

As Passed by the House

126th General Assembly

Regular Session

2005-2006

Sub. S. B. No. 124

Senators Spada, Harris

Representatives Seitz, Willamowski, Aslanides, Coley, Domenick, Key,

McGregor, Miller, Oelslager, Schneider, Seaver, G. Smith, Wagoner

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A B I L L

To amend sections 101.23, 101.82, 101.83, 101.84,	1
101.85, 101.86, 122.011, 122.40, 123.151, 149.56,	2
307.674, 340.02, 1501.04, 1502.04, 1502.05,	3
1502.11, 1502.12, 1506.30, 1506.34, 1506.35,	4
1517.02, 1517.23, 1518.01, 1518.03, 1551.35,	5
2323.44, 3358.10, 3375.61, 3375.62, 3383.01,	6
3383.02, 3383.03, 3383.04, 3383.05, 3383.06,	7
3383.07, 3383.08, 3383.09, 3746.09, 3746.35,	8
3747.02, 3748.01, 3748.02, 3748.04, 3748.05,	9
3748.16, 3929.482, 3929.85, 3931.01, 3955.05,	10
3960.06, 4117.01, 4121.442, 4167.09, 4167.25,	11
4167.27, 4731.143, 4741.03, 4755.481, 4981.03,	12
5123.35, and 5123.352 of the Revised Code, to	13
amend Section 4 of Am. Sub. H.B. 516 of the 125th	14
General Assembly, and to repeal Section 8 of Am.	15
S.B. 80 of the 125th General Assembly to exempt	16
ten state governmental entities from the operation	17
of the Sunset Review Law, to change the membership	18
of the Ohio Subrogation Rights Commission and	19
accelerate its commencement date, to confirm the	20
sunset review and related amendments, enactments,	21
and repeals of Am. Sub. H.B. 516 of the 125th	22
General Assembly, and to declare an emergency.	23

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

Section 1. That sections 101.23, 101.82, 101.83, 101.84, 24
101.85, 101.86, 122.011, 122.40, 123.151, 149.56, 307.674, 340.02, 25
1501.04, 1502.04, 1502.05, 1502.11, 1502.12, 1506.30, 1506.34, 26
1506.35, 1517.02, 1517.23, 1518.01, 1518.03, 1551.35, 2323.44, 27
3358.10, 3375.61, 3375.62, 3383.01, 3383.02, 3383.03, 3383.04, 28
3383.05, 3383.06, 3383.07, 3383.08, 3383.09, 3746.09, 3746.35, 29
3747.02, 3748.01, 3748.02, 3748.04, 3748.05, 3748.16, 3929.482, 30
3929.85, 3931.01, 3955.05, 3960.06, 4117.01, 4121.442, 4167.09, 31
4167.25, 4167.27, 4731.143, 4741.03, 4755.481, 4981.03, 5123.35, 32
and 5123.352 of the Revised Code be amended to read as follows: 33

Sec. 101.23. The oath of office of senators and 34
representatives~~;~~; the president and president pro tempore of the 35
senate~~;~~; the speaker and speaker pro tempore of the house of 36
representatives~~;~~; the clerk of the senate, the chief 37
administrative officer and the clerk of the house of 38
representatives, and their assistants~~;~~; and the sergeant at arms 39
and assistant sergeant at arms of each house may be administered 40
by a member,~~by a former presiding officer of either house of the~~ 41
~~general assembly,~~ by a former presiding officer of either house of 42
the general assembly, or by a person authorized to administer 43
oaths. 44

Sec. 101.82. As used in sections 101.82 to 101.87 of the 45
Revised Code: 46

(A) "Agency" means any board, commission, committee, or 47
council, or any other similar state public body required to be 48
established pursuant to state statutes for the exercise of any 49
function of state government and to which members are appointed or 50

elected. "Agency" does not include the following:	51
(1) The general assembly, or any commission, committee, or	52
other body composed entirely of members of the general assembly;	53
(2) Any court;	54
(3) Any public body created by or directly pursuant to the	55
constitution of this state;	56
(4) The board of trustees of any institution of higher	57
education financially supported in whole or in part by the state;	58
(5) Any public body that has the authority to issue bonds or	59
notes or that has issued bonds or notes that have not been fully	60
repaid;	61
(6) The public utilities commission of Ohio;	62
(7) The consumers' council governing board;	63
(8) The Ohio board of regents;	64
(9) Any state board or commission that has the authority to	65
issue any final adjudicatory order that may be appealed to the	66
court of common pleas under Chapter 119. of the Revised Code;	67
(10) Any board of elections;	68
(11) The board of directors of the Ohio insurance guaranty	69
association and the board of governors of the Ohio fair plan	70
underwriting association;	71
(12) The Ohio public employees deferred compensation board;	72
(13) The Ohio retirement study council;	73
(14) The board of trustees of the Ohio police and fire	74
pension fund, public employees retirement board, school employees	75
retirement board, state highway patrol retirement board, and state	76
teachers retirement board;	77
(15) The industrial commission;	78

<u>(16) The parole board;</u>	79
<u>(17) The board of tax appeals;</u>	80
<u>(18) The controlling board;</u>	81
<u>(19) The release authority of department of youth services;</u>	82
<u>(20) The environmental review appeals commission;</u>	83
<u>(21) The Ohio ethics commission;</u>	84
<u>(22) The Ohio public works commission;</u>	85
<u>(23) The self-insuring employers evaluation board;</u>	86
<u>(24) The state board of deposit;</u>	87
<u>(25) The state employment relations board.</u>	88

(B) "Abolish" means to repeal the statutes creating and 89
empowering an agency, remove its personnel, and transfer its 90
records to the department of administrative services pursuant to 91
division (E) of section 149.331 of the Revised Code. 92

(C) "Terminate" means to amend or repeal the statutes 93
creating and empowering an agency, remove its personnel, and 94
reassign its functions and records to another agency or officer 95
designated by the general assembly. 96

(D) "Transfer" means to amend the statutes creating and 97
empowering an agency so that its functions, records, and personnel 98
are conveyed to another agency or officer. 99

(E) "Renew" means to continue an agency, and may include 100
amendment of the statutes creating and empowering the agency, or 101
recommendations for changes in agency operation or personnel. 102

Sec. 101.83. (A) An agency in existence on January 1, ~~2005~~ 103
2005, shall expire on December 31, ~~2010~~ 2010, unless the agency is 104
renewed in accordance with division (D) of this section and, if so 105
renewed, shall expire thereafter on the thirty-first day of 106

December of the fourth year after the year in which it was most 107
recently renewed unless the agency is renewed in accordance with 108
division (D) of this section. An agency created after January 1, 109
~~2005~~ 2005, that is created on the thirty-first day of December 110
shall expire not later than four years after its creation, unless 111
the agency is renewed in accordance with division (D) of this 112
section. An agency created after January 1, ~~2005~~ 2005, that is 113
created on any other date shall be considered for the purpose of 114
this section to have been created on the preceding thirty-first 115
day of December, and the agency shall expire not later than four 116
years after the date it was considered to have been created, 117
unless the agency is renewed in accordance with division (D) of 118
this section. Any act creating or renewing an agency shall contain 119
a distinct section providing a specific expiration date for the 120
agency in accordance with this division. 121

(B) If the general assembly does not renew or transfer an 122
agency on or before its expiration date, it shall expire on that 123
date. 124

The auditor of state shall not authorize the expenditure of 125
any moneys for any agency on or after the date of its expiration. 126

(C) The general assembly may provide by law for the orderly, 127
efficient, and expeditious conclusion of an agency's business and 128
operation. The rules, orders, licenses, contracts, and other 129
actions made, taken, granted, or performed by the agency shall 130
continue in effect according to their terms notwithstanding the 131
agency's abolition, unless the general assembly provides otherwise 132
by law. The general assembly may provide by law for the temporary 133
or permanent transfer of some or all of a terminated or 134
transferred agency's functions and personnel to a successor agency 135
or officer. 136

The abolition, termination, or transfer of an agency shall 137

not cause the termination or dismissal of any claim pending
against the agency by any person, or any claim pending against any
person by the agency. Unless the general assembly provides
otherwise by law for the substitution of parties, the attorney
general shall succeed the agency with reference to any pending
claim.

(D) An agency may be renewed by passage of a bill that
continues the statutes creating and empowering the agency, that
amends or repeals those statutes, or that enacts new statutes, to
improve agency usefulness, performance, or effectiveness.

Sec. 101.84. (A) There is hereby created the sunset review
committee, to be composed of nine members ~~and function in calendar~~
~~years 2009 and 2010~~ and function in calendar years 2009 and 2010.
The president of the senate shall appoint three members of the
senate to the committee, not more than two of whom shall be
members of the same political party. The speaker of the house of
representatives shall appoint three members of the house of
representatives to the committee, not more than two of whom shall
be members of the same political party. The governor, with the
advice and consent of the senate, shall appoint three members to
the committee, not more than two of whom shall be members of the
same political party. Members shall be appointed within fifteen
days after the commencement of the first regular session of ~~the~~
~~128th~~ the 128th general assembly.

(B) Each member of the committee who is appointed by the
president of the senate or the speaker of the house of
representatives shall serve ~~during~~ during that committee member's
~~term of office~~ term of office or until that committee member no
longer is a member of the senate or the house of representatives,
whichever is applicable. Each member of the committee who is
appointed by the governor shall serve a two-year term that ends on

the thirty-first day of December ~~in 2010~~ in 2010. A vacancy on the 169
committee shall be filled in the same manner as the original 170
appointment. 171

In the first regular session of ~~the 128th~~ the 128th general 172
assembly, the chairperson of the committee shall be a member of 173
the house of representatives, and the vice-chairperson of the 174
committee shall be a member of the senate. In the second regular 175
session of the ~~128th~~ 128th general assembly, the chairperson of 176
the committee shall be a member of the senate, and the 177
vice-chairperson of the committee shall be a member of the house 178
of representatives. 179

Members of the committee shall receive no compensation, but 180
shall be reimbursed for their necessary expenses incurred in the 181
performance of their official duties. 182

(C) The committee shall meet not later than thirty days after 183
the first day of the first regular session of the ~~128th~~ 128th 184
general assembly to choose a chairperson and to commence 185
establishment of the schedule for agency review provided for in 186
section 101.85 of the Revised Code or perform other committee 187
duties under sections 101.82 to 101.87 of the Revised Code. Five 188
members of the committee shall constitute a quorum for the conduct 189
of committee business. 190

Sec. 101.85. (A) The sunset review committee, not later than 191
sixty days after its first meeting in ~~2009~~ 2009, shall schedule 192
for review each agency in existence on January 1, ~~2009~~ 2009. The 193
committee, by a unanimous vote, also may schedule for review any 194
state board or commission described in division (A)(9) of section 195
101.82 of the Revised Code that is in existence on that date, and 196
any board or commission so scheduled shall be considered an agency 197
for purposes of sections 101.82 to 101.87 of the Revised Code. 198

