

employees, the affected employee or appointing authority may 7276  
appeal the decision of the state personnel board of review to the 7277  
court of common pleas court. ~~The appeal from the state personnel~~ 7278  
~~board of review shall be made~~ in accordance with section 119.12 of 7279  
the Revised Code. 7280

**Sec. 125.041.** Nothing in sections 125.02, 125.03 to 125.08, 7281  
125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of the 7282  
Revised Code shall be construed as limiting the attorney general, 7283  
auditor of state, secretary of state, or treasurer of state in any 7284  
of the following: 7285

(A) Purchases for less than the dollar amounts for the 7286  
purchase of supplies or services determined pursuant to division 7287  
(D) of section 125.05 of the Revised Code; 7288

(B) Purchases that equal or exceed the dollar amounts for the 7289  
purchase of supplies or services determined pursuant to division 7290  
(D) of section 125.05 of the Revised Code with the approval of the 7291  
controlling board, if that approval is required by section 127.16 7292  
of the Revised Code; 7293

(C) The final determination of the nature or quantity making 7294  
any purchase of supplies or services to be purchased pursuant to 7295  
section 125.06 of the Revised Code; 7296

(D) The final determination and disposal of excess and 7297  
surplus supplies; 7298

(E) The inventory of state property; 7299

(F) The purchase of printing; 7300

(G) ~~The~~ Activities related to information technology 7301  
development and use; 7302

(H) The fleet management program. 7303

**Sec. 125.05.** Except as provided in division (E) of this 7304

section, no state agency shall purchase any supplies or services 7305  
except as provided in divisions (A) to (C) of this section. 7306

(A) Subject to division (D) of this section, a state agency 7307  
may, without competitive selection, make any purchase of services 7308  
that cost fifty thousand dollars or less or any purchase of 7309  
supplies that cost twenty-five thousand dollars or less. The 7310  
agency may make the purchase directly or may make the purchase 7311  
from or through the department of administrative services, 7312  
whichever the agency determines. The department shall establish 7313  
written procedures to assist state agencies when they make direct 7314  
purchases. If the agency makes the purchase directly, it shall 7315  
make the purchase by a term contract whenever possible. 7316

(B) Subject to division (D) of this section, a state agency 7317  
wanting to purchase services that cost more than fifty thousand 7318  
dollars or supplies that cost more than twenty-five thousand 7319  
dollars shall, unless otherwise authorized by law, make the 7320  
purchase from or through the department. The department shall make 7321  
the purchase by competitive selection under section 125.07 of the 7322  
Revised Code. If the director of administrative services 7323  
determines that it is not possible or not advantageous to the 7324  
state for the department to make the purchase, the department 7325  
shall grant the agency a release and permit under section 125.06 7326  
of the Revised Code to make the purchase. Section 127.16 of the 7327  
Revised Code does not apply to purchases the department makes 7328  
under this section. 7329

(C) An agency that has been granted a release and permit to 7330  
make a purchase may make the purchase without competitive 7331  
selection if after making the purchase the cumulative purchase 7332  
threshold as computed under division (F) of section 127.16 of the 7333  
Revised Code would: 7334

(1) Be exceeded and the controlling board approves the 7335  
purchase; 7336

(2) Not be exceeded and the department of administrative 7337  
services approves the purchase. 7338

(D) Not later than January 31, 1997, the amounts specified in 7339  
divisions (A) and (B) of this section and, not later than the 7340  
thirty-first day of January of each second year thereafter, any 7341  
amounts computed by adjustments made under this division, shall be 7342  
increased or decreased by the average percentage increase or 7343  
decrease in the consumer price index prepared by the United States 7344  
bureau of labor statistics (U.S. City Average for Urban Wage 7345  
Earners and Clerical Workers: "All Items 1982-1984=100") for the 7346  
twenty-four calendar month period prior to the immediately 7347  
preceding first day of January over the immediately preceding 7348  
twenty-four calendar month period, as reported by the bureau. The 7349  
director of administrative services shall make this determination 7350  
and adjust the appropriate amounts accordingly. 7351

(E) If the eTech Ohio ~~SchoolNet~~ commission, the department of 7352  
education, or the Ohio education computer network determines that 7353  
it can purchase software services or supplies for specified school 7354  
districts at a price less than the price for which the districts 7355  
could purchase the same software services or supplies for 7356  
themselves, the ~~office~~ commission, department, or network shall 7357  
certify that fact to the department of administrative services 7358  
and, acting as an agent for the specified school districts, shall 7359  
make that purchase without following the provisions in divisions 7360  
(A) to (D) of this section. 7361

**Sec. 125.11.** (A) Subject to division (B) of this section, 7362  
contracts awarded pursuant to a reverse auction under section 7363  
125.072 of the Revised Code or pursuant to competitive sealed 7364  
bidding, including contracts awarded under section 125.081 of the 7365  
Revised Code, shall be awarded to the lowest responsive and 7366  
responsible bidder on each item in accordance with section 9.312 7367

of the Revised Code. When the contract is for meat products as 7368  
defined in section 918.01 of the Revised Code or poultry products 7369  
as defined in section 918.21 of the Revised Code, only those bids 7370  
received from vendors offering products from establishments on the 7371  
current list of meat and poultry vendors established and 7372  
maintained by the director of administrative services under 7373  
section 125.17 of the Revised Code shall be eligible for 7374  
acceptance. The department of administrative services may accept 7375  
or reject any or all bids in whole or by items, except that when 7376  
the contract is for services or products available from a 7377  
qualified nonprofit agency pursuant to sections 125.60 to 125.6012 7378  
or 4115.31 to 4115.35 of the Revised Code, the contract shall be 7379  
awarded to that agency. 7380

(B) Prior to awarding a contract under division (A) of this 7381  
section, the department of administrative services or the state 7382  
agency responsible for evaluating a contract for the purchase of 7383  
products shall evaluate the bids received according to the 7384  
criteria and procedures established pursuant to divisions (C)(1) 7385  
and (2) of section 125.09 of the Revised Code for determining if a 7386  
product is produced or mined in the United States and if a product 7387  
is produced or mined in this state. The department or other state 7388  
agency shall first remove bids that offer products that have not 7389  
been or that will not be produced or mined in the United States. 7390  
From among the remaining bids, the department or other state 7391  
agency shall select the lowest responsive and responsible bid, in 7392  
accordance with section 9.312 of the Revised Code, from among the 7393  
bids that offer products that have been produced or mined in this 7394  
state where sufficient competition can be generated within this 7395  
state to ensure that compliance with these requirements will not 7396  
result in an excessive price for the product or acquiring a 7397  
disproportionately inferior product. If there are two or more 7398  
qualified bids that offer products that have been produced or 7399

mined in this state, it shall be deemed that there is sufficient  
competition to prevent an excessive price for the product or the  
acquiring of a disproportionately inferior product.

(C) Division (B) of this section applies to contracts for  
which competitive bidding is waived by the controlling board.

(D) Division (B) of this section does not apply to the  
purchase by the division of liquor control of spirituous liquor.

(E) The director of administrative services shall publish in  
the form of a model act for use by counties, townships, municipal  
corporations, or any other political subdivision described in  
division (B) of section 125.04 of the Revised Code, a system of  
preferences for products mined and produced in this state and in  
the United States and for Ohio-based contractors. The model act  
shall reflect substantial equivalence to the system of preferences  
in purchasing and public improvement contracting procedures under  
which the state operates pursuant to this chapter and section  
153.012 of the Revised Code. To the maximum extent possible,  
consistent with the Ohio system of preferences in purchasing and  
public improvement contracting procedures, the model act shall  
incorporate all of the requirements of the federal "Buy America  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and  
the rules adopted under that act.

Before and during the development and promulgation of the  
model act, the director shall consult with appropriate statewide  
organizations representing counties, townships, and municipal  
corporations so as to identify the special requirements and  
concerns these political subdivisions have in their purchasing and  
public improvement contracting procedures. The director shall  
promulgate the model act by rule adopted pursuant to Chapter 119.  
of the Revised Code and shall revise the act as necessary to  
reflect changes in this chapter or section 153.012 of the Revised

Code. 7431

The director shall make available copies of the model act, 7432  
supporting information, and technical assistance to any township, 7433  
county, or municipal corporation wishing to incorporate the 7434  
provisions of the act into its purchasing or public improvement 7435  
contracting procedure. 7436

Sec. 125.18. (A) There is hereby established the office of 7437  
information technology housed within the department of 7438  
administrative services. The office shall be under the supervision 7439  
of a chief information officer to be appointed by the governor and 7440  
subject to removal at the pleasure of the governor. The chief 7441  
information officer shall serve as the director of the office. 7442

(B) The director of the office of information technology 7443  
shall advise the governor regarding the superintendence and 7444  
implementation of statewide information technology policy. 7445

(C) The director of the office of information technology 7446  
shall lead, oversee, and direct state agency activities related to 7447  
information technology development and use. In that regard, the 7448  
director shall do all of the following: 7449

(1) Coordinate and superintend statewide efforts to promote 7450  
common use and development of technology by state agencies. The 7451  
office of information technology shall establish policies and 7452  
standards that govern and direct state agency participation in 7453  
statewide programs and initiatives. 7454

(2) Establish policies and standards for the acquisition and 7455  
use of information technology by state agencies, including, but 7456  
not limited to, hardware, software, technology services, and 7457  
security, with which state agencies shall comply; 7458

(3) Establish criteria and review processes to identify state 7459  
agency information technology projects that require alignment or 7460

oversight. As appropriate, the office of information technology 7461  
shall provide the governor and the director of budget and 7462  
management with notice and advice regarding the appropriate 7463  
allocation of resources for those projects. The director of the 7464  
office of information technology may require state agencies to 7465  
provide, and may prescribe the form and manner by which they must 7466  
provide, information to fulfill the director's alignment and 7467  
oversight role. 7468

(D) The office of information technology shall have the same 7469  
authority given to the department of administrative services under 7470  
sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 7471  
125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of 7472  
the Revised Code for the purchase of information technology 7473  
supplies and services for state agencies. 7474

(E) The office of information technology may make contracts 7475  
for, operate, and superintend technology supplies and services for 7476  
state agencies in accordance with this chapter. 7477

(F) The office of information technology may establish 7478  
cooperative agreements with federal and local government agencies 7479  
and state agencies that are not under the authority of the 7480  
governor for the provision of technology services and the 7481  
development of technology projects. 7482

(G) As used in this section, "state agency" means every 7483  
organized body, office, or agency established by the laws of the 7484  
state for the exercise of any function of state government, other 7485  
than any state-supported institution of higher education, the 7486  
office of the auditor of state, treasurer of state, secretary of 7487  
state, or attorney general, the public employees retirement 7488  
system, the Ohio police and fire pension fund, the state teachers 7489  
retirement system, the school employees retirement system, the 7490  
state highway patrol retirement system, the general assembly or 7491

any legislative agency, or the courts or any judicial agency. 7492

Sec. 125.25. (A) The director of administrative services may 7493  
debar a vendor from consideration for contract awards upon a 7494  
finding based upon a reasonable belief that the vendor has done 7495  
any of the following: 7496

(1) Abused the selection process by repeatedly withdrawing 7497  
bids or proposals before purchase orders or contracts are issued 7498  
or failing to accept orders based upon firm bids; 7499

(2) Failed to substantially perform a contract according to 7500  
its terms, conditions, and specifications within specified time 7501  
limits; 7502

(3) Failed to cooperate in monitoring contract performance by 7503  
refusing to provide information or documents required in a 7504  
contract, failed to respond to complaints to the vendor, or 7505  
accumulated repeated justified complaints regarding performance of 7506  
a contract; 7507

(4) Attempted to influence a public employee to breach 7508  
ethical conduct standards or to influence a contract award; 7509

(5) Colluded to restrain competition by any means; 7510

(6) Been convicted of a criminal offense related to the 7511  
application for or performance of any public or private contract, 7512  
including, but not limited to, embezzlement, theft, forgery, 7513  
bribery, falsification or destruction of records, receiving stolen 7514  
property, and any other offense that directly reflects on the 7515  
vendor's business integrity; 7516

(7) Been convicted under state or federal antitrust laws; 7517

(8) Deliberately or willfully submitted false or misleading 7518  
information in connection with the application for or performance 7519  
of a public contract; 7520



(9) Violated any other responsible business practice or 7521  
performed in an unsatisfactory manner as determined by the 7522  
director; 7523

(10) Through the default of a contract or through other means 7524  
had a determination of unresolved finding for recovery by the 7525  
auditor of state under section 9.24 of the Revised Code; 7526

(11) Acted in such a manner as to be debarred from 7527  
participating in a contract with any governmental agency. 7528

(B) When the director reasonably believes that grounds for 7529  
debarment exist, the director shall send the vendor a notice of 7530  
proposed debarment indicating the grounds for the proposed 7531  
debarment and the procedure for requesting a hearing on the 7532  
proposed debarment. The hearing shall be conducted in accordance 7533  
with Chapter 119. of the Revised Code. If the vendor does not 7534  
respond with a request for a hearing in the manner specified in 7535  
Chapter 119. of the Revised Code, the director shall issue the 7536  
debarment decision without a hearing and shall notify the vendor 7537  
of the decision by certified mail, return receipt requested. 7538

(C) The director shall determine the length of the debarment 7539  
period and may rescind the debarment at any time upon notification 7540  
to the vendor. During the period of debarment, the vendor is not 7541  
eligible to participate in any state contract. After the debarment 7542  
period expires, the vendor shall be eligible to be awarded 7543  
contracts by state agencies. (D) The director, through the office 7544  
of information technology and the office of procurement services, 7545  
shall maintain a list of all vendors currently debarred under this 7546  
section. 7547

**Sec. 125.60.** As used in sections 125.60 to 125.6012 of the 7548  
Revised Code: 7549

(A) "Community rehabilitation program" means an agency that: 7550

(1) Is organized under the laws of the United States or this 7551  
state such that no part of its net income inures to the benefit of 7552  
any shareholder or other individual; 7553

(2) Is certified as a sheltered workshop, if applicable, by 7554  
the wage and hour division of the United States department of 7555  
labor; 7556

(3) Is registered and in good standing with the secretary of 7557  
state as a domestic nonprofit or not-for-profit corporation; 7558

(4) Complies with applicable occupational health and safety 7559  
standards required by the laws of the United States or of this 7560  
state; 7561

(5) Operates in the interest of persons with work-limiting 7562  
disabilities, provides vocational or other employment-related 7563  
training to persons with work-limiting disabilities, and employs 7564  
persons with work-limiting disabilities in the manufacture of 7565  
products or the provision of services; 7566

(6) Is a nonprofit corporation for federal tax purposes. 7567

(B) "Government ordering office" means any of the following: 7568

(1) Any state agency, including the general assembly, the 7569  
supreme court, and the office of a state elected official, or any 7570  
state authority, board, bureau, commission, institution, or 7571  
instrumentality that is funded in total or in part by state money; 7572

(2) A county, township, or village. 7573

(C) "Person with a work-limiting disability" means an 7574  
individual who has a disability as defined in the "Americans with 7575  
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, and 7576  
who: 7577

(1) Because of that disability is substantially limited in 7578  
the type or quantity of work the individual can perform or is 7579  
prevented from working regularly; 7580

(2) Meets criteria established by the office of procurement 7581  
from community rehabilitation programs. 7582

Sec. 125.601. (A) Not later than July 1, 2007, the director 7583  
of administrative services shall establish the office of 7584  
procurement from community rehabilitation programs within the 7585  
department of administrative services. The director shall 7586  
designate an employee of the department to serve as administrator 7587  
of the office. 7588

(B) Not later than July 1, 2007, the director shall abolish 7589  
the state committee for the purchase of products and services 7590  
provided by persons with severe disabilities in accordance with 7591  
section 4115.36 of the Revised Code. 7592

Sec. 125.602. (A) The department of mental retardation and 7593  
developmental disabilities, the department of mental health, the 7594  
department of job and family services, the rehabilitation services 7595  
commission, and any other state or governmental agency or 7596  
community rehabilitation program responsible for the provision of 7597  
rehabilitation and vocational educational services to persons with 7598  
work-limiting disabilities may, through written agreement, 7599  
cooperate in providing resources to the department of 7600  
administrative services for the operation of the office of 7601  
procurement from community rehabilitation programs. These 7602  
resources may include, but are not limited to, leadership and 7603  
assistance in dealing with the societal aspects of meeting the 7604  
needs of persons with work-limiting disabilities. 7605

(B) The office and all governmental entities that administer 7606  
socioeconomic programs may enter into contractual agreements, 7607  
cooperative working relationships, or other arrangements that are 7608  
necessary for effective coordination and realization of the 7609  
objectives of these entities. 7610

Sec. 125.603. (A) The office of procurement from community 7611  
rehabilitation programs shall do the following in addition to 7612  
other duties specified in sections 125.60 to 125.6012 of the 7613  
Revised Code: 7614

(1) Establish, maintain, and periodically update a 7615  
procurement list of approved supplies and services available from 7616  
qualified nonprofit agencies; 7617

(2) Monitor the procurement practices of government ordering 7618  
offices to ensure compliance with sections 125.60 to 125.6012 of 7619  
the Revised Code; 7620

(3) In cooperation with qualified nonprofit agencies, 7621  
government ordering offices, the department of mental retardation 7622  
and developmental disabilities, the department of mental health, 7623  
the department of job and family services, and the rehabilitation 7624  
services commission, develop and recommend to the director of 7625  
administrative services rules the director shall adopt in 7626  
accordance with Chapter 119. of the Revised Code for the effective 7627  
and efficient administration of sections 125.60 to 125.6012 of the 7628  
Revised Code; 7629

(4) Prepare a report of its activities by the last day of 7630  
December of each year. The report shall be posted electronically 7631  
on the office's web site. 7632

(B) The office of procurement from community rehabilitation 7633  
programs may enter into contractual agreements and establish pilot 7634  
programs to further the objectives of sections 125.60 to 125.6012 7635  
of the Revised Code. 7636

Sec. 125.604. A community rehabilitation program may apply to 7637  
the office of procurement from community rehabilitation programs 7638  
to be certified as qualified to provide its supplies and services 7639  
for procurement by government ordering offices. The office shall 7640

prescribe the form of the application. If the office is satisfied 7641  
the program is qualified, it shall certify the program as a 7642  
qualified nonprofit agency for the purposes of sections 125.60 to 7643  
125.6012 of the Revised Code. 7644

**Sec. 125.605.** The office of procurement from community 7645  
rehabilitation programs may certify any entity to serve as an 7646  
approved agent of a qualified nonprofit agency for the purposes of 7647  
sections 125.60 to 125.6012 of the Revised Code. The office shall 7648  
prescribe procedures under which an entity can apply and be 7649  
considered for such certification. An approved agent may do any of 7650  
the following: 7651

(A) Contract with the office of procurement from community 7652  
rehabilitation programs to provide centralized business 7653  
facilitation or other assistance to qualified nonprofit agencies. 7654  
The office shall consult with qualified nonprofit agencies before 7655  
agreeing to such a contract. 7656

(B) Act as a distributor of supplies and services registered 7657  
on the procurement list maintained by the office under section 7658  
125.603 of the Revised Code; 7659

(C) Provide marketing, administrative, and other services 7660  
related to sales. 7661

**Sec. 125.606.** Prior to purchases by government ordering 7662  
offices, the office of procurement from community rehabilitation 7663  
programs shall attempt to establish for each item on the 7664  
procurement list a fair market price that is representative of the 7665  
range of prices that a government ordering office would expect to 7666  
pay to purchase the item in the marketplace. When establishing a 7667  
fair market price for an item, the office of procurement from 7668  
community rehabilitation programs shall consider the costs of 7669  
doing business with respect to that item, including sales, 7670

marketing, and research and development costs and agent fees. If 7671  
the office of procurement from community rehabilitation programs 7672  
cannot establish a fair market price for a particular supply or 7673  
service, the government ordering office shall attempt to establish 7674  
the fair market price pursuant to division (B) of section 125.607 7675  
of the Revised Code for each purchase of such supply or service. 7676

**Sec. 125.607.** (A) Before purchasing any supply or service, a 7677  
governmental ordering office shall determine whether the supply or 7678  
service is on the procurement list maintained by the office of 7679  
procurement from community rehabilitation programs. If the supply 7680  
or service is on the list at an established fair market price, the 7681  
government ordering office shall purchase it from the qualified 7682  
nonprofit agency or approved agent at that price. 7683

(B) If the supply or service is on the procurement list but a 7684  
fair market price has not been established, the government 7685  
ordering office shall attempt to negotiate an agreement with one 7686  
or more of the listed qualified nonprofit agencies or approved 7687  
agents. The office of procurement from community rehabilitation 7688  
programs may accept as fair market price an agreement negotiated 7689  
between the government ordering office and a qualified nonprofit 7690  
agency or approved agent. 7691

(C) If an agreement is not successfully negotiated, the 7692  
office may establish a fair market price, or it may release a 7693  
government ordering office from the requirements of this section. 7694

(D) A purchase under divisions (A) to (C) of this section is 7695  
not subject to any competitive selection or competitive bidding 7696  
requirements, notwithstanding any other provision of law. 7697

(E) The department of administrative services has the 7698  
authority to structure or regulate competition among qualified 7699  
nonprofit agencies for the overall benefit of the program. 7700

Sec. 125.608. All government ordering offices purchasing 7701  
supplies and services from qualified non-profit agencies or their 7702  
approved agents shall reimburse the department of administrative 7703  
services a reasonable sum to cover the department's costs of 7704  
administering sections 125.60 to 125.6012 of the Revised Code. The 7705  
department may bill administrative costs to government ordering 7706  
offices directly, or allow qualified non-profit agencies or 7707  
approved agents to collect and remit department administrative 7708  
fees, at the department's discretion. Any department 7709  
administrative fees collected and remitted by qualified nonprofit 7710  
agencies or their approved agents shall be considered allowable 7711  
expenses in addition to the fair market price approved under 7712  
section 125.606 or 125.607 of the Revised Code. The money so paid 7713  
shall be deposited in the state treasury to the credit of the 7714  
general services fund created under section 125.15 of the Revised 7715  
Code. 7716

Sec. 125.609. The office of procurement from community 7717  
rehabilitation programs, on its own or pursuant to a request from 7718  
a government ordering office, may release a government ordering 7719  
office from compliance with sections 125.60 to 125.6012 of the 7720  
Revised Code. If the office determines that compliance is not 7721  
possible or not advantageous, or if conditions prescribed in rules 7722  
as may be adopted under section 125.603 of the Revised Code for 7723  
granting a release are met, the office may grant a release. The 7724  
release shall be in writing, and shall specify the supplies or 7725  
services to which it applies, the period of time during which it 7726  
is effective, and the reason for which it is granted. 7727

Sec. 125.6010. Section 125.607 of the Revised Code does not 7728  
apply to the purchase of a product or service available from a 7729  
state agency, state instrumentality, or political subdivision 7730

under any law in effect on July 1, 2005.

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Sec. 125.6011. (A) Nothing in sections 125.60 to 125.6012 of the Revised Code shall be construed to prohibit the purchase of a supply or service from a qualified nonprofit agency by a political subdivision that is not a government ordering office.

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(B) Purchases made under this section by a political subdivision, as defined in section 125.04 of the Revised Code, are exempt from any competitive selection procedures otherwise required by law. Purchases under this section shall be made from qualified nonprofit agencies or their approved agents.

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(C) A political subdivision, as defined in section 125.04 of the Revised Code, may not purchase under division (C) of that section a supply or service on the procurement list established under section 125.603 of the Revised Code.

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Sec. 125.6012. A government ordering office and qualified nonprofit agency shall provide the necessary information and documentation requested by the office of procurement from community rehabilitation programs to enable the office to effectively administer sections 125.60 to 125.6012 of the Revised Code.

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Sec. 125.831. As used in sections 125.831 to 125.833 of the Revised Code:

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(A) "Law enforcement officer" means an officer, agent, or employee of a state agency upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority, but does not include such an officer, agent, or employee if that duty and authority is location specific.

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(B)(1) "Motor vehicle" means any automobile, car minivan, 7760  
cargo van, passenger van, sport utility vehicle, or pickup truck 7761  
with a gross vehicle weight of under twelve thousand pounds. 7762

(2) "Motor vehicle" does not include, except for the purposes 7763  
of division (C) of section 125.832 of the Revised Code, any 7764  
vehicle described in division (B)(1) of this section that is used 7765  
by a law enforcement officer and law enforcement agency or any 7766  
vehicle that is so described and that is equipped with specialized 7767  
equipment that is not normally found in such a vehicle and that is 7768  
used to carry out a state agency's specific and specialized duties 7769  
and responsibilities. 7770

(C) "Specialized equipment" does not include standard mobile 7771  
radios with no capabilities other than voice communication, 7772  
exterior and interior lights, or roof-mounted caution lights. 7773

(D) "State agency" means every organized body, office, board, 7774  
authority, commission, or agency established by the laws of the 7775  
state for the exercise of any governmental or quasi-governmental 7776  
function of state government regardless of the funding source for 7777  
that entity, other than any ~~state-supported~~ state institution of 7778  
higher education, the office of the governor, lieutenant governor, 7779  
auditor of state, treasurer of state, secretary of state, or 7780  
attorney general, the general assembly or any legislative agency, 7781  
~~or~~ the courts or any judicial agency, or any state retirement 7782  
system or retirement program established by or referenced in the 7783  
Revised Code. 7784

(E) "State institution of higher education" has the same 7785  
meaning as in section 3345.011 of the Revised Code. 7786

**Sec. 125.832.** (A) The department of administrative services 7787  
is granted exclusive authority over the acquisition and management 7788  
of all motor vehicles used by state agencies. In carrying out this 7789

authority, the department shall do both of the following: 7790

(1) Approve the purchase or lease of each motor vehicle for 7791  
use by a state agency. The department shall decide if a motor 7792  
vehicle shall be leased or purchased for that use. 7793

Except as otherwise provided in division (A)(1) of this 7794  
section, on and after July 1, 2005, each state agency shall 7795  
acquire all passenger motor vehicles under the department's master 7796  
leasing program. If the department determines that acquisition 7797  
under that program is not the most economical method and if the 7798  
department and the state agency acquiring the passenger motor 7799  
vehicle can provide economic justification for doing so, the 7800  
department may approve the purchase, rather than the lease, of a 7801  
passenger motor vehicle for the acquiring state agency. 7802

(2) Direct and approve all funds that are expended for the 7803  
purchase, lease, repair, maintenance, registration, insuring, and 7804  
other costs related to the possession and operation of motor 7805  
vehicles for the use of state agencies. 7806

(B) The director of administrative services shall establish 7807  
and operate a fleet management program. The director shall operate 7808  
the program for purposes including, but not limited to, 7809  
cost-effective acquisition, maintenance, management, analysis, and 7810  
disposal of all motor vehicles owned or leased by the state. All 7811  
state agencies shall comply with statewide fleet management 7812  
policies and procedures established by the director for the 7813  
program, including, but not limited to, motor vehicle assignments, 7814  
additions of motor vehicles to fleets or motor vehicle 7815  
replacements, motor vehicle fueling, and motor vehicle repairs. 7816

(C) The director shall establish and maintain a fleet 7817  
reporting system and shall require state agencies to submit to the 7818  
department information relative to state motor vehicles, including 7819  
motor vehicles described in division (B)(2) of section 125.831 of 7820

the Revised Code, to be used in operating the fleet management 7821  
program. State agencies shall provide to the department fleet data 7822  
and other information, including, but not limited to, mileage and 7823  
costs. The data and other information shall be submitted in 7824  
formats and in a manner determined by the department. 7825

(D) All state agency purchases or leases of motor vehicles 7826  
are subject to the prior approval of the director under division 7827  
(A)(1) of this section. 7828

(E) State agencies that utilize state motor vehicles or pay 7829  
mileage reimbursements to employees shall provide a fleet plan to 7830  
the department as directed by the department. 7831

(F)(1) The fleets of state agencies that consist of one 7832  
hundred or less vehicles on July 1, 2004, shall be managed by the 7833  
department's fleet management program on a time schedule 7834  
determined by the department, unless the state agency has received 7835  
delegated authority as described in division (G) of this section. 7836

(2) The fleets of state agencies that consist of greater than 7837  
one hundred motor vehicles, but less than five hundred motor 7838  
vehicles, on July 1, 2005, also shall be managed by the 7839  
department's fleet management program on a time schedule 7840  
determined by the department, unless the state agency has received 7841  
delegated authority as described in division (G) of this section. 7842

(G)(1) The department may delegate any or all of its duties 7843  
regarding fleet management to a state agency, if the state agency 7844  
demonstrates to the satisfaction of the department both of the 7845  
following: 7846

(a) Capabilities to institute and manage a fleet management 7847  
program, including, but not limited to, the presence of a 7848  
certified fleet manager; 7849

(b) Fleet management performance, as demonstrated by fleet 7850  
data and other information submitted pursuant to annual reporting 7851

requirements and any other criteria the department considers 7852  
necessary in evaluating the performance. 7853

(2) The department may determine that a state agency is not 7854  
in compliance with this section and direct that the agency's fleet 7855  
management duties be transferred to the department. 7856

(H) The proceeds derived from the disposition of any motor 7857  
vehicles under this section shall be paid to whichever of the 7858  
following applies: 7859

(1) The fund that originally provided moneys for the purchase 7860  
or lease of the motor vehicles; 7861

(2) If the motor vehicles were originally purchased with 7862  
moneys derived from the general revenue fund, the proceeds shall 7863  
be deposited, in the director's discretion, into the state 7864  
treasury for to the credit to of either the fleet management fund 7865  
created by section 125.83 of the Revised Code or the investment 7866  
recovery fund created by section 125.14 of the Revised Code. 7867

(I)(1) The department shall create and maintain a certified 7868  
fleet manager program. 7869

(2) State agencies that have received delegated authority as 7870  
described in division (G) of this section shall have a certified 7871  
fleet manager. 7872

(J) The department annually shall prepare and submit a 7873  
statewide fleet report to the governor, the speaker of the house 7874  
of representatives, and the president of the senate. The report 7875  
shall be submitted not later than the thirty-first day of January 7876  
following the end of each fiscal year. It may include, but is not 7877  
limited to, the numbers and types of motor vehicles, their 7878  
mileage, miles per gallon, and cost per mile, mileage 7879  
reimbursements, accident and insurance data, and information 7880  
regarding compliance by state agencies having delegated authority 7881

under division (G) of this section with applicable fleet 7882  
management requirements. 7883

(K) The director shall adopt rules for implementing the fleet 7884  
management program that are consistent with recognized best 7885  
practices. The program shall be supported by reasonable fee 7886  
charges for the services provided. The director shall collect 7887  
these fees and deposit them into the state treasury to the credit 7888  
for the fleet management fund created by section 125.83 of the 7889  
Revised Code. The setting and collection of fees under this 7890  
division is not subject to any restriction imposed by law upon the 7891  
director's or the department's authority to set or collect fees. 7892

(L) The director also shall adopt rules that prohibit, except 7893  
in very limited circumstances, the exclusive assignment of 7894  
state-owned, leased, or pooled motor vehicles to state employees 7895  
and that prohibit the reimbursement under section 126.31 of the 7896  
Revised Code of state employees who use their own motor vehicles 7897  
for any mileage they incur above an amount that the department 7898  
shall determine annually unless reimbursement for the excess 7899  
mileage is approved by the department in accordance with standards 7900  
for that approval the director shall establish in those rules. 7901  
~~Beginning on the effective date of this section September 26,~~ 7902  
~~2003, no such state-owned, leased, or pooled~~ motor vehicle shall 7903  
be personally assigned as any form of compensation or benefit of 7904  
state employment, and no ~~such~~ state-owned, leased, or pooled motor 7905  
vehicle shall be assigned to an employee solely for commuting to 7906  
and from home and work. 7907

(M) The director shall do both of the following: 7908

(1) Implement to the greatest extent possible the 7909  
recommendations from the 2002 report entitled "Administrative 7910  
Analysis of the Ohio Fleet Management Program" in connection with 7911  
the authority granted to the department by this section; 7912

(2) Attempt to reduce the number of passenger vehicles used 7913  
by state agencies during the fiscal years ending on June 30, 2004, 7914  
and June 30, 2005. 7915

(N) Each state agency shall reimburse the department for all 7916  
costs incurred in the assignment of motor vehicles to the state 7917  
agency. 7918

(O) The director shall do all of the following in managing 7919  
the fleet management program: 7920

(1) Determine how motor vehicles will be maintained, insured, 7921  
operated, financed, and licensed; 7922

(2) Pursuant to the formula in division (O)(3) of this 7923  
section, annually establish the minimum number of business miles 7924  
per year an employee of a state agency must drive in order to 7925  
qualify for approval by the department to receive a motor vehicle 7926  
for business use; 7927

(3) Establish the minimum number of business miles per year 7928  
at an amount that results when the annual motor vehicle cost is 7929  
divided by the amount that is the reimbursement rate per mile 7930  
minus the amount that is the sum of the fuel cost, the operating 7931  
cost, and the insurance cost. As used in this division: 7932

(a) "Annual motor vehicle cost" means the price of a motor 7933  
vehicle divided by the number of years an average motor vehicle is 7934  
used. 7935

(b) "Fuel cost" means the average price per gallon of motor 7936  
fuel divided by the miles per gallon fuel efficiency of a motor 7937  
vehicle. 7938

(c) "Insurance cost" means the cost of insuring a motor 7939  
vehicle per year divided by the number of miles an average motor 7940  
vehicle is driven per year. 7941

(d) "Operating cost" means the maintenance cost of a motor 7942

vehicle per year divided by the product resulting when the number  
of miles an average motor vehicle is driven per year is multiplied  
by the number of years an average motor vehicle is used.

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

(P)(1) Not later than the fifteenth day of September of each  
year, each state institution of higher education shall report to  
the department on all of the following topics relating to motor  
vehicles that the institution acquires and manages:

(a) The methods it uses to track the motor vehicles;

(b) Whether or not it uses a fuel card program to purchase  
fuel for, or to pay for the maintenance of, the motor vehicles;

(c) Whether or not it makes bulk purchases of fuel for the  
motor vehicles.

(2) Assuming it does not use the fleet management tracking,  
fuel card program, and bulk fuel purchases tools and services that  
the department provides, the report of a state institution of  
higher education required by division (P)(1) of this section also  
shall include both of the following:

(a) An analysis of the amount the institution would save, if  
any, if it were to use the fleet management tracking, fuel card  
program, and bulk fuel purchases tools and services that the  
department provides instead of the fleet management system the  
institution regularly uses;

(b) A rationale for either continuing with the fleet  
management system that the institution regularly uses or changing  
to the use of those tools and services that the department  
provides.

(3) The department shall certify within ninety days after receipt of all reports under division (P)(1) of this section a list of those state institutions of higher education that the department determines would save amounts if they were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides. The institutions so certified then shall use those tools and services that the department provides until the department next certifies institutions under division (P)(3) of this section.

**Sec. 126.25.** The accounting and budgeting services provided by the director of budget and management shall be supported by user charges. The director shall determine a rate that is sufficient to defray the expense of those services and the manner by which those charges shall be collected. All money collected from user charges shall be deposited in the state treasury to the credit of the ~~state~~ accounting and budgeting fund, which is hereby created. Rebates or revenue shares received from any state payment card program established under division (B) of section 126.21 of the Revised Code and miscellaneous payments that reimburse expenses paid from the ~~state~~ accounting and budgeting fund may be deposited into the ~~state~~ accounting and budgeting fund and used to support accounting and budgeting services.

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

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



shall: 8003

(1) Make any purchase from a particular supplier, that would 8004  
amount to fifty thousand dollars or more when combined with both 8005  
the amount of all disbursements to the supplier during the fiscal 8006  
year for purchases made by the agency and the amount of all 8007  
outstanding encumbrances for purchases made by the agency from the 8008  
supplier, unless the purchase is made by competitive selection or 8009  
with the approval of the controlling board; 8010

(2) Lease real estate from a particular supplier, if the 8011  
lease would amount to seventy-five thousand dollars or more when 8012  
combined with both the amount of all disbursements to the supplier 8013  
during the fiscal year for real estate leases made by the agency 8014  
and the amount of all outstanding encumbrances for real estate 8015  
leases made by the agency from the supplier, unless the lease is 8016  
made by competitive selection or with the approval of the 8017  
controlling board. 8018

(C) Any person who authorizes a purchase in violation of 8019  
division (B) of this section shall be liable to the state for any 8020  
state funds spent on the purchase, and the attorney general shall 8021  
collect the amount from the person. 8022

(D) Nothing in division (B) of this section shall be 8023  
construed as: 8024

(1) A limitation upon the authority of the director of 8025  
transportation as granted in sections 5501.17, 5517.02, and 8026  
5525.14 of the Revised Code; 8027

(2) Applying to medicaid provider agreements under Chapter 8028  
5111. of the Revised Code ~~or payments or provider agreements under~~ 8029  
~~the disability medical assistance program established under~~ 8030  
~~Chapter 5115. of the Revised Code;~~ 8031

(3) Applying to the purchase of examinations from a sole 8032

supplier by a state licensing board under Title XLVII of the 8033  
Revised Code; 8034

(4) Applying to entertainment contracts for the Ohio state 8035  
fair entered into by the Ohio expositions commission, provided 8036  
that the controlling board has given its approval to the 8037  
commission to enter into such contracts and has approved a total 8038  
budget amount for such contracts as agreed upon by commission 8039  
action, and that the commission causes to be kept itemized records 8040  
of the amounts of money spent under each contract and annually 8041  
files those records with the clerk of the house of representatives 8042  
and the clerk of the senate following the close of the fair; 8043

(5) Limiting the authority of the chief of the division of 8044  
mineral resources management to contract for reclamation work with 8045  
an operator mining adjacent land as provided in section 1513.27 of 8046  
the Revised Code; 8047

(6) Applying to investment transactions and procedures of any 8048  
state agency, except that the agency shall file with the board the 8049  
name of any person with whom the agency contracts to make, broker, 8050  
service, or otherwise manage its investments, as well as the 8051  
commission, rate, or schedule of charges of such person with 8052  
respect to any investment transactions to be undertaken on behalf 8053  
of the agency. The filing shall be in a form and at such times as 8054  
the board considers appropriate. 8055

(7) Applying to purchases made with money for the per cent 8056  
for arts program established by section 3379.10 of the Revised 8057  
Code; 8058

(8) Applying to purchases made by the rehabilitation services 8059  
commission of services, or supplies, that are provided to persons 8060  
with disabilities, or to purchases made by the commission in 8061  
connection with the eligibility determinations it makes for 8062  
applicants of programs administered by the social security 8063

administration;	8064
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	8065 8066 8067 8068
(10) Applying to any agency of the legislative branch of the state government;	8069 8070
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	8071 8072 8073
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	8074 8075 8076 8077
(13) Applying to dues or fees paid for membership in an organization or association;	8078 8079
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	8080 8081
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	8082 8083 8084 8085
(16) Applying to purchases of tickets for passenger air transportation;	8086 8087
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	8088 8089 8090
(18) Applying to the judicial branch of state government;	8091
(19) Applying to purchases of liquor for resale by the	8092

division of liquor control;	8093
(20) Applying to purchases of motor courier and freight	8094
services made in accordance with department of administrative	8095
services rules;	8096
(21) Applying to purchases from the United States postal	8097
service and purchases of stamps and postal meter replenishment	8098
from vendors at rates established by the United States postal	8099
service;	8100
(22) Applying to purchases of books, periodicals, pamphlets,	8101
newspapers, maintenance subscriptions, and other published	8102
materials;	8103
(23) Applying to purchases from other state agencies,	8104
including state-assisted institutions of higher education;	8105
(24) Limiting the authority of the director of environmental	8106
protection to enter into contracts under division (D) of section	8107
3745.14 of the Revised Code to conduct compliance reviews, as	8108
defined in division (A) of that section;	8109
(25) Applying to purchases from a qualified nonprofit agency	8110
pursuant to sections <u>125.60 to 125.6012 or</u> 4115.31 to 4115.35 of	8111
the Revised Code;	8112
(26) Applying to payments by the department of job and family	8113
services to the United States department of health and human	8114
services for printing and mailing notices pertaining to the tax	8115
refund offset program of the internal revenue service of the	8116
United States department of the treasury;	8117
(27) Applying to contracts entered into by the department of	8118
mental retardation and developmental disabilities under sections	8119
5123.18, 5123.182, and 5123.199 of the Revised Code;	8120
(28) Applying to payments made by the department of mental	8121
health under a physician recruitment program authorized by section	8122

5119.101 of the Revised Code; 8123

(29) Applying to contracts entered into with persons by the 8124  
director of commerce for unclaimed funds collection and remittance 8125  
efforts as provided in division (F) of section 169.03 of the 8126  
Revised Code. The director shall keep an itemized accounting of 8127  
unclaimed funds collected by those persons and amounts paid to 8128  
them for their services. 8129

(30) Applying to purchases made by a state institution of 8130  
higher education in accordance with the terms of a contract 8131  
between the vendor and an inter-university purchasing group 8132  
comprised of purchasing officers of state institutions of higher 8133  
education; 8134

(31) Applying to the department of job and family services' 8135  
purchases of health assistance services under the children's 8136  
health insurance program part I provided for under section 5101.50 8137  
of the Revised Code or the children's health insurance program 8138  
part II provided for under section 5101.51 of the Revised Code; 8139

(32) Applying to payments by the attorney general from the 8140  
reparations fund to hospitals and other emergency medical 8141  
facilities for performing medical examinations to collect physical 8142  
evidence pursuant to section 2907.28 of the Revised Code; 8143

(33) Applying to contracts with a contracting authority or 8144  
administrative receiver under division ~~(G)(2)~~(B) of section 8145  
~~5126.055~~ 5126.056 of the Revised Code; 8146

(34) Applying to reimbursements paid to the United States 8147  
department of veterans affairs for pharmaceutical and patient 8148  
supply purchases made on behalf of the Ohio veterans' home agency; 8149

(35) Applying to agreements the department of job and family 8150  
services enters into with terminal distributors of dangerous drugs 8151  
under section 5110.12 of the Revised Code. 8152

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

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

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

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

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

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

**Sec. 131.02.** (A) Whenever any amount is payable to the state,  
the officer, employee, or agent responsible for administering the  
law under which the amount is payable shall immediately proceed to  
collect the amount or cause the amount to be collected and shall  
pay the amount into the state treasury or into the appropriate  
custodial fund in the manner set forth pursuant to section 113.08  
of the Revised Code. ~~If~~ Except as otherwise provided in this  
division, if the amount is not paid within forty-five days after  
payment is due, the officer, employee, or agent shall certify the  
amount due to the attorney general, in the form and manner  
prescribed by the attorney general, and notify the director of  
budget and management thereof. In the case of an amount payable by  
a student enrolled in a state institution of higher education, the

amount shall be certified within the later of forty-five days 8183  
after the amount is due or the tenth day after the beginning of 8184  
the next academic semester, quarter, or other session following 8185  
the session for which the payment is payable. The attorney general 8186  
may assess the collection cost to the amount certified in such 8187  
manner and amount as prescribed by the attorney general. 8188

For the purposes of this section, a payment is due at the 8189  
time provided in divisions (A)(1) to (9) of this section. If more 8190  
than one division applies to a payment, the payment is due at the 8191  
earliest of the applicable times. 8192

(1) If a law, including an administrative rule, of this state 8193  
prescribes the time a payment is required to be made or reported, 8194  
when the payment is required by that law to be paid or reported. 8195

(2) If the payment is for services rendered, when the 8196  
rendering of the services is completed. 8197

(3) If the payment is reimbursement for a loss, when the loss 8198  
is incurred. 8199

(4) In the case of a fine or penalty for which a law or 8200  
administrative rule does not prescribe a time for payment, when 8201  
the fine or penalty is first assessed. 8202

(5) If the payment arises from a legal finding, judgment, or 8203  
adjudication order, when the finding, judgment, or order is 8204  
rendered or issued. 8205

(6) If the payment arises from an overpayment of money by the 8206  
state to another person, when the overpayment is discovered. 8207

(7) The date on which the amount for which an individual is 8208  
personally liable under section 5735.35, section 5739.33, or 8209  
division (G) of section 5747.07 of the Revised Code is determined. 8210

(8) Upon proof of claim being filed in a bankruptcy case. 8211

(9) Any other appropriate time determined by the officer, 8212

employee, or agent responsible for administering the law under 8213  
which the amount is payable on the basis of statutory requirements 8214  
or ordinary business processes of the state agency to which the 8215  
payment is owed. 8216

(B)(1) The attorney general shall give immediate notice by 8217  
mail or otherwise to the party indebted of the nature and amount 8218  
of the indebtedness. 8219

(2) If the amount payable to this state arises from a tax 8220  
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 8221  
Code, the notice also shall specify all of the following: 8222

(a) The assessment or case number; 8223

(b) The tax pursuant to which the assessment is made; 8224

(c) The reason for the liability, including, if applicable, 8225  
that a penalty or interest is due; 8226

(d) An explanation of how and when interest will be added to 8227  
the amount assessed; 8228

(e) That the attorney general and tax commissioner, acting 8229  
together, have the authority, but are not required, to compromise 8230  
the claim and accept payment over a reasonable time, if such 8231  
actions are in the best interest of the state. 8232

