters 5711. and 5719. of the Revised Code; 9049

(6) At the county auditor's discretion, costs, expenses, and 9050
fees incurred by the county auditor in the administration of 9051
estate taxes under Chapter 5731. of the Revised Code. 9052

Any expenditures made from the real estate assessment fund 9053
shall comply with rules that the tax commissioner adopts under 9054
division (0) of section 5703.05 of the Revised Code. Those rules 9055
shall include a requirement that a copy of any appraisal plans, 9056
progress of work reports, contracts, or other documents required 9057
to be filed with the tax commissioner shall be filed also with the 9058
board of county commissioners. 9059

The board of county commissioners shall not transfer moneys 9060
required to be deposited in the real estate assessment fund to any 9061
other fund. Following an assessment of real property pursuant to 9062
Chapter 5713. of the Revised Code, or an assessment of a 9063
manufactured or mobile home pursuant to Chapter 4503. of the 9064
Revised Code, any moneys not expended for the purpose of defraying 9065
the cost incurred in assessing real estate or manufactured or 9066
mobile homes or for the purpose of defraying the expenses ~~of the~~ 9067
~~county board of revision~~ described in divisions (B)(2), (3), (4), 9068
(5), and (6) of this section, and thereby remaining to the credit 9069
of the real estate assessment fund, shall be apportioned ratably 9070
and distributed to those taxing authorities that contributed to 9071
the fund. However, no such distribution shall be made if the 9072
amount of such unexpended moneys remaining to the credit of the 9073
real estate assessment fund does not exceed five thousand dollars. 9074

(C) None of the officers named in section 325.27 of the 9075
Revised Code shall collect any fees from the county. Each of such 9076
officers shall, at the end of each calendar year, make and file a 9077
sworn statement with the board of county commissioners of all such 9078
fees, costs, penalties, percentages, allowances, and perquisites 9079

which have been due in the officer's office and unpaid for more 9080
than one year prior to the date such statement is required to be 9081
made. 9082

Sec. 329.03. (A) As used in this section: 9083

(1) "Applicant" or "recipient" means an applicant for or 9084
participant in the Ohio works first program established under 9085
Chapter 5107. of the Revised Code or an applicant for or recipient 9086
of disability financial assistance under Chapter 5115. of the 9087
Revised Code. 9088

(2) "Voluntary direct deposit" means a system established 9089
pursuant to this section under which cash assistance payments to 9090
recipients who agree to direct deposit are made by direct deposit 9091
by electronic transfer to an account in a financial institution 9092
designated under this section. 9093

(3) "Mandatory direct deposit" means a system established 9094
pursuant to this section under which cash assistance payments to 9095
all participants in the Ohio works first program or recipients of 9096
disability financial assistance, other than those exempt under 9097
division (E) of this section, are made by direct deposit by 9098
electronic transfer to an account in a financial institution 9099
designated under this section. 9100

(B) A board of county commissioners may by adoption of a 9101
resolution require the county department of job and family 9102
services to establish a direct deposit system for distributing 9103
cash assistance payments under Ohio works first, disability 9104
financial assistance, or both, unless the director of job and 9105
family services has provided for those payments to be made by 9106
electronic benefit transfer pursuant to section 5101.33 of the 9107
Revised Code. Voluntary or mandatory direct deposit may be applied 9108
to either of the programs. The resolution shall specify for each 9109
program for which direct deposit is to be established whether 9110

direct deposit is voluntary or mandatory. The board may require 9111
the department to change or terminate direct deposit by adopting a 9112
resolution to change or terminate it. Within ninety days after 9113
adopting a resolution under this division, the board shall certify 9114
one copy of the resolution to the director of job and family 9115
services and one copy to the office of budget and management. The 9116
director of job and family services may adopt rules governing 9117
establishment of direct deposit by county departments of job and 9118
family services. 9119

The county department of job and family services shall 9120
determine what type of account will be used for direct deposit and 9121
negotiate with financial institutions to determine the charges, if 9122
any, to be imposed by a financial institution for establishing and 9123
maintaining such accounts. Under voluntary direct deposit, the 9124
county department of job and family services may pay all charges 9125
imposed by a financial institution for establishing and 9126
maintaining an account in which direct deposits are made for a 9127
recipient. Under mandatory direct deposit, the county department 9128
of job and family services shall pay all charges imposed by a 9129
financial institution for establishing and maintaining such an 9130
account. No financial institution shall impose any charge for such 9131
an account that the institution does not impose on its other 9132
customers for the same type of account. Direct deposit does not 9133
affect the exemption of Ohio works first and disability financial 9134
assistance from attachment, garnishment, or other like process 9135
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 9136
Code. 9137

(C) The county department of job and family services shall, 9138
within sixty days after a resolution requiring the establishment 9139
of direct deposit is adopted, establish procedures governing 9140
direct deposit. 9141

Within one hundred eighty days after the resolution is 9142

adopted, the county department shall: 9143

(1) Inform each applicant or recipient of the procedures 9144
governing direct deposit, including in the case of voluntary 9145
direct deposit those that prescribe the conditions under which a 9146
recipient may change from one method of payment to another; 9147

(2) Obtain from each applicant or recipient an authorization 9148
form to designate a financial institution equipped for and 9149
authorized by law to accept direct deposits by electronic transfer 9150
and the account into which the applicant or recipient wishes the 9151
payments to be made, or in the case of voluntary direct deposit 9152
states the applicant's or recipient's election to receive such 9153
payments in the form of a paper warrant. 9154

The department may require a recipient to complete a new 9155
authorization form whenever the department considers it necessary. 9156

A recipient's designation of a financial institution and 9157
account shall remain in effect until withdrawn in writing or 9158
dishonored by the financial institution, except that no change may 9159
be made in the authorization form until the next eligibility 9160
redetermination of the recipient unless the department feels that 9161
good grounds exist for an earlier change. 9162

(D) An applicant or recipient without an account who either 9163
agrees or is required to receive payments by direct deposit shall 9164
have ten days after receiving the authorization form to designate 9165
an account suitable for direct deposit. If within the required 9166
time the applicant or recipient does not make the designation or 9167
requests that the department make the designation, the department 9168
shall designate a financial institution and help the recipient to 9169
open an account. 9170

(E) At the time of giving an applicant or recipient the 9171
authorization form, the county department of job and family 9172
services of a county with mandatory direct deposit shall inform 9173

each applicant or recipient of the basis for exemption and the 9174
right to request exemption from direct deposit. 9175

Under mandatory direct deposit, an applicant or recipient who 9176
wishes to receive payments in the form of a paper warrant shall 9177
record on the authorization form a request for exemption under 9178
this division and the basis for the exemption. 9179

The department shall exempt from mandatory direct deposit any 9180
recipient who requests exemption and is any of the following: 9181

(1) Over age sixty-five; 9182

(2) Blind or disabled; 9183

(3) Likely, in the judgment of the department, to be caused 9184
personal hardship by direct deposit. 9185

A recipient granted an exemption under this division shall 9186
receive payments for which the recipient is eligible in the form 9187
of paper warrants. 9188

(F) The county department of job and family services shall 9189
bear the full cost of the amount of any replacement warrant issued 9190
to a recipient for whom an authorization form as provided in this 9191
section has not been obtained within one hundred eighty days after 9192
the later of the date the board of county commissioners adopts a 9193
resolution requiring payments of financial assistance by direct 9194
deposit to accounts of recipients of Ohio works first or 9195
disability financial assistance or the date the recipient made 9196
application for assistance, and shall not be reimbursed by the 9197
state for any part of the cost. Thereafter, the county department 9198
of job and family services shall continue to bear the full cost of 9199
each replacement warrant issued until the board of county 9200
commissioners requires the county department of job and family 9201
services to obtain from each such recipient the authorization 9202
forms as provided in this section. 9203

Sec. 329.04. (A) The county department of job and family 9204
services shall have, exercise, and perform the following powers 9205
and duties: 9206

(1) Perform any duties assigned by the state department of 9207
job and family services regarding the provision of public family 9208
services, including the provision of the following services to 9209
prevent or reduce economic or personal dependency and to 9210
strengthen family life: 9211

(a) Services authorized by a Title IV-A program, as defined 9212
in section 5101.80 of the Revised Code; 9213

(b) Social services authorized by Title XX of the "Social 9214
Security Act" and provided for by section 5101.46 of the Revised 9215
Code; 9216

(c) If the county department is designated as the child 9217
support enforcement agency, services authorized by Title IV-D of 9218
the "Social Security Act" and provided for by Chapter 3125. of the 9219
Revised Code. The county department may perform the services 9220
itself or contract with other government entities, and, pursuant 9221
to division (C) of section 2301.35 and section 2301.42 of the 9222
Revised Code, private entities, to perform the Title IV-D 9223
services. 9224

(2) Administer disability financial assistance ~~under Chapter~~ 9225
~~5115. of the Revised Code,~~ as required by the state department of 9226
job and family services under section 5115.03 of the Revised Code; 9227

(3) Administer disability medical assistance, as required by 9228
the state department of job and family services under section 9229
5115.13 of the Revised Code; 9230

~~(3)~~(4) Administer burials insofar as the administration of 9231
burials was, prior to September 12, 1947, imposed upon the board 9232
of county commissioners and if otherwise required by state law; 9233

(4) (5) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;	9234 9235 9236
(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;	9237 9238 9239
(6) (7) Exercise any powers and duties relating to family services <u>duties</u> 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;	9240 9241 9242 9243 9244 9245
(7) (8) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";	9246 9247
(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;	9248 9249 9250 9251
(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;	9252 9253 9254 9255 9256 9257 9258 9259
(10) (11) For the purpose of complying with a partnership <u>fiscal</u> agreement the board of county commissioners enters into under section 307.98 of the Revised Code, exercise the powers and perform the duties the partnership <u>fiscal</u> agreement assigns to the county department;	9260 9261 9262 9263 9264

~~(11)~~(12) If the county department is designated as the 9265
workforce development agency, provide the workforce development 9266
activities specified in the contract required by section 330.05 of 9267
the Revised Code. 9268

(B) The powers and duties of a county department of job and 9269
family services are, and shall be exercised and performed, under 9270
the control and direction of the board of county commissioners. 9271
The board may assign to the county department any power or duty of 9272
the board regarding family services duties and workforce 9273
development activities. If the new power or duty necessitates the 9274
state department of job and family services changing its federal 9275
cost allocation plan, the county department may not implement the 9276
power or duty unless the United States department of health and 9277
human services approves the changes. 9278

Sec. 329.05. The county department of job and family services 9279
may administer or assist in administering any state or local 9280
family services ~~activity~~ duty in addition to those mentioned in 9281
section 329.04 of the Revised Code, supported wholly or in part by 9282
public funds from any source provided by agreement between the 9283
board of county commissioners and the officer, department, board, 9284
or agency in which the administration of such activity is vested. 9285
Such officer, department, board, or agency may enter into such 9286
agreement and confer upon the county department of job and family 9287
services, to the extent and in particulars specified in the 9288
agreement, the performance of any duties and the exercise of any 9289
powers imposed upon or vested in such officer, board, department, 9290
or agency, with respect to the administration of such activity. 9291
Such agreement shall be in the form of a resolution of the board 9292
of county commissioners, accepted in writing by the other party to 9293
the agreement, and filed in the office of the county auditor, and 9294
when so filed, shall have the effect of transferring the exercise 9295

of the powers and duties to which the agreement relates and shall 9296
exempt the other party from all further responsibility for the 9297
exercise of the powers and duties so transferred, during the life 9298
of the agreement. 9299

Such agreement shall be coordinated and not conflict with a 9300
~~partnership~~ fiscal agreement entered into under section 307.98, a 9301
contract entered into under section 307.981 or 307.982, a plan of 9302
cooperation entered into under section 307.983, a regional plan of 9303
cooperation entered into under section 307.984, a transportation 9304
work plan developed under section 307.985, or procedures for 9305
providing services to children whose families relocate frequently 9306
established under section 307.986 of the Revised Code. It may be 9307
revoked at the option of either party, by a resolution or order of 9308
the revoking party filed in the office of the auditor. Such 9309
revocation shall become effective at the end of the fiscal year 9310
occurring at least six months following the filing of the 9311
resolution or order. In the absence of such an express revocation 9312
so filed, the agreement shall continue indefinitely. 9313

This section does not permit a county department of job and 9314
family services to manage or control hospitals, humane societies, 9315
detention facilities, jails or probation departments of courts, or 9316
veterans service commissions. 9317

Sec. 329.051. The county department of job and family 9318
services shall make voter registration applications as prescribed 9319
by the secretary of state under section 3503.10 of the Revised 9320
Code available to persons who are applying for, receiving 9321
assistance from, or participating in any of the following: 9322

(A) The disability financial assistance program established 9323
under Chapter 5115. of the Revised Code; 9324

(B) The disability medical assistance program established 9325
under Chapter 5115. of the Revised Code; 9326

<u>(C)</u> The medical assistance program established under Chapter 5111. of the Revised Code;	9327 9328
(C) <u>(D)</u> The Ohio works first program established under Chapter 5107. of the Revised Code;	9329 9330
(D) <u>(E)</u> The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.	9331 9332
Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:	9333 9334 9335 9336 9337 9338 9339 9340 9341 9342 9343 9344 9345 9346 9347
(1) Consumers of family services;	9348
(2) The public children services agency;	9349
(3) The child support enforcement agency;	9350
(4) The county family and children first council;	9351
(5) Public and private colleges and universities;	9352
(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of	9353 9354 9355

alcohol, drug addiction, and mental health services that serves 9356
the county; 9357

(7) Private nonprofit and for-profit entities that provide 9358
family services in the county or that advocate for consumers of 9359
family services in the county, including entities that provide 9360
services to or advocate for victims of domestic violence; 9361

(8) Labor organizations; 9362

(9) Any other group or entity that has an interest in the 9363
family services provided in the county, including groups or 9364
entities that represent any of the county's business, urban, and 9365
rural sectors. 9366

(B) The county family services planning committee shall do 9367
all of the following: 9368

(1) Serve as an advisory body to the board of county 9369
commissioners with regard to the family services provided in the 9370
county, including assistance under Chapters 5107. and 5108. of the 9371
Revised Code, publicly funded child day-care under Chapter 5104. 9372
of the Revised Code, and social services provided under section 9373
5101.46 of the Revised Code; 9374

(2) At least once a year, review and analyze the county 9375
department of job and family services' implementation of the 9376
programs established under Chapters 5107. and 5108. of the Revised 9377
Code. In its review, the committee shall use information available 9378
to it to examine all of the following: 9379

(a) Return of assistance groups to participation in either 9380
program after ceasing to participate; 9381

(b) Teen pregnancy rates among the programs' participants; 9382

(c) The other types of assistance the programs' participants 9383
receive, including medical assistance under Chapter 5111. of the 9384
Revised Code, publicly funded child day-care under Chapter 5104. 9385

of the Revised Code, food stamp benefits under section 5101.54 of 9386
the Revised Code, and energy assistance under Chapter 5117. of the 9387
Revised Code; 9388

(d) Other issues the committee considers appropriate. 9389

The committee shall make recommendations to the board of 9390
county commissioners and county department of job and family 9391
services regarding the committee's findings. 9392

~~(3) Provide comments and recommendations to the board prior 9393
to the board's entering into or substantially amending a 9394
partnership agreement with the director of job and family services 9395
under section 307.98 of the Revised Code; 9396~~

~~(4) Conduct public hearings on proposed county profiles for 9397
the provision of social services under section 5101.46 of the 9398
Revised Code; 9399~~

~~(5)~~(4) At the request of the board, make recommendations and 9400
provide assistance regarding the family services provided in the 9401
county; 9402

~~(6)~~(5) At any other time the committee considers appropriate, 9403
consult with the board and make recommendations regarding the 9404
family services provided in the county. The committee's 9405
recommendations may address the following: 9406

(a) Implementation and administration of family service 9407
programs; 9408

(b) Use of federal, state, and local funds available for 9409
family service programs; 9410

(c) Establishment of goals to be achieved by family service 9411
programs; 9412

(d) Evaluation of the outcomes of family service programs; 9413

(e) Any other matter the board considers relevant to the 9414
provision of family services. 9415

(C) If there is a committee in existence in a county on 9416
October 1, 1997, that the board of county commissioners determines 9417
is capable of fulfilling the responsibilities of a county family 9418
services planning committee, the board may designate the committee 9419
as the county's family services planning committee and the 9420
committee shall serve in that capacity. 9421

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 9422
health service district comprised of a county with a population of 9423
two hundred fifty thousand or more on ~~the effective date of this~~ 9424
~~section~~ October 10, 1989, the board of county commissioners shall, 9425
within thirty days of ~~the effective date of this section~~ October 9426
10, 1989, establish an alcohol and drug addiction services board 9427
as the entity responsible for providing alcohol and drug addiction 9428
services in the county, unless, prior to that date, the board 9429
adopts a resolution providing that the entity responsible for 9430
providing the services is a board of alcohol, drug addiction, and 9431
mental health services. If the board of county commissioners 9432
establishes an alcohol and drug addiction services board, the 9433
community mental health board established under former section 9434
340.02 of the Revised Code shall serve as the entity responsible 9435
for providing mental health services in the county. A community 9436
mental health board has all the powers, duties, and obligations of 9437
a board of alcohol, drug addiction, and mental health services 9438
with regard to mental health services. An alcohol and drug 9439
addiction services board has all the powers, duties, and 9440
obligations of a board of alcohol, drug addiction, and mental 9441
health services with regard to alcohol and drug addiction 9442
services. Any provision of the Revised Code that refers to a board 9443
of alcohol, drug addiction, and mental health services with regard 9444
to mental health services also refers to a community mental health 9445
board and any provision that refers to a board of alcohol, drug 9446
addiction, and mental health services with regard to alcohol and 9447

drug addiction services also refers to an alcohol and drug 9448
addiction services board. 9449

An alcohol and drug addiction services board shall consist of 9450
eighteen members, six of whom shall be appointed by the director 9451
of alcohol and drug addiction services and twelve of whom shall be 9452
appointed by the board of county commissioners. Of the members 9453
appointed by the director, one shall be a person who has received 9454
or is receiving services for alcohol or drug addiction, one shall 9455
be a parent or relative of such a person, one shall be a 9456
professional in the field of alcohol or drug addiction services, 9457
and one shall be an advocate for persons receiving treatment for 9458
alcohol or drug addiction. The membership of the board shall, as 9459
nearly as possible, reflect the composition of the population of 9460
the service district as to race and sex. Members shall be 9461
residents of the service district and shall be interested in 9462
alcohol and drug addiction services. Requirements for membership, 9463
including prohibitions against certain family and business 9464
relationships, and terms of office shall be the same as those for 9465
members of boards of alcohol, drug addiction, and mental health 9466
services. 9467

~~(B)~~ A community mental health board shall consist of eighteen 9468
members, six of whom shall be appointed by the director of mental 9469
health and twelve of whom shall be appointed by the board of 9470
county commissioners. Of the members appointed by the director, 9471
one shall be a person who has received or is receiving mental 9472
health services, one shall be a parent or relative of such a 9473
person, one shall be a psychiatrist or a physician, and one shall 9474
be a mental health professional. The membership of the board as 9475
nearly as possible shall reflect the composition of the population 9476
of the service district as to race and sex. Members shall be 9477
residents of the service district and shall be interested in 9478
mental health services. Requirements for membership, including 9479

prohibitions against certain family and business relationships, 9480
and terms of office shall be the same as those for members of 9481
boards of alcohol, drug addiction, and mental health services. 9482

(B) If a board of county commissioners subject to division 9483
(A) of this section did not adopt a resolution providing for a 9484
board of alcohol, drug addiction, and mental health services, the 9485
board of county commissioners may adopt a resolution providing for 9486
such a board, subject to both of the following: 9487

(1) The resolution shall be adopted not later than January 1, 9488
2004. 9489

(2) Before adopting the resolution, the board of county 9490
commissioners shall provide notice of the proposed resolution to 9491
the alcohol and drug services board and the community mental 9492
health board and shall provide both boards an opportunity to 9493
comment on the proposed resolution. 9494

Sec. 340.03. (A) Subject to rules issued by the director of 9495
mental health after consultation with relevant constituencies as 9496
required by division (A)(11) of section 5119.06 of the Revised 9497
Code, with regard to mental health services, the board of alcohol, 9498
drug addiction, and mental health services shall: 9499

(1) Serve as the community mental health planning agency for 9500
the county or counties under its jurisdiction, and in so doing it 9501
shall: 9502

(a) Evaluate the need for facilities and community mental 9503
health services; 9504

(b) In cooperation with other local and regional planning and 9505
funding bodies and with relevant ethnic organizations, assess the 9506
community mental health needs, set priorities, and develop plans 9507
for the operation of facilities and community mental health 9508
services; 9509

(c) In accordance with guidelines issued by the director of 9510
mental health after consultation with board representatives, 9511
develop and submit to the department of mental health, no later 9512
than six months prior to the conclusion of the fiscal year in 9513
which the board's current plan is scheduled to expire, a community 9514
mental health plan listing community mental health needs, 9515
including the needs of all residents of the district now residing 9516
in state mental institutions and severely mentally disabled 9517
adults, children, and adolescents; all children subject to a 9518
determination made pursuant to section 121.38 of the Revised Code; 9519
and all the facilities and community mental health services that 9520
are or will be in operation or provided during the period for 9521
which the plan will be in operation in the service district to 9522
meet such needs. 9523

The plan shall include, but not be limited to, a statement of 9524
which of the services listed in section 340.09 of the Revised Code 9525
the board intends to provide or purchase, an explanation of how 9526
the board intends to make any payments that it may be required to 9527
pay under section 5119.62 of the Revised Code, a statement of the 9528
inpatient and community-based services the board proposes that the 9529
department operate, an assessment of the number and types of 9530
residential facilities needed, and such other information as the 9531
department requests, and a budget for moneys the board expects to 9532
receive. The board shall also submit an allocation request for 9533
state and federal funds. Within sixty days after the department's 9534
determination that the plan and allocation request are complete, 9535
the department shall approve or disapprove the plan and request, 9536
in whole or in part, according to the criteria developed pursuant 9537
to section 5119.61 of the Revised Code. The department's statement 9538
of approval or disapproval shall specify the inpatient and the 9539
community-based services that the department will operate for the 9540
board. Eligibility for financial support shall be contingent upon 9541

an approved plan or relevant part of a plan. 9542

If the director disapproves all or part of any plan, the 9543
director shall inform the board of the reasons for the disapproval 9544
and of the criteria that must be met before the plan may be 9545
approved. The director shall provide the board an opportunity to 9546
present its case on behalf of the plan. The director shall give 9547
the board a reasonable time in which to meet the criteria, and 9548
shall offer the board technical assistance to help it meet the 9549
criteria. 9550

If the approval of a plan remains in dispute thirty days 9551
prior to the conclusion of the fiscal year in which the board's 9552
current plan is scheduled to expire, the board or the director may 9553
request that the dispute be submitted to a mutually agreed upon 9554
third-party mediator with the cost to be shared by the board and 9555
the department. The mediator shall issue to the board and the 9556
department recommendations for resolution of the dispute. Prior to 9557
the conclusion of the fiscal year in which the current plan is 9558
scheduled to expire, the director, taking into consideration the 9559
recommendations of the mediator, shall make a final determination 9560
and approve or disapprove the plan, in whole or in part. 9561

If a board determines that it is necessary to amend a plan or 9562
an allocation request that has been approved under division 9563
(A)(1)(c) of this section, the board shall submit a proposed 9564
amendment to the director. The director may approve or disapprove 9565
all or part of the amendment. If the director does not approve all 9566
or part of the amendment within thirty days after it is submitted, 9567
the amendment or part of it shall be considered to have been 9568
approved. The director shall inform the board of the reasons for 9569
disapproval of all or part of an amendment and of the criteria 9570
that must be met before the amendment may be approved. The 9571
director shall provide the board an opportunity to present its 9572
case on behalf of the amendment. The director shall give the board 9573

a reasonable time in which to meet the criteria, and shall offer 9574
the board technical assistance to help it meet the criteria. 9575

The board shall implement the plan approved by the 9576
department. 9577

(d) Receive, compile, and transmit to the department of 9578
mental health applications for state reimbursement; 9579

(e) Promote, arrange, and implement working agreements with 9580
social agencies, both public and private, and with judicial 9581
agencies. 9582

(2) Investigate, or request another agency to investigate, 9583
any complaint alleging abuse or neglect of any person receiving 9584
services from a community mental health agency as defined in 9585
section 5122.01 of the Revised Code, or from a residential 9586
facility licensed under section 5119.22 of the Revised Code. If 9587
the investigation substantiates the charge of abuse or neglect, 9588
the board shall take whatever action it determines is necessary to 9589
correct the situation, including notification of the appropriate 9590
authorities. Upon request, the board shall provide information 9591
about such investigations to the department. 9592

(3) For the purpose of section 5119.611 of the Revised Code, 9593
cooperate with the director of mental health in visiting and 9594
evaluating whether the services of a community mental health 9595
agency satisfy the certification standards established by rules 9596
adopted under that section; 9597

(4) In accordance with criteria established under division 9598
(G) of section 5119.61 of the Revised Code, review and evaluate 9599
the quality, effectiveness, and efficiency of services provided 9600
through its community mental health plan and submit its findings 9601
and recommendations to the department of mental health; 9602

(5) In accordance with section 5119.22 of the Revised Code, 9603
review applications for residential facility licenses and 9604

recommend to the department of mental health approval or 9605
disapproval of applications; 9606

(6) Audit, in accordance with rules adopted by the auditor of 9607
state pursuant to section 117.20 of the Revised Code, at least 9608
annually all programs and services provided under contract with 9609
the board. In so doing, the board may contract for or employ the 9610
services of private auditors. A copy of the fiscal audit report 9611
shall be provided to the director of mental health, the auditor of 9612
state, and the county auditor of each county in the board's 9613
district. 9614

(7) Recruit and promote local financial support for mental 9615
health programs from private and public sources; 9616

(8)(a) Enter into contracts with public and private 9617
facilities for the operation of facility services included in the 9618
board's community mental health plan and enter into contracts with 9619
public and private community mental health agencies for the 9620
provision of community mental health services listed in section 9621
340.09 of the Revised Code and included in the board's community 9622
mental health plan. Contracts with community mental health 9623
agencies are subject to section 5119.611 of the Revised Code. 9624
Section 307.86 of the Revised Code does not apply to contracts 9625
entered into under this division. In contracting with a community 9626
mental health agency, a board shall consider the cost 9627
effectiveness of services provided by that agency and the quality 9628
and continuity of care, and may review cost elements, including 9629
salary costs, of the services to be provided. A utilization review 9630
process shall be established as part of the contract for services 9631
entered into between a board and a community mental health agency. 9632
The board may establish this process in a way that is most 9633
effective and efficient in meeting local needs. In the case of a 9634
contract with a community mental health facility ~~described, as~~ 9635
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 9636

to provide services ~~established by~~ listed in division ~~(A)~~(B) of 9637
that section, the contract shall provide for the facility to be 9638
paid in accordance with the contract entered into between the 9639
departments of job and family services and mental health under 9640
~~division (E) of that~~ section 5111.91 of the Revised Code and any 9641
rules adopted under division (A) of section 5119.61 of the Revised 9642
Code. 9643

If either the board or a facility or community mental health 9644
agency with which the board contracts under division (A)(8)(a) of 9645
this section proposes not to renew the contract or proposes 9646
substantial changes in contract terms, the other party shall be 9647
given written notice at least one hundred twenty days before the 9648
expiration date of the contract. During the first sixty days of 9649
this one hundred twenty-day period, both parties shall attempt to 9650
resolve any dispute through good faith collaboration and 9651
negotiation in order to continue to provide services to persons in 9652
need. If the dispute has not been resolved sixty days before the 9653
expiration date of the contract, either party may notify the 9654
department of mental health of the unresolved dispute. The 9655
director may require both parties to submit the dispute to a third 9656
party with the cost to be shared by the board and the facility or 9657
community mental health agency. The third party shall issue to the 9658
board, the facility or agency, and the department recommendations 9659
on how the dispute may be resolved twenty days prior to the 9660
expiration date of the contract, unless both parties agree to a 9661
time extension. The director shall adopt rules establishing the 9662
procedures of this dispute resolution process. 9663

(b) With the prior approval of the director of mental health, 9664
a board may operate a facility or provide a community mental 9665
health service as follows, if there is no other qualified private 9666
or public facility or community mental health agency that is 9667
immediately available and willing to operate such a facility or 9668

provide the service: 9669

(i) In an emergency situation, any board may operate a 9670
facility or provide a community mental health service in order to 9671
provide essential services for the duration of the emergency; 9672

(ii) In a service district with a population of at least one 9673
hundred thousand but less than five hundred thousand, a board may 9674
operate a facility or provide a community mental health service 9675
for no longer than one year; 9676

(iii) In a service district with a population of less than 9677
one hundred thousand, a board may operate a facility or provide a 9678
community mental health service for no longer than one year, 9679
except that such a board may operate a facility or provide a 9680
community mental health service for more than one year with the 9681
prior approval of the director and the prior approval of the board 9682
of county commissioners, or of a majority of the boards of county 9683
commissioners if the district is a joint-county district. 9684

The director shall not give a board approval to operate a 9685
facility or provide a community mental health service under 9686
division (A)(8)(b)(ii) or (iii) of this section unless the 9687
director determines that it is not feasible to have the department 9688
operate the facility or provide the service. 9689

The director shall not give a board approval to operate a 9690
facility or provide a community mental health service under 9691
division (A)(8)(b)(iii) of this section unless the director 9692
determines that the board will provide greater administrative 9693
efficiency and more or better services than would be available if 9694
the board contracted with a private or public facility or 9695
community mental health agency. 9696

The director shall not give a board approval to operate a 9697
facility previously operated by a person or other government 9698
entity unless the board has established to the director's 9699

satisfaction that the person or other government entity cannot 9700
effectively operate the facility or that the person or other 9701
government entity has requested the board to take over operation 9702
of the facility. The director shall not give a board approval to 9703
provide a community mental health service previously provided by a 9704
community mental health agency unless the board has established to 9705
the director's satisfaction that the agency cannot effectively 9706
provide the service or that the agency has requested the board 9707
take over providing the service. 9708

The director shall review and evaluate a board's operation of 9709
a facility and provision of community mental health service under 9710
division (A)(8)(b) of this section. 9711

Nothing in division (A)(8)(b) of this section authorizes a 9712
board to administer or direct the daily operation of any facility 9713
or community mental health agency, but a facility or agency may 9714
contract with a board to receive administrative services or staff 9715
direction from the board under the direction of the governing body 9716
of the facility or agency. 9717

(9) Approve fee schedules and related charges or adopt a unit 9718
cost schedule or other methods of payment for contract services 9719
provided by community mental health agencies in accordance with 9720
guidelines issued by the department as necessary to comply with 9721
state and federal laws pertaining to financial assistance; 9722

(10) Submit to the director and the county commissioners of 9723
the county or counties served by the board, and make available to 9724
the public, an annual report of the programs under the 9725
jurisdiction of the board, including a fiscal accounting; 9726

(11) Establish, to the extent resources are available, a 9727
community support system, which provides for treatment, support, 9728
and rehabilitation services and opportunities. The essential 9729
elements of the system include, but are not limited to, the 9730

following components in accordance with section 5119.06 of the	9731
Revised Code:	9732
(a) To locate persons in need of mental health services to	9733
inform them of available services and benefits mechanisms;	9734
(b) Assistance for clients to obtain services necessary to	9735
meet basic human needs for food, clothing, shelter, medical care,	9736
personal safety, and income;	9737
(c) Mental health care, including, but not limited to,	9738
outpatient, partial hospitalization, and, where appropriate,	9739
inpatient care;	9740
(d) Emergency services and crisis intervention;	9741
(e) Assistance for clients to obtain vocational services and	9742
opportunities for jobs;	9743
(f) The provision of services designed to develop social,	9744
community, and personal living skills;	9745
(g) Access to a wide range of housing and the provision of	9746
residential treatment and support;	9747
(h) Support, assistance, consultation, and education for	9748
families, friends, consumers of mental health services, and	9749
others;	9750
(i) Recognition and encouragement of families, friends,	9751
neighborhood networks, especially networks that include racial and	9752
ethnic minorities, churches, community organizations, and	9753
meaningful employment as natural supports for consumers of mental	9754
health services;	9755
(j) Grievance procedures and protection of the rights of	9756
consumers of mental health services;	9757
(k) Case management, which includes continual individualized	9758
assistance and advocacy to ensure that needed services are offered	9759
and procured.	9760

(12) Designate the treatment program, agency, or facility for 9761
each person involuntarily committed to the board pursuant to 9762
Chapter 5122. of the Revised Code and authorize payment for such 9763
treatment. The board shall provide the least restrictive and most 9764
appropriate alternative that is available for any person 9765
involuntarily committed to it and shall assure that the services 9766
listed in section 340.09 of the Revised Code are available to 9767
severely mentally disabled persons residing within its service 9768
district. The board shall establish the procedure for authorizing 9769
payment for services, which may include prior authorization in 9770
appropriate circumstances. The board may provide for services 9771
directly to a severely mentally disabled person when life or 9772
safety is endangered and when no community mental health agency is 9773
available to provide the service. 9774

(13) Establish a method for evaluating referrals for 9775
involuntary commitment and affidavits filed pursuant to section 9776
5122.11 of the Revised Code in order to assist the probate 9777
division of the court of common pleas in determining whether there 9778
is probable cause that a respondent is subject to involuntary 9779
hospitalization and what alternative treatment is available and 9780
appropriate, if any; 9781

(14) Ensure that apartments or rooms built, subsidized, 9782
renovated, rented, owned, or leased by the board or a community 9783
mental health agency have been approved as meeting minimum fire 9784
safety standards and that persons residing in the rooms or 9785
apartments are receiving appropriate and necessary services, 9786
including culturally relevant services, from a community mental 9787
health agency. This division does not apply to residential 9788
facilities licensed pursuant to section 5119.22 of the Revised 9789
Code. 9790

(15) Establish a mechanism for involvement of consumer 9791
recommendation and advice on matters pertaining to mental health 9792

services in the alcohol, drug addiction, and mental health service 9793
district; 9794

(16) Perform the duties under section 3722.18 of the Revised 9795
Code required by rules adopted under section 5119.61 of the 9796
Revised Code regarding referrals by the board or mental health 9797
agencies under contract with the board of individuals with mental 9798
illness or severe mental disability to adult care facilities and 9799
effective arrangements for ongoing mental health services for the 9800
individuals. The board is accountable in the manner specified in 9801
the rules for ensuring that the ongoing mental health services are 9802
effectively arranged for the individuals. 9803

(B) The board shall establish such rules, operating 9804
procedures, standards, and bylaws, and perform such other duties 9805
as may be necessary or proper to carry out the purposes of this 9806
chapter. 9807

(C) A board of alcohol, drug addiction, and mental health 9808
services may receive by gift, grant, devise, or bequest any 9809
moneys, lands, or property for the benefit of the purposes for 9810
which the board is established, and may hold and apply it 9811
according to the terms of the gift, grant, or bequest. All money 9812
received, including accrued interest, by gift, grant, or bequest 9813
shall be deposited in the treasury of the county, the treasurer of 9814
which is custodian of the alcohol, drug addiction, and mental 9815
health services funds to the credit of the board and shall be 9816
available for use by the board for purposes stated by the donor or 9817
grantor. 9818

(D) No board member or employee of a board of alcohol, drug 9819
addiction, and mental health services shall be liable for injury 9820
or damages caused by any action or inaction taken within the scope 9821
of the board member's official duties or the employee's 9822
employment, whether or not such action or inaction is expressly 9823
authorized by this section, section 340.033, or any other section 9824

of the Revised Code, unless such action or inaction constitutes 9825
willful or wanton misconduct. Chapter 2744. of the Revised Code 9826
applies to any action or inaction by a board member or employee of 9827
a board taken within the scope of the board member's official 9828
duties or employee's employment. For the purposes of this 9829
division, the conduct of a board member or employee shall not be 9830
considered willful or wanton misconduct if the board member or 9831
employee acted in good faith and in a manner that the board member 9832
or employee reasonably believed was in or was not opposed to the 9833
best interests of the board and, with respect to any criminal 9834
action or proceeding, had no reasonable cause to believe the 9835
conduct was unlawful. 9836

(E) The meetings held by any committee established by a board 9837
of alcohol, drug addiction, and mental health services shall be 9838
considered to be meetings of a public body subject to section 9839
121.22 of the Revised Code. 9840

Sec. 341.05. (A) The sheriff shall assign sufficient staff to 9841
ensure the safe and secure operation of the county jail, but staff 9842
shall be assigned only to the extent such staff can be provided 9843
with funds appropriated to the sheriff at the discretion of the 9844
board of county commissioners. The staff may include any of the 9845
following: 9846

(1) An administrator for the jail; 9847

(2) Jail officers, including civilian jail officers who are 9848
not sheriff's deputies, to conduct security duties; 9849

(3) Other necessary employees to assist in the operation of 9850
the county jail. 9851

(B) The sheriff shall employ a sufficient number of female 9852
staff to be available to perform all reception and release 9853
procedures for female prisoners. These female employees shall be 9854

on duty for the duration of the confinement of the female 9855
prisoners. 9856

(C) The jail administrator and civilian jail officers 9857
appointed by the sheriff shall have all the powers of police 9858
officers on the jail grounds as are necessary for the proper 9859
performance of the duties relating to their positions at the jail 9860
and as are consistent with their level of training. 9861

(D) The sheriff may authorize civilian jail officers to wear 9862
a standard uniform consistent with their prescribed authority, in 9863
accordance with section 311.281 of the Revised Code. Civilian jail 9864
officer uniforms shall be differentiated clearly from the uniforms 9865
worn by sheriff's deputies. 9866