(B) The chairperson of the committee shall send a copy of the 199

schedule for review of agencies for calendar year ~~2009~~ and 200
ealendar year ~~2010~~ 2009 and calendar year 2010 to each of the 201
agencies scheduled for review during that year and to the director 202
of the legislative service commission. The director shall publish 203
a copy of the schedule in the Ohio Administrative Code and in the 204
register of Ohio created under section 103.051 of the Revised 205
Code. The commission shall provide the committee with a list of 206
agencies, and state boards and commissions described in division 207
(A)(9) of section 101.82 of the Revised Code, in existence on 208
January 1, ~~2009~~ 2009, to assist the committee in identifying 209
agencies and exercising its duties under sections 101.82 to 101.87 210
of the Revised Code with respect to those agencies. 211

Sec. 101.86. (A) Not later than ~~six~~ six months prior to the 212
date on which an agency in existence on January 1, ~~2009~~ 2009, is 213
scheduled to expire under division (A) of section 101.83 of the 214
Revised Code, the sunset review committee shall hold hearings to 215
receive the testimony of the public and of the chief executive 216
officer of each agency scheduled for review and otherwise shall 217
consider and evaluate the usefulness, performance, and 218
effectiveness of the agency. 219

(B) Each agency that is scheduled for review shall submit to 220
the committee a report that contains all of the following 221
information: 222

(1) The agency's primary purpose and its various goals and 223
objectives; 224

(2) The agency's past and anticipated workload, the number of 225
staff required to complete that workload, and the agency's total 226
number of staff; 227

(3) The agency's past and anticipated budgets and its sources 228
of funding; 229

(4) The number of members of its governing board or other	230
governing <u>governing</u> entity and their compensation, if any.	231
(C) Each agency shall have the burden of demonstrating to the	232
committee a public need for its continued existence. In	233
determining whether an agency has demonstrated that need, the	234
committee shall consider all of the following:	235
(1) The extent to which the agency has permitted qualified	236
applicants to serve the public;	237
(2) The cost-effectiveness of the agency in terms of number	238
of employees, services rendered, and administrative costs	239
incurred, both past and present;	240
(3) The extent to which the agency has operated in the public	241
interest, and whether its operation has been impeded or enhanced	242
by existing statutes and procedures and by budgetary, resource,	243
and personnel practices;	244
(4) Whether the agency has recommended statutory changes to	245
the general assembly that would benefit the public as opposed to	246
the persons regulated by the agency, if any, and whether its	247
recommendations and other policies have been adopted and	248
implemented;	249
(5) Whether the agency has required any persons it regulates	250
to report to it the impact of agency rules and decisions on the	251
public as they affect service costs and service delivery;	252
(6) Whether persons regulated by the agency, if any, have	253
been required to assess problems in their business operations that	254
affect the public;	255
(7) Whether the agency has encouraged public participation in	256
its rule-making and decision-making;	257
(8) The efficiency with which formal public complaints filed	258
with the agency have been processed to completion;	259

(9) Whether the programs or services of the agency duplicate 260
or overlap those of other agencies; 261

(10) Whether the purpose for which the agency was created has 262
been fulfilled, has changed, or no longer exists; 263

(11) Whether federal law requires that the agency be renewed 264
in some form; 265

(12) Changes needed in the enabling laws of the agency in 266
order for it to comply with the criteria suggested by the 267
considerations listed in divisions (C)(1) to (11) of this section. 268

(D) In its initial review of each agency, the committee, 269
whenever possible, shall realign agency titles to conform to the 270
following descriptions: 271

(1) Commission: an administrative appeals or hearing agency; 272

(2) Authority: an agency empowered to issue bonds or notes; 273

(3) Board: an agency having a licensing function only; 274

(4) Council: an advisory body to a major agency or 275
department; 276

(5) Committee: an advisory body to a minor agency or 277
department. 278

Sec. 122.011. (A) The department of development shall develop 279
and promote plans and programs designed to assure that state 280
resources are efficiently used, economic growth is properly 281
balanced, community growth is developed in an orderly manner, and 282
local governments are coordinated with each other and the state, 283
and for such purposes may do all of the following: 284

(1) Serve as a clearinghouse for information, data, and other 285
materials that may be helpful or necessary to persons or local 286
governments, as provided in section 122.07 of the Revised Code; 287

- (2) Prepare and activate plans for the retention, 288
development, expansion, and use of the resources and commerce of 289
the state, as provided in section 122.04 of the Revised Code; 290
- (3) Assist and cooperate with federal, state, and local 291
governments and agencies of federal, state, and local governments 292
in the coordination of programs to carry out the functions and 293
duties of the department; 294
- (4) Encourage and foster research and development activities, 295
conduct studies related to the solution of community problems, and 296
develop recommendations for administrative or legislative actions, 297
as provided in section 122.03 of the Revised Code; 298
- (5) Serve as the economic and community development planning 299
agency, which shall prepare and recommend plans and programs for 300
the orderly growth and development of this state and which shall 301
provide planning assistance, as provided in section 122.06 of the 302
Revised Code; 303
- (6) Cooperate with and provide technical assistance to state 304
departments, political subdivisions, regional and local planning 305
commissions, tourist associations, councils of government, 306
community development groups, community action agencies, and other 307
appropriate organizations for carrying out the functions and 308
duties of the department or for the solution of community 309
problems; 310
- (7) Coordinate the activities of state agencies that have an 311
impact on carrying out the functions and duties of the department; 312
- (8) Encourage and assist the efforts of and cooperate with 313
local governments to develop mutual and cooperative solutions to 314
their common problems that relate to carrying out the purposes of 315
this section; 316
- (9) Study existing structure, operations, and financing of 317

regional or local government and those state activities that 318
involve significant relations with regional or local governmental 319
units, recommend to the governor and to the general assembly such 320
changes in these provisions and activities as will improve the 321
operations of regional or local government, and conduct other 322
studies of legal provisions that affect problems related to 323
carrying out the purposes of this section; 324

(10) Create and operate a division of community development 325
to develop and administer programs and activities that are 326
authorized by federal statute or the Revised Code; 327

~~(11)~~(11) Until October 15, 2005, establish fees and charges, 328
in consultation with the director of agriculture, for purchasing 329
loans from financial institutions and providing loan guarantees 330
under the family farm loan program created under sections 901.80 331
to 901.83 of the Revised Code; 332

~~(12)~~(12) Provide loan servicing for the loans purchased and 333
loan guarantees provided under section 901.80 of the Revised Code 334
as that section existed prior to October 15, 2005; 335

~~(13)~~(13) Until October 15, 2005, and upon approval by the 336
controlling board under division (A)(3) of section 901.82 of the 337
Revised Code of the release of money to be used for purchasing a 338
loan or providing a loan guarantee, request the release of that 339
money in accordance with division (B) of section 166.03 of the 340
Revised Code for use for the purposes of the fund created by 341
section 166.031 of the Revised Code. 342

(B) The director of development may request the attorney 343
general to, and the attorney general, in accordance with section 344
109.02 of the Revised Code, shall bring a civil action in any 345
court of competent jurisdiction. The director may be sued in the 346
director's official capacity, in connection with this chapter, in 347
accordance with Chapter 2743. of the Revised Code. 348

Sec. 122.40. (A) There is hereby created the development 349
financing advisory council to assist in carrying out the programs 350
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 351
the Revised Code. 352

(B) The council shall consist of seven members appointed by 353
the governor^{7,1} with the advice and consent of the senate, ~~who are,~~ 354
who are selected for their knowledge of and experience in economic 355
development financing, one member of the senate appointed by the 356
president of the senate, one member of the house of 357
representatives appointed by the speaker of the house of 358
representatives, ~~and the director of development or the director's~~ 359
designee, and the director of development or the director's 360
designee. With respect to the council: 361

(1) No more than four members of the council appointed by the 362
governor shall be members of the same political party. 363

(2) Each member shall hold office from the date of the 364
member's appointment until the end of the term for which the 365
member was appointed. 366

(3) The terms of office for the seven members appointed by 367
the governor shall be for ~~five~~ five years commencing on the first 368
day of January and ending on the thirty-first day of December. ~~The~~ 369
~~seven members appointed by the governor who are serving terms of~~ 370
~~office of seven years on the effective date of this amendment~~ 371
~~shall continue to serve those terms, but their successors in~~ 372
~~office, including the filling of a vacancy occurring prior to the~~ 373
~~expiration of those terms, shall be appointed for terms of five~~ 374
~~years in accordance with this division. The seven members~~ 375
appointed by the governor who are serving terms of office of seven 376
years on December 30, 2004, shall continue to serve those terms, 377
but their successors in office, including the filling of a vacancy 378
occurring prior to the expiration of those terms, shall be 379

appointed for terms of five years in accordance with this 380
division. 381

(4) Any member of the council is eligible for reappointment. 382

(5) As a term of a member of the council appointed by the 383
governor expires, the governor shall appoint a successor with the 384
advice and consent of the senate. 385

(6) ~~Except as otherwise provided in division (B)(3) of this~~ 386
~~section, any~~ Except as otherwise provided in division (B)(3) of 387
this section, any member appointed to fill a vacancy occurring 388
prior to the expiration of the term for which the member's 389
predecessor was appointed shall hold office for the remainder of 390
the predecessor's term. 391

(7) Any member shall continue in office subsequent to the 392
expiration date of the member's term until the member's successor 393
takes office, or until a period of sixty days has elapsed, 394
whichever occurs first. 395

(8) Before entering upon duties as a member of the council, 396
each member shall take an oath provided by Section 7 of Article 397
XV, Ohio Constitution. 398

(9) The governor may, at any time, remove any nonlegislative 399
member pursuant to section 3.04 of the Revised Code. 400

(10) Members of the council, notwithstanding section 101.26 401
of the Revised Code with respect to members who are members of the 402
general assembly, shall receive their necessary and actual 403
expenses while engaged in the business of the council and shall be 404
paid at the per diem rate of step 1, pay range 31, of section 405
124.15 of the Revised Code. 406

(11) ~~Four~~ Four members of the council constitute a quorum. 407

(12) In the event of the absence of a member appointed by the 408
president of the senate or by the speaker of the house of 409

representatives, the following persons may serve in the member's
absence: the president of the senate or the speaker of the house,
as the case may be, or a member of the senate or of the house of
representatives, of the same political party as the development
financing advisory council member, designated by the president ~~of~~
~~the senate~~ of the senate or the speaker of the house.

Sec. 123.151. (A) As used in this section, "minority business
enterprise" has the ~~same~~ same meaning as as in division (E)(1) of
section 122.71 of the Revised Code.

(B)(1) The director of administrative services shall make
rules in accordance with Chapter 119. of the Revised Code
establishing procedures by which minority businesses may apply to
the equal employment opportunity coordinator for certification as
minority business enterprises.

(2) The coordinator shall approve the application of any
minority business enterprise that complies with the rules adopted
under this division. Any person adversely affected by an order of
the coordinator denying certification as a minority business
enterprise may appeal as provided in Chapter 119. of the Revised
Code. The coordinator shall prepare and maintain a list of
certified minority business enterprises.

(C) The department of administrative services, every other
state agency authorized to enter into contracts for construction
or contracts for purchases of equipment, materials, supplies,
insurance, or services, and every port authority shall file a
report every ninety days with the equal employment opportunity
coordinator. The report shall be filed at a time and in a form
prescribed by the coordinator. The report shall include the name
of each minority business enterprise that the agency or port
authority entered into a contract with during the preceding
ninety-day period and the total value and type of each such

contract. No later than thirty days after the end of each fiscal
year, the coordinator shall notify in writing each state agency
and port authority that has not complied with the reporting
requirements of this division for the prior fiscal year. A copy of
this notification regarding a state agency shall be submitted to
the director of budget and management. No later than thirty days
after the notification, the agency or port authority shall submit
to the coordinator the information necessary to comply with the
reporting requirements of this division.