(C) The attorney general shall collect the claim or secure a 8233  
judgment and issue an execution for its collection. 8234

(D) Each claim shall bear interest, from the day on which the 8235  
claim became due, at the rate per annum required by section 8236  
5703.47 of the Revised Code. 8237

(E) The attorney general and the chief officer of the agency 8238  
reporting a claim, acting together, may do any of the following if 8239  
such action is in the best interests of the state: 8240

(1) Compromise the claim; 8241



(2) Extend for a reasonable period the time for payment of 8242  
the claim by agreeing to accept monthly or other periodic 8243  
payments. The agreement may require security for payment of the 8244  
claim. 8245

(3) Add fees to recover the cost of processing checks or 8246  
other draft instruments returned for insufficient funds and the 8247  
cost of providing electronic payment options. 8248

(F)(1) Except as provided in division (F)(2) of this section, 8249  
if the attorney general finds, after investigation, that any claim 8250  
due and owing to the state is uncollectible, the attorney general, 8251  
with the consent of the chief officer of the agency reporting the 8252  
claim, may do the following: 8253

(a) Sell, convey, or otherwise transfer the claim to one or 8254  
more private entities for collection; 8255

(b) Cancel the claim or cause it to be cancelled. 8256

(2) The attorney general shall cancel or cause to be 8257  
cancelled an unsatisfied claim on the date that is forty years 8258  
after the date the claim is certified. 8259

(3) If information contained in a claim that is sold, 8260  
conveyed, or transferred to a private entity pursuant to this 8261  
section is confidential pursuant to federal law or a section of 8262  
the Revised Code that implements a federal law governing 8263  
confidentiality, such information remains subject to that law 8264  
during and following the sale, conveyance, or transfer. 8265

**Sec. 131.022.** (A) As used in this section: 8266

(1) "Final overdue claim" means a claim that has been 8267  
certified to the attorney general under section 131.02 of the 8268  
Revised Code, that has been final for at least one year, and for 8269  
which no arrangements have been made for the payment thereof or, 8270  
if such arrangements have been made, the person owing the claim 8271

has failed to comply with the terms of the arrangement for more 8272  
than thirty days. 8273

"Final overdue claim" includes collection costs incurred with 8274  
respect to such a claim and assessed by the attorney general under 8275  
division (A) of section 131.02 of the Revised Code, interest 8276  
accreting to the claim under division (D) of that section, and 8277  
fees added under division (E)(3) of that section. 8278

(2) "Final" means a claim has been finalized under the law 8279  
providing for the imposition or determination of the amount due, 8280  
and any time provided for appeal of the amount, legality, or 8281  
validity of the claim has expired without an appeal having been 8282  
filed in the manner provided by law. "Final" includes, but is not 8283  
limited to, a final determination of the tax commissioner for 8284  
which the time for appeal has expired without a notice of appeal 8285  
having been filed. 8286

(B) If a claim is certified to the attorney general under 8287  
section 131.02 of the Revised Code, at any time after the claim is 8288  
a final overdue claim, the attorney general may sell or otherwise 8289  
transfer the claim to any person. If the claim is to be sold, it 8290  
may be sold by private negotiated sale or at public auction 8291  
conducted by the attorney general or a designee, as is most 8292  
likely, in the opinion of the attorney general, to yield the most 8293  
favorable return on the sale. For the purposes of this division, a 8294  
public auction includes an auction conducted electronically 8295  
whereby bids are solicited and received via the internet and the 8296  
solicitation is open to the public. 8297

(C) The attorney general may consolidate any number of final 8298  
overdue claims for sale under this section. 8299

(D) Not less than sixty days before first offering a final 8300  
overdue claim for sale, the attorney general shall provide written 8301  
notice, by ordinary mail, to the person owing the claim at that 8302

person's last known mailing address. The notice shall state the 8303  
following: 8304

(1) The nature and amount of the claim; 8305

(2) The manner in which the person may contact the office of 8306  
the attorney general to arrange terms for payment of the claim; 8307

(3) That if the person does not contact the office of the 8308  
attorney general within sixty days after the date the notice is 8309  
issued and arrange terms for payment of the claim all of the 8310  
following apply: 8311

(a) The claim will be offered for sale to a private party for 8312  
collection by that party by any legal means; 8313

(b) The person is deemed to be denied any right to seek and 8314  
obtain a refund of any amount from which the claim arises if the 8315  
applicable law otherwise allows for such a refund; 8316

(c) The person is deemed to waive any right the person may 8317  
have to confidentiality of information regarding the claim to the 8318  
extent confidentiality is provided under any other section of the 8319  
Revised Code. 8320

(E) Upon the sale or transfer of a final overdue claim under 8321  
this section, the claim becomes the property of the purchaser or 8322  
transferee, and may be sold or otherwise transferred by that 8323  
person to any other person or otherwise disposed of. The owner of 8324  
the claim is entitled to all proceeds from the collection of the 8325  
claim. Purchasers or transferees of a final overdue claim are 8326  
subject to any applicable laws governing collection of debts of 8327  
the kind represented by the claim. 8328

(F) Upon the sale or transfer of a final overdue claim under 8329  
this section, no refund shall be issued or paid to the person 8330  
owing the claim for any part of the amount from which the claim 8331  
arises. 8332

(G) Notwithstanding any other section of the Revised Code, 8333  
the attorney general, solely for the purpose of effecting the sale 8334  
or transfer of a final overdue claim under this section, may 8335  
disclose information about the person owing the claim that 8336  
otherwise would be confidential under a section of the Revised 8337  
Code, and the person shall have no right of action against such 8338  
disclosure to the extent such a right is available under that 8339  
section. 8340

(H) The authority granted under this section is supplemental 8341  
to the authority granted under section 131.02 of the Revised Code. 8342

**Sec. 131.23.** The various political subdivisions of this state 8343  
may issue bonds, and any indebtedness created by such issuance 8344  
shall not be subject to the limitations or included in the 8345  
calculation of indebtedness prescribed by sections 133.05, 133.06, 8346  
133.07, and 133.09 of the Revised Code, but such bonds may be 8347  
issued only under the following conditions: 8348

(A) The subdivision desiring to issue such bonds shall obtain 8349  
from the county auditor a certificate showing the total amount of 8350  
delinquent taxes due and unpayable to such subdivision at the last 8351  
semiannual tax settlement. 8352

(B) The fiscal officer of that subdivision shall prepare a 8353  
statement, from the books of the subdivision, verified by the 8354  
fiscal officer under oath, which shall contain the following facts 8355  
of such subdivision: 8356

(1) The total bonded indebtedness; 8357

(2) The aggregate amount of notes payable or outstanding 8358  
accounts of the subdivision, incurred prior to the commencement of 8359  
the current fiscal year, which shall include all evidences of 8360  
indebtedness issued by the subdivision except notes issued in 8361  
anticipation of bond issues and the indebtedness of any 8362

nontax-supported public utility; 8363

(3) Except in the case of school districts, the aggregate 8364  
current year's requirement for disability financial assistance ~~and~~ 8365  
~~disability medical assistance~~ provided under Chapter 5115. of the 8366  
Revised Code that the subdivision is unable to finance except by 8367  
the issue of bonds; 8368

(4) The indebtedness outstanding through the issuance of any 8369  
bonds or notes pledged or obligated to be paid by any delinquent 8370  
taxes; 8371

(5) The total of any other indebtedness; 8372

(6) The net amount of delinquent taxes unpledged to pay any 8373  
bonds, notes, or certificates, including delinquent assessments on 8374  
improvements on which the bonds have been paid; 8375

(7) The budget requirements for the fiscal year for bond and 8376  
note retirement; 8377

(8) The estimated revenue for the fiscal year. 8378

(C) The certificate and statement provided for in divisions 8379  
(A) and (B) of this section shall be forwarded to the tax 8380  
commissioner together with a request for authority to issue bonds 8381  
of such subdivision in an amount not to exceed seventy per cent of 8382  
the net unobligated delinquent taxes and assessments due and owing 8383  
to such subdivision, as set forth in division (B)(6) of this 8384  
section. 8385

(D) No subdivision may issue bonds under this section in 8386  
excess of a sufficient amount to pay the indebtedness of the 8387  
subdivision as shown by division (B)(2) of this section and, 8388  
except in the case of school districts, to provide funds for 8389  
disability financial assistance ~~and disability medical assistance~~, 8390  
as shown by division (B)(3) of this section. 8391

(E) The tax commissioner shall grant to such subdivision 8392

authority requested by such subdivision as restricted by divisions 8393  
(C) and (D) of this section and shall make a record of the 8394  
certificate, statement, and grant in a record book devoted solely 8395  
to such recording and which shall be open to inspection by the 8396  
public. 8397

(F) The commissioner shall immediately upon issuing the 8398  
authority provided in division (E) of this section notify the 8399  
proper authority having charge of the retirement of bonds of such 8400  
subdivision by forwarding a copy of such grant of authority and of 8401  
the statement provided for in division (B) of this section. 8402

(G) Upon receipt of authority, the subdivision shall proceed 8403  
according to law to issue the amount of bonds authorized by the 8404  
commissioner, and authorized by the taxing authority, provided the 8405  
taxing authority of that subdivision may by resolution submit to 8406  
the electors of that subdivision the question of issuing such 8407  
bonds. Such resolution shall make the declarations and statements 8408  
required by section 133.18 of the Revised Code. The county auditor 8409  
and taxing authority shall thereupon proceed as set forth in 8410  
divisions (C) and (D) of such section. The election on the 8411  
question of issuing such bonds shall be held under divisions (E), 8412  
(F), and (G) of such section, except that publication of the 8413  
notice of such election shall be made on four separate days prior 8414  
to such election in one or more newspapers of general circulation 8415  
in the subdivisions. Such bonds may be exchanged at their face 8416  
value with creditors of the subdivision in liquidating the 8417  
indebtedness described and enumerated in division (B)(2) of this 8418  
section or may be sold as provided in Chapter 133. of the Revised 8419  
Code, and in either event shall be uncontestable. 8420

(H) The per cent of delinquent taxes and assessments 8421  
collected for and to the credit of the subdivision after the 8422  
exchange or sale of bonds as certified by the commissioner shall 8423  
be paid to the authority having charge of the sinking fund of the 8424

subdivision, which money shall be placed in a separate fund for 8425  
the purpose of retiring the bonds so issued. The proper authority 8426  
of the subdivisions shall provide for the levying of a tax 8427  
sufficient in amount to pay the debt charges on all such bonds 8428  
issued under this section. 8429

(I) This section is for the sole purpose of assisting the 8430  
various subdivisions in paying their unsecured indebtedness, and 8431  
providing funds for disability financial assistance ~~and disability~~ 8432  
~~medical assistance~~. The bonds issued under authority of this 8433  
section shall not be used for any other purpose and any exchange 8434  
for other purposes, or the use of the money derived from the sale 8435  
of such bonds by the subdivision for any other purpose, is 8436  
misapplication of funds. 8437

(J) The bonds authorized by this section shall be redeemable 8438  
or payable in not to exceed ten years from date of issue and shall 8439  
not be subject to or considered in calculating the net 8440  
indebtedness of the subdivision. The budget commission of the 8441  
county in which the subdivision is located shall annually allocate 8442  
such portion of the then delinquent levy due such subdivision 8443  
which is unpledged for other purposes to the payment of debt 8444  
charges on the bonds issued under authority of this section. 8445

(K) The issue of bonds under this section shall be governed 8446  
by Chapter 133. of the Revised Code, respecting the terms used, 8447  
forms, manner of sale, and redemption except as otherwise provided 8448  
in this section. 8449

The board of county commissioners of any county may issue 8450  
bonds authorized by this section and distribute the proceeds of 8451  
such bond issues to any or all of the cities and townships of such 8452  
counties, according to their relative needs for disability 8453  
financial assistance ~~and disability medical assistance~~ as 8454  
determined by such county. 8455

All sections of the Revised Code inconsistent with or 8456  
prohibiting the exercise of the authority conferred by this 8457  
section are inoperative respecting bonds issued under this 8458  
section. 8459

**Sec. 133.08.** (A) In addition to any power to issue securities 8460  
under other provisions of the Revised Code for the purposes, a 8461  
county may issue revenue securities as authorized in this section. 8462  
8463

(B) A county may issue revenue securities to fund or refund 8464  
revenue securities previously issued, or for any purposes for 8465  
which it could issue self-supporting securities and, without 8466  
limitation, any of the following general purposes: 8467

(1) For one or more established sewer districts, any of the 8468  
purposes provided in divisions (C)(2)(a) and (b) of section 133.07 8469  
of the Revised Code; 8470

(2) Hospital facilities as defined in division (E) of section 8471  
140.01 of the Revised Code; 8472

(3) Facilities described in division (C)(10) of section 8473  
133.07 of the Revised Code; 8474

(4) Off-street parking facilities pursuant to section 307.02 8475  
of the Revised Code. 8476

(C) The county shall establish rates or charges for the use, 8477  
availability, or rental of the facilities to which the financing 8478  
relates, being the improvement, enterprise, system, project, or 8479  
categories of improvements or the operation or function that the 8480  
facilities serve, which rates or charges shall be designed to 8481  
provide revenues to the county sufficient to pay the costs of all 8482  
current expenses of the facilities payable by the county and to 8483  
pay the debt charges on the securities and to establish and 8484  
maintain any contractually required special funds relating to the 8485



securities or the facilities. 8486

(D) Revenue securities issued under this section shall not be 8487  
general obligations of the county. Revenue securities issued under 8488  
this section shall be secured only by a pledge of and lien upon 8489  
the revenues of the county, derived from its ownership or 8490  
operation of the facilities, including those rates or charges or 8491  
rents and any interest subsidies or debt charges, grants, or other 8492  
payments by federal or state agencies available therefor, and the 8493  
covenants of the county to maintain sufficient rentals, rates, and 8494  
charges to produce revenues sufficient to pay all current expenses 8495  
of the facilities payable by the county and to pay the debt 8496  
charges on the securities and to establish and maintain any 8497  
contractually required special funds relating to the securities or 8498  
the facilities, and, if the securities are anticipatory 8499  
securities, to issue the revenue securities in anticipation of the 8500  
issuance of which the revenue securities are issued. Revenue 8501  
securities may also be secured by a pledge of and lien on the 8502  
proceeds of any securities issued to fund or refund those revenue 8503  
securities. 8504

(E) The county officers authorized by the county taxing 8505  
authority shall execute the necessary documents, including but not 8506  
limited to trust agreements and leases, to provide for the pledge, 8507  
protection, and disposition of the pledged revenues from which 8508  
debt charges and any special fund deposits are to be paid. 8509

(F) As long as any of these revenue securities, in either 8510  
original or refunded form, remain outstanding, except as otherwise 8511  
provided in those documents, all parts of the facilities the 8512  
revenues from which are pledged, shall remain under the control of 8513  
the county taxing authority, whether any parts of the facilities 8514  
are leased to or operated by others or are in or thereafter come 8515  
within the boundaries of any municipal corporation, and the 8516  
facilities shall remain subject to the power and duty of the 8517

taxing authority to fix and collect rates or charges or rents for 8518  
the use of facilities. 8519

(G) The authority to issue securities of the county under 8520  
this section for permanent improvements described in division 8521  
(B)(2) of this section or division (C)(2)(d) of section 133.07 of 8522  
the Revised Code may separately and independently be exercised by 8523  
a board of county hospital trustees established under section 8524  
339.02 of the Revised Code for those permanent improvements and 8525  
related operations under the control of that board. 8526

(H) Sections 9.98 to 9.983 of the Revised Code apply to 8527  
securities issued under this section, notwithstanding any other 8528  
provision in this chapter. 8529

**Sec. 133.081.** (A) As used in this section: 8530

(1) "Anticipation notes" means notes issued in anticipation 8531  
of the sales tax supported bonds authorized by this section; 8532

(2) "Authorizing proceedings" means the resolution, 8533  
legislation, trust agreement, certification, and other agreements, 8534  
instruments, and documents, as amended and supplemented, 8535  
authorizing, or providing for the security or sale or award of, 8536  
sales tax supported bonds, and includes the provisions set forth 8537  
or incorporated in those bonds and proceedings; 8538

(3) "County sales tax" means any sales tax levied by the 8539  
taxing authority of a county pursuant to section 5739.021 or 8540  
5739.026 of the Revised Code, and any tax levied by that taxing 8541  
authority upon storage, use, or consumption under section 5741.021 8542  
or 5741.023 of the Revised Code. However, "county sales tax" does 8543  
not include a sales tax subject to referendum or a sales tax that 8544  
was adopted as an emergency measure and is subject to initiative 8545  
petition under section 5739.022 of the Revised Code. 8546

(4) "Sales tax supported bonds" means the sales tax supported 8547

bonds authorized by this section, including anticipation notes; 8548

(5) "Refunding bonds" means sales tax supported bonds issued 8549  
to provide for the refunding of the sales tax supported bonds 8550  
referred to in this section as refunded obligations. 8551

(B) The taxing authority of a county which has levied a 8552  
county sales tax for the purpose of providing additional general 8553  
revenues of the county pursuant to Chapter 5739. of the Revised 8554  
Code may anticipate the receipts of such tax and issue sales tax 8555  
supported bonds of the county in the principal amount necessary to 8556  
pay the costs of financing any permanent improvement as defined in 8557  
division (CC) of section 133.01 of the Revised Code, or to refund 8558  
any refunded obligations, provided that the taxing authority 8559  
certifies that the annual debt charges on the sales tax supported 8560  
bonds, or on the sales tax supported bonds being anticipated by 8561  
anticipation notes, do not exceed the estimated annual county 8562  
sales tax. The maximum aggregate amount of sales tax supported 8563  
bonds that may be outstanding at any time in accordance with their 8564  
terms shall not exceed an amount which requires or is estimated to 8565  
require payments from sales tax receipts of debt charges on the 8566  
sales tax supported bonds, or, in the case of anticipation notes, 8567  
projected debt charges on the sales tax supported bonds 8568  
anticipated, in any calendar year in an amount exceeding the 8569  
county sales tax in anticipation of which the bonds or 8570  
anticipation notes are issued as estimated by the fiscal officer 8571  
based on general sales tax receipts averaged for the prior two 8572  
calendar years prior to the year in which the sales tax supported 8573  
bonds are issued, and annualized for any increase in the county 8574  
sales tax which may have been levied in part during such period or 8575  
levied after such period. A taxing authority may at any time issue 8576  
renewal anticipation notes, issue sales tax supported bonds to pay 8577  
renewal anticipation notes, and, if it considers refunding 8578  
expedient, issue refunding sales tax supported bonds whether the 8579

refunded obligations have or have not matured. The refunding sales 8580  
tax supported bonds shall be sold and the proceeds needed for such 8581  
purpose applied in the manner provided in the authorizing 8582  
proceedings of the taxing authority. The maximum maturity of sales 8583  
tax supported bonds shall be calculated by the fiscal officer in 8584  
accordance with section 133.20 of the Revised Code, and such 8585  
calculation shall be filed with the taxing authority of the county 8586  
prior to passage of a bond authorizing resolution. If the county 8587  
sales tax pledged to the payment of the sales tax supported bonds 8588  
has a stated expiration date, the final principal maturity date of 8589  
the sales tax supported bonds shall not extend beyond the final 8590  
year of collection of the county sales tax pledged to the payment 8591  
of the sales tax supported bonds. 8592

(C) Every issue of sales tax supported bonds outstanding in 8593  
accordance with their terms shall be payable out of the sales tax 8594  
receipts received by the county or proceeds of sales tax supported 8595  
bonds, renewal anticipation notes, or refunding sales tax 8596  
supported bonds which may be pledged for such payment in the 8597  
authorizing proceedings. The pledge shall be valid and binding 8598  
from the time the pledge is made, and the county sales tax 8599  
receipts and proceeds so pledged and thereafter received by the 8600  
county shall immediately be subject to the lien of that pledge 8601  
without any physical delivery of the county sales tax receipts or 8602  
proceeds or further act. The lien of any pledge is valid and 8603  
binding as against all parties having claims of any kind in tort, 8604  
contract, or otherwise against the county, whether or not such 8605  
parties have notice of the lien. Neither the resolution nor any 8606  
trust agreement by which a pledge is created or further evidenced 8607  
need be filed or recorded except in the records of the taxing 8608  
authority. 8609

(D) Sales tax supported bonds issued under this section do 8610  
not constitute a debt, or a pledge of the faith and credit, of the 8611

state, the county, or any other political subdivision of the 8612  
state, and the holders or owners of the notes have no right to 8613  
have taxes levied by the general assembly or by the taxing 8614  
authority of any political subdivision of the state, including the 8615  
taxing authority of the county, for the payment of debt charges. 8616  
Unless paid from other sources, sales tax supported bonds are 8617  
payable from the sales tax receipts pledged for their payment as 8618  
authorized by this section. All sales tax supported bonds shall 8619  
contain on their face a statement to the effect that the sales tax 8620  
supported bonds, as to debt charges, are not debts or obligations 8621  
of the state and are not debts of any political subdivision of the 8622  
state, but, unless paid from other sources, are payable from the 8623  
sales tax receipts pledged for their payment. The utilization and 8624  
pledge of the sales tax receipts and proceeds of sales tax 8625  
supported bonds, renewal anticipation notes, or refunding sales 8626  
tax supported bonds for the payment of debt charges is determined 8627  
by the general assembly to create a special obligation which is 8628  
not a bonded indebtedness subject to Section 11 of Article XII, 8629  
Ohio Constitution. 8630

(E) The sales tax supported bonds shall bear such date or 8631  
dates, shall be executed in the manner, and shall mature at such 8632  
time or times, in the case of any anticipation notes not exceeding 8633  
ten years from the date of issue of the original anticipation 8634  
notes and in the case of any sales tax supported bonds or of any 8635  
refunding sales tax supported bonds, not exceeding the maximum 8636  
maturity certified to the taxing authority pursuant to division 8637  
(B) of this section, all as the authorizing proceedings may 8638  
provide. The sales tax supported bonds shall bear interest at such 8639  
rates, or at variable rate or rates changing from time to time, in 8640  
accordance with provisions in the authorizing proceedings, be in 8641  
such denominations and form, either coupon or registered, carry 8642  
such registration privileges, be payable in such medium of payment 8643

and at such place or places, and be subject to such terms of  
redemption, as the taxing authority may authorize or provide. The  
sales tax supported bonds may be sold at public or private sale,  
and at, or at not less than, the price or prices as the taxing  
authority determines. If any officer whose signature or a  
facsimile of whose signature appears on any sales tax supported  
bonds or coupons ceases to be such officer before delivery of the  
sales tax supported bonds or anticipation notes, the signature or  
facsimile shall nevertheless be sufficient for all purposes as if  
that officer had remained in office until delivery of the sales  
tax supported bonds. Whether or not the sales tax supported bonds  
are of such form and character as to be negotiable instruments  
under Title XIII of the Revised Code, the sales tax supported  
bonds shall have all the qualities and incidents of negotiable  
instruments, subject only to any provisions for registration.  
Neither the members of the board of the taxing authority nor any  
person executing the sales tax supported bonds shall be liable  
personally on the sales tax supported bonds or be subject to any  
personal liability or accountability by reason of their issuance.

(F) Notwithstanding any other provision of this section,  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division  
(A) of section 133.03 of the Revised Code apply to the sales tax  
supported bonds. Sales tax supported bonds issued under this  
section need not comply with any other law applicable to notes or  
bonds but the authorizing proceedings may provide that divisions  
(B) to (E) of section 133.25 of the Revised Code apply to the  
sales tax supported bonds or anticipation notes.

(G) Any authorized proceedings may contain provisions,  
subject to any agreements with holders as may then exist, which  
shall be a part of the contract with the holders, as to the  
pledging of any or all of the county's anticipated sales tax  
receipts to secure the payment of the sales tax supported bonds;

the use and disposition of the sales tax receipts of the county; 8676  
the crediting of the proceeds of the sale of sales tax supported 8677  
bonds to and among the funds referred to or provided for in the 8678  
authorizing proceedings; limitations on the purpose to which the 8679  
proceeds of the sales tax supported bonds may be applied and the 8680  
pledging of portions of such proceeds to secure the payment of the 8681  
sales tax supported bonds or of anticipation notes; the agreement 8682  
of the county to do all things necessary for the authorization, 8683  
issuance, and sale of those notes anticipated in such amounts as 8684  
may be necessary for the timely payment of debt charges on any 8685  
anticipation notes; limitations on the issuance of additional 8686  
sales tax supported bonds; the terms upon which additional sales 8687  
tax supported bonds may be issued and secured; the refunding of 8688  
refunded obligations; the procedure by which the terms of any 8689  
contract with holders may be amended, and the manner in which any 8690  
required consent to amend may be given; securing any sales tax 8691  
supported bonds by a trust agreement or other agreement; and any 8692  
other matters, of like or different character, that in any way 8693  
affect the security or protection of the sales tax supported bonds 8694  
or anticipation notes. 8695

(H) The taxing authority of a county may not repeal, rescind, 8696  
or reduce any portion of a county sales tax pledged to the payment 8697  
of debt charges on sales tax supported bonds issued by the county 8698  
while such sales tax supported bonds remain outstanding, and no 8699  
portion of a county sales tax pledged to the payment of debt 8700  
charges on sales tax supported bonds shall be subject to repeal or 8701  
reduction by the electorate of the county or by the taxing 8702  
authority of the county while such sales tax supported bonds are 8703  
outstanding. 8704

**Sec. 133.09.** (A) Unless it is a township that has adopted a 8705  
limited home rule government under Chapter 504. of the Revised 8706

Code, a township shall not incur net indebtedness that exceeds an 8707  
amount equal to five per cent of its tax valuation and, except as 8708  
specifically authorized by section 505.262 of the Revised Code or 8709  
other laws, shall not incur any net indebtedness unless authorized 8710  
by vote of the electors. 8711

(B) A township that has adopted a limited home rule 8712  
government under Chapter 504. of the Revised Code shall not incur 8713  
net indebtedness that exceeds an amount equal to ten and one-half 8714  
per cent of its tax valuation, or incur without a vote of the 8715  
electors net indebtedness that exceeds an amount equal to five and 8716  
one-half per cent of that tax valuation. In calculating the net 8717  
indebtedness of a township that has adopted a limited home rule 8718  
government, none of the following securities shall be considered: 8719

(1) Self-supporting securities issued for any purpose; 8720

(2) Securities issued for the purpose of purchasing, 8721  
constructing, improving, or extending water or sanitary or surface 8722  
and storm water sewerage systems or facilities, or a combination 8723  
of those systems or facilities, to the extent that an agreement 8724  
entered into with another subdivision requires the other 8725  
subdivision to pay to the township amounts equivalent to debt 8726  
charges on the securities; 8727

(3) Securities that are not general obligations of the 8728  
township; 8729

(4) Voted securities issued for the purposes of redevelopment 8730  
to the extent that their principal amount does not exceed an 8731  
amount equal to two per cent of the tax valuation of the township; 8732

(5) Securities issued for the purpose of acquiring or 8733  
constructing roads, highways, bridges, or viaducts, or for the 8734  
purpose of acquiring or making other highway permanent 8735  
improvements, to the extent that the resolution of the board of 8736  
township trustees authorizing the issuance of the securities 8737



includes a covenant to appropriate from money distributed to the township under Chapter 4501., 4503., 4504., or 5735. of the Revised Code a sufficient amount to cover debt charges on and financing costs relating to the securities as they become due;

(6) Securities issued for energy conservation measures under section 505.264 of the Revised Code.

(C) In calculating the net indebtedness of any township, no obligation incurred under division (B) of section 513.17 or under section 505.261, 505.264, 505.265, 505.267, or 505.37 of the Revised Code, or in connection with a project undertaken pursuant to Section 515.03 of H.B. 66 of the 126th General Assembly, shall be considered.

**Sec. 140.01.** As used in this chapter:

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency.

(B) "Public hospital agency" means any county, board of county hospital trustees established pursuant to section 339.02 of the Revised Code, county hospital commission established pursuant to section 339.14 of the Revised Code, municipal corporation, new community authority organized under Chapter 349. of the Revised Code, joint township hospital district, state or municipal university or college operating or authorized to operate a hospital facility, or the state.

(C) "Nonprofit hospital agency" means a corporation or association not for profit, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, that has authority to own or operate a hospital facility or provides or is to provide services to one or more other hospital agencies.

(D) "Governing body" means, in the case of a county, the

board of county commissioners or other legislative body; in the 8768  
case of a board of county hospital trustees, the board; in the 8769  
case of a county hospital commission, the commission; in the case 8770  
of a municipal corporation, the council or other legislative 8771  
authority; in the case of a new community authority, its board of 8772  
trustees; in the case of a joint township hospital district, the 8773  
joint township district hospital board; in the case of a state or 8774  
municipal university or college, its board of trustees or board of 8775  
directors; in the case of a nonprofit hospital agency, the board 8776  
of trustees or other body having general management of the agency; 8777  
and, in the case of the state, the director of development or the 8778  
Ohio higher educational facility commission. 8779

(E) "Hospital facilities" means buildings, structures and 8780  
other improvements, additions thereto and extensions thereof, 8781  
furnishings, equipment, and real estate and interests in real 8782  
estate, used or to be used for or in connection with one or more 8783  
hospitals, emergency, intensive, intermediate, extended, 8784  
long-term, or self-care facilities, diagnostic and treatment and 8785  
out-patient facilities, facilities related to programs for home 8786  
health services, clinics, laboratories, public health centers, 8787  
research facilities, and rehabilitation facilities, for or 8788  
pertaining to diagnosis, treatment, care, or rehabilitation of 8789  
sick, ill, injured, infirm, impaired, disabled, or handicapped 8790  
persons, or the prevention, detection, and control of disease, and 8791  
also includes education, training, and food service facilities for 8792  
health professions personnel, housing facilities for such 8793  
personnel and their families, and parking and service facilities 8794  
in connection with any of the foregoing; and includes any one, 8795  
part of, or any combination of the foregoing; and further includes 8796  
site improvements, utilities, machinery, facilities, furnishings, 8797  
and any separate or connected buildings, structures, improvements, 8798  
sites, utilities, facilities, or equipment to be used in, or in 8799

connection with the operation or maintenance of, or supplementing 8800  
or otherwise related to the services or facilities to be provided 8801  
by, any one or more of such hospital facilities. 8802

(F) "Costs of hospital facilities" means the costs of 8803  
acquiring hospital facilities or interests in hospital facilities, 8804  
including membership interests in nonprofit hospital agencies, 8805  
costs of constructing hospital facilities, costs of improving one 8806  
or more hospital facilities, including reconstructing, 8807  
rehabilitating, remodeling, renovating, and enlarging, costs of 8808  
equipping and furnishing such facilities, and all financing costs 8809  
pertaining thereto, including, without limitation thereto, costs 8810  
of engineering, architectural, and other professional services, 8811  
designs, plans, specifications and surveys, and estimates of cost, 8812  
costs of tests and inspections, the costs of any indemnity or 8813  
surety bonds and premiums on insurance, all related direct or 8814  
allocable administrative expenses pertaining thereto, fees and 8815  
expenses of trustees, depositories, and paying agents for the 8816  
obligations, cost of issuance of the obligations and financing 8817  
charges and fees and expenses of financial advisors, attorneys, 8818  
accountants, consultants and rating services in connection 8819  
therewith, capitalized interest on the obligations, amounts 8820  
necessary to establish reserves as required by the bond 8821  
proceedings, the reimbursement of all moneys advanced or applied 8822  
by the hospital agency or others or borrowed from others for the 8823  
payment of any item or items of costs of such facilities, and all 8824  
other expenses necessary or incident to planning or determining 8825  
feasibility or practicability with respect to such facilities, and 8826  
such other expenses as may be necessary or incident to the 8827  
acquisition, construction, reconstruction, rehabilitation, 8828  
remodeling, renovation, enlargement, improvement, equipment, and 8829  
furnishing of such facilities, the financing thereof, and the 8830  
placing of the same in use and operation, including any one, part 8831

of, or combination of such classes of costs and expenses, and 8832  
means the costs of refinancing obligations issued by, or 8833  
reimbursement of money advanced by, nonprofit hospital agencies or 8834  
others the proceeds of which were used for the payment of costs of 8835  
hospital facilities, if the governing body of the public hospital 8836  
agency determines that the refinancing or reimbursement advances 8837  
the purposes of this chapter, whether or not the refinancing or 8838  
reimbursement is in conjunction with the acquisition or 8839  
construction of additional hospital facilities. 8840

(G) "Hospital receipts" means all moneys received by or on 8841  
behalf of a hospital agency from or in connection with the 8842  
ownership, operation, acquisition, construction, improvement, 8843  
equipping, or financing of any hospital facilities, including, 8844  
without limitation thereto, any rentals and other moneys received 8845  
from the lease, sale, or other disposition of hospital facilities, 8846  
and any gifts, grants, interest subsidies, or other moneys 8847  
received under any federal program for assistance in financing the 8848  
costs of hospital facilities, and any other gifts, grants, and 8849  
donations, and receipts therefrom, available for financing the 8850  
costs of hospital facilities. 8851

(H) "Obligations" means bonds, notes, or other evidences of 8852  
indebtedness or obligation, including interest coupons pertaining 8853  
thereto, issued or issuable by a public hospital agency to pay 8854  
costs of hospital facilities. 8855

(I) "Bond service charges" means principal, interest, and 8856  
call premium, if any, required to be paid on obligations. 8857

(J) "Bond proceedings" means one or more ordinances, 8858  
resolutions, trust agreements, indentures, and other agreements or 8859  
documents, and amendments and supplements to the foregoing, or any 8860  
combination thereof, authorizing or providing for the terms, 8861  
including any variable interest rates, and conditions applicable 8862

to, or providing for the security of, obligations and the 8863  
provisions contained in such obligations. 8864

(K) "Nursing home" has the same meaning as in division (A)(1) 8865  
of section 5701.13 of the Revised Code. 8866

(L) "Residential care facility" has the same meaning as in 8867  
division (A)(2) of section 5701.13 of the Revised Code. 8868

(M) "Adult care facility" has the same meaning as in division 8869  
(A)(3) of section 5701.13 of the Revised Code. 8870

(N) "Independent living facility" means any self-care 8871  
facility or other housing facility designed or used as a residence 8872  
for elderly persons. An "independent living facility" does not 8873  
include a residential facility, or that part of a residential 8874  
facility, that is any of the following: 8875

(1) A hospital required to be certified by section 3727.02 of 8876  
the Revised Code; 8877

(2) A nursing home or residential care facility; 8878

(3) An adult care facility; 8879

(4) A hospice licensed under section 3712.04 of the Revised 8880  
Code; 8881

~~(5) A habilitation center as defined in section 5123.041 of~~ 8882  
~~the Revised Code;~~ 8883

~~(6)~~ A residential facility for the mentally ill licensed by 8884  
the department of mental health under section 5119.22 of the 8885  
Revised Code; 8886

~~(7)~~(6) A facility licensed to provide methadone treatment 8887  
under section 3793.11 of the Revised Code; 8888

~~(8)~~(7) A facility certified as an alcohol and drug addiction 8889  
program under section 3793.06 of the Revised Code; 8890

~~(9)~~(8) A residential facility licensed under section 5123.19 8891

of the Revised Code or a facility providing services under a 8892  
contract with the department of mental retardation and 8893  
developmental disabilities under section 5123.18 of the Revised 8894  
Code; 8895

~~(10)~~(9) A residential facility used as part of a hospital to 8896  
provide housing for staff of the hospital or students pursuing a 8897  
course of study at the hospital. 8898

**Sec. 141.011.** Beginning in calendar year 2001, the annual 8899  
salaries of the elective officers of the state shall be as follows 8900  
rather than as prescribed by divisions (A) to (F) of section 8901  
141.01 of the Revised Code: 8902

(A)(1) In calendar year 2001 the annual salary of the 8903  
governor shall be one hundred twenty-six thousand four hundred 8904  
ninety-seven dollars. 8905

(2) In calendar years 2002 through 2006 the annual salary of 8906  
the governor shall be one hundred thirty thousand two hundred 8907  
ninety-two dollars. 8908

(3) In calendar year 2007 the annual salary of the governor 8909  
shall be the annual salary in 2006 increased by each of the 8910  
following percentages in succession: 8911

(a) The lesser of three per cent or the percentage increase, 8912  
if any, in the consumer price index from October 1, 2001, to 8913  
September 30, 2002, rounded to the nearest one-tenth of one per 8914  
cent; 8915

(b) The lesser of three per cent or the percentage increase, 8916  
if any, in the consumer price index from October 1, 2002, to 8917  
September 30, 2003, rounded to the nearest one-tenth of one per 8918  
cent; 8919

(c) The lesser of three per cent or the percentage increase, 8920  
if any, in the consumer price index from October 1, 2003, to 8921

September 30, 2004, rounded to the nearest one-tenth of one per cent; 8922  
8923

(d) The lesser of three per cent or the percentage increase, 8924  
if any, in the consumer price index from October 1, 2004, to 8925  
September 30, 2005, rounded to the nearest one-tenth of one per 8926  
cent; 8927

(e) The lesser of three per cent or the percentage increase, 8928  
if any, in the consumer price index from October 1, 2005, to 8929  
September 30, 2006, rounded to the nearest one-tenth of one per 8930  
cent. 8931

(4) In calendar year 2008 and thereafter, the annual salary 8932  
of the governor shall be the annual salary in 2007 increased by 8933  
the lesser of the following: 8934

(a) Three per cent; 8935

(b) The percentage increase, if any, in the consumer price 8936  
index from October 1, 2006, to September 30, 2007, rounded to the 8937  
nearest one-tenth of one per cent. 8938

(B)(1) In calendar year 2001 the annual salary of the 8939  
lieutenant governor shall be sixty-six thousand three hundred six 8940  
dollars. 8941

(2) In calendar years 2002 through 2006 the annual salary of 8942  
the lieutenant governor shall be sixty-eight thousand two hundred 8943  
ninety-five dollars. 8944

(3) In calendar year 2007 the annual salary of the lieutenant 8945  
governor shall be the annual salary in 2006 increased by each of 8946  
the following percentages in succession: 8947

(a) The lesser of three per cent or the percentage increase, 8948  
if any, in the consumer price index from October 1, 2001, to 8949  
September 30, 2002, rounded to the nearest one-tenth of one per 8950  
cent; 8951

(b) The lesser of three per cent or the percentage increase, 8952  
if any, in the consumer price index from October 1, 2002, to 8953  
September 30, 2003, rounded to the nearest one-tenth of one per 8954  
cent; 8955

(c) The lesser of three per cent or the percentage increase, 8956  
if any, in the consumer price index from October 1, 2003, to 8957  
September 30, 2004, rounded to the nearest one-tenth of one per 8958  
cent; 8959

(d) The lesser of three per cent or the percentage increase, 8960  
if any, in the consumer price index from October 1, 2004, to 8961  
September 30, 2005, rounded to the nearest one-tenth of one per 8962  
cent; 8963

(e) The lesser of three per cent or the percentage increase, 8964  
if any, in the consumer price index from October 1, 2005, to 8965  
September 30, 2006, rounded to the nearest one-tenth of one per 8966  
cent. 8967

(4) In calendar year 2008 and thereafter, the annual salary 8968  
of the lieutenant governor shall be the annual salary in 2007 8969  
increased by the lesser of the following: 8970

(a) Three per cent; 8971

(b) The percentage increase, if any, in the consumer price 8972  
index from October 1, 2006 to September 30, 2007, rounded to the 8973  
nearest one-tenth of one per cent. 8974

If the governor appoints the lieutenant governor as an 8975  
administrative department head ~~or as the director of the office of~~ 8976  
~~criminal justice services under section 108.05 of the Revised~~ 8977  
~~Code,~~ the lieutenant governor may accept the salary for that 8978  
office while serving as its head in lieu of the salary for the 8979  
office of lieutenant governor. 8980

(C)(1) In calendar year 2001 the annual salary of the 8981



secretary of state, auditor of state, treasurer of state, and 8982  
attorney general shall be ninety-three thousand four hundred 8983  
forty-seven dollars. 8984

(2) In calendar year 2002 the annual salary of the secretary 8985  
of state, auditor of state, treasurer of state, and attorney 8986  
general shall be ninety-six thousand two hundred fifty dollars. 8987

(3) In each calendar year from 2003 through 2008, the annual 8988  
salary of the secretary of state, auditor of state, treasurer of 8989  
state, and attorney general shall be increased by the lesser of 8990  
the following: 8991

(a) Three per cent; 8992

(b) The percentage increase, if any, in the consumer price 8993  
index over the twelve-month period that ends on the thirtieth day 8994  
of September of the immediately preceding year, rounded to the 8995  
nearest one-tenth of one per cent. 8996

(D) Upon the death of an elected executive officer of the 8997  
state listed in divisions (A) to (F) of section 141.01 of the 8998  
Revised Code during that person's term of office, an amount shall 8999  
be paid in accordance with section 2113.04 of the Revised Code, or 9000  
to that person's estate. The amount shall equal the amount of the 9001  
salary that the officer would have received during the remainder 9002  
of the officer's unexpired term or an amount equal to the salary 9003  
of that person's office for two years, whichever is less. 9004

(E) As used in this section, "consumer price index" has the 9005  
same meaning as in section 101.27 of the Revised Code. 9006

**Sec. 141.04.** (A) The annual salaries of the chief justice of 9007  
the supreme court and of the justices and judges named in this 9008  
section payable from the state treasury are as follows, rounded to 9009  
the nearest fifty dollars: 9010

(1) For the chief justice of the supreme court, the following 9011

amounts effective in the following years:	9012
(a) Beginning January 1, 2000, one hundred twenty-four	9013
thousand nine hundred dollars;	9014
(b) Beginning January 1, 2001, one hundred twenty-eight	9015
thousand six hundred fifty dollars;	9016
(c) After 2001, the amount determined under division (E)(1)	9017
of this section.	9018
(2) For the justices of the supreme court, the following	9019
amounts effective in the following years:	9020
(a) Beginning January 1, 2000, one hundred seventeen thousand	9021
two hundred fifty dollars;	9022
(b) Beginning January 1, 2001, one hundred twenty thousand	9023
seven hundred fifty dollars;	9024
(c) After 2001, the amount determined under division (E)(1)	9025
of this section.	9026
(3) For the judges of the courts of appeals, the following	9027
amounts effective in the following years:	9028
(a) Beginning January 1, 2000, one hundred nine thousand two	9029
hundred fifty dollars;	9030
(b) Beginning January 1, 2001, one hundred twelve thousand	9031
five hundred fifty dollars;	9032
(c) After 2001, the amount determined under division (E)(1)	9033
of this section.	9034
(4) For the judges of the courts of common pleas, the	9035
following amounts effective in the following years:	9036
(a) Beginning January 1, 2000, one hundred thousand five	9037
hundred dollars, reduced by an amount equal to the annual	9038
compensation paid to that judge from the county treasury pursuant	9039
to section 141.05 of the Revised Code;	9040

(b) Beginning January 1, 2001, one hundred three thousand 9041  
five hundred dollars, reduced by an amount equal to the annual 9042  
compensation paid to that judge from the county treasury pursuant 9043  
to section 141.05 of the Revised Code; 9044

(c) After 2001, the aggregate annual salary amount determined 9045  
under division (E)(2) of this section reduced by an amount equal 9046  
to the annual compensation paid to that judge from the county 9047  
treasury pursuant to section 141.05 of the Revised Code. 9048

(5) For the full-time judges of a municipal court or the 9049  
part-time judges of a municipal court of a territory having a 9050  
population of more than fifty thousand, the following amounts 9051  
effective in the following years, which amounts shall be in 9052  
addition to all amounts received pursuant to divisions (B)(1)(a) 9053  
and (2) of section 1901.11 of the Revised Code from municipal 9054  
corporations and counties: 9055

(a) Beginning January 1, 2000, thirty-two thousand six 9056  
hundred fifty dollars; 9057

(b) Beginning January 1, 2001, thirty-five thousand five 9058  
hundred dollars; 9059

(c) After 2001, the amount determined under division (E)(3) 9060  
of this section. 9061

(6) For judges of a municipal court designated as part-time 9062  
judges by section 1901.08 of the Revised Code, other than 9063  
part-time judges to whom division (A)(5) of this section applies, 9064  
and for judges of a county court, the following amounts effective 9065  
in the following years, which amounts shall be in addition to any 9066  
amounts received pursuant to division (A) of section 1901.11 of 9067  
the Revised Code from municipal corporations and counties or 9068  
pursuant to division (A) of section 1907.16 of the Revised Code 9069  
from counties: 9070

(a) Beginning January 1, 2000, eighteen thousand eight 9071  
hundred dollars; 9072

(b) Beginning January 1, 2001, twenty thousand four hundred 9073  
fifty dollars; 9074

(c) After 2001, the amount determined under division (E)(4) 9075  
of this section. 9076

(B) Except as provided in section 1901.121 of the Revised 9077  
Code, except as otherwise provided in this division, and except 9078  
for the compensation to which the judges described in division 9079  
(A)(5) of this section are entitled pursuant to divisions 9080  
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 9081  
annual salary of the chief justice of the supreme court and of 9082  
each justice or judge listed in division (A) of this section shall 9083  
be paid in equal monthly installments from the state treasury. If 9084  
the chief justice of the supreme court or any justice or judge 9085  
listed in division (A)(2), (3), or (4) of this section delivers a 9086  
written request to be paid biweekly to the administrative director 9087  
of the supreme court prior to the first day of January of any 9088  
year, the annual salary of the chief justice or the justice or 9089  
judge that is listed in division (A)(2), (3), or (4) of this 9090  
section shall be paid, during the year immediately following the 9091  
year in which the request is delivered to the administrative 9092  
director of the supreme court, biweekly from the state treasury. 9093

(C) Upon the death of the chief justice or a justice of the 9094  
supreme court during that person's term of office, an amount shall 9095  
be paid in accordance with section 2113.04 of the Revised Code, or 9096  
to that person's estate. The amount shall equal the amount of the 9097  
salary that the chief justice or justice would have received 9098  
during the remainder of the unexpired term or an amount equal to 9099  
the salary of office for two years, whichever is less. 9100

(D) Neither the chief justice of the supreme court nor any 9101

justice or judge of the supreme court, the court of appeals, the  
court of common pleas, or the probate court shall hold any other  
office of trust or profit under the authority of this state or the  
United States.