(E) The Except as provided in division (B) of section 341.25 9867
of the Revised Code, the compensation of jail staff shall be 9868
payable from the general fund of the county, upon the warrant of 9869
the auditor, in accordance with standard county payroll 9870
procedures. 9871

Sec. 341.25. (A) The sheriff may establish a commissary for 9872
the jail. The commissary may be established either in-house or by 9873
another arrangement. If a commissary is established, all persons 9874
incarcerated in the jail shall receive commissary privileges. A 9875
person's purchases from the commissary shall be deducted from the 9876
person's account record in the jail's business office. The 9877
commissary shall provide for the distribution to indigent persons 9878
incarcerated in the jail necessary hygiene articles and writing 9879
materials. 9880

(B) If a commissary is established, the sheriff shall 9881
establish a commissary fund for the jail. The management of funds 9882
in the commissary fund shall be strictly controlled in accordance 9883
with procedures adopted by the auditor of state. Commissary fund 9884
revenue over and above operating costs and reserve shall be 9885

considered profits. All profits from the commissary fund shall be 9886
used to purchase supplies and equipment, and to provide life 9887
skills training and education or treatment services, or both, for 9888
the benefit of persons incarcerated in the jail, and to pay salary 9889
and benefits for employees of the sheriff who work in or are 9890
employed for the purpose of providing service to the commissary. 9891
The sheriff shall adopt rules for the operation of any commissary 9892
fund the sheriff establishes. 9893

Sec. 504.03. (A)(1) If a limited home rule government is 9894
adopted pursuant to section 504.02 of the Revised Code, it shall 9895
remain in effect for at least three years except as otherwise 9896
provided in division (B) of this section. At the end of that 9897
period, if the board of township trustees determines that that 9898
government is not in the best interests of the township, it may 9899
adopt a resolution causing the board of elections to submit to the 9900
electors of the unincorporated area of the township the question 9901
of whether the township should continue the limited home rule 9902
government. The question shall be voted upon at the next general 9903
election occurring at least seventy-five days after the 9904
certification of the resolution to the board of elections. After 9905
certification of the resolution, the board of elections shall 9906
submit the question to the electors of the unincorporated area of 9907
the township, and the ballot language shall be substantially as 9908
follows: 9909

"Shall the township of (name) continue the 9910
limited home rule government under which it is operating? 9911
..... For continuation of the limited home rule government 9912
..... Against continuation of the limited home rule government" 9913

(2) At least forty-five days before the election on the 9914
question of continuing the limited home rule government, the board 9915
of township trustees shall have notice of the election published 9916

in a newspaper of general circulation in the township for three 9917
consecutive weeks and have the notice posted in five conspicuous 9918
places in the unincorporated area of the township. 9919

(B) The electors of a township that has adopted a limited 9920
home rule government may propose at any time by initiative 9921
petition, in accordance with section 504.14 of the Revised Code, a 9922
resolution submitting to the electors in the unincorporated area 9923
of the township, in an election, the question set forth in 9924
division (A)(1) of this section. 9925

(C) If a majority of the votes cast under division (A) or (B) 9926
of this section on the proposition of continuing the limited home 9927
rule government is in the negative, that government is terminated 9928
effective on the first day of January immediately following the 9929
election, and a limited home rule government shall not be adopted 9930
in the unincorporated area of the township pursuant to section 9931
504.02 of the Revised Code for at least three years after that 9932
date. 9933

(D) If a limited home rule government is terminated under 9934
this section, the board of township trustees immediately shall 9935
adopt a resolution repealing all resolutions adopted pursuant to 9936
this chapter that are not authorized by any other section of the 9937
Revised Code outside this chapter, effective on the first day of 9938
January immediately following the election described in division 9939
(A) or (B) of this section. However, no resolution adopted under 9940
this division shall affect or impair the obligations of the 9941
township under any security issued or contracts entered into by 9942
the township in connection with the financing of any water supply 9943
facility or sewer improvement under sections 504.18 to 504.20 of 9944
the Revised Code or the authority of the township to collect or 9945
enforce any assessments or other revenues constituting security 9946
for or source of payments of debt service charges of those 9947
securities. 9948

(E) Upon the termination of a limited home rule government 9949
under this section, if the township had converted its board of 9950
township trustees to a five-member board ~~under section 504.21 of~~ 9951
~~the Revised Code~~ before the effective date of this amendment, the 9952
current board member who received the lowest number of votes of 9953
the current board members who were elected at the most recent 9954
election for township trustees, and the current board member who 9955
received the lowest number of votes of the current board members 9956
who were elected at the second most recent election for township 9957
trustees, shall cease to be township trustees on the date that the 9958
limited home rule government terminates. Their offices likewise 9959
shall cease to exist at that time, and the board shall continue as 9960
a three-member board as provided in section 505.01 of the Revised 9961
Code. 9962

Sec. 504.04. (A) A township that adopts a limited home rule 9963
government may do all of the following by resolution, provided 9964
that any of these resolutions, other than a resolution to supply 9965
water or sewer services in accordance with sections 504.18 to 9966
504.20 of the Revised Code, may be enforced only by the imposition 9967
of civil fines as authorized in this chapter: 9968

(1) Exercise all powers of local self-government within the 9969
unincorporated area of the township, other than powers that are in 9970
conflict with general laws, except that the township shall comply 9971
with the requirements and prohibitions of this chapter, and shall 9972
enact no taxes other than those authorized by general law, and 9973
except that no resolution adopted pursuant to this chapter shall 9974
encroach upon the powers, duties, and privileges of elected 9975
township officers or change, alter, combine, eliminate, or 9976
otherwise modify the form or structure of the township government 9977
unless the change is required or permitted by this chapter; 9978

(2) Adopt and enforce within the unincorporated area of the 9979

township local police, sanitary, and other similar regulations	9980
that are not in conflict with general laws or otherwise prohibited	9981
by division (B) of this section;	9982
(3) Supply water and sewer services to users within the	9983
unincorporated area of the township in accordance with sections	9984
504.18 to 504.20 of the Revised Code.	9985
(B) No resolution adopted pursuant to this chapter shall do	9986
any of the following:	9987
(1) Create a criminal offense or impose criminal penalties,	9988
except as authorized by division (A) of this section;	9989
(2) Impose civil fines other than as authorized by this	9990
chapter;	9991
(3) Establish or revise subdivision regulations, road	9992
construction standards, urban sediment rules, or storm water and	9993
drainage regulations;	9994
(4) Establish or revise building standards, building codes,	9995
and other standard codes except as provided in section 504.13 of	9996
the Revised Code;	9997
(5) Increase, decrease, or otherwise alter the powers or	9998
duties of a township under any other chapter of the Revised Code	9999
pertaining to agriculture or the conservation or development of	10000
natural resources;	10001
(6) Establish regulations affecting hunting, trapping,	10002
fishing, or the possession, use, or sale of firearms;	10003
(7) Establish or revise water or sewer regulations, except in	10004
accordance with sections 504.18 and 504.19 of the Revised Code.	10005
Nothing in this chapter shall be construed as affecting the	10006
powers of counties with regard to the subjects listed in divisions	10007
(B)(3) to (5) of this section.	10008
(C) Under a limited home rule government, all officers shall	10009

have the qualifications, and be nominated, elected, or appointed, 10010
as provided in Chapter 505. of the Revised Code, except that the 10011
board of township trustees shall appoint a full-time or part-time 10012
law director pursuant to section 504.15 of the Revised Code, and 10013
except that ~~section 504.21 of the Revised Code also shall apply if~~ 10014
a five-member board of township trustees ~~is~~ approved for the 10015
township before the effective date of this amendment shall 10016
continue to serve as the legislative authority with successive 10017
members serving for four-year terms of office until a termination 10018
of a limited home rule government under section 504.03 of the 10019
Revised Code. 10020

(D) In case of conflict between resolutions enacted by a 10021
board of township trustees and municipal ordinances or 10022
resolutions, the ordinance or resolution enacted by the municipal 10023
corporation prevails. In case of conflict between resolutions 10024
enacted by a board of township trustees and any county resolution, 10025
the resolution enacted by the board of township trustees prevails. 10026

Sec. 505.376. When any expenditure of a fire and ambulance 10027
district, other than for the compensation of district employees, 10028
exceeds ~~ten~~ twenty-five thousand dollars, the contract for the 10029
expenditure shall be in writing and made with the lowest and best 10030
bidder after advertising for not less than two nor more than four 10031
consecutive weeks in a newspaper of general circulation within the 10032
district. The bids shall be opened and shall be publicly read by 10033
the clerk of the district, or the clerk's designee, at the time, 10034
date, and place specified in the advertisement to bidders or the 10035
specifications. The time, date, and place of bid openings may be 10036
extended to a later date by the board of trustees of the district, 10037
provided that written or oral notice of the change shall be given 10038
to all persons who have received or requested specifications no 10039
later than ninety-six hours prior to the original time and date 10040
fixed for the opening. 10041

Each bid on any contract shall contain the full name of every person interested in the bid. If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract, it shall be accompanied by a sufficient bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association that, if the bid is accepted, a contract will be entered into and the performance of it will be properly secured. If the bid for work embraces both labor and material, it shall be separately stated, with the price ~~thereof~~ of the labor and the material. The board may reject any and all bids. The contract shall be between the district and the bidder, and the district shall pay the contract price in cash. When a bonus is offered for completion of a contract prior to a specified date, the board may exact a prorated penalty in like sum for each day of delay beyond the specified date. When there is reason to believe there is collusion or combination among bidders, the bids of those concerned ~~therein~~ shall be rejected.

Sec. 507.09. (A) Except as otherwise provided in division (D) of this section, the township clerk shall be entitled to compensation as follows:

(1) In townships having a budget of fifty thousand dollars or less, three thousand five hundred dollars;

(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, five thousand five hundred dollars;

(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, seven thousand seven hundred dollars;

(4) In townships having a budget of more than two hundred	10072
fifty thousand but not more than five hundred thousand dollars,	10073
nine thousand nine hundred dollars;	10074
(5) In townships having a budget of more than five hundred	10075
thousand but not more than seven hundred fifty thousand dollars,	10076
eleven thousand dollars;	10077
(6) In townships having a budget of more than seven hundred	10078
fifty thousand but not more than one million five hundred thousand	10079
dollars, thirteen thousand two hundred dollars;	10080
(7) In townships having a budget of more than one million	10081
five hundred thousand but not more than three million five hundred	10082
thousand dollars, fifteen thousand four hundred dollars;	10083
(8) In townships having a budget of more than three million	10084
five hundred thousand dollars but not more than six million	10085
dollars, sixteen thousand five hundred dollars;	10086
(9) In townships having a budget of more than six million	10087
dollars, seventeen thousand six hundred dollars.	10088
(B) Any township clerk may elect to receive less than the	10089
compensation the clerk is entitled to under division (A) of this	10090
section. Any clerk electing to do this shall so notify the board	10091
of township trustees in writing, and the board shall include this	10092
notice in the minutes of its next board meeting.	10093
(C) The compensation of the township clerk shall be paid in	10094
equal monthly payments. If the office of clerk is held by more	10095
than one person during any calendar year, each person holding the	10096
office shall receive payments for only those months, and any	10097
fractions of those months, during which the person holds the	10098
office.	10099
(D) Beginning in calendar year 1999, the township clerk shall	10100
be entitled to compensation as follows:	10101

(1) In calendar year 1999, the compensation specified in	10102
division (A) of this section increased by three per cent;	10103
(2) In calendar year 2000, the compensation determined under	10104
division (D)(1) of this section increased by three per cent;	10105
(3) In calendar year 2001, the compensation determined under	10106
division (D)(2) of this section increased by three per cent;	10107
(4) In calendar year 2002, except in townships having a	10108
budget of more than six million dollars, the compensation	10109
determined under division (D)(3) of this section increased by	10110
three per cent; in townships having a budget of more than six	10111
million but not more than ten million dollars, nineteen thousand	10112
eight hundred ten dollars; and in townships having a budget of	10113
more than ten million dollars, twenty thousand nine hundred	10114
dollars;	10115
(5) <u>In calendar year 2003, the compensation determined under</u>	10116
<u>division (D)(4) of this section increased by three per cent or the</u>	10117
<u>percentage increase in the consumer price index as described in</u>	10118
<u>division (D)(7)(b) of this section, whichever percentage is lower;</u>	10119
(6) <u>In calendar year 2004, except in townships having a</u>	10120
<u>budget of more than six million dollars, the compensation</u>	10121
<u>determined under division (D)(5) of this section for the calendar</u>	10122
<u>year 2003 increased by three per cent or the percentage increase</u>	10123
<u>in the consumer price index as described in division (D)(7)(b) of</u>	10124
<u>this section, whichever percentage is lower; in townships having a</u>	10125
<u>budget of more than six million but not more than ten million</u>	10126
<u>dollars, twenty-two thousand eighty-seven dollars; and in</u>	10127
<u>townships having a budget of more than ten million dollars,</u>	10128
<u>twenty-five thousand five hundred fifty-three dollars;</u>	10129
(7) In calendar years 2003 <u>2005</u> through 2008, the	10130
compensation determined under division (D) of this section for the	10131
immediately preceding calendar year increased by the lesser of the	10132

following: 10133

(a) Three per cent; 10134

(b) The percentage increase, if any, in the consumer price 10135
index over the twelve-month period that ends on the thirtieth day 10136
of September of the immediately preceding calendar year, rounded 10137
to the nearest one-tenth of one per cent; 10138

~~(6)~~(8) In calendar year 2009 and thereafter, the amount 10139
determined under division (D) of this section for calendar year 10140
2008. 10141

As used in this division, "consumer price index" has the same 10142
meaning as in section 325.18 of the Revised Code. 10143

Sec. 511.12. The board of township trustees may prepare plans 10144
and specifications and make contracts for the construction and 10145
erection of a memorial building, monument, statue, or memorial, 10146
for the purposes specified and within the amount authorized by 10147
section 511.08 of the Revised Code. If the total estimated cost of 10148
the construction and erection exceeds ~~fifteen~~ twenty-five thousand 10149
dollars, the contract shall be let by competitive bidding. If the 10150
estimated cost is ~~fifteen~~ twenty-five thousand dollars or less, 10151
competitive bidding may be required at the board's discretion. In 10152
making contracts under this section, the board shall be governed 10153
as follows: 10154

(A) Contracts for construction when competitive bidding is 10155
required shall be based upon detailed plans, specifications, forms 10156
of bids, and estimates of cost, adopted by the board. 10157

(B) Contracts shall be made in writing upon concurrence of a 10158
majority of the members of the board, and shall be signed by at 10159
least two of ~~such~~ the members and by the contractor. If 10160
competitive bidding is required, no contract shall be made or 10161
signed until an advertisement has been placed in two newspapers, 10162

published or of general circulation in the township, for a period 10163
of thirty days. 10164

(C) No contract shall be let by competitive bidding except to 10165
the lowest and best bidder, who shall meet the requirements of 10166
section 153.54 of the Revised Code. 10167

(D) When, in the opinion of the board, it becomes necessary 10168
in the prosecution of such work to make alterations or 10169
modifications in any contract, ~~such~~ the alterations or 10170
modifications shall be made only by order of the board, and ~~such~~ 10171
that order shall be of no effect until the price to be paid for 10172
the work or materials under ~~such~~ the altered or modified contract 10173
has been agreed upon in writing and signed by the contractor and 10174
at least two members of the board. 10175

(E) No contract or alteration or modification ~~thereof~~ of it 10176
shall be valid unless made in the manner provided in this section. 10177

Sec. 511.181. If the board of park commissioners of a 10178
township park district created before 1955 is appointed by the 10179
board of township trustees, the board of township trustees may 10180
adopt a resolution to convert the parks owned and operated by the 10181
park district into parks owned and operated by the township if the 10182
township has a population of less than thirty-five thousand and a 10183
geographical area of less than fifteen square miles. Upon the 10184
adoption of that resolution, the township park district shall 10185
cease to exist, all real and personal property owned by the park 10186
district shall be transferred to the township, and the township 10187
shall assume liability with respect to all contracts and debts of 10188
the park district. All employees of the township park district 10189
whose parks are so converted into township parks shall become 10190
township employees, and the board of township trustees may retain 10191
the former park commissioners, on the terms that the trustees 10192
consider appropriate, to operate the property formerly owned by 10193

the township park district. 10194

The township shall continue to collect any taxes levied 10195
within the former township park district, and the taxes shall be 10196
deposited into the township treasury as funds to be used for the 10197
park purposes for which they were levied. 10198

Within fifteen days after the adoption of a township park 10199
district conversion resolution under this section, the clerk of 10200
the board of township trustees shall certify a copy of that 10201
resolution to the county auditor. 10202

Sec. 515.01. The board of township trustees may provide 10203
artificial lights for any road, highway, public place, or building 10204
under its supervision or control, or for any territory within the 10205
township and outside the boundaries of any municipal corporation, 10206
when the board determines that the public safety or welfare 10207
requires that ~~such~~ the road, highway, public place, building, or 10208
territory shall be lighted. ~~Such~~ The lighting may be procured 10209
either by the township installing a lighting system or by 10210
contracting with any person or corporation to furnish lights. 10211

If lights are furnished under contract, ~~such~~ the contract may 10212
provide that the equipment employed may be owned by the township 10213
or by the person or corporation supplying it. 10214

If the board determines to procure ~~such~~ lighting by contract 10215
and the total estimated cost of the contract exceeds ~~fifteen~~ 10216
twenty-five thousand dollars, the board shall prepare plans and 10217
specifications for the lighting equipment and shall, for two 10218
weeks, advertise for bids for furnishing ~~such~~ the lighting 10219
equipment, either by posting ~~such~~ the advertisement in three 10220
conspicuous places in the township or by publication ~~thereof~~ of 10221
the advertisement once a week, for two consecutive weeks, in a 10222
newspaper of general circulation in the township. Any such 10223
contract for lighting shall be made with the lowest and best 10224

bidder. 10225

No lighting contract awarded by the board shall be made to 10226
cover a period of more than ten years. The cost of installing and 10227
operating any lighting system or any light furnished under 10228
contract shall be paid from the general fund of the township 10229
treasury. 10230

Sec. 515.07. If the total estimated cost of any lighting 10231
improvement provided for in section 515.06 of the Revised Code is 10232
~~fifteen~~ twenty-five thousand dollars or less, the contract may be 10233
let without competitive bidding. When competitive bidding is 10234
required, the board of township trustees shall post, in three of 10235
the most conspicuous public places in the district, a notice 10236
specifying the number, candle power, and location of lights, and 10237
the kind of supports ~~therefore~~ for the lights as provided by 10238
section 515.06 of the Revised Code, as well as the time, which 10239
shall not be less than thirty days from the posting of the 10240
notices, and the place the board will receive bids to furnish ~~such~~ 10241
the lights. The board shall accept the lowest and best bid, if the 10242
successful bidder meets the requirements of section 153.54 of the 10243
Revised Code. The board may reject all bids. 10244

Sec. 521.05. (A) If the total estimated cost of any 10245
improvement provided for in section 521.04 of the Revised Code is 10246
~~ten~~ twenty-five thousand dollars or less, the contract may be let 10247
without competitive bidding. When competitive bidding is required, 10248
the board of township trustees shall post, in three of the most 10249
conspicuous public places in the township, a notice specifying the 10250
improvement to be made and the time, which shall be at least 10251
thirty days after the posting of the notices, and the place the 10252
board will receive bids to make the improvement. The board shall 10253
accept the lowest and best bid, if the successful bidder meets the 10254
requirements of section 153.54 of the Revised Code. The board may 10255

reject all bids. 10256

(B) On accepting a bid, the board shall enter into a contract 10257
with the successful bidder for making the improvement according to 10258
specifications. The contract shall not be for a term longer than 10259
ten years. 10260

Sec. 715.013. (A) Except as otherwise expressly authorized by 10261
the Revised Code, no municipal corporation shall levy a tax that 10262
is the same as or similar to a tax levied under Chapter 322., 10263
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 10264
5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 10265
5741., 5743., or 5749. of the Revised Code. 10266

(B) This section does not prohibit a municipal corporation 10267
from levying a tax on ~~amounts~~ any of the following: 10268

(1) Amounts received for admission to any place ~~or, on and~~ 10269
~~after January 1, 2002, on the;~~ 10270

(2) The income of an electric company or combined company, as 10271
defined in section 5727.01 of the Revised Code; 10272

(3) On and after January 1, 2004, the income of a telephone 10273
company, as defined in section 5727.01 of the Revised Code. 10274

Sec. 718.01. (A) As used in this chapter: 10275

(1) "Adjusted federal taxable income" means a C corporation's 10276
federal taxable income before net operating losses and special 10277
deductions as determined under the Internal Revenue Code, adjusted 10278
as follows: 10279

(a) Deduct intangible income to the extent included in 10280
federal taxable income. The deduction shall be allowed regardless 10281
of whether the intangible income relates to assets used in a trade 10282
or business or assets held for the production of income. 10283

(b) Add an amount equal to five per cent of intangible income 10284

deducted under division (A)(1)(a) of this section, but excluding 10285
that portion of intangible income directly related to the sale, 10286
exchange, or other disposition of property described in section 10287
1221 of the Internal Revenue Code; 10288

(c) Add any losses allowed as a deduction in the computation 10289
of federal taxable income if the losses directly relate to the 10290
sale, exchange, or other disposition of an asset described in 10291
section 1221 or 1231 of the Internal Revenue Code; 10292

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 10293
section, deduct income and gain included in federal taxable income 10294
to the extent the income and gain directly relate to the sale, 10295
exchange, or other disposition of an asset described in section 10296
1221 or 1231 of the Internal Revenue Code; 10297

(ii) Division (A)(1)(d)(i) of this section does not apply to 10298
the extent the income or gain is income or gain described in 10299
section 1245 or 1250 of the Internal Revenue Code. 10300

(e) Add taxes on or measured by net income allowed as a 10301
deduction in the computation of federal taxable income; 10302

(f) In the case of a real estate investment trust and 10303
regulated investment company, add all amounts with respect to 10304
dividends to, distributions to, or amounts set aside for or 10305
credited to the benefit of investors and allowed as a deduction in 10306
the computation of federal taxable income; 10307

(g) If the taxpayer is not a C corporation and is not an 10308
individual, the taxpayer shall compute adjusted federal taxable 10309
income as if the taxpayer were a C corporation, except: 10310

(i) Guaranteed payments and other similar amounts paid or 10311
accrued to a partner, former partner, member, or former member 10312
shall not be allowed as a deductible expense; and 10313

(ii) Amounts paid or accrued to a qualified self-employed 10314

retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction. 10315
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Nothing in division (A)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax. 10320
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A tax administrator may examine or audit a taxpayer to ascertain if the taxpayer has properly reported adjusted federal taxable income or net profit required to be reported on Schedule C, Schedule E, or Schedule F. If the tax administrator determines that the taxpayer has not properly reported adjusted federal taxable income or net profit, the tax administrator may make all corrections and adjustments as are necessary to properly determine such amount. 10325
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(2) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 10333
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~~(2)~~(3) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code. 10335
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~~(3)~~(4) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code. 10337
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~~(4)~~(5) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real 10339
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estate investment trusts, investments in regulated investment 10346
companies, and appreciation on deferred compensation. "Intangible 10347
income" does not include prizes, awards, or other income 10348
associated with any lottery winnings or other similar games of 10349
chance. 10350

(5)(6) "S corporation" means a corporation that has made an 10351
election under subchapter S of Chapter 1 of Subtitle A of the 10352
Internal Revenue Code for its taxable year. 10353

(7) For taxable years beginning on or after January 1, 2004, 10354
"net profit" for a taxpayer other than an individual means 10355
adjusted federal taxable income and "net profit" for a taxpayer 10356
who is an individual means the individual's profit required to be 10357
reported on schedule C, schedule E, or schedule F. 10358

(8) "Taxpayer" means a person subject to a tax on income 10359
levied by a municipal corporation. "Taxpayer" does not include any 10360
person that is a disregarded entity or a qualifying subchapter S 10361
subsidiary for federal income tax purposes, but "taxpayer" 10362
includes any other person who owns the disregarded entity or 10363
qualifying subchapter S subsidiary. 10364

(9) "Taxable year" means the corresponding tax reporting 10365
period as prescribed for the taxpayer under the Internal Revenue 10366
Code. 10367

(10) "Tax administrator" means the individual charged with 10368
direct responsibility for administration of a tax on income levied 10369
by a municipal corporation and includes: 10370

(a) The central collection agency and the regional income tax 10371
agency and their successors in interest, and other entities 10372
organized to perform functions similar to those performed by the 10373
central collection agency and the regional income tax agency; 10374

(b) A municipal corporation acting as the agent of another 10375
municipal corporation; and 10376

(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis. 10377
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(11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity. 10381
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(12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code. 10385
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(13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code. 10387
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(B) No municipal corporation ~~with respect to that income that it may tax~~ shall tax ~~such~~ income at other than a uniform rate. 10389
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(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least seventy-five days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: 10391
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"Shall the Ordinance providing for a ... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed? 10401
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FOR THE INCOME TAX 10404

AGAINST THE INCOME TAX" 10405

In the event of an affirmative vote, the proceeds of the levy 10406

may be used only for the specified purpose. 10407

(D)(1) Except as ~~otherwise~~ provided in division ~~(D)(2)~~ ~~or~~ 10408
~~(F)(9)~~ (E) or (F) of this section, no municipal corporation shall 10409
exempt from a tax on income, compensation for personal services of 10410
individuals over eighteen years of age or the net profit from a 10411
business or profession. 10412

~~(2) The legislative authority of a municipal corporation may,~~ 10413
~~by ordinance or resolution, exempt from a tax on income any~~ 10414
~~compensation arising from the grant, sale, exchange, or other~~ 10415
~~disposition of a stock option; the exercise of a stock option; or~~ 10416
~~the sale, exchange, or other disposition of stock purchased under~~ 10417
~~a stock option. (a) For taxable years beginning on or after~~ 10418
January 1, 2004, no municipal corporation shall tax the net profit 10419
from a business or profession using any base other than the 10420
taxpayer's adjusted federal taxable income. 10421

(b) Division (D)(2)(a) of this section does not apply to any 10422
taxpayer required to file a return under section 5745.03 of the 10423
Revised Code or to the net profit from a sole proprietorship. 10424

~~(E) Nothing in this section shall prevent a municipal~~ 10425
~~corporation from permitting lawful deductions as prescribed by~~ 10426
~~ordinance. If a taxpayer's~~ The legislative authority of a 10427
municipal corporation may, by ordinance or resolution, exempt from 10428
withholding and from a tax on income the following: 10429

(1) Compensation arising from the sale, exchange, or other 10430
disposition of a stock option, the exercise of a stock option, or 10431
the sale, exchange, or other disposition of stock purchased under 10432
a stock option; or 10433

(2) Compensation attributable to a nonqualified deferred 10434
compensation plan or program described in section 3121(v)(2)(C) of 10435
the Internal Revenue Code. 10436

If an individual's taxable income includes income against 10437

which the taxpayer has taken a deduction for federal income tax 10438
purposes as reportable on the taxpayer's form 2106, and against 10439
which a like deduction has not been allowed by the municipal 10440
corporation, the municipal corporation shall deduct from the 10441
taxpayer's taxable income an amount equal to the deduction shown 10442
on such form allowable against such income, to the extent not 10443
otherwise so allowed as a deduction by the municipal corporation. 10444
~~In~~ 10445

In the case of a taxpayer who has a net profit from a 10446
business or profession that is operated as a sole proprietorship, 10447
no municipal corporation may tax or use as the base for 10448
determining the amount of the net profit that shall be considered 10449
as having a taxable situs in the municipal corporation, ~~a greater 10450
amount than the net profit reported by the taxpayer on schedule C 10451
filed in reference to the year in question as taxable income from 10452
such sole proprietorship, except as otherwise specifically 10453
provided by ordinance or regulation~~ an amount other than the net 10454
profit required to be reported by the taxpayer on schedule C or F 10455
from such sole proprietorship for the taxable year. 10456

In the case of a taxpayer who has a net profit from rental 10457
activity required to be reported on schedule E, no municipal 10458
corporation may tax or use as the base for determining the amount 10459
of the net profit that shall be considered as having a taxable 10460
situs in the municipal corporation, an amount other than the net 10461
profit from rental activities required to be reported by the 10462
taxpayer on schedule E for the taxable year. 10463

(F) A municipal corporation shall not tax any of the 10464
following: 10465

(1) The military pay or allowances of members of the armed 10466
forces of the United States and of members of their reserve 10467
components, including the Ohio national guard; 10468

(2) The income of religious, fraternal, charitable, 10469
scientific, literary, or educational institutions to the extent 10470
that such income is derived from tax-exempt real estate, 10471
tax-exempt tangible or intangible property, or tax-exempt 10472
activities; 10473

(3) Except as otherwise provided in division (G) of this 10474
section, intangible income; 10475

(4) Compensation paid under section 3501.28 or 3501.36 of the 10476
Revised Code to a person serving as a precinct election official, 10477
to the extent that such compensation does not exceed one thousand 10478
dollars annually. Such compensation in excess of one thousand 10479
dollars may be subjected to taxation by a municipal corporation. A 10480
municipal corporation shall not require the payer of such 10481
compensation to withhold any tax from that compensation. 10482

(5) Compensation paid to an employee of a transit authority, 10483
regional transit authority, or regional transit commission created 10484
under Chapter 306. of the Revised Code for operating a transit bus 10485
or other motor vehicle for the authority or commission in or 10486
through the municipal corporation, unless the bus or vehicle is 10487
operated on a regularly scheduled route, the operator is subject 10488
to such a tax by reason of residence or domicile in the municipal 10489
corporation, or the headquarters of the authority or commission is 10490
located within the municipal corporation; 10491

(6) The income of a public utility, when that public utility 10492
is subject to the tax levied under section 5727.24 or 5727.30 of 10493
the Revised Code, except ~~starting January 1, 2002, the income of~~ 10494
~~an electric company or combined company, as defined in section~~ 10495
~~5727.01 of the Revised Code, may be taxed by~~ a municipal 10496
corporation may tax the following, subject to Chapter 5745. of the 10497
Revised Code; 10498

(a) Beginning January 1, 2002, the income of an electric 10499

<u>company or combined company;</u>	10500
<u>(b) Beginning January 1, 2004, the income of a telephone company.</u>	10501
	10502
<u>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.</u>	10503
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	10505
(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code;	10506
	10507
(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;	10508
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(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;	10511
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<u>(10) Employee compensation that is not "qualifying wages" as defined in section 718.03 of the Revised Code.</u>	10522
	10523
(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	10524
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held on November 8, 1988. 10531

(H) Any municipal corporation that, on December 6, 2002, 10532
taxes an S corporation shareholder's distributive share of net 10533
profits of the S corporation to any greater extent than that 10534
permitted under division (F)(9) of this section may continue after 10535
2002 to tax such distributive shares to such greater extent only 10536
if a majority of the electors of the municipal corporation voting 10537
on the question of such continuation vote in favor thereof at an 10538
election held on November 4, 2003. ~~If a majority of electors vote 10539
in favor of that question, then, for purposes of section 718.14 of 10540
the Revised Code, "pass through entity" includes S corporations, 10541
"income from a pass through entity" includes distributive shares 10542
from an S corporation, and "owner" includes a shareholder of an S 10543
corporation, notwithstanding that section to the contrary.~~ 10544

(I) Nothing in this section or section 718.02 of the Revised 10545
Code shall authorize the levy of any tax on income that a 10546
municipal corporation is not authorized to levy under existing 10547
laws or shall require a municipal corporation to allow a deduction 10548
from taxable income for losses incurred from a sole proprietorship 10549
or partnership. 10550

(J)(1) Nothing in this chapter prohibits a municipal 10551
corporation from allowing, by resolution or ordinance, a net 10552
operating loss carryforward. 10553

(2) Nothing in this chapter requires a municipal corporation 10554
to allow a net operating loss carryforward. 10555

(K) Except as otherwise provided, nothing in this chapter 10556
prohibits a municipal corporation from imposing its municipal 10557
income tax on compensation reported on internal revenue service 10558
form 1099. 10559

Sec. 718.02. This section does not apply to electric 10560

~~companies or combined companies, or to electric light companies~~ 10561
~~for which an election made under section 5745.031 taxpayers that~~ 10562
~~are subject to and required to file reports under Chapter 5745. of~~ 10563
~~the Revised Code is in effect.~~ 10564

(A) ~~In the taxation of income that is subject to municipal~~ 10565
~~income taxes, if the books and records of a taxpayer conducting a~~ 10566
~~business or profession both within and without the boundaries of a~~ 10567
~~municipal corporation disclose with reasonable accuracy what~~ 10568
~~portion of its net profit is attributable to that part of the~~ 10569
~~business or profession conducted within the boundaries of the~~ 10570
~~municipal corporation, then only such portion shall be considered~~ 10571
~~as having a taxable situs in such municipal corporation for~~ 10572
~~purposes of municipal income taxation. In the absence of such~~ 10573
~~records~~ Except as otherwise provided in division (D) of this 10574
section, net profit from a business or profession conducted both 10575
within and without the boundaries of a municipal corporation shall 10576
be considered as having a taxable situs in such municipal 10577
corporation for purposes of municipal income taxation in the same 10578
proportion as the average ratio of the following: 10579

(1) The average ~~net book value~~ original cost of the real and 10580
tangible personal property owned or used by the taxpayer in the 10581
business or profession in such municipal corporation during the 10582
taxable period to the average ~~net book value~~ original cost of all 10583
of the real and tangible personal property owned or used by the 10584
taxpayer in the business or profession during the same period, 10585
wherever situated. 10586

As used in the preceding paragraph, real property shall 10587
include property rented or leased by the taxpayer and the value of 10588
such property shall be determined by multiplying the annual rental 10589
thereon by eight; 10590

(2) Wages, salaries, and other compensation paid during the 10591
taxable period to persons employed in the business or profession 10592

for services performed in such municipal corporation to wages, 10593
salaries, and other compensation paid during the same period to 10594
persons employed in the business or profession, wherever their 10595
services are performed, excluding compensation that is not taxable 10596
by the municipal corporation under section 718.011 of the Revised 10597
Code; 10598

(3) Gross receipts of the business or profession from sales 10599
made and services performed during the taxable period in such 10600
municipal corporation to gross receipts of the business or 10601
profession during the same period from sales and services, 10602
wherever made or performed. 10603

If the foregoing ~~allocation~~ apportionment formula does not 10604
produce an equitable result, another basis may be substituted, 10605
under uniform regulations, so as to produce an equitable result. 10606

(B) As used in division (A) of this section, "sales made in a 10607
municipal corporation" mean: 10608

(1) All sales of tangible personal property delivered within 10609
such municipal corporation regardless of where title passes if 10610
shipped or delivered from a stock of goods within such municipal 10611
corporation; 10612

(2) All sales of tangible personal property delivered within 10613
such municipal corporation regardless of where title passes even 10614
though transported from a point outside such municipal corporation 10615
if the taxpayer is regularly engaged through its own employees in 10616
the solicitation or promotion of sales within such municipal 10617
corporation and the sales result from such solicitation or 10618
promotion; 10619

(3) All sales of tangible personal property shipped from a 10620
place within such municipal corporation to purchasers outside such 10621
municipal corporation regardless of where title passes if the 10622
taxpayer is not, through its own employees, regularly engaged in 10623

the solicitation or promotion of sales at the place where delivery 10624
is made. 10625

(C) Except as otherwise provided in division (D) of this 10626
section, net profit from rental activity not constituting a 10627
business or profession shall be subject to tax only by the 10628
municipal corporation in which the property generating the net 10629
profit is located. 10630

(D) This section does not apply to individuals who are 10631
residents of the municipal corporation and, except as otherwise 10632
provided in section 718.01 of the Revised Code, a municipal 10633
corporation may impose a tax on all income earned by residents of 10634
the municipal corporation to the extent allowed by the United 10635
States Constitution. 10636

Sec. 718.021. (A) As used in this section: 10637

(1) "Nonqualified deferred compensation plan" means a 10638
compensation plan described in section 3121(v)(2)(C) of the 10639
Internal Revenue Code. 10640

(2)(a) Except as provided in division (A)(2)(b) of this 10641
section, "qualifying loss" means the excess, if any, of the total 10642
amount of compensation the payment of which is deferred pursuant 10643
to a nonqualified deferred compensation plan over the total amount 10644
of income the taxpayer has recognized for federal income tax 10645
purposes for all taxable years on a cumulative basis as 10646
compensation with respect to the taxpayer's receipt of money and 10647
property attributable to distributions in connection with the 10648
nonqualified deferred compensation plan. 10649

(b) If, for one or more taxable years, the taxpayer has not 10650
paid to one or more municipal corporations income tax imposed on 10651
the entire amount of compensation the payment of which is deferred 10652
pursuant to a nonqualified deferred compensation plan, then the 10653

"qualifying loss" is the product of the amount resulting from the 10654
calculation described in division (A)(2)(a) of this section 10655
computed without regard to division (A)(2)(b) of this section and 10656
a fraction the numerator of which is the portion of such 10657
compensation on which the taxpayer has paid income tax to one or 10658
more municipal corporations and the denominator of which is the 10659
total amount of compensation the payment of which is deferred 10660
pursuant to a nonqualified deferred compensation plan. 10661

(c) With respect to a nonqualified deferred compensation 10662
plan, the taxpayer sustains a qualifying loss only in the taxable 10663
year in which the taxpayer receives the final distribution of 10664
money and property pursuant to that nonqualified deferred 10665
compensation plan. 10666

(3) "Qualifying tax rate" means the applicable tax rate for 10667
the taxable year for the which the taxpayer paid income tax to a 10668
municipal corporation with respect to any portion of the total 10669
amount of compensation the payment of which is deferred pursuant 10670
to a nonqualified deferred compensation plan. If different tax 10671
rates applied for different taxable years, then the "qualifying 10672
tax rate" is a weighted average of those different tax rates. The 10673
weighted average shall be based upon the tax paid to the municipal 10674
corporation each year with respect to the nonqualified deferred 10675
compensation plan. 10676