~~If~~ If, after the expiration of this thirty-day period, a
~~state~~ a state agency has not complied with the reporting
requirements of this division, the coordinator shall certify to
the director of budget and management that the agency has not
complied with the reporting requirements. A copy of this
certification shall be submitted to the agency. Thereafter, no
funds of the agency shall be expended during the fiscal year for
construction or purchases of equipment, materials, supplies,
contracts of insurance, or services until the coordinator
certifies to the director of budget and management that the agency
has complied with the reporting requirements of this division for
the prior fiscal year.

If any port authority has not complied with the reporting
requirement after the expiration of the thirty-day period, the
coordinator shall certify to the speaker of the house of
representatives and the president of the senate that the port
authority has not complied with the reporting requirements of this
division. A copy of this certification shall be submitted to the
port authority. Upon receipt of the certification, the speaker of
the house of representatives and the president of the senate shall
take such action or make such recommendations to the members of
the general assembly as they consider necessary to correct the
situation.

Sec. 149.56. (A) As used in this section, "abandoned 473
property" has the same meaning as in section 1506.30 of the 474
Revised Code. 475

(B) The Ohio historical society shall establish a program to 476
locate, identify, and evaluate abandoned property and other 477
resources in Lake Erie. The society, in accordance with the 478
authority granted under section 149.30 of the Revised Code, may 479
list any abandoned property it finds to have historical 480
significance on its Ohio archaeological inventory or Ohio 481
historical inventory as the director of the society considers 482
appropriate. In determining whether an item has historical 483
significance, the director shall follow the criteria of the 484
national register of historic places established in 36 C.F.R. 60. 485
The director shall notify the director of natural resources of any 486
abandoned property found to have historical significance. The 487
society may use the services of volunteers to locate, identify, 488
and evaluate abandoned property in Lake Erie. The director shall 489
approve any volunteer programs and may recruit, train, and 490
supervise the services of volunteers. 491

(C) The moneys credited to the Ohio historical society under 492
division (C) of section 1506.35 of the Revised Code and any 493
appropriations, contributions, gifts, and federal grants made to 494
the Ohio historical society for the purposes of this section and 495
the applicable provisions of sections 1506.30 to ~~1506.36~~ 1506.36 496
of the Revised Code shall be placed in a separate fund within the 497
accounts of the Ohio historical society, together with moneys 498
credited to that fund under divisions (D)(2) and (3) of section 499
1506.33 of the Revised Code, to be used solely to implement and 500
administer this section and the duties assigned the society under 501
sections 1506.30 to ~~1506.36~~ 1506.36 of the Revised Code. 502

Sec. 307.674. (A) As used in this section:	503
(1) "Bonds" means:	504
(a) Revenue bonds of the port authority described in division	505
(B)(2)(a) of this section;	506
(b) Securities as defined in division (KK) of section 133.01	507
of the Revised Code issued by the host municipal corporation,	508
described in division (B)(3)(a) of this section;	509
(c) Any bonds issued to refund any of those revenue bonds or	510
securities.	511
(2) "Corporation" means a nonprofit corporation that is	512
organized under the laws of this state and that includes within	513
the purposes for which it is incorporated the authorization to	514
lease and operate facilities such as a port authority educational	515
and cultural performing arts facility.	516
(3) "Cost," as applied to a port authority educational and	517
cultural performing arts facility, means the cost of acquiring,	518
constructing, renovating, rehabilitating, equipping, or improving	519
the facility, or any combination of those purposes, collectively	520
referred to in this section as "construction," and the cost of	521
acquisition of all land, rights of way, property rights,	522
easements, franchise rights, and interests required for those	523
purposes, the cost of demolishing or removing any buildings or	524
structures on land so acquired, including the cost of acquiring	525
any land to which those buildings or structures may be moved, the	526
cost of public utility and common carrier relocation or	527
duplication, the cost of all machinery, furnishings, and	528
equipment, financing charges, interest prior to and during	529
construction and for not more than three years after completion of	530
construction, costs arising under guaranty agreements,	531
reimbursement agreements, or other credit enhancement agreements	532

relating to bonds, engineering, expenses of research and 533
development with respect to such facility, legal expenses, plans, 534
specifications, surveys, studies, estimates of costs and revenues, 535
other expenses necessary or incident to determining the 536
feasibility or practicability of acquiring or constructing the 537
facility, administrative expense, and other expenses as may be 538
necessary or incident to that acquisition or construction and the 539
financing of such acquisition or construction, including, with 540
respect to the revenue bonds of a port authority, amounts to be 541
paid into any special funds from the proceeds of those bonds, and 542
repayments to the port authority, host county, host municipal 543
corporation, or corporation of any amounts advanced for the 544
foregoing purposes. 545

(4) "Debt service charges" means, for any period or payable 546
at any time, the principal of and interest and any premium due on 547
bonds for that period or payable at that time whether due at 548
maturity or upon mandatory redemption, together with any required 549
deposits to reserves for the payment of principal of and interest 550
on those bonds, and includes any payments required by the port 551
authority to satisfy any of its obligations under or arising from 552
any guaranty agreements, reimbursement agreements, or other credit 553
enhancement agreements described in division (C) of this section. 554

(5) "Host county" means the county within the boundaries of 555
which the port authority educational and cultural performing arts 556
facility is or will be located. 557

(6) "Host municipal corporation" means the municipal 558
corporation within the boundaries of which the port authority 559
educational and cultural performing arts facility is or will be 560
located. 561

(7) "Port authority" means a port authority created pursuant 562
to section 4582.22 of the Revised Code. 563

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, 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.

(B) A host county, a host municipal corporation, and a port authority may enter into a cooperative agreement with a corporation under which, as further provided for in that agreement:

(1) The host county may agree to do any or all of the following:

(a) Levy and collect a tax under division (E) and division (F) of section 5739.09 of the Revised Code for the purposes, and in an amount sufficient for those purposes, described in divisions (B)(1)(b) and (c) of this section;

(b) Pay to the port authority all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs of acquiring, constructing, renovating, rehabilitating, equipping, or improving the port authority educational and cultural performing arts facility;

(c) Pledge and pay to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be

used to pay a portion of the costs to the corporation of leasing 595
the port authority educational and cultural performing arts 596
facility from the port authority. 597

(2) The port authority may agree to do any or all of the 598
following: 599

(a) Issue its revenue bonds pursuant to section 4582.48 of 600
the Revised Code for the purpose of paying all or a portion of the 601
costs of the port authority educational and cultural performing 602
arts facility; 603

(b) Acquire, construct, renovate, rehabilitate, equip, and 604
improve the port authority educational and cultural performing 605
arts facility; 606

(c) Lease the port authority educational and cultural 607
performing arts facility to the corporation; 608

(d) To the extent provided for in the cooperative agreement 609
or the lease to the corporation, authorize the corporation to 610
administer on behalf of the port authority the contracts for 611
acquiring, constructing, renovating, rehabilitating, or equipping 612
the port authority educational and cultural performing arts 613
facility; 614

(e) Use the revenue derived from the lease of the port 615
authority educational and cultural performing arts facility to the 616
corporation solely to pay debt service charges on revenue bonds of 617
the port authority issued pursuant to division (B)(2)(a) of this 618
section and to pay its obligations under or arising from any 619
guaranty agreements, reimbursement agreements, or other credit 620
enhancement agreements provided for in this section. 621

(3) The host municipal corporation may agree to do either or 622
both of the following: 623

(a) Issue its bonds for the purpose of paying all or a 624

portion of the costs of the port authority educational and 625
cultural performing arts facility, and pay the proceeds from the 626
issuance to the port authority for that purpose; 627

(b) Enter into a guaranty agreement, a reimbursement 628
agreement, or other credit enhancement agreement with the port 629
authority to provide a guaranty or other credit enhancement of the 630
port authority revenue bonds referred to in division (B)(2)(a) of 631
this section pledging taxes, other than ad valorem property taxes, 632
or other revenues for the purpose of providing the funds required 633
to satisfy the host municipal corporation's obligations under that 634
agreement. 635

The cooperative agreement may provide that the proceeds of 636
such securities or of such guaranty agreement, reimbursement 637
agreement, or other credit enhancement agreement be deposited with 638
and administered by the trustee pursuant to the trust agreement 639
authorized in division (C) of this section. 640

(4) The corporation may agree to do any or all of the 641
following: 642

(a) Lease the port authority educational and cultural 643
performing arts facility from the port authority; 644

(b) Operate and maintain the port authority educational and 645
cultural performing arts facility pursuant to the lease; 646

(c) To the extent provided for in the cooperative agreement 647
or the lease from the port authority, administer on behalf of the 648
port authority the contracts for acquiring, constructing, 649
renovating, rehabilitating, or equipping the port authority 650
educational and cultural performing arts facility. 651

(C) The pledge and payments referred to in divisions 652
(B)(1)(b) and (c) of this section and provided for in the 653
cooperative agreement shall be for the period stated in the 654

cooperative agreement but shall not extend longer than the period
necessary to provide for the final retirement of the port
authority revenue bonds referred to in division (B)(2)(a) of this
section, and for the satisfaction by the port authority of any of
its obligations under or arising from any guaranty agreements,
reimbursement agreements, or other credit enhancement agreements
relating to those bonds or to the revenues pledged to them. The
cooperative agreement shall provide for the termination of the
cooperative agreement, including the pledge and payment referred
to in division (B)(1)(c) of this section, if the port authority
revenue bonds referred to in division (B)(2)(a) of this section
have not been issued, sold, and delivered within five years of the
effective date of the cooperative agreement.

The cooperative agreement shall provide that any port
authority revenue bonds shall be secured by a trust agreement
between the port authority and a corporate trustee that is a trust
company or bank having the powers of a trust company within or
outside the state but authorized to exercise trust powers within
the state. The host county may be a party to that trust agreement
for the purpose of better securing the pledge by the host county
of its payment to the corporation pursuant to division (B)(1)(c)
of this section. A tax levied pursuant to section 5739.09 of the
Revised Code for the purposes specified in division (B)(1)(b) or
(c) of this section is not subject to diminution by initiative or
referendum or diminution by statute, unless provision is made for
an adequate substitute reasonably satisfactory to the trustee
under the trust agreement that secures the port authority revenue
bonds.