(E)(1) Each calendar year from 2002 through 2008, the annual  
salaries of the chief justice of the supreme court and of the  
justices and judges named in divisions (A)(2) and (3) of this  
section shall be increased by an amount equal to the adjustment  
percentage for that year multiplied by the compensation paid the  
preceding year pursuant to division (A)(1), (2), or (3) of this  
section.

(2) Each calendar year from 2002 through 2008, the aggregate  
annual salary payable under division (A)(4) of this section to the  
judges named in that division shall be increased by an amount  
equal to the adjustment percentage for that year multiplied by the  
aggregate compensation paid the preceding year pursuant to  
division (A)(4) of this section and section 141.05 of the Revised  
Code.

(3) Each calendar year from 2002 through 2008, the salary  
payable from the state treasury under division (A)(5) of this  
section to the judges named in that division shall be increased by  
an amount equal to the adjustment percentage for that year  
multiplied by the aggregate compensation paid the preceding year  
pursuant to division (A)(5) of this section and division (B)(1)(a)  
of section 1901.11 of the Revised Code.

(4) Each calendar year from 2002 through 2008, the salary  
payable from the state treasury under division (A)(6) of this  
section to the judges named in that division shall be increased by  
an amount equal to the adjustment percentage for that year  
multiplied by the aggregate compensation paid the preceding year  
pursuant to division (A)(6) of this section and division (A) of

section 1901.11 of the Revised Code from municipal corporations 9133  
and counties or division (A) of section 1907.16 of the Revised 9134  
Code from counties. 9135

(F) In addition to the salaries payable pursuant to this 9136  
section, the chief justice of the supreme court and the justices 9137  
of the supreme court shall be entitled to a vehicle allowance of 9138  
five hundred dollars per month, payable from the state treasury. 9139  
The allowance shall be increased on the first day of January of 9140  
each odd numbered year by an amount equal to the percentage 9141  
increase, if any, in the consumer price index for the immediately 9142  
preceding twenty-four month period for which information is 9143  
available. 9144

(G) As used in this section: 9145

(1) The "adjustment percentage" for a year is the lesser of 9146  
the following: 9147

(a) Three per cent; 9148

(b) The percentage increase, if any, in the consumer price 9149  
index over the twelve-month period that ends on the thirtieth day 9150  
of September of the immediately preceding year, rounded to the 9151  
nearest one-tenth of one per cent. 9152

(2) "Consumer price index" has the same meaning as in section 9153  
101.27 of the Revised Code. 9154

(3) "Salary" does not include any portion of the cost, 9155  
premium, or charge for health, medical, hospital, dental, or 9156  
surgical benefits, or any combination of those benefits, covering 9157  
the chief justice of the supreme court or a justice or judge named 9158  
in this section and paid on the chief justice's or the justice's 9159  
or judge's behalf by a governmental entity. 9160

**Sec. 145.01.** As used in this chapter: 9161

(A) "Public employee" means: 9162

(1) Any person holding an office, not elective, under the 9163  
state or any county, township, municipal corporation, park 9164  
district, conservancy district, sanitary district, health 9165  
district, metropolitan housing authority, state retirement board, 9166  
Ohio historical society, public library, county law library, union 9167  
cemetery, joint hospital, institutional commissary, state 9168  
university, or board, bureau, commission, council, committee, 9169  
authority, or administrative body as the same are, or have been, 9170  
created by action of the general assembly or by the legislative 9171  
authority of any of the units of local government named in 9172  
division (A)(1) of this section, or employed and paid in whole or 9173  
in part by the state or any of the authorities named in division 9174  
(A)(1) of this section in any capacity not covered by section 9175  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 9176

(2) A person who is a member of the public employees 9177  
retirement system and who continues to perform the same or similar 9178  
duties under the direction of a contractor who has contracted to 9179  
take over what before the date of the contract was a publicly 9180  
operated function. The governmental unit with which the contract 9181  
has been made shall be deemed the employer for the purposes of 9182  
administering this chapter. 9183

(3) Any person who is an employee of a public employer, 9184  
notwithstanding that the person's compensation for that employment 9185  
is derived from funds of a person or entity other than the 9186  
employer. Credit for such service shall be included as total 9187  
service credit, provided that the employee makes the payments 9188  
required by this chapter, and the employer makes the payments 9189  
required by sections 145.48 and 145.51 of the Revised Code. 9190

(4) A person who elects in accordance with section 145.015 of 9191  
the Revised Code to remain a contributing member of the public 9192

employees retirement system. 9193

In all cases of doubt, the public employees retirement board 9194  
shall determine whether any person is a public employee, and its 9195  
decision is final. 9196

(B) "Member" means any public employee, other than a public 9197  
employee excluded or exempted from membership in the retirement 9198  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 9199  
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 9200  
retirant who becomes a member under division (C) of section 145.38 9201  
of the Revised Code. "Member" also includes a disability benefit 9202  
recipient. 9203

(C) "Head of the department" means the elective or appointive 9204  
head of the several executive, judicial, and administrative 9205  
departments, institutions, boards, and commissions of the state 9206  
and local government as the same are created and defined by the 9207  
laws of this state or, in case of a charter government, by that 9208  
charter. 9209

(D) "Employer" or "public employer" means the state or any 9210  
county, township, municipal corporation, park district, 9211  
conservancy district, sanitary district, health district, 9212  
metropolitan housing authority, state retirement board, Ohio 9213  
historical society, public library, county law library, union 9214  
cemetery, joint hospital, institutional commissary, state medical 9215  
college, state university, or board, bureau, commission, council, 9216  
committee, authority, or administrative body as the same are, or 9217  
have been, created by action of the general assembly or by the 9218  
legislative authority of any of the units of local government 9219  
named in this division not covered by section 742.01, 3307.01, 9220  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 9221  
means the employer of any public employee. 9222

(E) "Prior service" means all service as a public employee 9223



rendered before January 1, 1935, and all service as an employee of 9224  
any employer who comes within the state teachers retirement system 9225  
or of the school employees retirement system or of any other 9226  
retirement system established under the laws of this state 9227  
rendered prior to January 1, 1935, provided that if the employee 9228  
claiming the service was employed in any capacity covered by that 9229  
other system after that other system was established, credit for 9230  
the service may be allowed by the public employees retirement 9231  
system only when the employee has made payment, to be computed on 9232  
the salary earned from the date of appointment to the date 9233  
membership was established in the public employees retirement 9234  
system, at the rate in effect at the time of payment, and the 9235  
employer has made payment of the corresponding full liability as 9236  
provided by section 145.44 of the Revised Code. "Prior service" 9237  
also means all service credited for active duty with the armed 9238  
forces of the United States as provided in section 145.30 of the 9239  
Revised Code. 9240

If an employee who has been granted prior service credit by 9241  
the public employees retirement system for service rendered prior 9242  
to January 1, 1935, as an employee of a board of education 9243  
establishes, before retirement, one year or more of contributing 9244  
service in the state teachers retirement system or school 9245  
employees retirement system, then the prior service ceases to be 9246  
the liability of this system. 9247

If the board determines that a position of any member in any 9248  
calendar year prior to January 1, 1935, was a part-time position, 9249  
the board shall determine what fractional part of a year's credit 9250  
shall be allowed by the following formula: 9251

(1) When the member has been either elected or appointed to 9252  
an office the term of which was two or more years and for which an 9253  
annual salary is established, the fractional part of the year's 9254  
credit shall be computed as follows: 9255

First, when the member's annual salary is one thousand 9256  
dollars or less, the service credit for each such calendar year 9257  
shall be forty per cent of a year. 9258

Second, for each full one hundred dollars of annual salary 9259  
above one thousand dollars, the member's service credit for each 9260  
such calendar year shall be increased by two and one-half per 9261  
cent. 9262

(2) When the member is paid on a per diem basis, the service 9263  
credit for any single year of the service shall be determined by 9264  
using the number of days of service for which the compensation was 9265  
received in any such year as a numerator and using two hundred 9266  
fifty days as a denominator. 9267

(3) When the member is paid on an hourly basis, the service 9268  
credit for any single year of the service shall be determined by 9269  
using the number of hours of service for which the compensation 9270  
was received in any such year as a numerator and using two 9271  
thousand hours as a denominator. 9272

(F) "Contributor" means any person who has an account in the 9273  
employees' savings fund created by section 145.23 of the Revised 9274  
Code. When used in the sections listed in division (B) of section 9275  
145.82 of the Revised Code, "contributor" includes any person 9276  
participating in a PERS defined contribution plan. 9277

(G) "Beneficiary" or "beneficiaries" means the estate or a 9278  
person or persons who, as the result of the death of a member, 9279  
contributor, or retirant, qualify for or are receiving some right 9280  
or benefit under this chapter. 9281

(H)(1) "Total service credit," except as provided in section 9282  
145.37 of the Revised Code, means all service credited to a member 9283  
of the retirement system since last becoming a member, including 9284  
restored service credit as provided by section 145.31 of the 9285  
Revised Code; credit purchased under sections 145.293 and 145.299 9286

of the Revised Code; all the member's prior service credit; all  
the member's military service credit computed as provided in this  
chapter; all service credit established pursuant to section  
145.297 of the Revised Code; and any other service credited under  
this chapter. In addition, "total service credit" includes any  
period, not in excess of three years, during which a member was  
out of service and receiving benefits under Chapters 4121. and  
4123. of the Revised Code. For the exclusive purpose of satisfying  
the service credit requirement and of determining eligibility for  
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36,  
and 145.361 of the Revised Code, "five or more years of total  
service credit" means sixty or more calendar months of  
contributing service in this system.

(2) "One and one-half years of contributing service credit,"  
as used in division (B) of section 145.45 of the Revised Code,  
also means eighteen or more calendar months of employment by a  
municipal corporation that formerly operated its own retirement  
plan for its employees or a part of its employees, provided that  
all employees of that municipal retirement plan who have eighteen  
or more months of such employment, upon establishing membership in  
the public employees retirement system, shall make a payment of  
the contributions they would have paid had they been members of  
this system for the eighteen months of employment preceding the  
date membership was established. When that payment has been made  
by all such employee members, a corresponding payment shall be  
paid into the employers' accumulation fund by that municipal  
corporation as the employer of the employees.

(3) Where a member also is a member of the state teachers  
retirement system or the school employees retirement system, or  
both, except in cases of retirement on a combined basis pursuant  
to section 145.37 of the Revised Code or as provided in section  
145.383 of the Revised Code, service credit for any period shall

be credited on the basis of the ratio that contributions to the 9319  
public employees retirement system bear to total contributions in 9320  
all state retirement systems. 9321

(4) Not more than one year of credit may be given for any 9322  
period of twelve months. 9323

(5) "Ohio service credit" means credit for service that was 9324  
rendered to the state or any of its political subdivisions or any 9325  
employer. 9326

(I) "Regular interest" means interest at any rates for the 9327  
respective funds and accounts as the public employees retirement 9328  
board may determine from time to time. 9329

(J) "Accumulated contributions" means the sum of all amounts 9330  
credited to a contributor's individual account in the employees' 9331  
savings fund together with any interest credited to the 9332  
contributor's account under section 145.471 or 145.472 of the 9333  
Revised Code. 9334

(K)(1) "Final average salary" means the quotient obtained by 9335  
dividing by three the sum of the three full calendar years of 9336  
contributing service in which the member's earnable salary was 9337  
highest, except that if the member has a partial year of 9338  
contributing service in the year the member's employment 9339  
terminates and the member's earnable salary for the partial year 9340  
is higher than for any comparable period in the three years, the 9341  
member's earnable salary for the partial year shall be substituted 9342  
for the member's earnable salary for the comparable period during 9343  
the three years in which the member's earnable salary was lowest. 9344

(2) If a member has less than three years of contributing 9345  
service, the member's final average salary shall be the member's 9346  
total earnable salary divided by the total number of years, 9347  
including any fraction of a year, of the member's contributing 9348  
service. 9349

(3) For the purpose of calculating benefits payable to a 9350  
member qualifying for service credit under division (Z) of this 9351  
section, "final average salary" means the total earnable salary on 9352  
which contributions were made divided by the total number of years 9353  
during which contributions were made, including any fraction of a 9354  
year. If contributions were made for less than twelve months, 9355  
"final average salary" means the member's total earnable salary. 9356

(L) "Annuity" means payments for life derived from 9357  
contributions made by a contributor and paid from the annuity and 9358  
pension reserve fund as provided in this chapter. All annuities 9359  
shall be paid in twelve equal monthly installments. 9360

(M) "Annuity reserve" means the present value, computed upon 9361  
the basis of the mortality and other tables adopted by the board, 9362  
of all payments to be made on account of any annuity, or benefit 9363  
in lieu of any annuity, granted to a retirant as provided in this 9364  
chapter. 9365

(N)(1) "Disability retirement" means retirement as provided 9366  
in section 145.36 of the Revised Code. 9367

(2) "Disability allowance" means an allowance paid on account 9368  
of disability under section 145.361 of the Revised Code. 9369

(3) "Disability benefit" means a benefit paid as disability 9370  
retirement under section 145.36 of the Revised Code, as a 9371  
disability allowance under section 145.361 of the Revised Code, or 9372  
as a disability benefit under section 145.37 of the Revised Code. 9373

(4) "Disability benefit recipient" means a member who is 9374  
receiving a disability benefit. 9375

(O) "Age and service retirement" means retirement as provided 9376  
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 9377  
the Revised Code. 9378

(P) "Pensions" means annual payments for life derived from 9379

contributions made by the employer that at the time of retirement 9380  
are credited into the annuity and pension reserve fund from the 9381  
employers' accumulation fund and paid from the annuity and pension 9382  
reserve fund as provided in this chapter. All pensions shall be 9383  
paid in twelve equal monthly installments. 9384

(Q) "Retirement allowance" means the pension plus that 9385  
portion of the benefit derived from contributions made by the 9386  
member. 9387

(R)(1) Except as otherwise provided in division (R) of this 9388  
section, "earnable salary" means all salary, wages, and other 9389  
earnings paid to a contributor by reason of employment in a 9390  
position covered by the retirement system. The salary, wages, and 9391  
other earnings shall be determined prior to determination of the 9392  
amount required to be contributed to the employees' savings fund 9393  
under section 145.47 of the Revised Code and without regard to 9394  
whether any of the salary, wages, or other earnings are treated as 9395  
deferred income for federal income tax purposes. "Earnable salary" 9396  
includes the following: 9397

(a) Payments made by the employer in lieu of salary, wages, 9398  
or other earnings for sick leave, personal leave, or vacation used 9399  
by the contributor; 9400

(b) Payments made by the employer for the conversion of sick 9401  
leave, personal leave, and vacation leave accrued, but not used if 9402  
the payment is made during the year in which the leave is accrued, 9403  
except that payments made pursuant to section 124.383 or 124.386 9404  
of the Revised Code are not earnable salary; 9405

(c) Allowances paid by the employer for full maintenance, 9406  
consisting of housing, laundry, and meals, as certified to the 9407  
retirement board by the employer or the head of the department 9408  
that employs the contributor; 9409

(d) Fees and commissions paid under section 507.09 of the 9410

Revised Code;	9411
(e) Payments that are made under a disability leave program	9412
sponsored by the employer and for which the employer is required	9413
by section 145.296 of the Revised Code to make periodic employer	9414
and employee contributions;	9415
(f) Amounts included pursuant to divisions (K)(3) and (Y) of	9416
this section.	9417
(2) "Earnable salary" does not include any of the following:	9418
(a) Fees and commissions, other than those paid under section	9419
507.09 of the Revised Code, paid as sole compensation for personal	9420
services and fees and commissions for special services over and	9421
above services for which the contributor receives a salary;	9422
(b) Amounts paid by the employer to provide life insurance,	9423
sickness, accident, endowment, health, medical, hospital, dental,	9424
or surgical coverage, or other insurance for the contributor or	9425
the contributor's family, or amounts paid by the employer to the	9426
contributor in lieu of providing the insurance;	9427
(c) Incidental benefits, including lodging, food, laundry,	9428
parking, or services furnished by the employer, or use of the	9429
employer's property or equipment, or amounts paid by the employer	9430
to the contributor in lieu of providing the incidental benefits;	9431
(d) Reimbursement for job-related expenses authorized by the	9432
employer, including moving and travel expenses and expenses	9433
related to professional development;	9434
(e) Payments for accrued but unused sick leave, personal	9435
leave, or vacation that are made at any time other than in the	9436
year in which the sick leave, personal leave, or vacation was	9437
accrued;	9438
(f) Payments made to or on behalf of a contributor that are	9439
in excess of the annual compensation that may be taken into	9440

account by the retirement system under division (a)(17) of section 9441  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9442  
U.S.C.A. 401(a)(17), as amended; 9443

(g) Payments made under division (B), (C), or (E) of section 9444  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 9445  
No. 3 of the 119th general assembly, Section 3 of Amended 9446  
Substitute Senate Bill No. 164 of the 124th general assembly, or 9447  
Amended Substitute House Bill No. 405 of the 124th general 9448  
assembly; 9449

(h) Anything of value received by the contributor that is 9450  
based on or attributable to retirement or an agreement to retire, 9451  
except that payments made on or before January 1, 1989, that are 9452  
based on or attributable to an agreement to retire shall be 9453  
included in earnable salary if both of the following apply: 9454

(i) The payments are made in accordance with contract 9455  
provisions that were in effect prior to January 1, 1986; 9456

(ii) The employer pays the retirement system an amount 9457  
specified by the retirement board equal to the additional 9458  
liability resulting from the payments. 9459

(3) The retirement board shall determine by rule whether any 9460  
compensation not enumerated in division (R) of this section is 9461  
earnable salary, and its decision shall be final. 9462

(S) "Pension reserve" means the present value, computed upon 9463  
the basis of the mortality and other tables adopted by the board, 9464  
of all payments to be made on account of any retirement allowance 9465  
or benefit in lieu of any retirement allowance, granted to a 9466  
member or beneficiary under this chapter. 9467

(T)(1) "Contributing service" means all service credited to a 9468  
member of the system since January 1, 1935, for which 9469  
contributions are made as required by sections 145.47, 145.48, and 9470



145.483 of the Revised Code. In any year subsequent to 1934,  
credit for any service shall be allowed by the following formula:

(a) For each month for which the member's earnable salary is  
two hundred fifty dollars or more, allow one month's credit.

(b) For each month for which the member's earnable salary is  
less than two hundred fifty dollars, allow a fraction of a month's  
credit. The numerator of this fraction shall be the earnable  
salary during the month, and the denominator shall be two hundred  
fifty dollars, except that if the member's annual earnable salary  
is less than six hundred dollars, the member's credit shall not be  
reduced below twenty per cent of a year for a calendar year of  
employment during which the member worked each month. Division  
(T)(1)(b) of this section shall not reduce any credit earned  
before January 1, 1985.

(2) Notwithstanding division (T)(1) of this section, an  
elected official who prior to January 1, 1980, was granted a full  
year of credit for each year of service as an elected official  
shall be considered to have earned a full year of credit for each  
year of service regardless of whether the service was full-time or  
part-time. The public employees retirement board has no authority  
to reduce the credit.

(U) "State retirement board" means the public employees  
retirement board, the school employees retirement board, or the  
state teachers retirement board.

(V) "Retirant" means any former member who retires and is  
receiving a monthly allowance as provided in sections 145.32,  
145.33, 145.331, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an  
employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which

a public employee is compensated for services performed for an 9501  
employer or the date of the employee's death, whichever occurs 9502  
first. 9503

(Y) When a member has been elected or appointed to an office, 9504  
the term of which is two or more years, for which an annual salary 9505  
is established, and in the event that the salary of the office is 9506  
increased and the member is denied the additional salary by reason 9507  
of any constitutional provision prohibiting an increase in salary 9508  
during a term of office, the member may elect to have the amount 9509  
of the member's contributions calculated upon the basis of the 9510  
increased salary for the office. At the member's request, the 9511  
board shall compute the total additional amount the member would 9512  
have contributed, or the amount by which each of the member's 9513  
contributions would have increased, had the member received the 9514  
increased salary for the office the member holds. If the member 9515  
elects to have the amount by which the member's contribution would 9516  
have increased withheld from the member's salary, the member shall 9517  
notify the employer, and the employer shall make the withholding 9518  
and transmit it to the retirement system. A member who has not 9519  
elected to have that amount withheld may elect at any time to make 9520  
a payment to the retirement system equal to the additional amount 9521  
the member's contribution would have increased, plus interest on 9522  
that contribution, compounded annually at a rate established by 9523  
the board and computed from the date on which the last 9524  
contribution would have been withheld from the member's salary to 9525  
the date of payment. A member may make a payment for part of the 9526  
period for which the increased contribution was not withheld, in 9527  
which case the interest shall be computed from the date the last 9528  
contribution would have been withheld for the period for which the 9529  
payment is made. Upon the payment of the increased contributions 9530  
as provided in this division, the increased annual salary as 9531  
provided by law for the office for the period for which the member 9532

paid increased contributions thereon shall be used in determining 9533  
the member's earnable salary for the purpose of computing the 9534  
member's final average salary. 9535

(Z) "Five years of service credit," for the exclusive purpose 9536  
of satisfying the service credit requirements and of determining 9537  
eligibility for benefits under section 145.33 of the Revised Code, 9538  
means employment covered under this chapter or under a former 9539  
retirement plan operated, recognized, or endorsed by the employer 9540  
prior to coverage under this chapter or under a combination of the 9541  
coverage. 9542

(AA) "Deputy sheriff" means any person who is commissioned 9543  
and employed as a full-time peace officer by the sheriff of any 9544  
county, and has been so employed since on or before December 31, 9545  
1965, and whose primary duties are to preserve the peace, to 9546  
protect life and property, and to enforce the laws of this state; 9547  
any person who is or has been commissioned and employed as a peace 9548  
officer by the sheriff of any county since January 1, 1966, and 9549  
who has received a certificate attesting to the person's 9550  
satisfactory completion of the peace officer training school as 9551  
required by section 109.77 of the Revised Code and whose primary 9552  
duties are to preserve the peace, protect life and property, and 9553  
enforce the laws of this state; or any person deputized by the 9554  
sheriff of any county and employed pursuant to section 2301.12 of 9555  
the Revised Code as a criminal bailiff or court constable who has 9556  
received a certificate attesting to the person's satisfactory 9557  
completion of the peace officer training school as required by 9558  
section 109.77 of the Revised Code and whose primary duties are to 9559  
preserve the peace, protect life and property, and enforce the 9560  
laws of this state. 9561

(BB) "Township constable or police officer in a township 9562  
police department or district" means any person who is 9563  
commissioned and employed as a full-time peace officer pursuant to 9564

Chapter 505. or 509. of the Revised Code, who has received a  
certificate attesting to the person's satisfactory completion of  
the peace officer training school as required by section 109.77 of  
the Revised Code, and whose primary duties are to preserve the  
peace, protect life and property, and enforce the laws of this  
state.

(CC) "Drug agent" means any person who is either of the  
following:

(1) Employed full-time as a narcotics agent by a county  
narcotics agency created pursuant to section 307.15 of the Revised  
Code and has received a certificate attesting to the satisfactory  
completion of the peace officer training school as required by  
section 109.77 of the Revised Code;

(2) Employed full-time as an undercover drug agent as defined  
in section 109.79 of the Revised Code and is in compliance with  
section 109.77 of the Revised Code.

(DD) "Department of public safety enforcement agent" means a  
full-time employee of the department of public safety who is  
designated under section 5502.14 of the Revised Code as an  
enforcement agent and who is in compliance with section 109.77 of  
the Revised Code.

(EE) "Natural resources law enforcement staff officer" means  
a full-time employee of the department of natural resources who is  
designated a natural resources law enforcement staff officer under  
section 1501.013 of the Revised Code and is in compliance with  
section 109.77 of the Revised Code.

(FF) "Park officer" means a full-time employee of the  
department of natural resources who is designated a park officer  
under section 1541.10 of the Revised Code and is in compliance  
with section 109.77 of the Revised Code.

(GG) "Forest officer" means a full-time employee of the 9595  
department of natural resources who is designated a forest officer 9596  
under section 1503.29 of the Revised Code and is in compliance 9597  
with section 109.77 of the Revised Code. 9598

(HH) "Preserve officer" means a full-time employee of the 9599  
department of natural resources who is designated a preserve 9600  
officer under section 1517.10 of the Revised Code and is in 9601  
compliance with section 109.77 of the Revised Code. 9602

(II) "Wildlife officer" means a full-time employee of the 9603  
department of natural resources who is designated a wildlife 9604  
officer under section 1531.13 of the Revised Code and is in 9605  
compliance with section 109.77 of the Revised Code. 9606

(JJ) "State watercraft officer" means a full-time employee of 9607  
the department of natural resources who is designated a state 9608  
watercraft officer under section 1547.521 of the Revised Code and 9609  
is in compliance with section 109.77 of the Revised Code. 9610

(KK) "Park district police officer" means a full-time 9611  
employee of a park district who is designated pursuant to section 9612  
511.232 or 1545.13 of the Revised Code and is in compliance with 9613  
section 109.77 of the Revised Code. 9614

(LL) "Conservancy district officer" means a full-time 9615  
employee of a conservancy district who is designated pursuant to 9616  
section 6101.75 of the Revised Code and is in compliance with 9617  
section 109.77 of the Revised Code. 9618

(MM) "Municipal police officer" means a member of the 9619  
organized police department of a municipal corporation who is 9620  
employed full-time, is in compliance with section 109.77 of the 9621  
Revised Code, and is not a member of the Ohio police and fire 9622  
pension fund. 9623

(NN) "Veterans' home police officer" means any person who is 9624

employed at a veterans' home as a police officer pursuant to 9625  
section 5907.02 of the Revised Code and is in compliance with 9626  
section 109.77 of the Revised Code. 9627

(OO) "Special police officer for a mental health institution" 9628  
means any person who is designated as such pursuant to section 9629  
5119.14 of the Revised Code and is in compliance with section 9630  
109.77 of the Revised Code. 9631

(PP) "Special police officer for an institution for the 9632  
mentally retarded and developmentally disabled" means any person 9633  
who is designated as such pursuant to section 5123.13 of the 9634  
Revised Code and is in compliance with section 109.77 of the 9635  
Revised Code. 9636

(QQ) "State university law enforcement officer" means any 9637  
person who is employed full-time as a state university law 9638  
enforcement officer pursuant to section 3345.04 of the Revised 9639  
Code and who is in compliance with section 109.77 of the Revised 9640  
Code. 9641

(RR) "House sergeant at arms" means any person appointed by 9642  
the speaker of the house of representatives under division (B)(1) 9643  
of section 101.311 of the Revised Code who has arrest authority 9644  
under division (E)(1) of that section. 9645

(SS) "Assistant house sergeant at arms" means any person 9646  
appointed by the house sergeant at arms under division (C)(1) of 9647  
section 101.311 of the Revised Code. 9648

(TT) "Regional transit authority police officer" means a 9649  
person who is employed full time as a regional transit authority 9650  
police officer under division (Y) of section 306.35 of the Revised 9651  
Code and is in compliance with section 109.77 of the Revised Code. 9652

(UU) "State highway patrol police officer" means a special 9653  
police officer employed full time and designated by the 9654

superintendent of the state highway patrol pursuant to section 9655  
5503.09 of the Revised Code or a person serving full time as a 9656  
special police officer pursuant to that section on a permanent 9657  
basis on October 21, 1997, who is in compliance with section 9658  
109.77 of the Revised Code. 9659

(VV) "Municipal public safety director" means a person who 9660  
serves full-time as the public safety director of a municipal 9661  
corporation with the duty of directing the activities of the 9662  
municipal corporation's police department and fire department. 9663

(WW) Notwithstanding section 2901.01 of the Revised Code, 9664  
"PERS law enforcement officer" means a sheriff, deputy sheriff, 9665  
township constable or police officer in a township police 9666  
department or district, drug agent, municipal public safety 9667  
director, department of public safety enforcement agent, natural 9668  
resources law enforcement staff officer, park officer, forest 9669  
officer, preserve officer, wildlife officer, state watercraft 9670  
officer, park district police officer, conservancy district 9671  
officer, veterans' home police officer, special police officer for 9672  
a mental health institution, special police officer for an 9673  
institution for the mentally retarded and developmentally 9674  
disabled, state university law enforcement officer, municipal 9675  
police officer, house sergeant at arms, assistant house sergeant 9676  
at arms, regional transit authority police officer, or state 9677  
highway patrol police officer. 9678

~~(WW)~~(XX) "Hamilton county municipal court bailiff" means a 9679  
person appointed by the clerk of courts of the Hamilton county 9680  
municipal court under division (A)(3) of section 1901.32 of the 9681  
Revised Code who is employed full time as a bailiff or deputy 9682  
bailiff, who has received a certificate attesting to the person's 9683  
satisfactory completion of the peace officer basic training 9684  
described in division (D)(1) of section 109.77 of the Revised 9685  
Code, and whose primary duties are to preserve the peace, to 9686

protect life and property, and to enforce the laws of this state. 9687

~~(XX)~~(YY) "Fiduciary" means a person who does any of the 9688  
following: 9689

(1) Exercises any discretionary authority or control with 9690  
respect to the management of the system or with respect to the 9691  
management or disposition of its assets; 9692

(2) Renders investment advice for a fee, direct or indirect, 9693  
with respect to money or property of the system; 9694

(3) Has any discretionary authority or responsibility in the 9695  
administration of the system. 9696

~~(YY)~~(ZZ) "Actuary" means an individual who satisfies all of 9697  
the following requirements: 9698

(1) Is a member of the American academy of actuaries; 9699

(2) Is an associate or fellow of the society of actuaries; 9700

(3) Has a minimum of five years' experience in providing 9701  
actuarial services to public retirement plans. 9702

~~(ZZ)~~(AAA) "PERS defined benefit plan" means the plan 9703  
described in sections 145.201 to 145.79 of the Revised Code. 9704

~~(AAA)~~(BBB) "PERS defined contribution plans" means the plan 9705  
or plans established under section 145.81 of the Revised Code. 9706

**Sec. 145.33.** (A) Except as provided in division (B) or (C) of 9707  
this section, a member with at least five years of total service 9708  
credit who has attained age sixty, or who has thirty years of 9709  
total Ohio service credit, may apply for age and service 9710  
retirement, which shall consist of: 9711

(1) An annuity having a reserve equal to the amount of the 9712  
member's accumulated contributions at that time; 9713

(2) A pension equal to the annuity provided by division 9714



(A)(1) of this section; 9715

(3) An additional pension, if the member can qualify for 9716  
prior service, equal to forty dollars multiplied by the number of 9717  
years, and fraction thereof, of such prior and military service 9718  
credit; 9719

(4) A basic annual pension equal to one hundred eighty 9720  
dollars if the member has ten or more years of total service 9721  
credit as of October 1, 1956, except that the basic annual pension 9722  
shall not exceed the sum of the annual benefits provided by 9723  
divisions (A)(1), (2), and (3) of this section. 9724

(5) When a member retires on age and service retirement, the 9725  
member's total annual single lifetime allowance, including the 9726  
allowances provided in divisions (A)(1), (2), (3), and (4) of this 9727  
section, shall be not less than a base amount adjusted in 9728  
accordance with division (A)(5) of this section and determined by 9729  
multiplying the member's total service credit by the greater of 9730  
the following: 9731

(a) Eighty-six dollars; 9732

(b) Two and two-tenths per cent of the member's final average 9733  
salary for each of the first thirty years of service plus two and 9734  
one-half per cent of the member's final average salary for each 9735  
subsequent year of service. 9736

The allowance shall be adjusted by the factors of attained 9737  
age or years of service to provide the greater amount as 9738  
determined by the following schedule: 9739

		Years of	Percentage	
Attained	or	Total Service	of	
Birthday		Credit	Base Amount	
58		25	75	9743
59		26	80	9744
60		27	85	9745

61		88	9746
	28	90	9747
62		91	9748
63		94	9749
	29	95	9750
64		97	9751
65	30 or more	100	9752

Members shall vest the right to a benefit in accordance with 9753  
the following schedule, based on the member's attained age by 9754  
September 1, 1976: 9755

Attained	Percentage	9756
Birthday	of	9757
	Base Amount	9758
66	102	9759
67	104	9760
68	106	9761
69	108	9762
70 or more	110	9763

(6) The total annual single lifetime allowance that a member 9764  
shall receive under division (A)(5) of this section shall not 9765  
exceed the lesser of one hundred per cent of the member's final 9766  
average salary or the limit established by section 415 of the 9767  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 9768  
as amended. 9769

(B)(1) For the purposes of divisions (B) to (G) of this 9770  
section, "total service credit as a PERS law enforcement officer" 9771  
and "total service credit as a Hamilton county municipal court 9772  
bailiff" include credit for military service to the extent 9773  
permitted by division (E)(2) of this section and credit for 9774  
service as a police officer or state highway patrol trooper to the 9775  
extent permitted by divisions (E)(3) and (4) of this section. 9776

(2) A member who meets the conditions in division (B)(2)(a), 9777

(b), (c), or (d) of this section may apply for an age and service  
retirement benefit under this division: 9778  
9779

(a) The member has attained age forty-eight and has at least 9780  
twenty-five years of total service credit as a PERS law 9781  
enforcement officer whose primary duties were to preserve the 9782  
peace, protect life and property, and enforce the laws in the 9783  
member's jurisdiction; 9784

(b) The member has attained age fifty-two, and has at least 9785  
twenty-five years of total service credit as a PERS law 9786  
enforcement officer, but the member's primary duties were other 9787  
than to preserve the peace, protect life and property, and enforce 9788  
the laws in the member's jurisdiction; 9789

(c) The member has attained age fifty-two and has at least 9790  
twenty-five years of total service as a Hamilton county municipal 9791  
court bailiff; 9792

(d) The member has attained age sixty-two and has at least 9793  
fifteen years of total service credit as either of the following: 9794

(i) A PERS law enforcement officer; 9795

(ii) A Hamilton county municipal court bailiff. 9796

(3) A benefit paid under division (B)(2) of this section 9797  
shall consist of an annual single lifetime allowance equal to the 9798  
sum of two and one-half per cent of the member's final average 9799  
salary multiplied by the first twenty-five years of the member's 9800  
total service plus two and one-tenth per cent of the member's 9801  
final average salary multiplied by the number of years of the 9802  
member's total service credit in excess of twenty-five years. 9803

(4) A member with at least fifteen years of total service 9804  
credit as a PERS law enforcement officer or Hamilton county 9805  
municipal court bailiff who voluntarily resigns or is discharged 9806  
for any reason except death, dishonesty, cowardice, intemperate 9807

habits, or conviction of a felony may apply for an age and service  
retirement benefit, which shall consist of an annual single  
lifetime allowance equal to one and one-half per cent of the  
member's final average salary multiplied by the number of years of  
the member's total service credit. The allowance shall commence on  
the first day of the calendar month following the month in which  
the application is filed with the public employees retirement  
board on or after the attainment by the applicant of age  
fifty-two.

(C)(1) A member with at least twenty-five years of total  
service credit who would be eligible to retire under division  
(B)(2)(b) or (c) of this section had the member attained age  
fifty-two and who voluntarily resigns or is discharged for any  
reason except death, dishonesty, cowardice, intemperate habits, or  
conviction of a felony, on or after the date of attaining  
forty-eight years of age, but before the date of attaining  
fifty-two years of age, may elect to receive a reduced benefit as  
determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section
50	86% of the benefit payable under division (B)(3) of this section
51	93% of the benefit payable under division (B)(3) of this section

(2) If a member elects to receive a reduced benefit after  
attaining age forty-eight the reduced benefit is payable from the  
later of the date of the member's most recent birthday or the date  
the member becomes eligible to receive the reduced benefit.

(3) Once a member elects to receive a reduced benefit

determined by the schedule in division (C)(1) of this section and 9840  
has received a payment, the member may not reelect to change that 9841  
election. 9842

(4) If a member who has resigned or been discharged has left 9843  
on deposit the member's accumulated contributions in the 9844  
employees' savings fund and has not elected to receive a reduced 9845  
benefit determined by the schedule in division (C)(1) of this 9846  
section, upon attaining fifty-two years of age, the member shall 9847  
be entitled to receive a benefit computed and paid under division 9848  
(B)(3) of this section. 9849

(D) A benefit paid under division (B) or (C) of this section 9850  
shall not exceed the lesser of ninety per cent of the member's 9851  
final average salary or the limit established by section 415 of 9852  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 9853  
415, as amended. 9854

(E)(1) A member with service credit as a PERS law enforcement 9855  
officer or a Hamilton county municipal court bailiff and other 9856  
service credit under this chapter may elect one of the following: 9857

(a) To have all the member's service credit under this 9858  
chapter, including credit for service as a PERS law enforcement 9859  
officer or Hamilton county municipal court bailiff, used in 9860  
calculating a retirement allowance under division (A) of this 9861  
section if the member qualifies for an allowance under that 9862  
division; 9863

(b) If the member qualifies for an allowance under division 9864  
(B) or (C) of this section, to have the member's service credit as 9865  
a PERS law enforcement officer or Hamilton county municipal court 9866  
bailiff used in calculating a benefit under the appropriate 9867  
division and the member's credit for all service other than PERS 9868  
law enforcement service or service as a Hamilton county municipal 9869  
court bailiff under this chapter used in calculating a benefit 9870

consisting of a single life annuity having a reserve equal to the 9871  
amount of the member's accumulated contributions and an equal 9872  
amount of the employer's contributions. 9873

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 9874  
Code, no more than four years of military service credit granted 9875  
under section 145.30 of the Revised Code and five years of 9876  
military service credit purchased under section 145.301 or 145.302 9877  
of the Revised Code shall be used in calculating service as a PERS 9878  
law enforcement officer or Hamilton county municipal court bailiff 9879  
or the total service credit of that person. 9880

(3) Only credit for the member's service as a PERS law 9881  
enforcement officer or service credit obtained as a police officer 9882  
or state highway patrol trooper shall be used in computing the 9883  
benefit of a member who qualifies for a benefit under division 9884  
(B)(2)(a), (b), or (d)(ii) or (4) or division (C) of this section 9885  
for the following: 9886

(a) Any person who originally is commissioned and employed as 9887  
a deputy sheriff by the sheriff of any county, or who originally 9888  
is elected sheriff, on or after January 1, 1975; 9889

(b) Any deputy sheriff who originally is employed as a 9890  
criminal bailiff or court constable on or after April 16, 1993; 9891

(c) Any person who originally is appointed as a township 9892  
constable or police officer in a township police department or 9893  
district on or after January 1, 1981; 9894

(d) Any person who originally is employed as a county 9895  
narcotics agent on or after September 26, 1984; 9896

(e) Any person who originally is employed as an undercover 9897  
drug agent as defined in section 109.79 of the Revised Code, 9898  
department of public safety enforcement agent who prior to June 9899  
30, 1999, was a liquor control investigator, park officer, forest 9900

officer, wildlife officer, state watercraft officer, park district 9901  
police officer, conservancy district officer, veterans' home 9902  
police officer, special police officer for a mental health 9903  
institution, special police officer for an institution for the 9904  
mentally retarded and developmentally disabled, or municipal 9905  
police officer on or after December 15, 1988; 9906

(f) Any person who originally is employed as a state 9907  
university law enforcement officer on or after November 6, 1996; 9908

(g) Any person who is originally employed as a state 9909  
university law enforcement officer by the university of Akron on 9910  
or after September 16, 1998; 9911

(h) Any person who originally is employed as a preserve 9912  
officer on or after March 18, 1999; 9913

(i) Any person who originally is employed as a natural 9914  
resources law enforcement staff officer on or after March 18, 9915  
1999; 9916

(j) Any person who is originally employed as a department of 9917  
public safety enforcement agent on or after June 30, 1999; 9918

(k) Any person who is originally employed as a house sergeant 9919  
at arms or assistant house sergeant at arms on or after September 9920  
5, 2001; 9921

(l) Any person who is originally appointed as a regional 9922  
transit authority police officer or state highway patrol police 9923  
officer on or after February 1, 2002; 9924

(m) Any person who is originally employed as a municipal 9925  
public safety director on or after the effective date of this 9926  
amendment. 9927

(4) Only credit for a member's service as a Hamilton county 9928  
municipal court bailiff or service credit obtained as a PERS law 9929  
enforcement officer, police officer, or state highway patrol 9930

trooper shall be used in computing the benefit of a member who 9931  
qualifies for a benefit under division (B)(2)(c) or (d)(ii) or (4) 9932  
or division (C) of this section for any person who originally is 9933  
employed as a Hamilton county municipal court bailiff on or after 9934  
November 6, 1996. 9935

(F) Retirement allowances determined under this section shall 9936  
be paid as provided in section 145.46 of the Revised Code. 9937

(G) For the purposes of this section, service prior to June 9938  
30, 1999, as a food stamp trafficking agent under former section 9939  
5502.14 of the Revised Code shall be considered service as a law 9940  
enforcement officer. 9941

**Sec. 147.05.** (A) Before entering upon the duties of the 9942  
office of notary public, a notary public shall leave the notary 9943  
public's commission with the oath endorsed on the commission with 9944  
the clerk of the court of common pleas of the county in which the 9945  
notary public resides. The clerk shall record the commission in a 9946  
book kept for that purpose. The clerk shall endorse on the margin 9947  
of the record and on the back of the commission the time that the 9948  
clerk received the commission for record and make a proper index 9949  
to all commissions so recorded. For recording and indexing a 9950  
commission, the fee of the clerk shall be as provided in division 9951  
(R) of section 2303.20 of the Revised Code. 9952

(B) The secretary of state shall maintain a record of the 9953  
commissions of each notary public appointed and commissioned by 9954  
the secretary of state under this chapter and make a proper index 9955  
to that record. 9956

The governor's office shall transfer to the secretary of 9957  
state's office, on or after ~~the effective date of this amendment~~ 9958  
June 6, 2001, the record of notaries public formerly kept by the 9959  
governor's office under section 107.10 of the Revised Code. The 9960



secretary of state's office shall maintain that record together 9961  
with the record and index of commissions of notaries public 9962  
required by this division. 9963

(C) If a notary public legally changes the notary public's 9964  
name or address after having been commissioned as a notary public, 9965  
the notary public shall notify the secretary of state and the 9966  
appropriate clerk of courts within thirty days after the name or 9967  
address change. Notification to the secretary of state shall be on 9968  
a form prescribed by the secretary of state. 9969

(D) A notary, other than an attorney, who resigns the 9970  
person's commission shall deliver to the secretary of state, on a 9971  
form prescribed by the secretary of state, a written notice 9972  
indicating the effective date of resignation. 9973

**Sec. 147.10.** No notary public shall do or perform any act as 9974  
a notary public knowing that ~~his~~ the notary public's term of 9975  
office has expired or that the notary public has resigned the 9976  
notary public's commission. 9977

**Sec. 147.11.** A person appointed notary public who performs 9978  
any act as such after the expiration of ~~his~~ the person's term of 9979  
office or after the person resigns the person's commission, 9980  
knowing that ~~his~~ the person's term has expired or that the person 9981  
has resigned, shall forfeit not more than five hundred dollars, to 9982  
be recovered by an action in the name of the state. Such act shall 9983  
render ~~such~~ the person ineligible for reappointment. 9984

**Sec. 147.12.** An official act done by a notary public after 9985  
the expiration of ~~his~~ the notary public's term of office or after 9986  
the notary public resigns the notary public's commission is as 9987  
valid as if done during ~~his~~ the notary public's term of office. 9988

**Sec. 147.371.** (A) Upon receipt of a fee of two dollars and an 9989

affidavit that the original commission of a notary public has been 9990  
lost or destroyed, a duplicate commission as notary public shall 9991  
be issued by the secretary of state. 9992

(B) Upon receipt of a fee of two dollars and the properly 9993  
completed, prescribed form for a name and address change under 9994  
division (C) of section 147.05 of the Revised Code, the secretary 9995  
of state shall issue a duplicate commission as a notary public. 9996