(B)(1) Except as provided in division (D) of this section, a 10677
refundable credit shall be allowed against the income tax imposed 10678
by a municipal corporation for each qualifying loss sustained by a 10679
taxpayer during the taxable year. The amount of the credit shall 10680
be equal to the product of the qualifying loss and the qualifying 10681
tax rate. 10682

(2) A taxpayer shall claim the credit allowed under this 10683
section from each municipal corporation to which the taxpayer paid 10684
municipal income tax with respect to the nonqualified deferred 10685

compensation plan in one or more taxable years. 10686

(3) If a taxpayer has paid tax to more than one municipal corporation with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan. 10687
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(4) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to a municipal corporation for all taxable years with respect to the nonqualified deferred compensation plan. 10695
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(C)(1) For purposes of this section, municipal corporation income tax that has been withheld with respect to a nonqualified deferred compensation plan shall be considered to have been paid by the taxpayer with respect to the nonqualified deferred compensation plan. 10699
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(2) Any municipal income tax that has been refunded or otherwise credited for the benefit of the taxpayer with respect to a nonqualified deferred compensation plan shall not be considered to have been paid to the municipal corporation by the taxpayer. 10704
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(D) The credit allowed under this section is allowed only to the extent the taxpayer's qualifying loss is attributable to: 10708
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(1) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or 10710
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(2) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation. 10712
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Sec. 718.03. (A) As used in this section: 10715

(1) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. 10716
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(2) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows: 10720
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(a) Deduct any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code. 10723
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(b) Add the following amounts: 10726

(i) Any amount not included in wages solely because the employee was employed by the employer prior to April 1, 1986; 10727
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(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax. Division (A)(2)(b)(ii) of this section applies only to those amounts constituting ordinary income. 10729
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(iii) Any amount not included in wages if the amount is an amount described in section 401(k) or 457 of the Internal Revenue Code. Division (A)(2)(b)(iii) of this section applies only to employee contributions and employee deferrals. 10737
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(iv) Any amount that is supplemental employment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages. 10741
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(c) Deduct any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of 10744
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the Internal Revenue Code if the compensation is included in wages 10746
and has, by resolution or ordinance, been exempted from taxation 10747
by the municipal corporation. 10748

(d) Deduct any amount included in wages if the amount arises 10749
from the sale, exchange, or other disposition of a stock option, 10750
the exercise of a stock option, or the sale, exchange, or other 10751
disposition of stock purchased under a stock option and the 10752
municipal corporation has, by resolution or ordinance, exempted 10753
the amount from withholding and tax. 10754

(B) For taxable years beginning after 2003, no municipal 10755
corporation shall require any employer or any agent of any 10756
employer or any other payer, to withhold tax with respect to any 10757
amount other than qualifying wages. Nothing in this section 10758
prohibits an employer from withholding tax on a basis greater than 10759
qualifying wages. 10760

(C) An employer is not required to make any withholding with 10761
respect to an individual's disqualifying disposition of an 10762
incentive stock option if, at the time of the disqualifying 10763
disposition, the individual is not an employee of the corporation 10764
with respect to whose stock the option has been issued. 10765

(D)(1) An employee is not relieved from liability for a tax 10766
by the failure of the employer to withhold the tax as required by 10767
a municipal corporation or by the employer's exemption from the 10768
requirement to withhold the tax. 10769

(2) The failure of an employer to remit to the municipal 10770
corporation the tax withheld relieves the employee from liability 10771
for that tax unless the employee colluded with the employer in 10772
connection with the failure to remit the tax withheld. 10773

(D) Notwithstanding any agreement, settlement, or contract to 10774
the contrary, compensation deferred before the effective date of 10775
this amendment is not subject to any municipal corporation income 10776

tax or municipal income tax withholding requirement to the extent 10777
the deferred compensation does not constitute qualifying wages at 10778
the time the deferred compensation is paid or distributed. 10779

Sec. 718.05. (A) As used in this section: 10780

(1) "Generic form" means an electronic or paper form designed 10781
for reporting estimated municipal income taxes and annual 10782
municipal income tax liability or for filing a refund claim that 10783
is not prescribed by a particular municipal corporation for the 10784
reporting of that municipal corporation's tax on income. 10785

(2) "Return preparer" means any person other than a taxpayer 10786
that is authorized by a taxpayer to complete or file an income tax 10787
return, report, or other document for or on behalf of the 10788
taxpayer. 10789

(B) A municipal corporation shall not require a taxpayer to 10790
file an annual income tax return or report prior to the filing 10791
date for the corresponding tax reporting period as prescribed for 10792
such a taxpayer under the Internal Revenue Code. For taxable years 10793
beginning after 2003, except as otherwise provided in section 10794
718.051 of the Revised Code and division (D) of this section, a 10795
municipal corporation shall not require a taxpayer to file an 10796
annual income tax return or report on any date other than the 10797
fifteenth day of the fourth month following the end of the 10798
taxpayer's taxable year. 10799

(C) On and after January 1, 2001, any municipal corporation 10800
that requires taxpayers to file income tax returns, reports, or 10801
other documents shall accept for filing a generic form of such a 10802
return, report, or document if the generic form, once completed 10803
and filed, contains all of the information required to be 10804
submitted with the municipal corporation's prescribed returns, 10805
reports, or documents, and if the taxpayer or return preparer 10806
filing the generic form otherwise complies with rules or 10807

ordinances of the municipal corporation governing the filing of 10808
returns, reports, or documents. 10809

(D) ~~Beginning~~ Except as otherwise provided in section 718.051 10810
of the Revised Code, beginning January 1, 2001, any taxpayer that 10811
has requested an extension for filing a federal income tax return 10812
may request an extension for the filing of a municipal income tax 10813
return. The taxpayer shall make the request by filing a copy of 10814
the taxpayer's request for a federal filing extension with the 10815
individual or office charged with the administration of the 10816
municipal income tax. The request for extension shall be filed not 10817
later than the last day for filing the municipal income tax return 10818
as prescribed by ordinance or rule of the municipal corporation. A 10819
municipal corporation shall grant such a request for extension 10820
filed before January 1, 2004, for a period not less than the 10821
period of the federal extension request. For taxable years 10822
beginning after 2003, the extended due date of the municipal 10823
income tax return shall be the last day of the month following the 10824
month to which the due date of the federal income tax return has 10825
been extended. A municipal corporation may deny a taxpayer's 10826
request for extension only if the taxpayer fails to timely file 10827
the request, fails to file a copy of the request for the federal 10828
extension, owes the municipal corporation any delinquent income 10829
tax or any penalty, interest, assessment, or other charge for the 10830
late payment or nonpayment of income tax, or has failed to file 10831
any required income tax return, report, or other related document 10832
for a prior tax period. The granting of an extension for filing a 10833
municipal corporation income tax return does not extend the last 10834
date for paying the tax without penalty unless the municipal 10835
corporation grants an extension of that date. 10836

Sec. 718.051. (A) As used in this section, "Ohio business 10837
gateway" means the online computer network system, initially 10838
created by the department of administrative services under section 10839

125.30 of the Revised Code, that allows private businesses to 10840
electronically file business reply forms with state agencies and 10841
includes any successor electronic filing and payment system. 10842

(B) Notwithstanding section 718.05 of the Revised Code, on 10843
and after January 1, 2005, any taxpayer that is subject to any 10844
municipal corporation's tax on the net profit from a business or 10845
profession and has received an extension to file the federal 10846
income tax return shall not be required to notify the municipal 10847
corporation of the federal extension and shall not be required to 10848
file any municipal income tax return until the last day of the 10849
month to which the due date for filing the federal return has been 10850
extended, provided that, on or before the date for filing the 10851
municipal income tax return, the person notifies the tax 10852
commissioner of the federal extension through the Ohio business 10853
gateway. 10854

(C) For taxable years beginning on or after January 1, 2005, 10855
a taxpayer subject to any municipal corporation's tax on the net 10856
profit from a business or profession may file any municipal income 10857
tax return or estimated municipal income return, and may make 10858
payment of amounts shown to be due on such returns, by using the 10859
Ohio business gateway. 10860

(D)(1) As used in this division, "qualifying wages" has the 10861
same meaning as in section 718.03 of the Revised Code. 10862

(2) Any employer may report the amount of municipal income 10863
tax withheld from qualifying wages paid on or after January 1, 10864
2007, and may make remittance of such amounts, by using the Ohio 10865
business gateway. 10866

(E) Nothing in this section affects the due dates for filing 10867
employer withholding tax returns. 10868

(F) No municipal corporation shall be required to pay any fee 10869
or charge for the operation or maintenance of the Ohio business 10870

<u>gateway.</u>	10871
<u>(G) The use of the Ohio business gateway by municipal corporations, taxpayers, or other persons pursuant to this section does not affect the legal rights of municipalities or taxpayers as otherwise permitted by law. This state shall not be a party to the administration of municipal income taxes or to an appeal of a municipal income tax matter, except as otherwise specifically provided by law.</u>	10872 10873 10874 10875 10876 10877 10878
<u>(H)(1) The tax commissioner shall adopt rules establishing:</u>	10879
<u>(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway; and</u>	10880 10881
<u>(b) The information taxpayers must submit when filing municipal income tax returns through the Ohio business gateway.</u>	10882 10883
<u>(2) The commissioner shall consult with the Ohio business gateway steering committee before adopting the rules described in division (H)(1) of this section.</u>	10884 10885 10886
<u>(I) Nothing in this section shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.</u>	10887 10888 10889
Sec. 718.11. As used in this section, "tax administrator" means the individual charged with direct responsibility for administration of a tax levied by a municipal corporation on income.	10890 10891 10892 10893
Not later than one hundred eighty days after the effective date of this section, the <u>The</u> legislative authority of each municipal corporation that imposes a tax on income on that effective date shall establish by ordinance <u>maintain</u> a board to hear appeals as provided in this section. The legislative authority of any municipal corporation that does not impose a tax on income on the effective date of this section <u>amendment</u> , but	10894 10895 10896 10897 10898 10899 10900

that imposes such a tax after that date, shall establish such a board by ordinance not later than one hundred eighty days after the tax takes effect.

Whenever a tax administrator issues a decision regarding a municipal income tax obligation that is subject to appeal as provided in this section or in an ordinance or regulation of the municipal corporation, the tax administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the decision and of the manner in which the taxpayer may appeal the decision.

Any person who is aggrieved by a decision by the tax administrator and who has filed with the municipal corporation the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision may appeal the decision to the board created pursuant to this section by filing a request with the board. The request shall be in writing, shall state why the decision should be deemed incorrect or unlawful, and shall be filed within thirty days after the tax administrator issues the decision complained of.

The board shall schedule a hearing within forty-five days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the board and may be represented by an attorney at law, certified public accountant, or other representative.

The board may affirm, reverse, or modify the tax administrator's decision or any part of that decision. The board shall issue a final decision on the appeal within ninety days after the board's final hearing on the appeal, and send ~~notice a~~ copy of its final decision by ordinary mail to ~~the petitioner~~ all of the parties to the appeal within fifteen days after issuing the decision. The taxpayer or the tax administrator may appeal the board's decision to the board of tax appeals as provided in

section 5717.011 of the Revised Code. 10933

Each board of appeal created pursuant to this section shall 10934
adopt rules governing its procedures and shall keep a record of 10935
its transactions. Such records are not public records available 10936
for inspection under section 149.43 of the Revised Code. Hearings 10937
requested by a taxpayer before a board of appeal created pursuant 10938
to this section are not meetings of a public body subject to 10939
section 121.22 of the Revised Code. 10940

Sec. 718.121. (A) Except as provided in division (B) of this 10941
section, if tax or withholding is paid to a municipal corporation 10942
on income or wages, and if a second municipal corporation imposes 10943
a tax on that income or wages after the time period allowed for a 10944
refund of the tax or withholding paid to the first municipal 10945
corporation, the second municipal corporation shall allow a 10946
nonrefundable credit, against the tax or withholding the second 10947
municipality claims is due with respect to such income or wages, 10948
equal to the tax or withholding paid to the first municipal 10949
corporation with respect to such income or wages. 10950

(B) If the tax rate in the second municipal corporation is 10951
less than the tax rate in the first municipal corporation, then 10952
the credit described in division (A) of this section shall be 10953
calculated using the tax rate in effect in the second municipal 10954
corporation. 10955

(C) Nothing in this section permits any credit carryforward. 10956

Sec. 718.14. (A) As used in this section: 10957

(1) "Limited liability company" means a limited liability 10958
company formed under Chapter 1705. of the Revised Code or under 10959
the laws of another state. 10960

(2) "Pass-through entity" means a partnership, limited 10961
liability company, S corporation, or any other class of entity the 10962

income or profits from which are given pass-through treatment 10963
under the Internal Revenue Code, ~~excluding an S corporation.~~ 10964

(3) "Income from a pass-through entity" means partnership 10965
income of partners, membership interests of members of a limited 10966
liability company, distributive shares of shareholders of an S 10967
corporation, or other distributive or proportionate ownership 10968
shares of income from other pass-through entities. 10969

(4) "Owner" means a partner of a partnership, a member of a 10970
limited liability company, a shareholder of an S corporation, or 10971
other person with an ownership interest in a pass-through entity. 10972

(5) "Owner's proportionate share," with respect to each owner 10973
of a pass-through entity, means the ratio of (a) the owner's 10974
income from the pass-through entity that is subject to taxation by 10975
the municipal corporation, to (b) the total income from that 10976
entity of all owners whose income from the entity is subject to 10977
taxation by that municipal corporation. 10978

(B) On and after January 1, 2003, any municipal corporation 10979
imposing a tax that applies to income from a pass-through entity 10980
shall grant a credit to each owner who is domiciled in the 10981
municipal corporation for taxes paid to another municipal 10982
corporation by a pass-through entity that does not conduct 10983
business in the municipal corporation. The amount of the credit 10984
shall equal the lesser of the following amounts, subject to 10985
division (C) of this section: 10986

(1) The owner's proportionate share of the amount, if any, of 10987
tax paid by the pass-through entity to another municipal 10988
corporation in this state; 10989

(2) The owner's proportionate share of the amount of tax that 10990
would be imposed on the pass-through entity by the municipal 10991
corporation in which the taxpayer is domiciled if the pass-through 10992
entity conducted business in the municipal corporation. 10993

(C) If a municipal corporation grants a credit for a 10994
percentage, less than one hundred per cent, of the amount of 10995
income taxes paid on compensation by an individual who resides or 10996
is domiciled in the municipal corporation to another municipal 10997
corporation, the amount of credit otherwise required by division 10998
(B) of this section shall be multiplied by that percentage. 10999

(D) On and after January 1, 2003, any municipal corporation 11000
that imposes a tax on income of or from a pass-through entity 11001
shall specify by ordinance or rule whether the tax applies to 11002
income of the pass-through entity in the hands of the entity or to 11003
income from the pass-through entity in the hands of the owners of 11004
the entity. A municipal corporation may specify a different 11005
ordinance or rule under this division for each of the classes of 11006
pass-through entity enumerated in division (A)(2) of this section. 11007

Sec. 718.15. A municipal corporation, by ordinance, may grant 11008
a refundable or nonrefundable credit against its tax on income to 11009
a taxpayer that also receives a tax credit under section 122.17 of 11010
the Revised Code. If a credit is granted under this section, it 11011
shall be measured as a percentage of the new income tax revenue 11012
the municipal corporation derives from new employees of the 11013
taxpayer and shall be for a term not exceeding ~~ten~~ fifteen years. 11014
Before the municipal corporation passes an ordinance granting a 11015
credit, the municipal corporation and the taxpayer shall enter 11016
into an agreement specifying all the conditions of the credit. 11017
11018

Sec. 718.151. A municipal corporation, by ordinance, may 11019
grant a nonrefundable credit against its tax on income to a 11020
taxpayer that also receives a tax credit under section 122.171 of 11021
the Revised Code. If a credit is granted under this section, it 11022
shall be measured as a percentage of the income tax revenue the 11023

municipal corporation derives from the retained employees of the taxpayer, and shall be for a term not exceeding ~~ten~~ fifteen years. Before a municipal corporation passes an ordinance allowing such a credit, the municipal corporation and the taxpayer shall enter into an agreement specifying all the conditions of the credit.

Sec. 731.14. All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. Except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code or available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, when any expenditure, other than the compensation of persons employed ~~therein~~ in the village, exceeds ~~fifteen~~ twenty-five thousand dollars, such contracts shall be in writing and made with the lowest and best bidder after advertising for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the village. The bids shall be opened and shall be publicly read by the clerk of ~~such~~ the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

Sec. 731.141. In those villages that have established the position of village administrator, as provided by section 735.271

of the Revised Code, the village administrator shall make 11055
contracts, purchase supplies and materials, and provide labor for 11056
any work under the administrator's supervision involving not more 11057
than ~~fifteen~~ twenty-five thousand dollars. When an expenditure, 11058
other than the compensation of persons employed by the village, 11059
exceeds ~~fifteen~~ twenty-five thousand dollars, ~~such~~ the expenditure 11060
shall first be authorized and directed by ordinance of the 11061
legislative authority of the village. When so authorized and 11062
directed, except where the contract is for equipment, services, 11063
materials, or supplies to be purchased under division (D) of 11064
section 713.23 or section 125.04 or 5513.01 of the Revised Code or 11065
available from a qualified nonprofit agency pursuant to sections 11066
4115.31 to 4115.35 of the Revised Code, the village administrator 11067
shall make a written contract with the lowest and best bidder 11068
after advertisement for not less than two nor more than four 11069
consecutive weeks in a newspaper of general circulation within the 11070
village. The bids shall be opened and shall be publicly read by 11071
the village administrator or a person designated by the village 11072
administrator at the time, date, and place as specified in the 11073
advertisement to bidders or specifications. The time, date, and 11074
place of bid openings may be extended to a later date by the 11075
village administrator, provided that written or oral notice of the 11076
change shall be given to all persons who have received or 11077
requested specifications no later than ninety-six hours prior to 11078
the original time and date fixed for the opening. All contracts 11079
shall be executed in the name of the village and signed on its 11080
behalf by the village administrator and the clerk. 11081

The legislative authority of a village may provide, by 11082
ordinance, for central purchasing for all offices, departments, 11083
divisions, boards, and commissions of the village, under the 11084
direction of the village administrator, who shall make contracts, 11085
purchase supplies or materials, and provide labor for any work of 11086
the village in the manner provided by this section. 11087

Sec. 735.05. The director of public service may make any 11088
contract, purchase supplies or material, or provide labor for any 11089
work under the supervision of the department of public service 11090
involving not more than ~~fifteen~~ twenty-five thousand dollars. When 11091
an expenditure within the department, other than the compensation 11092
of persons employed ~~therein~~ in the department, exceeds ~~fifteen~~ 11093
twenty-five thousand dollars, ~~such~~ the expenditure shall first be 11094
authorized and directed by ordinance of the city legislative 11095
authority. When so authorized and directed, except where the 11096
contract is for equipment, services, materials, or supplies to be 11097
purchased under division (D) of section 713.23 or section 125.04 11098
or 5513.01 of the Revised Code or available from a qualified 11099
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 11100
Revised Code, the director shall make a written contract with the 11101
lowest and best bidder after advertisement for not less than two 11102
nor more than four consecutive weeks in a newspaper of general 11103
circulation within the city. 11104

Sec. 737.03. The director of public safety shall manage⁷ and 11105
make all contracts with reference to ~~the~~ police stations, fire 11106
houses, reform schools, infirmaries, hospitals, workhouses, farms, 11107
pesthouses, and all other charitable and reformatory institutions. 11108
In the control and supervision of those institutions, the director 11109
shall be governed by the provisions of Title VII of the Revised 11110
Code relating to those institutions. 11111

The director may make all contracts and expenditures of money 11112
for acquiring lands for the erection or repairing of station 11113
houses, police stations, fire department buildings, fire cisterns, 11114
and plugs, that are required, for the purchase of engines, 11115
apparatus, and all other supplies necessary for the police and 11116
fire departments, and for other undertakings and departments under 11117
the director's supervision, but no obligation involving an 11118

expenditure of more than ~~fifteen~~ twenty-five thousand dollars 11119
shall be created unless first authorized and directed by 11120
ordinance. In making, altering, or modifying those contracts, the 11121
director shall be governed by sections 735.05 to 735.09 of the 11122
Revised Code, except that all bids shall be filed with and opened 11123
by the director. The director shall make no sale or disposition of 11124
any property belonging to the city without first being authorized 11125
by resolution or ordinance of the city legislative authority. 11126

Sec. 753.22. (A) The director of public safety or the joint 11127
board established pursuant to section 753.15 of the Revised Code 11128
may establish a commissary for the workhouse. The commissary may 11129
be established either in-house or by another arrangement. If a 11130
commissary is established, all persons incarcerated in the 11131
workhouse shall receive commissary privileges. A person's 11132
purchases from the commissary shall be deducted from the person's 11133
account record in the workhouse's business office. The commissary 11134
shall provide for the distribution to indigent persons 11135
incarcerated in the workhouse necessary hygiene articles and 11136
writing materials. 11137

(B) If a commissary is established, the director of public 11138
safety or the joint board established pursuant to section 753.15 11139
of the Revised Code shall establish a commissary fund for the 11140
workhouse. The management of funds in the commissary fund shall be 11141
strictly controlled in accordance with procedures adopted by the 11142
auditor of state. Commissary fund revenue over and above operating 11143
costs and reserve shall be considered profits. All profits from 11144
the commissary fund shall be used to purchase supplies and 11145
equipment for the benefit of persons incarcerated in the workhouse 11146
and to pay salary and benefits for employees of the workhouse, or 11147
for any other persons, who work in or are employed for the sole 11148
purpose of providing service to the commissary. The director of 11149
public safety or the joint board established pursuant to section 11150

753.15 of the Revised Code shall adopt rules and regulations for 11151
the operation of any commissary fund the director or the joint 11152
board establishes. 11153

Sec. 901.17. ~~(A)~~ The division of markets ~~shall~~ may do all of 11154
the following: 11155

~~(1)~~(A) Investigate the cost of production and marketing in 11156
all its phases; 11157

~~(2)~~(B) Gather and disseminate information concerning supply, 11158
demand, prevailing prices, and commercial movements, including 11159
common and cold storage of food products, and maintain market news 11160
service for disseminating such information; 11161

~~(3)~~(C) Promote, assist, and encourage the organization and 11162
operation of cooperative and other associations and organizations 11163
for improving the relations and services among producers, 11164
distributors, and consumers of food products; 11165

~~(4)~~(D) Investigate the practice, methods, and any specific 11166
transaction of commission merchants and others who receive, 11167
solicit, buy, or handle on commission or otherwise, food products; 11168

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 11169
controversy or issue that arises between producers and 11170
distributors and that affects the interest of the consumer; 11171

~~(6)~~(F) Act on behalf of the consumers in conserving and 11172
protecting their interests in every practicable way against 11173
excessive prices; 11174

~~(7)~~(G) Act as market adviser for producers and distributors, 11175
assisting them in economical and efficient distribution of good 11176
products at fair prices; 11177

~~(8)~~(H) Encourage the establishment of retail municipal 11178
markets and develop direct dealing between producers and 11179
consumers; 11180

~~(9)(I) Encourage the consumption of Ohio-grown products 11181
within the state, nationally, and internationally, and inspect and 11182
determine the grade and condition of farm produce, both at 11183
collecting and receiving centers within the state; 11184~~

~~(10)(J) Take such means and use such powers, relative to 11185
shipment, transportation, and storage of foodstuffs of any kind, 11186
as are necessary, advisable, or desirable in case of an emergency 11187
creating or threatening to create a scarcity of food within the 11188
state; 11189~~

(K) Participate in trade missions between states and foreign 11190
countries in order to encourage the sale and promotion of 11191
Ohio-grown products. 11192

~~(B)(1) The director of agriculture shall adopt and may amend 11193
schedules of fees to be charged for inspecting farm produce at 11194
collecting and receiving centers or such other services as may be 11195
rendered under this section. All such fees shall be made with a 11196
view to the minimum cost and to make this branch of the department 11197
of agriculture self-sustaining. 11198~~

~~The fees shall be deposited in the state treasury and 11199
credited to the inspection fund, which is hereby created, for use 11200
in carrying out the purposes of this section. All investment 11201
earnings of the inspection fund shall be credited to the fund. If, 11202
in any year, the balance in the inspection fund is not sufficient 11203
to meet the expenses incurred pursuant to this section, the 11204
deficit shall be paid from funds appropriated for the use of the 11205
department. 11206~~

~~(2) The director may adopt a schedule of fees to be charged 11207
for inspecting any agricultural product for the purposes of the 11208
issuance of an export certificate, as may be required by the 11209
United States department of agriculture or foreign purchasers. 11210
Such fees shall be credited to the general revenue fund. 11211~~

Sec. 901.21. (A) As used in this section and section 901.22 11212
of the Revised Code: 11213

(1) "Agricultural easement" has the same meaning as in 11214
section 5301.67 of the Revised Code. 11215

(2) "Agriculture" means those activities occurring on land 11216
devoted exclusively to agricultural use, as defined in section 11217
5713.30 of the Revised Code, or on land that constitutes a 11218
homestead. 11219

(3) "Homestead" means the portion of a farm on which is 11220
located a dwelling house, yard, or outbuildings such as a barn or 11221
garage. 11222

(B) The director of agriculture may acquire real property 11223
used predominantly in agriculture and agricultural easements by 11224
gift, devise, or bequest if, at the time an easement is granted, 11225
such an easement is on land that is valued for purposes of real 11226
property taxation at its current value for agricultural use under 11227
section 5713.31 of the Revised Code or that constitutes a 11228
homestead. Any terms may be included in an agricultural easement 11229
so acquired that are necessary or appropriate to preserve on 11230
behalf of the grantor of the easement the favorable tax 11231
consequences of the gift, devise, or bequest under the "Internal 11232
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 11233
The director, by any such means or by purchase or lease, may 11234
acquire, or acquire the use of, stationary personal property or 11235
equipment that is located on land acquired in fee by the director 11236
under this section and that is necessary or appropriate for the 11237
use of the land predominantly in agriculture. 11238

(C) The director may do all things necessary or appropriate 11239
to retain the use of real property acquired in fee under division 11240
(B) of this section predominantly in agriculture, including, 11241

without limitation, performing any of the activities described in 11242
division (A)(1) or (2) of section 5713.30 of the Revised Code or 11243
entering into contracts to lease or rent the real property so 11244
acquired to persons or governmental entities that will use the 11245
land predominantly in agriculture. 11246

(D)(1) When the director considers it to be necessary or 11247
appropriate, the director may sell real property acquired in fee, 11248
and stationary personal property or equipment acquired by gift, 11249
devise, bequest, or purchase, under division (B) of this section 11250
on such terms as the director considers to be advantageous to this 11251
state. 11252

(2) An agricultural easement acquired under division (B) of 11253
this section may be extinguished under the circumstances 11254
prescribed, and in accordance with the terms and conditions set 11255
forth, in the instrument conveying the agricultural easement. 11256

(E) There is hereby created in the state treasury the 11257
agricultural easement purchase fund. The fund shall consist of the 11258
proceeds received from the sale of real and personal property 11259
under division (D) of this section; moneys received due to the 11260
extinguishment of agricultural easements acquired by the director 11261
under division (B) of this section or section 5301.691 of the 11262
Revised Code; moneys received due to the extinguishment of 11263
agricultural easements purchased with the assistance of matching 11264
grants made under section 901.22 of the Revised Code; gifts, 11265
bequests, devises, and contributions received by the director for 11266
the purpose of acquiring agricultural easements; and grants 11267
received from public or private sources for the purpose of 11268
purchasing agricultural easements. The fund shall be administered 11269
by the director, and moneys in the fund shall be used by the 11270
director exclusively to purchase agricultural easements under 11271
division (A) of section 5301.691 of the Revised Code and provide 11272
matching grants under section 901.22 of the Revised Code to 11273

municipal corporations, counties, townships, soil and water 11274
conservation districts established under Chapter 1515. of the 11275
Revised Code, and charitable organizations described in division 11276
(B) of section 5301.69 of the Revised Code for the purchase of 11277
agricultural easements. Money in the fund shall be used only to 11278
purchase agricultural easements on land that is valued for 11279
purposes of real property taxation at its current value for 11280
agricultural use under section 5713.31 of the Revised Code or that 11281
constitutes a homestead when the easement is purchased. 11282

(F) There is hereby created in the state treasury the clean 11283
Ohio agricultural easement fund. Twelve and one-half per cent of 11284
net proceeds of obligations issued and sold pursuant to sections 11285
151.01 and 151.09 of the Revised Code shall be deposited into the 11286
fund. The fund shall be used by the director for the purposes of 11287
~~sections 901.21 and this section,~~ section 901.22 of the Revised 11288
Code, and the provisions of sections 5301.67 to 5301.70 of the 11289
Revised Code governing agricultural easements. Investment earnings 11290
of the fund shall be credited to the fund. ~~For two years after the~~ 11291
~~effective date of this amendment, investment earnings credited to~~ 11292
~~the fund and~~ and may be used to pay costs incurred by the director in 11293
administering those sections and provisions. 11294

(G) The term of an agricultural easement purchased wholly or 11295
in part with money from the clean Ohio agricultural easement fund 11296
or the agricultural easement purchase fund shall be perpetual and 11297
shall run with the land. 11298

Sec. 901.22. (A) The director of agriculture, in accordance 11299
with Chapter 119. of the Revised Code, shall adopt rules that do 11300
all of the following: 11301

(1) Establish procedures and eligibility criteria for making 11302
matching grants to municipal corporations, counties, townships, 11303
soil and water conservation districts established under Chapter 11304

1515. of the Revised Code, and charitable organizations described 11305
in division (B) of section 5301.69 of the Revised Code for the 11306
purchase of agricultural easements. With respect to agricultural 11307
easements that are purchased or proposed to be purchased with such 11308
matching grants that consist in whole or in part of moneys from 11309
the clean Ohio agricultural easement fund created in section 11310
901.21 of the Revised Code, the rules shall establish all of the 11311
following: 11312

(a) Procedures for all of the following: 11313

(i) Soliciting and accepting applications for matching 11314
grants; 11315

(ii) Participation by local governments and by the public in 11316
the process of making matching grants to charitable organizations; 11317

(iii) Notifying local governments, charitable organizations, 11318
and organizations that represent the interests of farmers of the 11319
ranking system established in rules adopted under division 11320
(A)(1)(b) of this section. 11321

(b) A ranking system for applications for the matching grants 11322
that is based on the soil type, proximity of the land or other 11323
land that is conducive to agriculture as defined by rules adopted 11324
under this section and that is the subject of an application to 11325
other agricultural land or other land that is conducive to 11326
agriculture as defined by rules adopted under this section and 11327
that is already or is in the process of becoming permanently 11328
protected from development, farm stewardship, development 11329
pressure, and, if applicable, a local comprehensive land use plan 11330
involved with a proposed agricultural easement. The rules shall 11331
require that preference be given to proposed agricultural 11332
easements that involve the greatest proportion of all of the 11333
following: 11334

(i) Prime soils, unique or locally important soils, 11335

microclimates, or similar features; 11336

(ii) Land that is adjacent to or that is in close proximity 11337
to other agricultural land or other land that is conducive to 11338
agriculture as defined by rules adopted under this section and 11339
that is already or is in the process of becoming permanently 11340
protected from development, by agricultural easement or otherwise, 11341
so that a buffer would exist between the land involving the 11342
proposed agricultural easement and areas that have been developed 11343
or likely will be developed for purposes other than agriculture; 11344

(iii) The use of best management practices, including 11345
federally or state approved conservation plans, and a history of 11346
substantial compliance with applicable federal and state laws; 11347

(iv) Development pressure that is imminent, but not a result 11348
of current location in the direct path of urban development; 11349

(v) Areas identified for agricultural protection in local 11350
comprehensive land use plans. 11351

(c) Any other criteria that the director determines are 11352
necessary for selecting applications for matching grants; 11353

(d) Requirements regarding the information that must be 11354
included in the annual monitoring report that must be prepared for 11355
an agricultural easement under division ~~(D)~~(E)(2) of section 11356
5301.691 of the Revised Code, procedures for submitting a copy of 11357
the report to the office of farmland preservation in the 11358
department of agriculture, and requirements and procedures 11359
governing corrective actions that may be necessary to enforce the 11360
terms of the agricultural easement. 11361

(2) Establish provisions that shall be included in the 11362
instrument conveying to a municipal corporation, county, township, 11363
soil and water conservation district, or charitable organization 11364
any agricultural easement purchased with matching grant funds 11365
provided by the director under this section, including, without 11366

limitation, all of the following provisions: 11367

(a) A provision stating that an easement so purchased may be 11368
extinguished only if an unexpected change in the conditions of or 11369
surrounding the land that is subject to the easement makes 11370
impossible or impractical the continued use of the land for the 11371
purposes described in the easement, or if the requirements of the 11372
easement are extinguished by judicial proceedings; 11373

(b) A provision requiring that, upon the sale, exchange, or 11374
involuntary conversion of the land subject to the easement, the 11375
holder of the easement shall be paid an amount of money that is at 11376
least equal to the proportionate value of the easement compared to 11377
the total value of the land at the time the easement was acquired; 11378

(c) A provision requiring that, upon receipt of the portion 11379
of the proceeds of a sale, exchange, or involuntary conversion 11380
described in division (A)(2)(b) of this section, the municipal 11381
corporation, county, township, soil and water conservation 11382
district, or charitable organization remit to the director an 11383
amount of money equal to the percentage of the cost of purchasing 11384
the easement it received as a matching grant under this section. 11385

Moneys received by the director pursuant to rules adopted 11386
under division (A)(2)(c) of this section shall be credited to the 11387
agricultural easement purchase fund created in section 901.21 of 11388
the Revised Code. 11389

(3) Establish a provision that provides a charitable 11390
organization ~~described in division (B) of section 5301.69 of the~~ 11391
~~Revised Code~~, municipal corporation, township, ~~or~~ county, or soil 11392
and water conservation district with the option of purchasing 11393
agricultural easements either in installments or with a lump sum 11394
payment. The rules shall include a requirement that a charitable 11395
organization, municipal corporation, township, ~~or~~ county, or soil 11396
and water conservation district negotiate with the seller of the 11397

agricultural easement concerning any installment payment terms, 11398
including the dates and amounts of payments and the interest rate 11399
on the outstanding balance. The rules also shall require the 11400
director to approve any method of payment that is undertaken in 11401
accordance with the rules adopted under division (A)(3) of this 11402
section. 11403

(4) Establish any other requirements that the director 11404
considers to be necessary or appropriate to implement or 11405
administer a program to make matching grants under this section 11406
and monitor those grants. 11407

(B) The director may develop guidelines regarding the 11408
acquisition of agricultural easements by the department of 11409
agriculture and the provisions of instruments conveying those 11410
easements. The director may make the guidelines available to 11411
public and private entities authorized to acquire and hold 11412
agricultural easements. 11413

(C) The director may provide technical assistance in 11414
developing a program for the acquisition and monitoring of 11415
agricultural easements to public and private entities authorized 11416
to hold agricultural easements. The technical assistance may 11417
include, without limitation, reviewing and providing advisory 11418
recommendations regarding draft instruments conveying agricultural 11419
easements. 11420

(D) The director may make matching grants from the 11421
agricultural easement purchase fund and the clean Ohio 11422
agricultural easement fund to municipal corporations, counties, 11423
townships, soil and water conservation districts, and charitable 11424
organizations ~~described in division (B) of section 5301.69 of the~~ 11425
~~Revised Code~~, to assist those political subdivisions and 11426
charitable organizations in purchasing agricultural easements. 11427
Application for a matching grant shall be made on forms prescribed 11428
and provided by the director. The matching grants shall be made in 11429

compliance with the criteria and procedures established in rules 11430
adopted under this section. Instruments conveying agricultural 11431
easements purchased with matching grant funds provided under this 11432
section, at a minimum, shall include the mandatory provisions set 11433
forth in those rules. 11434

Matching grants made under this division using moneys from 11435
the clean Ohio agricultural easement fund created in section 11436
901.21 of the Revised Code may provide up to seventy-five per cent 11437
of the value of an agricultural easement as determined by a 11438
general real estate appraiser who is certified under Chapter 4763. 11439
of the Revised Code or as determined through a points based 11440
appraisal system that is recommended by the director. The method 11441
of appraisal that is used shall be determined by the director. Not 11442
less than twenty-five per cent of the value of the agricultural 11443
easement shall be provided by the recipient of the matching grant 11444
or donated by the person who is transferring the easement to the 11445
grant recipient. The amount of such a matching grant used for the 11446
purchase of a single agricultural easement shall not exceed one 11447
million dollars. 11448

(E) For any agricultural easement purchased with a matching 11449
grant that consists in whole or in part of moneys from the clean 11450
Ohio agricultural easement fund, the director shall be named as a 11451
grantee on the instrument conveying the easement, as shall the 11452
municipal corporation, county, township, soil and water 11453
conservation district, or charitable organization that receives 11454
the grant. 11455

(F)(1) The director shall monitor and evaluate the 11456
effectiveness and efficiency of the agricultural easement program 11457
as a farmland preservation tool. On or before July 1, 1999, and 11458
the first day of July of each year thereafter, the director shall 11459
prepare and submit a report to the chairpersons of the standing 11460
committees of the senate and the house of representatives that 11461

consider legislation regarding agriculture. The report shall 11462
consider and address the following criteria to determine the 11463
program's effectiveness: 11464

(a) The number of agricultural easements purchased during the 11465
preceding year; 11466

(b) The location of those easements; 11467

(c) The number of acres of land preserved for agricultural 11468
use; 11469

(d) The amount of money used by a municipal corporation, 11470
township, ~~or county, or soil and water conservation district~~ from 11471
~~its general fund or special~~ any fund to purchase the agricultural 11472
easements; 11473