(D) A pledge of money by a host county under this section
shall not be net indebtedness of the host county for purposes of
section 133.07 of the Revised Code. A guaranty or other credit
enhancement by a host municipal corporation under this section

shall not be net indebtedness of the host municipal corporation 687
for purposes of section 133.05 of the Revised Code. 688

(E) If the terms of the cooperative agreement so provide, any 689
contract for the acquisition, construction, renovation, 690
rehabilitation, equipping, or improving of a port authority 691
educational and cultural performing arts facility shall be made in 692
such manner as is determined by the board of directors of the port 693
authority, and unless the cooperative agreement provides 694
otherwise, such a contract is not subject to division (R)(2) of 695
section 4582.31 of the Revised Code. The port authority may take 696
the assignment of and assume any contracts for the acquisition, 697
construction, renovation, rehabilitation, equipping, or improving 698
of a port authority educational and cultural performing arts 699
facility that had previously been authorized by any of the host 700
county, the host municipality, or the corporation. Such contracts 701
are not subject to division (R)(2) of section 4582.31 of the 702
Revised Code. 703

Any contract for the acquisition, construction, renovation, 704
rehabilitation, equipping, or improving of a port authority 705
educational and cultural performing arts facility entered into, 706
assigned, or assumed pursuant to this division shall provide that 707
all laborers and mechanics employed for the acquisition, 708
construction, renovation, rehabilitation, equipping, or improving 709
of that facility shall be paid at the prevailing rates of wages of 710
laborers and mechanics for the class of work called for by the 711
port authority educational and cultural performing arts facility, 712
which wages shall be determined in accordance with the 713
requirements of Chapter 4115. of the Revised Code for the 714
determination of prevailing wage rates. 715

Notwithstanding any provisions to the contrary in section 716
3383.07 of the Revised Code, construction services and general 717
building services for a port authority educational and cultural 718

performing arts facility funded completely or in part with money 719
appropriated by the state to the Ohio ~~cultural~~ cultural facilities 720
commission may be provided by a port authority or a corporation 721
that occupies, will occupy, or is responsible for that facility, 722
as determined by the commission. The construction services and 723
general building services to be provided by the port authority or 724
the corporation shall be specified in an agreement between the 725
commission and the port authority or corporation. That agreement, 726
or any actions taken under it, are not subject to Chapters 123. or 727
153. of the Revised Code, but are subject to Chapter 4115. of the 728
Revised Code. 729

Sec. 340.02. As used in this section, "mental health 730
professional" means a person who is qualified to work with 731
mentally ill persons, pursuant to standards established by the 732
director of mental health under section 5119.611 of the Revised 733
Code. 734

For each alcohol, drug addiction, and mental health service 735
district~~7.1~~ there shall be appointed a board of alcohol, drug 736
addiction, and mental health services of eighteen members. Members 737
shall be residents of the district and shall be interested in 738
mental health programs and facilities or in alcohol or drug 739
addiction programs. 740

The director of mental health shall appoint four members of 741
the board, the director of alcohol and drug addiction services 742
shall appoint four members, and the board of county commissioners 743
shall appoint ten members. In a joint-county district~~7.1~~ the county 744
commissioners of each participating county shall appoint members 745
in as nearly as possible the same proportion as that county's 746
population bears to the total population of the district, except 747
that at least one member shall be appointed from each 748
participating county. 749

The director of mental health shall ensure that at least one 750
member of the board is a psychiatrist and one member of the board 751
is a mental health professional. If the appointment of a 752
psychiatrist is not possible, as determined under rules adopted by 753
the director, a licensed physician may be appointed in place of 754
the psychiatrist. If the appointment of a licensed physician is 755
not possible, the director of mental health may waive the 756
requirement that the psychiatrist or licensed physician be a 757
resident of the service district and appoint a psychiatrist or 758
licensed physician from a contiguous county. The membership of the 759
board shall, as nearly as possible, reflect the composition of the 760
population of the service district as to race and sex. The 761
director of mental health shall ensure that at least one member of 762
the board is a person who has received or is receiving mental 763
health services paid for by public funds and at least one member 764
is a parent or other relative of such a person. 765

The director of alcohol and drug addiction services shall 766
ensure that at least one member of the board is a professional in 767
the field of alcohol or drug addiction services and one member of 768
the board is an advocate for persons receiving treatment for 769
alcohol or drug addiction. Of the members appointed by the 770
director of alcohol and drug addiction services, at least one 771
shall be a person who has received or is receiving services for 772
alcohol or drug addiction, and at least one shall be a parent or 773
other relative of such a person. 774

No member or employee of a board of alcohol, drug addiction, 775
and mental health services shall serve as a member of the board of 776
any agency with which the board of alcohol, drug addiction, and 777
mental health services has entered into a contract for the 778
provision of services or facilities. No member of a board of 779
alcohol, drug addiction, and mental health services shall be an 780
employee of any agency with which the board has entered into a 781

contract for the provision of services or facilities. No person 782
shall be an employee of a board and such an agency unless the 783
board and agency both agree in writing. 784

No person shall serve as a member of the board of alcohol, 785
drug addiction, and mental health services whose spouse, child, 786
parent, brother, sister, grandchild, stepparent, stepchild, 787
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 788
daughter-in-law, brother-in-law, or sister-in-law serves as a 789
member of the board of any agency with which the board of alcohol, 790
drug addiction, and mental health services has entered into a 791
contract for the provision of services or facilities. No person 792
shall serve as a member or employee of the board whose spouse, 793
child, parent, brother, sister, stepparent, stepchild, 794
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 795
daughter-in-law, brother-in-law, or sister-in-law serves as a 796
county commissioner of a county or counties in the alcohol, drug 797
addiction, and mental health service district. 798

Each year each board member shall attend at least one 799
inservice training session provided or approved by the department 800
of mental health or the department of alcohol and drug addiction 801
services. Such training sessions shall not be considered to be 802
regularly scheduled meetings of the board. 803

Each member shall be appointed for a term of four years, 804
commencing the first day of July, except that one-third of initial 805
appointments to a newly established board, and to the extent 806
possible to expanded boards, shall be for terms of two years, 807
~~one-third of initial appointments shall be~~ of initial appointments 808
shall be for terms of three years, and ~~one-third of initial~~ 809
~~appointments shall be~~ of initial appointments shall be for terms 810
of four years. No member shall serve more than two consecutive 811
four-year terms. A member may serve for three consecutive terms 812
only if one of the terms is for less than two years. A member who 813

has served two consecutive four-year terms or three consecutive 814
terms totaling less than ten years is eligible for reappointment 815
one year following the end of the second or third term, 816
respectively. 817

When a vacancy occurs, appointment for the expired or 818
unexpired term shall be made in the same manner as an original 819
appointment. The appointing authority shall be notified by 820
certified mail of any vacancy and shall fill the vacancy within 821
sixty days following ~~that~~ that notice. 822

Any member of the board may be removed from office by the 823
appointing authority for neglect of duty, misconduct, or 824
malfeasance in office, and shall be removed by the appointing 825
authority if the member's spouse, child, parent, brother, sister, 826
stepparent, stepchild, stepbrother, stepsister, father-in-law, 827
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 828
sister-in-law serves as a county commissioner of a county or 829
counties in the service district or serves as a member or employee 830
of the board of an agency with which the board of alcohol, drug 831
addiction, and mental health services has entered a contract for 832
the provision of services or facilities. The member shall be 833
informed in writing of the charges and afforded an opportunity for 834
a hearing. Upon the absence of a member within one year from 835
either four board meetings or from two board meetings without 836
prior notice, the board shall notify the appointing authority, 837
which may vacate the appointment and appoint another person to 838
complete the member's term. 839

Members of the board shall serve without compensation, but 840
shall be reimbursed for actual and necessary expenses incurred in 841
the performance of their official duties, as defined by rules of 842
the departments of mental health and alcohol and drug addiction 843
services. 844

Sec. 1501.04. There is hereby created in the department of 845
natural resources a recreation and resources commission composed 846
of the chairperson of the wildlife council created under section 847
1531.03 of the Revised Code, the chairperson of the parks and 848
recreation council created under section 1541.40 of the Revised 849
Code, the chairperson of the waterways safety council created 850
under section 1547.73 of the Revised Code, the chairperson of the 851
technical advisory council on oil and gas created under section 852
1509.38 of the Revised Code, the ~~chairperson~~ chairperson of the 853
forestry advisory council created under section 1503.40 of the 854
Revised Code, the chairperson of the Ohio soil and water 855
conservation commission created under section 1515.02 of the 856
Revised Code, the chairperson of the Ohio water advisory council 857
created under section 1521.031 of the Revised Code, the 858
chairperson of the recycling and litter prevention advisory 859
council created under section 1502.04 of the Revised Code, the 860
chairperson of the Ohio geology advisory council created under 861
section 1505.11 of the Revised Code, and five members appointed by 862
the governor with the advice and consent of the senate, not more 863
than three of whom shall belong to the same political party. The 864
director of natural resources shall be an ex officio member of the 865
commission, with a voice in its deliberations, but without the 866
power to vote. 867

Terms of office of members of the commission appointed by the 868
governor shall be for five years, commencing on the second day of 869
February and ending on the first day of February. Each member 870
shall hold office from the date of appointment until the end of 871
the term for which the member was appointed. 872

In the event of the death, removal, resignation, or 873
incapacity of a member of the commission, the governor, with the 874
advice and consent of the senate, shall appoint a successor who 875

shall hold office for the remainder of the term for which the
member's predecessor was appointed. Any member shall continue in
office subsequent to the expiration date of the member's term
until the member's successor takes office, or until a period of
sixty days has elapsed, whichever occurs first.

The governor may remove any appointed member of the
commission for misfeasance, nonfeasance, or malfeasance in office.

The commission shall exercise no administrative function, but
may ~~do any of the following~~ do any of the following:

(A) Advise with and recommend to the director as to plans and
programs for the management, development, utilization, and
conservation of the natural resources of the state;

(B) Advise with and recommend to the director as to methods
of coordinating the work of the divisions of the department;

(C) Consider and make recommendations upon any matter that
the director may submit to it;

(D) Submit to the governor biennially recommendations for
amendments to the conservation laws of the state.

Each member of the commission, before entering upon the
discharge of the member's duties, shall take and subscribe to an
oath of office, which oath, in writing, shall be filed in the
office of the secretary of state.

The members of the commission shall serve without
compensation, but shall be entitled to receive their actual and
necessary expenses incurred in the performance of their official
duties.

The commission, by a majority vote of all its members, shall
adopt and amend bylaws.

To be eligible for appointment, a person shall be a citizen
of the United States and an elector of the state and shall possess

a knowledge of and have an interest in the natural resources of
this state.

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The commission shall hold at least four regular quarterly
meetings each year. Special meetings shall be held at such times
as the bylaws of the commission provide. Notices of all meetings
shall be given in such manner as the bylaws provide. The
commission shall choose annually from among its members a
chairperson to preside over its meetings and a secretary to keep a
record of its proceedings. A majority of the members of the
commission constitutes a quorum. No advice shall be given or
recommendation made without a majority of the members of the
commission concurring ~~in it~~ in it.

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Sec. 1502.04. There is hereby created within the division of
recycling and litter prevention the recycling and litter
prevention advisory council consisting of thirteen members. The
speaker of the house of representatives shall appoint one member
of the house of representatives to the council, and the president
of the senate shall appoint one member of the senate to the
council. If the president of the senate belongs to the same
political party as the speaker of the house of representatives,
the president shall appoint a member of the senate who belongs to
a different political party as recommended by the minority leader
of the senate. The speaker of the house of representatives and the
president of the senate shall make their initial appointments to
the council within sixty days after July 20, 1994. Each member
appointed by the speaker of the house of representatives or the
president of the senate shall serve for a term of office of three
years. The appropriate appointing authority may fill any vacancy
occurring during the term of any member whom the appointing
authority has appointed to the advisory council.