**Sec. 149.30.** The Ohio historical society, chartered by this 9997  
state as a corporation not for profit to promote a knowledge of 9998  
history and archaeology, especially of Ohio, and operated 9999  
continuously in the public interest since 1885, may perform public 10000  
functions as prescribed by law. 10001

The general assembly may appropriate money to the Ohio 10002  
historical society each biennium to carry out the public functions 10003  
of the society as enumerated in this section. An appropriation by 10004  
the general assembly to the society constitutes an offer to 10005  
contract with the society to carry out those public functions for 10006  
which appropriations are made. An acceptance by the society of the 10007  
appropriated funds constitutes an acceptance by the society of the 10008  
offer and is considered an agreement by the society to perform 10009  
those functions in accordance with the terms of the appropriation 10010  
and the law and to expend the funds only for the purposes for 10011  
which appropriated. The governor may request on behalf of the 10012  
society, and the controlling board may release, additional funds 10013  
to the society for survey, salvage, repair, or rehabilitation of 10014  
an emergency nature for which funds have not been appropriated, 10015  
and acceptance by the society of those funds constitutes an 10016  
agreement on the part of the society to expend those funds only 10017  
for the purpose for which released by the controlling board. 10018

The society shall faithfully expend and apply all moneys 10019  
received from the state to the uses and purposes directed by law 10020

and for necessary administrative expenses. ~~The~~ If the general 10021  
assembly appropriates money to the society for grants or subsidies 10022  
to other entities for their site-related programs, the society, 10023  
except for good cause, shall distribute the money within ninety 10024  
days of accepting a grant or subsidy application for the money. 10025

The society shall perform the public function of sending 10026  
notice by certified mail to the owner of any property at the time 10027  
it is listed on the national register of historic places. The 10028  
society shall accurately record all expenditures of such funds in 10029  
conformity with generally accepted accounting principles. 10030

The auditor of state shall audit all funds and fiscal records 10031  
of the society. 10032

The public functions to be performed by the Ohio historical 10033  
society shall include all of the following: 10034

(A) Creating, supervising, operating, protecting, 10035  
maintaining, and promoting for public use a system of state 10036  
memorials, titles to which may reside wholly or in part with this 10037  
state or wholly or in part with the society as provided in and in 10038  
conformity to appropriate acts and resolves of the general 10039  
assembly, and leasing for renewable periods of two years or less, 10040  
with the advice and consent of the attorney general and the 10041  
director of administrative services, lands and buildings owned by 10042  
the state which are in the care, custody, and control of the 10043  
society, all of which shall be maintained and kept for public use 10044  
at reasonable hours; 10045

(B) Making alterations and improvements, marking, and 10046  
constructing, reconstructing, protecting, or restoring structures, 10047  
earthworks, and monuments in its care, and equipping such 10048  
facilities with appropriate educational maintenance facilities; 10049

(C) Serving as the archives administration for the state and 10050  
its political subdivisions as provided in sections 149.31 to 10051

149.42 of the Revised Code;	10052
(D) Administering a state historical museum, to be the	10053
headquarters of the society and its principal museum and library,	10054
which shall be maintained and kept for public use at reasonable	10055
hours;	10056
(E) Establishing a marking system to identify all designated	10057
historic and archaeological sites within the state and marking or	10058
causing to be marked historic sites and communities considered by	10059
the society to be historically or archaeologically significant;	10060
(F) Publishing books, pamphlets, periodicals, and other	10061
publications about history, archaeology, and natural science and	10062
offering one copy of each regular periodical issue to all public	10063
libraries in this state at a reasonable price, which shall not	10064
exceed one hundred ten per cent more than the total cost of	10065
publication;	10066
(G) Engaging in research in history, archaeology, and natural	10067
science and providing historical information upon request to all	10068
state agencies;	10069
(H) Collecting, preserving, and making available by all	10070
appropriate means and under approved safeguards all manuscript,	10071
print, or near-print library collections and all historical	10072
objects, specimens, and artifacts which pertain to the history of	10073
Ohio and its people, including the following original documents:	10074
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed	10075
Ohio Constitution of 1875; design and the letters of patent and	10076
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R.	10077
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883);	10078
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28	10079
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904);	10080
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition	10081
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40	10082

(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 10083  
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 10084  
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 10085  
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 10086  
(1947); 10087

(I) Encouraging and promoting the organization and 10088  
development of county and local historical societies; 10089

(J) Providing to Ohio schools such materials as the society 10090  
may prepare to facilitate the instruction of Ohio history at a 10091  
reasonable price, which shall not exceed one hundred ten per cent 10092  
more than the total cost of preparation and delivery; 10093

(K) Providing advisory and technical assistance to local 10094  
societies for the preservation and restoration of historic and 10095  
archaeological sites; 10096

(L) Devising uniform criteria for the designation of historic 10097  
and archaeological sites throughout the state and advising local 10098  
historical societies of the criteria and their application; 10099

(M) Taking inventory, in cooperation with the Ohio arts 10100  
council, the Ohio archaeological council, and the archaeological 10101  
society of Ohio, of significant designated and undesignated state 10102  
and local sites and keeping an active registry of all designated 10103  
sites within the state; 10104

(N) Contracting with the owners or persons having an interest 10105  
in designated historic or archaeological sites or property 10106  
adjacent or contiguous to those sites, or acquiring, by purchase, 10107  
gift, or devise, easements in those sites or in property adjacent 10108  
or contiguous to those sites, in order to control or restrict the 10109  
use of those historic or archaeological sites or adjacent or 10110  
contiguous property for the purpose of restoring or preserving the 10111  
historical or archaeological significance or educational value of 10112  
those sites; 10113

(O) Constructing a monument honoring Governor James A. 10114  
Rhodes, which shall stand on the northeast quadrant of the grounds 10115  
surrounding the capitol building. The monument shall be 10116  
constructed with private funds donated to the Ohio historical 10117  
society and designated for this purpose. No public funds shall be 10118  
expended to construct this monument. The department of 10119  
administrative services shall cooperate with the Ohio historical 10120  
society in carrying out this function and shall maintain the 10121  
monument in a manner compatible with the grounds of the capitol 10122  
building. 10123

(P) Commissioning a portrait of each departing governor, 10124  
which shall be displayed in the capitol building. The Ohio 10125  
historical society may accept private contributions designated for 10126  
this purpose and, at the discretion of its board of trustees, also 10127  
may apply for the same purpose funds appropriated by the general 10128  
assembly to the society pursuant to this section. 10129

(Q) Planning and developing a center at the capitol building 10130  
for the purpose of educating visitors about the history of Ohio, 10131  
including its political, economic, and social development and the 10132  
design and erection of the capitol building and its grounds. The 10133  
Ohio historical society may accept contributions of private moneys 10134  
and in-kind services designated for this purpose and may, at the 10135  
discretion of its board of trustees, also apply, for the same 10136  
purpose, personnel and other resources paid in whole or in part by 10137  
its state subsidy. 10138

(R) Submitting an annual report of its activities, programs, 10139  
and operations to the governor within two months after the close 10140  
of each fiscal year of the state. 10141

The society shall not sell, mortgage, transfer, or dispose of 10142  
historical or archaeological sites to which it has title and in 10143  
which the state has monetary interest except by action of the 10144

general assembly. 10145

In consideration of the public functions performed by the 10146  
Ohio historical society for the state, employees of the society 10147  
shall be considered public employees within the meaning of section 10148  
145.01 of the Revised Code. 10149

**Sec. 150.07.** (A) For the purpose stated in section 150.01 of 10150  
the Revised Code, the authority may authorize a lender to claim 10151  
one of the tax credits allowed under section 5707.031, 5725.19, 10152  
5727.241, 5729.08, 5733.49, or 5747.80 of the Revised Code. The 10153  
credits shall be authorized by a written contract with the lender. 10154  
The contract shall specify the terms under which the lender may 10155  
claim the credit, including the amount of loss, if any, the lender 10156  
must incur before the lender may claim the credit; specify that 10157  
the credit shall not exceed the amount of the loss; and specify 10158  
that the lender may claim the credit only for a loss certified by 10159  
a program administrator to the authority under the procedures 10160  
prescribed under division (B)(6) of section 150.05 of the Revised 10161  
Code. 10162

(B) Tax credits may be authorized at any time after the 10163  
authority establishes the investment policy under section 150.03 10164  
of the Revised Code, but a tax credit so authorized may not be 10165  
claimed until the beginning of the fifth year after the authority 10166  
establishes the investment policy. A tax credit may not be claimed 10167  
after June 30, 2026. 10168

(C) (1) Upon receiving certification of a lender's loss from 10169  
a program administrator pursuant to the procedures in the 10170  
investment policy, the authority shall issue a tax credit 10171  
certificate to the lender, except as otherwise provided in 10172  
division (D) of this section. ~~The~~ 10173

(2) If the lender is a pass-through entity, as defined in 10174

section 5733.04 of the Revised Code, then each equity investor in  
the lender pass-through entity shall be entitled to claim one of  
the tax credits allowed under division (A) of this section for  
that equity investor's taxable year in which or with which ends  
the taxable year of the lender pass-through entity in an amount  
based on the equity investor's distributive or proportionate share  
of the credit amount set forth in the certificate issued by the  
authority. If all equity investors of the lender pass-through  
entity are not eligible to claim a credit against the same tax set  
forth in division (A) of this section, then each equity investor  
may elect to claim a credit against the tax to which the equity  
investor is subject to in an amount based on the equity investor's  
distributive or proportionate share of the credit amount set forth  
in the certificate issued by the authority.

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(3) The authority shall not issue a certificate until the  
lender, in the manner prescribed by the authority, or in the case  
of a lender pass-through entity, until each equity investor in  
that lender pass-through entity, elects to receive a refundable or  
nonrefundable tax credit. The election, once made, is irrevocable.  
The certificate shall state the amount of the credit, whether the  
credit is refundable or nonrefundable, and the calendar year,  
under section 5707.031, 5725.19, 5727.241, or 5729.08, the tax  
year, under section 5733.49, or the taxable year under section  
5747.80 of the Revised Code, for which the credit may be claimed.  
The authority, in conjunction with the tax commissioner, shall  
develop a system for issuing tax credit certificates for the  
purpose of verifying that any credit claimed is a credit issued  
under this section and is properly taken in the year specified in  
the certificate and in compliance with division (B) of this  
section.

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(D) The authority shall not, in any fiscal year, issue tax  
credit certificates in a total amount exceeding twenty million

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dollars. 10207

**Sec. 150.10.** (A) On the first day of January of the second 10208  
year after the date of entering into an agreement under section 10209  
150.05 of the Revised Code and of each ensuing year, the authority 10210  
shall file with the clerk of the house of representatives, the 10211  
clerk of the senate, and the chairpersons of the house and senate 10212  
standing committees predominantly concerned with economic 10213  
development a written report on the Ohio venture capital program. 10214  
The report shall include all the following: 10215

(1) A description of the details of the investment policy 10216  
established or modified in accordance with sections 150.03 and 10217  
150.04 of the Revised Code; 10218

(2) The authority's assessment of the program's achievement 10219  
of its purpose stated in section 150.01 of the Revised Code; 10220

(3) The value of tax credit certificates issued by the 10221  
authority under section 150.07 of the Revised Code in each fiscal 10222  
year ending on or before the preceding thirtieth day of June; 10223

(4) The amount of tax credits claimed pursuant to section 10224  
5707.031, 5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the 10225  
Revised Code, as to the respective taxes involved; 10226

(5) The financial status of the Ohio venture capital fund; 10227

(6) The names of venture capital funds in which money from 10228  
the program fund has been invested and the locations of their 10229  
principal offices, and the names of the enterprises in which each 10230  
of those venture capital funds has invested such money and the 10231  
locations of those enterprises' principal offices; 10232

(7) Any recommendations for modifying the program to better 10233  
achieve the purpose stated in section 150.01 of the Revised Code. 10234

(B) During each year that a report is issued under division 10235

(A) of this section, the chairperson of the authority, or another  
member of the authority designated by the chairperson as the  
authority's representative, shall be required to appear in person  
before the standing committees of the house and senate  
predominantly concerned with economic development to give  
testimony concerning the status of the Ohio venture capital  
program.

Sec. 153.02. (A) The director of administrative services may  
debar a contractor from contract awards for public improvements as  
referred to in section 153.01 of the Revised Code upon proof that  
the contractor has done any of the following:

(1) Defaulted on a contract requiring the execution of a  
takeover agreement as set forth in division (B) of section 153.17  
of the Revised Code;

(2) Knowingly failed during the course of a contract to  
maintain the coverage required by the bureau of workers'  
compensation;

(3) Knowingly failed during the course of a contract to  
maintain the contractor's drug-free workplace program as required  
by the contract;

(4) Knowingly failed during the course of a contract to  
maintain insurance required by the contract or otherwise by law,  
resulting in a substantial loss to the owner, as owner is referred  
to in section 153.01 of the Revised Code;

(5) Misrepresented the firm's qualifications in the selection  
process set forth in sections 153.65 to 153.71 of the Revised  
Code;

(6) Been convicted of a criminal offense related to the  
application for or performance of any public or private contract,  
including, but not limited to, embezzlement, theft, forgery,

bribery, falsification or destruction of records, receiving stolen 10266  
property, and any other offense that directly reflects on the 10267  
contractor's business integrity; 10268

(7) Been convicted of a criminal offense under state or 10269  
federal antitrust laws; 10270

(8) Deliberately or willfully submitted false or misleading 10271  
information in connection with the application for or performance 10272  
of a public contract; 10273

(9) Been debarred from bidding on or participating in a 10274  
contract with any state or federal agency. 10275

(B) When the director reasonably believes that grounds for 10276  
debarment exist, the director shall send the contractor a notice 10277  
of proposed debarment indicating the grounds for the proposed 10278  
debarment and the procedure for requesting a hearing on the 10279  
proposed debarment. The hearing shall be conducted in accordance 10280  
with Chapter 119. of the Revised Code. If the contractor does not 10281  
respond with a request for a hearing in the manner specified in 10282  
Chapter 119. of the Revised Code, the director shall issue the 10283  
debarment decision without a hearing and shall notify the 10284  
contractor of the decision by certified mail, return receipt 10285  
requested. 10286

(C) The director shall determine the length of the debarment 10287  
period and may rescind the debarment at any time upon notification 10288  
to the contractor. During the period of debarment, the contractor 10289  
is not eligible to bid for or participate in any contract for a 10290  
public improvement as referred to in section 153.01 of the Revised 10291  
Code. After the debarment period expires, the contractor shall be 10292  
eligible to bid for and participate in contracts for a public 10293  
improvement as referred to in section 153.01 of the Revised Code. 10294

(D) The director, through the office of the state architect, 10295  
shall maintain a list of all contractors currently debarred under 10296

this section. Any governmental entity awarding a contract for 10297  
construction of a public improvement may use a contractor's 10298  
presence on the debarment list to determine whether a contractor 10299  
is responsible or best under section 9.312 or any other section of 10300  
the Revised Code in the award of a contract. 10301

**Sec. 154.11.** The issuing authority may authorize and issue 10302  
obligations for the refunding, including funding and retirement, 10303  
of any obligations previously issued under this chapter and any 10304  
bonds or notes previously issued under Chapter 152. of the Revised 10305  
Code to pay costs of capital facilities leased to the Ohio 10306  
cultural facilities commission, formerly known as the Ohio arts 10307  
and sports facilities commission. Such obligations may be issued 10308  
in amounts sufficient for payment of the principal amount of the 10309  
prior obligations, any redemption premiums thereon, principal 10310  
maturities of any such obligations maturing prior to the 10311  
redemption of the remaining obligations on a parity therewith, 10312  
interest accrued or to accrue to the maturity dates or dates of 10313  
redemption of such obligations, and any expenses incurred or to be 10314  
incurred in connection with such issuance and such refunding, 10315  
funding, and retirement. Subject to the bond proceedings therefor, 10316  
the portion of proceeds of the sale of obligations issued under 10317  
this section to be applied to bond service charges on the prior 10318  
obligations shall be credited to the bond service fund for those 10319  
prior obligations. Obligations authorized under this section shall 10320  
be deemed to be issued for those purposes for which those prior 10321  
obligations were issued and are subject to the provisions of 10322  
Chapter 154. of the Revised Code pertaining to other obligations, 10323  
except as otherwise indicated by this section and except for 10324  
division (A) of section 154.02 of the Revised Code, provided that, 10325  
unless otherwise authorized by the general assembly, any 10326  
limitations imposed by the general assembly pursuant to that 10327  
division with respect to bond service charges applicable to the 10328

prior obligations shall be applicable to the obligations issued 10329  
under this section to refund, fund, or retire those prior 10330  
obligations. 10331

**Sec. 173.26.** (A) Each of the following facilities shall 10332  
annually pay to the department of aging six dollars for each bed 10333  
maintained by the facility for use by a resident during any part 10334  
of the previous year: 10335

(1) Nursing homes, residential care facilities, and homes for 10336  
the aging as defined in section 3721.01 of the Revised Code; 10337

(2) Facilities authorized to provide extended care services 10338  
under Title XVIII of the "Social Security Act," 49 Stat. 620 10339  
(1935), 42 U.S.C. 301, as amended; 10340

(3) County homes and district homes operated pursuant to 10341  
Chapter 5155. of the Revised Code; 10342

(4) Adult care facilities as defined in section 3722.01 of 10343  
the Revised Code; 10344

(5) Facilities approved by the Veterans Administration under 10345  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 10346  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 10347  
the placement and care of veterans. 10348

The department shall, by rule adopted in accordance with 10349  
Chapter 119. of the Revised Code, establish deadlines for payments 10350  
required by this section. A facility that fails, within ninety 10351  
days after the established deadline, to pay a payment required by 10352  
this section shall be assessed at two times the original invoiced 10353  
payment. 10354

(B) All money collected under this section shall be deposited 10355  
in the state treasury to the credit of the office of the state 10356  
long-term care ombudsperson program fund, which is hereby created. 10357  
Money credited to the fund shall be used solely to pay the costs 10358

of operating the regional long-term care ombudsperson programs. 10359

(C) The state long-term care ombudsperson and the regional 10360  
programs may solicit and receive contributions to support the 10361  
operation of the office or a regional program, except that no 10362  
contribution shall be solicited or accepted that would interfere 10363  
with the independence or objectivity of the office or program. 10364

Sec. 173.39. As used in sections 173.39 to 173.393 of the 10365  
Revised Code, "community-based long-term care services" has the 10366  
same meaning as in section 173.14 of the Revised Code. 10367

Except as provided in section 173.392 of the Revised Code, 10368  
the department of aging may not pay a person or government entity 10369  
for providing community-based long-term care services under a 10370  
program the department administers unless the person or government 10371  
entity is certified under section 173.391 of the Revised Code and 10372  
provides the services. 10373

Sec. 173.391. (A) The department of aging or its designee 10374  
shall do all of the following in accordance with Chapter 119. of 10375  
the Revised Code: 10376

(1) Certify a person or government entity to provide 10377  
community-based long-term care services under a program the 10378  
department administers if the person or government entity 10379  
satisfies the requirements for certification established by rules 10380  
adopted under division (B) of this section; 10381

(2) When required to do so by rules adopted under division 10382  
(B) of this section, take one or more of the following 10383  
disciplinary actions against a person or government entity issued 10384  
a certificate under division (A)(1) of this section: 10385

(a) Issue a written warning; 10386

(b) Require the submission of a plan of correction; 10387

<u>(c) Suspend referrals;</u>	10388
<u>(d) Remove clients;</u>	10389
<u>(e) Impose a fiscal sanction such as a civil monetary penalty</u>	10390
<u>or an order that unearned funds be repaid;</u>	10391
<u>(f) Revoke the certificate;</u>	10392
<u>(g) Impose another sanction.</u>	10393
<u>(3) Hold hearings when there is a dispute between the</u>	10394
<u>department or its designee and a person or government entity</u>	10395
<u>concerning actions the department or its designee takes or does</u>	10396
<u>not take under division (A)(1) or (2)(c) to (g) of this section.</u>	10397
<u>(B) The director of aging shall adopt rules in accordance</u>	10398
<u>with Chapter 119. of the Revised Code establishing certification</u>	10399
<u>requirements and standards for determining which type of</u>	10400
<u>disciplinary action to take under division (A)(2) of this section</u>	10401
<u>in individual situations. The rules shall establish procedures for</u>	10402
<u>all of the following:</u>	10403
<u>(1) Ensuring that PASSPORT agencies, as defined in section</u>	10404
<u>173.41 of the Revised Code, comply with that section;</u>	10405
<u>(2) Evaluating the services provided to ensure that they are</u>	10406
<u>provided in a quality manner advantageous to the individual</u>	10407
<u>receiving the services;</u>	10408
<u>(3) Determining when to take disciplinary action under</u>	10409
<u>division (A)(2) of this section and which disciplinary action to</u>	10410
<u>take.</u>	10411
<u>(C) The procedures established in rules adopted under</u>	10412
<u>division (B)(2) of this section shall require that all of the</u>	10413
<u>following be considered as part of an evaluation:</u>	10414
<u>(1) The service provider's experience and financial</u>	10415
<u>responsibility;</u>	10416

<u>(2) The service provider's ability to comply with standards</u>	10417
<u>for the community-based long-term care services that the provider</u>	10418
<u>provides under a program the department administers;</u>	10419
<u>(3) The service provider's ability to meet the needs of the</u>	10420
<u>individuals served;</u>	10421
<u>(4) Any other factor the director considers relevant.</u>	10422
<u>(D) The rules adopted under division (B)(3) of this section</u>	10423
<u>shall specify that the reasons disciplinary action may be taken</u>	10424
<u>under division (A)(2) of this section include good cause,</u>	10425
<u>including misfeasance, malfeasance, nonfeasance, confirmed abuse</u>	10426
<u>or neglect, financial irresponsibility, or other conduct the</u>	10427
<u>director determines is injurious to the health or safety of</u>	10428
<u>individuals being served.</u>	10429
<u>Sec. 173.392. (A) The department of aging may pay a person or</u>	10430
<u>government entity for providing community-based long-term care</u>	10431
<u>services under a program the department administers, even though</u>	10432
<u>the person or government entity is not certified under section</u>	10433
<u>173.391 of the Revised Code if all of the following are the case:</u>	10434
<u>(1) The person or government entity has a contract with the</u>	10435
<u>department of aging or the department's designee to provide the</u>	10436
<u>services;</u>	10437
<u>(2) The contract includes detailed conditions of</u>	10438
<u>participation for providers of services under a program the</u>	10439
<u>department administers and service standards that the person or</u>	10440
<u>government entity is required to satisfy;</u>	10441
<u>(3) The person or government entity complies with the</u>	10442
<u>contract;</u>	10443
<u>(4) The contract is not for medicaid-funded services, other</u>	10444
<u>than services provided under the PACE program administered by the</u>	10445
<u>department of aging under section 173.50 of the Revised Code.</u>	10446



(B) The director of aging shall adopt rules in accordance 10447  
with Chapter 119. of the Revised Code governing both of the 10448  
following: 10449

(1) Contracts between the department of aging and persons and 10450  
government entities regarding community-based long-term care 10451  
services provided under a program the department administers; 10452

(2) The department's payment for community-based long-term 10453  
care services provided under such a contract. 10454

**Sec. 173.393.** (A) Except as provided in division (B) of this 10455  
section, the records of an evaluation conducted in accordance with 10456  
rules adopted under division (B)(2) of section 173.391 of the 10457  
Revised Code are public records for purposes of section 149.43 of 10458  
the Revised Code and shall be made available on request of any 10459  
person, including individuals receiving or seeking community-based 10460  
long-term care services under a program the department of aging 10461  
administers. 10462

(B) A part of a record of an evaluation that is otherwise 10463  
available as a public record under division (A) of this section is 10464  
not available as a public record if its release would violate a 10465  
federal or state statute, regulation, or rule, including 10466  
regulations adopted by the United States department of health and 10467  
human services to implement the health information privacy 10468  
provisions of the "Health Insurance Portability and Accountability 10469  
Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as 10470  
amended. 10471

**Sec. 173.40.** There is hereby created a medicaid waiver 10472  
component ~~of the medicaid program established under Chapter 5111.~~ 10473  
as defined in section 5111.85 of the Revised Code, to be known as 10474  
the preadmission screening system providing options and resources 10475  
today program, or PASSPORT. The PASSPORT program shall provide 10476

home and community-based services as an alternative to nursing 10477  
facility placement for aged and disabled medicaid recipients. The 10478  
program shall be operated pursuant to a home and community-based 10479  
waiver granted by the United States secretary of health and human 10480  
services under section 1915 of the "Social Security Act," 49 Stat. 10481  
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 10482  
shall administer the program through a contract entered into with 10483  
the department of job and family services under section 5111.91 of 10484  
the Revised Code. The ~~directors~~ director of ~~aging and~~ job and 10485  
family services shall adopt rules under section 5111.85 of the 10486  
Revised Code and the director of aging shall adopt rules in 10487  
accordance with Chapter 119. of the Revised Code to implement the 10488  
program. 10489

**Sec. ~~5101.75~~ 173.42.** (A) As used in ~~sections 5101.75,~~ 10490  
~~5101.751, 5101.752, 5101.753, and 5101.754 of the Revised Code~~ 10491  
this section: 10492

(1) ~~"Alternative source of long term care" includes a~~ 10493  
~~residential care facility licensed under Chapter 3721. of the~~ 10494  
~~Revised Code, an adult care facility licensed under Chapter 3722.~~ 10495  
~~of the Revised Code, home and community based services, and a~~ 10496  
~~nursing home licensed under Chapter 3721. of the Revised Code that~~ 10497  
~~is not a nursing facility~~ Area agency on aging" means a public or 10498  
private nonprofit entity designated under section 173.011 of the 10499  
Revised Code to administer programs on behalf of the department of 10500  
aging. 10501

(2) "Long-term care consultation" means the process used to 10502  
provide services under the long-term care consultation program 10503  
established pursuant to this section, including, but not limited 10504  
to, such services as the provision of information about long-term 10505  
care options and costs, the assessment of an individual's 10506  
functional capabilities, and the conduct of all or part of the 10507

reviews, assessments, and determinations specified in sections 10508  
5111.202, 5111.204, 5119.061, and 5123.021 of the Revised Code and 10509  
the rules adopted under those sections. 10510

(3) "Medicaid" means the medical assistance program 10511  
established under Chapter 5111. of the Revised Code. 10512

~~(3)~~(4) "Nursing facility" has the same meaning as in section 10513  
5111.20 of the Revised Code. 10514

~~(4)~~(5) "Representative" means a person acting on behalf of an 10515  
~~applicant~~ individual seeking a long-term care consultation, 10516  
applying for admission to a nursing facility, or residing in a 10517  
nursing facility. A representative may be a family member, 10518  
attorney, hospital social worker, or any other person chosen to 10519  
act on behalf of ~~an applicant~~ the individual. 10520

~~(5) "Third party payment source" means a third party payer as~~ 10521  
~~defined in section 3901.38 of the Revised Code or medicaid.~~ 10522

~~(B) Effective July 1, 1994, the department of job and family~~ 10523  
~~services may assess a person applying or intending to apply for~~ 10524  
~~admission to a nursing facility who is not an applicant for or~~ 10525  
~~recipient of medicaid to determine whether the person is in need~~ 10526  
~~of nursing facility services and whether an alternative source of~~ 10527  
~~long term care is more appropriate for the person in meeting the~~ 10528  
~~person's physical, mental, and psychosocial needs than admission~~ 10529  
~~to the facility to which the person has applied.~~ 10530

~~Each assessment shall be performed by the department or an~~ 10531  
~~agency designated by the department under section 5101.751 of the~~ 10532  
~~Revised Code and shall be based on information provided by the~~ 10533  
~~person or the person's representative. It shall consider the~~ 10534  
~~person's physical, mental, and psychosocial needs and the~~ 10535  
~~availability and effectiveness of informal support and care. The~~ 10536  
~~department or designated agency shall determine the person's~~ 10537  
~~physical, mental, and psychosocial needs by using, to the maximum~~ 10538

10539 extent appropriate, information from the resident assessment  
10540 instrument specified in rules adopted by the department under  
10541 division (A) of section 5111.231 of the Revised Code. The  
10542 department or designated agency shall also use the criteria and  
10543 procedures established in rules adopted by the department under  
10544 division (I) of this section. Assessments may be performed only by  
10545 ~~persons~~ The department of aging shall develop a long-term care  
10546 consultation program whereby individuals or their representatives  
10547 are provided with long-term care consultations and receive through  
10548 these professional consultations information about options  
10549 available to meet long-term care needs and information about  
10550 factors to consider in making long-term care decisions. The  
10551 long-term care consultations provided under the program may be  
10552 provided at any appropriate time, as permitted or required under  
10553 this section and the rules adopted under it, including either  
10554 prior to or after the individual who is the subject of a  
10555 consultation has been admitted to a nursing facility.

10556 (C) The long-term care consultation program shall be  
10557 administered by the department of aging, except that the  
10558 department may enter into a contract with an area agency on aging  
10559 or other entity selected by the department under which the program  
10560 for a particular area is administered by the area agency on aging  
10561 or other entity pursuant to the contract.

10562 (D) The long-term care consultations provided for purposes of  
10563 the program shall be provided by individuals certified by the  
10564 department under section 5101.752 173.43 of the Revised Code. ~~The~~  
10565 ~~department or designated agency shall make a recommendation on the~~  
10566 ~~basis of the assessment and, not later than the time the~~  
10567 ~~assessment is required to be performed under division (D) of this~~  
10568 ~~section, give the person assessed written notice of the~~  
10569 ~~recommendation, which shall explain the basis for the~~  
10570 ~~recommendation. If the department or designated agency determines~~

~~pursuant to an assessment that an alternative source of long term~~ 10571  
~~care is more appropriate for the person than admission to the~~ 10572  
~~facility to which the person has applied, the department or~~ 10573  
~~designated agency shall include in the notice possible sources of~~ 10574  
~~financial assistance for the alternative source of long term care.~~ 10575  
~~If the department or designated agency has been informed that the~~ 10576  
~~person has a representative, it shall give the notice to the~~ 10577  
~~representative.~~ 10578

~~(C) A person~~ (E) The information provided through a long-term 10579  
care consultation shall be appropriate to the individual's needs 10580  
and situation and shall address all of the following: 10581

(1) The availability of any long-term care options open to 10582  
the individual; 10583

(2) Sources and methods of both public and private payment 10584  
for long-term care services; 10585

(3) Factors to consider when choosing among the available 10586  
programs, services, and benefits; 10587

(4) Opportunities and methods for maximizing independence and 10588  
self-reliance, including support services provided by the 10589  
individual's family, friends, and community. 10590

(F) An individual's long-term care consultation may include 10591  
an assessment of the individual's functional capabilities. The 10592  
consultation may incorporate portions of the determinations 10593  
required under sections 5111.202, 5119.061, and 5123.021 of the 10594  
Revised Code and may be provided concurrently with the assessment 10595  
required under section 5111.204 of the Revised Code. 10596

(G)(1) Unless an exemption specified in division (I) of this 10597  
section is applicable, each individual in the following categories 10598  
shall be provided with a long-term care consultation: 10599

(a) Individuals who apply or indicate an intention to apply 10600

for admission to a nursing facility, regardless of the source of 10601  
payment to be used for their care in a nursing facility; 10602

(b) Nursing facility residents who apply or indicate an 10603  
intention to apply for medicaid; 10604

(c) Nursing facility residents who are likely to spend down 10605  
their resources within six months after admission to a nursing 10606  
facility to a level at which they are financially eligible for 10607  
medicaid; 10608

(d) Individuals who request a long-term care consultation. 10609

(2) In addition to the individuals included in the categories 10610  
specified in division (G)(1) of this section, long-term care 10611  
consultations may be provided to nursing facility residents who 10612  
have not applied and have not indicated an intention to apply for 10613  
medicaid. The purpose of the consultations provided to these 10614  
individuals shall be to determine continued need for nursing 10615  
facility services, to provide information on alternative services, 10616  
and to make referrals to alternative services. 10617

(H)(1) When a long-term care consultation is required to be 10618  
provided pursuant to division (G)(1) of this section, the 10619  
consultation shall be provided as follows or pursuant to division 10620  
(H)(2) or (3) of this section: 10621

(a) If the individual for whom the consultation is being 10622  
provided has applied for medicaid and the consultation is being 10623  
provided concurrently with the assessment required under section 10624  
5111.204 of the Revised Code, the consultation shall be completed 10625  
in accordance with the applicable time frames specified in that 10626  
section for providing a level of care determination based on the 10627  
assessment. 10628

(b) In all other cases, the consultation shall be provided 10629  
not later than five calendar days after the department or the 10630

program administrator under contract with the department receives 10631  
notice of the reason for which the consultation is required to be 10632  
provided pursuant to division (G)(1) of this section. 10633

(2) An individual or the individual's representative may 10634  
request that a long-term care consultation be provided on a date 10635  
that is later than the date required under division (H)(1)(a) or 10636  
(b) of this section. 10637

(3) If a long-term care consultation cannot be completed 10638  
within the number of days required by division (H)(1) or (2) of 10639  
this section, the department or the program administrator under 10640  
contract with the department may do any of the following: 10641

(a) Exempt the individual from the consultation pursuant to 10642  
rules that may be adopted under division (L) of this section; 10643

(b) In the case of an applicant for admission to a nursing 10644  
facility, provide the consultation after the individual is 10645  
admitted to the nursing facility; 10646

(c) In the case of a resident of a nursing facility, provide 10647  
the consultation as soon as practicable. 10648

(I) An individual is not required to be assessed provided a 10649  
long-term care consultation under ~~division (B)~~ of this section if 10650  
any of the following apply: 10651

(1) The ~~circumstances~~ individual or the individual's 10652  
representative chooses to forego participation in the consultation 10653  
pursuant to criteria specified by ~~in~~ rules adopted under division 10654  
~~(I)~~(L) of this section ~~exist~~; 10655

(2) The ~~person~~ individual is to receive care in a nursing 10656  
facility under a contract for continuing care as defined in 10657  
section 173.13 of the Revised Code; 10658

(3) The ~~person~~ individual has a contractual right to 10659  
admission to a nursing facility operated as part of a system of 10660

continuing care in conjunction with one or more facilities that 10661  
provide a less intensive level of services, including a 10662  
residential care facility licensed under Chapter 3721. of the 10663  
Revised Code, an ~~adult-care~~ adult care facility licensed under 10664  
Chapter 3722. of the Revised Code, or an independent living 10665  
arrangement; 10666

(4) The ~~person~~ individual is to receive continual care in a 10667  
home for the aged exempt from taxation under section 5701.13 of 10668  
the Revised Code; 10669

(5) The ~~person is to receive care in the nursing facility for~~ 10670  
~~not more than fourteen days in order to provide temporary relief~~ 10671  
~~to the person's primary caregiver and the nursing facility~~ 10672  
~~notifies the department of the person's admittance not later than~~ 10673  
~~twenty-four hours after admitting the person~~ individual is seeking 10674  
admission to a facility that is not a nursing facility with a 10675  
provider agreement under section 5111.22 of the Revised Code; 10676

(6) The ~~person~~ individual is to be transferred from another 10677  
nursing facility, ~~unless the nursing facility from which or to~~ 10678  
~~which the person is to be transferred determines that the person's~~ 10679  
~~medical condition has changed substantially since the person's~~ 10680  
~~admission to the nursing facility from which the person is to be~~ 10681  
~~transferred or a review is required by a third party payment~~ 10682  
~~source;~~ 10683

(7) The ~~person~~ individual is to be readmitted to a nursing 10684  
facility following a period of hospitalization, ~~unless the~~ 10685  
~~hospital or nursing facility determines that the person's medical~~ 10686  
~~condition has changed substantially since the person's admission~~ 10687  
~~to the hospital, or a review is required by a third party payment~~ 10688  
~~source;~~ 10689

(8) The ~~department or designated agency fails to complete an~~ 10690  
~~assessment within the time required by division (D) or (E) of this~~ 10691



~~section or determines after a partial assessment that the person~~ 10692  
~~should be exempt from the assessment individual is exempted from~~ 10693  
~~the long-term care consultation requirement by the department or~~ 10694  
~~the program administrator pursuant to rules that may be adopted~~ 10695  
~~under division (L) of this section.~~ 10696

~~(D) The department or designated agency shall perform a~~ 10697  
~~complete assessment, or, if circumstances provided by rules~~ 10698  
~~adopted under division (I) of this section exist, a partial~~ 10699  
~~assessment, as follows:~~ 10700

~~(1) In the case of a hospitalized person applying or~~ 10701  
~~intending to apply to a nursing facility, not later than two~~ 10702  
~~working days after the person or the person's representative is~~ 10703  
~~notified that a bed is available in a nursing facility;~~ 10704

~~(2) In the case of an emergency as determined in accordance~~ 10705  
~~with rules adopted under division (I) of this section, not later~~ 10706  
~~than one working day after the person or the person's~~ 10707  
~~representative is notified that a bed is available in a nursing~~ 10708  
~~facility;~~ 10709

~~(3) In all other cases, not later than five calendar days~~ 10710  
~~after the person or the person's representative who submits the~~ 10711  
~~application is notified that a bed is available in a nursing~~ 10712  
~~facility.~~ 10713

~~(E) If the department or designated agency conducts a partial~~ 10714  
~~assessment under division (D) of this section, it shall complete~~ 10715  
~~the rest of the assessment not later than one hundred eighty days~~ 10716  
~~after the date the person is admitted to the nursing facility~~ 10717  
~~unless the assessment entity determines the person should be~~ 10718  
~~exempt from the assessment.~~ 10719

~~(F) A person assessed under this section or the person's~~ 10720  
~~representative may file a complaint with the department about the~~ 10721  
~~assessment process. The department shall work to resolve the~~ 10722

~~complaint in accordance with rules adopted under division (I) of~~ 10723  
~~this section.~~ 10724

~~(G) A person~~ (J) At the conclusion of an individual's 10725  
long-term care consultation, the department or the program 10726  
administrator under contract with the department shall provide the 10727  
individual or individual's representative with a written summary 10728  
of options and resources available to meet the individual's needs. 10729  
Even though the summary may specify that a source of long-term 10730  
care other than care in a nursing facility is appropriate and 10731  
available, the individual is not required to seek an alternative 10732  
source of long-term care and may be admitted to or continue to 10733  
reside in a nursing facility ~~even though an alternative source of~~ 10734  
~~long term care is available or the person is determined pursuant~~ 10735  
~~to an assessment under this section not to need nursing facility~~ 10736  
~~services.~~ 10737

~~(H)~~ (K) No nursing facility for which an operator has a 10738  
provider agreement ~~with the department~~ under section 5111.22 of 10739  
the Revised Code shall admit or retain any ~~person, other than a~~ 10740  
~~person exempt from the assessment requirement as provided by~~ 10741  
~~division (C) of this section,~~ individual as a resident, unless the 10742  
nursing facility has received evidence that a ~~complete or partial~~ 10743  
~~assessment~~ long-term care consultation has been completed for the 10744  
individual or division (I) of this section is applicable to the 10745  
individual. 10746

~~(I)~~ (L) The director of ~~job and family services shall~~ aging 10747  
may adopt any rules in accordance with Chapter 119. of the Revised 10748  
Code to implement and administer the director considers necessary 10749  
for the implementation and administration of this section. The 10750  
rules shall ~~include~~ be adopted in accordance with Chapter 119. of 10751  
the Revised Code and may specify any or all of the following: 10752

(1) ~~The information a person being assessed or the person's~~ 10753

~~representative must provide to enable the department or designated agency to do the assessment;~~ 10754  
10755

~~(2) Criteria to be used to determine whether a person is in need of nursing facility services;~~ 10756  
10757

~~(3) Criteria to be used to determine whether an alternative source of long term care is appropriate for the person being assessed;~~ 10758  
10759  
10760

~~(4) Criteria and procedures to be used to determine a person's physical, mental, and psychosocial needs;~~ 10761  
10762

~~(5) Criteria to be used to determine the effectiveness and continued availability of a person's current source of informal support and care;~~ 10763  
10764  
10765

~~(6) Circumstances, in addition to those specified in division (C) of this section, under which a person is not required to be assessed;~~ 10766  
10767  
10768

~~(7) Circumstances under which the department or designated agency may perform a partial assessment under division (D) of this section;~~ 10769  
10770  
10771

~~(8) The method by which a situation will be determined to be an emergency for the purpose of division (D)(2) of this section;~~ 10772  
10773

~~(9) The method by which the department will attempt to resolve complaints filed under division (F) of this section~~ 10774  
Procedures for providing long-term care consultations pursuant to 10775  
this section; 10776  
10777

(2) Information to be provided through long-term care consultations regarding long-term care services that are available; 10778  
10779  
10780

(3) Criteria under which an individual or the individual's representative may choose to forego participation in a long-term care consultation; 10781  
10782  
10783

(4) Criteria for exempting individuals from the long-term 10784  
care consultation requirement; 10785

(5) Circumstances under which it may be appropriate to 10786  
provide an individual's long-term care consultation after the 10787  
individual's admission to a nursing facility rather than before 10788  
admission; 10789

(6) Criteria for identifying nursing facility residents who 10790  
would benefit from the provision of a long-term care consultation. 10791

~~(J)(M)~~ The director of ~~job and family services~~ aging may fine 10792  
a nursing facility an amount determined by rules the director 10793  
shall adopt in accordance with Chapter 119. of the Revised Code ~~in~~ 10794  
~~either of the following circumstances:~~ 10795

~~(1) The nursing facility fails to notify the department~~ 10796  
~~within the required time about an admission described in division~~ 10797  
~~(C)(5) of this section;~~ 10798

~~(2) The~~ if the nursing facility admits or retains an 10799  
individual, without evidence that a ~~complete or partial assessment~~ 10800  
long-term care consultation has been ~~conducted~~ provided, ~~a person~~ 10801  
~~other than a person exempt from the assessment requirement as~~ 10802  
~~provided~~ required by division ~~(C)~~ of this section. 10803

~~The director shall deposit~~ In accordance with section 5111.62 10804  
of the Revised Code, all fines collected under this division shall 10805  
be deposited into the state treasury to the credit of the 10806  
residents protection fund ~~established by section 5111.62 of the~~ 10807  
~~Revised Code.~~ 10808

**Sec. ~~5101.752~~ 173.43.** The department of ~~job and family~~ 10809  
~~services~~ aging shall certify ~~registered nurses licensed under~~ 10810  
~~Chapter 4723. of the Revised Code and social workers and~~ 10811  
~~independent social workers licensed under Chapter 4757. of the~~ 10812  
~~Revised Code~~ individuals who meet certification requirements 10813

established by rule to ~~perform assessments under~~ provide long-term 10814  
care consultations for purposes of section ~~5101.75 or 5101.754~~ 10815  
173.42 of the Revised Code. The director of ~~job and family~~ 10816  
~~services~~ aging shall adopt rules in accordance with Chapter 119. 10817  
of the Revised Code governing the certification process and 10818  
requirements. The rules shall specify the education, experience, 10819  
or training in ~~geriatric~~ long-term care a person must have to 10820  
qualify for certification. 10821

**Sec. 173.44.** (A) As used in this section, "nursing home" and 10822  
"residential care facility" have the same meanings as in section 10823  
3721.01 of the Revised Code. 10824

(B) The department of aging may conduct an annual survey of 10825  
nursing homes and residential care facilities. The survey shall 10826  
include questions about capacity, occupancy, and private pay 10827  
charges. The department may contract with an outside entity to 10828  
conduct the survey and analyze the results. The results of the 10829  
survey and any analysis completed by the department or its 10830  
designee shall be made available to the general assembly, other 10831  
state agencies, nursing home and residential care facility 10832  
providers, and the general public. 10833

(C) No nursing home or residential care facility shall 10834  
recklessly fail to complete the survey. 10835

**Sec. 173.45.** As used in this section and in sections 173.46 10836  
to 173.49 of the Revised Code: 10837

(A) "Long-term care facility" means a nursing home or 10838  
residential care facility. 10839

(B) "Nursing home" and "residential care facility" have the 10840  
same meanings as in section 3721.01 of the Revised Code. 10841

(C) "Nursing facility" has the same meaning as in section 10842  
5111.20 of the Revised Code. 10843

Sec. 173.46. (A) The department of aging shall develop and 10844  
publish a guide to long-term care facilities for use by 10845  
individuals considering long-term care facility admission and 10846  
their families, friends, and advisors. The guide, which shall be 10847  
titled the Ohio long-term care consumer guide, may be published in 10848  
printed form or in electronic form for distribution over the 10849  
internet. The guide may be developed as a continuation or 10850  
modification of the guide published by the department prior to the 10851  
effective date of this section under rules adopted under section 10852  
173.02 of the Revised Code. 10853

(B) The Ohio long-term care consumer guide shall include 10854  
information on each long-term care facility in this state. For 10855  
each facility, the guide shall include the following information, 10856  
as applicable to the facility: 10857

(1) Information regarding the facility's compliance with 10858  
state statutes and rules and federal statutes and regulations; 10859

(2) Information generated by the centers for medicare and 10860  
medicaid services of the United States department of health and 10861  
human services from the quality measures developed as part of its 10862  
nursing home quality initiative; 10863

(3) Results of the customer satisfaction surveys conducted 10864  
under section 173.47 of the Revised Code; 10865