(e) The number of state matching grants given to purchase the 11474
agricultural easements; 11475

(f) The amount of state matching grant moneys used to 11476
purchase the agricultural easements. 11477

(2) The report also shall consider and include, at a minimum, 11478
the following information for each county to determine the 11479
program's efficiency: 11480

(a) The total number of acres in the county; 11481

(b) The total number of acres in current agricultural use; 11482

(c) The total number of acres preserved for agricultural use 11483
in the preceding year; 11484

(d) The average cost, per acre, of land preserved for 11485
agricultural use in the preceding year. 11486

Sec. 901.63. (A) The agricultural financing commission shall 11487
do both of the following until ~~July 1, 2003~~ October 15, 2005: 11488

(1) Make recommendations to the director of agriculture about 11489

financial assistance applications made pursuant to sections 901.80 11490
to 901.83 of the Revised Code. In making its recommendations, the 11491
commission shall utilize criteria established by rules adopted 11492
under division (A)(8)(b) of section 901.82 of the Revised Code. 11493

(2) Advise the director in the administration of sections 11494
901.80 to 901.83 of the Revised Code. 11495

With respect to sections 901.80 to 901.83 of the Revised 11496
Code, the role of the commission is solely advisory. No officer, 11497
member, or employee of the commission is liable for damages in a 11498
civil action for any injury, death, or loss to person or property 11499
that allegedly arises out of purchasing any loan or providing a 11500
loan guarantee, failure to purchase a loan or provide a loan 11501
guarantee, or failure to take action under sections 901.80 to 11502
901.83 of the Revised Code, or that allegedly arises out of any 11503
act or omission of the department of agriculture that involves 11504
those sections. 11505

(B) The commission may: 11506

(1) Adopt bylaws for the conduct of its business; 11507

(2) Exercise all rights, powers, and duties conferred on the 11508
commission as an issuer under Chapter 902. of the Revised Code; 11509

(3) Contract with, retain, or designate financial 11510
consultants, accountants, and such other consultants and 11511
independent contractors as the commission may determine to be 11512
necessary or appropriate to carry out the purposes of this chapter 11513
and to fix the terms of those contracts; 11514

(4) Undertake and carry out or authorize the completion of 11515
studies and analyses of agricultural conditions and needs within 11516
the state relevant to the purpose of this chapter to the extent 11517
not otherwise undertaken by other departments or agencies of the 11518
state satisfactory for that purpose; 11519

(5) Acquire by gift, purchase, foreclosure, or other means, 11520
and hold, assign, pledge, lease, transfer, or otherwise dispose 11521
of, real and personal property, or any interest in that real and 11522
personal property, in the exercise of its powers and the 11523
performance of its duties under this chapter and Chapter 902. of 11524
the Revised Code; 11525

(6) Receive and accept gifts, grants, loans, or any other 11526
financial or other form of aid from any federal, state, local, or 11527
private agency or fund and enter into any contract with any such 11528
agency or fund in connection therewith, and receive and accept aid 11529
or contributions from any other source of money, property, labor, 11530
or things of value, to be held, used, and applied only for the 11531
purposes for which the grants and contributions are made, all 11532
within the purposes of this chapter and Chapter 902. of the 11533
Revised Code; 11534

(7) Sue and be sued in its own name with respect to its 11535
contracts or to enforce this chapter or its obligations or 11536
covenants made under this chapter and Chapter 902. of the Revised 11537
Code; 11538

(8) Make and enter into all contracts, commitments, and 11539
agreements, and execute all instruments necessary or incidental to 11540
the performance of its duties and the execution of its powers 11541
under this chapter and Chapter 902. of the Revised Code; 11542

(9) Adopt an official seal; 11543

(10) Do any and all things necessary or appropriate to carry 11544
out the public purposes and exercise the powers granted to the 11545
commission in this chapter and Chapter 902. of the Revised Code 11546
and the public purposes of Section 13 of Article VIII, Ohio 11547
Constitution. 11548

Any instrument by which real property is acquired pursuant to 11549
this section shall identify the agency of the state that has the 11550

use and benefit of the real property as specified in section 11551
5301.012 of the Revised Code. 11552

Sec. 901.85. There is hereby created in the state treasury 11553
the farm service agency electronic filing fund, which shall 11554
consist of money reimbursed to the fund by the farm service agency 11555
in the United States department of agriculture together with any 11556
money appropriated to the fund by the general assembly. The 11557
director of agriculture shall use money credited to the fund to 11558
pay the secretary of state for fees that the secretary of state 11559
charges in advance for the electronic filing by the farm service 11560
agency of financing statements related to agricultural loans that 11561
the farm service agency disburses. 11562

Sec. 902.11. (A) Any real or personal property, or both, of 11563
an issuer ~~which~~ that is acquired, constructed, reconstructed, 11564
enlarged, improved, furnished, or equipped, or any combination 11565
thereof, and leased or subleased under authority of this chapter 11566
shall be subject to ad valorem, sales, use, and franchise taxes 11567
and to zoning, planning, and building regulations and fees, to the 11568
same extent and in the same manner as if the lessee-user or 11569
sublessee-user thereof, rather than the issuer, had acquired, 11570
constructed, reconstructed, enlarged, improved, furnished, or 11571
equipped, or any combination thereof, such real or personal 11572
property, and title thereto was in the name of such lessee-user or 11573
sublessee-user. 11574

The transfer of tangible personal property by lease or 11575
sublease under authority of this chapter is not a sale as used in 11576
Chapter 5739. of the Revised Code. The exemptions provided in 11577
divisions (B)(1) and ~~(14)~~(13) of section 5739.02 of the Revised 11578
Code shall not be applicable to purchases for a project under this 11579
chapter. 11580

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

(B) Bonds issued under this chapter, the transfer thereof, and the interest and other income from the bonds, including any profit made on the sale thereof, are free from taxation within the state.

Sec. 921.151. The pesticide program fund is hereby created in the state treasury. ~~All~~ The portion of the money in the fund that is collected under this chapter shall be used to carry out the purposes of this chapter. The portion of the money in the fund that is collected under section 927.53 of the Revised Code shall be used to carry out the purposes specified in that section, the portion of the money in the fund that is collected under section 927.69 of the Revised Code shall be used to carry out the purposes specified in that section, and the portion of the money in the fund that is collected under section 927.701 of the Revised Code shall be used to carry out the purposes of that section. The fund shall consist of fees collected under sections 921.01 to 921.15, division (F) of section 927.53, and section 927.69 of the Revised Code, money collected under section 927.701 of the Revised Code, and all fines, penalties, costs, and damages, except court costs,

~~which~~ that are collected by either the director of agriculture or 11612
the attorney general in consequence of any violation of sections 11613
921.01 to 921.29 of the Revised Code. Not later than the thirtieth 11614
day of June of each year, the director of budget and management 11615
shall determine whether the amount credited to the pesticide 11616
program fund under this chapter is in excess of the amount 11617
necessary to meet the expenses of the director of agriculture in 11618
administering this chapter and shall transfer any such excess from 11619
the pesticide program fund to the general revenue fund. 11620

Sec. 927.53. (A) Each collector or dealer who sells, offers, 11621
or exposes for sale, or distributes nursery stock within this 11622
state, or ships nursery stock to other states, shall pay an annual 11623
license fee of fifty dollars to the director of agriculture for 11624
each place of business ~~he~~ the collector or dealer operates. 11625

(B)(1) Each dealer shall furnish the director, annually, an 11626
affidavit that ~~he~~ the dealer will buy and sell only nursery stock 11627
which has been inspected and certified by an official state or 11628
federal inspector. 11629

(2) Each dealer's license expires on the thirty-first day of 11630
December of each year. Each licensed dealer shall apply for 11631
renewal of ~~his~~ the dealer's license prior to the first day of 11632
January of each year and in accordance with the standard renewal 11633
procedure of sections 4745.01 to 4745.03 of the Revised Code. 11634

(C) Each licensed ~~nurseryman~~ nurseryperson shall post 11635
conspicuously in ~~his~~ the nurseryperson's principal place of 11636
business, the certificate which is issued to ~~him~~ the nurseryperson 11637
in accordance with section 927.61 of the Revised Code. 11638

(D) Each licensed ~~nurseryman~~ nurseryperson, or dealer, shall 11639
post conspicuously in each place of business, each certificate or 11640
license which is issued to ~~him~~ the nurseryperson or dealer in 11641
compliance with this section or section 927.61 of the Revised 11642

Code. 11643

(E)(1) Each ~~nurseryman~~ nurseryperson who produces, sells, 11644
offers for sale, or distributes woody nursery stock within the 11645
state, or ships woody nursery stock to other states, shall pay to 11646
the director an annual inspection fee of fifty dollars plus four 11647
dollars per acre, or fraction thereof, of growing nursery stock in 11648
intensive production areas and two dollars per acre, or fraction 11649
thereof, of growing nursery stock in nonintensive production 11650
areas, as applicable. 11651

(2) Each ~~nurseryman~~ nurseryperson who limits ~~his~~ production 11652
and sales of nursery stock to brambles, herbaceous, perennial, and 11653
other nonwoody plants, shall pay to the director an inspection fee 11654
of thirty dollars, plus four dollars per acre, or fraction 11655
thereof, of growing nursery stock in intensive and nonintensive 11656
production areas. 11657

(F) On and after the effective date of this amendment, the 11658
following additional fees shall be assessed: 11659

(1) Each collector or dealer who pays a fee under division 11660
(A) of this section shall pay an additional fee of twenty-five 11661
dollars. 11662

(2) Each nurseryperson who pays fees under division (E)(1) of 11663
this section shall pay additional fees as follows: 11664

(a) Fifteen dollars for the inspection fee; 11665

(b) Fifty cents per acre, or fraction thereof, of growing 11666
nursery stock in intensive production areas; 11667

(c) One dollar and fifty cents per acre, or fraction thereof, 11668
of growing nursery stock in nonintensive production areas. 11669

(3) Each nursery person who pays fees under division (E)(2) 11670
of this section shall pay additional fees as follows: 11671

(a) Thirty-five dollars for the inspection fee; 11672

(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. 11673
11674

The fees collected under division (F) of this section shall be deposited into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors. 11675
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Sec. 927.69. To effect the purpose of sections 927.51 to 927.74, ~~inclusive,~~ of the Revised Code, the director of agriculture, or ~~his~~ the director's authorized representative, may: 11682
11683
11684

(A) Make reasonable inspection of any premises in this state and any property therein or thereon; 11685
11686

(B) Stop and inspect in a reasonable manner, any means of conveyance moving within this state upon probable cause to believe it contains or carries any pest, host, commodity, or other article ~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive,~~ of the Revised Code; 11687
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(C) Conduct inspections of agricultural products that are required by other states, the United States department of agriculture, other federal agencies, or foreign countries to determine whether the products are infested. If, upon making such an inspection, the director or the director's authorized representative determines that an agricultural product is not infested, the director or the director's authorized representative may issue a certificate, as required by other states, the United States department of agriculture, other federal agencies, or foreign countries, indicating that the product is not infested. 11692
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If the director charges fees for any of the certificates, 11702

agreements, or inspections specified in this section, the fees 11703
shall be as follows: 11704

(1) Phyto sanitary certificates, twenty-five dollars; 11705

(2) Compliance agreements, twenty dollars; 11706

(3) Solid wood packing certificates, twenty dollars; 11707

(4) Agricultural products and their conveyances inspections, 11708
sixty-five dollars. 11709

The director may adopt rules under section 927.52 of the 11710
Revised Code that define the certificates, agreements, and 11711
inspections. 11712

The fees shall be deposited into the state treasury to the 11713
credit of the pesticide program fund created in Chapter 921. of 11714
the Revised Code. Money credited to the fund shall be used to pay 11715
the costs incurred by the department of agriculture in 11716
administering this chapter, including employing a minimum of two 11717
additional inspectors. 11718

Sec. 927.701. (A) As used in this section, "gypsy moth" means 11719
the live insect, Lymantria dispar, in any stage of development. 11720
11721

(B) The director of agriculture may establish a voluntary 11722
gypsy moth suppression program under which a landowner may request 11723
that the department of agriculture have the landowner's property 11724
aerially sprayed to suppress the presence of gypsy moths in 11725
exchange for payment from the landowner of a portion of the cost 11726
of the spraying. To determine the amount of payment that is due 11727
from a landowner, the department first shall determine the 11728
projected cost per acre to the department of gypsy moth 11729
suppression activities for the year in which the landowner's 11730
request is made. The cost shall be calculated by determining the 11731
total expense of aerial spraying for gypsy moths to be incurred by 11732

the department in that year divided by the total number of acres 11733
proposed to be sprayed in that year. With respect to a landowner, 11734
the department shall multiply the cost per acre by the number of 11735
acres that the landowner requests to be sprayed. The department 11736
shall add to that amount any administrative costs that it incurs 11737
in billing the landowner and collecting payment. The amount that 11738
the landowner shall pay to the department shall not exceed fifty 11739
per cent of the resulting amount. 11740

(C) The director shall adopt rules under Chapter 119. of the 11741
Revised Code to establish procedures under which a landowner may 11742
make a request under division (B) of this section and to establish 11743
provisions governing agreements between the department and 11744
landowners concerning gypsy moth suppression together with any 11745
other provisions that the director considers appropriate to 11746
administer this section. 11747

(D) The director shall deposit all money collected under this 11748
section into the state treasury to the credit of the pesticide 11749
program fund created in Chapter 921. of the Revised Code. Money 11750
credited to the fund under this section shall be used for the 11751
suppression of gypsy moths in accordance with this section. 11752

Sec. 929.01. ~~As used in Chapter 929. of the Revised Code~~ this 11753
chapter: 11754

(A) "Agricultural production" means commercial aquaculture, 11755
apiculture, animal husbandry, or poultry husbandry; the production 11756
for a commercial purpose of timber, field crops, tobacco, fruits, 11757
vegetables, nursery stock, ornamental shrubs, ornamental trees, 11758
flowers, or sod; the growth of timber for a noncommercial purpose, 11759
if the land on which the timber is grown is contiguous to or part 11760
of a parcel of land under common ownership that is otherwise 11761
devoted exclusively to agricultural use; or any combination of 11762
such husbandry, production, or growth; and includes the 11763

processing, drying, storage, and marketing of agricultural 11764
products when those activities are conducted in conjunction with 11765
such husbandry, production, or growth. 11766

"Agricultural production" includes conservation practices, 11767
provided that the tracts, lots, or parcels of land or portions 11768
thereof that are used for conservation practices comprise not more 11769
than twenty-five per cent of tracts, lots, or parcels of land that 11770
are otherwise devoted exclusively to agricultural use and for 11771
which an application is filed under section 929.02 of the Revised 11772
Code. 11773

(B) "Withdrawal from an agricultural district" includes the 11774
explicit removal of land from an agricultural district, conversion 11775
of land in an agricultural district to use for purposes other than 11776
agricultural production, and withdrawal of land from a land 11777
retirement or conservation program to use for ~~purposes~~ purposes 11778
other than agricultural production. Withdrawal from an 11779
agricultural district does not include land described in division 11780
(A)(4) of section 5713.30 of the Revised Code. 11781

(C) "Conservation practice" has the same meaning as in 11782
section 5713.30 of the Revised Code. 11783

Sec. 955.51. (A) Any owner of horses, sheep, cattle, swine, 11784
mules, goats, domestic rabbits, or domestic fowl or poultry that 11785
have an aggregate fair market value of ten dollars or more and 11786
that have been injured or killed by a coyote or a black vulture 11787
shall notify the dog warden within three days after the loss or 11788
injury has been discovered. The dog warden promptly shall 11789
investigate the loss or injury and shall determine whether or not 11790
the loss or injury was made by a coyote or a black vulture. If the 11791
dog warden finds that the loss or injury was not made by a coyote 11792
or a black vulture, the owner has no claim under sections 955.51 11793
to 955.53 of the Revised Code. If the dog warden finds that the 11794

loss or injury was made by a coyote or a black vulture, ~~he~~ the dog 11795
warden promptly shall notify the wildlife officer of that finding. 11796
The wildlife officer then shall confirm the finding, disaffirm it, 11797
or state that ~~he~~ the wildlife officer is uncertain about the 11798
finding. If the wildlife officer affirms the finding of the dog 11799
warden or states that ~~he~~ the wildlife officer is uncertain about 11800
that finding, the owner may proceed with ~~his~~ a claim under 11801
sections 955.51 to 955.53 of the Revised Code, and the dog warden 11802
shall provide the owner with duplicate copies of the claim form 11803
provided for in section 955.53 of the Revised Code and assist ~~him~~ 11804
the owner in filling it out. The owner shall set forth the kind, 11805
grade, quality, and what ~~he~~ the owner has determined is the fair 11806
market value of the animals, fowl, or poultry, the nature and 11807
amount of the loss or injury, the place where the loss or injury 11808
occurred, and all other pertinent facts in the possession of the 11809
claimant. If the animals, fowl, or poultry die as a result of 11810
their injuries, their fair market value is the market value of 11811
uninjured animals, fowl, or poultry on the date of the death of 11812
the injured animals, fowl, or poultry. If the animals, fowl, or 11813
poultry do not die as a result of their injuries, their fair 11814
market value is their market value on the date on which they 11815
received their injuries. 11816

(B) If the dog warden finds all the statements that the owner 11817
made on the form to be correct and agrees with the owner as to the 11818
fair market value of the animals, fowl, or poultry, ~~he~~ the dog 11819
warden promptly shall so certify and send both copies of the form, 11820
together with whatever other documents, testimony, or information 11821
~~he~~ the dog warden has received relating to the loss or injury, to 11822
the department of agriculture. 11823

(C) If the dog warden does not find all the statements to be 11824
correct or does not agree with the owner as to the fair market 11825
value, the owner may appeal to the department of agriculture for a 11826

determination of ~~his~~ the owner's claim. In that case the owner 11827
shall secure statements as to the nature and amount of the loss or 11828
injury from at least two witnesses who viewed the results of the 11829
killing or injury and who can testify about the results and shall 11830
submit both copies of the form to the department no later than 11831
twenty days after the loss or injury was discovered. The dog 11832
warden shall submit to the department whatever documents, 11833
testimony, and other information ~~he~~ the dog warden has received 11834
relating to the loss or injury. The department shall receive any 11835
other information or testimony that will enable it to determine 11836
the fair market value of the animals, fowl, or poultry injured or 11837
killed. 11838

(D) If the animals, fowl, or poultry described in division 11839
(A) of this section are registered in any accepted association or 11840
registry, the owner or ~~his~~ the owner's employee or tenant shall 11841
submit with the claim form the registration papers showing the 11842
lines of breeding, age, and other relevant matters. If the animals 11843
are the offspring of registered stock and eligible for 11844
registration, the registration papers showing the breeding of the 11845
offspring shall be submitted. 11846

Sec. 1309.109. (A) Except as otherwise provided in divisions 11847
(C) and (D) of this section, this chapter applies to the 11848
following: 11849

(1) A transaction, regardless of its form, that creates a 11850
security interest in personal property or fixtures by contract; 11851

(2) An agricultural lien; 11852

(3) A sale of accounts, chattel paper, payment intangibles, 11853
or promissory notes; 11854

(4) A consignment; 11855

(5) A security interest arising under section 1302.42 or 11856

1302.49, division (C) of section 1302.85, or division (E) of 11857
section 1310.54 of the Revised Code, as provided in section 11858
1309.110 of the Revised Code; and 11859

(6) A security interest arising under section 1304.20 or 11860
1305.18 of the Revised Code. 11861

(B) The application of this chapter to a security interest in 11862
a secured obligation is not affected by the fact that the 11863
obligation is itself secured by a transaction or interest to which 11864
this chapter does not apply. 11865

(C) This chapter does not apply to the extent that: 11866

(1) A statute, regulation, or treaty of the United States 11867
preempts this chapter; or 11868

(2) The rights of a transferee beneficiary or nominated 11869
person under a letter of credit are independent and superior under 11870
section 1305.13 of the Revised Code. 11871

(D) This chapter does not apply to the following: 11872

(1) A landlord's lien, other than an agricultural lien; 11873

(2)(a) A lien, not enumerated in division (D)(2) of this 11874
section and other than an agricultural lien, given by statute or 11875
other rule of law for services or materials, including any lien 11876
created under any provision of Chapter 926., sections 1311.55 to 11877
1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter 11878
4585. of the Revised Code; 11879

(b) Notwithstanding division (D)(2)(a) of this section, 11880
section 1309.333 of the Revised Code applies with respect to 11881
priority of the lien. 11882

(3) An assignment of a claim for wages, salary, or other 11883
compensation of an employee; 11884

(4) A sale of accounts, chattel paper, payment intangibles, 11885
or promissory notes as part of a sale of the business out of which 11886

they arose;	11887
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	11888 11889 11890
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	11891 11892
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	11893 11894 11895
(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;	11896 11897 11898 11899 11900 11901
(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	11902 11903
(10) A right of recoupment or set-off, but:	11904
(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	11905 11906 11907
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	11908 11909
(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:	11910 11911 11912
(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;	11913 11914
(b) Fixtures in section 1309.334 of the Revised Code;	11915

(c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 1309.516, and 1309.519 of the Revised Code; and	11916 11917
(d) Security agreements covering personal and real property in section 1309.604 of the Revised Code.	11918 11919
(12) An assignment of a claim arising in tort, other than a commercial tort claim, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;	11920 11921 11922 11923
(13) An assignment of a deposit account in a consumer transaction, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds; or	11924 11925 11926
(14) A transfer by a government, state, or governmental unit.	11927
(E) The granting of a security interest in all or any part of a lottery prize award for consideration is subject to the prohibition of division (A)(3)(C) of section 3770.07 of the Revised Code. The sale, assignment, or other redirection of a lottery prize award for consideration is subject to the provisions of division (A)(4)(D) of section 3770.07 and sections 3770.10 to 3770.14 of the Revised Code.	11928 11929 11930 11931 11932 11933 11934
Sec. 1317.07. No retail installment contract authorized by section 1317.03 of the Revised Code that is executed in connection with any retail installment sale shall evidence any indebtedness in excess of the time balance fixed in the written instrument in compliance with section 1317.04 of the Revised Code, but it may evidence in addition any agreements of the parties for the payment of delinquent charges, as provided for in section 1317.06 of the Revised Code, taxes, and any lawful fee actually paid out, or to be paid out, by the retail seller to any public officer for filing, recording, or releasing any instrument securing the payment of the obligation owed on any retail installment contract.	11935 11936 11937 11938 11939 11940 11941 11942 11943 11944 11945

No retail seller, directly or indirectly, shall charge, contract 11946
for, or receive from any retail buyer, any further or other amount 11947
for examination, service, brokerage, commission, expense, fee, or 11948
other thing of value. A documentary service charge customarily and 11949
presently being paid on May 9, 1949, in a particular business and 11950
area may be charged if the charge does not exceed ~~fifty~~ one 11951
hundred dollars per sale. 11952

No retail seller shall use multiple agreements with respect 11953
to a single item or related items purchased at the same time, with 11954
intent to obtain a higher charge than would otherwise be permitted 11955
by Chapter 1317. of the Revised Code or to avoid disclosure of an 11956
annual percentage rate, nor by use of such agreements make any 11957
charge greater than that which would be permitted by Chapter 1317. 11958
of the Revised Code had a single agreement been used. 11959

Sec. 1321.21. All fees, charges, penalties, and forfeitures 11960
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 11961
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 11962
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 11963
the superintendent of financial institutions and shall be 11964
deposited by the superintendent into the state treasury to the 11965
credit of the consumer finance fund, which is hereby created. The 11966
fund may be expended or obligated by the superintendent for the 11967
defrayment of the costs of administration of Chapters 1321., 11968
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 11969
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 11970
the Revised Code by the division of financial institutions. All 11971
actual and necessary expenses incurred by the superintendent, 11972
including any services rendered by the department of commerce for 11973
the division's administration of Chapters 1321., 1322., 4712., 11974
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 11975
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 11976
Code, shall be paid from the fund. The fund shall be assessed a 11977

proportionate share of the administrative costs of the department 11978
and the division. The proportionate share of the administrative 11979
costs of the division of financial institutions shall be 11980
determined in accordance with procedures prescribed by the 11981
superintendent and approved by the director of budget and 11982
management. Such assessment shall be paid from the consumer 11983
finance fund to the division of administration fund or the 11984
financial institutions fund. 11985

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 11986
1333.04 of the Revised Code is guilty of a minor misdemeanor. 11987

(B) Whoever violates section 1333.12 of the Revised Code is 11988
guilty of a misdemeanor of the fourth degree. 11989

(C) Whoever violates section 1333.36 of the Revised Code is 11990
guilty of a misdemeanor of the third degree. 11991

(D) A prosecuting attorney may file an action to restrain any 11992
person found in violation of section 1333.36 of the Revised Code. 11993
Upon the filing of such an action, the common pleas court may 11994
receive evidence of such violation and forthwith grant a temporary 11995
restraining order as may be prayed for, pending a hearing on the 11996
merits of said cause. 11997

(E) Whoever violates division (A)(1) of section 1333.52 or 11998
section 1333.81 of the Revised Code is guilty of a misdemeanor of 11999
the first degree. 12000

(F) Whoever violates division (A)(2) or (B) of section 12001
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 12002
Code is guilty of a misdemeanor of the second degree. 12003

(G) Except as otherwise provided in this division, whoever 12004
violates section 1333.92 of the Revised Code is guilty of a 12005
misdemeanor of the first degree. If the value of the compensation 12006
is five hundred dollars or more and less than five thousand 12007

dollars, whoever violates section 1333.92 of the Revised Code is 12008
guilty of a felony of the fifth degree. If the value of the 12009
compensation is five thousand dollars or more and less than one 12010
hundred thousand dollars, whoever violates section 1333.92 of the 12011
Revised Code is guilty of a felony of the fourth degree. If the 12012
value of the compensation is one hundred thousand dollars or more, 12013
whoever violates section 1333.92 of the Revised Code is guilty of 12014
a felony of the third degree. 12015

~~(H) Whoever violates division (B), (C), or (I) of section 12016
1333.96 of the Revised Code is guilty of a misdemeanor of the 12017
third degree. 12018~~

~~(I) Any person not registered as a travel agency or tour 12019
promoter as provided in divisions (B) and (C) of section 1333.96 12020
of the Revised Code who states that the person is so registered is 12021
guilty of a misdemeanor of the first degree. 12022~~

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 12023
Revised Code: 12024

(A) "Adult" means a person who is eighteen years of age or 12025
older. 12026

(B) "Attending physician" means the physician to whom a 12027
principal or the family of a principal has assigned primary 12028
responsibility for the treatment or care of the principal or, if 12029
the responsibility has not been assigned, the physician who has 12030
accepted that responsibility. 12031

(C) "Comfort care" means any of the following: 12032

(1) Nutrition when administered to diminish the pain or 12033
discomfort of a principal, but not to postpone death; 12034

(2) Hydration when administered to diminish the pain or 12035
discomfort of a principal, but not to postpone death; 12036

(3) Any other medical or nursing procedure, treatment, 12037

intervention, or other measure that is taken to diminish the pain 12038
or discomfort of a principal, but not to postpone death. 12039

(D) "Consulting physician" means a physician who, in 12040
conjunction with the attending physician of a principal, makes one 12041
or more determinations that are required to be made by the 12042
attending physician, or to be made by the attending physician and 12043
one other physician, by an applicable provision of sections 12044
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 12045
medical certainty and in accordance with reasonable medical 12046
standards. 12047

(E) "Guardian" means a person appointed by a probate court 12048
pursuant to Chapter 2111. of the Revised Code to have the care and 12049
management of the person of an incompetent. 12050

(F) "Health care" means any care, treatment, service, or 12051
procedure to maintain, diagnose, or treat an individual's physical 12052
or mental condition. 12053

(G) "Health care decision" means informed consent, refusal to 12054
give informed consent, or withdrawal of informed consent to health 12055
care. 12056

(H) "Health care facility" means any of the following: 12057

(1) A hospital; 12058

(2) A hospice care program or other institution that 12059
specializes in comfort care of patients in a terminal condition or 12060
in a permanently unconscious state; 12061

(3) A nursing home; 12062

(4) A home health agency; 12063

(5) An intermediate care facility for the mentally retarded. 12064

(I) "Health care personnel" means physicians, nurses, 12065
physician assistants, emergency medical technicians-basic, 12066
emergency medical technicians-intermediate, emergency medical 12067

technicians-paramedic, medical technicians, dietitians, other 12068
authorized persons acting under the direction of an attending 12069
physician, and administrators of health care facilities. 12070

(J) "Home health agency" has the same meaning as in section 12071
~~3701.88~~ 3701.881 of the Revised Code. 12072

(K) "Hospice care program" has the same meaning as in section 12073
3712.01 of the Revised Code. 12074

(L) "Hospital" has the same meanings as in sections 2108.01, 12075
3701.01, and 5122.01 of the Revised Code. 12076

(M) "Hydration" means fluids that are artificially or 12077
technologically administered. 12078

(N) "Incompetent" has the same meaning as in section 2111.01 12079
of the Revised Code. 12080

(O) "Intermediate care facility for the mentally retarded" 12081
has the same meaning as in section 5111.20 of the Revised Code. 12082

(P) "Life-sustaining treatment" means any medical procedure, 12083
treatment, intervention, or other measure that, when administered 12084
to a principal, will serve principally to prolong the process of 12085
dying. 12086

(Q) "Medical claim" has the same meaning as in section 12087
2305.11 of the Revised Code. 12088

(R) "Nursing home" has the same meaning as in section 3721.01 12089
of the Revised Code. 12090

(S) "Nutrition" means sustenance that is artificially or 12091
technologically administered. 12092

(T) "Permanently unconscious state" means a state of 12093
permanent unconsciousness in a principal that, to a reasonable 12094
degree of medical certainty as determined in accordance with 12095
reasonable medical standards by the principal's attending 12096
physician and one other physician who has examined the principal, 12097

is characterized by both of the following: 12098

(1) Irreversible unawareness of one's being and environment. 12099

(2) Total loss of cerebral cortical functioning, resulting in 12100
the principal having no capacity to experience pain or suffering. 12101

(U) "Person" has the same meaning as in section 1.59 of the 12102
Revised Code and additionally includes political subdivisions and 12103
governmental agencies, boards, commissions, departments, 12104
institutions, offices, and other instrumentalities. 12105

(V) "Physician" means a person who is authorized under 12106
Chapter 4731. of the Revised Code to practice medicine and surgery 12107
or osteopathic medicine and surgery. 12108

(W) "Political subdivision" and "state" have the same 12109
meanings as in section 2744.01 of the Revised Code. 12110

(X) "Professional disciplinary action" means action taken by 12111
the board or other entity that regulates the professional conduct 12112
of health care personnel, including the state medical board and 12113
the board of nursing. 12114

(Y) "Terminal condition" means an irreversible, incurable, 12115
and untreatable condition caused by disease, illness, or injury 12116
from which, to a reasonable degree of medical certainty as 12117
determined in accordance with reasonable medical standards by a 12118
principal's attending physician and one other physician who has 12119
examined the principal, both of the following apply: 12120

(1) There can be no recovery. 12121

(2) Death is likely to occur within a relatively short time 12122
if life-sustaining treatment is not administered. 12123

(Z) "Tort action" means a civil action for damages for 12124
injury, death, or loss to person or property, other than a civil 12125
action for damages for a breach of contract or another agreement 12126
between persons. 12127

Sec. 1346.02. Any tobacco product manufacturer selling 12128
cigarettes to consumers within the state (whether directly or 12129
through a distributor, retailer or similar intermediary or 12130
intermediaries) after ~~the effective date of this section~~ June 30, 12131
1999 shall do one of the following: 12132

(A) Become a participating manufacturer (as that term is 12133
defined in section II(jj) of the Master Settlement Agreement) and 12134
generally perform its financial obligations under the Master 12135
Settlement Agreement; or 12136

(B)(1) Place into a qualified escrow fund by April 15 of the 12137
year following the year in question the following amounts (as such 12138
amounts are adjusted for inflation): 12139

1999: \$.0094241 per unit sold after ~~the effective date of~~ 12140
~~this section~~ June 30, 1999; 12141

2000: \$.0104712 per unit sold; 12142

For each of 2001 and 2002: \$.0136125 per unit sold; 12143

For each of 2003 through 2006: \$.0167539 per unit sold; 12144

For each of 2007 and each year thereafter: \$.0188482 per unit 12145
sold. 12146

(2) A tobacco product manufacturer that places funds into 12147
escrow pursuant to division (B)(1) of this section shall receive 12148
the interest or other appreciation on such funds as earned. Such 12149
funds themselves shall be released from escrow only under the 12150
following circumstances: 12151

(a) To pay a judgment or settlement on any released claim 12152
brought against such tobacco product manufacturer by the state or 12153
any releasing party located or residing in the state. Funds shall 12154
be released from escrow under division (B)(2)(a) of this section: 12155

(i) In the order in which they were placed into escrow; and 12156

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

(b) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than the state's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement + payments, as determined pursuant to section ~~IX(i)(2)~~ IX(i) of the ~~Master Settlement that~~ Agreement, ~~and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the inflation adjustment~~ including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

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

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

(a) Be required within fifteen days to place such funds into

escrow as shall bring it into compliance with this section. The 12188
court, upon a finding of a violation of division (B) of this 12189
section, may impose a civil penalty to be paid to the general 12190
revenue fund of the state in an amount not to exceed five per cent 12191
of the amount improperly withheld from escrow per day of the 12192
violation and in a total amount not to exceed one hundred per cent 12193
of the original amount improperly withheld from escrow; 12194

(b) In the case of a knowing violation, be required within 12195
fifteen days to place such funds into escrow as shall bring it 12196
into compliance with this section. The court, upon a finding of a 12197
knowing violation of division (B) of this section, may impose a 12198
civil penalty to be paid to the general revenue fund of the state 12199
in an amount not to exceed fifteen per cent of the amount 12200
improperly withheld from escrow per day of the violation and in a 12201
total amount not to exceed three hundred per cent of the original 12202
amount improperly withheld from escrow; and 12203

(c) In the case of a second knowing violation, be prohibited 12204
from selling cigarettes to consumers within the state (whether 12205
directly or through a distributor, retailer or similar 12206
intermediary) for a period not to exceed two years. 12207

Each failure to make an annual deposit required under this 12208
section shall constitute a separate violation. 12209

Sec. 1346.04. As used in this section and sections 1346.05 to 12210
1346.10 of the Revised Code: 12211

(A) "Brand family" means all styles of cigarettes sold under 12212
the same trademark and differentiated from one another by means of 12213
additional modifiers or descriptors, including, but not limited 12214
to, "menthol," "lights," "kings," and "100s." "Brand family" 12215
includes cigarettes sold under any brand name (whether that name 12216
is used alone or in conjunction with any other word), trademark, 12217
logo, symbol, motto, selling message, recognizable pattern of 12218

colors, or other indicia of product identification identical or similar to, or identifiable with, a previous brand of cigarettes. 12219
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(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. 12221
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(C) "Nonparticipating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer. 12224
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(D) "Participating manufacturer" means a participating manufacturer as that term is defined in section II(jj) of the Master Settlement Agreement and all amendments to that agreement. 12226
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(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 required to pay the excise tax imposed on cigarettes and other tobacco products under sections 5743.03 and 5743.51 of the Revised Code. 12229
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Sec. 1346.05. (A)(1) Every tobacco product manufacturer whose cigarettes are sold in this state either directly or through a distributor, retailer, or other intermediary shall execute and deliver to the attorney general an annual certification, made under penalty of falsification, stating that, as of the date of the certification, the tobacco manufacturer is either a participating manufacturer or a nonparticipating manufacturer in full compliance with section 1346.02 of the Revised Code, including full compliance with all quarterly installment payment requirements, if required to make such payments by an administrative rule adopted by the attorney general. The certification shall be on a form prescribed by the attorney general and shall be filed not later than the thirtieth day of April in each year. 12235
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(2) Each participating manufacturer shall include in its certification a list of its brand families. Thirty days before making any additions to or modifications of its brand families, a participating manufacturer shall update its brand family list by executing and delivering a supplemental certification to the attorney general. 12249
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(3) Each nonparticipating manufacturer shall include all of the following in its certification: 12255
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(a) A list of all of its brand families and the number of units sold during the preceding calendar year for each brand family, and a list of all of its brand families that have been sold in the state at any time during the current calendar year. The list shall indicate, by an asterisk, any brand family that was sold in the state during the preceding calendar year and that is no longer being sold in the state as of the date of the certification. The list shall identify by name and address any other manufacturer in the preceding or current year of the brand families included on the list. Thirty days before making any additions to or modifications of its brand families, a nonparticipating manufacturer shall update its brand family list by executing and delivering a supplemental certification to the attorney general. 12257
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(b) A statement that the nonparticipating manufacturer is registered to do business in this state, or has appointed an agent for service of process in this state and provided notice of that appointment as required by section 1346.06 of the Revised Code; 12271
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(c) A certification that the nonparticipating manufacturer has established and continues to maintain a qualified escrow fund under section 1346.02 of the Revised Code and that the qualified escrow fund is governed by a qualified escrow agreement executed by the nonparticipating manufacturer and reviewed and approved by 12275
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<u>the attorney general;</u>	12280
<u>(d) All of the following information regarding the qualified escrow fund the nonparticipating manufacturer is required to establish and maintain under section 1346.02 of the Revised Code and the rules adopted under that section:</u>	12281
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<u>(i) The name, address, and telephone number of the financial institution at which the nonparticipating manufacturer has established its qualified escrow fund;</u>	12285
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<u>(ii) The account number of the qualified escrow fund and any subaccount number for the state;</u>	12288
	12289
<u>(iii) The amount that the nonparticipating manufacturer deposited in the qualified escrow fund for cigarettes sold in the state during the preceding calendar year, the date and amount of each deposit, and any evidence or verification the attorney general deems necessary to confirm those deposits;</u>	12290
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<u>(iv) The amount and date of any withdrawal or transfer of funds the nonparticipating manufacturer made at any time from any qualified escrow fund into which it ever made payments under section 1346.02 of the Revised Code and the rules adopted under that section.</u>	12295
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<u>(e) A statement that the nonparticipating manufacturer is in full compliance with this section and sections 1346.02, 1346.06, and 1346.07 of the Revised Code and any rules adopted under those sections.</u>	12300
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<u>(4)(a) No tobacco product manufacturer shall include a brand family in its certification unless either of the following applies:</u>	12304
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<u>(i) In the case of a participating manufacturer, the participating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose</u>	12307
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of calculating its payments under the Master Settlement Agreement 12310
for the relevant year in the volume and shares determined pursuant 12311
to that agreement. 12312