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The remaining eleven members shall be appointed by the

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governor with the advice and consent of the senate and shall be
persons with knowledge of or experience in recycling or litter
prevention programs. The council shall have broad based
representation of interests including agriculture, labor, the
environment, manufacturing, wholesale and retail industry, and the
public. One of the business members shall be from the commercial
recycling industry, and another shall be from an industry required
to pay taxes under section 5733.065 of the Revised Code. The
director of natural resources shall not be a member of the
council. The governor shall make initial appointments to the
council within thirty days after October 20, 1987. Of the
governor's initial appointments to the council, five shall be for
a term of one year, and six shall be for a term of two years.
Thereafter, terms of office shall be for three years. Each member
appointed by the governor shall hold office from the date of the
member's appointment until the end of the term for which the
member was appointed. In the event of death, removal, resignation,
or incapacity of a member of the council appointed by the
governor, the governor, with the advice and consent of the senate,
shall appoint a successor who shall hold office for the remainder
of the term for which the successor's predecessor was appointed. A
member shall continue in office subsequent to the expiration date
of the member's term until the member's successor takes office, or
until a period of sixty days has elapsed, whichever occurs first.
The governor at any time may remove any of the governor's
appointees from the council for misfeasance, nonfeasance, or
malfeasance in office.

Members of the council may be reappointed.

The council shall hold at least four regular quarterly
meetings each year. Special meetings may be held at the behest of
the chairperson or a majority of the members. The council annually
shall select from among its members a chairperson, a

vice-chairperson, and a secretary to keep a record of its
proceedings.

A majority vote of the members of the council is necessary to
take action in any matter.

A member of the council shall serve without compensation for
attending council meetings, but shall be reimbursed for all
traveling, hotel, and other ordinary and necessary expenses
incurred in the performance of the member's work as a member of
the council.

Membership on the council does not constitute holding a
public office or position of employment under the laws of this
state and does not constitute grounds for removal of public
officers or employees from their offices or positions of
employment.

The council shall do all of the following:

(A) In conjunction with the chief of recycling and litter
prevention and with the approval of the director of natural
resources, establish criteria by which to certify, and certify,
agencies of the state, municipal corporations with a population of
more than fifty thousand, counties, and solid waste management
districts as eligible to receive grants under section 1502.05 of
the Revised Code;

~~(B)~~(B) In conjunction with the chief and with the approval of
the director, establish criteria by which to certify, and certify,
political subdivisions for receipt of special grants for
activities or projects that are intended to accomplish the
purposes of any of the programs established under section 1502.03
of the Revised Code;

~~(C)~~(C) Advise the chief in carrying out the chief's duties
under this chapter.

Sec. 1502.05. (A) The chief of recycling and litter 999
prevention, pursuant to division ~~(A)~~(A) of section 1502.04 of the 1000
Revised Code and with the approval of the director of natural 1001
resources, may make grants from the recycling and litter 1002
prevention fund created in section 1502.02 of the Revised Code to 1003
accomplish the purposes of the programs established under section 1004
1502.03 of the Revised Code. 1005

(B) Except as provided in division (C) of this section, the 1006
chief, with the approval of the director, may require any eligible 1007
applicant certified by the recycling and litter prevention 1008
advisory council under division ~~(A)~~(A) of section 1502.04 of the 1009
Revised Code that applies for a grant for an activity or project 1010
that is intended to further the purposes of any program 1011
established under division (A)(1), (2), or (4) of section 1502.03 1012
of the Revised Code to provide a matching contribution of not more 1013
than fifty per cent of the grant. 1014

(C) Notwithstanding division (B) of this section, any grant 1015
awarded under division (A) of this section to foster cooperative 1016
research and development regarding recycling or the cooperative 1017
establishment or expansion of private recycling facilities or 1018
programs shall be made in conjunction with a contribution to the 1019
project by a cooperating enterprise that maintains or proposes to 1020
maintain a relevant research and development or recycling facility 1021
or program in this state or by an agency of the state, provided 1022
that funding provided by a state agency shall not be provided from 1023
general revenue funds appropriated by the general assembly. No 1024
grant made under division (A) of this section for the purposes 1025
described in this division shall exceed the contribution made by 1026
the cooperating enterprise or state agency. The chief may consider 1027
cooperating contributions in the form of state of the art new 1028
equipment or in other forms if the chief determines that the 1029

contribution is essential to the successful implementation of the 1030
project. 1031

Grants made under division (A) of this section for the 1032
purposes described in this division shall be made in such form and 1033
conditioned on such terms as the chief considers to be 1034
appropriate. 1035

(D)(1) The chief, with the approval of the director, may 1036
require any eligible applicant certified by the recycling and 1037
litter prevention advisory council under division ~~(A)~~(A) of 1038
section 1502.04 of the Revised Code that applies for a grant that 1039
is intended to further the purposes of the program established 1040
under division (A)(3) of section 1502.03 of the Revised Code, 1041
except any eligible applicant that is or is located in a county 1042
that has a per capita income equal to or below ninety per cent of 1043
the median county per capita income of the state as determined by 1044
the chief using the most recently available figures from the 1045
United States census bureau, to provide a matching contribution as 1046
follows: 1047

(a) Up to ten per cent of the grant from any eligible 1048
applicant that is or is located in a county that has a per capita 1049
income above ninety per cent of the median county per capita 1050
income of the state, but equal to or below one hundred per cent of 1051
the median county per capita income of the state; 1052

(b) Up to twenty per cent of the grant from any eligible 1053
applicant that is or is located in a county that has a per capita 1054
income above the median county per capita income of the state. 1055

(2) If the eligible applicant is a joint solid waste 1056
management district or is filing a joint application on behalf of 1057
two or more counties, the matching contribution required under 1058
division (D)(1) of this section shall be the average of the 1059
matching contributions of all of the counties covered by the 1060

application as determined in accordance with that division. The 1061
matching contribution of a county that has a per capita income 1062
equal to or below ninety per cent of the median county per capita 1063
income of the state shall be included as zero in calculating the 1064
average matching contribution. 1065

(E) After receiving notice from the director of environmental 1066
protection that each county within the state is subject to the 1067
solid waste management plan of a solid waste management district, 1068
the chief shall ensure that not less than fifty per cent of the 1069
moneys distributed as grants under this section shall be expended 1070
for the purposes of recycling and recycling market development. 1071

Sec. 1502.11. (A) ~~The chief of recycling and litter~~ 1072
~~prevention~~ The chief of recycling and litter prevention shall 1073
prepare, with the assistance of the recycling and litter 1074
prevention advisory council, and ~~the director of natural resources~~ 1075
the director of natural resources shall approve, a revised ~~Ohio~~ 1076
~~recycling market development~~ Ohio recycling market development 1077
plan not later than the thirty-first day of December every two 1078
years. ~~The~~ The plan shall do all of the following: 1079

(1) Identify the types of recyclables, the recycling of which 1080
will receive assistance under the plan; 1081

(2) Assess the need for and recommend specific types of 1082
direct financial assistance to be provided by the state, including 1083
grants, low-interest loans, bonds, and rebates and guarantees for 1084
projects such as retooling costs for manufacturers and industrial 1085
plants to use recycled materials, capitalization business 1086
incubators, new product research and development, demonstration 1087
projects, and the application and uses of recycled materials; 1088

(3) Assess the need for and recommend specific types of other 1089
assistance to be provided by the state, including the creation of 1090

enterprise zones and other tax incentives and exemptions, job 1091
training and managerial assistance, facilitation of technology 1092
transfers, provision of technical information to industries and to 1093
counties, townships, municipal corporations, and solid waste 1094
management districts, provision of consumer information, and 1095
establishment of a computer information network; 1096

(4) Designate a specific state agency to administer each 1097
component of the plan recommended under divisions (A)(2) and (3) 1098
of this section; 1099

(5) Determine the funding level needed for each component of 1100
the plan recommended under divisions (A)(2) and (3) of this 1101
section, and establish biennial budget estimates for the main 1102
operating biennial budget needed by the state agency designated to 1103
administer the component under division (A)(4) of this section; 1104

(6) Recommend necessary statutory changes, provided that the 1105
changes have been endorsed by a two-thirds vote of the recycling 1106
and litter prevention advisory council. 1107

(B) Each revised plan prepared under division (A) of this 1108
section shall do both of the following: 1109

(1) Review the relevant activities of each state agency 1110
designated to administer a component of the previous plan; 1111

(2) Recommend any needed changes in the components of the 1112
previous plan prepared under divisions (A)(1) to (6) of this 1113
section, including the addition or deletion of any components. 1114

~~(C)~~(C) Each state agency that is designated under the plan to 1115
administer a component of the plan shall do both of the following: 1116

(1) Administer that component as provided in the plan; 1117

(2) Include in its biennial budget estimates for the main 1118
operating biennial budget the budget estimates established 1119
pursuant to division (A)(5) of this section. 1120

~~(D)~~(D) A copy of each plan prepared under this section shall 1121
be submitted upon completion to the governor, the speaker of the 1122
house of representatives, and the president of the senate. 1123

Sec. 1502.12. (A) There is hereby created in the state 1124
treasury the scrap tire grant fund, consisting of moneys 1125
transferred to the fund under section 3734.82 of the Revised Code. 1126
The chief of the division of recycling and litter prevention, with 1127
the approval of the director of natural resources, may make grants 1128
from the fund for the purpose of supporting market development 1129
activities for scrap tires. The grants may be awarded to 1130
individuals, businesses, and entities certified under division 1131
~~(A)~~(A) of section 1502.04 of the Revised Code. 1132

(B) Projects and activities that are eligible for grants 1133
under this section shall be evaluated for funding using, at a 1134
minimum, the following criteria: 1135

(1) The degree to which a proposed project contributes to the 1136
increased use of scrap tires generated in this state; 1137

(2) The degree of local financial support for a proposed 1138
project; 1139

(3) The technical merit and quality of a proposed project. 1140

Sec. 1506.30. As used in sections 1506.30 to ~~1506.36~~ 1506.36 1141
of the Revised Code: 1142

(A) "Abandoned property" means a submerged aircraft; a 1143
submerged watercraft, including a ship, boat, canoe, skiff, raft, 1144
or barge; the rigging, gear, fittings, trappings, and equipment of 1145
a submerged aircraft or watercraft; the personal property of the 1146
officers, crew, and passengers of a submerged aircraft or 1147
watercraft; the cargo of a submerged aircraft or watercraft that 1148
has been deserted, relinquished, cast away, or left behind and for 1149

which attempts at reclamation have been abandoned by the owners 1150
and insurers; and submerged materials resulting from activities of 1151
prehistoric and historic native Americans. 1152

(B) "Lake Erie" means that portion of the waters and lands of 1153
Lake Erie belonging to the state as provided in section 1506.10 of 1154
the Revised Code. 1155

(C) "Historical value" means the quality of significance 1156
exemplified by an object, structure, site, or district that is 1157
included in or eligible for inclusion in the state registry of 1158
archaeological landmarks authorized under section 149.51 of the 1159
Revised Code, the state registry of historic landmarks authorized 1160
under section 149.55 of the Revised Code, or the national register 1161
of historic places. 1162

(D) "Marine surveyor" means a person engaged in the business 1163
of mapping or surveying submerged lands and abandoned property. 1164

(E) "Mechanical or other assistance" means all ~~artificial~~ 1165
artificial devices used to raise or remove artifacts from 1166
abandoned property, including pry bars, wrenches and other hand or 1167
power tools, cutting torches, explosives, winches, flotation bags, 1168
lines to surface, extra divers buoyancy devices, and other 1169
buoyancy devices. 1170