(4) Any other information the department specifies in rules 10866  
adopted under section 173.49 of the Revised Code. 10867

Sec. 173.47. (A) For purposes of publishing the Ohio 10868  
long-term care consumer guide, the department of aging shall 10869  
conduct or provide for the conduct of an annual customer 10870  
satisfaction survey of each long-term care facility. The results 10871  
of the surveys may include information obtained from long-term 10872  
care facility residents, their families, or both. 10873

(B)(1) The department may charge fees for the conduct of 10874  
annual customer satisfaction surveys. The department may contract 10875  
with any person or government entity to collect the fees on its 10876  
behalf. All fees collected under this section shall be deposited 10877  
in accordance with section 173.48 of the Revised Code. 10878

(2) The fees charged under this section shall not exceed the 10879  
following amounts: 10880

(a) Four hundred dollars for the customer satisfaction survey 10881  
of a long-term care facility that is a nursing home; 10882

(b) Three hundred dollars for the customer satisfaction 10883  
survey pertaining to a long-term care facility that is a 10884  
residential care facility. 10885

(3) Fees paid by a long-term care facility that is a nursing 10886  
facility shall be reimbursed through the medicaid program operated 10887  
under Chapter 5111. of the Revised Code. 10888

(C) Each long-term care facility shall cooperate in the 10889  
conduct of its annual customer satisfaction survey. 10890

**Sec. 173.48.** There is hereby created in the state treasury 10891  
the long-term care consumer guide fund. Money collected from the 10892  
fees charged for the conduct of customer satisfaction surveys 10893  
under section 173.47 of the Revised Code shall be credited to the 10894  
fund. The department of aging shall use money in the fund for 10895  
costs associated with publishing the Ohio long-term care consumer 10896  
guide, including, but not limited to, costs incurred in conducting 10897  
or providing for the conduct of customer satisfaction surveys. 10898

**Sec. 173.49.** The department of aging shall adopt rules as the 10899  
department considers necessary to implement and administer 10900  
sections 173.45 to 173.48 of the Revised Code. The rules shall be 10901  
adopted under Chapter 119. of the Revised Code. 10902

Sec. 173.50. (A) Pursuant to a contract entered into with the 10903  
department of job and family services as an interagency agreement 10904  
under section 5111.91 of the Revised Code, the department of aging 10905  
shall carry out the day-to-day administration of the component of 10906  
the medicaid program established under Chapter 5111. of the 10907  
Revised Code known as the program of all-inclusive care for the 10908  
elderly or PACE. The department of aging shall carry out its PACE 10909  
administrative duties in accordance with the provisions of the 10910  
interagency agreement and all applicable federal laws, including 10911  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4, 10912  
as amended. 10913

(B) The department of aging may adopt rules in accordance 10914  
with Chapter 119. of the Revised Code regarding the PACE program, 10915  
subject to both of the following: 10916

(1) The rules shall be authorized by rules adopted by the 10917  
department of job and family services. 10918

(2) The rules shall address only those issues that are not 10919  
addressed in rules adopted by the department of job and family 10920  
services for the PACE program. 10921

**Sec. 173.99. (A)** A long-term care provider, person employed 10922  
by a long-term care provider, other entity, or employee of such 10923  
other entity that violates division (C) of section 173.24 of the 10924  
Revised Code is subject to a fine not to exceed one thousand 10925  
dollars for each violation. 10926

(B) Whoever violates division (C) of section 173.23 of the 10927  
Revised Code is guilty of registering a false complaint, a 10928  
misdemeanor of the first degree. 10929

(C) A long-term care provider, other entity, or person 10930  
employed by a long-term care provider or other entity that 10931  
violates division (E) of section 173.19 of the Revised Code by 10932



denying a representative of the office of the state long-term care 10933  
ombudsperson program the access required by that division is 10934  
subject to a fine not to exceed five hundred dollars for each 10935  
violation. 10936

(D) Whoever violates division (C) of section 173.44 of the 10937  
Revised Code is subject to a fine of one hundred dollars. 10938

**Sec. 183.28.** The education technology trust fund is hereby 10939  
created in the state treasury. Money credited to the fund shall be 10940  
used to pay costs of the eTech Ohio ~~SchoolNet~~ commission under 10941  
section ~~3301.80~~ 3353.02 of the Revised Code. All investment 10942  
earnings of the fund shall be credited to the fund. 10943

**Sec. 184.02.** (A) The third frontier commission may perform 10944  
any act to ensure the performance of any function necessary or 10945  
appropriate to carry out the purposes of, and exercise the powers 10946  
granted under, sections 184.01 and 184.02 of the Revised Code. In 10947  
addition, the commission may do any of the following: 10948

(1) Adopt, amend, and rescind rules under section 111.15 of 10949  
the Revised Code for the administration of any aspect of its 10950  
operations; 10951

(2) Adopt bylaws governing its operations, including bylaws 10952  
that establish procedures and set policies as may be necessary to 10953  
assist with the furtherance of its purposes; 10954

(3) Appoint and set the compensation of employees needed to 10955  
carry out its duties; 10956

(4) Contract with, retain the services of, or designate, and 10957  
fix the compensation of, such financial consultants, accountants, 10958  
other consultants and advisors, and other independent contractors 10959  
as may be necessary or desirable to carry out its duties; 10960

(5) Solicit input and comments from the third frontier 10961

advisory board, and specialized industry, professional, and other 10962  
relevant interest groups concerning its purposes; 10963

(6) Facilitate alignment of the state's science and 10964  
technology programs and activities; 10965

(7) Make grants and loans to individuals, public agencies, 10966  
private companies or organizations, or joint ventures for any of 10967  
the broad range of activities related to its purposes. 10968

(B) The commission shall do all of the following: 10969

(1) Establish a competitive process for the award of grants 10970  
and loans that is designed to fund the most meritorious proposals 10971  
and, when appropriate, provide for peer review of proposals; 10972

(2) Within ninety days after the end of each fiscal year, 10973  
submit to the governor and the general assembly a report of the 10974  
activities of the commission during the preceding fiscal year; 10975

(3) With specific application to the biomedical research and 10976  
technology transfer trust fund, periodically make strategic 10977  
assessments of the types of state investments in biomedical 10978  
research and biotechnology in the state that would likely create 10979  
jobs and business opportunities in the state and produce the most 10980  
beneficial long-term improvements to the public health of ~~Ohioians~~ 10981  
Ohioans, including, but not limited to, biomedical research and 10982  
biotechnology initiatives that address tobacco-related illnesses 10983  
as may be outlined in any master agreement. The commission shall 10984  
award grants and loans from the fund pursuant to a process 10985  
established under division (B)(1) of this section. 10986

(C) Notwithstanding the authority granted to the commission 10987  
under sections 184.01 to 184.04 of the Revised Code, the 10988  
commission shall not make any grants or loans to individuals, 10989  
public agencies, private companies or organizations, or joint 10990  
ventures for any activities involving stem cell research with 10991

human embryonic tissue. 10992

**Sec. 305.171.** (A) The board of county commissioners of any 10993  
county may contract for, purchase, or otherwise procure and pay 10994  
all or any part of the cost of group insurance policies that may 10995  
provide benefits including, but not limited to, hospitalization, 10996  
surgical care, major medical care, disability, dental care, eye 10997  
care, medical care, hearing aids, or prescription drugs, and that 10998  
may provide sickness and accident insurance, group legal services, 10999  
or group life insurance, or a combination of any of the foregoing 11000  
types of insurance or coverage, for county officers and employees 11001  
and their immediate dependents from the funds or budgets from 11002  
which the county officers or employees are compensated for 11003  
services, issued by an insurance company. 11004

(B) The board of county commissioners also may negotiate and 11005  
contract for any plan or plans of health care services with health 11006  
insuring corporations holding a certificate of authority under 11007  
Chapter 1751. of the Revised Code, provided that each county 11008  
officer or employee shall be permitted to do both of the 11009  
following: 11010

(1) Exercise an option between a plan offered by an insurance 11011  
company and ~~such~~ a plan or plans offered by health insuring 11012  
corporations under this division, on the condition that the county 11013  
officer or employee shall pay any amount by which the cost of the 11014  
plan chosen by ~~such~~ the county officer or employee pursuant to 11015  
this division exceeds the cost of the plan offered under division 11016  
(A) of this section; 11017

(2) Change from one of the plans to another at a time each 11018  
year as determined by the board. 11019

(C) Section 307.86 of the Revised Code does not apply to the 11020  
purchase of benefits for county officers or employees under 11021

divisions (A) and (B) of this section when those benefits are  
provided through a jointly administered health and welfare trust  
fund in which the county or contracting authority and a collective  
bargaining representative of the county employees or contracting  
authority agree to participate.

(D) The board of trustees of a jointly administered trust  
fund that receives contributions pursuant to collective bargaining  
agreements entered into between the board of county commissioners  
of any county and a collective bargaining representative of the  
employees of the county may provide for self-insurance of all risk  
in the provision of fringe benefits, and may provide through the  
self-insurance method specific fringe benefits as authorized by  
the rules of the board of trustees of the jointly administered  
trust fund. The fringe benefits may include, but are not limited  
to, hospitalization, surgical care, major medical care,  
disability, dental care, vision care, medical care, hearing aids,  
prescription drugs, group life insurance, sickness and accident  
insurance, group legal services, or a combination of any of the  
foregoing types of insurance or coverage, for county employees and  
their dependents.

(E) The board of county commissioners may provide the  
benefits described in divisions (A) to (D) of this section through  
an individual self-insurance program or a joint self-insurance  
program as provided in section 9.833 of the Revised Code.

(F) When a board of county commissioners offers health  
benefits authorized under this section to ~~an~~ a county officer or  
employee ~~of the county~~, the board may offer the benefits through a  
cafeteria plan meeting the requirements of section 125 of the  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125,  
as amended, and, as part of that plan, may offer the county  
officer or employee the option of receiving a cash payment in any  
form permissible under such cafeteria plans. A cash payment made

to ~~an~~ a county officer or employee under this division shall not 11054  
exceed twenty-five per cent of the cost of premiums or payments 11055  
that otherwise would be paid by the board for benefits for the 11056  
county officer or employee under a policy or plan. 11057

(G) The board of county commissioners may establish a policy 11058  
authorizing any county appointing authority to make a cash payment 11059  
to any county officer or employee in lieu of providing a benefit 11060  
authorized under this section if the county officer or employee 11061  
elects to take the cash payment instead of the offered benefit. A 11062  
cash payment made to ~~an~~ a county officer or employee under this 11063  
division shall not exceed twenty-five per cent of the cost of 11064  
premiums or payments that otherwise would be paid by the board for 11065  
benefits for the county officer or employee under an offered 11066  
policy or plan. 11067

(H) No cash payment in lieu of a health benefit shall be made 11068  
to a county officer or employee under division (F) or (G) of this 11069  
section unless the county officer or employee signs a statement 11070  
affirming that the county officer or employee is covered under 11071  
another health insurance or health care policy, contract, or plan, 11072  
and setting forth the name of the employer, if any, that sponsors 11073  
the coverage, the name of the carrier that provides the coverage, 11074  
and the identifying number of the policy, contract, or plan. 11075

~~(I)(1) As used in this division:~~ 11076

~~(a) "County operated municipal court" and "legislative 11077  
authority" have the same meanings as in section 1901.03 of the 11078  
Revised Code.~~ 11079

~~(b) "Health care coverage" has the same meaning as in section 11080  
1901.111 of the Revised Code.~~ 11081

~~(2)~~ The legislative authority of a county-operated municipal 11082  
court, after consultation with the judges, or the clerk and deputy 11083  
clerks, of the municipal court, shall negotiate and contract for, 11084

purchase, or otherwise procure, and pay the costs, premiums, or 11085  
charges for, group health care coverage for the judges, and group 11086  
health care coverage for the clerk and deputy clerks, in 11087  
accordance with section 1901.111 or 1901.312 of the Revised Code. 11088

(J) As used in this section: 11089

(1) "County officer or employee" includes, but is not limited 11090  
to, a member or employee of the county board of elections. 11091

(2) "County-operated municipal court" and "legislative 11092  
authority" have the same meanings as in section 1901.03 of the 11093  
Revised Code. 11094

(3) "Health care coverage" has the same meaning as in section 11095  
1901.111 of the Revised Code. 11096

Sec. 305.28. If a board of county commissioners by resolution 11097  
elects to participate in a criminal justice regional information 11098  
system as provided in section 2949.093 of the Revised Code, the 11099  
board also shall create in its county treasury a criminal justice 11100  
regional information fund. All money deposited into the fund shall 11101  
be used only as provided in that section. 11102

Sec. 306.331. Notwithstanding section 306.33 of the Revised 11103  
Code, the board of trustees of any regional transit authority 11104  
created by one county and two municipal corporations, with the 11105  
county having a population of at least five hundred thousand 11106  
according to the most recent federal census, shall be appointed 11107  
and governed as provided in this section. 11108

The board of trustees of such a regional transit authority 11109  
shall consist of nine members, six of whom shall be appointed by 11110  
the board of county commissioners, two of whom shall be appointed 11111  
by the most populous municipal corporation that is included in the 11112  
regional transit authority, and one of whom shall be appointed by 11113  
the second most populous municipal corporation in the county, 11114

regardless of whether the second most populous municipal 11115  
corporation in the county is a member of the regional transit 11116  
authority. A trustee appointed under this section shall serve at 11117  
the pleasure of the appointing authority. 11118

The trustees of any authority first appointed under this 11119  
section shall serve staggered terms. Thereafter each successor 11120  
shall serve a term of three years, except that any person 11121  
appointed to fill a vacancy shall be appointed to only the 11122  
unexpired term. The resolutions or ordinances creating the 11123  
regional transit authority may determine whether an appointed 11124  
trustee is eligible for reappointment. 11125

A majority of the board of trustees constitutes a quorum, the 11126  
affirmative vote of which is necessary for any action taken by the 11127  
authority. No vacancy in the board shall impair the rights of a 11128  
quorum to exercise all rights and perform all the duties of the 11129  
authority. 11130

Each member of the board of trustees, before entering upon 11131  
the trustee's official duties, shall take and subscribe to an oath 11132  
or affirmation that the trustee will honestly, faithfully, and 11133  
impartially perform the duties of office and that the trustee will 11134  
not be personally interested directly or indirectly in any 11135  
contract let by the regional transit authority. 11136

After each member of the board has taken the oath as 11137  
prescribed by this section, the board shall meet and organize by 11138  
electing one of its members as president and another as 11139  
vice-president, who shall hold their respective offices until the 11140  
next annual meeting of the board as provided in its bylaws. At 11141  
each annual meeting thereafter, the board shall elect from its 11142  
membership a president and a vice-president who shall serve for a 11143  
term of one year. The board shall hold regular and special 11144  
meetings in a time, place, and manner established in its bylaws, 11145

provided that all meetings shall be open to the public except 11146  
executive sessions as set forth in section 122.22 of the Revised 11147  
Code. 11148

The board shall appoint and fix the compensation of a 11149  
secretary-treasurer, who shall be the fiscal officer. The 11150  
secretary-treasurer shall not be a member of the board and shall 11151  
serve at the pleasure of the board. Each member of the board of 11152  
trustees is entitled to receive from the regional transit 11153  
authority reimbursement for reasonable expenses in the performance 11154  
of the trustee's duties. 11155

**Sec. 307.37.** (A) As used in division (B)(3) of this section, 11156  
"proposed new construction" means a proposal to erect, construct, 11157  
repair, alter, redevelop, or maintain a single-family, two-family, 11158  
or three-family dwelling or any structure that is regulated by the 11159  
Ohio building code. 11160

(B)(1)(a) The board of county commissioners may adopt local 11161  
residential building regulations governing residential buildings 11162  
as defined in section 3781.06 of the Revised Code, to be enforced 11163  
within the unincorporated area of the county or within districts 11164  
the board establishes in any part of the unincorporated area. No 11165  
local residential building regulation shall differ from the state 11166  
residential building code the board of building standards 11167  
establishes pursuant to Chapter 3781. of the Revised Code unless 11168  
the regulation addresses subject matter not addressed by the state 11169  
residential building code or is adopted pursuant to section 11170  
3781.01 of the Revised Code. 11171

(b) The board of county commissioners may, by resolution, 11172  
adopt, administer, and enforce within the unincorporated area of 11173  
the county, or within districts the board establishes in the 11174  
unincorporated area, an existing structures code pertaining to the 11175  
repair and continued maintenance of structures and the premises of 11176



those structures provided that the existing structures code 11177  
governs subject matter not addressed by, and is not in conflict 11178  
with, the state residential building code adopted pursuant to 11179  
Chapter 3781. of the Revised Code. The board may adopt by 11180  
~~incorporation~~ incorporation by reference a model or standard code 11181  
prepared and promulgated by the state, any agency of this state, 11182  
or any private organization that publishes a recognized or 11183  
standard existing structures code. 11184

(c) The board shall assign the duties of administering and 11185  
enforcing any local residential building regulations or existing 11186  
structures code to a county officer or employee who is trained and 11187  
qualified for those duties and shall establish by resolution the 11188  
minimum qualifications necessary to perform those duties. 11189

(2) The board may adopt regulations for participation in the 11190  
national flood insurance program established in the "Flood 11191  
Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, 11192  
as amended, and regulations adopted for the purposes of section 11193  
1506.04 or 1506.07 of the Revised Code governing the prohibition, 11194  
location, erection, construction, redevelopment, or floodproofing 11195  
of new buildings or structures, substantial improvements to 11196  
existing buildings or structures, or other development in 11197  
unincorporated territory within flood hazard areas identified 11198  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11199  
42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion 11200  
areas identified under section 1506.06 of the Revised Code, 11201  
including, but not limited to, residential, commercial, 11202  
institutional, or industrial buildings or structures or other 11203  
permanent structures, as defined in section 1506.01 of the Revised 11204  
Code. Rules adopted under division (B)(2) of this section shall 11205  
not conflict with the state residential and nonresidential 11206  
building codes adopted pursuant to section 3781.10 of the Revised 11207  
Code. 11208

(3)(a) A board may adopt regulations that provide for a 11209  
review of the specific effects of a proposed new construction on 11210  
existing surface or subsurface drainage. The regulations may 11211  
require reasonable drainage mitigation and reasonable alteration 11212  
of a proposed new construction before a building permit is issued 11213  
in order to prevent or correct any adverse effects that the 11214  
proposed new construction may have on existing surface or 11215  
subsurface drainage. The regulations shall not be inconsistent 11216  
with, more stringent than, or broader in scope than standards 11217  
adopted by the natural resource conservation service in the United 11218  
States department of agriculture concerning drainage or rules 11219  
adopted by the environmental protection agency for reducing, 11220  
controlling, or mitigating storm water runoff from construction 11221  
sites, where applicable. The regulations shall allow a person who 11222  
is registered under Chapter 4703. or 4733. of the Revised Code to 11223  
prepare and submit relevant plans and other documents for review, 11224  
provided that the person is authorized to prepare the plans and 11225  
other documents pursuant to the person's registration. 11226

(b) If regulations are adopted under division (B)(3) of this 11227  
section, the board shall specify in the regulations a procedure 11228  
for the review of the specific effects of a proposed new 11229  
construction on existing surface or subsurface drainage. The 11230  
procedure shall include at a minimum all of the following: 11231

(i) A meeting at which the proposed new construction shall be 11232  
examined for those specific effects. The meeting shall be held 11233  
within thirty days after an application for a building permit is 11234  
filed or a review is requested unless the applicant agrees in 11235  
writing to extend that time period or to postpone the meeting to 11236  
another date, time, or place. The meeting shall be scheduled 11237  
within five days after an application for a building permit is 11238  
filed or a review is requested. 11239

(ii) Written notice of the date, time, and place of that 11240

meeting, sent by regular mail to the applicant. The written notice  
shall be mailed at least seven days before the scheduled meeting  
date.

(iii) Completion of the review by the board of county  
commissioners not later than thirty days after the application for  
a building permit is filed or a review is requested unless the  
applicant has agreed in writing to extend that time period or  
postpone the meeting to a later time, in which case the review  
shall be completed not later than two days after the date of the  
meeting. A complete review shall include the issuance of any order  
of the board of county commissioners regarding necessary  
reasonable drainage mitigation and necessary reasonable  
alterations to the proposed new construction to prevent or correct  
any adverse effects on existing surface or subsurface drainage so  
long as those alterations comply with the state residential and  
nonresidential building codes adopted pursuant to section 3781.10  
of the Revised Code. If the review is not completed within the  
thirty-day period or an extended or postponed period that the  
applicant has agreed to, the proposed new construction shall be  
deemed to have no adverse effects on existing surface or  
subsurface drainage, and those effects shall not be a valid basis  
for the denial of a building permit.

(iv) A written statement, provided to the applicant at the  
meeting or in an order for alterations to a proposed new  
construction, informing the applicant of the right to seek  
appellate review of the denial of a building permit under division  
(B)(3)(b)(iii) of this section by filing a petition in accordance  
with Chapter 2506. of the Revised Code.

(c) The regulations may authorize the board, after obtaining  
the advice of the county engineer, to enter into an agreement with  
the county engineer or another qualified person or entity to carry  
out any necessary inspections and make evaluations about what, if

any, alterations are necessary to prevent or correct any adverse 11273  
effects that a proposed new construction may have on existing 11274  
surface or subsurface drainage. 11275

(d) Regulations adopted pursuant to division (B)(3) of this 11276  
section shall not apply to any property that a platting authority 11277  
has approved under section 711.05, 711.09, or 711.10 of the 11278  
Revised Code and shall not govern the same subject matter as the 11279  
state residential or nonresidential building codes adopted 11280  
pursuant to section 3781.10 of the Revised Code. 11281

(e) As used in division (B)(3) of this section, "subsurface 11282  
drainage" does not include a household sewage treatment system as 11283  
defined in section 3709.091 of the Revised Code. 11284

(C)(1) Any regulation, code, or amendment may be adopted 11285  
under this section only after a public hearing at not fewer than 11286  
two regular or special sessions of the board. The board shall 11287  
cause notice of any public hearing to be published in a newspaper 11288  
of general circulation in the county once a week for the two 11289  
consecutive weeks immediately preceding the hearing, except that 11290  
if the board posts the hearing notice on the board's internet site 11291  
on the world wide web, the board need publish only one notice of 11292  
the hearing in a newspaper of general circulation if that 11293  
newspaper notice includes the board's internet site and a 11294  
statement that the notice is also posted on the internet site. Any 11295  
notice of a public hearing shall include the time, date, and place 11296  
of the hearing. 11297

(2) Any proposed regulation, code, or amendment shall be made 11298  
available to the public at the board office. The regulations or 11299  
amendments shall take effect on the thirty-first day following the 11300  
date of their adoption. 11301

(D)(1) No person shall violate any regulation, code, or 11302  
amendment the board adopts under sections 307.37 to 307.40 of the 11303

Revised Code. 11304

(2) Each day during which an illegal location, erection, 11305  
construction, floodproofing, repair, alteration, development, 11306  
redevelopment, or maintenance continues may be considered a 11307  
separate offense. 11308

(E) Regulations or amendments the board adopts pursuant to 11309  
this section, with the exception of an existing structures code, 11310  
do not affect buildings or structures that exist or on which 11311  
construction has begun on or before the date the board adopts the 11312  
regulation or amendment. 11313

(F)(1) The board may create a building department and employ 11314  
the personnel it determines necessary to administer and enforce 11315  
any local residential building regulations or existing structures 11316  
code the board adopts pursuant to this section. The building 11317  
department may enforce the state residential and nonresidential 11318  
building codes adopted pursuant to Chapter 3781. of the Revised 11319  
Code if the building department is certified pursuant to section 11320  
3781.10 of the Revised Code to enforce those codes. 11321

(2) The board may direct the building department, upon 11322  
certification, to exercise enforcement authority and to accept and 11323  
approve plans pursuant to sections 3781.03 and 3791.04 of the 11324  
Revised Code for the class of building for which the department 11325  
and personnel are certified. 11326

**Sec. 307.676. (A) As used in this section:** 11327

(1) "Food and beverages" means any raw, cooked, or processed 11328  
edible substance used or intended for use in whole or in part for 11329  
human consumption, including ice, water, spirituous liquors, wine, 11330  
mixed beverages, beer, soft drinks, soda, and other beverages. 11331

(2) "Convention facilities authority" has the same meaning as 11332  
in section 351.01 of the Revised Code. 11333

(3) "Convention center" has the same meaning as in section 11334  
307.695 of the Revised Code. 11335

(B) The legislative authority of a county with a population 11336  
of one million two hundred thousand or more according to the most 11337  
recent federal decennial census or the most recent annual 11338  
population estimate published or released by the United States 11339  
census bureau at the time the resolution is adopted placing the 11340  
levy on the ballot, may, by resolution adopted on or before July 11341  
1, 2008, by a majority of the members of the legislative authority 11342  
and with the subsequent approval of a majority of the electors of 11343  
the county voting upon it, levy a tax of not more than two per 11344  
cent on every retail sale in the county of food and beverages to 11345  
be consumed on the premises where sold to pay the expenses of 11346  
administering the tax and to provide revenues for paying the 11347  
direct and indirect costs of constructing, improving, expanding, 11348  
equipping, financing, or operating a convention center. The 11349  
resolution shall direct the board of elections to submit the 11350  
question of levying the tax to the electors of the county at the 11351  
next primary or general election in the county occurring not less 11352  
than seventy-five days after the resolution is certified to the 11353  
board of elections. The legislative authority shall establish all 11354  
rules necessary to provide for the administration and allocation 11355  
of the tax. The rules may prescribe the time for payment of the 11356  
tax and may provide for imposition of a penalty, interest, or both 11357  
for late payments, but any such penalty shall not exceed ten per 11358  
cent of the amount of tax due and the rate at which interest 11359  
accrues shall not exceed the rate per annum required under section 11360  
5703.47 of the Revised Code. 11361

(C) A tax levied under this section shall remain in effect 11362  
for the period of time specified in the resolution or ordinance 11363  
levying the tax, but not for a longer period than forty years. 11364

(D) A tax levied under this section is in addition to any 11365

other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 11366  
or any other chapter of the Revised Code. "Price," as defined in 11367  
sections 5739.01 and 5741.01 of the Revised Code, does not include 11368  
any tax levied under this section and any tax levied under this 11369  
section does not include any tax imposed under Chapter 5739. or 11370  
5741. of the Revised Code. 11371

(E) Any amount collected from a tax levied under this section 11372  
may be contributed to a convention facilities authority created 11373  
before July 1, 2005, but no amount collected from a tax levied 11374  
under this section may be contributed to a convention facilities 11375  
authority, corporation, or other entity created after July 1, 11376  
2005, unless the mayor of the municipal corporation in which the 11377  
convention center is to be operated by that convention facilities 11378  
authority, corporation, or other entity has consented to the 11379  
creation of that convention facilities authority, corporation, or 11380  
entity. 11381

(F) The levy of any taxes under Chapter 5739. of the Revised 11382  
Code on the same transactions subject to a tax under this section 11383  
does not prevent the levy of a tax under this section. 11384

**Sec. 307.695.** (A) As used in this section, "convention 11385  
center" means any structure expressly designed and constructed for 11386  
the purposes of presenting conventions, public meetings, and 11387  
exhibitions and includes parking facilities that serve the center 11388  
and any personal property used in connection with any such 11389  
structure or facilities. 11390

(B) A board of county commissioners may enter into an 11391  
agreement with a convention and visitors' bureau operating in the 11392  
county under which: 11393

(1) The bureau agrees to construct and equip a convention 11394  
center in the county and to pledge and contribute from the tax 11395

revenues received by it under division (A) of section 5739.09 of 11396  
the Revised Code, not more than such portion thereof that it is 11397  
authorized to pledge and contribute for the purpose described in 11398  
division (C) of this section; and 11399

(2) The board agrees to levy a tax under division (C) of 11400  
section 5739.09 of the Revised Code and pledge and contribute the 11401  
revenues therefrom for the purpose described in division (C) of 11402  
this section. 11403

(C) The purpose of the pledges and contributions described in 11404  
divisions (B)(1) and (2) of this section is payment of principal, 11405  
interest, and premium, if any, on bonds and notes issued by or for 11406  
the benefit of the bureau to finance the construction and 11407  
equipping of a convention center. The pledges and contributions 11408  
provided for in the agreement shall be for the period stated in 11409  
the agreement, but not to exceed thirty years. Revenues determined 11410  
from time to time by the board to be needed to cover the real and 11411  
actual costs of administering the tax imposed by division (C) of 11412  
section 5739.09 of the Revised Code may not be pledged or 11413  
contributed. The agreement shall provide that any such bonds and 11414  
notes shall be secured by a trust agreement between the bureau or 11415  
other issuer acting for the benefit of the bureau and a corporate 11416  
trustee that is a trust company or bank having the powers of a 11417  
trust company within or without the state, and the trust agreement 11418  
shall pledge or assign to the retirement of the bonds or notes, 11419  
all moneys paid by the county under this section. A tax the 11420  
revenues from which are pledged under an agreement entered into by 11421  
a board of county commissioners under this section shall not be 11422  
subject to diminution by initiative or referendum, or diminution 11423  
by statute, unless provision is made therein for an adequate 11424  
substitute therefor reasonably satisfactory to the trustee under 11425  
the trust agreement that secures the bonds and notes. 11426

(D) A pledge of money by a county under this section shall 11427



not be indebtedness of the county for purposes of Chapter 133. of 11428  
the Revised Code. 11429

(E) If the terms of the agreement so provide, the board of 11430  
county commissioners may acquire and lease real property to the 11431  
convention bureau as the site of the convention center. The lease 11432  
shall be for a term not to exceed thirty years and shall be on 11433  
such terms as are set forth in the agreement. The purchase and 11434  
lease are not subject to the limitations of sections 307.02 and 11435  
307.09 of the Revised Code. 11436

(F) In addition to the authority granted to a board of county 11437  
commissioners under divisions (B) to (E) of this section, a board 11438  
of county commissioners in a county with a population of one 11439  
million two hundred thousand or more may establish and provide 11440  
local funding options for constructing and equipping a convention 11441  
center. 11442

**Sec. 307.86.** Anything to be purchased, leased, leased with an 11443  
option or agreement to purchase, or constructed, including, but 11444  
not limited to, any product, structure, construction, 11445  
reconstruction, improvement, maintenance, repair, or service, 11446  
except the services of an accountant, architect, attorney at law, 11447  
physician, professional engineer, construction project manager, 11448  
consultant, surveyor, or appraiser, by or on behalf of the county 11449  
or contracting authority, as defined in section 307.92 of the 11450  
Revised Code, at a cost in excess of twenty-five thousand dollars, 11451  
except as otherwise provided in division (D) of section 713.23 and 11452  
in sections 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 11453  
339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 11454  
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 11455  
obtained through competitive bidding. However, competitive bidding 11456  
is not required when any of the following applies: 11457

(A) The board of county commissioners, by a unanimous vote of 11458

its members, makes a determination that a real and present  
emergency exists, and that determination and the reasons for it  
are entered in the minutes of the proceedings of the board, when  
either of the following applies:

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

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

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

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

(B)(1) The purchase consists of supplies or a replacement or  
supplemental part or parts for a product or equipment owned or  
leased by the county, and the only source of supply for the  
supplies, part, or parts is limited to a single supplier.

(2) The purchase consists of services related to information  
technology, such as programming services, that are proprietary or  
limited to a single source.

(C) The purchase is from the federal government, the state, 11490  
another county or contracting authority of another county, or a 11491  
board of education, township, or municipal corporation. 11492

(D) The purchase is made by a county department of job and 11493  
family services under section 329.04 of the Revised Code and 11494  
consists of family services duties or workforce development 11495  
activities or is made by a county board of mental retardation and 11496  
developmental disabilities under section 5126.05 of the Revised 11497  
Code and consists of program services, such as direct and 11498  
ancillary client services, child care, case management services, 11499  
residential services, and family resource services. 11500

(E) The purchase consists of criminal justice services, 11501  
social services programs, family services, or workforce 11502  
development activities by the board of county commissioners from 11503  
nonprofit corporations or associations under programs funded by 11504  
the federal government or by state grants. 11505

(F) The purchase consists of any form of an insurance policy 11506  
or contract authorized to be issued under Title XXXIX of the 11507  
Revised Code or any form of health care plan authorized to be 11508  
issued under Chapter 1751. of the Revised Code, or any combination 11509  
of such policies, contracts, or plans that the contracting 11510  
authority is authorized to purchase, and the contracting authority 11511  
does all of the following: 11512

(1) Determines that compliance with the requirements of this 11513  
section would increase, rather than decrease, the cost of the 11514  
purchase; 11515

(2) Employs a competent consultant to assist the contracting 11516  
authority in procuring appropriate coverages at the best and 11517  
lowest prices; 11518

(3) Requests issuers of the policies, contracts, or plans to 11519  
submit proposals to the contracting authority, in a form 11520

prescribed by the contracting authority, setting forth the 11521  
coverage and cost of the policies, contracts, or plans as the 11522  
contracting authority desires to purchase; 11523

(4) Negotiates with the issuers for the purpose of purchasing 11524  
the policies, contracts, or plans at the best and lowest price 11525  
reasonably possible. 11526

(G) The purchase consists of computer hardware, software, or 11527  
consulting services that are necessary to implement a computerized 11528  
case management automation project administered by the Ohio 11529  
prosecuting attorneys association and funded by a grant from the 11530  
federal government. 11531

(H) Child care services are purchased for provision to county 11532  
employees. 11533

(I)(1) Property, including land, buildings, and other real 11534  
property, is leased for offices, storage, parking, or other 11535  
purposes, and all of the following apply: 11536

(a) The contracting authority is authorized by the Revised 11537  
Code to lease the property. 11538

(b) The contracting authority develops requests for proposals 11539  
for leasing the property, specifying the criteria that will be 11540  
considered prior to leasing the property, including the desired 11541  
size and geographic location of the property. 11542

(c) The contracting authority receives responses from 11543  
prospective lessors with property meeting the criteria specified 11544  
in the requests for proposals by giving notice in a manner 11545  
substantially similar to the procedures established for giving 11546  
notice under section 307.87 of the Revised Code. 11547

(d) The contracting authority negotiates with the prospective 11548  
lessors to obtain a lease at the best and lowest price reasonably 11549  
possible considering the fair market value of the property and any 11550

relocation and operational costs that may be incurred during the 11551  
period the lease is in effect. 11552

(2) The contracting authority may use the services of a real 11553  
estate appraiser to obtain advice, consultations, or other 11554  
recommendations regarding the lease of property under this 11555  
division. 11556

(J) The purchase is made pursuant to section 5139.34 or 11557  
sections 5139.41 to 5139.46 of the Revised Code and is of programs 11558  
or services that provide case management, treatment, or prevention 11559  
services to any felony or misdemeanor delinquent, unruly youth, 11560  
or status offender under the supervision of the juvenile court, 11561  
including, but not limited to, community residential care, day 11562  
treatment, services to children in their home, or electronic 11563  
monitoring. 11564

(K) The purchase is made by a public children services agency 11565  
pursuant to section 307.92 or 5153.16 of the Revised Code and 11566  
consists of family services, programs, or ancillary services that 11567  
provide case management, prevention, or treatment services for 11568  
children at risk of being or alleged to be abused, neglected, or 11569  
dependent children. 11570

(L) The purchase is to obtain the services of emergency 11571  
medical service organizations under a contract made by the board 11572  
of county commissioners pursuant to section 307.05 of the Revised 11573  
Code with a joint emergency medical services district. 11574

Any issuer of policies, contracts, or plans listed in 11575  
division (F) of this section and any prospective lessor under 11576  
division (I) of this section may have the issuer's or prospective 11577  
lessor's name and address, or the name and address of an agent, 11578  
placed on a special notification list to be kept by the 11579  
contracting authority, by sending the contracting authority that 11580  
name and address. The contracting authority shall send notice to 11581

all persons listed on the special notification list. Notices shall  
state the deadline and place for submitting proposals. The  
contracting authority shall mail the notices at least six weeks  
prior to the deadline set by the contracting authority for  
submitting proposals. Every five years the contracting authority  
may review this list and remove any person from the list after  
mailing the person notification of that action.

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

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

**Sec. 307.88.** (A) Bids submitted pursuant to sections 307.86  
to 307.92 of the Revised Code shall be in a form prescribed by the  
contracting authority and filed in a sealed envelope at the time  
and place mentioned in the ~~advertisement~~ notice. The bids received  
shall be opened and tabulated at the time stated in the notice.  
Each bid shall contain the full name of each person submitting the  
bid. ~~Except as otherwise provided in division (B) of this section,~~  
~~if~~ If the bid is in excess of ~~ten~~ twenty-five thousand dollars and  
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  
in excess of ~~ten~~ twenty-five thousand dollars and for any other  
contract authorized by sections 307.86 to 307.92 of the Revised  
Code, it shall be accompanied by a bond or certified check,  
cashier's check, or money order on a solvent bank or savings and

loan association in a reasonable amount stated in the 11613  
~~advertisement notice~~ but not to exceed five per cent of the bid, 11614  
conditioned that ~~he shall~~ the bidder, if ~~his~~ the bidder's bid is 11615  
accepted, shall execute a contract in conformity to the invitation 11616  
and ~~his~~ the bid. 11617

(B) The board of county commissioners ~~may~~, by a unanimous 11618  
vote of the entire board, may permit a contracting authority to 11619  
exempt a bid from any or all of the requirements of section 153.54 11620  
of the Revised Code if the estimated cost is ~~less than~~ twenty-five 11621  
thousand dollars or less. If the board exempts a bid from any but 11622  
not all of ~~these~~ those requirements, the bid notice published in 11623  
the newspaper pursuant to section 307.87 of the Revised Code shall 11624  
state the specific bid guaranty requirements that apply. If the 11625  
board exempts a bid from all requirements of section 153.54 of the 11626  
Revised Code, the notice shall state that none of the requirements 11627  
of that section apply. 11628

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 11629  
of this section, the county recorder shall keep six separate sets 11630  
of records as follows: 11631

(1) A record of deeds, in which shall be recorded all deeds 11632  
and other instruments of writing for the absolute and 11633  
unconditional sale or conveyance of lands, tenements, and 11634  
hereditaments; all notices as provided in sections 5301.47 to 11635  
5301.56 of the Revised Code; all judgments or decrees in actions 11636  
brought under section 5303.01 of the Revised Code; all 11637  
declarations and bylaws, and all amendments to declarations and 11638  
bylaws, as provided in Chapter 5311. of the Revised Code; 11639  
affidavits as provided in section 5301.252 of the Revised Code; 11640  
all certificates as provided in section 5311.17 of the Revised 11641  
Code; all articles dedicating archaeological preserves accepted by 11642  
the director of the Ohio historical society under section 149.52 11643

of the Revised Code; all articles dedicating nature preserves 11644  
accepted by the director of natural resources under section 11645  
1517.05 of the Revised Code; all agreements for the registration 11646  
of lands as archaeological or historic landmarks under section 11647  
149.51 or 149.55 of the Revised Code; all conveyances of 11648  
conservation easements and agricultural easements under section 11649  
5301.68 of the Revised Code; all instruments extinguishing 11650  
agricultural easements under section 901.21 or 5301.691 of the 11651  
Revised Code or pursuant to terms of such an easement granted to a 11652  
charitable organization under section 5301.68 of the Revised Code; 11653  
all instruments or orders described in division (B)(1)(c)(ii) of 11654  
section 5301.56 of the Revised Code; all no further action letters 11655  
issued under section 122.654 or 3746.11 of the Revised Code; all 11656  
covenants not to sue issued under section 3746.12 of the Revised 11657  
Code, including all covenants not to sue issued pursuant to 11658  
section 122.654 of the Revised Code; any restrictions on the use 11659  
of property contained in a no further action letter issued under 11660  
section 122.654 of the Revised Code, any restrictions on the use 11661  
of property identified pursuant to division (C)(3)(a) of section 11662  
3746.10 of the Revised Code, and any restrictions on the use of 11663  
property contained in a deed or other instrument as provided in 11664  
division (E) or (F) of section 3737.882 of the Revised Code; any 11665  
easement executed or granted under section 3734.22, 3734.24, 11666  
3734.25, or 3734.26 of the Revised Code; any environmental 11667  
covenant entered into in accordance with sections 5301.80 to 11668  
5301.92 of the Revised Code; all memoranda of trust, as described 11669  
in division (A) of section 5301.255 of the Revised Code, that 11670  
describe specific real property; and all agreements entered into 11671  
under division (A) of section 1521.26 of the Revised Code; 11672

(2) A record of mortgages, in which shall be recorded all of 11673  
the following: 11674

(a) All mortgages, including amendments, supplements, 11675



modifications, and extensions of mortgages, or other instruments 11676  
of writing by which lands, tenements, or hereditaments are or may 11677  
be mortgaged or otherwise conditionally sold, conveyed, affected, 11678  
or encumbered; 11679

(b) All executory installment contracts for the sale of land 11680  
executed after September 29, 1961, that by their terms are not 11681  
required to be fully performed by one or more of the parties to 11682  
them within one year of the date of the contracts; 11683

(c) All options to purchase real estate, including 11684  
supplements, modifications, and amendments of the options, but no 11685  
option of that nature shall be recorded if it does not state a 11686  
specific day and year of expiration of its validity; 11687

(d) Any tax certificate sold under section 5721.33 of the 11688  
Revised Code, or memorandum of it, that is presented for filing of 11689  
record. 11690

(3) A record of powers of attorney, including all memoranda 11691  
of trust, as described in division (A) of section 5301.255 of the 11692  
Revised Code, that do not describe specific real property; 11693

(4) A record of plats, in which shall be recorded all plats 11694  
and maps of town lots, of the subdivision of town lots, and of 11695  
other divisions or surveys of lands, any center line survey of a 11696  
highway located within the county, the plat of which shall be 11697  
furnished by the director of transportation or county engineer, 11698  
and all drawings and amendments to drawings, as provided in 11699  
Chapter 5311. of the Revised Code; 11700

(5) A record of leases, in which shall be recorded all 11701  
leases, memoranda of leases, and supplements, modifications, and 11702  
amendments of leases and memoranda of leases; 11703

(6) A record of declarations executed pursuant to section 11704  
2133.02 of the Revised Code and durable powers of attorney for 11705

health care executed pursuant to section 1337.12 of the Revised  
Code. 11706  
11707

(B) All instruments or memoranda of instruments entitled to 11708  
record shall be recorded in the proper record in the order in 11709  
which they are presented for record. The recorder may index, keep, 11710  
and record in one volume unemployment compensation liens, internal 11711  
revenue tax liens and other liens in favor of the United States as 11712  
described in division (A) of section 317.09 of the Revised Code, 11713  
personal tax liens, mechanic's liens, agricultural product liens, 11714  
notices of liens, certificates of satisfaction or partial release 11715  
of estate tax liens, discharges of recognizances, excise and 11716  
franchise tax liens on corporations, broker's liens, and liens 11717  
provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.021~~ 11718  
5111.022, and 5311.18 of the Revised Code. 11719

The recording of an option to purchase real estate, including 11720  
any supplement, modification, and amendment of the option, under 11721  
this section shall serve as notice to any purchaser of an interest 11722  
in the real estate covered by the option only during the period of 11723  
the validity of the option as stated in the option. 11724

(C) In lieu of keeping the six separate sets of records 11725  
required in divisions (A)(1) to (6) of this section and the 11726  
records required in division (D) of this section, a county 11727  
recorder may record all the instruments required to be recorded by 11728  
this section in two separate sets of record books. One set shall 11729  
be called the "official records" and shall contain the instruments 11730  
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 11731  
section. The second set of records shall contain the instruments 11732  
listed in division (A)(4) of this section. 11733

(D) Except as provided in division (C) of this section, the 11734  
county recorder shall keep a separate set of records containing 11735  
all corrupt activity lien notices filed with the recorder pursuant 11736

to section 2923.36 of the Revised Code and a separate set of  
records containing all medicaid fraud lien notices filed with the  
recorder pursuant to section 2933.75 of the Revised Code.

**Sec. 317.36.** (A) The county recorder shall collect the low-  
and moderate-income housing trust fund fee as specified in  
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60,  
~~5111.021~~ 5111.022, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22,  
6101.09, and 6115.09 of the Revised Code. The amount of any  
housing trust fund fee the recorder is authorized to collect is  
equal to the amount of any base fee the recorder is authorized to  
collect for services. The housing trust fund fees shall be  
collected in addition to the base fee.

(B) The recorder shall certify the amounts collected as  
housing trust fund fees pursuant to division (A) of this section  
into the county treasury as housing trust fund fees to be paid to  
the treasurer of state pursuant to section 319.63 of the Revised  
Code.