(ii) In the case of a nonparticipating manufacturer, the 12313
nonparticipating manufacturer affirms that the cigarettes in the 12314
brand family shall be deemed to be its cigarettes for the purpose 12315
of section 1346.02 of the Revised Code. 12316

(b) Nothing in this section limits or shall be construed to 12317
limit the state's authority to determine that the cigarettes in a 12318
brand family constitute the cigarettes of another tobacco product 12319
manufacturer for the purpose of calculating payments under the 12320
Master Settlement Agreement or for the purpose of section 1346.02 12321
of the Revised Code. 12322

(5) Each tobacco product manufacturer shall maintain all 12323
invoices and documentations of sales and other information relied 12324
upon for its certification for a period of at least five years. 12325

(B)(1) Except as otherwise provided in division (B)(3) of 12326
this section, the attorney general shall develop and publish on 12327
its web site a directory listing all tobacco product manufacturers 12328
that have provided current and accurate certifications under 12329
division (A) of this section and all brand families listed in 12330
those certifications. 12331

(2)(a) The attorney general shall update the directory as 12332
necessary to correct mistakes or to add or remove a tobacco 12333
product manufacturer or brand family to keep the directory in 12334
conformity with the requirements of this section. At least ten 12335
days before any tobacco product manufacturer or brand family is 12336
added to or removed from the directory, the attorney general shall 12337
publish notice of the pending addition or removal online in the 12338
directory and shall notify the tax commissioner of those pending 12339
changes. At least ten days before such addition or removal, the 12340

tax commissioner shall transmit by electronic mail or other 12341
practicable means to each stamping agent notice of the pending 12342
addition or removal. 12343

(b) Unless an agreement between a stamping agent and a 12344
tobacco product manufacturer provides otherwise, a tobacco product 12345
manufacturer that is removed from the directory or whose brand 12346
family is removed from the directory shall refund to the stamping 12347
agent any money paid by the stamping agent to the tobacco product 12348
manufacturer for cigarettes of that tobacco product manufacturer 12349
that are in the possession of the stamping agent at the time the 12350
stamping agent receives notice of the pending removal of the 12351
tobacco product manufacturer or a brand family of that tobacco 12352
product manufacturer from the directory under division (B)(2)(a) 12353
of this section. 12354

(c) The tax commissioner shall notify the attorney general of 12355
any tobacco product manufacturer that fails to refund money to a 12356
stamping agent under division (B)(2)(b) of this section. The 12357
attorney general shall not restore to the directory any tobacco 12358
product manufacturer or brand family of a tobacco product 12359
manufacturer until the tobacco product manufacturer has paid the 12360
stamping agent any required refund. Once a required refund has 12361
been so paid, the tax commissioner shall notify the attorney 12362
general of that payment. 12363

(3) The attorney general shall not include or retain in the 12364
directory a nonparticipating manufacturer or a brand family of a 12365
nonparticipating manufacturer if any of the following applies: 12366

(a) The nonparticipating manufacturer fails to provide the 12367
required certification under this section, or the attorney general 12368
determines that the certification is not in compliance with the 12369
requirements of this section, unless the attorney general 12370
determines that the violation has been cured to the attorney 12371
general's satisfaction. 12372

(b) The attorney general determines that any escrow payment required under section 1346.02 of the Revised Code for any period for any brand family of the nonparticipating manufacturer, regardless of whether the brand family is listed by the nonparticipating manufacturer in its certification under this section, has not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the attorney general. 12373
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(c) The attorney general determines that the nonparticipating manufacturer has not fully satisfied any outstanding final judgment, including interest, for a violation of section 1346.02 of the Revised Code. 12381
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(4) Each stamping agent shall provide an electronic mail address to the tax commissioner for the purpose of receiving notifications under division (B)(2) of this section. As necessary, each stamping agent shall update the agent's electronic mail address with the tax commissioner. 12385
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(C)(1) No person shall do any of the following: 12390

(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; 12391
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(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; 12394
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(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; 12397
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(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 12400
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a tax stamp affixed while the tobacco product manufacturer or 12403
brand family of those cigarettes was not included in the 12404
directory; 12405

(e) Acquire, hold, own, possess, transport, import, or cause 12406
to be imported cigarettes that the person knows or should know are 12407
intended for distribution or sale in this state and that are the 12408
cigarettes of a tobacco product manufacturer or a brand family 12409
that is not included in the directory. 12410

(2) Except as otherwise provided in this division, a 12411
violation of division (C)(1) of this section is a misdemeanor of 12412
the first degree. If the offender has a previous conviction for a 12413
violation of that division, a violation of division (C)(1) of this 12414
section is a felony of the fourth degree. 12415

(3) Any cigarettes sold, offered for sale, or possessed for 12416
sale in violation of division (C)(1) of this section shall be 12417
considered contraband under section 5743.21 of the Revised Code, 12418
and those cigarettes shall be subject to seizure and forfeiture 12419
under that section. Cigarettes so seized and forfeited shall not 12420
be resold and shall be destroyed. 12421

Sec. 1346.06. (A)(1) Any nonresident or foreign 12422
nonparticipating manufacturer that has not registered to do 12423
business in the state as a foreign corporation or business entity, 12424
as a condition precedent to having its brand families included or 12425
retained in the directory developed and published by the attorney 12426
general under section 1346.05 of the Revised Code, shall appoint, 12427
and continually engage without interruption the services of, an 12428
agent in the state to act as agent for the service, in any manner 12429
authorized by law, of all process pertaining to any action or 12430
proceeding in the courts of this state against the manufacturer 12431
concerning or arising out of the enforcement of this chapter. 12432

(2) Service on a nonparticipating manufacturer's agent shall 12433

constitute legal and valid service of process on the manufacturer. 12434

(3) A nonparticipating manufacturer shall provide the 12435
attorney general, to the satisfaction of the attorney general, 12436
with proof of the appointment of, and notice of the name, address, 12437
telephone number, and availability of, the manufacturer's agent. 12438

(B)(1) If a nonparticipating manufacturer decides to 12439
terminate its agent's appointment, the manufacturer shall provide 12440
notice of the termination to the attorney general thirty calendar 12441
days prior to the termination and shall provide proof, to the 12442
satisfaction of the attorney general, of the appointment of a new 12443
agent not less than five calendar days prior to the termination. 12444

(2) If a nonparticipating manufacturer's agent terminates the 12445
agent's appointment, the manufacturer shall provide notice of the 12446
termination to the attorney general and include proof, to the 12447
satisfaction of the attorney general, of the appointment of a new 12448
agent within five calendar days of the termination. 12449

(C)(1) Any nonparticipating manufacturer whose cigarettes are 12450
sold in the state and who has not appointed and continually 12451
engaged an agent in accordance with divisions (A) and (B) of this 12452
section shall be deemed to have appointed the secretary of state 12453
as the manufacturer's agent and may be proceeded against in any 12454
action or proceeding in the courts of the state described in 12455
division (A) of this section by service of process on the 12456
secretary of state. 12457

(2) The deemed appointment of the secretary of state as a 12458
nonparticipating manufacturer's agent does not satisfy the 12459
requirements of divisions (A)(3)(b) and (B)(1) of section 1346.05 12460
of the Revised Code that a nonparticipating manufacturer that has 12461
not registered to do business in the state shall appoint an agent 12462
for service of process as a condition precedent to the existence 12463
of an accurate certification permitting the manufacturer's brand 12464

families to be included or retained in the directory. 12465

Sec. 1346.07. (A) Not later than the last day of each month 12466
or less frequently if so directed by the tax commissioner, each 12467
stamping agent shall submit information for the previous month or 12468
for the relevant time period, if directed by the tax commissioner 12469
to make the submission less frequently, which the tax commissioner 12470
requires to facilitate compliance with sections 1346.05 to 1346.10 12471
of the Revised Code. The information shall include, but is not 12472
limited to, a list by brand family of the total number of 12473
cigarettes, or, in the case of roll-your-own, the equivalent stick 12474
count, for which the stamping agent during the period covered by 12475
the report affixed stamps or otherwise paid the tax due. 12476

The stamping agent shall maintain and make available to the 12477
tax commissioner all invoices and documentations of sales of all 12478
nonparticipating manufacturer cigarettes and any other information 12479
the agent relies upon in submitting information under this 12480
division to the tax commissioner. This duty shall be for a period 12481
of five years from the date of each submission of information 12482
under this division. 12483

(B) The attorney general at any time may require a 12484
nonparticipating manufacturer to provide proof, from the financial 12485
institution in which the manufacturer has established a qualified 12486
escrow fund under section 1346.02 of the Revised Code, of the 12487
amount of money in the fund, exclusive of interest, the amount and 12488
date of each deposit in the fund, and the amount and date of each 12489
withdrawal from the fund. 12490

(C) In addition to the information required to be submitted 12491
or provided to the tax commissioner and the attorney general under 12492
divisions (A) and (B) of this section, the attorney general may 12493
require a stamping agent or tobacco product manufacturer to submit 12494
any additional information necessary to enable the attorney 12495

general to determine whether a manufacturer is in compliance with 12496
sections 1346.05 to 1346.10 of the Revised Code. The information 12497
shall include, but is not limited to, samples of the packaging or 12498
labeling of each brand family. 12499

(D) The tax commissioner and the attorney general shall share 12500
information received under sections 1346.05 to 1346.10 of the 12501
Revised Code for purposes of determining compliance with and 12502
enforcement of those sections. The tax commissioner and the 12503
attorney general also may share information received under these 12504
sections with federal, state, or local agencies for purposes of 12505
the enforcement of this chapter or corresponding laws of other 12506
states. 12507

Sec. 1346.08. (A) The tax commissioner and the attorney 12508
general may adopt administrative rules necessary to implement 12509
sections 1346.05 to 1346.10 of the Revised Code. 12510

(B) Subject to the requirements of section 1346.05 of the 12511
Revised Code, the attorney general may adopt an administrative 12512
rule requiring a tobacco product manufacturer to make required 12513
escrow deposits in quarterly installments during the year in which 12514
the sales covered by the deposits are made. If the attorney 12515
general adopts such a rule, the tax commissioner may require a 12516
tobacco product manufacturer or a stamping agent to produce 12517
information sufficient to enable the tax commissioner and the 12518
attorney general to determine the adequacy of the amount of an 12519
installment deposit. 12520

Sec. 1346.09. (A) The attorney general, on behalf of the tax 12521
commissioner, may seek an injunction to restrain a threatened or 12522
actual violation of division (C)(1) of section 1346.05 of the 12523
Revised Code or division (A) or (C) of section 1346.07 of the 12524
Revised Code by a stamping agent and to compel the stamping agent 12525

to comply with those divisions. 12526

(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. 12527
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(C) If a court determines that a person has violated any prohibition or other provision of sections 1346.05 to 1346.10 of the Revised Code, the court shall order that the person's profits, gain, gross receipts, or other benefit from the violation be disgorged and paid to the general revenue fund of the state. 12531
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(D) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of the state. 12536
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Sec. 1346.10. (A) In lieu of or in addition to any other remedy provided by law, upon a determination that a stamping agent 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. 12540
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(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. 12547
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For the purpose of this division, each stamp affixed to a package of cigarettes and each sale or offer for sale of 12554
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cigarettes in violation of division (C)(1) of section 1346.05 of 12556
the Revised Code shall constitute a separate violation. 12557

Sec. 1501.04. There is hereby created in the department of 12558
natural resources a recreation and resources commission composed 12559
of the ~~chairman~~ chairperson of the wildlife council created under 12560
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 12561
the parks and recreation council created under section 1541.40 of 12562
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 12563
council created under section 1547.73 of the Revised Code, the 12564
~~chairman~~ chairperson of the technical advisory council on oil and 12565
gas created under section 1509.38 of the Revised Code, the 12566
chairman of the forestry advisory council created under section 12567
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 12568
soil and water conservation commission created under section 12569
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 12570
natural areas council created under section 1517.03 of the Revised 12571
Code, the ~~chairman~~ chairperson of the Ohio water advisory council 12572
created under section 1521.031 of the Revised Code, the 12573
chairperson of the recycling and litter prevention advisory 12574
council created under section 1502.04 of the Revised Code, ~~the~~ 12575
~~chairperson of the civilian conservation advisory council created~~ 12576
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 12577
chairperson of the Ohio geology advisory council created under 12578
section 1505.11 of the Revised Code, and five members appointed by 12579
the governor with the advice and consent of the senate, not more 12580
than three of whom shall belong to the same political party. The 12581
director of natural resources shall be an ex officio member of the 12582
commission, with a voice in its deliberations, but without the 12583
power to vote. 12584

Terms of office of members of the commission appointed by the 12585
governor shall be for five years, commencing on the second day of 12586
February and ending on the first day of February. Each member 12587

shall hold office from the date of ~~his~~ appointment until the end 12588
of the term for which ~~he~~ the member was appointed. 12589

In the event of the death, removal, resignation, or 12590
incapacity of a member of the commission, the governor, with the 12591
advice and consent of the senate, shall appoint a successor who 12592
shall hold office for the remainder of the term for which ~~his~~ the 12593
member's predecessor was appointed. Any member shall continue in 12594
office subsequent to the expiration date of ~~his~~ the member's term 12595
until ~~his~~ the member's successor takes office, or until a period 12596
of sixty days has elapsed, whichever occurs first. 12597

The governor may remove any appointed member of the 12598
commission for misfeasance, nonfeasance, or malfeasance in office. 12599

The commission shall exercise no administrative function, but 12600
may: 12601

(A) Advise with and recommend to the director ~~of natural~~ 12602
~~resources~~ as to plans and programs for the management, 12603
development, utilization, and conservation of the natural 12604
resources of the state; 12605

(B) Advise with and recommend to the director as to methods 12606
of coordinating the work of the divisions of the department; 12607

(C) Consider and make recommendations upon any matter ~~which~~ 12608
that the director may submit to it; 12609

(D) Submit to the governor biennially recommendations for 12610
amendments to the conservation laws of the state. 12611

~~Before~~ Each member of the commission, before entering upon 12612
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 12613
~~commission~~ shall take and subscribe to an oath of office, which 12614
oath, in writing, shall be filed in the office of the secretary of 12615
state. 12616

The members of the commission shall serve without 12617

compensation, but shall be entitled to receive their actual and 12618
necessary expenses incurred in the performance of their official 12619
duties. 12620

The commission, by a majority vote of all its members, shall 12621
adopt and amend bylaws. 12622

To be eligible for appointment, a person shall be a citizen 12623
of the United States and an elector of the state and shall possess 12624
a knowledge of and have an interest in the natural resources of 12625
this state. 12626

The commission shall hold at least four regular quarterly 12627
meetings each year. Special meetings shall be held at such times 12628
as the bylaws of the commission provide. Notices of all meetings 12629
shall be given in such manner as the bylaws provide. The 12630
commission shall choose annually from among its members a ~~chairman~~ 12631
chairperson to preside over its meetings and a secretary to keep a 12632
record of its proceedings. A majority of the members of the 12633
commission constitutes a quorum. No advice shall be given or 12634
recommendation made without a majority of the members of the 12635
commission concurring therein. 12636

Sec. 1501.25. (A) There is hereby created the Muskingum river 12637
advisory council consisting of the following members: 12638

(1) Two members of the house of representatives, one from 12639
each party to be appointed by the speaker of the house of 12640
representatives after conferring with the minority leader of the 12641
house, and two members of the senate, one from each party to be 12642
appointed by the president of the senate after conferring with the 12643
minority leader of the senate; 12644

(2) Four persons interested in the development of 12645
recreational and commercial uses of the Muskingum river, to be 12646
appointed by the governor; 12647

(3) Two representatives of the department of natural resources to be appointed by the director of natural resources, one representative of the department of development to be appointed by the director of development, one representative of the environmental protection agency to be appointed by the director of environmental protection, one representative of the department of transportation to be appointed by the director of transportation, and one representative of the Ohio historical society to be appointed by the director of the society; 12648
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(4) Twelve persons to be appointed from the four counties through which the Muskingum river flows, who shall be appointed in the following manner. The board of county commissioners of Coshocton county shall appoint two members, and the mayor of the city of Coshocton shall appoint one member. The board of county commissioners of Muskingum county shall appoint two members, and the mayor of the city of Zanesville shall appoint one member. The board of county commissioners of Morgan county shall appoint two members, and the mayor of the city of McConelsville shall appoint one member. The board of county commissioners of Washington county shall appoint two members, and the mayor of the city of Marietta shall appoint one member. 12657
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(5) One member representing the Muskingum watershed conservancy district, to be appointed by the board of directors of the district. 12669
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Members shall serve at the pleasure of their appointing authority. Vacancies shall be filled in the manner of the original appointment. 12672
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The council biennially shall elect from among its members a chairperson and a vice-chairperson. One of the representatives of the department of natural resources shall serve as secretary of the council unless a majority of the members elect another member 12675
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to that position. The council shall meet at least once each year 12679
for the purpose of taking testimony from residents of the 12680
Muskingum river area, users of the river and adjacent lands, and 12681
the general public and may hold additional meetings at the call of 12682
the chairperson. 12683

The chairperson may appoint members of the council and other 12684
persons to committees and study groups as needed. 12685

The council shall submit an annual report to the general 12686
assembly, the governor, and the director of natural resources. The 12687
report shall include, without limitation, a description of the 12688
conditions of the Muskingum river area, a discussion of the 12689
council's activities, any recommendations for actions by the 12690
general assembly or any state agency that the council determines 12691
are needed, and estimates of the costs of those recommendations. 12692

The department of natural resources shall provide staff 12693
assistance to the council as needed. 12694

(B) The council may do any of the following: 12695

(1) Provide coordination among political subdivisions, state 12696
agencies, and federal agencies involved in dredging, debris 12697
removal or disposal, and recreational, commercial, tourism, and 12698
economic development; 12699

(2) Provide aid to civic groups and individuals who want to 12700
make improvements to the Muskingum river if the council determines 12701
that the improvements would be beneficial to the residents of the 12702
area and to the state; 12703

(3) Provide information and planning aid to state and local 12704
agencies responsible for historic, commercial, and recreational 12705
development of the Muskingum river area, including, without 12706
limitation, suggestions as to priorities for pending Muskingum 12707
river projects of the department of natural resources; 12708

(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.

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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.

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(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 twenty-five per cent of the highest value cutting section. All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

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

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

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

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(2) United States government securities having a par value 12739
equal to or greater than the amount of the bond; 12740

(3) Negotiable certificates of deposit or irrevocable letters 12741
of credit issued by any bank organized or transacting business in 12742
this state having a par value equal to or greater than the amount 12743
of the bond. 12744

The cash or securities shall be deposited on the same terms 12745
as bonds. If one or more certificates of deposit are deposited in 12746
lieu of a bond, the chief shall require the bank that issued any 12747
of the certificates to pledge securities of the aggregate market 12748
value equal to the amount of the certificate or certificates that 12749
is in excess of the amount insured by the federal deposit 12750
insurance corporation. The securities to be pledged shall be those 12751
designated as eligible under section 135.18 of the Revised Code. 12752
The securities shall be security for the repayment of the 12753
certificate or certificates of deposit. 12754

Immediately upon a deposit of cash, securities, certificates 12755
of deposit, or letters of credit, the chief shall deliver them to 12756
the treasurer of state, who shall hold them in trust for the 12757
purposes for which they have been deposited. The treasurer of 12758
state is responsible for the safekeeping of the deposits. A bidder 12759
making a deposit of cash, securities, certificates of deposit, or 12760
letters of credit may withdraw and receive from the treasurer of 12761
state, on the written order of the chief, all or any portion of 12762
the cash, securities, certificates of deposit, or letters of 12763
credit upon depositing with the treasurer of state cash, other 12764
United States government securities, or other negotiable 12765
certificates of deposit or irrevocable letters of credit issued by 12766
any bank organized or transacting business in this state, equal in 12767
par value to the par value of the cash, securities, certificates 12768
of deposit, or letters of credit withdrawn. 12769

A bidder may demand and receive from the treasurer of state 12770
all interest or other income from any such securities or 12771
certificates as it becomes due. If securities so deposited with 12772
and in the possession of the treasurer of state mature or are 12773
called for payment by their issuer, the treasurer of state, at the 12774
request of the bidder who deposited them, shall convert the 12775
proceeds of the redemption or payment of the securities into other 12776
United States government securities, negotiable certificates of 12777
deposit, or cash as the bidder designates. 12778

When the chief finds that a person or governmental agency has 12779
failed to comply with the conditions of the person's or 12780
governmental agency's bond, the chief shall make a finding of that 12781
fact and declare the bond, cash, securities, certificates, or 12782
letters of credit forfeited. The chief thereupon shall certify the 12783
total forfeiture to the attorney general, who shall proceed to 12784
collect the amount of the bond, cash, securities, certificates, or 12785
letters of credit. 12786

In lieu of total forfeiture, the surety, at its option, may 12787
cause the timber sale to be completed or pay to the treasurer of 12788
state the cost thereof. 12789

All moneys collected as a result of forfeitures of bonds, 12790
cash, securities, certificates, and letters of credit under this 12791
section shall be credited to the state forest fund created in this 12792
section. 12793

(C) The chief may grant easements and leases on portions of 12794
the state forest lands and state forest nurseries under terms that 12795
are advantageous to the state, and the chief may grant mineral 12796
rights on a royalty basis on those lands and nurseries, with the 12797
approval of the attorney general and the director. 12798

(D) All moneys received from the sale of state forest lands, 12799
or in payment for easements or leases on or as rents from those 12800

lands or from state forest nurseries, shall be paid into the state 12801
treasury to the credit of the state forest fund, which is hereby 12802
created. All moneys received from the sale of standing timber 12803
taken from the state forest lands shall be deposited into the 12804
state treasury. Twenty-five per cent of the moneys so deposited 12805
shall be credited to the state forest fund. Seventy-five per cent 12806
of the moneys so deposited shall be credited to the general 12807
revenue fund. All moneys received from the sale of forest 12808
products, other than standing timber, and minerals taken from the 12809
state forest lands and state forest nurseries, together with 12810
royalties from mineral rights, shall be paid into the state 12811
treasury to the credit of the state forest fund. 12812

At the time of making such a ~~payment or~~ deposit into the 12813
state treasury to the credit of the general revenue fund, the 12814
chief shall determine the amount and ~~gross net~~ value of all such 12815
~~products standing timber~~ sold ~~or royalties received~~ from lands and 12816
nurseries in each county, in each township within the county, and 12817
in each school district within the county. Afterward the chief 12818
shall send to each county treasurer a copy of the determination 12819
and shall provide for payment to the county treasurer, for the use 12820
of the general fund of that county from the amount so received as 12821
provided in this division, an amount equal to ~~eighty~~ sixty-five 12822
per cent of the ~~gross net~~ value of the ~~products standing timber~~ 12823
sold ~~or royalties received~~ from lands and nurseries located in 12824
that county. The county auditor shall do all of the following: 12825

(1) Retain for the use of the general fund of the county 12826
one-fourth of the amount received by the county under division (D) 12827
of this section; 12828

(2) Pay into the general fund of any township located within 12829
the county and containing such lands and nurseries one-fourth of 12830
the amount received by the county from ~~products standing timber~~ 12831
sold ~~or royalties received~~ from lands and nurseries located in the 12832

township; 12833

(3) Request the board of education of any school district 12834
located within the county and containing such lands and nurseries 12835
to identify which fund or funds of the district should receive the 12836
moneys available to the school district under division (D)(3) of 12837
this section. After receiving notice from the board, the county 12838
auditor shall pay into the fund or funds so identified one-half of 12839
the amount received by the county from ~~products~~ standing timber 12840
~~sold or royalties received~~ from lands and nurseries located in the 12841
school district, distributed proportionately as identified by the 12842
board. 12843

The division of forestry shall not supply logs, lumber, or 12844
other forest products or minerals, taken from the state forest 12845
lands or state forest nurseries, to any other agency or 12846
subdivision of the state unless payment is made therefor in the 12847
amount of the actual prevailing value thereof. This section is 12848
applicable to the moneys so received. All moneys received from the 12849
sale of reforestation tree stock or other revenues derived from 12850
the operation of the state forests, facilities, or equipment shall 12851
be paid into the state forest fund. 12852

The fund shall not be expended for any purpose other than the 12853
administration, operation, maintenance, development, or 12854
utilization of the state forests, forest nurseries, and forest 12855
programs, for facilities or equipment incident to them, or for the 12856
further purchase of lands for state forest or forest nursery 12857
purposes. 12858

Sec. 1513.05. There is hereby created a reclamation 12859
commission consisting of seven members appointed by the governor 12860
with the advice and consent of the senate. For the purposes of 12861
hearing appeals under section 1513.13 of the Revised Code that 12862
involve mine safety issues, the reclamation commission shall 12863

consist of two additional members appointed specifically for that 12864
function by the governor with the advice and consent of the 12865
senate. All terms of office shall be for five years, commencing on 12866
the twenty-ninth day of June and ending on the twenty-eighth day 12867
of June. Each member shall hold office from the date of 12868
appointment until the end of the term for which the appointment 12869
was made. Each vacancy occurring on the commission shall be filled 12870
by appointment within sixty days after the vacancy occurs. Any 12871
member appointed to fill a vacancy occurring prior to the 12872
expiration of the term for which the member's predecessor was 12873
appointed shall hold office for the remainder of such term. Any 12874
member shall continue in office subsequent to the expiration date 12875
of the member's term until the member's successor takes office, or 12876
until a period of sixty days has elapsed, whichever occurs first. 12877

Two of the appointees to the commission shall be persons who, 12878
at the time of their appointment, own and operate a farm or are 12879
retired farmers. Notwithstanding section 1513.04 of the Revised 12880
Code, one of the appointees to the commission shall be a person 12881
who, at the time of appointment, is the representative of an 12882
operator of a coal mine. One of the appointees to the commission 12883
shall be a person who, by reason of the person's previous 12884
vocation, employment, or affiliations, can be classed as a 12885
representative of the public. One of the appointees to the 12886
commission shall be a person who, by reason of previous training 12887
and experience, can be classed as one learned and experienced in 12888
modern forestry practices. One of the appointees to the commission 12889
shall be a person who, by reason of previous training and 12890
experience, can be classed as one learned and experienced in 12891
agronomy. One of the appointees to the commission shall be either 12892
a person who, by reason of previous training and experience, can 12893
be classed as one capable and experienced in earth-grading 12894
problems, or a civil engineer. Beginning not later than five years 12895
after the effective date of this amendment, at least one of the 12896

seven appointees to the commission shall be an attorney at law who 12897
is admitted to practice in this state and is familiar with mining 12898
issues. Not more than four members shall be members of the same 12899
political party. 12900

The two additional members of the commission who are 12901
appointed specifically to hear appeals that involve mine safety 12902
issues shall be individuals who, because of previous vocation, 12903
employment, or affiliation, can be classified as representatives 12904
of employees currently engaged in mining operations. One shall be 12905
a representative of coal miners, and one shall be a representative 12906
of aggregates miners. Prior to making the appointment, the 12907
governor shall request the highest ranking officer in the major 12908
employee organization representing coal miners in this state to 12909
submit to the governor the names and qualifications of three 12910
nominees and shall request the highest ranking officer in the 12911
major employee organization representing aggregates miners in this 12912
state to do the same. The governor shall appoint one person 12913
nominated by each organization to the commission. The nominees 12914
shall have not less than five years of practical experience in 12915
dealing with mine health and safety issues and at the time of the 12916
nomination shall be employed in positions that involve the 12917
protection of the health and safety of miners. The major employee 12918
organization representing coal miners and the major employee 12919
organization representing aggregates miners shall represent a 12920
membership consisting of the largest number of coal miners and 12921
aggregates miners, respectively, in this state compared to other 12922
employee organizations in the year prior to the year in which the 12923
appointments are made. 12924

When the commission hears an appeal that involves a coal 12925
mining safety issue, one of the commission members who owns and 12926
operates a farm or is a retired farmer shall be replaced by the 12927
additional member who is a representative of coal miners. When the 12928

commission hears an appeal that involves an aggregates mining 12929
safety issue, one of the commission members who owns and operates 12930
a farm or is a retired farmer shall be replaced by the additional 12931
member who is a representative of aggregates miners. Neither of 12932
the additional members who are appointed specifically to hear 12933
appeals that involve mine safety issues shall be considered to be 12934
members of the commission for any other purpose, and they shall 12935
not participate in any other matters that come before the 12936
commission. 12937

The commission may appoint a secretary to hold office at its 12938
pleasure. A commission member may serve as secretary. The 12939
secretary shall perform such duties as the commission prescribes, 12940
and shall receive such compensation as the commission fixes in 12941
accordance with such schedules as are provided by law for the 12942
compensation of state employees. 12943

The commission shall appoint one or more hearing officers who 12944
shall be attorneys at law admitted to practice in this state to 12945
conduct hearings under this chapter. 12946

Four members constitute a quorum, and no action of the 12947
commission shall be valid unless it has the concurrence of at 12948
least four members. The commission shall keep a record of its 12949
proceedings. 12950

Each member shall be paid as compensation for work as a 12951
member one hundred fifty dollars per day when actually engaged in 12952
the performance of work as a member and when engaged in travel 12953
necessary in connection with such work. In addition to such 12954
compensation each member shall be reimbursed for all traveling, 12955
hotel, and other expenses, in accordance with the current travel 12956
rules of the office of budget and management, necessarily incurred 12957
in the performance of the member's work as a member. 12958

Annually one member shall be elected as chairperson and 12959

another member shall be elected as vice-chairperson for terms of 12960
one year. 12961

The governor may remove any member of the commission from 12962
office for inefficiency, neglect of duty, malfeasance, 12963
misfeasance, or nonfeasance, after delivering to the member the 12964
charges against the member in writing with at least ten days' 12965
written notice of the time and place at which the governor will 12966
publicly hear the member, either in person or by counsel, in 12967
defense of the charges against the member. If the member is 12968
removed from office, the governor shall file in the office of the 12969
secretary of state a complete statement of the charges made 12970
against the member and a complete report of the proceedings. The 12971
action of the governor removing a member from office is final. 12972

The commission shall adopt rules governing procedure of 12973
appeals under section 1513.13 of the Revised Code and may, for its 12974
own internal management, adopt rules that do not affect private 12975
rights. 12976

Sec. 1515.08. The supervisors of a soil and water 12977
conservation district have the following powers in addition to 12978
their other powers: 12979

(A) To conduct surveys, investigations, and research relating 12980
to the character of soil erosion, floodwater and sediment damages, 12981
and the preventive and control measures and works of improvement 12982
for flood prevention and the conservation, development, 12983
utilization, and disposal of water needed within the district, and 12984
to publish the results of those surveys, investigations, or 12985
research, provided that no district shall initiate any research 12986
program except in cooperation or after consultation with the Ohio 12987
agricultural research and development center; 12988

(B) To develop plans for the conservation of soil resources, 12989
for the control and prevention of soil erosion, and for works of 12990

improvement for flood prevention and the conservation, 12991
development, utilization, and disposal of water within the 12992
district, and to publish those plans and information; 12993

(C) To implement, construct, repair, maintain, and operate 12994
preventive and control measures and other works of improvement for 12995
natural resource conservation and development and flood 12996
prevention, and the conservation, development, utilization, and 12997
disposal of water within the district on lands owned or controlled 12998
by this state or any of its agencies and on any other lands within 12999
the district, which works may include any facilities authorized 13000
under state or federal programs, and to acquire, by purchase or 13001
gift, to hold, encumber, or dispose of, and to lease real and 13002
personal property or interests in such property for those 13003
purposes; 13004

(D) To cooperate or enter into agreements with any occupier 13005
of lands within the district in the carrying on of natural 13006
resource conservation operations and works of improvement for 13007
flood prevention and the conservation, development, utilization, 13008
and management of natural resources within the district, subject 13009
to such conditions as the supervisors consider necessary; 13010

(E) To accept donations, gifts, grants, and contributions in 13011
money, service, materials, or otherwise, and to use or expend them 13012
according to their terms; 13013

(F) To adopt, amend, and rescind rules to carry into effect 13014
the purposes and powers of the district; 13015

(G) To sue and plead in the name of the district, and be sued 13016
and impleaded in the name of the district, with respect to its 13017
contracts and, as indicated in section 1515.081 of the Revised 13018
Code, certain torts of its officers, employees, or agents acting 13019
within the scope of their employment or official responsibilities, 13020
or with respect to the enforcement of its obligations and 13021

covenants made under this chapter; 13022

(H) To make and enter into all contracts, leases, and 13023
agreements and execute all instruments necessary or incidental to 13024
the performance of the duties and the execution of the powers of 13025
the district under this chapter, provided that all of the 13026
following apply: 13027

(1) Except as provided in section 307.86 of the Revised Code 13028
regarding expenditures by boards of county commissioners, when the 13029
cost under any such contract, lease, or agreement, other than 13030
compensation for personal services or rental of office space, 13031
involves an expenditure of more than the amount established in 13032
that section regarding expenditures by boards of county 13033
commissioners, the supervisors shall make a written contract with 13034
the lowest and best bidder after advertisement, for not less than 13035
two nor more than four consecutive weeks preceding the day of the 13036
opening of bids, in a newspaper of general circulation within the 13037
district and in such other publications as the supervisors 13038
determine. The notice shall state the general character of the 13039
work and materials to be furnished, the place where plans and 13040
specifications may be examined, and the time and place of 13041
receiving bids. 13042

(2) Each bid for a contract shall contain the full name of 13043
every person interested in it. 13044

(3) Each bid for a contract for the construction, demolition, 13045
alteration, repair, or reconstruction of an improvement shall meet 13046
the requirements of section 153.54 of the Revised Code. 13047

(4) Each bid for a contract, other than a contract for the 13048
construction, demolition, alteration, repair, or reconstruction of 13049
an improvement, at the discretion of the supervisors, may be 13050
accompanied by a bond or certified check on a solvent bank in an 13051
amount not to exceed five per cent of the bid, conditioned that, 13052

if the bid is accepted, a contract shall be entered into.	13053
(5) The supervisors may reject any and all bids.	13054
(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;	13055 13056 13057 13058
(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;	13059 13060
(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;	13061 13062 13063
(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water conservation to implement the required program;	13064 13065 13066 13067 13068 13069 13070 13071 13072
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	13073 13074 13075
(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;	13076 13077 13078 13079 13080
(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans	13081 13082

and information related to control of the multiflora rose; 13083

(P) Until June 1, 1996, to enter into contracts or agreements 13084
with the chief of the division of soil and water conservation to 13085
implement and administer a program for control of the multiflora 13086
rose and to receive and expend funds provided by the chief for 13087
that purpose; 13088

(Q) Until June 1, 1996, to enter into cost-sharing agreements 13089
with landowners for control of the multiflora rose. Before 13090
entering into any such agreement, the board of supervisors shall 13091
determine that the landowner's application meets the eligibility 13092
criteria established under division (E)(6) of section 1511.02 of 13093
the Revised Code. The cost-sharing agreements shall contain the 13094
contract provisions required by the rules adopted under that 13095
division and such other provisions as the board of supervisors 13096
considers appropriate to ensure effective control of the 13097
multiflora rose. 13098

(R) To enter into contracts or agreements with the chief to 13099
implement and administer a program for urban sediment pollution 13100
abatement and to receive and expend moneys provided by the chief 13101
for that purpose; 13102

(S) To develop operation and management plans, as defined in 13103
section 1511.01 of the Revised Code, as necessary; 13104

(T) To determine whether operation and management plans 13105
developed under division (A) of section 1511.021 of the Revised 13106
Code comply with the standards established under division (E)(1) 13107
of section 1511.02 of the Revised Code and to approve or 13108
disapprove the plans, based on such compliance. If an operation 13109
and management plan is disapproved, the board shall provide a 13110
written explanation to the person who submitted the plan. The 13111
person may appeal the plan disapproval to the chief, who shall 13112
afford the person a hearing. Following the hearing, the chief 13113

shall uphold the plan disapproval or reverse it. If the chief 13114
reverses the plan disapproval, the plan shall be deemed approved 13115
under this division. In the event that any person operating or 13116
owning agricultural land or a concentrated animal feeding 13117
operation in accordance with an approved operation and management 13118
plan who, in good faith, is following that plan, causes 13119
agricultural pollution, the plan shall be revised in a fashion 13120
necessary to mitigate the agricultural pollution, as determined 13121
and approved by the board of supervisors of the soil and water 13122
conservation district. 13123

(U) With regard to composting conducted in conjunction with 13124
agricultural operations, to do all of the following: 13125

(1) Upon request or upon their own initiative, inspect 13126
composting at any such operation to determine whether the 13127
composting is being conducted in accordance with section 1511.022 13128
of the Revised Code; 13129

(2) If the board determines that composting is not being so 13130
conducted, request the chief to issue an order under division (G) 13131
of section 1511.02 of the Revised Code requiring the person who is 13132
conducting the composting to prepare a composting plan in 13133
accordance with rules adopted under division (E)(10)(c) of that 13134
section and to operate in accordance with that plan or to operate 13135
in accordance with a previously prepared plan, as applicable; 13136

(3) In accordance with rules adopted under division 13137
(E)(10)(c) of section 1511.02 of the Revised Code, review and 13138
approve or disapprove any such composting plan. If a plan is 13139
disapproved, the board shall provide a written explanation to the 13140
person who submitted the plan. 13141

As used in division (U) of this section, "composting" has the 13142
same meaning as in section 1511.01 of the Revised Code. 13143

(V) With regard to conservation activities that are conducted 13144

in conjunction with agricultural operations, to assist the county auditor, upon request, in determining whether a conservation activity is a conservation practice for purposes of Chapter 929, or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code.