(F) "Recreational value" means value relating to an activity 1171
in which the public engages or may engage for recreation or sport, 1172
including scuba diving and fishing, as determined by the director 1173
of natural resources. 1174

Sec. 1506.34. (A) The director of natural resources, with the 1175
approval of the director of the Ohio historical society, shall 1176
establish policies and may adopt rules necessary to implement and 1177
administer sections 1506.30 to ~~1506.36~~ 1506.36 of the Revised 1178
Code. Not less than forty-five days prior to adopting a rule under 1179

this section or section 1506.31 of the Revised Code, the director 1180
of natural resources shall send a copy of the proposed rule to the 1181
director of the Ohio historical society, who shall promptly review 1182
it. Not more than thirty days after receiving the proposed rule, 1183
the director of the Ohio historical society shall return the rule 1184
to the director of natural resources together with ~~the former~~ 1185
~~director's~~ the former director's written approval or disapproval 1186
of the proposed rule. If ~~the director of the Ohio historical~~ 1187
~~society~~ the director of the Ohio historical society disapproves 1188
the rule, ~~the director~~ the director shall explain the reasons for 1189
~~the~~ the disapproval and any amendments to the rule ~~the director~~ 1190
the director considers necessary to obtain ~~the director's~~ the 1191
director's approval. The director of natural resources shall not 1192
adopt a rule under those sections that has not been approved by 1193
the director of the Ohio historical society. If the director of 1194
the Ohio historical society does not respond within thirty days as 1195
prescribed in this section, the rule is deemed approved by ~~the~~ 1196
~~director~~ the director. 1197

(B) The director of natural resources shall inform the public 1198
of the requirements of sections 1506.30 to ~~1506.36~~ 1506.36 of the 1199
Revised Code and any policies established and rules adopted under 1200
them. In complying with this section, the director may establish 1201
or conduct educational programs or seminars, print and distribute 1202
informational pamphlets, and provide detailed information to 1203
organizations that conduct scuba diving training programs. 1204

(C) The director of natural resources may hire or contract 1205
with a marine archaeologist, a marine historian, a marine 1206
surveyor, or any combination ~~of these persons~~ of these persons for 1207
the purposes of implementing and administering sections 1506.30 to 1208
~~1506.36~~ 1506.36 of the Revised Code and any rules adopted under 1209
them. 1210

Sec. 1506.35. (A) The director of natural resources may 1211
suspend or revoke, in accordance with Chapter 119. of the Revised 1212
Code, a permit issued under section 1506.32 of the Revised Code if 1213
the permit holder has done either of the following: 1214

(1) Failed to comply with sections 1506.30 to ~~1506.36~~ 1506.36 1215
of the Revised Code, any rules adopted under those sections, or 1216
any provision or condition of ~~the holder's~~ the holder's permit; 1217

(2) Damaged abandoned property other than in accordance with 1218
the provisions or conditions of the permit. 1219

(B) Any motor vehicle, as defined in section 4501.01 of the 1220
Revised Code, watercraft, as defined in section 1547.01 of the 1221
Revised Code, mechanical or other assistance, scuba gear, sonar 1222
equipment, or other equipment used by any person in the course of 1223
committing a third or subsequent violation of division (K) of 1224
section 1506.32 of the Revised Code shall be considered contraband 1225
for the purposes of sections 2933.42 and 2933.43 of the Revised 1226
Code, except that proceeds from the sale of such contraband shall 1227
be disposed of in the following order: 1228

(1) To the payment of the costs incurred in the forfeiture 1229
proceedings under section 2933.43 of the Revised Code; 1230

(2) To the payment of the balance due on any security 1231
interest preserved under division (C) of section 2933.43 of the 1232
Revised Code; 1233

(3) To the payment of any costs incurred by the seizing 1234
agency under section 2933.43 of the Revised Code in connection 1235
with the storage, maintenance, security, and forfeiture of the 1236
contraband; 1237

(4) Fifty per cent of the remaining money to the credit of 1238
the Lake Erie submerged lands preserves fund created in division 1239
(C) of this section, and fifty per cent of the remaining money to 1240

the Ohio historical society for deposit into the fund created 1241
pursuant to division (C) of section 149.56 of the Revised Code. 1242

(C) There is hereby created in the state treasury the Lake 1243
Erie submerged lands preserves fund. The fund shall be composed of 1244
moneys credited to it under division (B)(4) of this section and 1245
division (D)(2) of section 1506.33 of the Revised Code, all 1246
appropriations, contributions, and gifts made to it, and any 1247
federal grants received by the department of natural resources for 1248
the purposes of sections 1506.30 to 1506.36 of the Revised Code. 1249
The director shall use the moneys in the Lake Erie submerged lands 1250
preserves fund solely to implement and administer sections 1506.30 1251
to ~~1506.36~~ 1506.36 of the Revised Code. 1252

(D) The director may request the attorney general to, and the 1253
attorney general shall, bring a civil action in any court of 1254
competent jurisdiction for any of the following purposes: 1255

(1) To enforce compliance with or restrain violation of 1256
sections 1506.30 to ~~1506.36~~ 1506.36 of the Revised Code, any rules 1257
adopted under those sections, or any permit issued under section 1258
1506.32 of the Revised Code; 1259

(2) To enjoin the further removal of abandoned property or 1260
archaeological material from Lake Erie; 1261

(3) To order the restoration of an area affected by a 1262
violation of sections 1506.30 to ~~1506.36~~ 1506.36 of the Revised 1263
Code or of a permit issued under section 1506.32 of the Revised 1264
Code to its prior condition. 1265

Any action under this division is a civil action governed by 1266
the Rules of Civil Procedure. 1267

(E) A peace officer of a county, township, or municipal 1268
corporation, and a preserve officer, wildlife officer, park 1269
officer, or watercraft officer designated under section 1517.10, 1270

1531.13, 1541.10, or 1547.521 of the Revised Code, as applicable, 1271
may enforce compliance with sections 1506.30 to ~~1506.36~~ 1506.36 of 1272
the Revised Code, any rules adopted under those sections, and any 1273
permit issued under section 1506.32 of the Revised Code and may 1274
make arrests for violation of those laws, rules, and permits. 1275

Sec. 1517.02. There is hereby created in the department of 1276
natural resources the division of natural areas and preserves, 1277
which shall be administered by the chief of natural areas and 1278
preserves. The chief shall take an oath of office and shall file 1279
in the office of the secretary of state a bond signed by ~~the chief~~ 1280
the chief and by a surety approved by the governor for a sum fixed 1281
pursuant to section 121.11 of the Revised Code. 1282

The chief shall administer a system of nature preserves and 1283
wild, scenic, and recreational river areas. The chief shall 1284
establish a system of nature preserves through acquisition and 1285
dedication of natural areas of state or national significance, 1286
which shall include, but not be limited to, areas which represent 1287
characteristic examples of Ohio's natural landscape types and its 1288
natural vegetation and geological history. The chief shall 1289
encourage landowners to dedicate areas of unusual significance as 1290
nature preserves, and shall establish and maintain a registry of 1291
natural areas of unusual significance. 1292

The chief may supervise, operate, protect, and maintain wild, 1293
scenic, and recreational river areas, as designated by the 1294
director of natural resources. The chief may cooperate with 1295
federal agencies administering any federal program concerning 1296
wild, scenic, or recreational river areas. 1297

The chief may, with the approval of the director, enter into 1298
an agreement with the United States department of commerce under 1299
the "Coastal Zone Management Act of 1972," 86 Stat. 1280, 16 1300
U.S.C.A. 1451, as amended, for the purpose of receiving grants to 1301

continue the management, operation, research, and programming at 1302
old woman creek national estuarine research reserve. 1303

The chief shall ~~do the following~~ do the following: 1304

(A) Formulate policies and plans for the acquisition, use, 1305
management, and protection of nature preserves; 1306

(B) Formulate policies for the selection of areas suitable 1307
for registration; 1308

(C) Formulate policies for the dedication of areas as nature 1309
preserves; 1310

(D) Prepare and maintain surveys and inventories of natural 1311
areas and habitats of rare and endangered species of plants and 1312
animals; 1313

(E) Adopt rules for the use, visitation, and protection of 1314
nature preserves, "natural areas owned or managed through 1315
easement, license, or lease by the department and administered by 1316
the division," and lands owned "or managed through easement, 1317
license, or lease" by the department and administered by the 1318
division which are within or adjacent to any wild, scenic, or 1319
recreational river area, in accordance with Chapter 119. of the 1320
Revised Code; 1321

(F) Provide facilities and improvements within the state 1322
system of nature preserves that are necessary for their 1323
visitation, use, restoration, and protection and do not impair 1324
their natural character; 1325

(G) Provide interpretive programs and publish and disseminate 1326
information pertaining to nature preserves and natural areas for 1327
their visitation and use; 1328

~~(H)~~ (H) Conduct and grant permits to qualified persons for the 1329
conduct of scientific research and investigations within nature 1330
preserves; 1331

~~(I)~~(I) Establish an appropriate system for marking nature preserves; 1332
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~~(J)~~(J) Publish and submit to the governor and the general assembly a biennial report of the status and condition of each nature preserve, activities conducted within each preserve, and plans and recommendations for natural area preservation. 1334
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Sec. 1517.23. ~~The~~ The chief of the division of natural areas and preserves shall ~~do both of the following~~ do both of the following: 1338
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(A) Formulate policies and plans and establish a program incorporating them for the identification and protection of the state's cave resources and adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code to implement that program; 1341
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(B) Provide technical assistance and management advice to owners upon request concerning the protection of caves on their land. 1346
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Sec. 1518.01. ~~The~~ The chief of natural areas and preserves shall adopt and may amend or rescind rules, in accordance with Chapter 119. of the Revised Code, setting forth criteria for identifying and designating species of plants native to ~~this state~~ that this state that are in danger of extirpation or are threatened with becoming endangered. The chief shall adopt and may amend or rescind rules, in accordance with Chapter 119. of the Revised Code, setting forth a list of the plants that ~~the chief~~ the chief determines to be endangered or threatened with extirpation from this state, applying the criteria so developed. This list shall identify the common and scientific names of each species. The list shall include all species native to this state ~~that~~ that are listed on the "United States list of endangered and 1349
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threatened wildlife and plants" pursuant to the "Endangered
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as
amended. Further, the chief may produce for public education
purposes lists of plant species which shall include the names of
species of plants ~~that~~ that may become threatened in the future
through habitat loss, commercial exploitation, or other means.

Sec. 1518.03. ~~The~~ The chief of natural areas and preserves
shall adopt and may amend or repeal rules, in accordance with
Chapter 119. of the Revised Code, restricting the taking,
possessing, transportation, sale, offering for sale, or exposure
for sale, for commercial purposes of native Ohio species of wild
plants or parts ~~of them~~ of them, that are listed as endangered or
threatened by rule adopted under section 1518.01 of the Revised
Code. The rules may prohibit the taking of any endangered or
threatened plant, or parts ~~of it~~ of it, for commercial purposes,
from any wood lot, field, or forest, or from any other location in
which ~~that~~ that plant is found growing in its native habitat. This
section does not prevent any ~~nurseryperson~~ nurseryperson or dealer
who is licensed under Chapter 927. of the Revised Code from
selling, offering for sale, shipping, or otherwise disposing of
any endangered or threatened plants or parts ~~of them~~ of them when
~~those~~ those plants have been commercially grown by a licensed
nursery or legally imported into this state. For the purposes of
this section, "commercial purposes" means with intent to sell or
trade endangered or threatened plants for gain or profit.
"Commercially grown" means to grow plants under cultivation in
tilled plots or in a greenhouse.