**Sec. 319.20.** After complying with sections 319.202, 315.251,  
and 319.203 of the Revised Code, and on application and  
presentation of title, with the affidavits required by law, or the  
proper order of a court, bearing the last known address of the  
grantee, or of any one of the grantees named in the title, and a  
reference to the volume and page of the recording of the next  
preceding recorded instrument by or through which the grantor  
claims title, the county auditor shall transfer any land or town  
lot or part thereof, minerals therein, or mineral rights thereto,  
charged with taxes on the tax list, from the name in which it  
stands into the name of the owner, when rendered necessary by a  
conveyance, partition, devise, descent, or otherwise. If by reason  
of the conveyance or otherwise, a part only of a tract or lot,

minerals therein, or mineral rights thereto, as charged in the tax 11767  
list, is to be transferred, the auditor shall determine the tax 11768  
value of the part of a tract or lot of real estate, minerals 11769  
therein, or mineral rights thereto, so transferred, and the value 11770  
of the remaining part compared with the value of the whole. 11771

Whenever a part only of a tract or lot of real estate has 11772  
been transferred by the auditor and ~~such~~ the tract or lot bears 11773  
unpaid taxes, penalties, interest, or special assessments, the 11774  
unpaid taxes, penalties, interest, or special assessments shall 11775  
immediately be apportioned, upon demand or request by the 11776  
transferee or remaining owner, in the following manner: 11777

(A) The auditor shall allocate to the part so transferred, 11778  
and to the remaining part, amounts of any current or delinquent 11779  
taxes, interest, or penalties that have accrued against the parcel 11780  
as a whole, proportionate to their respective values. 11781

(B) The lien of taxes, penalties, interest, and special 11782  
assessments, as levied against the original tract, shall extend to 11783  
the part so transferred and the part remaining only to the extent 11784  
of the amounts so allocated to the respective parts. 11785

This section does not change the total amount of taxes, 11786  
special assessments, or other charges as originally levied, or the 11787  
total amount of the balance due. The auditor shall certify such 11788  
apportionments to the county treasurer. 11789

Whenever the state acquires an entire parcel or a part only 11790  
of a parcel of real property in fee simple, the county auditor, 11791  
upon application of the grantor or property owner or the state, 11792  
which application shall contain a description of the property as 11793  
it appears on the tax list and the date of transfer of ownership, 11794  
shall prepare an estimate of the taxes that are a lien on ~~said~~ the 11795  
property, but have not been determined, assessed, and levied for 11796  
the year in which the property was acquired. The county auditor 11797

shall thereupon apportion ~~such~~ the estimated taxes proportionately 11798  
between the grantor and the state for the period of the lien year 11799  
that each had or shall have had ownership or possession of the 11800  
property, whichever is earlier. The county treasurer shall accept 11801  
payment from the state for estimated taxes at the time that the 11802  
real property is acquired. If the state has paid in full in the 11803  
year in which the property is acquired that proportion of the 11804  
estimated taxes that the tax commissioner determines are not 11805  
subject to remission by the county auditor for such year under 11806  
division (C) of section 5713.08 of the Revised Code, the estimated 11807  
taxes paid shall be considered the tax liability on the exempted 11808  
property for that year. 11809

Section 319.42 of the Revised Code applies to the 11810  
apportionment of special assessments. 11811

Complaint against such values as determined by the auditor or 11812  
the allocation of assessments by the certifying authority may be 11813  
filed by the transferee or the remaining owner, and if filed, 11814  
proceedings including appeals shall be had in the manner and 11815  
within the time provided by sections 5717.01 to 5717.06 and 11816  
5715.19 to 5715.22 of the Revised Code, for complaints against 11817  
valuation or assessment of real property. 11818

The auditor shall endorse on the deed or other evidences of 11819  
title presented to the auditor that the proper transfer of the 11820  
real estate described in ~~such~~ the deed has been made in the 11821  
auditor's office or that it is not entered for taxation, and sign 11822  
the auditor's name to ~~such~~ the deed. The address of the grantee, 11823  
or any one of the grantees, set forth in the deed or other 11824  
evidences of title shall be entered by the auditor on the transfer 11825  
sheets and on the general tax list of real property prepared 11826  
pursuant to section 319.28 of the Revised Code. 11827

**Sec. 319.302. (A)(1) Real property that is not intended** 11828

primarily for use in a business activity shall qualify for a 11829  
partial exemption from real property taxation. For purposes of 11830  
this partial exemption, "business activity" includes all uses of 11831  
real property, except farming; leasing property for farming; 11832  
occupying or holding property improved with single-family, 11833  
two-family, or three-family dwellings; leasing property improved 11834  
with single-family, two-family, or three-family dwellings; or 11835  
holding vacant land that the county auditor determines will be 11836  
used for farming or to develop single-family, two-family, or 11837  
three-family dwellings. For purposes of this partial exemption, 11838  
"farming" does not include land used for the commercial production 11839  
of timber that is receiving the tax benefit under section 5713.23 11840  
or 5713.31 of the Revised Code and all improvements connected with 11841  
such commercial production of timber. 11842

(2) Each year, the county auditor shall review each parcel of 11843  
real property to determine whether it qualifies for the partial 11844  
exemption provided for by this section as of the first day of 11845  
January of the current tax year. 11846

(B) After complying with section 319.301 of the Revised Code, 11847  
the county auditor shall reduce the remaining sums to be levied 11848  
against each parcel of real property that is listed on the general 11849  
tax list and duplicate of real and public utility property for the 11850  
current tax year and that qualifies for partial exemption under 11851  
division (A) of this section, and against each manufactured and 11852  
mobile home that is taxed pursuant to division (D)(2) of section 11853  
4503.06 of the Revised Code and that is on the manufactured home 11854  
tax list for the current tax year, by ten per cent, to provide a 11855  
partial exemption for that parcel or home. Except as otherwise 11856  
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 11857  
Revised Code, the amount of the taxes remaining after any such 11858  
reduction shall be the real and public utility property taxes 11859  
charged and payable on each parcel of real property, including 11860

property that does not qualify for partial exemption under 11861  
division (A) of this section, and the manufactured home tax 11862  
charged and payable, on each ~~property~~ manufactured or mobile home, 11863  
and shall be the amounts certified to the county treasurer for 11864  
collection. Upon receipt of the tax duplicate, the treasurer shall 11865  
certify to the tax commissioner the total amount by which taxes 11866  
were reduced under this section, as shown on the duplicate. Such 11867  
reduction shall not directly or indirectly affect the 11868  
determination of the principal amount of notes that may be issued 11869  
in anticipation of any tax levies or the amount of bonds or notes 11870  
for any planned improvements. If after application of sections 11871  
5705.31 and 5705.32 of the Revised Code and other applicable 11872  
provisions of law, including divisions (F) and (I) of section 11873  
321.24 of the Revised Code, there would be insufficient funds for 11874  
payment of debt charges on bonds or notes payable from taxes 11875  
reduced by this section, the reduction of taxes provided for in 11876  
this section shall be adjusted to the extent necessary to provide 11877  
funds from such taxes. 11878

(C) The tax commissioner may adopt rules governing the 11879  
administration of the partial exemption provided for by this 11880  
section. 11881

(D) The determination of whether property qualifies for 11882  
partial exemption under division (A) of this section is solely for 11883  
the purpose of allowing the partial exemption under division (B) 11884  
of this section. 11885

**Sec. 321.24.** (A) On or before the fifteenth day of February, 11886  
in each year, the county treasurer shall settle with the county 11887  
auditor for all taxes and assessments that the treasurer has 11888  
collected on the general duplicate of real and public utility 11889  
property at the time of making the settlement. 11890

(B) On or before the thirtieth day of June, in each year, the 11891

treasurer shall settle with the auditor for all advance payments 11892  
of general personal and classified property taxes that the 11893  
treasurer has received at the time of making the settlement. 11894

(C) On or before the tenth day of August, in each year, the 11895  
treasurer shall settle with the auditor for all taxes and 11896  
assessments that the treasurer has collected on the general 11897  
duplicates of real and public utility property at the time of 11898  
making such settlement, not included in the preceding February 11899  
settlement. 11900

(D) On or before the thirty-first day of October, in each 11901  
year, the treasurer shall settle with the auditor for all taxes 11902  
that the treasurer has collected on the general personal and 11903  
classified property duplicates, and for all advance payments of 11904  
general personal and classified property taxes, not included in 11905  
the preceding June settlement, that the treasurer has received at 11906  
the time of making such settlement. 11907

(E) In the event the time for the payment of taxes is 11908  
extended, pursuant to section 323.17 of the Revised Code, the date 11909  
on or before which settlement for the taxes so extended must be 11910  
made, as herein prescribed, shall be deemed to be extended for a 11911  
like period of time. At each such settlement, the auditor shall 11912  
allow to the treasurer, on the moneys received or collected and 11913  
accounted for by the treasurer, the treasurer's fees, at the rate 11914  
or percentage allowed by law, at a full settlement of the 11915  
treasurer. 11916

(F) Within thirty days after the day of each settlement of 11917  
taxes required under divisions (A) and (C) of this section, the 11918  
treasurer shall certify to the tax commissioner any adjustments 11919  
~~which~~ that have been made to the amount certified previously 11920  
pursuant to section 319.302 of the Revised Code and that the 11921  
settlement has been completed. Upon receipt of such certification, 11922



the commissioner shall provide for payment to the county treasurer 11923  
from the general revenue fund of an amount equal to one-half of 11924  
the amount certified by the treasurer in the preceding tax year 11925  
under section 319.302 of the Revised Code, less one-half of the 11926  
amount computed for all taxing districts in that county for the 11927  
current fiscal year under section 5703.80 of the Revised Code for 11928  
crediting to the property tax administration fund. Such payment 11929  
shall be credited upon receipt to the county's undivided income 11930  
tax fund, and the county auditor shall transfer to the county 11931  
general fund from the amount thereof the total amount of all fees 11932  
and charges which the auditor and treasurer would have been 11933  
authorized to receive had such section not been in effect and that 11934  
amount had been levied and collected as taxes. The county auditor 11935  
shall distribute the amount remaining among the various taxing 11936  
districts in the county as if it had been levied, collected, and 11937  
settled as real property taxes. The amount distributed to each 11938  
taxing district shall be reduced by the total of the amounts 11939  
computed for the district under ~~divisions (A), (B), and (C) of~~ 11940  
section 5703.80 of the Revised Code, but the reduction shall not 11941  
exceed the amount that otherwise would be distributed to the 11942  
taxing district under this division. The tax commissioner shall 11943  
make available to taxing districts such information as is 11944  
sufficient for a taxing district to be able to determine the 11945  
amount of the reduction in its distribution under this section. 11946

(G)(1) Within thirty days after the day of the settlement 11947  
required in division (D) of this section, the county treasurer 11948  
shall notify the tax commissioner that the settlement has been 11949  
completed. Upon receipt of that notification, the commissioner 11950  
shall provide for payment to the county treasurer from the general 11951  
revenue fund of an amount equal to the amount certified under 11952  
former section 319.311 of the Revised Code and paid in the state's 11953  
fiscal year 2003 multiplied by the percentage specified in 11954  
division (G)(2) of this section. The payment shall be credited 11955

upon receipt to the county's undivided income tax fund, and the  
county auditor shall distribute the amount thereof among the  
various taxing districts of the county as if it had been levied,  
collected, and settled as personal property taxes. The amount  
received by a taxing district under this division shall be  
apportioned among its funds in the same proportion as the current  
year's personal property taxes are apportioned.

(2) Payments required under division (G)(1) of this section  
shall be made at the following percentages of the amount certified  
under former section 319.311 of the Revised Code and paid under  
division (G)(1) of this section in the state's fiscal year 2003:

(a) In fiscal year 2004, ninety per cent;

(b) In fiscal year 2005, eighty per cent;

(c) In fiscal year 2006, ~~seventy~~ sixty-four per cent;

(d) In fiscal year 2007, ~~sixty~~ forty per cent;

(e) In fiscal year 2008, ~~fifty~~ thirty-two per cent;

(f) In fiscal year 2009, ~~forty~~ sixteen per cent;

~~(g) In fiscal year 2010, thirty per cent;~~

~~(h) In fiscal year 2011, twenty per cent;~~

~~(i) In fiscal year 2012, ten per cent.~~

After fiscal year ~~2012~~ 2009, no payments shall be made under  
division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the  
county treasurer shall settle with the county auditor for all  
manufactured home taxes that the county treasurer has collected on  
the manufactured home tax duplicate at the time of making the  
settlement.

(2) On or before the fifteenth day of September each year,  
the county treasurer shall settle with the county auditor for all

remaining manufactured home taxes that the county treasurer has 11985  
collected on the manufactured home tax duplicate at the time of 11986  
making the settlement. 11987

(3) If the time for payment of such taxes is extended under 11988  
section 4503.06 of the Revised Code, the time for making the 11989  
settlement as prescribed by divisions (H)(1) and (2) of this 11990  
section is extended for a like period of time. 11991

(I) Within thirty days after the day of each settlement of 11992  
taxes required under division (H) of this section, the county 11993  
treasurer shall certify to the tax commissioner any adjustments 11994  
that have been made to the amount certified previously pursuant to 11995  
section 319.302 of the Revised Code and that the settlement has 11996  
been completed. Upon receipt of such certification, the 11997  
commissioner shall provide for payment to the county treasurer 11998  
from the general revenue fund of an amount equal to one-half of 11999  
the amount certified by the treasurer in the current tax year 12000  
under section 319.302 of the Revised Code. Such payment shall be 12001  
credited upon receipt to the county's undivided income tax fund, 12002  
and the county auditor shall transfer to the county general fund 12003  
from the amount thereof the total amount of all fees and charges 12004  
that the auditor and treasurer would have been authorized to 12005  
receive had such section not been in effect and that amount had 12006  
been levied and collected as taxes. The county auditor shall 12007  
distribute the amount remaining among the various taxing districts 12008  
in the county as if it had been levied, collected, and settled as 12009  
manufactured home taxes. 12010

**Sec. 323.01.** Except as otherwise provided, as used in Chapter 12011  
323. of the Revised Code: 12012

(A) "Subdivision" means any county, township, school 12013  
district, or municipal corporation. 12014

(B) "Municipal corporation" includes charter municipalities. 12015

(C) "Taxes" means the total amount of all charges against an 12016  
entry appearing on a tax list and the duplicate thereof that was 12017  
prepared and certified in accordance with section 319.28 of the 12018  
Revised Code, including taxes levied against real estate; taxes on 12019  
property whose value is certified pursuant to section 5727.23 of 12020  
the Revised Code; recoupment charges applied pursuant to section 12021  
5713.35 of the Revised Code; all assessments; penalties and 12022  
interest charged pursuant to section 323.121 of the Revised Code; 12023  
charges added pursuant to section 319.35 of the Revised Code; and 12024  
all of such charges which remain unpaid from any previous tax 12025  
year. 12026

(D) "Current taxes" means all taxes charged against an entry 12027  
on the general tax list and duplicate of real and public utility 12028  
property that have not appeared on such list and duplicate for any 12029  
prior tax year and any penalty thereon charged by division (A) of 12030  
section 323.121 of the Revised Code. Current taxes, whether or not 12031  
they have been certified delinquent, become delinquent taxes if 12032  
they remain unpaid after the last day prescribed for payment of 12033  
the second installment of current taxes without penalty. 12034

(E) "Delinquent taxes" means: 12035

(1) Any taxes charged against an entry on the general tax 12036  
list and duplicate of real and public utility property that were 12037  
charged against an entry on such list and duplicate for a prior 12038  
tax year and any penalties and interest charged against such 12039  
taxes. 12040

(2) Any current taxes charged on the general tax list and 12041  
duplicate of real and public utility property that remain unpaid 12042  
after the last day prescribed for payment of the second 12043  
installment of such taxes without penalty, whether or not they 12044  
have been certified delinquent, and any penalties and interest 12045

charged against such taxes. 12046

(F) "Current tax year" means, with respect to particular 12047  
taxes, the calendar year in which the first installment of taxes 12048  
is due prior to any extension granted under section 323.17 of the 12049  
Revised Code. 12050

(G) "Liquidated claim" means: 12051

(1) Any sum of money due and payable, upon a written 12052  
contractual obligation executed between the subdivision and the 12053  
taxpayer, but excluding any amount due on general and special 12054  
assessment bonds and notes; 12055

(2) Any sum of money due and payable, for disability 12056  
financial assistance ~~or disability medical assistance~~ provided 12057  
under Chapter 5115. of the Revised Code that is furnished to or in 12058  
behalf of a subdivision, provided that such claim is recognized by 12059  
a resolution or ordinance of the legislative body of such 12060  
subdivision; 12061

(3) Any sum of money advanced and paid to or received and 12062  
used by a subdivision, pursuant to a resolution or ordinance of 12063  
such subdivision or its predecessor in interest, and the moral 12064  
obligation to repay which sum, when in funds, shall be recognized 12065  
by resolution or ordinance by the subdivision. 12066

**Sec. 323.152.** In addition to the reduction in taxes required 12067  
under section 319.302 of the Revised Code, taxes shall be reduced 12068  
as provided in divisions (A) and (B) of this section. 12069

(A)(1) Division (A) of this section applies to any of the 12070  
following: 12071

(a) A person who is permanently and totally disabled; 12072

(b) A person who is sixty-five years of age or older; 12073

(c) A person who is the surviving spouse of a deceased person 12074

who was permanently and totally disabled or sixty-five years of  
age or older and who applied and qualified for a reduction in  
taxes under this division in the year of death, provided the  
surviving spouse is at least fifty-nine but not sixty-five or more  
years of age on the date the deceased spouse dies.

(2) Real property taxes on a homestead owned and occupied, or  
a homestead in a housing cooperative occupied, by a person to whom  
division (A) of this section applies shall be reduced for each  
year for which the owner obtains a certificate of reduction from  
the county auditor under section 323.154 of the Revised Code or  
for which the occupant obtains a certificate of reduction in  
accordance with section 323.159 of the Revised Code. The reduction  
shall equal the amount obtained by multiplying the tax rate for  
the tax year for which the certificate is issued by the reduction  
in taxable value shown in the following schedule:

Reduce Taxable Value		
Total Income	by the Lesser of:	
\$11,900 or less	\$5,000 or seventy-five per cent	
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	
More than \$17,500 but not more than \$23,000	\$1,000 or twenty-five per cent	
More than \$23,000	-0-	

(3) Each calendar year, the tax commissioner shall adjust the  
foregoing schedule by completing the following calculations in  
September of each year:

(a) Determine the percentage increase in the gross domestic  
product deflator determined by the bureau of economic analysis of  
the United States department of commerce from the first day of  
January of the preceding calendar year to the last day of December  
of the preceding calendar year;

(b) Multiply that percentage increase by each of the total 12104  
income amounts, and by each dollar amount by which taxable value 12105  
is reduced, for the current tax year; 12106

(c) Add the resulting product to each of the total income 12107  
amounts, and to each of the dollar amounts by which taxable value 12108  
is reduced, for the current tax year; 12109

(d)(i) Except as provided in division (A)(3)(d)(ii) of this 12110  
section, round the resulting sum to the nearest multiple of one 12111  
hundred dollars; 12112

(ii) If rounding the resulting sum to the nearest multiple of 12113  
one hundred dollars under division (A)(3)(d)(i) of this section 12114  
does not increase the dollar amounts by which taxable value is 12115  
reduced, the resulting sum instead shall be rounded to the nearest 12116  
multiple of ten dollars. 12117

The commissioner shall certify the amounts resulting from the 12118  
adjustment to each county auditor not later than the first day of 12119  
December each year. The certified amounts apply to the following 12120  
tax year. The commissioner shall not make the adjustment in any 12121  
calendar year in which the amounts resulting from the adjustment 12122  
would be less than the total income amounts, or less than the 12123  
dollar amounts by which taxable value is reduced, for the current 12124  
tax year. 12125

(B) ~~Real~~ To provide a partial exemption, real property taxes 12126  
on any homestead, and manufactured home taxes on any manufactured 12127  
or mobile home on which a manufactured home tax is assessed 12128  
pursuant to division (D)(2) of section 4503.06 of the Revised 12129  
Code, shall be reduced for each year for which the owner obtains a 12130  
certificate of reduction from the county auditor under section 12131  
323.154 of the Revised Code. The amount of the reduction shall 12132  
equal ~~one-fourth~~ two and one-half per cent of the amount ~~by which~~ 12133  
~~the of taxes charged and payable to be levied~~ on the homestead or 12134

the manufactured or mobile home ~~are reduced for such year under~~ 12135  
after applying section ~~319.302~~ 319.301 of the Revised Code. 12136

(C) The reductions granted by this section do not apply to 12137  
special assessments or respread of assessments levied against the 12138  
homestead, and if there is a transfer of ownership subsequent to 12139  
the filing of an application for a reduction in taxes, such 12140  
reductions are not forfeited for such year by virtue of such 12141  
transfer. 12142

(D) The reductions in taxable value referred to in this 12143  
section shall be applied solely as a factor for the purpose of 12144  
computing the reduction of taxes under this section and shall not 12145  
affect the total value of property in any subdivision or taxing 12146  
district as listed and assessed for taxation on the tax lists and 12147  
duplicates, or any direct or indirect limitations on indebtedness 12148  
of a subdivision or taxing district. If after application of 12149  
sections 5705.31 and 5705.32 of the Revised Code, including the 12150  
allocation of all levies within the ten-mill limitation to debt 12151  
charges to the extent therein provided, there would be 12152  
insufficient funds for payment of debt charges not provided for by 12153  
levies in excess of the ten-mill limitation, the reduction of 12154  
taxes provided for in sections 323.151 to 323.159 of the Revised 12155  
Code shall be proportionately adjusted to the extent necessary to 12156  
provide such funds from levies within the ten-mill limitation. 12157

(E) No reduction shall be made on the taxes due on the 12158  
homestead of any person convicted of violating division (C) or (D) 12159  
of section 323.153 of the Revised Code for a period of three years 12160  
following the conviction. 12161

**Sec. 325.31.** (A) On the first business day of each month, and 12162  
at the end of the officer's term of office, each officer named in 12163  
section 325.27 of the Revised Code shall pay into the county 12164  
treasury, to the credit of the general county fund, on the warrant 12165



of the county auditor, all fees, costs, penalties, percentages, 12166  
allowances, and perquisites collected by the officer's office 12167  
during the preceding month or part thereof for official services, 12168  
except the fees allowed the county auditor by division (B) of 12169  
section 319.54 of the Revised Code, which shall be paid into the 12170  
county treasury to the credit of the real estate assessment fund 12171  
hereby created. 12172

(B) Moneys to the credit of the real estate assessment fund 12173  
may be expended, upon appropriation by the board of county 12174  
commissioners, for the purpose of defraying one or more of the 12175  
following: 12176

(1) The cost incurred by the county auditor in assessing real 12177  
estate pursuant to Chapter 5713. of the Revised Code and 12178  
manufactured and mobile homes pursuant to Chapter 4503. of the 12179  
Revised Code; 12180

(2) At the county auditor's discretion, costs and expenses 12181  
incurred by the county auditor in preparing the list of real and 12182  
public utility property, in administering laws related to the 12183  
taxation of real property and the levying of special assessments 12184  
on real property, including administering reductions under 12185  
Chapters 319. and 323. and section 4503.065 of the Revised Code, 12186  
and to support assessments of real property in any administrative 12187  
or judicial proceeding; 12188

(3) At the county auditor's discretion, the expenses incurred 12189  
by the county board of revision under Chapter 5715. of the Revised 12190  
Code; 12191

(4) At the county auditor's discretion, the expenses incurred 12192  
by the county auditor for geographic information systems, mapping 12193  
programs, and technological advances in those or similar systems 12194  
or programs; 12195

(5) At the county auditor's discretion, expenses incurred by 12196

the county auditor in compiling the general tax list of tangible 12197  
personal property and administering tangible personal property 12198  
taxes under Chapters 5711. and 5719. of the Revised Code; 12199

(6) At the county auditor's discretion, costs, expenses, and 12200  
fees incurred by the county auditor in the administration of 12201  
estate taxes under Chapter 5731. of the Revised Code and the 12202  
amounts incurred under section 5731.41 of the Revised Code. 12203

Any expenditures made from the real estate assessment fund 12204  
shall comply with rules that the tax commissioner adopts under 12205  
division (O) of section 5703.05 of the Revised Code. Those rules 12206  
shall include a requirement that a copy of any appraisal plans, 12207  
progress of work reports, contracts, or other documents required 12208  
to be filed with the tax commissioner shall be filed also with the 12209  
board of county commissioners. 12210

The board of county commissioners shall not transfer moneys 12211  
required to be deposited in the real estate assessment fund to any 12212  
other fund. Following an assessment of real property pursuant to 12213  
Chapter 5713. of the Revised Code, or an assessment of a 12214  
manufactured or mobile home pursuant to Chapter 4503. of the 12215  
Revised Code, any moneys not expended for the purpose of defraying 12216  
the cost incurred in assessing real estate or manufactured or 12217  
mobile homes or for the purpose of defraying the expenses 12218  
described in divisions (B)(2), (3), (4), (5), and (6) of this 12219  
section, and thereby remaining to the credit of the real estate 12220  
assessment fund, shall be apportioned ratably and distributed to 12221  
those taxing authorities that contributed to the fund. However, no 12222  
such distribution shall be made if the amount of such unexpended 12223  
moneys remaining to the credit of the real estate assessment fund 12224  
does not exceed five thousand dollars. 12225

(C) None of the officers named in section 325.27 of the 12226  
Revised Code shall collect any fees from the county. Each of such 12227

officers shall, at the end of each calendar year, make and file a  
sworn statement with the board of county commissioners of all such  
fees, costs, penalties, percentages, allowances, and perquisites  
which have been due in the officer's office and unpaid for more  
than one year prior to the date such statement is required to be  
made.

**Sec. 329.04.** (A) The county department of job and family  
services shall have, exercise, and perform the following powers  
and duties:

(1) Perform any duties assigned by the state department of  
job and family services regarding the provision of public family  
services, including the provision of the following services to  
prevent or reduce economic or personal dependency and to  
strengthen family life:

(a) Services authorized by a Title IV-A program, as defined  
in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social  
Security Act" and provided for by section 5101.46 or 5101.461 of  
the Revised Code;

(c) If the county department is designated as the child  
support enforcement agency, services authorized by Title IV-D of  
the "Social Security Act" and provided for by Chapter 3125. of the  
Revised Code. The county department may perform the services  
itself or contract with other government entities, and, pursuant  
to division (C) of section 2301.35 and section 2301.42 of the  
Revised Code, private entities, to perform the Title IV-D  
services.

(d) Duties assigned under section 5111.98 of the Revised  
Code.

(2) Administer disability financial assistance, as required

by the state department of job and family services under section	12258
5115.03 of the Revised Code;	12259
<del>(3) Administer disability medical assistance, as required by</del>	12260
<del>the state department of job and family services under section</del>	12261
<del>5115.13 of the Revised Code;</del>	12262
<del>(4)</del> Administer burials insofar as the administration of	12263
burials was, prior to September 12, 1947, imposed upon the board	12264
of county commissioners and if otherwise required by state law;	12265
<del>(5)</del> <u>(4)</u> Cooperate with state and federal authorities in any	12266
matter relating to family services and to act as the agent of such	12267
authorities;	12268
<del>(6)</del> <u>(5)</u> Submit an annual account of its work and expenses to	12269
the board of county commissioners and to the state department of	12270
job and family services at the close of each fiscal year;	12271
<del>(7)</del> <u>(6)</u> Exercise any powers and duties relating to family	12272
services duties or workforce development activities imposed upon	12273
the county department of job and family services by law, by	12274
resolution of the board of county commissioners, or by order of	12275
the governor, when authorized by law, to meet emergencies during	12276
war or peace;	12277
<del>(8)</del> <u>(7)</u> Determine the eligibility for medical assistance of	12278
recipients of aid under Title XVI of the "Social Security Act";	12279
<del>(9)</del> <u>(8)</u> If assigned by the state director of job and family	12280
services under section 5101.515 of the Revised Code, determine	12281
applicants' eligibility for health assistance under the children's	12282
health insurance program part II;	12283
<del>(10)</del> <u>(9)</u> Enter into a plan of cooperation with the board of	12284
county commissioners under section 307.983, consult with the board	12285
in the development of the transportation work plan developed under	12286
section 307.985, establish with the board procedures under section	12287

307.986 for providing services to children whose families relocate 12288  
frequently, and comply with the contracts the board enters into 12289  
under sections 307.981 and 307.982 of the Revised Code that affect 12290  
the county department; 12291

~~(11)~~(10) For the purpose of complying with a fiscal agreement 12292  
the board of county commissioners enters into under section 307.98 12293  
of the Revised Code, exercise the powers and perform the duties 12294  
the fiscal agreement assigns to the county department; 12295

~~(12)~~(11) If the county department is designated as the 12296  
workforce development agency, provide the workforce development 12297  
activities specified in the contract required by section 330.05 of 12298  
the Revised Code. 12299

(B) The powers and duties of a county department of job and 12300  
family services are, and shall be exercised and performed, under 12301  
the control and direction of the board of county commissioners. 12302  
The board may assign to the county department any power or duty of 12303  
the board regarding family services duties and workforce 12304  
development activities. If the new power or duty necessitates the 12305  
state department of job and family services changing its federal 12306  
cost allocation plan, the county department may not implement the 12307  
power or duty unless the United States department of health and 12308  
human services approves the changes. 12309

**Sec. 329.051.** The county department of job and family 12310  
services shall make voter registration applications as prescribed 12311  
by the secretary of state under section 3503.10 of the Revised 12312  
Code available to persons who are applying for, receiving 12313  
assistance from, or participating in any of the following: 12314

(A) The disability financial assistance program established 12315  
under Chapter 5115. of the Revised Code; 12316

(B) ~~The disability medical assistance program established~~ 12317

~~under Chapter 5115. of the Revised Code;~~ 12318

~~(C)~~ The medical assistance program established under Chapter 12319  
5111. of the Revised Code; 12320

~~(D)~~(C) The Ohio works first program established under Chapter 12321  
5107. of the Revised Code; 12322

~~(E)~~(D) The prevention, retention, and contingency program 12323  
established under Chapter 5108. of the Revised Code. 12324

**Sec. 339.72.** (A) Each board of county commissioners shall 12325  
provide for the county to be served by a tuberculosis control unit 12326  
by designating a county tuberculosis control unit or by entering 12327  
into an agreement with one or more boards of county commissioners 12328  
of other counties under which the boards jointly designate a 12329  
district tuberculosis control unit. The entity designated as the 12330  
county or district tuberculosis control unit may be any of the 12331  
following: 12332

(1) A communicable disease control program operated by a 12333  
board of health of a city or general health district pursuant to 12334  
section 3709.22 of the Revised Code; 12335

(2) ~~A tuberculosis program operated by a county that receives~~ 12336  
~~funds pursuant to section 339.77 of the Revised Code;~~ 12337

~~(3)~~ A tuberculosis clinic established by a board of county 12338  
commissioners pursuant to section 339.76 of the Revised Code; 12339

~~(4)~~(3) A hospital that provides tuberculosis clinic services 12340  
under a contract with a board of county commissioners pursuant to 12341  
section 339.75 of the Revised Code. 12342

(B) The entity designated under division (A) of this section 12343  
as the tuberculosis control unit shall accept that designation and 12344  
fulfill its duties as the tuberculosis control unit specified 12345  
under sections 339.71 to 339.89 of the Revised Code. 12346

**Sec. 339.88.** The expenses incurred for detention under 12347  
section 339.86 or 339.87 of the Revised Code shall be paid by the 12348  
individual detained or if the individual is indigent, by the board 12349  
of county commissioners of the county from which the individual 12350  
was removed. ~~The board of county commissioners may apply to the~~ 12351  
~~director of health for reimbursement under section 339.77 of the~~ 12352  
~~Revised Code for expenses of detaining indigent individuals with~~ 12353  
~~tuberculosis.~~ 12354

**Sec. 340.03.** (A) Subject to rules issued by the director of 12355  
mental health after consultation with relevant constituencies as 12356  
required by division (A)(11) of section 5119.06 of the Revised 12357  
Code, with regard to mental health services, the board of alcohol, 12358  
drug addiction, and mental health services shall: 12359

(1) Serve as the community mental health planning agency for 12360  
the county or counties under its jurisdiction, and in so doing it 12361  
shall: 12362

(a) Evaluate the need for facilities and community mental 12363  
health services; 12364

(b) In cooperation with other local and regional planning and 12365  
funding bodies and with relevant ethnic organizations, assess the 12366  
community mental health needs, set priorities, and develop plans 12367  
for the operation of facilities and community mental health 12368  
services; 12369

(c) In accordance with guidelines issued by the director of 12370  
mental health after consultation with board representatives, 12371  
develop and submit to the department of mental health, no later 12372  
than six months prior to the conclusion of the fiscal year in 12373  
which the board's current plan is scheduled to expire, a community 12374  
mental health plan listing community mental health needs, 12375  
including the needs of all residents of the district now residing 12376

in state mental institutions and severely mentally disabled 12377  
adults, children, and adolescents; all children subject to a 12378  
determination made pursuant to section 121.38 of the Revised Code; 12379  
and all the facilities and community mental health services that 12380  
are or will be in operation or provided during the period for 12381  
which the plan will be in operation in the service district to 12382  
meet such needs. 12383

The plan shall include, but not be limited to, a statement of 12384  
which of the services listed in section 340.09 of the Revised Code 12385  
the board intends to provide or purchase, an explanation of how 12386  
the board intends to make any payments that it may be required to 12387  
pay under section 5119.62 of the Revised Code, a statement of the 12388  
inpatient and community-based services the board proposes that the 12389  
department operate, an assessment of the number and types of 12390  
residential facilities needed, and such other information as the 12391  
department requests, and a budget for moneys the board expects to 12392  
receive. The board shall also submit an allocation request for 12393  
state and federal funds. Within sixty days after the department's 12394  
determination that the plan and allocation request are complete, 12395  
the department shall approve or disapprove the plan and request, 12396  
in whole or in part, according to the criteria developed pursuant 12397  
to section 5119.61 of the Revised Code. The department's statement 12398  
of approval or disapproval shall specify the inpatient and the 12399  
community-based services that the department will operate for the 12400  
board. Eligibility for financial support shall be contingent upon 12401  
an approved plan or relevant part of a plan. 12402

If the director disapproves all or part of any plan, the 12403  
director shall inform the board of the reasons for the disapproval 12404  
and of the criteria that must be met before the plan may be 12405  
approved. The director shall provide the board an opportunity to 12406  
present its case on behalf of the plan. The director shall give 12407  
the board a reasonable time in which to meet the criteria, and 12408



shall offer the board technical assistance to help it meet the 12409  
criteria. 12410

If the approval of a plan remains in dispute thirty days 12411  
prior to the conclusion of the fiscal year in which the board's 12412  
current plan is scheduled to expire, the board or the director may 12413  
request that the dispute be submitted to a mutually agreed upon 12414  
third-party mediator with the cost to be shared by the board and 12415  
the department. The mediator shall issue to the board and the 12416  
department recommendations for resolution of the dispute. Prior to 12417  
the conclusion of the fiscal year in which the current plan is 12418  
scheduled to expire, the director, taking into consideration the 12419  
recommendations of the mediator, shall make a final determination 12420  
and approve or disapprove the plan, in whole or in part. 12421

If a board determines that it is necessary to amend a plan or 12422  
an allocation request that has been approved under division 12423  
(A)(1)(c) of this section, the board shall submit a proposed 12424  
amendment to the director. The director may approve or disapprove 12425  
all or part of the amendment. If the director does not approve all 12426  
or part of the amendment within thirty days after it is submitted, 12427  
the amendment or part of it shall be considered to have been 12428  
approved. The director shall inform the board of the reasons for 12429  
disapproval of all or part of an amendment and of the criteria 12430  
that must be met before the amendment may be approved. The 12431  
director shall provide the board an opportunity to present its 12432  
case on behalf of the amendment. The director shall give the board 12433  
a reasonable time in which to meet the criteria, and shall offer 12434  
the board technical assistance to help it meet the criteria. 12435

The board shall implement the plan approved by the 12436  
department. 12437

(d) Receive, compile, and transmit to the department of 12438  
mental health applications for state reimbursement; 12439

(e) Promote, arrange, and implement working agreements with 12440  
social agencies, both public and private, and with judicial 12441  
agencies. 12442

(2) Investigate, or request another agency to investigate, 12443  
any complaint alleging abuse or neglect of any person receiving 12444  
services from a community mental health agency as defined in 12445  
section 5122.01 of the Revised Code, or from a residential 12446  
facility licensed under section 5119.22 of the Revised Code. If 12447  
the investigation substantiates the charge of abuse or neglect, 12448  
the board shall take whatever action it determines is necessary to 12449  
correct the situation, including notification of the appropriate 12450  
authorities. Upon request, the board shall provide information 12451  
about such investigations to the department. 12452

(3) For the purpose of section 5119.611 of the Revised Code, 12453  
cooperate with the director of mental health in visiting and 12454  
evaluating whether the services of a community mental health 12455  
agency satisfy the certification standards established by rules 12456  
adopted under that section; 12457

(4) In accordance with criteria established under division 12458  
(G) of section 5119.61 of the Revised Code, review and evaluate 12459  
the quality, effectiveness, and efficiency of services provided 12460  
through its community mental health plan and submit its findings 12461  
and recommendations to the department of mental health; 12462

(5) In accordance with section 5119.22 of the Revised Code, 12463  
review applications for residential facility licenses and 12464  
recommend to the department of mental health approval or 12465  
disapproval of applications; 12466

(6) Audit, in accordance with rules adopted by the auditor of 12467  
state pursuant to section 117.20 of the Revised Code, at least 12468  
annually all programs and services provided under contract with 12469  
the board. In so doing, the board may contract for or employ the 12470

services of private auditors. A copy of the fiscal audit report 12471  
shall be provided to the director of mental health, the auditor of 12472  
state, and the county auditor of each county in the board's 12473  
district. 12474

(7) Recruit and promote local financial support for mental 12475  
health programs from private and public sources; 12476

(8)(a) Enter into contracts with public and private 12477  
facilities for the operation of facility services included in the 12478  
board's community mental health plan and enter into contracts with 12479  
public and private community mental health agencies for the 12480  
provision of community mental health services listed in section 12481  
340.09 of the Revised Code and included in the board's community 12482  
mental health plan. Contracts with community mental health 12483  
agencies are subject to section 5119.611 of the Revised Code. 12484  
Section 307.86 of the Revised Code does not apply to contracts 12485  
entered into under this division. In contracting with a community 12486  
mental health agency, a board shall consider the cost 12487  
effectiveness of services provided by that agency and the quality 12488  
and continuity of care, and may review cost elements, including 12489  
salary costs, of the services to be provided. A utilization review 12490  
process shall be established as part of the contract for services 12491  
entered into between a board and a community mental health agency. 12492  
The board may establish this process in a way that is most 12493  
effective and efficient in meeting local needs. In the case of a 12494  
contract with a community mental health facility, as defined in 12495  
section ~~5111.022~~ 5111.023 of the Revised Code, to provide services 12496  
listed in division (B) of that section, the contract shall provide 12497  
for the facility to be paid in accordance with the contract 12498  
entered into between the departments of job and family services 12499  
and mental health under section 5111.91 of the Revised Code and 12500  
any rules adopted under division (A) of section 5119.61 of the 12501  
Revised Code. 12502

If either the board or a facility or community mental health agency with which the board contracts under division (A)(8)(a) of this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or community mental health agency. The third party shall issue to the board, the facility or agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a facility or provide a community mental health service as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or provide the service:

(i) In an emergency situation, any board may operate a facility or provide a community mental health service in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide a community mental health service

for no longer than one year; 12535

(iii) In a service district with a population of less than 12536  
one hundred thousand, a board may operate a facility or provide a 12537  
community mental health service for no longer than one year, 12538  
except that such a board may operate a facility or provide a 12539  
community mental health service for more than one year with the 12540  
prior approval of the director and the prior approval of the board 12541  
of county commissioners, or of a majority of the boards of county 12542  
commissioners if the district is a joint-county district. 12543

The director shall not give a board approval to operate a 12544  
facility or provide a community mental health service under 12545  
division (A)(8)(b)(ii) or (iii) of this section unless the 12546  
director determines that it is not feasible to have the department 12547  
operate the facility or provide the service. 12548

The director shall not give a board approval to operate a 12549  
facility or provide a community mental health service under 12550  
division (A)(8)(b)(iii) of this section unless the director 12551  
determines that the board will provide greater administrative 12552  
efficiency and more or better services than would be available if 12553  
the board contracted with a private or public facility or 12554  
community mental health agency. 12555

The director shall not give a board approval to operate a 12556  
facility previously operated by a person or other government 12557  
entity unless the board has established to the director's 12558  
satisfaction that the person or other government entity cannot 12559  
effectively operate the facility or that the person or other 12560  
government entity has requested the board to take over operation 12561  
of the facility. The director shall not give a board approval to 12562  
provide a community mental health service previously provided by a 12563  
community mental health agency unless the board has established to 12564  
the director's satisfaction that the agency cannot effectively 12565

provide the service or that the agency has requested the board 12566  
take over providing the service. 12567

The director shall review and evaluate a board's operation of 12568  
a facility and provision of community mental health service under 12569  
division (A)(8)(b) of this section. 12570

Nothing in division (A)(8)(b) of this section authorizes a 12571  
board to administer or direct the daily operation of any facility 12572  
or community mental health agency, but a facility or agency may 12573  
contract with a board to receive administrative services or staff 12574  
direction from the board under the direction of the governing body 12575  
of the facility or agency. 12576

(9) Approve fee schedules and related charges or adopt a unit 12577  
cost schedule or other methods of payment for contract services 12578  
provided by community mental health agencies in accordance with 12579  
guidelines issued by the department as necessary to comply with 12580  
state and federal laws pertaining to financial assistance; 12581

(10) Submit to the director and the county commissioners of 12582  
the county or counties served by the board, and make available to 12583  
the public, an annual report of the programs under the 12584  
jurisdiction of the board, including a fiscal accounting; 12585

(11) Establish, to the extent resources are available, a 12586  
community support system, which provides for treatment, support, 12587  
and rehabilitation services and opportunities. The essential 12588  
elements of the system include, but are not limited to, the 12589  
following components in accordance with section 5119.06 of the 12590  
Revised Code: 12591

(a) To locate persons in need of mental health services to 12592  
inform them of available services and benefits mechanisms; 12593

(b) Assistance for clients to obtain services necessary to 12594  
meet basic human needs for food, clothing, shelter, medical care, 12595

personal safety, and income;	12596
(c) Mental health care, including, but not limited to,	12597
outpatient, partial hospitalization, and, where appropriate,	12598
inpatient care;	12599
(d) Emergency services and crisis intervention;	12600
(e) Assistance for clients to obtain vocational services and	12601
opportunities for jobs;	12602
(f) The provision of services designed to develop social,	12603
community, and personal living skills;	12604
(g) Access to a wide range of housing and the provision of	12605
residential treatment and support;	12606
(h) Support, assistance, consultation, and education for	12607
families, friends, consumers of mental health services, and	12608
others;	12609
(i) Recognition and encouragement of families, friends,	12610
neighborhood networks, especially networks that include racial and	12611
ethnic minorities, churches, community organizations, and	12612
meaningful employment as natural supports for consumers of mental	12613
health services;	12614
(j) Grievance procedures and protection of the rights of	12615
consumers of mental health services;	12616
(k) Case management, which includes continual individualized	12617
assistance and advocacy to ensure that needed services are offered	12618
and procured.	12619
(12) Designate the treatment program, agency, or facility for	12620
each person involuntarily committed to the board pursuant to	12621
Chapter 5122. of the Revised Code and authorize payment for such	12622
treatment. The board shall provide the least restrictive and most	12623
appropriate alternative that is available for any person	12624
involuntarily committed to it and shall assure that the services	12625

listed in section 340.09 of the Revised Code are available to  
severely mentally disabled persons residing within its service  
district. The board shall establish the procedure for authorizing  
payment for services, which may include prior authorization in  
appropriate circumstances. The board may provide for services  
directly to a severely mentally disabled person when life or  
safety is endangered and when no community mental health agency is  
available to provide the service.

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(13) Establish a method for evaluating referrals for  
involuntary commitment and affidavits filed pursuant to section  
5122.11 of the Revised Code in order to assist the probate  
division of the court of common pleas in determining whether there  
is probable cause that a respondent is subject to involuntary  
hospitalization and what alternative treatment is available and  
appropriate, if any;

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(14) Ensure that apartments or rooms built, subsidized,  
renovated, rented, owned, or leased by the board or a community  
mental health agency have been approved as meeting minimum fire  
safety standards and that persons residing in the rooms or  
apartments are receiving appropriate and necessary services,  
including culturally relevant services, from a community mental  
health agency. This division does not apply to residential  
facilities licensed pursuant to section 5119.22 of the Revised  
Code.

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(15) Establish a mechanism for involvement of consumer  
recommendation and advice on matters pertaining to mental health  
services in the alcohol, drug addiction, and mental health service  
district;

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(16) Perform the duties under section 3722.18 of the Revised  
Code required by rules adopted under section 5119.61 of the  
Revised Code regarding referrals by the board or mental health

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agencies under contract with the board of individuals with mental  
illness or severe mental disability to adult care facilities and  
effective arrangements for ongoing mental health services for the  
individuals. The board is accountable in the manner specified in  
the rules for ensuring that the ongoing mental health services are  
effectively arranged for the individuals.

(B) The board shall establish such rules, operating  
procedures, standards, and bylaws, and perform such other duties  
as may be necessary or proper to carry out the purposes of this  
chapter.