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

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

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

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

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

(B) There is hereby created in the state treasury the clean

Ohio trail fund. Twelve and one-half per cent of the net proceeds 13175
of obligations issued and sold pursuant to sections 151.01 and 13176
151.09 of the Revised Code shall be deposited into the fund. 13177

Investment earnings of the fund shall be credited to the 13178
fund. ~~For two years after the effective date of this section,~~ 13179
~~investment earnings credited to the fund~~ and may be used to pay 13180
costs incurred by the director of natural resources in 13181
administering this section. 13182

Money in the clean Ohio trail fund shall not be used for the 13183
appropriation of land, rights, rights-of-way, franchises, 13184
easements, or other property through the exercise of the right of 13185
eminent domain. 13186

The director shall use moneys in the fund exclusively to 13187
provide matching grants to nonprofit organizations and to local 13188
political subdivisions for the purposes of purchasing land or 13189
interests in land for recreational trails and for the construction 13190
of such trails. A matching grant may provide up to seventy-five 13191
per cent of the cost of a recreational trail project, and the 13192
recipient of the matching grant shall provide not less than 13193
twenty-five per cent of that cost. 13194

(C) The director shall establish policies for the purposes of 13195
this section. The policies shall establish all of the following: 13196

(1) Procedures for providing matching grants to nonprofit 13197
organizations and local political subdivisions for the purposes of 13198
purchasing land or interests in land for recreational trails and 13199
for the construction of such trails, including, without 13200
limitation, procedures for both of the following: 13201

(a) Developing a grant application form and soliciting, 13202
accepting, and approving grant applications; 13203

(b) Participation by nonprofit organizations and local 13204
political subdivisions in the application process. 13205

(2) A requirement that an application for a matching grant	13206
for a recreational trail project include a copy of a resolution	13207
supporting the project from each county in which the proposed	13208
project is to be conducted and whichever of the following is	13209
applicable:	13210
(a) If the proposed project is to be conducted wholly within	13211
the geographical boundaries of one township, a copy of a	13212
resolution supporting the project from the township;	13213
(b) If the proposed project is to be conducted wholly within	13214
the geographical boundaries of one municipal corporation, a copy	13215
of a resolution supporting the project from the municipal	13216
corporation;	13217
(c) If the proposed project is to be conducted in more than	13218
one, but fewer than five townships or municipal corporations, a	13219
copy of a resolution supporting the project from at least one-half	13220
of the total number of townships and municipal corporations in	13221
which the proposed project is to be conducted;	13222
(d) If the proposed project is to be conducted in five or	13223
more municipal corporations, a copy of a resolution supporting the	13224
project from at least three-fifths of the total number of	13225
townships and municipal corporations in which the proposed project	13226
is to be conducted.	13227
(3) Eligibility criteria that must be satisfied by an	13228
applicant in order to receive a matching grant and that emphasize	13229
the following:	13230
(a) Synchronization with the statewide trail plan;	13231
(b) Complete regional systems and links to the statewide	13232
trail system;	13233
(c) A combination of funds from various state agencies;	13234
(d) The provision of links in urban areas that support	13235

commuter access and show economic impact on local communities;	13236
(e) The linkage of population centers with public outdoor recreation areas and facilities;	13237 13238
(f) The purchase of rail lines that are linked to the statewide trail plan;	13239 13240
(g) The preservation of natural corridors.	13241
(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that may be considered as contributing toward the percentage of the cost of a recreational trails project that must be provided by a matching grant recipient.	13242 13243 13244 13245 13246
Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any dike or levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam, dike, or levee issued by the chief of the division of water.	13247 13248 13249 13250 13251 13252 13253
A construction permit is not required under this section for:	13254
(1) A dam which <u>that</u> is or will be less than ten feet in height and which <u>that</u> has or will have a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.	13255 13256 13257 13258 13259 13260 13261
(2) A dam, regardless of height, which <u>that</u> has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;	13262 13263 13264
(3) A dam, regardless of storage capacity, which <u>that</u> is or	13265

will be six feet or less in height, as determined by the chief;	13266
(4) A dam, dike, or levee which <u>that</u> belongs to a class exempted by the chief;	13267 13268
(5) The repair, maintenance, improvement, alteration, or removal of a dam, dike, or levee which <u>that</u> is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement of the structure as determined by the chief;	13269 13270 13271 13272
(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code.	13273 13274
(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam, dike, or levee, including supervision and inspection of the construction by a registered professional engineer. Except for a political subdivision, the <u>The</u> filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule <u>unless otherwise</u> <u>provided by rules adopted under this section:</u>	13275 13276 13277 13278 13279 13280 13281 13282 13283 13284 13285 13286 13287 13288
(1) For the first one hundred thousand dollars of estimated cost, a fee of two <u>four</u> per cent;	13289 13290
(2) For the next four hundred thousand dollars of estimated cost, a fee of one and one-half <u>three</u> per cent;	13291 13292
(3) For the next five hundred thousand dollars of estimated cost, a fee of one <u>two</u> per cent;	13293 13294
(4) For all costs in excess of one million dollars, a fee of	13295

~~one-quarter~~ one-half of one per cent. 13296

In no case shall the filing fee be less than ~~two hundred~~ one 13297

thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 13298

If the actual cost exceeds the estimated cost by more than fifteen 13299

per cent, an additional filing fee shall be required equal to the 13300

fee determined by the preceding schedule less the original filing 13301

fee. ~~The filing fee for a political subdivision shall be two~~ 13302

~~hundred dollars.~~ All fees collected pursuant to this section, and 13303

all fines collected pursuant to section 1521.99 of the Revised 13304

Code, shall be deposited in the state treasury to the credit of 13305

the dam safety fund, which is hereby created. Expenditures from 13306

the fund shall be made by the chief for the purpose of 13307

administering this section and sections 1521.061 and 1521.062 of 13308

the Revised Code. 13309

(C) The chief shall, within thirty days from the date of the 13310

receipt of the application, fee, and bond or other security, issue 13311

or deny a construction permit for the construction or may issue a 13312

construction permit conditioned upon the making of such changes in 13313

the plans and specifications for the construction as ~~he~~ the chief 13314

considers advisable if ~~he~~ the chief determines that the 13315

construction of the proposed dam, dike, or levee, in accordance 13316

with the plans and specifications filed, would endanger life, 13317

health, or property. 13318

(D) The chief may deny a construction permit ~~if he finds~~ 13319

after finding that a dam, dike, or levee built in accordance with 13320

the plans and specifications would endanger life, health, or 13321

property, because of improper or inadequate design, or for such 13322

other reasons as the chief may determine. 13323

In the event the chief denies a permit for the construction 13324

of the dam, dike, or levee, or issues a permit conditioned upon a 13325

making of changes in the plans or specifications for the 13326

construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 13327

and so notify, in writing, the person or governmental agency 13328
making the application for a permit. If the permit is denied, the 13329
chief shall return the bond or other security to the person or 13330
governmental agency making application for the permit. 13331

The decision of the chief conditioning or denying a 13332
construction permit is subject to appeal as provided in Chapter 13333
119. of the Revised Code. A dam, dike, or levee built 13334
substantially at variance from the plans and specifications upon 13335
which a construction permit was issued is in violation of this 13336
section. The chief may at any time inspect any dam, dike, or 13337
levee, or site upon which any dam, dike, or levee is to be 13338
constructed, in order to determine whether it complies with this 13339
section. 13340

(E) A registered professional engineer shall inspect the 13341
construction for which the permit was issued during all phases of 13342
construction and shall furnish to the chief such regular reports 13343
of ~~his~~ the engineer's inspections as the chief may require. When 13344
the chief finds that construction has been fully completed in 13345
accordance with the terms of the permit and the plans and 13346
specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 13347
approve the construction. When one year has elapsed after approval 13348
of the completed construction, and the chief finds that within 13349
this period no fact has become apparent to indicate that the 13350
construction was not performed in accordance with the terms of the 13351
permit and the plans and specifications approved by the chief, or 13352
that the construction as performed would endanger life, health, or 13353
property, ~~he~~ the chief shall release the bond or other security. 13354
No bond or other security shall be released until one year after 13355
final approval by the chief, unless the dam, dike, or levee has 13356
been modified so that it will not retain water and has been 13357
approved as nonhazardous after determination by the chief that the 13358
dam, dike, or levee as modified will not endanger life, health, or 13359

property. 13360

(F) When inspections required by this section are not being 13361
performed, the chief shall notify the person or governmental 13362
agency to which the permit has been issued that inspections are 13363
not being performed by the registered professional engineer and 13364
that the chief will inspect the remainder of the construction. 13365
Thereafter, the chief shall inspect the construction and the cost 13366
of inspection shall be charged against the owner. Failure of the 13367
registered professional engineer to submit required inspection 13368
reports shall be deemed notice that ~~his~~ the engineer's inspections 13369
are not being performed. 13370

(G) The chief may order construction to cease on any dam, 13371
dike, or levee ~~which~~ that is being built in violation of ~~the~~ 13372
~~provisions of~~ this section, and may prohibit the retention of 13373
water behind any dam, dike, or levee ~~which~~ that has been built in 13374
violation of ~~the provisions of~~ this section. The attorney general, 13375
upon written request of the chief, may bring an action for an 13376
injunction against any person who violates this section or to 13377
enforce an order or prohibition of the chief made pursuant to this 13378
section. 13379

(H) The chief may adopt rules in accordance with Chapter 119. 13380
of the Revised Code, for the design and construction of dams, 13381
dikes, and levees for which a construction permit is required by 13382
this section or for which periodic inspection is required by 13383
section 1521.062 of the Revised Code, for establishing a filing 13384
fee schedule in lieu of the schedule established under division 13385
(B) of this section, for deposit and forfeiture of bonds and other 13386
securities required by section 1521.061 of the Revised Code, for 13387
the periodic inspection, operation, repair, improvement, 13388
alteration, or removal of all dams, dikes, and levees, as 13389
specified in section 1521.062 of the Revised Code, and for 13390
establishing classes of dams, dikes, or levees ~~which~~ that are 13391

exempt from the requirements of sections 1521.06 and 1521.062 of 13392
the Revised Code as being of a size, purpose, or situation ~~which~~ 13393
that does not present a substantial hazard to life, health, or 13394
property. The chief may, by rule, limit the period during which a 13395
construction permit issued under this section is valid. If a 13396
construction permit expires before construction is completed, the 13397
person or agency shall apply for a new permit, and shall not 13398
continue construction until the new permit is issued. 13399

~~(I) As used in this section and section 1521.063 of the 13400
Revised Code, "political subdivision" includes townships, 13401
municipal corporations, counties, school districts, municipal 13402
universities, park districts, sanitary districts, and conservancy 13403
districts and subdivisions thereof. 13404~~

Sec. 1521.063. (A) Except for a ~~political subdivision~~ the 13405
federal government, the owner of any dam subject to section 13406
1521.062 of the Revised Code shall pay an annual fee, based upon 13407
the height of the dam, to the division of water on or before June 13408
30, 1988, and on or before the thirtieth day of June of each 13409
succeeding year. The annual fee shall be as follows until 13410
otherwise provided by rules adopted under this section: 13411

(1) For any dam classified as a class I dam under rules 13412
adopted by the chief of the division of water under section 13413
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 13414
per foot of height of dam; 13415

(2) For any dam classified as a class II dam under those 13416
rules, thirty dollars plus one dollar per foot of height of dam; 13417

(3) For any dam classified as a class III dam under those 13418
rules, thirty dollars. 13419

For purposes of this section, the height of a dam is the 13420
vertical height, to the nearest foot, as determined by the 13421

division under section 1521.062 of the Revised Code. All fees 13422
collected under this section shall be deposited in the dam safety 13423
fund created in section 1521.06 of the Revised Code. Any owner who 13424
fails to pay any annual fee required by this section within sixty 13425
days after the due date shall be assessed a penalty of ten per 13426
cent of the annual fee plus interest at the rate of one-half per 13427
cent per month from the due date until the date of payment. 13428

(B) The chief shall, in accordance with Chapter 119. of the 13429
Revised Code, adopt, and may amend or rescind, rules for the 13430
collection of fees and the administration, implementation, and 13431
enforcement of this section and for the establishment of an annual 13432
fee schedule in lieu of the schedule established under division 13433
(A) of this section. 13434

(C)(1) No person, political subdivision, or state 13435
governmental agency shall violate or fail to comply with this 13436
section or any rule or order adopted or issued under it. 13437

(2) The attorney general, upon written request of the chief, 13438
may commence an action against any such violator. Any action under 13439
division (C)(2) of this section is a civil action. 13440

(D) As used in this section, "political subdivision" includes 13441
townships, municipal corporations, counties, school districts, 13442
municipal universities, park districts, sanitary districts, and 13443
conservancy districts and subdivisions thereof. 13444

Sec. 1531.26. There is hereby created in the state treasury 13445
the nongame and endangered wildlife fund, which shall consist of 13446
moneys paid into it by the tax commissioner under section 5747.113 13447
of the Revised Code, moneys deposited in the fund from the 13448
issuance of wildlife conservation license plates under section 13449
4503.57 of the Revised Code, moneys deposited in the fund from the 13450
issuance of bald eagle license plates under section 4503.572 of 13451
the Revised Code, moneys credited to the fund under section 13452

1533.151 of the Revised Code, and ~~of~~ contributions made directly 13453
to it. Any person may contribute directly to the fund in addition 13454
to or independently of the income tax refund contribution system 13455
established in section 5747.113 of the Revised Code. Moneys in the 13456
fund shall be disbursed pursuant to vouchers approved by the 13457
director of natural resources for use by the division of wildlife 13458
solely for the purchase, management, preservation, propagation, 13459
protection, and stocking of wild animals that are not commonly 13460
taken for sport or commercial purposes, including the acquisition 13461
of title and easements to lands, biological investigations, law 13462
enforcement, production of educational materials, sociological 13463
surveys, habitat development, and personnel and equipment costs; 13464
and for carrying out section 1531.25 of the Revised Code. Moneys 13465
in the fund also may be used to promote and develop nonconsumptive 13466
wildlife recreational opportunities involving wild animals. Moneys 13467
in the fund from the issuance of bald eagle license plates under 13468
section 4503.572 of the Revised Code shall be expended by the 13469
division only to pay the costs of acquiring, developing, and 13470
restoring habitat for bald eagles within this state. Moneys in the 13471
fund from any other source also may be used to pay the costs of 13472
acquiring, developing, and restoring habitat for bald eagles 13473
within this state. 13474

All investment earnings of the fund shall be credited to the 13475
fund. Subject to the approval of the director, the chief of the 13476
division of wildlife may enter into agreements that the chief 13477
considers appropriate to obtain additional moneys for the 13478
protection of nongame native wildlife under the "Endangered 13479
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 13480
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 13481
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 13482
from the fund are not intended to replace other moneys 13483
appropriated for these purposes. 13484

Sec. 1533.08. Except as otherwise provided by division rule, 13485
any person desiring to collect wild animals that are protected by 13486
law or their nests or eggs for scientific study, school 13487
instruction, other educational uses, or rehabilitation shall make 13488
application to the chief of the division of wildlife for a wild 13489
animal collecting permit on a form furnished by the chief. Each 13490
applicant for a wild animal collecting permit, other than an 13491
applicant desiring to rehabilitate wild animals, shall pay an 13492
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 13493
shall be charged to an applicant desiring to rehabilitate wild 13494
animals. When it appears that the application is made in good 13495
faith, the chief shall issue to the applicant a permit to take, 13496
possess, and transport at any time and in any manner specimens of 13497
wild animals protected by law or their nests and eggs for 13498
scientific study, school instruction, other educational uses, or 13499
rehabilitation and under any additional rules recommended by the 13500
wildlife council. Upon the receipt of a permit, the holder may 13501
take, possess, and transport those wild animals in accordance with 13502
the permit. 13503

Each holder of a permit engaged in collecting such wild 13504
animals shall carry the permit at all times and shall exhibit it 13505
upon demand to any wildlife officer, constable, sheriff, deputy 13506
sheriff, or police officer, to the owner or person in lawful 13507
control of the land upon which the permit holder is collecting, or 13508
to any other person. Failure to so carry or exhibit the permit 13509
constitutes an offense under this section. 13510

Each permit holder shall keep a daily record of all specimens 13511
collected under the permit and the disposition of the specimens 13512
and shall exhibit the daily record to any official of the division 13513
upon demand. 13514

Each permit shall remain in effect for one year from the date 13515

of issuance unless it is revoked sooner by the chief. 13516

All moneys received as fees for the issuance of a wild animal 13517
collecting permit shall be transmitted to the director of natural 13518
resources to be paid into the state treasury to the credit of the 13519
fund created by section 1533.15 of the Revised Code. 13520

Sec. 1533.10. Except as provided in this section or division 13521
(A) of section 1533.12 of the Revised Code, no person shall hunt 13522
any wild bird or wild quadruped without a hunting license. Each 13523
day that any person hunts within the state without procuring such 13524
a license constitutes a separate offense. Every applicant for a 13525
hunting license who is a resident of the state and sixteen years 13526
of age or more shall procure a resident hunting license, the fee 13527
for which shall be ~~fourteen~~ eighteen dollars, unless the rules 13528
adopted under division (B) of section 1533.12 of the Revised Code 13529
provide for issuance of a resident hunting license to the 13530
applicant free of charge. Every applicant who is a resident of the 13531
state and under the age of sixteen years shall procure a special 13532
youth hunting license, the fee for which shall be one-half of the 13533
regular hunting license fee. The owner of lands in the state and 13534
the owner's children of any age and grandchildren under eighteen 13535
years of age may hunt on the lands without a hunting license. The 13536
tenant ~~or manager~~ and children of the tenant ~~or manager~~, residing 13537
on lands in the state, may hunt on them without a hunting license. 13538
Every applicant for a hunting license who is a nonresident of the 13539
state shall procure a nonresident hunting license, the fee for 13540
which shall be ~~ninety~~ one hundred twenty-four dollars, unless the 13541
applicant is a resident of a state that is a party to an agreement 13542
under section 1533.91 of the Revised Code, in which case the fee 13543
shall be ~~fourteen~~ eighteen dollars. 13544

The chief of the division of wildlife may issue a ~~tourist's~~ 13545
small game hunting license expiring three days from the effective 13546

date of the license to a nonresident of the state, the fee for 13547
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 13548
take or possess deer, wild turkeys, fur-bearing animals, ducks, 13549
geese, brant, or any nongame animal while possessing only a 13550
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 13551
hunting license does not authorize the taking or possessing of 13552
ducks, geese, or brant without having obtained, in addition to the 13553
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 13554
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 13555
small game hunting license does not authorize the taking or 13556
possessing of deer, wild turkeys, or fur-bearing animals. A 13557
nonresident of the state who wishes to take or possess deer, wild 13558
turkeys, or fur-bearing animals in this state shall procure, 13559
respectively, a special deer or wild turkey permit as provided in 13560
section 1533.11 of the Revised Code or a fur taker permit as 13561
provided in section 1533.111 of the Revised Code in addition to a 13562
nonresident hunting license as provided in this section. 13563

No person shall procure or attempt to procure a hunting 13564
license by fraud, deceit, misrepresentation, or any false 13565
statement. 13566

This section does not authorize the taking and possessing of 13567
deer or wild turkeys without first having obtained, in addition to 13568
the hunting license required by this section, a special deer or 13569
wild turkey permit as provided in section 1533.11 of the Revised 13570
Code or the taking and possessing of ducks, geese, or brant 13571
without first having obtained, in addition to the hunting license 13572
required by this section, a wetlands habitat stamp as provided in 13573
section 1533.112 of the Revised Code. 13574

This section does not authorize the hunting or trapping of 13575
fur-bearing animals without first having obtained, in addition to 13576
a hunting license required by this section, a fur taker permit as 13577
provided in section 1533.111 of the Revised Code. 13578

No hunting license shall be issued unless it is accompanied 13579
by a written explanation of the law in section 1533.17 of the 13580
Revised Code and the penalty for its violation, including a 13581
description of terms of imprisonment and fines that may be 13582
imposed. 13583

No hunting license shall be issued unless the applicant 13584
presents to the agent authorized to issue the license a previously 13585
held hunting license or evidence of having held such a license in 13586
content and manner approved by the chief, a certificate of 13587
completion issued upon completion of a hunter education and 13588
conservation course approved by the chief, or evidence of 13589
equivalent training in content and manner approved by the chief. 13590

No person shall issue a hunting license to any person who 13591
fails to present the evidence required by this section. No person 13592
shall purchase or obtain a hunting license without presenting to 13593
the issuing agent the evidence required by this section. Issuance 13594
of a hunting license in violation of the requirements of this 13595
section is an offense by both the purchaser of the illegally 13596
obtained hunting license and the clerk or agent who issued the 13597
hunting license. Any hunting license issued in violation of this 13598
section is void. 13599

The chief, with approval of the wildlife council, shall adopt 13600
rules prescribing a hunter education and conservation course for 13601
first-time hunting license buyers and for volunteer instructors. 13602
The course shall consist of subjects including, but not limited 13603
to, hunter safety and health, use of hunting implements, hunting 13604
tradition and ethics, the hunter and conservation, the law in 13605
section 1533.17 of the Revised Code along with the penalty for its 13606
violation, including a description of terms of imprisonment and 13607
fines that may be imposed, and other law relating to hunting. 13608
Authorized personnel of the division or volunteer instructors 13609
approved by the chief shall conduct such courses with such 13610

frequency and at such locations throughout the state as to 13611
reasonably meet the needs of license applicants. The chief shall 13612
issue a certificate of completion to each person who successfully 13613
completes the course and passes an examination prescribed by the 13614
chief. 13615

Sec. 1533.101. Any person who has been issued a hunting or 13616
fishing license, a wetlands habitat stamp, a deer or wild turkey 13617
permit, or a fur taker permit for the current license, stamp, or 13618
permit year or for the license, stamp, or permit year next 13619
preceding the current such year pursuant to this chapter, and if 13620
the license, stamp, or permit has been lost, destroyed, or stolen, 13621
may be issued a reissued hunting or fishing license, wetlands 13622
habitat stamp, deer or wild turkey permit, or fur taker permit. 13623
The person shall file with the clerk of the court of common pleas 13624
an application in affidavit form or, if the chief of the division 13625
of wildlife authorizes it, apply for a reissued license, stamp, or 13626
permit to an authorized agent designated by the chief, and pay a 13627
fee for each license, stamp, or permit of ~~two~~ four dollars plus 13628
one dollar to the clerk or agent, who shall issue a reissued 13629
license, stamp, or permit that shall allow the applicant to hunt, 13630
fish, or trap, as the case may be. The clerk or agent shall 13631
administer the oath to the applicant and shall send a copy of the 13632
reissued license, stamp, or permit to the division of wildlife. 13633

All moneys received as fees for the issuance of reissued 13634
licenses, stamps, or permits shall be transmitted to the director 13635
of natural resources to be paid into the state treasury to the 13636
credit of the funds to which the fees for the original licenses, 13637
stamps, and permits were credited. 13638

No person shall knowingly or willfully secure, attempt to 13639
secure, or use a reissued hunting or fishing license, wetlands 13640
habitat stamp, deer or wild turkey permit, or fur taker permit to 13641

which the person is not entitled. No person shall knowingly or 13642
willfully issue a reissued hunting or fishing license, wetlands 13643
habitat stamp, deer or wild turkey permit, or fur taker permit 13644
under this section to any person who is not entitled to receive 13645
and use such a reissued license, stamp, or permit. 13646

Sec. 1533.11. (A) Except as provided in this section, no 13647
person shall hunt deer on lands of another without first obtaining 13648
an annual special deer permit. Except as provided in this section, 13649
no person shall hunt wild turkeys on lands of another without 13650
first obtaining an annual special wild turkey permit. Each 13651
applicant for a special deer or wild turkey permit shall pay an 13652
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 13653
together with the one-dollar ~~as a~~ fee to the clerk or other 13654
issuing agent established in section 1533.13 of the Revised Code, 13655
for the permit unless the rules adopted under division (B) of 13656
section 1533.12 of the Revised Code provide for issuance of a deer 13657
or wild turkey permit to the applicant free of charge. Except as 13658
provided in division (A) of section 1533.12 of the Revised Code, a 13659
deer or wild turkey permit shall run concurrently with the hunting 13660
license. The money received, other than the ~~one-dollar~~ issuing 13661
agent's fee ~~provided for above~~, shall be paid into the state 13662
treasury to the credit of the wildlife fund, created in section 13663
1531.17 of the Revised Code, exclusively for the use of the 13664
division of wildlife in the acquisition and development of land 13665
for deer or wild turkey management, for investigating deer or wild 13666
turkey problems, and for the stocking, management, and protection 13667
of deer or wild turkey. Every person, while hunting deer or wild 13668
turkey on lands of another, shall carry the person's special deer 13669
or wild turkey permit and exhibit it to any enforcement officer so 13670
requesting. Failure to so carry and exhibit such a permit 13671
constitutes an offense under this section. The chief of the 13672
division of wildlife shall adopt any additional rules the chief 13673

considers necessary to carry out this section and section 1533.10 13674
of the Revised Code. 13675

The owner and the children of the owner of lands in this 13676
state may hunt deer or wild turkey thereon without a special deer 13677
or wild turkey permit. The tenant ~~or manager~~ and children of the 13678
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 13679
reside without a special deer or wild turkey permit. 13680

(B) A special deer or wild turkey permit is not transferable. 13681
No person shall carry a special deer or wild turkey permit issued 13682
in the name of another person. 13683

(C) The wildlife refunds fund is hereby created in the state 13684
treasury. The fund shall consist of money received from 13685
application fees for special deer permits that are not issued. 13686
Money in the fund shall be used to make refunds of such 13687
application fees. 13688

Sec. 1533.111. Except as provided in this section or division 13689
(A) of section 1533.12 of the Revised Code, no person shall hunt 13690
or trap fur-bearing animals on land of another without first 13691
obtaining an annual fur taker permit. Each applicant for a fur 13692
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 13693
together with one dollar as a fee to the clerk or other issuing 13694
agent, for the permit, except as otherwise provided in this 13695
section or unless the rules adopted under division (B) of section 13696
1533.12 of the Revised Code provide for issuance of a fur taker 13697
permit to the applicant free of charge. Each applicant who is a 13698
resident of the state and under the age of sixteen years shall 13699
procure a special youth fur taker permit, the fee for which shall 13700
be one-half of the regular fur taker permit fee and which shall be 13701
paid together with the one-dollar ~~as a~~ fee to the clerk or other 13702
issuing agent established in section 1533.13 of the Revised Code. 13703
The fur taker permit shall run concurrently with the hunting 13704

license. The money received, other than the ~~one-dollar~~ issuing 13705
agent's fee ~~provided for in this section~~, shall be paid into the 13706
state treasury to the credit of the fund established in section 13707
1533.15 of the Revised Code. 13708

No fur taker permit shall be issued unless it is accompanied 13709
by a written explanation of the law in section 1533.17 of the 13710
Revised Code and the penalty for its violation, including a 13711
description of terms of imprisonment and fines that may be 13712
imposed. 13713

No fur taker permit shall be issued unless the applicant 13714
presents to the agent authorized to issue a fur taker permit a 13715
previously held hunting license or trapping or fur taker permit or 13716
evidence of having held such a license or permit in content and 13717
manner approved by the chief of the division of wildlife, a 13718
certificate of completion issued upon completion of a trapper 13719
education course approved by the chief, or evidence of equivalent 13720
training in content and manner approved by the chief. 13721

No person shall issue a fur taker permit to any person who 13722
fails to present the evidence required by this section. No person 13723
shall purchase or obtain a fur taker permit without presenting to 13724
the issuing agent the evidence required by this section. Issuance 13725
of a fur taker permit in violation of the requirements of this 13726
section is an offense by both the purchaser of the illegally 13727
obtained permit and the clerk or agent who issued the permit. Any 13728
fur taker permit issued in violation of this section is void. 13729

The chief, with approval of the wildlife council, shall adopt 13730
rules prescribing a trapper education course for first-time fur 13731
taker permit buyers and for volunteer instructors. The course 13732
shall consist of subjects that include, but are not limited to, 13733
trapping techniques, animal habits and identification, trapping 13734
tradition and ethics, the trapper and conservation, the law in 13735
section 1533.17 of the Revised Code along with the penalty for its 13736

violation, including a description of terms of imprisonment and 13737
fines that may be imposed, and other law relating to trapping. 13738
Authorized personnel of the division of wildlife or volunteer 13739
instructors approved by the chief shall conduct the courses with 13740
such frequency and at such locations throughout the state as to 13741
reasonably meet the needs of permit applicants. The chief shall 13742
issue a certificate of completion to each person who successfully 13743
completes the course and passes an examination prescribed by the 13744
chief. 13745

Every person, while hunting or trapping fur-bearing animals 13746
on lands of another, shall carry the person's fur taker permit 13747
affixed to the person's hunting license with the person's 13748
signature written across the face of the permit. Failure to carry 13749
such a signed permit constitutes an offense under this section. 13750
The chief shall adopt any additional rules the chief considers 13751
necessary to carry out this section. 13752

The owner and the children of the owner of lands in this 13753
state may hunt or trap fur-bearing animals thereon without a fur 13754
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 13755
~~manager~~ may hunt or trap fur-bearing animals on lands where they 13756
reside without a fur taker permit. 13757

A fur taker permit is not transferable. No person shall carry 13758
a fur taker permit issued in the name of another person. 13759

A fur taker permit entitles a nonresident to take from this 13760
state fur-bearing animals taken and possessed by the nonresident 13761
as provided by law or division rule. 13762

Sec. 1533.112. Except as provided in this section or unless 13763
otherwise provided by division rule, no person shall hunt ducks, 13764
geese, or brant on the lands of another without first obtaining an 13765
annual wetlands habitat stamp. The annual fee for the wetlands 13766
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 13767

together with the one-dollar ~~as a~~ fee to the clerk or other 13768
issuing agent established in section 1533.13 of the Revised Code, 13769
unless the rules adopted under division (B) of section 1533.12 13770
provide for issuance of a wetlands habitat stamp to the applicant 13771
free of charge. 13772

Moneys received from the stamp fee, other than the ~~one-~~ 13773
~~dollar clerk's~~ issuing agent's fee, shall be paid into the state 13774
treasury to the credit of the wetlands habitat fund, which is 13775
hereby established. Moneys shall be paid from the fund on the 13776
order of the director of natural resources for the following 13777
purposes: 13778

(A) Sixty per cent for projects that the division approves 13779
for the acquisition, development, management, or preservation of 13780
waterfowl areas within the state; 13781

(B) Forty per cent for contribution by the division to an 13782
appropriate nonprofit organization for the acquisition, 13783
development, management, or preservation of lands and waters 13784
within the United States or Canada that provide or will provide 13785
habitat for waterfowl with migration routes that cross this state. 13786

No moneys derived from the issuance of wetlands habitat 13787
stamps shall be spent for purposes other than those specified by 13788
this section. All investment earnings of the fund shall be 13789
credited to the fund. 13790

Wetlands habitat stamps shall be furnished by and in a form 13791
prescribed by the chief of the division of wildlife and issued by 13792
clerks and other agents authorized to issue licenses and permits 13793
under section 1533.13 of the Revised Code. The record of stamps 13794
kept by the clerks and other agents shall be uniform throughout 13795
the state, in such form or manner as the director prescribes, and 13796
open at all reasonable hours to the inspection of any person. 13797
Unless otherwise provided by rule, each stamp shall remain in 13798

force until midnight of the thirty-first day of August next 13799
ensuing. Wetlands habitat stamps may be issued in any manner to 13800
any person on any date, whether or not that date is within the 13801
period in which they are effective. 13802

Every person to whom this section applies, while hunting 13803
ducks, geese, or brant, shall carry an unexpired wetlands habitat 13804
stamp that is validated by the person's signature written on the 13805
stamp in ink and shall exhibit the stamp to any enforcement 13806
officer so requesting. No person shall fail to carry and exhibit 13807
the person's stamp. 13808

A wetlands habitat stamp is not transferable. 13809

The chief shall establish a procedure to obtain subject 13810
matter to be printed on the wetlands habitat stamp and shall use, 13811
dispose of, or distribute the subject matter as the chief 13812
considers necessary. The chief also shall adopt rules necessary to 13813
administer this section. 13814

This section does not apply to persons under sixteen years of 13815
age nor to persons exempted from procuring a hunting license under 13816
section 1533.10 or division (A) of section 1533.12 of the Revised 13817
Code. 13818

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 13819
stamps, deer and wild turkey permits, and fur taker permits shall 13820
be issued by the clerk of the court of common pleas, village and 13821
township clerks, and other authorized agents designated by the 13822
chief of the division of wildlife. When required by the chief, a 13823
clerk or agent shall give bond in the manner provided by the 13824
chief. All bonds, reports, except records prescribed by the 13825
auditor of state, and moneys received by those persons shall be 13826
handled under rules adopted by the director of natural resources. 13827

The premium of any bond prescribed by the chief under this 13828

section may be paid by the chief. Any person who is designated and 13829
authorized by the chief to issue licenses, stamps, and permits as 13830
provided in this section, except the clerk of the court of common 13831
pleas and the village and township clerks, shall pay to the chief 13832
a premium in an amount that represents the person's portion of the 13833
premium paid by the chief under this section, which amount shall 13834
be established by the chief and approved by the wildlife council 13835
created under section 1531.03 of the Revised Code. The chief shall 13836
pay all moneys that the chief receives as premiums under this 13837
section into the state treasury to the credit of the wildlife fund 13838
created under section 1531.17 of the Revised Code. 13839

Every authorized agent, for the purpose of issuing hunting 13840
and fishing licenses, deer and wild turkey permits, and fur taker 13841
permits, may administer oaths to and take affidavits from 13842
applicants for the licenses or permits when required. An 13843
authorized agent may appoint deputies to perform any acts that the 13844
agent is authorized to perform, consistent with division rules. 13845

Every applicant for a hunting or fishing license, deer or 13846
wild turkey permit, or fur taker permit, unless otherwise provided 13847
by division rule, shall make and subscribe an affidavit setting 13848
forth the applicant's name, age, weight, height, occupation, place 13849
of residence, personal description, and citizenship. The clerk or 13850
other agent authorized to issue licenses, stamps, and permits 13851
shall charge each applicant a fee of one dollar for taking the 13852
affidavit and issuing the license, stamp, or permit unless a 13853
different fee for the issuance of a fishing license is established 13854
in division rule as authorized by section 1533.32 of the Revised 13855
Code. The application, license, permit, and other blanks required 13856
by this section shall be prepared and furnished by the chief, in 13857
such form as the chief provides, to the clerk or other agent 13858
authorized to issue them. The licenses and permits shall be issued 13859
to applicants by the clerk or other agent. The record of licenses 13860

and permits kept by the clerk and other authorized agents shall be 13861
uniform throughout the state and in such form or manner as the 13862
auditor of state prescribes and shall be open at all reasonable 13863
hours to the inspection of any person. Unless otherwise provided 13864
by division rule, each hunting license, deer or wild turkey 13865
permit, and fur taker permit issued shall remain in force until 13866
midnight of the thirty-first day of August next ensuing. 13867
Application for any such license or permit may be made and a 13868
license or permit issued prior to the date upon which it becomes 13869
effective. 13870

The chief may require an applicant who wishes to purchase a 13871
license, stamp, or permit by mail or telephone to pay a nominal 13872
fee for postage and handling. 13873

The court before whom a violator of any laws or division 13874
rules for the protection of wild animals is tried, as a part of 13875
the punishment, shall revoke the license, stamp, or permit of any 13876
person convicted. The license, stamp, or permit fee paid by that 13877
person shall not be returned to the person. The person shall not 13878
procure or use any other license, stamp, or permit or engage in 13879
hunting wild animals or trapping fur-bearing animals during the 13880
period of revocation as ordered by the court. 13881

No person under sixteen years of age shall engage in hunting 13882
unless accompanied by the person's parent or another adult person. 13883

Sec. 1533.151. The chief of the division of wildlife, with 13884
the approval of the director of natural resources, ~~is hereby~~ 13885
~~authorized to~~ may print and issue stamps portraying wild animals 13886
of the state. This stamp shall be identified as a wildlife 13887
conservation stamp ~~and the~~. The fee for each stamp shall be ~~five~~ 13888
~~dollars not more than the fee for a wetlands habitat stamp issued~~ 13889
under section 1533.112 of the Revised Code together with the 13890
one-dollar fee to the issuing agent established in section 1533.13 13891

of the Revised Code unless otherwise provided by division rule. 13892

The purchase of wildlife conservation stamps shall provide no 13893
privileges to the purchaser, but merely recognizes ~~such~~ the person 13894
as voluntarily contributing to the management, protection, and the 13895
perpetuation of the wildlife resources of the state. All moneys 13896
received from the sale of wildlife conservation stamps shall be 13897
paid into the state treasury to the credit of the nongame and 13898
endangered wildlife fund to be used exclusively by the division of 13899
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 13900
the Revised Code ~~and for the management of all forms of wildlife~~ 13901
~~for its ecological and non-consumptive recreational value.~~ 13902