The rules shall provide for the taking of species endangered
or threatened with statewide extirpation for botanical,
educational, and scientific purposes, and for propagation in
captivity to preserve the species, with written permission from
the chief. The rules shall not prohibit the taking or possession

of species listed on the "United States list of endangered and
threatened wildlife and plants" for botanical, educational, or
scientific purposes, or for propagation in captivity to preserve
the species, under a permit or license from the United States or
any instrumentality ~~of the United States~~ of the United States.

Sec. 1551.35. (A) There is hereby established a technical
advisory committee to assist the director of the Ohio coal
development office in achieving the office's purposes. The
director shall appoint to the committee one member of the public
utilities commission and one representative each of coal
production companies, the united mine workers of America, electric
utilities, manufacturers that use Ohio coal, and environmental
organizations, as well as two people with a background in coal
research and development technology, one of whom is employed at
the time of the member's appointment by a state university, as
defined in section 3345.011 of the Revised Code. In addition, the
committee shall include four legislative members. The speaker and
minority leader of the house of representatives each shall appoint
one member of the house of representatives, and the president and
minority leader of the senate each shall appoint one member of the
senate, to the committee. The director of environmental protection
~~and~~ and the director of development shall serve on the committee
as ~~ex-officio~~ ex officio members. Any member of the committee may
designate in writing a substitute to serve in the member's absence
on the committee. The director of environmental protection may
designate in writing the chief of the air pollution control
division of the agency to represent the agency. Members shall
serve on the committee at the pleasure of their appointing
authority. Members of the committee appointed by the director of
the office and, notwithstanding section 101.26 of the Revised
Code, legislative members of the committee, when engaged in their
official duties as members of the committee, shall be compensated

on a per diem basis in accordance with division (J) of section 1426
124.15 of the Revised Code, except that the member of the public 1427
utilities commission and, while employed by a state university, 1428
the member with a background in coal research, shall not be so 1429
compensated. Members shall receive their actual and necessary 1430
expenses incurred in the performance of their duties. 1431

(B) The technical advisory committee shall review and make 1432
recommendations concerning the Ohio coal development agenda 1433
required under section 1551.34 of the Revised Code, project 1434
proposals, research and development projects submitted to the 1435
office by public utilities for the purpose of section 4905.304 of 1436
the Revised Code, proposals for grants, loans, and loan guarantees 1437
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 1438
and such other topics as the director of the office considers 1439
appropriate. 1440

(C) The technical advisory committee may hold an executive 1441
session at any regular or special meeting for the purpose of 1442
considering research and development project proposals or 1443
applications for assistance submitted to the Ohio coal development 1444
office under section 1551.33, or sections 1555.01 to 1555.06, of 1445
the Revised Code, to the extent that ~~the~~ the proposals or 1446
applications consist of trade secrets or other proprietary 1447
information. 1448

Any materials or data submitted to, made available to, or 1449
received by the Ohio air quality development authority or the 1450
director of the Ohio coal development office in connection with 1451
agreements for assistance entered into under this chapter or 1452
Chapter 1555. of the Revised Code, or any information taken from 1453
~~these~~ those materials or data for any purpose, to the extent that 1454
the materials or data consist of trade secrets or other 1455
proprietary information, are not public records for the purposes 1456
of section 149.43 of the Revised Code. 1457

As used in this division, "trade secrets" has the same 1458
meaning as in section 1333.61 of the Revised Code. 1459

Sec. 2323.44. (A)~~(1)~~ There is hereby created the Ohio 1460
subrogation rights commission consisting of six voting members and 1461
~~seven~~ ten nonvoting members. To be eligible ~~for appointment~~ as a 1462
voting member, a person shall be a current member of the general 1463
assembly. The president of the senate and the speaker of the house 1464
of representatives shall jointly appoint ~~six~~ nine members. The 1465
~~chairman~~ chairperson of the senate committee to which bills 1466
pertaining to insurance are referred shall be a member of the 1467
commission. The ~~chairman~~ chairperson of the house committee to 1468
which bills pertaining to insurance are referred shall be a member 1469
of the commission. The ~~chairman~~ chairperson and the ranking 1470
minority member of the senate committee to which bills pertaining 1471
to civil justice are referred shall each be a member of the 1472
commission. The ~~chairman~~ chairperson and the ranking minority 1473
member of the house committee to which bills pertaining to civil 1474
justice are referred shall each be a member of the commission. Of 1475
the ~~six~~ nine members jointly appointed by the president of the 1476
senate and the speaker of the house of representative, one shall 1477
represent a health insuring company doing business in the state ~~of~~ 1478
~~Ohio~~, one shall represent a public employees union in ~~Ohio~~ the 1479
state, one shall represent the Ohio academy of trial lawyers, one 1480
shall represent a property and casualty insurance company doing 1481
business in ~~Ohio~~ the state, one shall represent the Ohio state bar 1482
association, and one shall represent a sickness and accident 1483
insurer doing business in ~~Ohio~~, ~~and the state~~; all of these 1484
appointees shall have expertise in insurance law, including 1485
subrogation rights. Of the remaining three members jointly 1486
appointed by the president of the senate and the speaker of the 1487
house of representatives, one shall represent plaintiffs in tort 1488
actions who suffered damages as a result of the injury, death, or 1489

loss to person or property upon which the tort actions were based, 1490
and two shall represent employers whose primary place of business 1491
is located in this state, one of which shall represent a small 1492
employer. A member of the Ohio judicial conference who is an 1493
elected or appointed judge shall be a member of the commission. 1494

(2) As used in this division: 1495

(a) "Small employer" means an employer who employs not more 1496
than one hundred persons on a full-time permanent basis, or, if 1497
the employer is classified as being in the manufacturing sector by 1498
the North American industrial classification system, an employer 1499
who employs not more than five hundred persons on a full-time 1500
permanent basis. 1501

(b) "Tort action" means a civil action for damages for 1502
injury, death, or loss to person or property. "Tort action" 1503
includes a product liability claim, as defined in section 2307.71 1504
of the Revised Code, but does not include a civil action for 1505
damages for a breach of contract or another agreement between 1506
persons. 1507

(B) The commission shall do all of the following: 1508

(1) Investigate the problems posed by, and the issues 1509
surrounding, the N. Buckeye Educ. Council Group Health Benefits 1510
Plan v. Lawson (2004), 103 Ohio St. 3d 188 decision regarding 1511
subrogation; 1512

(2) Prepare a report of recommended legislative solutions to 1513
the court decision referred to in division (B)(1) of this section; 1514

(3) Submit a report of its findings to the members of the 1515
general assembly not later ~~than September 1~~ than December 31, 1516
2005. 1517

(C) Any vacancy in the membership of the commission shall be 1518
filled in the same manner in which the original appointment was 1519

made. 1520

(D) The chairpersons of the house and senate committees to 1521
which bills pertaining to insurance are referred shall jointly 1522
call the first meeting of the commission not later than ~~May 1,~~ 1523
~~2005~~ thirty days after the effective date of this amendment. The 1524
first meeting shall be organizational, and the voting members of 1525
the commission shall determine the chairperson from among 1526
~~commission~~ the commission's voting members by a majority vote. 1527

(E) The legislative service commission shall provide any 1528
technical, professional, and clerical employees that are necessary 1529
for the commission to perform its duties. 1530

(F) All meetings of the commission are public meetings and 1531
shall be open to the public at all times. A member of the 1532
commission must be present in person at a meeting that is open to 1533
the public in order to be considered present or to vote at the 1534
meeting and for the purposes of determining whether a quorum is 1535
present. The commission shall promptly prepare and maintain the 1536
minutes of its meetings, and the minutes shall be public records 1537
under section 149.43 of the Revised Code. The commission shall 1538
give reasonable notice of its meetings so that any person may 1539
determine the time and place of all scheduled meetings. The 1540
commission shall not hold a meeting unless it gives at least 1541
twenty-four hours advance notice to the news media organizations 1542
that have requested notification of its meetings. 1543

Sec. 3358.10. Sections 3354.10, 3354.121, 3354.15, ~~and~~ and 1544
3354.16 of the Revised Code apply to state community college 1545
districts and their boards of trustees. 1546

Sec. 3375.61. In recognition of the work the Ohioana Library 1547
Association, ~~Martha Kinney Cooper Memorial,~~ Martha Kinney Cooper 1548
Memorial, a corporation organized not for profit under the laws of 1549

this state, has done and is doing to collect, promote, publicize, 1550
and make available to the public the cultural, literary, 1551
scientific, social, and economic achievements of Ohioans, the 1552
state may grant financial aid to ~~that~~ that corporation in order 1553
that the purposes for which it was instituted may be fostered and 1554
its services to the public improved and expanded. 1555

Sec. 3375.62. The governor shall appoint four members of the 1556
board of trustees of the Ohioana Library Association, ~~Martha~~ 1557
~~Kinney Cooper Memorial~~ , Martha Kinney Cooper Memorial. Terms of 1558
office shall be for four years, commencing on the sixteenth day of 1559
September and ending on the fifteenth day of September. Each 1560
member shall hold office from the date of appointment until the 1561
end of the term for which appointed. Any member appointed to fill 1562
a vacancy occurring prior to the expiration of the term for which 1563
~~the member's~~ the member's predecessor was appointed shall hold 1564
office for the remainder of ~~that~~ that term. Any member shall 1565
continue in office subsequent to the expiration date of ~~the~~ 1566
~~member's~~ the member's term until ~~the member's~~ the member's 1567
successor takes office, or until a period of sixty days has 1568
elapsed, whichever occurs first. ~~The gubernatorial~~ The 1569
gubernatorial appointees shall serve as members of the board of 1570
trustees in addition to the regular constituted board of trustees 1571
of the corporation. 1572

Sec. 3383.01. As used in this chapter: 1573

(A) "~~Culture~~ Culture" means any of the following: 1574

(1) Visual, musical, dramatic, graphic, design, and other 1575
arts, including, but not limited to, architecture, dance, 1576
literature, motion pictures, music, painting, photography, 1577
sculpture, and theater, and the provision of training or education 1578
in these arts; 1579

(2) The presentation or making available, in museums or other 1580
indoor or outdoor facilities, of principles of science and their 1581
development, use, or application in business, industry, or 1582
commerce or of the history, heritage, development, presentation, 1583
and uses of the arts described in division (A)(1) of this section 1584
and of transportation; 1585

(3) The preservation, presentation, or making available of 1586
features of archaeological, architectural, environmental, or 1587
historical interest or significance in a state historical facility 1588
or a local historical facility. 1589

(B) "~~Cultural~~ Cultural organization" means either of the 1590
following: 1591

(1) A governmental agency or Ohio nonprofit corporation that 1592
provides programs or activities in areas directly concerned with 1593
~~culture~~ culture; 1594

(2) A regional arts and cultural district as defined in 1595
section 3381.01 of the Revised Code. 1596