(C) A board of alcohol, drug addiction, and mental health  
services may receive by gift, grant, devise, or bequest any  
moneys, lands, or property for the benefit of the purposes for  
which the board is established, and may hold and apply it  
according to the terms of the gift, grant, or bequest. All money  
received, including accrued interest, by gift, grant, or bequest  
shall be deposited in the treasury of the county, the treasurer of  
which is custodian of the alcohol, drug addiction, and mental  
health services funds to the credit of the board and shall be  
available for use by the board for purposes stated by the donor or  
grantor.

(D) No board member or employee of a board of alcohol, drug  
addiction, and mental health services shall be liable for injury  
or damages caused by any action or inaction taken within the scope  
of the board member's official duties or the employee's  
employment, whether or not such action or inaction is expressly  
authorized by this section, section 340.033, or any other section  
of the Revised Code, unless such action or inaction constitutes  
willful or wanton misconduct. Chapter 2744. of the Revised Code  
applies to any action or inaction by a board member or employee of  
a board taken within the scope of the board member's official  
duties or employee's employment. For the purposes of this

division, the conduct of a board member or employee shall not be  
considered willful or wanton misconduct if the board member or  
employee acted in good faith and in a manner that the board member  
or employee reasonably believed was in or was not opposed to the  
best interests of the board and, with respect to any criminal  
action or proceeding, had no reasonable cause to believe the  
conduct was unlawful.

(E) The meetings held by any committee established by a board  
of alcohol, drug addiction, and mental health services shall be  
considered to be meetings of a public body subject to section  
121.22 of the Revised Code.

**Sec. 340.16.** Not later than ninety days after ~~the effective~~  
~~date of this section~~ September 5, 2001, the department of mental  
health and the department of job and family services shall adopt  
rules that establish requirements and procedures for prior  
notification and service coordination between public children  
services agencies and boards of alcohol, drug addiction, and  
mental health services when a public children services agency  
refers a child in its custody to a board for services funded by  
the board. The rules shall be adopted in accordance with Chapter  
119. of the Revised Code.

The department of mental health and department of job and  
family services shall collaborate in formulating a plan that  
delineates the funding responsibilities of public children  
services agencies and boards of alcohol, drug addiction, and  
mental health services for services provided under section  
~~5111.022~~ 5111.023 of the Revised Code to children in the custody  
of public children services agencies. The departments shall  
complete the plan not later than ninety days after ~~the effective~~  
~~date of this section~~ September 5, 2001.

Sec. 341.192. (A) As used in this section: 12719

(1) "Medical assistance program" has the same meaning as in 12720  
section 2913.40 of the Revised Code. 12721

(2) "Medical provider" means a physician, hospital, 12722  
laboratory, pharmacy, or other health care provider that is not 12723  
employed by or under contract to a county or the department of 12724  
rehabilitation and correction to provide medical services to 12725  
persons confined in the county jail or a state correctional 12726  
institution. 12727

(3) "Necessary care" means medical care of a nonelective 12728  
nature that cannot be postponed until after the period of 12729  
confinement of a person who is confined in a county jail or a 12730  
state correctional institution or is in the custody of a law 12731  
enforcement officer without endangering the life or health of the 12732  
person. 12733

(B) If a physician employed by or under contract to a county 12734  
or the department of rehabilitation and correction to provide 12735  
medical services to persons confined in the county jail or state 12736  
correctional institution determines that a person who is confined 12737  
in the county jail or a state correctional institution or who is 12738  
in the custody of a law enforcement officer prior to the person's 12739  
confinement in the county jail or a state correctional institution 12740  
requires necessary care that the physician cannot provide, the 12741  
necessary care shall be provided by a medical provider. The county 12742  
or the department of rehabilitation and correction shall pay a 12743  
medical provider for necessary care an amount not exceeding the 12744  
authorized reimbursement rate for the same service established by 12745  
the department of job and family services under the medical 12746  
assistance program. 12747

Sec. 351.01. As used in this chapter: 12748

(A) "Convention facilities authority" means a body corporate and politic created pursuant to section 351.02 of the Revised Code.

(B) "Governmental agency" means a department, division, or other unit of the state government or of a municipal corporation, county, township, or other political subdivision of the state; any state university or college, as defined in section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; any other public corporation or agency having the power to acquire, construct, or operate facilities; the United States or any agency thereof; and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(C) "Person" means any individual, firm, partnership, association, or corporation, or any combination of them.

(D) "Facility" or "facilities" means any convention, entertainment, or sports facility, or combination of them, located within the territory of the convention facilities authority, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements and interests that may be appropriate for, or used in connection with, the operation of the facility.

(E) "Cost" means the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of acquiring or constructing and equipping a principal office of the convention facilities authority; the cost of diverting highways, interchange of highways, access roads to private property, including the cost of

land or easements for such access roads; the cost of public 12780  
utility and common carrier relocation or duplication; the cost of 12781  
all machinery, furnishings, and equipment; financing charges; 12782  
interest prior to and during construction and for no more than 12783  
eighteen months after completion of construction; expenses of 12784  
research and development with respect to facilities; legal 12785  
expenses; expenses of obtaining plans, specifications, engineering 12786  
surveys, studies, and estimates of cost and revenues; working 12787  
capital; expenses necessary or incident to determining the 12788  
feasibility or practicability of acquiring or constructing such 12789  
facility; administrative expense; and such other expenses as may 12790  
be necessary or incident to the acquisition or construction of the 12791  
facility, the financing of such acquisition or construction, 12792  
including the amount authorized in the resolution of the 12793  
convention facilities authority providing for the issuance of 12794  
convention facilities authority revenue bonds to be paid into any 12795  
special funds from the proceeds of such bonds, the cost of issuing 12796  
the bonds, and the financing of the placing of such facility in 12797  
operation. Any obligation, cost, or expense incurred by any 12798  
governmental agency or person for surveys, borings, preparation of 12799  
plans and specifications, and other engineering services, or any 12800  
other cost described above, in connection with the acquisition or 12801  
construction of a facility may be regarded as part of the cost of 12802  
such facility and may be reimbursed out of the proceeds of 12803  
convention facilities authority revenue bonds as authorized by 12804  
this chapter. 12805

(F) "Owner" includes a person having any title or interest in 12806  
any property, rights, easements, or interests authorized to be 12807  
acquired by Chapter 351. of the Revised Code. 12808

(G) "Revenues" means all rentals and other charges received 12809  
by the convention facilities authority for the use or services of 12810  
any facility, the sale of any merchandise, or the operation of any 12811

concessions; any gift or grant received with respect to any 12812  
facility, any moneys received with respect to the lease, sublease, 12813  
sale, including installment sale or conditional sale, or other 12814  
disposition of a facility or part thereof; moneys received in 12815  
repayment of and for interest on any loans made by the authority 12816  
to a person or governmental agency, whether from the United States 12817  
or any department, administration, or agency thereof, or 12818  
otherwise; proceeds of convention facilities authority revenue 12819  
bonds to the extent the use thereof for payment of principal or of 12820  
premium, if any, or interest on the bonds is authorized by the 12821  
authority; proceeds from any insurance, appropriation, or guaranty 12822  
pertaining to a facility or property mortgaged to secure bonds or 12823  
pertaining to the financing of the facility; income and profit 12824  
from the investment of the proceeds of convention facilities 12825  
authority revenue bonds or of any revenues; contributions of the 12826  
proceeds of a tax levied pursuant to division (A)(3) of section 12827  
5739.09 of the Revised Code; and moneys transmitted to the 12828  
authority pursuant to division (B) of section 5739.211 and 12829  
division (B) of section 5741.031 of the Revised Code. 12830

(H) "Public roads" includes all public highways, roads, and 12831  
streets in the state, whether maintained by the state, county, 12832  
city, township, or other political subdivision. 12833

(I) "Construction," unless the context indicates a different 12834  
meaning or intent, includes, but is not limited to, 12835  
reconstruction, enlargement, improvement, or providing fixtures, 12836  
furnishings, and equipment. 12837

(J) "Convention facilities authority revenue bonds" or 12838  
"revenue bonds," unless the context indicates a different meaning 12839  
or intent, includes convention facilities authority revenue notes, 12840  
convention facilities authority revenue renewal notes, and 12841  
convention facilities authority revenue refunding bonds. 12842

(K) "Convention facilities authority tax anticipation bonds" 12843  
or "tax anticipation bonds," unless the context indicates a 12844  
different meaning, includes convention facilities authority tax 12845  
anticipation bonds, tax anticipation notes, tax anticipation 12846  
renewal notes, and tax anticipation refunding bonds. 12847

(L) "Bonds and notes" means convention facilities authority 12848  
revenue bonds and convention facilities authority tax anticipation 12849  
bonds. 12850

(M) "Territory of the authority" means all of the area of the 12851  
county creating the convention facilities authority. 12852

(N) "Excise taxes" means ~~either or both~~ any of the taxes 12853  
levied pursuant to division (B) or (C) of section 351.021 of the 12854  
Revised Code. "Excise taxes" does not include taxes levied 12855  
pursuant to section 4301.424, 5743.026, or 5743.324 of the Revised 12856  
Code. 12857

(O) "Transaction" means the charge by a hotel for each 12858  
occupancy by transient guests of a room or suite of rooms used in 12859  
a hotel as a single unit for any period of twenty-four hours or 12860  
less. 12861

(P) "Hotel" and "transient guests" have the same meanings as 12862  
in section 5739.01 of the Revised Code. 12863

(Q) "Sports facility" means a facility intended to house 12864  
major league professional athletic teams. 12865

(R) "Constructing" or "construction" includes providing 12866  
fixtures, furnishings, and equipment. 12867

**Sec. 351.021.** (A) The resolution of the county commissioners 12868  
creating a convention facilities authority, or any amendment or 12869  
supplement to that resolution, may authorize the authority to levy 12870  
one or both of the excise taxes authorized by division (B) of this 12871  
section to pay the cost of one or more facilities; to pay 12872

principal, interest, and premium on convention facilities 12873  
authority tax anticipation bonds issued to pay those costs; to pay 12874  
the operating costs of the authority; to pay operating and 12875  
maintenance costs of those facilities; and to pay the costs of 12876  
administering the excise tax. 12877

(B) The board of directors of a convention facilities 12878  
authority that has been authorized pursuant to resolution adopted, 12879  
amended, or supplemented by the board of county commissioners 12880  
pursuant to division (A) of this section may levy, by resolution 12881  
adopted on or before December 31, 1988, either or both of the 12882  
following: 12883

(1) Within the territory of the authority, an additional 12884  
excise tax not to exceed four per cent on each transaction. The 12885  
excise tax authorized by division (B)(1) of this section shall be 12886  
in addition to any excise tax levied pursuant to section 5739.08 12887  
or 5739.09 of the Revised Code, or division (B)(2) of this 12888  
section. 12889

(2) Within that portion of any municipal corporation that is 12890  
located within the territory of the authority or within the 12891  
boundaries of any township that is located within the territory of 12892  
the authority, which municipal corporation or township is levying 12893  
any portion of the excise tax authorized by division (A) of 12894  
section 5739.08 of the Revised Code, and with the approval, by 12895  
ordinance or resolution, of the legislative authority of that 12896  
municipal corporation or township, an additional excise tax not to 12897  
exceed nine-tenths of one per cent on each transaction. The excise 12898  
tax authorized by division (B)(2) of this section may be levied 12899  
only if, on the effective date of the levy specified in the 12900  
resolution making the levy, the amount being levied pursuant to 12901  
division (A) of section 5739.08 of the Revised Code by each 12902  
municipal corporation or township in which the tax authorized by 12903  
division (B)(2) of this section will be levied, when added to the 12904



amount levied under division (B)(2) of this section, does not  
exceed three per cent on each transaction. The excise tax  
authorized by division (B)(2) of this section shall be in addition  
to any excise tax that is levied pursuant to section 5739.08 or  
5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities  
authority that is located in an eligible Appalachian county; that  
has been authorized pursuant to resolution adopted, amended, or  
supplemented by the board of county commissioners pursuant to  
division (A) of this section; and that is not levying a tax under  
division (B)(1) or (2) of this section may levy within the  
territory of the authority, by resolution adopted on or before  
December 31, 2005, an additional excise tax not to exceed three  
per cent on each transaction. The excise tax authorized under  
division (C) of this section shall be in addition to any excise  
tax levied pursuant to section 5739.08 or 5739.09 of the Revised  
Code.

(2) As used in division (C)(1) of this section, "eligible  
Appalachian county" means a county in this state designated as  
being in the "Appalachian region" under the "Appalachian Regional  
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and  
having a population less than eighty thousand according to the  
most recent federal decennial census.

(D) The authority shall provide for the administration and  
allocation of the ~~an~~ excise ~~taxes~~ tax levied pursuant to division  
(B) or (C) of this section. All receipts arising from those excise  
taxes shall be expended for the purposes provided in, and in  
accordance with this section and section 351.141 of the Revised  
Code. An excise tax levied under division (B) or (C) of this  
section shall remain in effect at the rate at which it is levied  
for at least the duration of the period for which the receipts  
from the tax have been anticipated and pledged pursuant to section

351.141 of the Revised Code. 12937

~~(D)~~(E) Except as provided in division (B)(2) of this section, 12938  
the levy of an excise tax on each transaction pursuant to sections 12939  
5739.08 and 5739.09 of the Revised Code does not prevent a 12940  
convention facilities authority from levying ~~the an~~ excise ~~taxes~~ 12941  
tax pursuant to division (B) or (C) of this section. 12942

**Sec. 351.06.** A facility to be constructed pursuant to this 12943  
chapter is a public improvement and a convention facilities 12944  
authority is a public authority for purposes of section 4115.03 of 12945  
the Revised Code. All contractors and subcontractors working on 12946  
such facilities are subject to and shall comply with sections 12947  
4115.03 to 4115.16 of the Revised Code. A convention facilities 12948  
authority is a contracting authority for purposes of sections 12949  
307.86 to 307.91 of the Revised Code. 12950

No convention facilities authority shall construct a facility 12951  
under this chapter unless the plans for the facility provide for 12952  
parking and transportation determined by the board of county 12953  
commissioners as adequate to serve that facility. 12954

A convention facilities authority may do all of the 12955  
following: 12956

(A) Adopt bylaws for the regulation of its affairs and the 12957  
conduct of its business; 12958

(B) Adopt an official seal; 12959

(C) Maintain a principal office within its territory; 12960

(D) Acquire, purchase, construct, reconstruct, enlarge, 12961  
furnish, equip, maintain, repair, sell, exchange, lease or rent 12962  
to, lease or rent from, operate, or contract for the operation by 12963  
others of, facilities within its territory, and make charges for 12964  
the use of the facilities; 12965

(E) Make available the use or services of any facility to 12966

persons or governmental agencies on such terms and conditions as 12967  
the authority shall determine; 12968

(F) By resolution of its board of directors, issue convention 12969  
facilities authority revenue bonds beyond the limit of bonded 12970  
indebtedness provided by law, payable solely from revenues as 12971  
provided in section 351.14 of the Revised Code, unless the bonds 12972  
are refunded by refunding bonds, for the purpose of providing 12973  
funds to pay the costs of any facility or facilities or parts of 12974  
any facility or facilities, and, if moneys raised by taxation are 12975  
not obligated or pledged for the payment of those revenue bonds, 12976  
to pay the costs of any facility or facilities or parts of any 12977  
facility or facilities pursuant to Section 13 of Article VIII, 12978  
Ohio Constitution, and in order to create or preserve jobs and 12979  
employment opportunities and improve the economic welfare of the 12980  
people of the state; 12981

(G) Maintain such funds as it determines necessary; 12982

(H) Direct its agents or employees, when properly identified 12983  
in writing and after at least five days' written notice, to enter 12984  
upon lands within its territory in order to make surveys and 12985  
examinations preliminary to location and construction of 12986  
facilities, or other work for the purposes of the convention 12987  
facilities authority, without liability of the authority or its 12988  
agents or employees except for actual damage done; 12989

(I) Promote, advertise, and publicize the authority and its 12990  
facilities; 12991

(J)(1) Adopt rules, not in conflict with general law, 12992  
governing the use of its property, grounds, buildings, equipment, 12993  
and facilities, and the conduct of its employees and the public, 12994  
in order to promote the public safety and convenience in and about 12995  
its facilities and grounds, and to maintain order. Any such rule 12996  
shall be posted at a prominent place in each of the buildings or 12997

facilities to which it applies. 12998

(2) No person shall violate any lawful rule adopted and 12999  
posted as provided in this division. 13000

(K) Acquire by gift or purchase, hold, lease, and dispose of 13001  
real and personal property and interests in the property in the 13002  
exercise of its powers and the performance of its duties under 13003  
this chapter; 13004

(L) Acquire, in the name of the authority, by purchase or 13005  
otherwise, on such terms and in such manner as the authority finds 13006  
proper, or by the exercise of the right of appropriation in the 13007  
manner provided by section 351.22 of the Revised Code, such public 13008  
or private lands, including public parks, playgrounds, or 13009  
reservations, or parts thereof or rights therein, rights-of-way, 13010  
rights, franchises, easements, and interests as it finds necessary 13011  
or proper for carrying out this chapter, and compensation shall be 13012  
paid for public or private lands so taken; 13013

(M) Make and enter into all contracts and agreements and 13014  
execute all instruments necessary or incidental to the performance 13015  
of its duties and the execution of its powers under this chapter 13016  
provided that no construction contract or contract for the 13017  
purchase of goods or services shall be approved or entered into by 13018  
the authority prior to the adoption and implementation of a policy 13019  
on the set aside of contracts for bidding by or award to minority 13020  
business enterprises, as defined in division (E)(1) of section 13021  
122.71 of the Revised Code; 13022

(N) Employ managers, superintendents, and other employees and 13023  
retain or contract with consulting engineers, financial 13024  
consultants, accounting experts, architects, attorneys, and such 13025  
other consultants and independent contractors as are necessary in 13026  
its judgment to carry out this chapter, and fix their 13027  
compensation. All expenses of doing so shall be payable solely 13028

from the proceeds of convention facilities authority bonds and	13029
notes issued under this chapter, or from excise taxes and	13030
revenues.	13031
(O) Receive and accept from any governmental agency grants	13032
for or in aid of the purposes of the authority, and receive and	13033
accept aid or contributions from any source of money, property,	13034
labor, or other things of value, to be held, used, and applied	13035
only for the purposes for which such grants and contributions are	13036
made;	13037
(P) Engage in research and development with respect to	13038
facilities;	13039
(Q) Purchase fire and extended coverage and liability	13040
insurance for any facility and for the offices of the authority,	13041
insurance protecting the authority and its officers and employees	13042
against liability for damage to property or injury to or death of	13043
persons arising from its operations, and any other insurance the	13044
authority may agree to provide under any resolution authorizing	13045
its convention facilities authority revenue bonds or in any trust	13046
agreement securing the same;	13047
(R) Charge, alter, and collect rentals and other charges for	13048
the use or services of any facility as provided in section 351.09	13049
of the Revised Code;	13050
(S) If a tax proposed under section 5739.026 of the Revised	13051
Code is disapproved by the electors, request the board of county	13052
commissioners to dissolve the authority pursuant to section 351.03	13053
of the Revised Code;	13054
(T) By resolution of its board of directors, levy <del>one or both</del>	13055
<u>any</u> of the excise taxes authorized by division (B) <u>or (C)</u> of	13056
section 351.021 of the Revised Code if authorized by the county	13057
commissioners, and issue convention facilities authority tax	13058
anticipation bonds beyond any limit of bonded indebtedness	13059

provided by law, payable solely from excise taxes levied pursuant 13060  
to division (B) or (C) of section 351.021 of the Revised Code and 13061  
revenues as provided in section 351.141 of the Revised Code. 13062

(U) Do all acts necessary or proper to carry out the powers 13063  
expressly granted in this chapter. 13064

**Sec. 351.141.** A convention facilities authority that levies 13065  
~~one or both~~ any of the excise taxes authorized by division (B) or 13066  
(C) of section 351.021 of the Revised Code or that receives 13067  
contributions pursuant to division (A)(3) of section 5739.09 of 13068  
the Revised Code, by resolution may anticipate the proceeds of the 13069  
levy and issue convention facilities authority tax anticipation 13070  
bonds, and notes anticipating the proceeds or the bonds, in the 13071  
principal amount that, in the opinion of the authority, are 13072  
necessary for the purpose of paying the cost of one or more 13073  
facilities or parts of one or more facilities, and as able, with 13074  
the interest on them, be paid over the term of the issue, or in 13075  
the case of notes anticipating bonds over the term of the bonds, 13076  
by the estimated amount of the excise taxes or contributions 13077  
anticipated thereby. The excise taxes or contributions are 13078  
determined by the general assembly to satisfy any applicable 13079  
requirement of Section 11 of Article XII, Ohio Constitution. An 13080  
authority, at any time, may issue renewal tax anticipation notes, 13081  
issue tax anticipation bonds to pay such notes, and, whenever it 13082  
considers refunding expedient, refund any tax anticipation bonds 13083  
by the issuance of tax anticipation refunding bonds whether the 13084  
bonds to be refunded have or have not matured, and issue tax 13085  
anticipation bonds partly to refund bonds then outstanding and 13086  
partly for any other authorized purpose. The refunding bonds shall 13087  
be sold and the proceeds needed for such purpose applied in the 13088  
manner provided in the bond proceedings to the purchase, 13089  
redemption, or payment of the bonds to be refunded. 13090

Every issue of outstanding tax anticipation bonds shall be 13091  
payable out of the proceeds of the excise taxes or contributions 13092  
anticipated and other revenues of the authority that are pledged 13093  
for such payment. The pledge shall be valid and binding from the 13094  
time the pledge is made, and the anticipated excise taxes, 13095  
contributions, and revenues so pledged and thereafter received by 13096  
the authority immediately shall be subject to the lien of that 13097  
pledge without any physical delivery of those excise taxes, 13098  
contributions, and revenues or further act. The lien of any pledge 13099  
is valid and binding as against all parties having claims of any 13100  
kind in tort, contract, or otherwise against the authority, 13101  
whether or not such parties have notice of the lien. Neither the 13102  
resolution nor any trust agreement by which a pledge is created 13103  
need be filed or recorded except in the authority's records. 13104

Whether or not the bonds or notes are of such form and 13105  
character as to be negotiable instruments under Title XIII of the 13106  
Revised Code, the bonds or notes shall have all the qualities and 13107  
incidents of negotiable instruments, subject only to their 13108  
provisions for registration, if any. 13109

The tax anticipation bonds shall bear such date or dates, and 13110  
shall mature at such time or times, in the case of any such notes 13111  
or any renewals of such notes not exceeding twenty years from the 13112  
date of issue of such original notes and in the case of any such 13113  
bonds or any refunding bonds not exceeding forty years from the 13114  
date of the original issue of notes or bonds for the purpose, and 13115  
shall be executed in the manner that the resolution authorizing 13116  
the bonds may provide. The tax anticipation bonds shall bear 13117  
interest at such rates, or at variable rate or rates changing from 13118  
time to time, in accordance with provisions provided in the 13119  
authorizing resolution, be in such denominations and form, either 13120  
coupon or registered, carry such registration privileges, be 13121  
payable in such medium of payment and at such place or places, and 13122

be subject to such terms of redemption, as the authority may  
authorize or provide. The tax anticipation bonds may be sold at  
public or private sale, and at, or at not less than the price or  
prices as the authority determines. If any officer whose signature  
or a facsimile of whose signature appears on any bonds or coupons  
ceases to be such officer before delivery of the bonds, the  
signature or facsimile shall nevertheless be sufficient for all  
purposes as if the officer had remained in office until delivery  
of the bonds, and in case the seal of the authority has been  
changed after a facsimile has been imprinted on the bonds, the  
facsimile seal will continue to be sufficient for all purposes.

Any resolution or resolutions authorizing any tax  
anticipation bonds or any issue of tax anticipation bonds may  
contain provisions, subject to any agreements with bondholders as  
may then exist, which provisions shall be a part of the contract  
with the holders of the bonds, as to the pledging of any or all of  
the authority's anticipated excise taxes, contributions, and  
revenues to secure the payment of the bonds or of any issue of the  
bonds; the use and disposition of revenues of the authority; the  
crediting of the proceeds of the sale of bonds to and among the  
funds referred to or provided for in the resolution; limitations  
on the purpose to which the proceeds of sale of the bonds may be  
applied and the pledging of portions of such proceeds to secure  
the payment of the bonds or of any issue of the bonds; as to notes  
issued in anticipation of the issuance of bonds, the agreement of  
the authority to do all things necessary for the authorization,  
issuance, and sale of such bonds in such amounts as may be  
necessary for the timely retirement of such notes; limitations on  
the issuance of additional bonds; the terms upon which additional  
bonds may be issued and secured; the refunding of outstanding  
bonds; the procedure, if any, by which the terms of any contract  
with bondholders may be amended, the amount of bonds the holders



of which must consent thereto, and the manner in which such  
consent may be given; securing any bonds by a trust agreement in  
accordance with section 351.16 of the Revised Code; any other  
matters, of like or different character, that in any way affect  
the security or protection of the bonds. The excise taxes  
anticipated by the bonds, including bonds anticipated by notes,  
shall not be subject to diminution by initiative or referendum or  
by law while the bonds or notes remain outstanding in accordance  
with their terms, unless provision is made by law or by the  
authority for an adequate substitute therefor reasonably  
satisfactory to the trustee, if a trust agreement secures the  
bonds.

Neither the members of the board of directors of the  
authority nor any person executing the bonds shall be liable  
personally on the bonds or be subject to any personal liability or  
accountability by reason of the issuance thereof.

**Sec. 351.16.** In the discretion of the convention facilities  
authority, any convention facilities authority bonds and notes  
issued under this chapter may be secured by a trust agreement  
between the authority and a corporate trustee, which trustee may  
be any trust company or bank having the powers of a trust company  
within or without the state.

Any such trust agreement for convention facility authority  
revenue bonds may pledge or assign revenues of the convention  
facilities authority to be received and may convey or mortgage any  
facility or any part of any facility. Any such trust agreement for  
convention facility authority tax anticipation bonds may pledge or  
assign ~~one or both~~ any of the excise taxes authorized by division  
(B) or (C) of section 351.021 of the Revised Code and revenues of  
the convention facilities authority to be received and may convey  
or mortgage any facility or any part of any facility. Any such

trust agreement or any resolution providing for the issuance of 13186  
such bonds or notes may contain such provisions for protecting and 13187  
enforcing the rights and remedies of the bondholders or 13188  
noteholders as are reasonable and proper and not in violation of 13189  
law, including covenants setting forth the duties of the authority 13190  
in relation to the acquisition of property, the construction, 13191  
improvement, maintenance, repair, operation, and insurance of the 13192  
facility in connection with which such bonds or notes are 13193  
authorized, the rentals or other charges to be imposed for the use 13194  
or services of any facility, the custody, safeguarding, and 13195  
application of all moneys, and provisions for the employment of 13196  
consulting engineers in connection with the construction or 13197  
operation of such facility. Any bank or trust company incorporated 13198  
under the laws of this state that may act as depository of the 13199  
proceeds of bonds or notes or of revenues may furnish such 13200  
indemnifying bonds or may pledge such securities as are required 13201  
by the authority. Any such trust agreement may set forth the 13202  
rights and remedies of the bondholders and noteholders and of the 13203  
trustee, and may restrict the individual right of action by 13204  
bondholders and noteholders as is customary in trust agreements or 13205  
trust indentures securing similar bonds. Such trust agreement may 13206  
contain such other provisions as the authority determines 13207  
reasonable and proper for the security of the bondholders or 13208  
noteholders. All expenses incurred in carrying out the provisions 13209  
of any such trust agreement may be treated as a part of the cost 13210  
of the operation of the facility. Any such trust agreement or 13211  
resolution authorizing the issuance of convention facilities 13212  
authority bonds or notes may provide the method whereby the 13213  
general administrative expenses of the authority shall be 13214  
allocated among facilities acquired or constructed by it as a 13215  
factor of the operation expenses of such facility. 13216

**Sec. 718.09.** (A) This section applies to either of the 13217

following: 13218

(1) A municipal corporation that shares the same territory as 13219  
a city, local, or exempted village school district, to the extent 13220  
that not more than five per cent of the territory of the municipal 13221  
corporation is located outside the school district and not more 13222  
than five per cent of the territory of the school district is 13223  
located outside the municipal corporation; 13224

(2) A municipal corporation that shares the same territory as 13225  
a city, local, or exempted village school district, to the extent 13226  
that not more than five per cent of the territory of the municipal 13227  
corporation is located outside the school district, more than five 13228  
per cent but not more than ten per cent of the territory of the 13229  
school district is located outside the municipal corporation, and 13230  
that portion of the territory of the school district that is 13231  
located outside the municipal corporation is located entirely 13232  
within another municipal corporation having a population of four 13233  
hundred thousand or more according to the federal decennial census 13234  
most recently completed before the agreement is entered into under 13235  
division (B) of this section. 13236

(B) ~~Before January 1, 2001, the~~ The legislative authority of 13237  
a municipal corporation to which this section applies may propose 13238  
to the electors an income tax, one of the purposes of which shall 13239  
be to provide financial assistance to the school district through 13240  
payment to the district of not less than twenty-five per cent of 13241  
the revenue generated by the tax, except that the legislative 13242  
authority may not propose to levy the income tax on the incomes of 13243  
nonresident individuals. Prior to proposing the tax, the 13244  
legislative authority shall negotiate and enter into a written 13245  
agreement with the board of education of the school district 13246  
specifying the tax rate, the percentage of tax revenue to be paid 13247  
to the school district, the purpose for which the school district 13248

will use the money, the first year the tax will be levied, the 13249  
date of the special election on the question of the tax, and the 13250  
method and schedule by which the municipal corporation will make 13251  
payments to the school district. The special election shall be 13252  
held ~~before January 1, 2001,~~ on a day specified in division (D) of 13253  
section 3501.01 of the Revised Code, except that the special 13254  
election may not be held on the day for holding a primary election 13255  
as authorized by the municipal corporation's charter unless the 13256  
municipal corporation is to have a primary election on that day. 13257

After the legislative authority and board of education have 13258  
entered into the agreement, the legislative authority shall 13259  
provide for levying the tax by ordinance. The ordinance shall 13260  
state the tax rate, the percentage of tax revenue to be paid to 13261  
the school district, the purpose for which the municipal 13262  
corporation will use its share of the tax revenue, the first year 13263  
the tax will be levied, and that the question of the income tax 13264  
will be submitted to the electors of the municipal corporation. 13265  
The legislative authority also shall adopt a resolution specifying 13266  
the regular or special election date the election will be held and 13267  
directing the board of elections to conduct the election. At least 13268  
seventy-five days before the date of the election, the legislative 13269  
authority shall file certified copies of the ordinance and 13270  
resolution with the board of elections. 13271

(C) The board of elections shall make the necessary 13272  
arrangements for the submission of the question to the electors of 13273  
the municipal corporation, and shall conduct the election in the 13274  
same manner as any other municipal income tax election. Notice of 13275  
the election shall be published in a newspaper of general 13276  
circulation in the municipal corporation once a week for four 13277  
consecutive weeks prior to the election, and shall include 13278  
statements of the rate and municipal corporation and school 13279  
district purposes of the income tax, the percentage of tax revenue 13280

that will be paid to the school district, and the first year the  
tax will be levied. The ballot shall be in the following form:

"Shall the ordinance providing for a ..... per cent levy on  
income for (brief description of the municipal corporation and  
school district purposes of the levy, including a statement of the  
percentage of tax revenue that will be paid to the school  
district) be passed? The income tax, if approved, will not be  
levied on the incomes of individuals who do not reside in (the  
name of the municipal corporation).

	For the income tax
	Against the income tax

"

(D) If the question is approved by a majority of the  
electors, the municipal corporation shall impose the income tax  
beginning in the year specified in the ordinance. The proceeds of  
the levy may be used only for the specified purposes, including  
payment of the specified percentage to the school district.

**Sec. 718.10.** (A) This section applies to a group of two or  
more municipal corporations that, taken together, share the same  
territory as a single city, local, or exempted village school  
district, to the extent that not more than five per cent of the  
territory of the municipal corporations as a group is located  
outside the school district and not more than five per cent of the  
territory of the school district is located outside the municipal  
corporations as a group.

(B) ~~Before January 1, 2001, the~~ The legislative authorities  
of the municipal corporations in a group of municipal corporations  
to which this section applies each may propose to the electors an  
income tax, to be levied in concert with income taxes in the other

municipal corporations of the group, except that a legislative 13311  
authority may not propose to levy the income tax on the incomes of 13312  
individuals who do not reside in the municipal corporation. One of 13313  
the purposes of such a tax shall be to provide financial 13314  
assistance to the school district through payment to the district 13315  
of not less than twenty-five per cent of the revenue generated by 13316  
the tax. Prior to proposing the taxes, the legislative authorities 13317  
shall negotiate and enter into a written agreement with each other 13318  
and with the board of education of the school district specifying 13319  
the tax rate, the percentage of the tax revenue to be paid to the 13320  
school district, the first year the tax will be levied, and the 13321  
date of the election on the question of the tax, all of which 13322  
shall be the same for each municipal corporation. The agreement 13323  
also shall state the purpose for which the school district will 13324  
use the money, and specify the method and schedule by which each 13325  
municipal corporation will make payments to the school district. 13326  
The special election shall be held ~~before January 1, 2001,~~ on a 13327  
day specified in division (D) of section 3501.01 of the Revised 13328  
Code, including a day on which all of the municipal corporations 13329  
are to have a primary election. 13330

After the legislative authorities and board of education have 13331  
entered into the agreement, each legislative authority shall 13332  
provide for levying its tax by ordinance. Each ordinance shall 13333  
state the rate of the tax, the percentage of tax revenue to be 13334  
paid to the school district, the purpose for which the municipal 13335  
corporation will use its share of the tax revenue, and the first 13336  
year the tax will be levied. Each ordinance also shall state that 13337  
the question of the income tax will be submitted to the electors 13338  
of the municipal corporation on the same date as the submission of 13339  
questions of an identical tax to the electors of each of the other 13340  
municipal corporations in the group, and that unless the electors 13341  
of all of the municipal corporations in the group approve the tax 13342  
in their respective municipal corporations, none of the municipal 13343

corporations in the group shall levy the tax. Each legislative  
authority also shall adopt a resolution specifying the regular or  
special election date the election will be held and directing the  
board of elections to conduct the election. At least seventy-five  
days before the date of the election, each legislative authority  
shall file certified copies of the ordinance and resolution with  
the board of elections.

(C) For each of the municipal corporations, the board of  
elections shall make the necessary arrangements for the submission  
of the question to the electors, and shall conduct the election in  
the same manner as any other municipal income tax election. For  
each of the municipal corporations, notice of the election shall  
be published in a newspaper of general circulation in the  
municipal corporation once a week for four consecutive weeks prior  
to the election. The notice shall include a statement of the rate  
and municipal corporation and school district purposes of the  
income tax, the percentage of tax revenue that will be paid to the  
school district, and the first year the tax will be levied, and an  
explanation that the tax will not be levied unless an identical  
tax is approved by the electors of each of the other municipal  
corporations in the group. The ballot shall be in the following  
form:

"Shall the ordinance providing for a ... per cent levy on  
income for (brief description of the municipal corporation and  
school district purposes of the levy, including a statement of the  
percentage of income tax revenue that will be paid to the school  
district) be passed? The income tax, if approved, will not be  
levied on the incomes of individuals who do not reside in (the  
name of the municipal corporation). In order for the income tax to  
be levied, the voters of (the other municipal corporations in the  
group), which are also in the (name of the school district) school  
district, must approve an identical income tax and agree to pay

the same percentage of the tax revenue to the school district. 13376

13377

	For the income tax
	Against the income tax

13378

"

13379

13380

(D) If the question is approved by a majority of the electors 13381  
and identical taxes are approved by a majority of the electors in 13382  
each of the other municipal corporations in the group, the 13383  
municipal corporation shall impose the tax beginning in the year 13384  
specified in the ordinance. The proceeds of the levy may be used 13385  
only for the specified purposes, including payment of the 13386  
specified percentage to the school district. 13387

**Sec. 731.14.** All contracts made by the legislative authority 13388  
of a village shall be executed in the name of the village and 13389  
signed on its behalf by the mayor and clerk. Except where the 13390  
contract is for equipment, services, materials, or supplies to be 13391  
purchased under division (D) of section 713.23 or section 125.04 13392  
or 5513.01 of the Revised Code ~~or~~, available from a qualified 13393  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 13394  
Revised Code, or required to be purchased from a qualified 13395  
nonprofit agency under sections 125.60 to 125.6012 of the Revised 13396  
Code, when any expenditure, other than the compensation of persons 13397  
employed in the village, exceeds twenty-five thousand dollars, 13398  
such contracts shall be in writing and made with the lowest and 13399  
best bidder after advertising for not less than two nor more than 13400  
four consecutive weeks in a newspaper of general circulation 13401  
within the village. The bids shall be opened and shall be publicly 13402  
read by the clerk of the village or a person designated by the 13403  
clerk at the time, date, and place specified in the advertisement 13404  
to bidders or specifications. The time, date, and place of bid 13405  
openings may be extended to a later date by the legislative 13406



authority of the village, provided that written or oral notice of 13407  
the change shall be given to all persons who have received or 13408  
requested specifications no later than ninety-six hours prior to 13409  
the original time and date fixed for the opening. This section 13410  
does not apply to those villages that have provided for the 13411  
appointment of a village administrator under section 735.271 of 13412  
the Revised Code. 13413

**Sec. 731.141.** In those villages that have established the 13414  
position of village administrator, as provided by section 735.271 13415  
of the Revised Code, the village administrator shall make 13416  
contracts, purchase supplies and materials, and provide labor for 13417  
any work under the administrator's supervision involving not more 13418  
than twenty-five thousand dollars. When an expenditure, other than 13419  
the compensation of persons employed by the village, exceeds 13420  
twenty-five thousand dollars, the expenditure shall first be 13421  
authorized and directed by ordinance of the legislative authority 13422  
of the village. When so authorized and directed, except where the 13423  
contract is for equipment, services, materials, or supplies to be 13424  
purchased under division (D) of section 713.23 or section 125.04 13425  
or 5513.01 of the Revised Code ~~or~~, available from a qualified 13426  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 13427  
Revised Code, or required to be purchased from a qualified 13428  
nonprofit agency under sections 125.60 to 125.6012 of the Revised 13429  
Code, the village administrator shall make a written contract with 13430  
the lowest and best bidder after advertisement for not less than 13431  
two nor more than four consecutive weeks in a newspaper of general 13432  
circulation within the village. The bids shall be opened and shall 13433  
be publicly read by the village administrator or a person 13434  
designated by the village administrator at the time, date, and 13435  
place as specified in the advertisement to bidders or 13436  
specifications. The time, date, and place of bid openings may be 13437  
extended to a later date by the village administrator, provided 13438

that written or oral notice of the change shall be given to all 13439  
persons who have received or requested specifications no later 13440  
than ninety-six hours prior to the original time and date fixed 13441  
for the opening. All contracts shall be executed in the name of 13442  
the village and signed on its behalf by the village administrator 13443  
and the clerk. 13444

The legislative authority of a village may provide, by 13445  
ordinance, for central purchasing for all offices, departments, 13446  
divisions, boards, and commissions of the village, under the 13447  
direction of the village administrator, who shall make contracts, 13448  
purchase supplies or materials, and provide labor for any work of 13449  
the village in the manner provided by this section. 13450

**Sec. 742.59.** The board of trustees of the Ohio police and 13451  
fire pension fund shall be the trustee of the funds created as 13452  
follows: 13453

(A) The "police officers' contribution fund" is the fund in 13454  
which shall be credited the contributions deducted from the 13455  
salaries of members of police departments and paid into the Ohio 13456  
police and fire pension fund, as provided by section 742.31 of the 13457  
Revised Code, and that percentage of the employers' accrued 13458  
liability that is attributable to deductions previously made from 13459  
the salaries of members of the police department who are still in 13460  
the active service at the time that portion of the employers' 13461  
accrued liability is paid. The accumulated contributions of a 13462  
member of a police department shall be transferred at the member's 13463  
retirement from the police officers' contribution fund to the 13464  
police officers' pension reserve fund. 13465

(B) The "firefighters' contribution fund" is the fund in 13466  
which shall be credited contributions deducted from the salaries 13467  
of members of fire departments and paid into the Ohio police and 13468  
fire pension fund, as provided by section 742.31 of the Revised 13469

Code, and that percentage of the employers' accrued liability that  
is attributable to deductions previously made from the salaries of  
members of the fire department who are still in the active service  
at the time that portion of the employers' accrued liability is  
paid. The accumulated contributions of a member of a fire  
department shall be transferred at the member's retirement from  
the firefighters' contribution fund to the firefighters' pension  
reserve fund.

(C) The "police officer employers' contribution fund" is the  
fund to which the following shall be credited:

(1) The police officer employers' contribution, as provided  
by section 742.33 of the Revised Code, ~~and that;~~

(2) The percentage of the employers' accrued liability that  
is attributable to the employers' liability for prior service of  
members of the police department who are still in the active  
service at the time that portion of the employers' accrued  
liability is paid, ~~and that portion of the state contribution  
allocated to such fund, as provided by section 742.36 of the  
Revised Code, shall be credited, and in which shall be  
accumulated.~~

In the police officer employers' contribution fund shall  
accumulate the reserves held in trust for the payment of all  
pensions or other benefits provided by sections 742.01 to 742.61  
of the Revised Code to members of a police department retiring in  
the future or their qualified beneficiaries and from which the  
reserves for such pensions and other benefits shall be transferred  
to the police officers' pension reserve fund.

(D) The "firefighter employers' contribution fund" is the  
fund to which the following shall be credited:

(1) The firefighter employers' contribution, as provided in  
section 742.34 of the Revised Code, ~~and that;~~

(2) The percentage of the employers' accrued liability that 13501  
is attributable to the employers' liability for prior service for 13502  
members of the fire department who are still in the active service 13503  
at the time that portion of the employers' accrued liability is 13504  
~~paid, and that portion of the state contribution allocated to such~~ 13505  
~~fund, as provided by section 742.36 of the Revised Code, shall be~~ 13506  
~~credited, and in which shall be accumulated.~~ 13507

In the firefighter employers' contribution fund shall 13508  
accumulate the reserves held in trust for the payment of all 13509  
pensions and other benefits provided by sections 742.01 to 742.61 13510  
of the Revised Code to members of a fire department retiring in 13511  
the future or their qualified beneficiaries and from which the 13512  
reserves for such pensions and other benefits shall be transferred 13513  
to the firefighters' pension reserve fund. 13514

(E) The "police officers' pension reserve fund" is the fund 13515  
from which shall be paid all pensions and other benefits for which 13516  
reserves have been transferred from the police officers' 13517  
contribution fund and the police officer employers' contribution 13518  
fund, and to which shall be credited that percentage of the 13519  
employers' accrued liability that is attributable to the total of 13520  
deductions previously made from the salaries of members of the 13521  
police department who are retired and are receiving pensions or 13522  
other benefits, or whose beneficiaries are receiving benefits, at 13523  
the time that portion of the employers' accrued liability is paid, 13524  
and that percentage of the employers' accrued liability that is 13525  
attributable to prior service of members of the police department 13526  
who are retired and are receiving pensions or other benefits, or 13527  
whose beneficiaries are receiving benefits, at the time that 13528  
portion of the employers' accrued liability is paid. 13529

(F) The "firefighters' pension reserve fund" is the fund from 13530  
which shall be paid all pensions and other benefits for which 13531  
reserves have been transferred from the firefighters' contribution 13532

fund and the firefighter employers' contribution fund, and to 13533  
which shall be credited that percentage of the employers' accrued 13534  
liability that is attributable to the total of deductions 13535  
previously made from the salaries of members of the fire 13536  
department who are retired and are receiving pensions or other 13537  
benefits, or whose beneficiaries are receiving benefits, at the 13538  
time that portion of the employers' accrued liability is paid, and 13539  
that percentage of the employers' accrued liability that is 13540  
attributable to prior service of members of the fire department 13541  
who are retired and are receiving pensions or other benefits, or 13542  
whose beneficiaries are receiving benefits, at the time that 13543  
portion of the employers' accrued liability is paid. 13544

(G) The "guarantee fund" is the fund from which interest is 13545  
transferred and credited on the amounts in the funds described in 13546  
divisions (C), (D), (E), and (F) of this section, and is a 13547  
contingent fund from which the special requirements of said funds 13548  
may be paid by transfer from this fund. All income derived from 13549  
the investment of funds by the board of trustees of the Ohio 13550  
police and fire pension fund as trustee under section 742.11 of 13551  
the Revised Code, together with all gifts and bequests or the 13552  
income therefrom, shall be paid into this fund. 13553

Any deficit occurring in any other fund that will not be 13554  
covered by payments to that fund, as otherwise provided by 13555  
sections 742.01 to 742.61 of the Revised Code, shall be paid by 13556  
transfers of amounts from the guarantee fund to such fund or 13557  
funds. Should the amount in the guarantee fund be insufficient at 13558  
any time to meet the amounts payable therefrom, the amount of such 13559  
deficiency, with regular interest, shall be paid by an additional 13560  
employer rate of current contribution as determined by the actuary 13561  
and shall be approved by the board of trustees of the Ohio police 13562  
and fire pension fund, and the amount of such additional employer 13563  
contribution shall be credited to the guarantee fund. 13564

The board may accept gifts and bequests. Any funds that may  
come into the possession of the board in this manner, or any other  
funds whose disposition is not otherwise provided for, shall be  
credited to the guarantee fund.