Sec. 1533.19. Except as otherwise provided by division rule, 13903
recognized field trial clubs may shoot domestically raised quails, 13904
chukar partridges, ducks, pheasants, or other game birds and 13905
common pigeons at any time during the daylight hours from the 13906
first day of September to the thirtieth day of April of the 13907
following year, both dates inclusive. Such domestically raised 13908
quails, chukar partridges, ducks, pheasants, and other game birds 13909
shall be banded prior to release and approved by the division of 13910
wildlife for field trial use, provided that permission for the 13911
holding of such a trial shall be obtained from the division. 13912
Permission shall be requested in writing at least thirty days in 13913
advance of the trial. The request shall contain the name of the 13914
recognized field trial club and the names of its officers, the 13915
date and location of the trial, and the name of the licensed 13916
breeders from whom the quails, chukar partridges, ducks, 13917
pheasants, or other game birds will be obtained. The division may 13918
grant a written permit when it is satisfied that the trial is a 13919
bona fide one conducted by a bona fide club under this section. 13920
When an application is approved, a permit shall be issued after 13921
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 13922
upon which the trials are conducted. Participants in such trials 13923

need not possess a hunter's license while participating in the 13924
trials. The division shall supervise all such trials and shall 13925
enforce all laws and division rules governing them. If unbanded 13926
quails, chukar partridges, ducks, pheasants, or other game birds 13927
are accidentally shot during such trials, they immediately shall 13928
be replaced by the club by the releasing of an equal number of 13929
live quails, chukar partridges, ducks, pheasants, or other game 13930
birds under the supervision of the division. 13931

Sec. 1533.23. No person shall deal in or buy green or dried 13932
furs, skins, or parts thereof, taken from fur-bearing animals of 13933
the state, except domesticated rabbits, without a fur dealer's 13934
permit. Every applicant for a fur dealer's permit shall make and 13935
subscribe a statement setting forth ~~his~~ the applicant's name, 13936
place of residence, and whom ~~he~~ the applicant represents. Every 13937
applicant for a dealer's permit who is a nonresident of the state, 13938
or who is a resident of the state and is an agent or 13939
representative of a nonresident person, firm, or corporation, 13940
shall pay an annual fee of two hundred dollars to the chief of the 13941
division of wildlife issuing such permit, and every applicant for 13942
a dealer's permit who is a resident of the state shall pay an 13943
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 13944
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 13945
dealer shall operate under such additional ~~regulations~~ rules as 13946
are provided by the chief ~~of the division of wildlife~~. The chief 13947
shall pay ~~such~~ the fees into the state treasury to the credit of 13948
the fund created by section 1533.15 of the Revised Code for the 13949
use of the division of wildlife in the purchase, preservation, 13950
protection, and stocking of fur-bearing animals and for the 13951
necessary clerical help and forms required by this section and 13952
section 1533.24 of the Revised Code. 13953

All permits shall be procured from the chief and the 13954
application, license, and other blanks required by this section 13955

and section 1533.24 of the Revised Code shall be in such form as 13956
the chief prescribes. Each such permit shall expire on the 13957
thirtieth day of April next after its issuance. 13958

Sec. 1533.301. Any person may apply for a permit to transport 13959
fish that are for sale, sold, or purchased. The chief of the 13960
division of wildlife shall issue an annual permit granting the 13961
applicant the privilege to transport such fish, upon filing of an 13962
application on a form prescribed by the chief and payment of a fee 13963
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 13964
part thereof that is for sale, sold, or purchased, whether 13965
acquired in or outside this state, unless the consignor has a 13966
permit ~~issued to him~~ for the calendar year in which the fish is 13967
transported, except that no such permit is required for any of the 13968
following: 13969

(A) Fish transported from a point outside this state to 13970
another point outside this state if the fish are not unloaded in 13971
this state. A fish is not to be considered unloaded for purposes 13972
of this section if it remains under the control of a common 13973
carrier. 13974

(B) Fish being transported by a person holding a valid 13975
license under section 1533.34 of the Revised Code from the place 13976
of taking to ~~his~~ the person's usual place of processing or 13977
temporary storage as designated by ~~him~~ the person in the 13978
application for the license under that section; 13979

(C) Fish being transported from a premises designated in a 13980
valid permit issued under section 1533.631 of the Revised Code to 13981
a premises where fish are to be sold at retail, sold for immediate 13982
consumption, or consumed if inspection of the designated premises 13983
as required by that section has not been denied during the 13984
preceding thirty days; 13985

(D) Any quantity of fish the total weight of which does not 13986

exceed five hundred pounds in one vehicle; 13987

(E) Minnows for which a permit is required under section 13988
1533.40 of the Revised Code. 13989

If a fish for which a permit is required under this section 13990
is transported in this state from a consignor who does not have a 13991
valid permit at the time of transportation, or if such a fish is 13992
transported in this state from a consignor who has a valid permit 13993
at the time of transportation, but the fish is part of the 13994
contents of a box, package, or receptacle that was or could be the 13995
basis for conviction of a violation of this chapter or a division 13996
rule, the fish may be seized by any law enforcement officer 13997
authorized by section 1531.13 of the Revised Code to enforce laws 13998
and division rules, and the fish shall escheat to the state unless 13999
a court of this state makes a specific finding that the consignor 14000
at the time of seizure had a valid permit under this section 14001
~~1533.301 of the Revised Code~~ and that the fish are lawful under 14002
the requirements of this chapter or a division rule relating 14003
thereto. 14004

A fish for which a permit is required under this section may 14005
be transported only if each box, package, or other receptacle 14006
bears a label showing the total weight in pounds, the species of 14007
the fish, the name of the consignor and consignee, the initial 14008
point of billing, the destination, and a statement that each 14009
species of fish by weight in the box, package, or other receptacle 14010
that are undersized under ~~the provisions of~~ section 1533.63 of the 14011
Revised Code or division rule is ten per cent or less or is in 14012
excess of ten per cent, whichever the fact may be. If fish are not 14013
boxed or packaged, each compartment of a tank or other receptacle 14014
shall be considered a separate receptacle, but in lieu of a label 14015
on the compartment or tank a written statement containing the same 14016
information required to be contained on a label, and clearly 14017
identifying the tank or receptacle concerned, may be carried in 14018

the vehicle. Species may be designated in any manner, but the 14019
label also shall bear either the common name indicated in section 14020
1533.63 of the Revised Code or the scientific name contained in 14021
section 1531.01 of the Revised Code. The consignor shall ascertain 14022
that labels are attached or statements carried as required herein 14023
and that the facts stated thereon are true. 14024

The permit required by this section may be suspended by the 14025
chief for a period not to exceed five days upon conviction of the 14026
permittee of a violation of this chapter or Chapter 1531. of the 14027
Revised Code or a division rule if the permittee has been 14028
convicted of another such violation during the preceding 14029
twelve-month period. If the permittee has had two or more such 14030
convictions during the twelve-month period preceding such a 14031
conviction, ~~his~~ the permittee's permit may be suspended as 14032
provided herein for a period not to exceed twenty days. A permit 14033
is invalid during the period of suspension, but in no case is a 14034
permit invalid until fifteen days after mailing by certified mail 14035
a notice of the rule of suspension by the chief. 14036

The chief may not suspend more than one permit of the same 14037
permittee, or suspend a permit of the same permittee more than 14038
once, for convictions resulting from violations that occur in a 14039
load in one vehicle. 14040

A driver or other person in charge of a vehicle transporting 14041
fish that are for sale, sold, or purchased, upon demand by any law 14042
enforcement officer authorized by section 1531.13 of the Revised 14043
Code to enforce laws and division rules, shall stop and open the 14044
vehicle and allow inspection of the load, and any box, package, or 14045
receptacle, and the contents thereof, for the purpose of 14046
determining whether this chapter or a division rule is being 14047
violated. 14048

The word "fish" in the English language, at least eight 14049
inches high and maintained in a clear, conspicuous, and legible 14050

condition at all times, shall appear on both sides of the vehicle 14051
body of all vehicles transporting fresh water fish in this state 14052
when the fish are for sale or sold, except those fish exempt from 14053
a transportation permit in divisions (A), (B), and (E) of this 14054
section. 14055

The chief may refuse to issue a permit to any person whose 14056
purpose in applying for the permit is to allow it to be used by 14057
another person to whom a permit has been refused or revoked. The 14058
chief also may revoke a person's permit when it is used for that 14059
purpose. 14060

No civil action may be brought in any court in the state for 14061
the value or agreed price of fish that have escheated to the state 14062
under this section. 14063

No person shall fail to comply with any provision of this 14064
section or a division rule adopted pursuant thereto. 14065

In addition to other penalties provided in the Revised Code, 14066
the permit of any person who is convicted of two violations of 14067
this section that occurred within a twelve-month period is 14068
suspended upon the second such conviction by operation of law for 14069
a period of five fishing season days immediately following that 14070
conviction. 14071

In addition to other penalties provided in the Revised Code, 14072
the permit of any person who is convicted of three or more 14073
violations of this section that occurred within a twelve-month 14074
period is suspended upon the third or subsequent conviction by 14075
operation of law for a period of twenty fishing season days 14076
immediately following that conviction. 14077

During any period of suspension, no person shall use or 14078
engage in hauling or transporting fish with equipment owned, used, 14079
or controlled at the time of conviction by the permittee whose 14080
permit has been suspended. 14081

Sec. 1533.32. Except as provided in this section or division 14082
(A) or (C) of section 1533.12 of the Revised Code, no person, 14083
including nonresidents, shall take or catch any fish by angling in 14084
any of the waters in the state or engage in fishing in those 14085
waters without a license. No person shall take or catch frogs or 14086
turtles without a valid fishing license, except as provided in 14087
this section. Persons fishing in privately owned ponds, lakes, or 14088
reservoirs to or from which fish are not accustomed to migrate are 14089
exempt from the license requirements set forth in this section. 14090
Persons fishing in privately owned ponds, lakes, or reservoirs 14091
that are open to public fishing through an agreement or lease with 14092
the division of wildlife shall comply with the license 14093
requirements set forth in this section. 14094

The fee for an annual license shall be ~~twenty-three~~ 14095
thirty-nine dollars, unless otherwise provided by division rule, 14096
for a resident of a state that is not a party to an agreement 14097
under section 1533.91 of the Revised Code. The fee for an annual 14098
license shall be ~~fourteen~~ eighteen dollars, unless otherwise 14099
provided by division rule, for a resident of a state that is a 14100
party to such an agreement. The fee for an annual license for 14101
residents of this state shall be ~~fourteen~~ eighteen dollars unless 14102
otherwise provided by division rule or unless the rules adopted 14103
under division (B) of section 1533.12 of the Revised Code provide 14104
for issuance of a resident fishing license to the applicant free 14105
of charge. 14106

Any person under the age of sixteen years may take or catch 14107
frogs and turtles and take or catch fish by angling without a 14108
license. Any resident of this state sixty-six years of age or 14109
older may take or catch frogs and turtles without a license. 14110

The chief of the division of wildlife may issue a tourist's 14111
license expiring three days from the effective date of the license 14112

to a resident of a state that is not a party to an agreement under 14113
section 1533.91 of the Revised Code. The fee for a tourist's 14114
license shall be ~~fourteen~~ eighteen dollars unless otherwise 14115
provided by division rule. 14116

The chief shall adopt rules under section 1531.10 of the 14117
Revised Code providing for the issuance of a one-day fishing 14118
license to a resident of this state or of any other state. The fee 14119
for such a license shall be ~~forty~~ fifty-five per cent of the 14120
amount established under this section for a tourist's license, 14121
rounded up to the nearest whole dollar. A one-day fishing license 14122
shall allow the holder to take or catch fish by angling in the 14123
waters in the state, engage in fishing in those waters, or take or 14124
catch frogs or turtles in those waters for one day without 14125
obtaining an annual license or a tourist's license under this 14126
section. At the request of a holder of a one-day fishing license 14127
who wishes to obtain an annual license, a clerk or agent 14128
authorized to issue licenses under section 1533.13 of the Revised 14129
Code, not later than the last day on which the one-day license 14130
would be valid if it were an annual license, shall credit the 14131
amount of the fee paid for the one-day license toward the fee 14132
charged for the annual license if so authorized by the chief. The 14133
clerk or agent shall issue the annual license upon presentation of 14134
the one-day license and payment of a fee in an amount equal to the 14135
difference between the fee for the annual license and the fee for 14136
the one-day license. 14137

A fee of one dollar for each license issued under this 14138
section shall be paid to the issuing clerk or agent in accordance 14139
with section 1533.13 of the Revised Code unless otherwise provided 14140
by division rule. 14141

Unless otherwise provided by division rule, each annual 14142
license shall begin on the first day of March of the current year 14143
and expire on the last day of February of the following year. 14144

No person shall alter a fishing license or possess a fishing license that has been altered. 14145
14146

No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or any false statement. 14147
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Owners of land over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the immediate families of the tenants. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles without procuring the required license, provided that a member of the institution or home has an identification card, which shall be carried on that person when fishing. 14150
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Every fisher required to be licensed, while fishing or taking or attempting to take frogs or turtles, shall carry the license and exhibit it to any person. Failure to so carry and exhibit the license constitutes an offense under this section. 14163
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Sec. 1533.35. (A) Commercial fishing devices shall be annually licensed as follows: 14167
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(1) Trap and fyke nets, for the first twenty nets or any portion thereof, eight hundred dollars; and for each additional group of ten such nets or any portion thereof, four hundred dollars; 14169
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(2) For each seine of one hundred fifty rods or less in length other than an inland fishing district seine, four hundred 14173
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dollars;	14175
(3) For each seine over one hundred fifty rods in length other than an inland fishing district seine, six hundred dollars;	14176 14177
(4) For each inland fishing district seine, one hundred dollars;	14178 14179
(5) For each carp apron, one hundred dollars;	14180
(6) For one trotline with seventy hooks or less attached thereto, twenty dollars;	14181 14182
(7) For each trotline, or trotlines, with a total of more than seventy hooks attached thereto, one hundred dollars;	14183 14184
(8) For each dip net, one hundred dollars.	14185
The license fee for other commercial fishing gear not mentioned in this section, as approved by the chief of the division of wildlife, shall be set by the chief with approval of the wildlife council.	14186 14187 14188 14189
Commercial fishing gear owned or used by a nonresident may be licensed in this state only if a reciprocal agreement is in effect as provided for in section 1533.352 of the Revised Code.	14190 14191 14192
All commercial license fees shall be paid upon application or shall be paid one-fourth upon application with the balance due and owing within ninety days of the date of application, except that those license fees of one hundred dollars or less shall be paid in full at the time of application.	14193 14194 14195 14196 14197
(B) Royalty fees are hereby established as set forth on the following species of fish when taken commercially: catfish, white bass, and yellow perch.	14198 14199 14200
The amount of the royalty fees shall be as follows: on the species taken for which an allowable catch or quota has been established by division rule, two <u>five</u> cents per pound. On the species taken for which an allowable catch or quota has not been	14201 14202 14203 14204

established by division rule, ~~one cent~~ two cents per pound ~~on that~~ 14205
~~portion taken that exceeds one half of the previous year's taking~~ 14206
~~of the species.~~ 14207

~~For the purpose of this section, the previous year's taking~~ 14208
~~shall be the amount reported for that previous year by the license~~ 14209
~~holder to the division pursuant to reporting procedures set forth~~ 14210
~~in this chapter and Chapter 1531. of the Revised Code.~~ 14211

All royalty fees established or provided for in this section 14212
shall be paid by the license holder to the division. No person may 14213
be issued a commercial fishing license until all royalty fees due 14214
from that person for the preceding fishing season have been paid 14215
in full. The chief may request the attorney general to recover any 14216
royalty fee or amount thereof that is not paid by the opening date 14217
of the next fishing season, and the attorney general shall 14218
commence appropriate legal proceedings to recover the unpaid fee 14219
or amount. 14220

All commercial fishing license moneys and all other fees 14221
collected from commercial ~~fishermen~~ fishers shall be deposited in 14222
the state treasury in accordance with section 1533.33 of the 14223
Revised Code. 14224

No person shall fail to comply with any provision of this 14225
section or a division rule adopted pursuant to it. 14226

In addition to other penalties provided in the Revised Code, 14227
the license of any person who is convicted of one or more 14228
violations of this section shall be suspended upon the conviction 14229
by operation of law for a period of eighteen fishing season months 14230
immediately following the conviction. 14231

During any period of suspension, no person shall use or 14232
engage in fishing with commercial gear owned, used, or controlled 14233
at the time of conviction by the licensee whose license has been 14234
suspended. 14235

Sec. 1533.40. Each person, firm, partnership, association, or 14236
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 14237
or hellgrammites or collects the listed species for sale shall 14238
obtain, annually, from the chief of the division of wildlife a 14239
permit and shall operate under such rules as the chief ~~of the~~ 14240
~~division of wildlife prescribes~~ adopts. ~~Such~~ A permit shall be 14241
issued upon application and the payment of a fee of ~~twenty-five~~ 14242
forty dollars. This permit expires at midnight, on the 14243
thirty-first day of December ~~31~~. Nonresidents engaging in the 14244
collecting, seining, or picking of minnows, crayfish, or 14245
hellgrammites for bait shall have a nonresident fishing license as 14246
prescribed in section 1533.32 of the Revised Code. 14247

Sec. 1533.54. No person shall draw, set, place, locate, 14248
maintain, or possess a pound net, crib net, trammel net, fyke net, 14249
set net, seine, bar net, or fish trap, or any part thereof, or 14250
throw or hand line, with more than three hooks attached thereto, 14251
or any other device for catching fish, except a line with not more 14252
than three hooks attached thereto or lure with not more than three 14253
sets of three hooks each, in the inland fishing district of this 14254
state, except for taking carp, mullet, sheepshead, and grass pike 14255
as provided in section 1533.62 of the Revised Code, and except as 14256
provided in section 1533.60 of the Revised Code, or as otherwise 14257
provided for by division rule. No person shall catch or kill a 14258
fish in that fishing district with what are known as bob lines, 14259
trotlines, or float lines, or by grabbing with the hands, or by 14260
spearing or shooting, or with any other device other than by 14261
angling. In the waters of the inland fishing district, except 14262
those lakes, harbors, and reservoirs controlled by the state, a 14263
trotline may be used with not more than fifty hooks, and no two 14264
hooks less than three feet apart, by the owner or person having 14265
the owner's consent in that part of the stream bordering on or 14266

running through that owner's lands. 14267

Notwithstanding this section, any resident who is licensed to 14268
fish with nets in the Ohio river may possess fish nets for the 14269
sole purpose of storage, repair, drying, and tarring in the area 14270
between United States route fifty and the Ohio river from the 14271
Indiana state line to Cincinnati, Ohio, and in the area between 14272
United States route fifty-two and the Ohio river from Cincinnati, 14273
Ohio, to Chesapeake, Ohio, and in the area between state route 14274
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 14275
Ohio. 14276

Any person possessing a net in this reserve district shall 14277
have an Ohio permit for each net in ~~his~~ the person's possession. 14278
The permit shall be issued annually by the chief of the division 14279
of wildlife upon application of the owner of the net and 14280
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 14281
valid fishing license permitting ~~him~~ the owner to fish with nets 14282
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 14283
net for which an application is made and a permit is issued. The 14284
permit shall expire at twelve midnight on the fifteenth day of 14285
March of each year. 14286

Sec. 1533.631. Any person may apply for a permit to handle 14287
commercial fish, or other fish that may be bought or sold under 14288
the Revised Code or division rule, at wholesale. The chief of the 14289
division of wildlife shall issue an annual permit granting the 14290
applicant the privilege to handle such fish at wholesale at one or 14291
more designated premises upon filing of an application on a form 14292
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 14293
dollars. No person or ~~his~~ a person's agent shall handle at 14294
wholesale any fresh water fish or part thereof unless a permit has 14295
been issued for the calendar year in which the fish is handled at 14296
wholesale for the premises at which the fish is handled. 14297

A fish is handled at wholesale for purposes of this section 14298
when it is on a premises within the state and is being held, 14299
stored, handled, or processed for the purpose of sale to a person 14300
who ordinarily resells the fish. 14301

The permit required by this section shall be issued subject 14302
to the right of entry and inspection of the designated premises of 14303
the permittee by any law enforcement officer authorized by section 14304
1531.13 of the Revised Code to enforce the laws and rules of the 14305
division of wildlife. Such an officer may enter and inspect the 14306
designated premises and any box, package, or receptacle, and the 14307
contents thereof, for the purpose of determining whether any 14308
provision of this chapter or Chapter 1531. of the Revised Code or 14309
division rule is being violated. 14310

No person holding a permit under this section shall remove a 14311
label required by section 1533.301 of the Revised Code unless the 14312
box, package, or receptacle bearing the label has been opened or 14313
unless the label is replaced with another label that meets the 14314
requirements of that section. 14315

No person shall fail to comply with any provision of this 14316
section or division rule adopted pursuant to it. 14317

In addition to other penalties provided in the Revised Code, 14318
the permit of any person who is convicted of two violations of 14319
this section that occurred within a twelve-month period is 14320
suspended upon the second such conviction by operation of law for 14321
a period of five fishing season days immediately following that 14322
conviction. 14323

In addition to other penalties provided in the Revised Code, 14324
the permit of any person who is convicted of three or more 14325
violations of this section that occurred within a twelve-month 14326
period is suspended upon the third or subsequent such conviction 14327
by operation of law for a period of twenty fishing season days 14328

immediately following that conviction. 14329

During any period of suspension, no person shall use or 14330
engage in handling commercial fish at wholesale with equipment or 14331
facilities owned, used, or controlled at the time of conviction by 14332
the permittee whose permit has been suspended. 14333

Sec. 1533.632. (A) As used in this section: 14334

(1) "Aquaculture" means a form of agriculture that involves 14335
the propagation and rearing of aquatic species in controlled 14336
environments under private control, including, but not limited to, 14337
for the purpose of sale for consumption as food. 14338

(2) "Aquaculture species" means any aquatic species that may 14339
be raised through aquaculture that is either a class A aquaculture 14340
species or a class B aquaculture species. 14341

(3) "Class A aquaculture species" includes all of the 14342
following: 14343

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., 14344
Salvelinus sp.); 14345

(b) Walleye (*Stizostedion vitreum*); 14346

(c) Sauger (*Stizostedion canadense*); 14347

(d) Bluegill (*Lepomis machrochirus*); 14348

(e) Redear sunfish (*Lepomis microlophus*); 14349

(f) Green sunfish (*Lepomis cyanellus*); 14350

(g) White crappie (*Pomoxis annularis*); 14351

(h) Black crappie (*Pomoxis nigromaculatus*); 14352

(i) Blue catfish (*Ictalurus furcatus*); 14353

(j) Any species added by rule under division (B) of this 14354
section or listed as commercial fish under section 1531.01 of the 14355
Revised Code except white perch (*Morone americana*). 14356

(4) "Class B aquaculture species" includes any species, 14357
except for class A aquaculture species, designated as such by the 14358
chief of the division of wildlife. 14359

(5) "Aquaculture production facility" means a facility used 14360
for aquaculture. 14361

(B) The chief, in accordance with Chapter 119. of the Revised 14362
Code, shall adopt rules for the regulation of aquaculture and may 14363
issue permits to persons wishing to engage in aquaculture for the 14364
production of aquaculture species. Rules adopted under this 14365
section shall ensure the protection and preservation of the 14366
wildlife and natural resources of this state. The legal length and 14367
weight limitations established under section 1533.63 of the 14368
Revised Code do not apply to class A or class B aquaculture 14369
species. 14370

A permit may be issued upon application to any person who 14371
satisfies the chief that the person has suitable equipment, of 14372
which ~~he~~ the person is the owner or lessee, to engage in 14373
aquaculture for a given aquaculture species or group of 14374
aquaculture species. Each permit shall be in such form as the 14375
chief prescribes. The permits shall be classified as either class 14376
A or class B. A class A permit shall be required for all class A 14377
aquaculture species that are specified in this section or 14378
designated by rule as a class A aquaculture species. Class B 14379
permits shall be issued on a case-by-case basis. In determining 14380
whether to issue a class B permit, the chief shall take into 14381
account the species for which the class B permit is requested, the 14382
location of the aquaculture production facility, and any other 14383
information determined by the chief to be necessary to protect the 14384
wildlife and natural resources of this state. The annual fee for a 14385
class A permit shall be fifty dollars unless otherwise provided by 14386
rule by the chief. The annual fee for a class B permit shall be 14387
set by the chief at a level between one hundred and five hundred 14388

dollars. In determining the fee to be charged for a class B 14389
permit, the chief shall take into account the additional costs to 14390
the division for the inspection of aquaculture facilities used to 14391
raise a given class B aquaculture species. 14392

The chief may revoke a permit upon a determination that the 14393
person to whom the permit was issued has violated any rule adopted 14394
under this section. The permit shall be reissued upon a showing by 14395
the person that ~~he~~ the person is in compliance with the rules 14396
adopted under this section. A holder of an aquaculture permit may 14397
receive a permit issued under section 1533.301, ~~1533.39~~, or 14398
1533.40 of the Revised Code without payment of the fee for that 14399
permit if the conditions for the issuance of the permit have been 14400
met. 14401

(C) No person shall knowingly sell any aquatic species under 14402
an aquaculture permit issued under this section that was not 14403
raised in an aquaculture production facility. In addition to any 14404
other penalties prescribed for violation of this division, the 14405
chief may revoke the permit of any person convicted of a violation 14406
of this division for any period of time ~~he~~ the chief considers 14407
necessary. 14408

(D) No person who does not hold a current valid aquaculture 14409
permit shall knowingly sell an aquaculture species while claiming 14410
to possess an aquaculture permit. 14411

Sec. 1533.71. Unless otherwise provided by division rule, any 14412
person desiring to engage in the business of raising and selling 14413
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 14414
animals in a wholly enclosed preserve of which the person is the 14415
owner or lessee, or to have game birds, game quadrupeds, reptiles, 14416
amphibians, or fur-bearing animals in captivity, shall apply in 14417
writing to the division of wildlife for a license to do so. 14418
14419

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

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

(B) "Noncommercial propagating license" permitting the licensee to propagate game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds, reptiles, amphibians, and fur-bearing animals propagated or held in captivity by authority of a noncommercial propagating license are for the licensee's own use and shall not be sold. The fee for such a license is ~~ten~~ twenty-five dollars per annum.

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

Except as provided by law, no person shall possess game birds, game quadrupeds, or fur-bearing animals in closed season, provided that municipal or governmental zoological parks are not

required to obtain the licenses provided for in this section. 14451

All licenses issued under this section shall expire on the 14452
fifteenth day of March of each year. 14453

The chief of the division of wildlife shall pay all moneys 14454
received as fees for the issuance of licenses under this section 14455
into the state treasury to the credit of the fund created by 14456
section 1533.15 of the Revised Code for the use of the division in 14457
the purchase, preservation, and protection of wild animals and for 14458
the necessary clerical help and forms required by sections 1533.70 14459
to 1533.80 of the Revised Code. 14460

This section does not authorize the taking or the release for 14461
taking of the following: 14462

(1) Game birds, without first obtaining a commercial bird 14463
shooting preserve license issued under section 1533.72 of the 14464
Revised Code; 14465

(2) Game or nonnative wildlife, without first obtaining a 14466
wild animal hunting preserve license issued under section 1533.721 14467
of the Revised Code. 14468

Sec. 1533.82. (A) On receipt of a notice pursuant to section 14469
3123.43 of the Revised Code, the chief of the division of wildlife 14470
shall comply with sections 3123.41 to 3123.50 of the Revised Code 14471
and any applicable rules adopted under section 3123.63 of the 14472
Revised Code with respect to a license, permit, or certificate 14473
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 14474
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 14475
1533.881 of the Revised Code. 14476

(B) On receipt of a notice pursuant to section 3123.62 of the 14477
Revised Code, the chief shall comply with that section and any 14478
applicable rules adopted under section 3123.63 of the Revised Code 14479
with respect to a license, permit, or stamp issued pursuant to 14480

section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 14481
Revised Code. 14482

Sec. 1541.10. Any person selected by the chief of the 14483
division of parks and recreation for custodial or patrol service 14484
on the lands and waters operated or administered by the division 14485
of parks and recreation shall be employed in conformity with the 14486
law applicable to the classified civil service of the state. 14487
Subject to section 1541.11 of the Revised Code, the chief may 14488
designate that person as a park officer. A park officer, on any 14489
lands and waters owned, controlled, maintained, or administered by 14490
the department of natural resources and on highways, as defined in 14491
section 4511.01 of the Revised Code, adjacent to lands and waters 14492
owned, controlled, maintained, or administered by the division, 14493
has the authority specified under section 2935.03 of the Revised 14494
Code for peace officers of the department of natural resources to 14495
keep the peace, to enforce all laws and rules governing those 14496
lands and waters, and to make arrests for violation of those laws 14497
and rules, provided that the authority shall be exercised on lands 14498
or waters administered by another division of the department only 14499
pursuant to an agreement with the chief of that division or to a 14500
request for assistance by an enforcement officer of that division 14501
in an emergency. A park officer, in or along any watercourse 14502
within, abutting, or upstream from the boundary of any area 14503
administered by the department, has the authority to enforce 14504
section 3767.32 of the Revised Code and any other laws prohibiting 14505
the dumping of refuse into or along waters and to make arrests for 14506
violation of those laws. The jurisdiction of park officers shall 14507
be concurrent with that of the peace officers of the county, 14508
township, or municipal corporation in which the violation occurs. 14509
A state park, for purposes of this section, is any area that is 14510
administered as a state park by the division of parks and 14511
recreation. 14512

The ~~governor~~ secretary of state, upon the recommendation of 14513
the chief, shall issue to each park officer a commission 14514
indicating authority to make arrests as provided in this section. 14515

The chief shall furnish a suitable badge to each commissioned 14516
park officer as evidence of that park officer's authority. 14517

If any person employed under this section is designated by 14518
the chief to act as an agent of the state in the collection of 14519
moneys resulting from the sale of licenses, fees of any nature, or 14520
other moneys belonging to the state, the chief shall require a 14521
surety bond from that person in an amount not less than one 14522
thousand dollars. 14523

A park officer may render assistance to a state or local law 14524
enforcement officer at the request of that officer or may render 14525
assistance to a state or local law enforcement officer in the 14526
event of an emergency. 14527

Park officers serving outside the division of parks and 14528
recreation under this section or serving under the terms of a 14529
mutual aid compact authorized under section 1501.02 of the Revised 14530
Code shall be considered as performing services within their 14531
regular employment for the purposes of compensation, pension or 14532
indemnity fund rights, workers' compensation, and other rights or 14533
benefits to which they may be entitled as incidents of their 14534
regular employment. 14535

Park officers serving outside the division of parks and 14536
recreation under this section or under a mutual aid compact retain 14537
personal immunity from civil liability as specified in section 14538
9.86 of the Revised Code and shall not be considered an employee 14539
of a political subdivision for purposes of Chapter 2744. of the 14540
Revised Code. A political subdivision that uses park officers 14541
under this section or under the terms of a mutual aid compact 14542
authorized under section 1501.02 of the Revised Code is not 14543

subject to civil liability under Chapter 2744. of the Revised Code 14544
as the result of any action or omission of any park officer acting 14545
under this section or under a mutual aid compact. 14546

Sec. 1563.42. The operator of a mine, before the pillars are 14547
drawn previous to the abandonment of any part of the mine, shall 14548
have a correct map of such part of the mine made, showing its area 14549
and workings to the day of the abandonment and the pillars drawn 14550
previous to abandonment, and file such map within ninety days 14551
after the abandonment of such mine, in the office of the county 14552
recorder of the county where such mine is located, and with the 14553
chief of the division of mineral resources management. Such map 14554
shall have attached the usual certificate of the mining engineer 14555
making it, and the mine foreperson in charge of the underground 14556
workings of the mine, and such operator shall pay to the recorder 14557
for filing such map, a base fee of five dollars for services and a 14558
housing trust fee of five dollars pursuant to section 317.36 of 14559
the Revised Code. 14560

No operator of a mine shall refuse or neglect to comply with 14561
this section. 14562

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 14563
under the general corporation laws of this state, or previous 14564
laws, or under special provisions of the Revised Code, or created 14565
before September 1, 1851, which corporation has expressedly or 14566
impliedly elected to be governed by the laws passed since that 14567
date, and whose articles or other documents are filed with the 14568
secretary of state, shall file with the secretary of state a 14569
verified statement of continued existence, signed by a director, 14570
officer, or three members in good standing, setting forth the 14571
corporate name, the place where the principal office of the 14572
corporation is located, the date of incorporation, the fact that 14573
the corporation is still actively engaged in exercising its 14574

corporate privileges, and the name and address of its agent 14575
appointed pursuant to section 1702.06 of the Revised Code. 14576

(B) Each corporation required to file a statement of 14577
continued existence shall file it with the secretary of state 14578
within each five years after the date of incorporation or of the 14579
last corporate filing. 14580

(C) Corporations specifically exempted by division (N) of 14581
section 1702.06 of the Revised Code, or whose activities are 14582
regulated or supervised by another state official, agency, bureau, 14583
department, or commission are exempted from this section. 14584

(D) The secretary of state shall give notice in writing and 14585
provide a form for compliance with this section to each 14586
corporation required by this section to file the statement of 14587
continued existence, such notice and form to be mailed to the last 14588
known address of the corporation as it appears on the records of 14589
the secretary of state or which the secretary of state may 14590
ascertain upon a reasonable search. 14591

(E) If any nonprofit corporation required by this section to 14592
file a statement of continued existence fails to file the 14593
statement required every fifth year, then the secretary of state 14594
shall cancel the articles of such corporation, make a notation of 14595
the cancellation on the records, and mail to the corporation a 14596
certificate of the action so taken. 14597

(F) A corporation whose articles have been canceled may be 14598
reinstated by filing an application for reinstatement and paying 14599
to the secretary of state the fee specified in division (Q) of 14600
section 111.16 of the Revised Code. The name of a corporation 14601
whose articles have been canceled shall be reserved for a period 14602
of one year after the date of cancellation. If the reinstatement 14603
is not made within one year from the date of the cancellation of 14604
its articles of incorporation and it appears that a corporate 14605

name, limited liability company name, limited liability 14606
partnership name, limited partnership name, or trade name has been 14607
filed, the name of which is not distinguishable upon the record as 14608
provided in section 1702.06 of the Revised Code, the applicant for 14609
reinstatement shall be required by the secretary of state, as a 14610
condition prerequisite to such reinstatement, to amend its 14611
articles by changing its name. A certificate of reinstatement may 14612
be filed in the recorder's office of any county in the state, for 14613
which the recorder shall charge and collect a base fee of one 14614
dollar for services and a housing trust fund fee of one dollar 14615
pursuant to section 317.36 of the Revised Code. The rights, 14616
privileges, and franchises of a corporation whose articles have 14617
been reinstated are subject to section 1702.60 of the Revised 14618
Code. 14619

(G) The secretary of state shall furnish the tax commissioner 14620
a list of all corporations failing to file the required statement 14621
of continued existence. 14622

Sec. 1711.13. County agricultural societies are hereby 14623
declared bodies corporate and politic, and as such they shall be 14624
capable of suing and being sued and of holding in fee simple any 14625
real estate purchased by them as sites for their fairs. They In 14626
addition, they may mortgage do either or both of the following: 14627

(A) Mortgage their grounds for the purpose of renewing or 14628
extending pre-existing debts, and for the purpose of furnishing 14629
money to purchase additional land~~+~~, but if the board of county 14630
commissioners has caused money to be paid out of the county 14631
treasury to aid in the purchase of ~~such~~ the grounds, no mortgage 14632
shall be given without the consent of ~~such~~ the board. 14633

Deeds, conveyances, and agreements in writing, made to and by 14634
such societies, for the purchase of real estate as sites for their 14635
fairs, shall vest a title in fee simple to the real estate ~~therein~~ 14636

described in those documents, without words of inheritance. 14637

(B) Enter into agreements to obtain loans and credit for 14638
expenses related to the purposes of the county agricultural 14639
society, provided that the agreements are in writing and are first 14640
approved by the board of directors of the society. The total net 14641
indebtedness incurred by a county agricultural society pursuant to 14642
this division shall not exceed an amount equal to twenty-five per 14643
cent of its annual revenues. 14644

Sec. 1711.131. (A) The board of directors of a county 14645
agricultural society or an independent agricultural society may 14646
authorize by resolution an officer or employee of the agricultural 14647
society to use a credit card held by the board to pay for expenses 14648
related to the purposes of the agricultural society. If a board 14649
elects to authorize the use of a credit card held by the board as 14650
described in this section, the board first shall adopt a policy 14651
specifying the purposes for which the credit card may be used. 14652

(B) An officer or employee of an agricultural society who 14653
makes unauthorized use of a credit card held by the society's 14654
board of directors is personally liable for the unauthorized use. 14655
The prosecuting attorney of the appropriate county shall recover 14656
the amount of any unauthorized expenses incurred by the officer or 14657
employee through the misuse of the credit card in a civil action 14658
in any court of competent jurisdiction. This section does not 14659
limit any other liability of the officer or employee for the 14660
unauthorized use of a credit card held by the board of directors. 14661

(C) An officer or employee who is authorized to use a credit 14662
card held by the board of directors of an agricultural society and 14663
who suspects the loss, theft, or possibility of unauthorized use 14664
of the credit card immediately shall notify the board in writing 14665
of the suspected loss, theft, or possible unauthorized use. The 14666
officer or employee may be held personally liable for not more 14667

than fifty dollars in unauthorized debt incurred before the board 14668
receives the notification. 14669

(D) The misuse by an officer or employee of an agricultural 14670
society of a credit card held by the society's board of directors 14671
is a violation of section 2913.21 of the Revised Code. 14672

Sec. 1711.15. In any county in which there is a duly 14673
organized county agricultural society, the board of county 14674
commissioners or the county agricultural society itself may 14675
purchase or lease, for a term of not less than twenty years, real 14676
estate on which to hold fairs under the management and control of 14677
the county agricultural society, and may erect ~~thereon~~ suitable 14678
buildings on the real estate and otherwise improve it. 14679