(H) The "expense fund" is the fund from which shall be paid  
the expenses for the administration and management of the Ohio  
police and fire pension fund, as provided by sections 742.01 to  
742.61 of the Revised Code, and to which shall be credited from  
the guarantee fund an amount sufficient to pay the expenses of  
operation.

**Sec. 901.43.** (A) The director of agriculture may authorize  
any department of agriculture laboratory to perform a laboratory  
service for any person, organization, political subdivision, state  
agency, federal agency, or other entity, whether public or  
private. The director shall adopt and enforce rules to provide for  
the rendering of a laboratory service.

(B) The director may charge a reasonable fee for the  
performance of a laboratory service, except when the service is  
performed on an official sample taken by the director acting  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the  
Revised Code; by a board of health acting as the licensor of  
retail food establishments or food service operations under  
Chapter 3717. of the Revised Code; or by the director of health  
acting as the licensor of food service operations under Chapter  
3717. of the Revised Code. The director of agriculture shall adopt  
rules specifying what constitutes an official sample.

The director shall publish a list of laboratory services  
offered, together with the fee for each service.

(C) The director may enter into a contract with any person,  
organization, political subdivision, state agency, federal agency,

or other entity for the provision of a laboratory service. 13595

(D)(1) The director may adopt rules establishing standards 13596  
for accreditation of laboratories and laboratory services and in 13597  
doing so may adopt by reference existing or recognized standards 13598  
or practices. 13599

(2) The director may inspect and accredit laboratories and 13600  
laboratory services, and may charge a reasonable fee for the 13601  
inspections and accreditation. 13602

(E)(1) ~~All~~ There is hereby created in the state treasury the 13603  
animal health and food safety fund. Moneys from the following 13604  
sources shall be deposited into the state treasury to the credit 13605  
of the fund: all moneys collected by the director under this 13606  
section that are from fees generated by a laboratory service 13607  
performed by the department and related to the diseases of 13608  
animals, ~~and~~ all moneys so collected that are from fees generated 13609  
for the inspection and accreditation of laboratories and 13610  
laboratory services related to the diseases of animals, ~~shall be~~ 13611  
~~deposited in the animal industry laboratory fund, which is hereby~~ 13612  
~~created in the state treasury. The director shall use the moneys~~ 13613  
~~in the animal industry laboratory fund to pay the expenses~~ 13614  
~~necessary to operate the animal industry laboratory, including the~~ 13615  
~~purchase of supplies and equipment.~~ 13616

~~(2) All~~ all moneys collected by the director under this 13617  
section that are from fees generated by a laboratory service 13618  
performed by the consumer analytical laboratory, and all moneys so 13619  
collected that are from fees generated for the inspection and 13620  
accreditation of laboratories and laboratory services not related 13621  
to weights and measures ~~or the diseases of animals, shall be~~ 13622  
~~deposited in the laboratory services fund, which is hereby created~~ 13623  
~~in the state treasury. The~~ director may use the moneys held in the 13624  
fund ~~may be used~~ to pay the expenses necessary to operate the 13625

animal industry laboratory and the consumer analytical laboratory, 13626  
including the purchase of supplies and equipment. 13627

~~(3)~~(2) All moneys collected by the director under this 13628  
section that are from fees generated by a laboratory service 13629  
performed by the weights and measures laboratory, and all moneys 13630  
so collected that are from fees generated for the inspection and 13631  
accreditation of laboratories and laboratory services related to 13632  
weights and measures, shall be deposited in the state treasury to 13633  
the credit of the weights and measures laboratory fund, which is 13634  
hereby created in the state treasury. The moneys held in the fund 13635  
may be used to pay the expenses necessary to operate the division 13636  
of weights and measures, including the purchase of supplies and 13637  
equipment. 13638

Sec. 901.44. There is hereby created in the state treasury 13639  
the laboratory and administrative support fund. The department of 13640  
agriculture shall deposit the following moneys received by the 13641  
department to the credit of the fund: payment for the rental of 13642  
the department's auditoriums by outside parties and reimbursement 13643  
for related utility expenses, laboratory fees that are not 13644  
designated for deposit into another fund, and other miscellaneous 13645  
moneys that are not designated for deposit into another fund. The 13646  
department may use moneys in the fund to pay costs associated with 13647  
any program of the department as the director of agriculture sees 13648  
fit. 13649

Sec. 903.05. (A) Each application for a permit to install or 13650  
permit to operate a concentrated animal feeding facility that is 13651  
submitted by an applicant who has not operated a concentrated 13652  
animal feeding facility in this state for at least two of the five 13653  
years immediately preceding the submission of the application 13654  
shall be accompanied by all of the following: 13655



(1) A listing of all ~~concentrated~~ animal feeding facilities 13656  
that the owner or operator of the proposed new or modified 13657  
concentrated animal feeding facility has operated or is operating 13658  
in this state; 13659

(2) A listing of the ~~concentrated~~ animal feeding facilities 13660  
that the owner or operator has operated or is operating elsewhere 13661  
in the United States and that are regulated under the Federal 13662  
Water Pollution Control Act together with a listing of the 13663  
~~concentrated~~ animal feeding facilities that the owner or operator 13664  
has operated or is operating outside the United States; 13665

(3) A listing of all administrative enforcement orders issued 13666  
to the owner or operator, all civil actions in which the owner or 13667  
operator was determined by the trier of fact to be liable in 13668  
damages or was the subject of injunctive relief or another type of 13669  
civil relief, and all criminal actions in which the owner or 13670  
operator pleaded guilty or was convicted, during the five years 13671  
immediately preceding the submission of the application, in 13672  
connection with any violation of the federal Water Pollution 13673  
Control Act, the "Safe Drinking Water Act," as defined in section 13674  
6109.01 of the Revised Code, or any other applicable state laws 13675  
pertaining to environmental protection that was alleged to have 13676  
occurred or to be occurring at any ~~concentrated~~ animal feeding 13677  
facility that the owner or operator has operated or is operating 13678  
in the United States or with any violation of the environmental 13679  
laws of another country that was alleged to have occurred or to be 13680  
occurring at any ~~concentrated~~ animal feeding facility that the 13681  
owner or operator has operated or is operating outside the United 13682  
States. 13683

The lists of ~~concentrated~~ animal feeding facilities operated 13684  
by the owner or operator within or outside this state or outside 13685  
the United States shall include, respectively, all such facilities 13686  
operated by the owner or operator during the five-year period 13687

immediately preceding the submission of the application. 13688

(B) If the applicant for a permit to install or permit to 13689  
operate has been involved in any prior activity involving the 13690  
operation of a ~~concentrated~~ an animal feeding facility, the 13691  
director of agriculture may deny the application if the director 13692  
finds from the application, the information submitted under 13693  
divisions (A)(1) to (3) of this section, pertinent information 13694  
submitted to the director, and other pertinent information 13695  
obtained by the director at the director's discretion that the 13696  
applicant and persons associated with the applicant, in the 13697  
operation of ~~concentrated~~ animal feeding facilities, have a 13698  
history of substantial noncompliance with the Federal Water 13699  
Pollution Control Act, the "Safe Drinking Water Act," as defined 13700  
in section 6109.01 of the Revised Code, any other applicable state 13701  
laws pertaining to environmental protection, or the environmental 13702  
laws of another country that indicates that the applicant lacks 13703  
sufficient reliability, expertise, and competence to operate the 13704  
proposed new or modified concentrated animal feeding facility in 13705  
substantial compliance with this chapter and rules adopted under 13706  
it. 13707

(C) A person who seeks to acquire a concentrated animal 13708  
feeding facility that has been issued an installation permit that 13709  
has been transferred from the director of environmental protection 13710  
to the director of agriculture, a permit to install, or a permit 13711  
to operate shall submit to the director the information specified 13712  
in divisions (A)(1) to (3) of this section prior to the transfer 13713  
of the permit. The permit shall not be transferred as otherwise 13714  
provided in division (I) of section 903.09 of the Revised Code if 13715  
the director finds from the information submitted under divisions 13716  
(A)(1) to (3) of this section, pertinent information submitted to 13717  
the director, and other pertinent information obtained by the 13718  
director at the director's discretion that the person, in the 13719

operation of ~~concentrated~~ animal feeding facilities, has a history 13720  
of substantial noncompliance with the Federal Water Pollution 13721  
Control Act, the "Safe Drinking Water Act," as defined in section 13722  
6109.01 of the Revised Code, any other applicable state laws 13723  
pertaining to environmental protection, or the environmental laws 13724  
of another country that indicates that the person lacks sufficient 13725  
reliability, expertise, and competence to operate the concentrated 13726  
animal feeding facility in substantial compliance with this 13727  
chapter and rules adopted under it. 13728

**Sec. 905.32.** (A) No person shall manufacture or distribute in 13729  
this state any type of fertilizer until a license to manufacture 13730  
or distribute has been obtained by the manufacturer or distributor 13731  
from the department of agriculture upon payment of a five dollar 13732  
fee: 13733

(1) For each fixed (permanent) location at which fertilizer 13734  
is manufactured in this state; 13735

(2) For each mobile unit used to manufacture fertilizer in 13736  
this state; 13737

(3) For each location out of the state from which fertilizer 13738  
is distributed in this state to nonlicensees. 13739

All licenses ~~expire on the thirtieth day of June of each~~ 13740  
shall be valid for one year beginning on the first day of December 13741  
of a calendar year through the thirtieth day of November of the 13742  
following calendar year. A renewal application for a license shall 13743  
be submitted ~~no earlier than the first day of June each year and~~ 13744  
no later than the thirtieth day of ~~June~~ November each year. A 13745  
person who submits a renewal application for a license after the 13746  
thirtieth day of ~~June~~ November shall include with the application 13747  
a late filing fee of ten dollars. 13748

(B) An application for license shall include: 13749

(1) The name and address of the licensee; 13750

(2) The name and address of each bulk distribution point in 13751  
the state, not licensed for fertilizer manufacture and 13752  
distribution. 13753

The name and address shown on the license shall be shown on 13754  
all labels, pertinent invoices, and bulk storage for fertilizers 13755  
distributed by the licensee in this state. 13756

(C) The licensee shall inform the director of agriculture in 13757  
writing of additional distribution points established during the 13758  
period of the license. 13759

**Sec. 905.33.** (A) Except as provided in division (C) of this 13760  
section, no person shall distribute in this state a specialty 13761  
fertilizer until it is registered by the manufacturer or 13762  
distributor with the department of agriculture. An application, in 13763  
duplicate, for each brand and product name of each grade of 13764  
specialty fertilizer shall be made on a form furnished by the 13765  
director of agriculture and shall be accompanied with a fee of 13766  
fifty dollars for each brand and product name of each grade. 13767  
Labels for each brand and product name of each grade shall 13768  
accompany the application. Upon the approval of an application by 13769  
the director, a copy of the registration shall be furnished the 13770  
applicant. All registrations ~~expire on the thirtieth day of June~~ 13771  
~~of each~~ shall be valid for one year beginning on the first day of 13772  
December of a calendar year through the thirtieth day of November 13773  
of the following calendar year. 13774

(B) An application for registration shall include the 13775  
following: 13776

(1) Name and address of the manufacturer or distributor; 13777

(2) The brand and product name; 13778

(3) The grade; 13779

(4) The guaranteed analysis;	13780
(5) The package sizes for persons that package fertilizers	13781
only in containers of ten pounds or less.	13782
(C)(1) No person who engages in the business of applying	13783
custom mixed fertilizer to lawns, golf courses, recreation areas,	13784
or other real property that is not used for agricultural	13785
production shall be required to register the custom mixed	13786
fertilizer as a specialty fertilizer in accordance with division	13787
(A) of this section if the fertilizer ingredients of the custom	13788
mixed fertilizer are registered as specialty fertilizers and the	13789
inspection fee described in division (A) of section 905.36 of the	13790
Revised Code is paid.	13791
(2) No person who engages in the business of blending custom	13792
mixed fertilizer for use on lawns, golf courses, recreation areas,	13793
or other real property that is not used for agricultural	13794
production shall be required to register the custom mixed	13795
fertilizer as a specialty fertilizer in accordance with division	13796
(A) of this section if the facility holds a nonagricultural	13797
production custom mixed fertilizer blender license issued under	13798
section 905.331 of the Revised Code.	13799
(D) A person who engages in the business of applying or	13800
blending custom mixed fertilizer as described in division (C) of	13801
this section shall maintain an original or a copy of an invoice or	13802
document of sale for all fertilizer the person applies or	13803
distributes for one year following the date of the application or	13804
distribution, and, upon the director's request, shall furnish the	13805
director with the invoice or document of sale for the director's	13806
review.	13807
<b>Sec. 905.331.</b> No person who engages in the business of	13808
blending a custom mixed fertilizer for use on lawns, golf courses,	13809

recreation areas, or other real property that is not used for 13810  
agricultural production shall fail to register a specialty 13811  
fertilizer in accordance with division (A) of section 905.33 of 13812  
the Revised Code unless the person has obtained a an annual 13813  
nonagricultural production custom mixed fertilizer blender license 13814  
from the director of agriculture. 13815

A license issued under this section shall be valid from the 13816  
first day of December of a calendar year through the thirtieth day 13817  
of November of the following calendar year. A renewal application 13818  
for a nonagricultural production custom mixed fertilizer blender 13819  
license shall be submitted to the director ~~no earlier than the~~ 13820  
~~first day of June each year and~~ no later than the thirtieth day of 13821  
~~June~~ November each year and shall include the name and address of 13822  
the applicant and of the premises where the blending occurs and a 13823  
one-hundred-dollar fee. A person who submits a renewal application 13824  
for a license after the thirtieth day of ~~June~~ November shall 13825  
include with the application a late filing fee of ten dollars. All 13826  
nonagricultural production custom mixed fertilizer blender 13827  
licenses expire on the thirtieth day of ~~June of~~ November each 13828  
year. 13829

A person holding a nonagricultural production custom mixed 13830  
fertilizer blender license shall pay the inspection fees described 13831  
in division (A) of section 905.36 of the Revised Code for each 13832  
product being blended. 13833

**Sec. 905.36.** (A) A licensee or registrant, except registrants 13834  
who package specialty fertilizers only in containers of ten pounds 13835  
or less, shall pay the director of agriculture for all fertilizers 13836  
distributed in this state an inspection fee at the rate of ~~twelve~~ 13837  
twenty-five cents per ton or ~~thirteen~~ twenty-eight cents per 13838  
metric ton. Licensees and registrants shall specify on an invoice 13839  
whether the per ton inspection fee has been paid or whether 13840

payment of the fee is the responsibility of the purchaser of the 13841  
fertilizer. The payment of this inspection fee by a licensee or 13842  
registrant shall exempt all other persons from the payment of this 13843  
fee. 13844

(B) Every licensee or registrant shall file a ~~semiannual~~ 13845  
~~statement~~ with the director an annual tonnage report that includes 13846  
the number of net tons or metric tons of fertilizer distributed to 13847  
nonlicensees or nonregistrants in this state by grade; packaged; 13848  
bulk, dry or liquid; ~~within thirty days after the thirtieth day of~~ 13849  
~~June, and within thirty days after the thirty first day of~~ 13850  
~~December, respectively, of.~~ The report shall be filed on or before 13851  
the thirtieth day of November of each calendar year and shall 13852  
include data from the period beginning on the first day of 13853  
November of the year preceding the year in which the report is due 13854  
through the thirty-first day of October of the year in which the 13855  
report is due. The licensee or registrant, except registrants who 13856  
package specialty fertilizers only in containers of ten pounds or 13857  
less, shall include with this statement the inspection fee at the 13858  
rate stated in division (A) of this section. For a tonnage report 13859  
that is not filed or payment of inspection fees that is not made 13860  
~~within ten days after due date~~ on or before the thirtieth day of 13861  
November of the applicable calendar year, a penalty of fifty 13862  
dollars or ten per cent of the amount due, whichever is greater, 13863  
shall be assessed against the licensee or registrant. The amount 13864  
of fees due, plus penalty, shall constitute a debt and become the 13865  
basis of a judgment against the licensee or registrant. For 13866  
tonnage reports found to be incorrect, a penalty of fifteen per 13867  
cent of the amount due shall be assessed against the licensee or 13868  
registrant and shall constitute a debt and become the basis of a 13869  
judgment against the licensee or registrant. 13870

(C) No information furnished under this section shall be 13871  
disclosed by any employee of the department of agriculture in such 13872

a way as to divulge the operation of any person required to make  
such a report. The filing by a licensee or registrant of a sales  
volume tonnage statement required by division (B) of this section  
thereby grants permission to the director to verify the same with  
the records of the licensee or registrant.

**Sec. 905.37.** (A) The director of agriculture ~~shall~~ may  
distribute annual statements of fertilizer sales by grades of  
materials and mixed fertilizer by counties, in a manner prescribed  
by the director.

(B) The director ~~shall~~ may publish ~~at least~~ annually a report  
of the analysis of fertilizers inspected.

(C) The director may distribute a state fertilizer usage  
report by grade of materials and mixed fertilizers for each month.

**Sec. 905.38.** The commercial feed, fertilizer, seed, and lime  
inspection and laboratory fund is hereby created in the state  
treasury. All moneys collected by the director of agriculture  
under sections 905.31 to 905.50 of the Revised Code, shall be  
deposited into the fund. Moneys credited to the fund under this  
section and sections 905.66, 907.16, and 923.46 of the Revised  
Code shall be used for administering and enforcing this chapter  
and ~~Chapter~~ Chapters 907. and 923. of the Revised Code and rules  
adopted under them.

**Sec. 905.381.** The director of agriculture shall keep accurate  
accounts of all receipts and disbursements from the commercial  
feed, fertilizer, seed, and lime inspection and laboratory fund,  
and shall prepare, and provide upon request, an annual report  
classifying the receipts and disbursements as pertaining to either  
feed, fertilizer, seed, or lime.



Sec. 905.50. If the director of agriculture has taken an 13901  
official sample of a fertilizer or mixed fertilizer and determined 13902  
that it constitutes mislabeled fertilizer pursuant to rules 13903  
adopted under section 905.40 of the Revised Code, the person who 13904  
labeled the fertilizer or mixed fertilizer shall pay a penalty to 13905  
the consumer of the mislabeled fertilizer or, if the consumer 13906  
cannot be determined with reasonable diligence or is not 13907  
available, to the director for deposit into the commercial feed, 13908  
fertilizer, seed, and lime inspection and laboratory fund created 13909  
under section 905.38 of the Revised Code. The amount of the 13910  
penalty shall be calculated in accordance with either division (A) 13911  
or (B) of this section, whichever method of calculation yields the 13912  
largest amount. 13913

(A)(1) A penalty required to be paid under this section may 13914  
be calculated as follows: 13915

(a) Five dollars for each percentage point of total nitrogen 13916  
or phosphorus in the fertilizer that is below the percentage of 13917  
nitrogen or phosphorus guaranteed on the label, multiplied by the 13918  
number of tons of mislabeled fertilizer that have been sold to the 13919  
consumer; 13920

(b) Three dollars for each percentage point of potash in the 13921  
fertilizer that is below the percentage of potash guaranteed on 13922  
the label, multiplied by the number of tons of mislabeled 13923  
fertilizer that have been sold to the consumer. 13924

(2) In the case of a fertilizer that contains a quantity of 13925  
nitrogen, phosphorus, or potash that is more than five percentage 13926  
points below the percentages guaranteed on the label, the 13927  
penalties calculated under division (A)(1) of this section shall 13928  
be tripled. 13929

(3) No penalty calculated under division (A) of this section 13930  
shall be less than twenty-five dollars. 13931

(B) A penalty required to be paid under this section may be 13932  
calculated by multiplying the market value of one unit of the 13933  
mislabeled fertilizer by the number of units of the mislabeled 13934  
fertilizer that have been sold to the consumer. 13935

(C) Upon making a determination under this section that a 13936  
person has mislabeled fertilizer or mixed fertilizer, the director 13937  
shall determine the parties to whom the penalty imposed by this 13938  
section is required to be paid and, in accordance with division 13939  
(A) or (B) of this section, as applicable, shall calculate the 13940  
amount of the penalty required to be paid to each such party. 13941  
After completing those determinations and calculations, the 13942  
director shall issue to the person who allegedly mislabeled the 13943  
fertilizer or mixed fertilizer a notice of violation. The notice 13944  
shall be accompanied by an order requiring, and specifying the 13945  
manner of, payment of the penalty imposed by this section to the 13946  
parties in the amounts set forth in the determinations and 13947  
calculations required by this division. The order shall be issued 13948  
in accordance with Chapter 119. of the Revised Code. 13949

No person shall violate a term or condition of an order 13950  
issued under this division. 13951

**Sec. 905.501.** (A) As used in this section, ~~"political:~~ 13952

(1) "Political subdivision" means a county, township, or 13953  
municipal corporation and any other body corporate and politic 13954  
that is responsible for government activities in a geographic area 13955  
smaller than that of the state. 13956

(2) "Local legislation" includes, but is not limited to, an 13957  
ordinance, resolution, regulation, rule, motion, or amendment that 13958  
is enacted or adopted by a political subdivision. 13959

(B)(1) No political subdivision shall regulate the 13960  
registration, packaging, labeling, sale, storage, distribution, 13961

use, or application of fertilizer, or require a person licensed or 13962  
registered under sections 905.31 to 905.99 of the Revised Code to 13963  
obtain a license or permit to operate in a manner described in 13964  
those sections, or to satisfy any other condition except as 13965  
provided by a statute or rule of this state or of the United 13966  
States. 13967

(2) No political subdivision shall enact, adopt, or continue 13968  
in effect local legislation relating to the registration, 13969  
packaging, labeling, sale, storage, distribution, use, or 13970  
application of fertilizers. 13971

**Sec. 905.66.** All moneys collected by the director of 13972  
agriculture under sections 905.51 to 905.65 of the Revised Code 13973  
shall be deposited into the commercial feed, fertilizer, seed, and 13974  
lime inspection and laboratory fund created under section 905.38 13975  
of the Revised Code. 13976

The director shall prepare and provide a report concerning 13977  
the fund in accordance with section 905.381 of the Revised Code. 13978

**Sec. 907.111.** (A) The department of agriculture has sole and 13979  
exclusive authority to regulate the registration, labeling, sale, 13980  
storage, transportation, distribution, notification of use, use, 13981  
and planting of seed within the state. The regulation of seed is a 13982  
matter of general statewide interest that requires uniform 13983  
statewide regulation, and this chapter and rules adopted under it 13984  
constitute a comprehensive plan with respect to all aspects of the 13985  
regulation of seed within this state. 13986

(B) No political subdivision shall do any of the following: 13987

(1) Regulate the registration, labeling, sale, storage, 13988  
transportation, distribution, notification of use, use, or 13989  
planting of seed; 13990

(2) Require a person who has been issued a permit or license 13991

under this chapter to obtain a permit or license to operate in a 13992  
manner described in this chapter or to satisfy any other condition 13993  
except as provided by a statute or rule of this state or of the 13994  
United States; 13995

(3) Require a person who has registered a legume innoculant 13996  
under this chapter to register that innoculant in a manner 13997  
described in this chapter or to satisfy any other condition except 13998  
as provided by a statute or rule of this state or of the United 13999  
States. 14000

(C) No political subdivision shall enact, adopt, or continue 14001  
in effect local legislation relating to the permitting or 14002  
licensure of any person who is required to obtain a permit or 14003  
license under this chapter or to the registration, labeling, sale, 14004  
storage, transportation, distribution, notification of use, use, 14005  
or planting of seed. 14006

(D) As used in this section, "political subdivision" and 14007  
"local legislation" have the same meanings as in section 905.501 14008  
of the Revised Code. 14009

**Sec. 907.16.** All money collected by the director of 14010  
agriculture under sections 907.01 to 907.17 of the Revised Code 14011  
shall be deposited into the treasury of the state to the credit of 14012  
the commercial feed, fertilizer, seed, and lime inspection and 14013  
laboratory fund, ~~which is hereby created in the state treasury.~~ 14014  
~~Money credited to the fund shall be used to administer and enforce~~ 14015  
~~those sections and rules adopted under them~~ section 905.38 of the 14016  
Revised Code. 14017

**Sec. 913.02.** No person, firm, or corporation shall engage in 14018  
the business of operating a cannery without obtaining a license 14019  
for the operation of each cannery from the director of 14020  
agriculture. 14021

In order to obtain a license, an application shall be made on 14022  
a form prescribed by the director and shall be accompanied by a 14023  
fee of ~~one~~ two hundred dollars. The director shall thereupon cause 14024  
an investigation to be made. If the applicant is supplied with the 14025  
facilities necessary for complying with sections 913.01 to 913.05 14026  
of the Revised Code and rules adopted under them, a license shall 14027  
be issued and shall be effective until the thirtieth day of June, 14028  
and shall become invalid on that date unless renewed. The fee for 14029  
each renewal is ~~one~~ two hundred dollars. License fees and renewal 14030  
fees shall be deposited to the credit of the food safety fund 14031  
created in section 915.24 of the Revised Code. 14032

The director may suspend or revoke any license for failure to 14033  
comply with sections 913.01 to 913.05 of the Revised Code, or any 14034  
rule or order adopted under those sections. In such event, the 14035  
cannery immediately shall cease operation. 14036

**Sec. 913.23.** (A) The director of agriculture may issue 14037  
licenses as required by sections 913.22 to 913.28 of the Revised 14038  
Code, may make the inspections and registrations required by those 14039  
sections, and may prescribe the form of application to be filed 14040  
under this section. 14041

(B) No person shall manufacture or bottle for sale within 14042  
this state any soft drink in closed containers unless the person 14043  
has a license issued by the director. Upon receipt of an 14044  
application for such a license, the director shall examine the 14045  
products and the place of manufacture where the business is to be 14046  
conducted, to determine whether the products and place comply with 14047  
sections 913.22 to 913.28 of the Revised Code. Upon finding there 14048  
is compliance, and upon payment of a license fee of ~~one~~ two 14049  
hundred dollars, the director shall issue a license authorizing 14050  
the applicant to manufacture or bottle for sale such soft drinks, 14051  
subject to sections 913.22 to 913.28 of the Revised Code. The 14052

license shall expire on the last day of March of each year unless 14053  
renewed. 14054

(C) No soft drink that is manufactured or bottled out of the 14055  
state shall be sold or offered for sale within this state unless 14056  
the soft drink and the plant in which the soft drink is 14057  
manufactured or bottled are found by the director to comply with 14058  
sections 913.22 to 913.28 of the Revised Code, and ~~is~~ are 14059  
registered by the director, which shall be upon a like application 14060  
as provided in division (B) of this section. 14061

An annual registration fee of ~~one~~ two hundred dollars shall 14062  
be paid to the director by each applicant under this division. The 14063  
registration shall be renewed annually, and the registration fee 14064  
paid with the application for annual renewal. 14065

Registration of out-of-state soft drink manufacturers or 14066  
bottlers or syrup and extract manufacturers is not required if a 14067  
reciprocal agreement is in effect whereby a soft drink 14068  
manufacturer or bottler or syrup and extract manufacturer located 14069  
in this state is not subject to a license or registration fee by 14070  
another state or a political subdivision thereof. 14071

(D) No person, other than a manufacturer or bottler holding a 14072  
soft drink plant license under this section, shall sell, offer for 14073  
sale, use, or have in the person's possession with intent to sell, 14074  
any soda water syrup or extract or soft drink syrup, to be used in 14075  
making, drawing, or dispensing soda water or other soft drinks, 14076  
without first registering the person's name and address, the name 14077  
and address of the manufacturer of the syrup or extract, the 14078  
number and variety of such syrups or extracts intended to be sold, 14079  
and the trade name or brand of those products, with the director, 14080  
together with such samples of the syrups or extracts as the 14081  
director requests for analysis. The person also shall pay to the 14082  
department of agriculture at the time of making registration a 14083  
license fee of ~~fifty~~ one hundred dollars. No license shall be 14084

granted by the director unless the director determines that the 14085  
syrup or extract is free from all harmful drugs and other 14086  
ingredients that, as used, may be injurious to health. The 14087  
registration shall be renewed annually upon like terms. If any 14088  
manufacturer, bottler, agent, or seller is licensed or has 14089  
registered the manufacturer's, bottler's, agent's, or seller's 14090  
name and product as required by this section and has paid the 14091  
manufacturer's, bottler's, agent's, or seller's fee, the 14092  
manufacturer's, bottler's, agent's, or seller's distributor, 14093  
retail agent, or retail seller using the products shall not be 14094  
required to pay that fee. This section does not apply to local 14095  
sellers of soft drinks as to syrups and extracts made by 14096  
themselves for their own use exclusively. 14097

(E) All moneys received under sections 913.22 to 913.28 of 14098  
the Revised Code shall be deposited with the treasurer of state to 14099  
the credit of the food safety fund created in section 915.24 of 14100  
the Revised Code. 14101

(F) The director may revoke any license or registration 14102  
issued under sections 913.22 to 913.28 of the Revised Code, 14103  
whenever the director determines that those sections have been 14104  
violated. When a license has been revoked, the licensee shall 14105  
discontinue the manufacture and sale of soft drinks or other 14106  
products for which the license was issued. When a registration has 14107  
been revoked, the registrant shall discontinue the sale within 14108  
this state of the registrant's products until those sections have 14109  
been complied with and a new license or registration has been 14110  
issued. The director may suspend any such license or registration 14111  
temporarily, pending compliance with such conditions required by 14112  
those sections as the director prescribes. 14113

**Sec. 915.02.** No person, firm, or corporation shall operate a 14114  
cold-storage warehouse, for hire, without a license issued by the 14115

director of agriculture. ~~Such~~ A license shall be issued only on 14116  
written application stating the location of ~~such~~ the warehouse. 14117  
Upon receipt of the application the director shall cause an 14118  
examination to be made into the sanitary conditions of ~~such~~ the 14119  
warehouse. If it is found to be in a sanitary condition and 14120  
properly equipped for the purpose of cold storage, the director 14121  
shall cause a license to be issued authorizing the applicant to 14122  
operate a warehouse. No license shall be issued until the 14123  
applicant has paid to the director the sum of ~~one~~ two hundred 14124  
dollars. ~~Such~~ A license shall be valid until the last day of March 14125  
of each year and becomes invalid on that date unless renewed. A 14126  
license shall be required for each separate warehouse building. 14127

**Sec. 915.16.** The license fee for an establishment is 14128  
~~twenty-five~~ fifty dollars. Any operator operating in connection 14129  
with a cold-storage warehouse holding a license under section 14130  
915.02 of the Revised Code is not required to secure an additional 14131  
license under section 915.15 of the Revised Code so long as ~~he~~ the 14132  
operator continues to be licensed as a cold-storage warehouse; but 14133  
~~he~~ the operator shall comply with sections 915.14 to 915.24~~7~~ 14134  
~~inclusive~~, of the Revised Code, and all rules and regulations 14135  
promulgated thereunder. The license issued shall be in such form 14136  
as the department of agriculture prescribes. Licenses shall be 14137  
valid until the last day of November following initial issuance or 14138  
renewal and shall become invalid on that date unless renewed. The 14139  
original license or a certified copy thereof shall be 14140  
conspicuously displayed by the operator in the establishment. 14141

**Sec. 915.24.** (A) There is hereby created in the state 14142  
treasury the food safety fund. All of the following moneys shall 14143  
be credited to the fund: 14144

(1) Bakery registration fees and fines received under 14145  
sections 911.02 to 911.20 of the Revised Code; 14146



(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code;	14147 14148
(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;	14149 14150
(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;	14151 14152
(5) License fees collected under sections 915.14 to 915.23 of the Revised Code;	14153 14154
(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	14155 14156 14157
<u>(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale.</u>	14158 14159
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	14160 14161 14162
<b>Sec. 921.02.</b> (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the director of agriculture under this chapter. Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the Revised Code or an experimental use permit issued by the United States environmental protection agency.	14163 14164 14165 14166 14167 14168 14169 14170 14171 14172 14173 14174 14175
(B) The applicant for registration of a pesticide shall file	14176

a statement with the director on a form provided by the director, 14177  
which shall include all of the following: 14178

(1) The name and address of the applicant and the name and 14179  
address of the person whose name will appear on the label, if 14180  
other than the applicant's name; 14181

(2) The brand and product name of the pesticide; 14182

(3) Any necessary information required for completion of the 14183  
department of agriculture's application for registration, 14184  
including the agency registration number; 14185

(4) A complete copy of the labeling accompanying the 14186  
pesticide and a statement of all claims to be made for it, 14187  
including the directions for use and the use classification as 14188  
provided for in the federal act. 14189

(C) The director, when the director considers it necessary in 14190  
the administration of this chapter, may require the submission of 14191  
the complete formula of any pesticide including the active and 14192  
inert ingredients. 14193

(D) The director may require a full description of the tests 14194  
made and the results thereof upon which the claims are based for 14195  
any pesticide. The director shall not consider any data submitted 14196  
in support of an application, without permission of the applicant, 14197  
in support of any other application for registration unless the 14198  
other applicant first has offered to pay reasonable compensation 14199  
for producing the test data to be relied upon and the data are not 14200  
protected from disclosure by section 921.04 of the Revised Code. 14201  
In the case of a renewal of registration, a statement shall be 14202  
required only with respect to information that is different from 14203  
that furnished when the pesticide was registered or last 14204  
registered. 14205

(E) The director may require any other information to be 14206

submitted with an application. 14207

Any applicant may designate any portion of the required 14208  
registration information as a trade secret or confidential 14209  
business information. Upon receipt of any required registration 14210  
information designated as a trade secret or confidential business 14211  
information, the director shall consider the designated 14212  
information as confidential and shall not reveal or cause to be 14213  
revealed any such designated information without the consent of 14214  
the applicants, except to persons directly involved in the 14215  
registration process described in this section or as required by 14216  
law. 14217

(F) ~~Each~~ Beginning January 1, 2007, each applicant shall pay 14218  
a registration and inspection fee ~~established by rule of one~~ 14219  
hundred fifty dollars for each product name and brand registered 14220  
for the company whose name appears on the label. If an applicant 14221  
files for a renewal of registration after the deadline established 14222  
by rule, the applicant shall pay a penalty fee ~~established by rule~~ 14223  
of seventy-five dollars for each product name and brand registered 14224  
for the applicant. The penalty fee shall be added to the original 14225  
fee and paid before the renewal registration is issued. In 14226  
addition to any other remedy available under this chapter, if a 14227  
pesticide that is not registered pursuant to this section is 14228  
distributed within this state, the person required to register the 14229  
pesticide shall do so and shall pay a penalty fee ~~established by~~ 14230  
~~rule of~~ seventy-five dollars for each product name and brand 14231  
registered for the applicant. The penalty fee shall be added to 14232  
the original fee of one hundred fifty dollars and paid before the 14233  
registration is issued. 14234

(G) Provided that the state is authorized by the 14235  
administrator of the United States environmental protection agency 14236  
to register pesticides to meet special local needs, the director 14237  
shall require the information set forth under divisions (B), (C), 14238

(D), and (E) of this section and shall register any such pesticide  
after determining that all of the following conditions are met:

(1) Its composition is such as to warrant the proposed claims  
for it.

(2) Its labeling and other material required to be submitted  
comply with the requirements of the federal act and of this  
chapter, and rules adopted thereunder.

(3) It will perform its intended function without  
unreasonable adverse effects on the environment.

(4) When used in accordance with widespread and commonly  
recognized practice, it will not generally cause unreasonable  
adverse effects on the environment.

(5) The classification for general or restricted use is in  
conformity with the federal act.

The director shall not make any lack of essentiality a  
criterion for denying the registration of any pesticide. When two  
pesticides meet the requirements of division (G) of this section,  
the director shall not register one in preference to the other.

(H)(1) The director may refuse to register a pesticide if the  
application for registration fails to comply with this section.

(2) The director may suspend or revoke a pesticide  
registration after a hearing in accordance with Chapter 119. of  
the Revised Code for a pesticide that fails to meet the claims  
made for it on its label.

(3) The director may immediately suspend a pesticide  
registration, prior to a hearing, when the director believes that  
the pesticide poses an immediate hazard to human or animal health  
or a hazard to the environment. Not later than fifteen days after  
suspending the registration, the director shall determine whether  
the pesticide poses such a hazard. If the director determines that

no hazard exists, the director shall lift the suspension of the 14269  
registration. If the director determines that a hazard exists, the 14270  
director shall revoke the registration in accordance with Chapter 14271  
119. of the Revised Code. 14272

**Sec. 921.16.** (A) The director of agriculture shall adopt 14273  
rules the director determines necessary for the effective 14274  
enforcement and administration of this chapter. The rules may 14275  
relate to, but are not limited to, the time, place, manner, and 14276  
methods of application, materials, and amounts and concentrations 14277  
of application of pesticides, may restrict or prohibit the use of 14278  
pesticides in designated areas during specified periods of time, 14279  
and shall encompass all reasonable factors that the director 14280  
determines necessary to minimize or prevent damage to the 14281  
environment. In addition, the rules shall establish the ~~fees,~~ 14282  
~~deadlines,~~ and time periods for registration, registration 14283  
renewal, late registration renewal, and failure to register under 14284  
section 921.02 of the Revised Code; the fees for registration, 14285  
registration renewal, late registration renewal, and failure to 14286  
register under section 921.02 of the Revised Code that shall apply 14287  
until the fees that are established under that section take effect 14288  
on January 1, 2007; and the fees, deadlines, and time periods for 14289  
licensure and license renewal under sections 921.06, 921.09, 14290  
921.11, and 921.13 of the Revised Code. ~~The aggregate amount of~~ 14291  
~~the fees that initially are established by rule after the~~ 14292  
~~effective date of this amendment shall be designed to cover, but~~ 14293  
~~not exceed, the costs incurred by the department of agriculture in~~ 14294  
~~administering this chapter. Thereafter, the fees shall not be~~ 14295  
~~increased without the approval of the general assembly.~~ 14296

(B) The director shall adopt rules that establish a schedule 14297  
of civil penalties for violations of this chapter, or any rule or 14298  
order adopted or issued under it, provided that the civil penalty 14299

for a first violation shall not exceed five thousand dollars and 14300  
the civil penalty for each subsequent violation shall not exceed 14301  
ten thousand dollars. In determining the amount of a civil penalty 14302  
for a violation, the director shall consider factors relevant to 14303  
the severity of the violation, including past violations and the 14304  
amount of actual or potential damage to the environment or to 14305  
human beings. 14306

(C) The director shall adopt rules that set forth the 14307  
conditions under which the director: 14308

(1) Requires that notice or posting be given of a proposed 14309  
application of a pesticide; 14310

(2) Requires inspection, condemnation, or repair of equipment 14311  
used to apply a pesticide; 14312

(3) Will suspend, revoke, or refuse to issue any pesticide 14313  
registration for a violation of this chapter; 14314

(4) Requires safe handling, transportation, storage, display, 14315  
distribution, and disposal of pesticides and their containers; 14316

(5) Ensures the protection of the health and safety of 14317  
agricultural workers storing, handling, or applying pesticides, 14318  
and all residents of agricultural labor camps, as that term is 14319  
defined in section 3733.41 of the Revised Code, who are living or 14320  
working in the vicinity of pesticide-treated areas; 14321

(6) Requires a record to be kept of all pesticide 14322  
applications made by each commercial applicator and by any trained 14323  
serviceperson acting under the commercial applicator's direct 14324  
supervision and of all restricted use pesticide applications made 14325  
by each private applicator and by any immediate family member or 14326  
subordinate employee of that private applicator who is acting 14327  
under the private applicator's direct supervision as required 14328  
under section 921.14 of the Revised Code; 14329

(7) Determines the pesticide-use categories of diagnostic inspections that must be conducted by a commercial applicator; 14330  
14331

(8) Requires a record to be kept of all diagnostic inspections conducted by each commercial applicator and by any trained service person. 14332  
14333  
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(D) The director shall prescribe standards for the licensure of applicators of pesticides consistent with those prescribed by the federal act and the regulations adopted under it or prescribe standards that are more restrictive than those prescribed by the federal act and the regulations adopted under it. The standards may relate to the use of a pesticide or to an individual's pesticide-use category. 14335  
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The director shall take into consideration standards of the United States environmental protection agency. 14342  
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(E) The director may adopt rules setting forth the conditions under which the director will: 14344  
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(1) Collect and examine samples of pesticides or devices; 14346

(2) Specify classes of devices that shall be subject to this chapter; 14347  
14348

(3) Prescribe other necessary registration information. 14349

(F) The director may adopt rules that do either or both of the following: 14350  
14351

(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if the director considers it necessary, to further restrict such use; 14352  
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(2) Define what constitutes "acting under the instructions and control of a commercial applicator" as used in the definition of "direct supervision" in division (Q)(1) of section 921.01 of 14357  
14358  
14359

the Revised Code. In adopting a rule under division (F)(2) of this section, the director shall consider the factors associated with the use of pesticide in the various pesticide-use categories. Based on consideration of the factors, the director may define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication. Any rules adopted under division (F)(2) of this section shall be drafted in consultation with representatives of the pesticide industry.

(G) Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is inconsistent with the requirements of the federal act and regulations adopted thereunder.

(H) The director, after notice and opportunity for hearing, may declare as a pest any form of plant or animal life, other than human beings and other than bacteria, viruses, and other microorganisms on or in living human beings or other living animals, that is injurious to health or the environment.

(I) The director may make reports to the United States environmental protection agency, in the form and containing the information the agency may require.

(J) The director shall adopt rules for the application, use, storage, and disposal of pesticides if, in the director's judgment, existing programs of the United States environmental protection agency necessitate such rules or pesticide labels do not sufficiently address issues or situations identified by the department of agriculture or interested state agencies.

(K) The director shall adopt rules establishing all of the following:

(1) Standards, requirements, and procedures for the



examination and re-examination of commercial applicators and  
private applicators; 14391  
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(2) With respect to training programs that the director may  
require commercial applicators and private applicators to  
complete: 14393  
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(a) Standards and requirements that a training program must  
satisfy in order to be offered by the director or the director's  
representative or in order to be approved by the director if a  
third party wishes to offer it; 14396  
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(b) Eligibility standards and requirements that must be  
satisfied by third parties who wish to provide the training  
programs; 14400  
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(c) Procedures that third parties must follow in order to  
submit a proposed training program to the director for approval; 14403  
14404

(d) Criteria that the director must consider when determining  
whether to authorize a commercial applicator or private applicator  
to participate in a training program instead of being required to  
pass a re-examination. 14405  
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(3) Training requirements for a trained serviceperson. 14409

(L) The director shall adopt all rules under this chapter in  
accordance with Chapter 119. of the Revised Code. 14410  
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**Sec. 923.44.** (A)(1) Except as otherwise provided in divisions 14412  
(A)(2), (3), and (4) of this section, the first distributor of a 14413  
commercial feed shall pay the director of agriculture a semiannual 14414  
inspection fee at the rate of ~~ten~~ twenty-five cents per ton, with 14415  
a minimum payment of ~~ten~~ twenty-five dollars, on all commercial 14416  
feeds distributed by ~~him~~ the first distributor in this state. 14417  
14418

(2) The semiannual inspection fee required under division 14419

(A)(1) of this section shall not be paid by the first distributor 14420  
of a commercial feed if the distribution is made to an exempt 14421  
buyer who shall be responsible for the fee. The director shall 14422  
establish an exempt list consisting of those buyers who are 14423  
responsible for the fee. 14424

(3) The semiannual inspection fee shall not be paid on a 14425  
commercial feed if the fee has been paid by a previous 14426  
distributor. 14427

(4) The semiannual inspection fee shall not be paid on 14428  
customer-formula feed if the fee has been paid on the commercial 14429  
feeds ~~which~~ that are used as components in that customer-formula 14430  
feed. 14431

(B) Each distributor or exempt buyer who is required to pay a 14432  
fee under division (A)(1) or (2) of this section shall file a 14433  
semiannual statement with the director that includes the number of 14434  
net tons of commercial feed distributed by ~~him~~ the distributor or 14435  
exempt buyer in this state, within thirty days after the thirtieth 14436  
day of June and within thirty days after the thirty-first day of 14437  
December, respectively, of each calendar year. 14438

The inspection fee at the rate stated in division (A)(1) of 14439  
this section shall accompany the statement. For a tonnage report 14440  
that is not filed or payment of inspection fees that is not made 14441  
within fifteen days after the due date, a penalty of ten per cent 14442  
of the amount due, with a minimum penalty of fifty dollars shall 14443  
be assessed against the distributor or exempt buyer. The amount of 14444  
fees due, plus penalty, shall constitute a debt and become the 14445  
basis of a judgment against the distributor or exempt buyer. 14446

(C) No information furnished under this section shall be 14447  
disclosed by an employee of the department of agriculture in such 14448  
a way as to divulge the operation of any person required to make 14449  
such a report. 14450