In counties in which there is a county agricultural society 14680
that has purchased, or leased, for a term of not less than twenty 14681
years, real estate as a site on which to hold fairs or in which 14682
the title to the site is vested in fee in the county, the board of 14683
county commissioners may erect or repair buildings or otherwise 14684
improve the site and pay the rental ~~thereof~~ of it, or contribute 14685
to or pay any other form of indebtedness of the society, if the 14686
director of agriculture has certified to the board that the county 14687
agricultural society is complying with all laws and rules 14688
governing the operation of county agricultural societies. The 14689
board may appropriate from the general fund any amount that it 14690
considers necessary for any of those purposes. 14691

Sec. 1711.17. (A) In any counties in which there is a duly 14692
organized independent agricultural society, the respective boards 14693
of county commissioners may purchase or lease jointly, for a term 14694
of not less than twenty years, real estate on which to hold fairs 14695
under the management and control of the society, and may erect 14696
suitable buildings and otherwise improve the property, and pay the 14697

rental thereof, or contribute to or pay any other form of 14698
 indebtedness of the society, if the director of agriculture has 14699
 certified to the board that the independent agricultural society 14700
 is complying with all laws and rules governing the operation of 14701
 county agricultural societies. The boards may appropriate from 14702
 their respective general funds such an amount as they consider 14703
 necessary for any of those purposes. 14704

(B) An independent agricultural society may purchase or 14705
lease, for a term of not less than twenty years, real estate on 14706
which to hold fairs under its management and control and may erect 14707
suitable buildings on the real estate and otherwise improve it. 14708

Sec. 2101.16. (A) The fees enumerated in this division shall 14709
 be charged and collected, if possible, by the probate judge and 14710
 shall be in full for all services rendered in the respective 14711
 proceedings: 14712

- (1) Account, in addition to advertising charges \$12.00 14713
 - Waivers and proof of notice of hearing on account, per 14714
 - page, minimum one dollar \$ 1.00 14715
- (2) Account of distribution, in addition to 14716
 - advertising charges \$ 7.00 14717
- (3) Adoption of child, petition for \$50.00 14718
- (4) Alter or cancel contract for sale or purchase of 14719
 - real estate, petition to \$20.00 14720
- (5) Application and order not otherwise provided 14721
 - for in this section or by rule adopted pursuant to 14722
 - division (E) of this section \$ 5.00 14723
- (6) Appropriation suit, per day, hearing in \$20.00 14724
- (7) Birth, application for registration of \$ 7.00 14725
- (8) Birth record, application to correct \$ 5.00 14726
- (9) Bond, application for new or additional \$ 5.00 14727
- (10) Bond, application for release of surety or 14728
 - reduction of \$ 5.00 14729

(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	14730
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	\$ 1.00	14731 14732
(13) Citation and issuing citation, application for	\$ 5.00	14733
(14) Change of name, petition for	\$20.00	14734
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	\$10.00	14735 14736
(16) Claim, application to compromise or settle	\$10.00	14737
(17) Claim, authority to present	\$10.00	14738
(18) Commissioner, appointment of	\$ 5.00	14739
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	\$ 5.00	14740 14741
(20) Competency, application to procure adjudication of ...	\$20.00	14742
(21) Complete contract, application to	\$10.00	14743
(22) Concealment of assets, citation for	\$10.00	14744
(23) Construction of will, petition for	\$20.00	14745
(24) Continue decedent's business, application to	\$10.00	14746
Monthly reports of operation	\$ 5.00	14747
(25) Declaratory judgment, petition for	\$20.00	14748
(26) Deposit of will	\$ 5.00	14749
(27) Designation of heir	\$20.00	14750
(28) Distribution in kind, application, assent, and order for	\$ 5.00	14751 14752
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	14753 14754
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$15.00	14755 14756 14757
(31) Exceptions to any proceeding named in this section, contest of appointment or	\$10.00	14758 14759
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	\$10.00	14760 14761
(33) Election of surviving spouse under will	\$ 5.00	14762

(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	14763 14764 14765
(35) Foreign will, application to record	\$10.00	14766
Record of foreign will, additional, per page	\$ 1.00	14767
(36) Forms when supplied by the probate court, not to exceed	\$10.00	14768 14769
(37) Heirship, petition to determine	\$20.00	14770
(38) Injunction proceedings	\$20.00	14771
(39) Improve real estate, petition to	\$20.00	14772
(40) Inventory with appraisement	\$10.00	14773
(41) Inventory without appraisement	\$ 7.00	14774
(42) Investment or expenditure of funds, application for ..	\$10.00	14775
(43) Invest in real estate, application to	\$10.00	14776
(44) Lease for oil, gas, coal, or other mineral, petition to	\$20.00	14777 14778
(45) Lease or lease and improve real estate, petition to ..	\$20.00	14779
(46) Marriage license	\$10.00	14780
Certified abstract of each marriage	\$ 2.00	14781
(47) Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of	\$10.00	14782 14783
(48) Mortgage or mortgage and repair or improve real estate, petition to	\$20.00	14784 14785
(49) Newly discovered assets, report of	\$ 7.00	14786
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	\$20.00	14787 14788
(51) Power of attorney or revocation of power, bonding company	\$10.00	14789 14790
(52) Presumption of death, petition to establish	\$20.00	14791
(53) Probating will	\$15.00	14792
Proof of notice to beneficiaries	\$ 5.00	14793
(54) Purchase personal property, application of surviving spouse to	\$10.00	14794 14795

(55) Purchase real estate at appraised value, petition of surviving spouse to		14796
	\$20.00	14797
(56) Receipts in addition to advertising charges, application and order to record	\$ 5.00	14798
		14799
Record of those receipts, additional, per page	\$ 1.00	14800
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	14801
		14802
(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	14803
(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	14804
		14805
		14806
		14807
(60) Removal of fiduciary, application for	\$10.00	14808
(61) Requalification of executor or administrator	\$10.00	14809
(62) Resignation of fiduciary	\$ 5.00	14810
(63) Sale bill, public sale of personal property	\$10.00	14811
(64) Sale of personal property and report, application for	\$10.00	14812
		14813
(65) Sale of real estate, petition for	\$25.00	14814
(66) Terminate guardianship, petition to	\$10.00	14815
(67) Transfer of real estate, application, entry, and certificate for	\$ 7.00	14816
		14817
(68) Unclaimed money, application to invest	\$ 7.00	14818
(69) Vacate approval of account or order of distribution, motion to	\$10.00	14819
		14820
(70) Writ of execution	\$ 5.00	14821
(71) Writ of possession	\$ 5.00	14822
(72) Wrongful death, application and settlement of claim for	\$20.00	14823
		14824
(73) Year's allowance, petition to review	\$ 7.00	14825
(74) Guardian's report, filing and review of	\$ 5.00	14826
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section		14827
		14828

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. 14861

(F) The probate court, by rule, shall establish a reasonable 14862
fee, not to exceed fifty dollars, for the filing of a petition for 14863
the release of information regarding an adopted person's name by 14864
birth and the identity of the adopted person's biological parents 14865
and biological siblings pursuant to section 3107.41 of the Revised 14866
Code, all proceedings relative to the petition, the entry of an 14867
order relative to the petition, and all services required to be 14868
performed in connection with the petition. The probate court may 14869
use a reasonable portion of a fee charged under authority of this 14870
division to reimburse any agency, as defined in section 3107.39 of 14871
the Revised Code, for any services it renders in performing a task 14872
described in section 3107.41 of the Revised Code relative to or in 14873
connection with the petition for which the fee was charged. 14874

(G)(1) Thirty dollars of the fifty-dollar fee collected 14875
pursuant to division (A)(3) of this section shall be deposited 14876
into the "putative father registry fund," which is hereby created 14877
in the state treasury. The department of job and family services 14878
shall use the money in the fund to fund the department's costs of 14879
performing its duties related to the putative father registry 14880
established under section 3107.062 of the Revised Code. 14881

(2) If the department determines that money in the putative 14882
father registry fund is more than is needed for its duties related 14883
to the putative father registry, the department may use the 14884
surplus moneys in the fund as permitted in division (C) of section 14885
2151.3529, division (B) of section 2151.3530, or section 5103.155 14886
of the Revised Code. 14887

Sec. 2113.041. (A) The administrator of the estate recovery 14888
program established pursuant to section 5111.11 of the Revised 14889
Code may present an affidavit to a financial institution 14890
requesting that the financial institution release account proceeds 14891

<u>to recover the cost of services correctly provided to a medicaid</u>	14892
<u>recipient. The affidavit shall include all of the following</u>	14893
<u>information:</u>	14894
<u>(1) The name of the decedent;</u>	14895
<u>(2) The name of any person who gave notice that the decedent</u>	14896
<u>was a medicaid recipient and that person's relationship to the</u>	14897
<u>decedent;</u>	14898
<u>(3) The name of the financial institution;</u>	14899
<u>(4) The account number;</u>	14900
<u>(5) A description of the claim for estate recovery;</u>	14901
<u>(6) The amount of funds to be recovered.</u>	14902
<u>(B) A financial institution may release account proceeds to</u>	14903
<u>the administrator of the estate recovery program if all of the</u>	14904
<u>following apply:</u>	14905
<u>(1) The decedent held an account at the financial institution</u>	14906
<u>that was in the decedent's name only.</u>	14907
<u>(2) No estate has been, and it is reasonable to assume that</u>	14908
<u>no estate will be, opened for the decedent.</u>	14909
<u>(3) The decedent has no outstanding debts known to the</u>	14910
<u>administrator of the estate recovery program.</u>	14911
<u>(4) The financial institution has received no objections or</u>	14912
<u>has determined that no valid objections to release of proceeds</u>	14913
<u>have been received.</u>	14914
<u>(C) If proceeds have been released pursuant to division (B)</u>	14915
<u>of this section and the department of job and family services</u>	14916
<u>receives notice of a valid claim to the proceeds that has a higher</u>	14917
<u>priority under section 2117.25 of the Revised Code than the claim</u>	14918
<u>of the estate recovery program, the department may refund the</u>	14919
<u>proceeds to the financial institution or pay them to the person or</u>	14920

government entity with the claim. 14921

Sec. 2117.06. (A) All creditors having claims against an 14922
estate, including claims arising out of contract, out of tort, on 14923
cognovit notes, or on judgments, whether due or not due, secured 14924
or unsecured, liquidated or unliquidated, shall present their 14925
claims in one of the following manners: 14926

(1) To the executor or administrator in a writing; 14927

(2) To the executor or administrator in a writing, and to the 14928
probate court by filing a copy of the writing with it; 14929

(3) In a writing that is sent by ordinary mail addressed to 14930
the decedent and that is actually received by the executor or 14931
administrator within the appropriate time specified in division 14932
(B) of this section. For purposes of this division, if an executor 14933
or administrator is not a natural person, the writing shall be 14934
considered as being actually received by the executor or 14935
administrator only if the person charged with the primary 14936
responsibility of administering the estate of the decedent 14937
actually receives the writing within the appropriate time 14938
specified in division (B) of this section. 14939

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 14940
Code, all claims shall be presented within one year after the 14941
death of the decedent, whether or not the estate is released from 14942
administration or an executor or administrator is appointed during 14943
that one-year period. Every claim presented shall set forth the 14944
claimant's address. 14945

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 14946
Code, a claim that is not presented within one year after the 14947
death of the decedent shall be forever barred as to all parties, 14948
including, but not limited to, devisees, legatees, and 14949
distributees. No payment shall be made on the claim and no action 14950

shall be maintained on the claim, except as otherwise provided in 14951
sections 2117.37 to 2117.42 of the Revised Code with reference to 14952
contingent claims. 14953

(D) In the absence of any prior demand for allowance, the 14954
executor or administrator shall allow or reject all claims, except 14955
tax assessment claims, within thirty days after their 14956
presentation, provided that failure of the executor or 14957
administrator to allow or reject within that time shall not 14958
prevent the executor or administrator from doing so after that 14959
time and shall not prejudice the rights of any claimant. Upon the 14960
allowance of a claim, the executor or the administrator, on demand 14961
of the creditor, shall furnish the creditor with a written 14962
statement or memorandum of the fact and date of the allowance. 14963

(E) If the executor or administrator has actual knowledge of 14964
a pending action commenced against the decedent prior to the 14965
decedent's death in a court of record in this state, the executor 14966
or administrator shall file a notice of the appointment of the 14967
executor or administrator in the pending action within ten days 14968
after acquiring that knowledge. If the administrator or executor 14969
is not a natural person, actual knowledge of a pending suit 14970
against the decedent shall be limited to the actual knowledge of 14971
the person charged with the primary responsibility of 14972
administering the estate of the decedent. Failure to file the 14973
notice within the ten-day period does not extend the claim period 14974
established by this section. 14975

(F) This section applies to any person who is required to 14976
give written notice to the executor or administrator of a motion 14977
or application to revive an action pending against the decedent at 14978
the date of the death of the decedent. 14979

(G) Nothing in this section or in section 2117.07 of the 14980
Revised Code shall be construed to reduce the time mentioned in 14981
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 14982

of the Revised Code, provided that no portion of any recovery on a 14983
claim brought pursuant to any of those sections shall come from 14984
the assets of an estate unless the claim has been presented 14985
against the estate in accordance with Chapter 2117. of the Revised 14986
Code. 14987

(H) Any person whose claim has been presented and has not 14988
been rejected after presentment is a creditor as that term is used 14989
in Chapters 2113. to 2125. of the Revised Code. Claims that are 14990
contingent need not be presented except as provided in sections 14991
2117.37 to 2117.42 of the Revised Code, but, whether presented 14992
pursuant to those sections or this section, contingent claims may 14993
be presented in any of the manners described in division (A) of 14994
this section. 14995

(I) If a creditor presents a claim against an estate in 14996
accordance with division (A)(2) of this section, the probate court 14997
shall not close the administration of the estate until that claim 14998
is allowed or rejected. 14999

(J) The probate court shall not require an executor or 15000
administrator to make and return into the court a schedule of 15001
claims against the estate. 15002

(K) If the executor or administrator makes a distribution of 15003
the assets of the estate prior to the expiration of the time for 15004
the filing of claims as set forth in this section, the executor or 15005
administrator shall provide notice on the account delivered to 15006
each distributee that the distributee may be liable to the estate 15007
up to the value of the distribution and may be required to return 15008
all or any part of the value of the distribution if a valid claim 15009
is subsequently made against the estate within the time permitted 15010
under this section. 15011

Sec. 2117.061. (A) As used in this section, "person 15012
responsible for the estate" means the executor, administrator, 15013

commissioner, or person who filed pursuant to section 2113.03 of 15014
the Revised Code for release from administration of an estate. 15015

(B) If the decedent was fifty-five years of age or older at 15016
the time of death, the person responsible for an estate shall 15017
determine whether the decedent was a recipient of medical 15018
assistance under Chapter 5111. of the Revised Code. If the 15019
decedent was a recipient, the person responsible for the estate 15020
shall give written notice to that effect to the administrator of 15021
the estate recovery program instituted under section 5111.11 of 15022
the Revised Code not later than thirty days after the occurrence 15023
of any of the following: 15024

(1) The granting of letters testamentary; 15025

(2) The administration of the estate; 15026

(3) The filing of an application for release from 15027
administration or summary release from administration. 15028

(C) The person responsible for an estate shall mark the 15029
appropriate box on the appropriate probate form to indicate 15030
compliance with the requirements of division (B) of this section. 15031

(D) The estate recovery program administrator shall present a 15032
claim for estate recovery to the person responsible for the estate 15033
or the person's legal representative not later than ninety days 15034
after the date on which notice is received under division (B) of 15035
this section or one year after the decedent's death, whichever is 15036
later. 15037

Sec. 2117.25. (A) Every executor or administrator shall 15038
proceed with diligence to pay the debts of the decedent and shall 15039
apply the assets in the following order: 15040

(1) Costs and expenses of administration; 15041

(2) An amount, not exceeding two thousand dollars, for 15042
funeral expenses that are included in the bill of a funeral 15043

director, funeral expenses other than those in the bill of a 15044
funeral director that are approved by the probate court, and an 15045
amount, not exceeding two thousand dollars, for burial and 15046
cemetery expenses, including that portion of the funeral 15047
director's bill allocated to cemetery expenses that have been paid 15048
to the cemetery by the funeral director. 15049

For purposes of this division, burial and cemetery expenses 15050
shall be limited to the following: 15051

(a) The purchase of a place of interment; 15052

(b) Monuments or other markers; 15053

(c) The outer burial container; 15054

(d) The cost of opening and closing the place of interment; 15055

(e) The urn. 15056

(3) The allowance for support made to the surviving spouse, 15057
minor children, or both under section 2106.13 of the Revised Code; 15058

(4) Debts entitled to a preference under the laws of the 15059
United States; 15060

(5) Expenses of the last sickness of the decedent; 15061

(6) If the total bill of a funeral director for funeral 15062
expenses exceeds two thousand dollars, then, in addition to the 15063
amount described in division (A)(2) of this section, an amount, 15064
not exceeding one thousand dollars, for funeral expenses that are 15065
included in the bill and that exceed two thousand dollars; 15066

(7) Personal property taxes, claims made under the estate 15067
recovery program instituted pursuant to section 5111.11 of the 15068
Revised Code, and obligations for which the decedent was 15069
personally liable to the state or any of its subdivisions; 15070

(8) Debts for manual labor performed for the decedent within 15071
twelve months preceding the decedent's death, not exceeding three 15072

hundred dollars to any one person; 15073

(9) Other debts for which claims have been presented and 15074
finally allowed. 15075

(B) The part of the bill of a funeral director that exceeds 15076
the total of three thousand dollars as described in divisions 15077
(A)(2) and (6) of this section, and the part of a claim included 15078
in division (A)(8) of this section that exceeds three hundred 15079
dollars shall be included as a debt under division (A)(9) of this 15080
section, depending upon the time when the claim for the additional 15081
amount is presented. 15082

(C) Any natural person or fiduciary who pays a claim of any 15083
creditor described in division (A) of this section shall be 15084
subrogated to the rights of that creditor proportionate to the 15085
amount of the payment and shall be entitled to reimbursement for 15086
that amount in accordance with the priority of payments set forth 15087
in that division. 15088

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 15089
to the manner in which and the time within which claims shall be 15090
presented, shall apply to claims set forth in divisions (A)(2), 15091
(6), and (8) of this section. Claims for an expense of 15092
administration or for the allowance for support need not be 15093
presented. The executor or administrator shall pay debts included 15094
in divisions (A)(4) and (7) of this section, of which the executor 15095
or administrator has knowledge, regardless of presentation. 15096

(2) The giving of written notice to an executor or 15097
administrator of a motion or application to revive an action 15098
pending against the decedent at the date of death shall be 15099
equivalent to the presentation of a claim to the executor or 15100
administrator for the purpose of determining the order of payment 15101
of any judgment rendered or decree entered in such an action. 15102

(E) No payments shall be made to creditors of one class until 15103

all those of the preceding class are fully paid or provided for. 15104
If the assets are insufficient to pay all the claims of one class, 15105
the creditors of that class shall be paid ratably. 15106

(F) If it appears at any time that the assets have been 15107
exhausted in paying prior or preferred charges, allowances, or 15108
claims, those payments shall be a bar to an action on any claim 15109
not entitled to that priority or preference. 15110

Sec. 2133.01. Unless the context otherwise requires, as used 15111
in sections 2133.01 to 2133.15 of the Revised Code: 15112

(A) "Adult" means an individual who is eighteen years of age 15113
or older. 15114

(B) "Attending physician" means the physician to whom a 15115
declarant or other patient, or the family of a declarant or other 15116
patient, has assigned primary responsibility for the treatment or 15117
care of the declarant or other patient, or, if the responsibility 15118
has not been assigned, the physician who has accepted that 15119
responsibility. 15120

(C) "Comfort care" means any of the following: 15121

(1) Nutrition when administered to diminish the pain or 15122
discomfort of a declarant or other patient, but not to postpone 15123
the declarant's or other patient's death; 15124

(2) Hydration when administered to diminish the pain or 15125
discomfort of a declarant or other patient, but not to postpone 15126
the declarant's or other patient's death; 15127

(3) Any other medical or nursing procedure, treatment, 15128
intervention, or other measure that is taken to diminish the pain 15129
or discomfort of a declarant or other patient, but not to postpone 15130
the declarant's or other patient's death. 15131

(D) "Consulting physician" means a physician who, in 15132
conjunction with the attending physician of a declarant or other 15133

patient, makes one or more determinations that are required to be 15134
made by the attending physician, or to be made by the attending 15135
physician and one other physician, by an applicable provision of 15136
this chapter, to a reasonable degree of medical certainty and in 15137
accordance with reasonable medical standards. 15138

(E) "Declarant" means any adult who has executed a 15139
declaration in accordance with section 2133.02 of the Revised 15140
Code. 15141

(F) "Declaration" means a written document executed in 15142
accordance with section 2133.02 of the Revised Code. 15143

(G) "Durable power of attorney for health care" means a 15144
document created pursuant to sections 1337.11 to 1337.17 of the 15145
Revised Code. 15146

(H) "Guardian" means a person appointed by a probate court 15147
pursuant to Chapter 2111. of the Revised Code to have the care and 15148
management of the person of an incompetent. 15149

(I) "Health care facility" means any of the following: 15150

(1) A hospital; 15151

(2) A hospice care program or other institution that 15152
specializes in comfort care of patients in a terminal condition or 15153
in a permanently unconscious state; 15154

(3) A nursing home or residential care facility, as defined 15155
in section 3721.01 of the Revised Code; 15156

(4) A home health agency and any residential facility where a 15157
person is receiving care under the direction of a home health 15158
agency; 15159

(5) An intermediate care facility for the mentally retarded. 15160

(J) "Health care personnel" means physicians, nurses, 15161
physician assistants, emergency medical technicians-basic, 15162
emergency medical technicians-intermediate, emergency medical 15163

technicians-paramedic, medical technicians, dietitians, other	15164
authorized persons acting under the direction of an attending	15165
physician, and administrators of health care facilities.	15166
(K) "Home health agency" has the same meaning as in section	15167
3701.88 <u>3701.881</u> of the Revised Code.	15168
(L) "Hospice care program" has the same meaning as in section	15169
3712.01 of the Revised Code.	15170
(M) "Hospital" has the same meanings as in sections 2108.01,	15171
3701.01, and 5122.01 of the Revised Code.	15172
(N) "Hydration" means fluids that are artificially or	15173
technologically administered.	15174
(O) "Incompetent" has the same meaning as in section 2111.01	15175
of the Revised Code.	15176
(P) "Intermediate care facility for the mentally retarded"	15177
has the same meaning as in section 5111.20 of the Revised Code.	15178
(Q) "Life-sustaining treatment" means any medical procedure,	15179
treatment, intervention, or other measure that, when administered	15180
to a qualified patient or other patient, will serve principally to	15181
prolong the process of dying.	15182
(R) "Nurse" means a person who is licensed to practice	15183
nursing as a registered nurse or to practice practical nursing as	15184
a licensed practical nurse pursuant to Chapter 4723. of the	15185
Revised Code.	15186
(S) "Nursing home" has the same meaning as in section 3721.01	15187
of the Revised Code.	15188
(T) "Nutrition" means sustenance that is artificially or	15189
technologically administered.	15190
(U) "Permanently unconscious state" means a state of	15191
permanent unconsciousness in a declarant or other patient that, to	15192
a reasonable degree of medical certainty as determined in	15193

accordance with reasonable medical standards by the declarant's or 15194
other patient's attending physician and one other physician who 15195
has examined the declarant or other patient, is characterized by 15196
both of the following: 15197

(1) Irreversible unawareness of one's being and environment. 15198

(2) Total loss of cerebral cortical functioning, resulting in 15199
the declarant or other patient having no capacity to experience 15200
pain or suffering. 15201

(V) "Person" has the same meaning as in section 1.59 of the 15202
Revised Code and additionally includes political subdivisions and 15203
governmental agencies, boards, commissions, departments, 15204
institutions, offices, and other instrumentalities. 15205

(W) "Physician" means a person who is authorized under 15206
Chapter 4731. of the Revised Code to practice medicine and surgery 15207
or osteopathic medicine and surgery. 15208

(X) "Political subdivision" and "state" have the same 15209
meanings as in section 2744.01 of the Revised Code. 15210

(Y) "Professional disciplinary action" means action taken by 15211
the board or other entity that regulates the professional conduct 15212
of health care personnel, including the state medical board and 15213
the board of nursing. 15214

(Z) "Qualified patient" means an adult who has executed a 15215
declaration and has been determined to be in a terminal condition 15216
or in a permanently unconscious state. 15217

(AA) "Terminal condition" means an irreversible, incurable, 15218
and untreatable condition caused by disease, illness, or injury 15219
from which, to a reasonable degree of medical certainty as 15220
determined in accordance with reasonable medical standards by a 15221
declarant's or other patient's attending physician and one other 15222
physician who has examined the declarant or other patient, both of 15223

the following apply:	15224
(1) There can be no recovery.	15225
(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.	15226 15227
(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.	15228 15229 15230 15231
<u>Sec. 2151.352. A Except as otherwise provided in this</u>	15232
<u>section, a child, or the child's parents, or custodian, or <u>any</u></u>	15233
<u>other person in loco parentis of such <u>the</u> child is entitled to</u>	15234
<u>representation by legal counsel at all stages of the proceedings</u>	15235
<u>under this chapter or Chapter 2152. of the Revised Code and if,</u>	15236
<u>If, as an indigent person, any such person <u>a party</u> is unable to</u>	15237
<u>employ counsel, <u>the party is entitled</u> to have counsel provided for</u>	15238
<u>the person pursuant to Chapter 120. of the Revised Code. If a</u>	15239
<u>party appears without counsel, the court shall ascertain whether</u>	15240
<u>the party knows of the party's right to counsel and of the party's</u>	15241
<u>right to be provided with counsel if the party is an indigent</u>	15242
<u>person. The court may continue the case to enable a party to</u>	15243
<u>obtain counsel or to be represented by the county public defender</u>	15244
<u>or the joint county public defender and shall provide counsel upon</u>	15245
<u>request pursuant to Chapter 120. of the Revised Code. Counsel must</u>	15246
<u>be provided for a child not represented by the child's parent,</u>	15247
<u>guardian, or custodian. If the interests of two or more such</u>	15248
<u>parties conflict, separate counsel shall be provided for each of</u>	15249
<u>them.</u>	15250
<u>This section does not confer the right to court-appointed</u>	15251
<u>counsel in civil actions arising under division (A)(2), (D), or</u>	15252
<u>(F) of section 2151.23 or division (C) of section 3111.13 of the</u>	15253
<u>Revised Code.</u>	15254

Section 2935.14 of the Revised Code applies to any child 15255
taken into custody. The parents, custodian, or guardian of ~~such a~~ 15256
child taken into custody, and any attorney at law representing 15257
them or the child, shall be entitled to visit ~~such the~~ child at 15258
any reasonable time, be present at any hearing involving the 15259
child, and be given reasonable notice of ~~such the~~ hearing. 15260

Any report or part ~~thereof~~ of a report concerning ~~such the~~ 15261
child, which is used in the hearing and is pertinent ~~thereto~~ to 15262
the hearing, shall for good cause shown be made available to any 15263
attorney at law representing ~~such the~~ child and to any attorney at 15264
law representing the parents, custodian, or guardian of ~~such the~~ 15265
child, upon written request prior to any hearing involving ~~such~~ 15266
the child. 15267

Sec. 2151.3529. (A) The director of job and family services 15268
shall promulgate forms designed to gather pertinent medical 15269
information concerning a deserted child and the child's parents. 15270
The forms shall clearly and unambiguously state on each page that 15271
the information requested is to facilitate medical care for the 15272
child, that the forms may be fully or partially completed or left 15273
blank, that completing the forms or parts of the forms is 15274
completely voluntary, and that no adverse legal consequence will 15275
result from failure to complete any part of the forms. 15276

(B) The director shall promulgate written materials to be 15277
given to the parents of a child delivered pursuant to section 15278
2151.3516 of the Revised Code. The materials shall describe 15279
services available to assist parents and newborns and shall 15280
include information directly relevant to situations that might 15281
cause parents to desert a child and information on the procedures 15282
for a person to follow in order to reunite with a child the person 15283
delivered under section 2151.3516 of the Revised Code, including 15284
notice that the person will be required to submit to a DNA test, 15285

at that person's expense, to prove that the person is the parent 15286
of the child. 15287

(C) If the department of job and family services determines 15288
that money in the putative father registry fund created under 15289
section 2101.16 of the Revised Code is more than is needed for its 15290
duties related to the putative father registry, the department may 15291
use surplus moneys in the fund for costs related to the 15292
development and publication of forms and materials promulgated 15293
pursuant to divisions (A) and (B) of this section. 15294

Sec. 2151.3530. (A) The director of job and family services 15295
shall distribute the medical information forms and written 15296
materials promulgated under section 2151.3529 of the Revised Code 15297
to entities permitted to receive a deserted child, to public 15298
children services agencies, and to other public or private 15299
agencies that, in the discretion of the director, are best able to 15300
disseminate the forms and materials to the persons who are most in 15301
need of the forms and materials. 15302

(B) If the department of job and family services determines 15303
that money in the putative father registry fund created under 15304
section 2101.16 of the Revised Code is more than is needed to 15305
perform its duties related to the putative father registry, the 15306
department may use surplus moneys in the fund for costs related to 15307
the distribution of forms and materials pursuant to this section. 15308

Sec. 2151.83. (A) A public children services agency or 15309
private child placing agency, on the request of a young adult, 15310
shall enter into a jointly prepared written agreement with the 15311
young adult that obligates the agency to ensure that independent 15312
living services are provided to the young adult and sets forth the 15313
responsibilities of the young adult regarding the services. The 15314
agreement shall be developed based on the young adult's strengths, 15315

needs, and circumstances ~~and the availability of funds provided~~ 15316
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 15317
shall be designed to promote the young adult's successful 15318
transition to independent adult living and emotional and economic 15319
self-sufficiency. 15320

(B) If the young adult appears to be eligible for services 15321
from one or more of the following entities, the agency must 15322
contact the appropriate entity to determine eligibility: 15323

(1) An entity, other than the agency, that is represented on 15324
a county family and children first council established pursuant to 15325
section 121.37 of the Revised Code. If the entity is a board of 15326
alcohol, drug addiction, and mental health services, an alcohol 15327
and drug addiction services board, or a community mental health 15328
board, the agency shall contact the provider of alcohol, drug 15329
addiction, or mental health services that has been designated by 15330
the board to determine the young adult's eligibility for services. 15331

(2) The rehabilitation services commission; 15332

(3) A metropolitan housing authority established pursuant to 15333
section 3735.27 of the Revised Code. 15334

If an entity described in this division determines that the 15335
young adult qualifies for services from the entity, that entity, 15336
the young adult, and the agency to which the young adult made the 15337
request for independent living services shall enter into a written 15338
addendum to the jointly prepared agreement entered into under 15339
division (A) of this section. The addendum shall indicate how 15340
services under the agreement and addendum are to be coordinated 15341
and allocate the service responsibilities among the entities and 15342
agency that signed the addendum. 15343

Sec. 2151.84. The department of job and family services shall 15344
establish model agreements that may be used by public children 15345

services agencies and private child placing agencies required to 15346
provide services under an agreement with a young adult pursuant to 15347
section 2151.83 of the Revised Code. The model agreements shall 15348
include provisions describing the specific independent living 15349
services to be provided ~~to the extent funds are provided pursuant~~ 15350
~~to this section~~, the duration of the services and the agreement, 15351
the duties and responsibilities of each party under the agreement, 15352
and grievance procedures regarding disputes that arise regarding 15353
the agreement or services provided under it. 15354

~~To facilitate the provision of independent living services,~~ 15355
~~the department shall provide funds to meet the requirement of~~ 15356
~~state matching funds needed to qualify for federal funds under the~~ 15357
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 15358
~~U.S.C. 677, as amended. The department shall seek controlling~~ 15359
~~board approval of any fund transfers necessary to meet this~~ 15360
~~requirement.~~ 15361

Sec. 2152.19. (A) If a child is adjudicated a delinquent 15362
child, the court may make any of the following orders of 15363
disposition, in addition to any other disposition authorized or 15364
required by this chapter: 15365

(1) Any order that is authorized by section 2151.353 of the 15366
Revised Code for the care and protection of an abused, neglected, 15367
or dependent child; 15368

(2) Commit the child to the temporary custody of any school, 15369
camp, institution, or other facility operated for the care of 15370
delinquent children by the county, by a district organized under 15371
section 2152.41 or 2151.65 of the Revised Code, or by a private 15372
agency or organization, within or without the state, that is 15373
authorized and qualified to provide the care, treatment, or 15374
placement required, including, but not limited to, a school, camp, 15375
or facility operated under section 2151.65 of the Revised Code; 15376

(3) Place the child in a detention facility or district	15377
detention facility operated under section 2152.41 of the Revised	15378
Code, for up to ninety days;	15379
(4) Place the child on community control under any sanctions,	15380
services, and conditions that the court prescribes. As a condition	15381
of community control in every case and in addition to any other	15382
condition that it imposes upon the child, the court shall require	15383
the child to abide by the law during the period of community	15384
control. As referred to in this division, community control	15385
includes, but is not limited to, the following sanctions and	15386
conditions:	15387
(a) A period of basic probation supervision in which the	15388
child is required to maintain contact with a person appointed to	15389
supervise the child in accordance with sanctions imposed by the	15390
court;	15391
(b) A period of intensive probation supervision in which the	15392
child is required to maintain frequent contact with a person	15393
appointed by the court to supervise the child while the child is	15394
seeking or maintaining employment and participating in training,	15395
education, and treatment programs as the order of disposition;	15396
(c) A period of day reporting in which the child is required	15397
each day to report to and leave a center or another approved	15398
reporting location at specified times in order to participate in	15399
work, education or training, treatment, and other approved	15400
programs at the center or outside the center;	15401
(d) A period of community service of up to five hundred hours	15402
for an act that would be a felony or a misdemeanor of the first	15403
degree if committed by an adult, up to two hundred hours for an	15404
act that would be a misdemeanor of the second, third, or fourth	15405
degree if committed by an adult, or up to thirty hours for an act	15406
that would be a minor misdemeanor if committed by an adult;	15407

(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment;	15408
	15409
	15410
(f) A period of drug and alcohol use monitoring;	15411
(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;	15412
	15413
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(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours;	15416
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(i) A requirement that the child serve monitored time;	15418
(j) A period of house arrest with or without electronic monitoring;	15419
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(k) A period of electronic monitoring without house arrest or electronically monitored house arrest that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act.	15421
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A period of electronically monitored house arrest imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of electronically monitored house arrest upon a child under this division, it shall require the child: to wear, otherwise have attached to the child's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the child's home or other specified premises for the entire period of electronically monitored house arrest except when the court permits the child to leave those premises to go to school or to other specified premises; to be monitored by a central system that can determine	15425
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the child's location at designated times; to report periodically 15438
to a person designated by the court; and to enter into a written 15439
contract with the court agreeing to comply with all requirements 15440
imposed by the court, agreeing to pay any fee imposed by the court 15441
for the costs of the electronically monitored house arrest, and 15442
agreeing to waive the right to receive credit for any time served 15443
on electronically monitored house arrest toward the period of any 15444
other dispositional order imposed upon the child if the child 15445
violates any of the requirements of the dispositional order of 15446
electronically monitored house arrest. The court also may impose 15447
other reasonable requirements upon the child. 15448

Unless ordered by the court, a child shall not receive credit 15449
for any time served on electronically monitored house arrest 15450
toward any other dispositional order imposed upon the child for 15451
the act for which was imposed the dispositional order of 15452
electronically monitored house arrest. 15453

(1) A suspension of the driver's license, probationary 15454
driver's license, or temporary instruction permit issued to the 15455
child or a suspension of the registration of all motor vehicles 15456
registered in the name of the child. A child whose license or 15457
permit is so suspended is ineligible for issuance of a license or 15458
permit during the period of suspension. At the end of the period 15459
of suspension, the child shall not be reissued a license or permit 15460
until the child has paid any applicable reinstatement fee and 15461
complied with all requirements governing license reinstatement. 15462

(5) Commit the child to the custody of the court; 15463

(6) Require the child to not be absent without legitimate 15464
excuse from the public school the child is supposed to attend for 15465
five or more consecutive days, seven or more school days in one 15466
school month, or twelve or more school days in a school year; 15467

(7)(a) If a child is adjudicated a delinquent child for being 15468

a chronic truant or an habitual truant who previously has been 15469
adjudicated an unruly child for being a habitual truant, do either 15470
or both of the following: 15471

(i) Require the child to participate in a truancy prevention 15472
mediation program; 15473

(ii) Make any order of disposition as authorized by this 15474
section, except that the court shall not commit the child to a 15475
facility described in division (A)(2) or (3) of this section 15476
unless the court determines that the child violated a lawful court 15477
order made pursuant to division (C)(1)(e) of section 2151.354 of 15478
the Revised Code or division (A)(6) of this section. 15479

(b) If a child is adjudicated a delinquent child for being a 15480
chronic truant or a habitual truant who previously has been 15481
adjudicated an unruly child for being a habitual truant and the 15482
court determines that the parent, guardian, or other person having 15483
care of the child has failed to cause the child's attendance at 15484
school in violation of section 3321.38 of the Revised Code, do 15485
either or both of the following: 15486

(i) Require the parent, guardian, or other person having care 15487
of the child to participate in a truancy prevention mediation 15488
program; 15489

(ii) Require the parent, guardian, or other person having 15490
care of the child to participate in any community service program, 15491
preferably a community service program that requires the 15492
involvement of the parent, guardian, or other person having care 15493
of the child in the school attended by the child. 15494

(8) Make any further disposition that the court finds proper, 15495
except that the child shall not be placed in any of the following: 15496

(a) A state correctional institution, a county, multicounty, 15497
or municipal jail or workhouse, or another place in which an adult 15498
convicted of a crime, under arrest, or charged with a crime is 15499