(C) "~~Cultural~~ Cultural project" means all or any portion of 1597
an Ohio ~~cultural~~ cultural facility for which the general assembly 1598
has specifically authorized the spending of money, or made an 1599
appropriation, pursuant to division (D)(3) or (E) of section 1600
3383.07 of the Revised Code. 1601

(D) "Cooperative contract" means a contract between the Ohio 1602
~~cultural~~ cultural facilities commission and a ~~cultural~~ a cultural 1603
organization providing the terms and conditions of the cooperative 1604
use of an Ohio ~~cultural~~ cultural facility. 1605

(E) "Costs of operation" means amounts required to manage an 1606
Ohio ~~cultural~~ cultural facility that are incurred following the 1607
completion of construction of its ~~cultural~~ cultural project, 1608
provided that both of the following apply: 1609

(1) Those amounts either: 1610

(a) Have been committed to a fund dedicated to that purpose; 1611

(b) Equal the principal of any endowment fund, the income 1612
from which is dedicated to that purpose. 1613

(2) The commission and the ~~cultural~~ cultural organization 1614
have executed an agreement with respect to either of those funds. 1615

(F) "General building services" means general building 1616
services for an Ohio ~~cultural~~ cultural facility or an Ohio sports 1617
facility, including, but not limited to, general custodial care, 1618
security, maintenance, repair, painting, decoration, cleaning, 1619
utilities, fire safety, grounds and site maintenance and upkeep, 1620
and plumbing. 1621

(G) "Governmental agency" means a state agency, a 1622
state-supported or state-assisted institution of higher education, 1623
a municipal corporation, county, township, or school district, a 1624
port authority created under Chapter 4582. of the Revised Code, 1625
any other political subdivision or special district in this state 1626
established by or pursuant to law, or any combination of these 1627
entities; except where otherwise indicated, the United States or 1628
any department, division, or agency of the United States, or any 1629
agency, commission, or authority established pursuant to an 1630
interstate compact or agreement. 1631

(H) "Local contributions" means the value of an asset 1632
provided by or on behalf of a ~~cultural~~ a cultural organization 1633
from sources other than the state, the value and nature of which 1634
shall be approved by the Ohio ~~cultural~~ cultural facilities 1635
commission, in its sole discretion. "Local contributions" may 1636
include the value of the site where a ~~cultural~~ a cultural project 1637
is to be constructed. All "local contributions," except a 1638
contribution attributable to such a site, shall be for the costs 1639
of construction of a ~~cultural~~ a cultural project or the ~~creation~~ 1640

~~or expansion of an endowment for the~~ creation or expansion of an 1641
~~endowment for the~~ costs of operation of ~~a cultural~~ a cultural 1642
facility. 1643

(I) "Local historical facility" means a site or facility, 1644
other than a state historical facility, of archaeological, 1645
architectural, environmental, or historical interest or 1646
significance, or a facility, including a storage facility, 1647
appurtenant to the operations of such a site or facility, that is 1648
owned by ~~a cultural~~ a cultural organization, provided the facility 1649
meets the requirements of division (K)(2)(b) of this section, is 1650
managed by or pursuant to a contract with the Ohio ~~cultural~~ 1651
cultural facilities commission, and is used for or in connection 1652
with the activities of the commission, including the presentation 1653
or making available of ~~culture~~ culture to the public. 1654

(J) "Manage," "operate," or "management" means the provision 1655
of, or the exercise of control over the provision of, activities: 1656

(1) Relating to ~~culture~~ culture for an Ohio ~~cultural~~ cultural 1657
facility, including as applicable, but not limited to, providing 1658
for displays, exhibitions, specimens, and models; booking of 1659
artists, performances, or presentations; scheduling; and hiring or 1660
contracting for directors, curators, technical and scientific 1661
staff, ushers, stage managers, and others directly related to the 1662
~~cultural~~ cultural activities in the facility; but not including 1663
general building services; 1664

(2) Relating to sports and athletic events for an Ohio sports 1665
facility, including as applicable, but not limited to, providing 1666
for booking of athletes, teams, and events; scheduling; and hiring 1667
or contracting for staff, ushers, managers, and others directly 1668
related to the sports and athletic events in the facility; but not 1669
including general building services. 1670

(K) "Ohio ~~cultural~~ cultural facility" means any of the 1671

following: 1672

(1) The theaters located in the state office tower at 77 1673
South High street in Columbus; 1674

(2) Any capital facility in this state to which both of the 1675
following apply: 1676

(a) The construction of ~~a-cultural~~ a cultural project related 1677
to the facility was authorized or funded by the general assembly 1678
pursuant to division (D)(3) of section 3383.07 of the Revised Code 1679
and proceeds of state bonds are used for costs of the ~~cultural~~ 1680
cultural project. 1681

(b) The facility is managed directly by, or is subject to a 1682
cooperative or management contract with, the Ohio ~~cultural~~ 1683
cultural facilities commission, and is used for or in connection 1684
with the activities of the commission, including the presentation 1685
or making available of ~~culture~~ culture to the public and the 1686
provision of training or education in ~~culture~~ culture. 1687

(3) A state historical facility or a local historical 1688
facility. 1689

(L) "State agency" means the state or any of its branches, 1690
officers, boards, commissions, authorities, departments, 1691
divisions, or other units or agencies. 1692

(M) "Construction" includes acquisition, including 1693
acquisition by lease-purchase, demolition, reconstruction, 1694
alteration, renovation, remodeling, enlargement, improvement, site 1695
improvements, and related equipping and furnishing. 1696

(N) "State historical facility" means a site or facility of 1697
archaeological, architectural, environmental, or historical 1698
interest or significance, or a facility, including a storage 1699
facility, appurtenant to the operations of such a site or 1700
facility, that is owned by or is located on real property owned by 1701

the state or by a ~~cultural~~ a cultural organization, so long as the
real property of the ~~cultural~~ cultural organization is contiguous
to state-owned real property that is in the care, custody, and
control of a ~~cultural~~ a cultural organization, and that is managed
directly by or is subject to a cooperative or management contract
with the Ohio ~~cultural~~ cultural facilities commission and is used
for or in connection with the activities of the commission,
including the presentation or making available of ~~culture~~ culture
to the public.

(O) "Ohio sports facility" means all or a portion of a
stadium, arena, motorsports complex, or other capital facility in
this state, a primary purpose of which is to provide a site or
venue for the presentation to the public of either motorsports
events or events of one or more major or minor league professional
athletic or sports teams that are associated with the state or
with a city or region of the state, which facility is, in the case
of a motorsports complex, owned by the state or governmental
agency, or in all other instances, is owned by or is located on
real property owned by the state or a governmental agency, and
including all parking facilities, walkways, and other auxiliary
facilities, equipment, furnishings, and real and personal property
and interests and rights therein, that may be appropriate for or
used for or in connection with the facility or its operation, for
capital costs of which state funds are spent pursuant to this
chapter. A facility constructed as an Ohio sports facility may be
both an Ohio ~~cultural~~ cultural facility and an Ohio sports
facility.

(P) "Motorsports" means sporting events in which motor
vehicles are driven on a clearly demarcated tracked surface.

Sec. 3383.02. (A) There is hereby created the Ohio ~~cultural~~
cultural facilities commission. The commission shall engage in and

provide for the development, performance, and presentation or 1733
making available of ~~culture~~ culture and professional sports and 1734
athletics to the public in this state, and the provision of 1735
training or education in ~~culture~~ culture, by the exercise of its 1736
powers under this chapter, including the provision, operation, 1737
management, and cooperative use of Ohio ~~cultural~~ cultural 1738
facilities and Ohio sports facilities. The commission is a body 1739
corporate and politic, an agency of state government and an 1740
instrumentality of the state, performing essential governmental 1741
functions of this state. The carrying out of the purposes and the 1742
exercise by the commission of its powers conferred by this chapter 1743
are essential public functions and public purposes of the state 1744
and of state government. The commission may, in its own name, sue 1745
and be sued, enter into contracts, and perform all the powers and 1746
duties given to it by this chapter; however, it does not have and 1747
shall not exercise the power of eminent domain. 1748

(B) The commission shall consist of ten members, seven of 1749
whom shall be voting members and three of whom shall be nonvoting 1750
members. The seven voting members shall be appointed by the 1751
governor, with the advice and consent of the senate, from 1752
different geographical regions of the state. In addition, one of 1753
the voting members shall represent the state architect. Not more 1754
than four of the members appointed by the governor shall be 1755
affiliated with the same political party. The nonvoting members 1756
shall be the staff director of the Ohio arts council, a member of 1757
the senate appointed by the president of the senate, and a member 1758
of the house of representatives appointed by the speaker of the 1759
house. 1760

(C) Of the five initial appointments made by the governor, 1761
one shall be for a term expiring December 31, 1989, two shall be 1762
for terms expiring December 31, 1990, and two shall be for terms 1763
expiring December 31, 1991. Of the initial appointments of the 1764

sixth and seventh voting members ~~made~~ made by the governor, one 1765
shall be for a term expiring December 31, 2003, and one shall be 1766
for a term expiring December 31, 2004. Thereafter, each such term 1767
shall be for three years, commencing on the first day of January 1768
and ending on the thirty-first day of December. Each appointment 1769
by the president of the senate and by the speaker of the house of 1770
representatives shall be for the balance of the then legislative 1771
biennium. Each member shall hold office from the date of the 1772
member's appointment until the end of the term for which the 1773
member was appointed. Any member appointed to fill a vacancy 1774
occurring prior to the expiration of the term for which the 1775
member's predecessor was appointed shall hold office for the 1776
remainder of such term. Any member shall continue in office 1777
subsequent to the expiration date of the member's term until the 1778
member's successor takes office, or until a period of sixty days 1779
has elapsed, whichever occurs first. 1780

(D) Members of the commission shall serve without 1781
compensation. 1782

(E) Organizational meetings of the commission shall be held 1783
at the first meeting of each calendar year. At each organizational 1784
meeting, the commission shall elect from among its voting members 1785
a chairperson, a vice-chairperson, and a secretary-treasurer, who 1786
shall serve until the next annual meeting. The commission shall 1787
adopt rules pursuant to section 111.15 of the Revised Code for the 1788
conduct of its internal business and shall keep a journal of its 1789
proceedings. 1790

(F) Four voting members of the commission constitute a 1791
quorum, and the affirmative vote of four members is necessary for 1792
approval of any action taken by the commission. A vacancy in the 1793
membership of the commission does not impair a quorum from 1794
exercising all the rights and performing all the duties of the 1795
commission. Meetings of the commission may be held anywhere in the 1796

state, and shall be held in compliance with section 121.22 of the
Revised Code.

(G) All expenses incurred in carrying out this chapter are
payable solely from money accrued under this chapter or
appropriated for these purposes by the general assembly, and the
commission shall incur no liability or obligation beyond such
money.

(H) The commission shall file an annual report of its
activities and finances with the governor, director of budget and
management, speaker of the house of representatives, president of
the senate, and chairpersons of the house and senate finance
committees.

(I) There is hereby established in the state treasury the
Ohio ~~cultural~~ cultural facilities commission administration fund.
All revenues of the commission shall be credited to that fund and
to any accounts created in the fund with the commission's
approval. All expenses of the commission, including reimbursement
of, or payment to, any other fund or any governmental agency for
advances made or services rendered to or on behalf of the
commission, shall be paid from the Ohio ~~cultural~~ cultural
facilities commission administration fund as determined by or
pursuant to directions of the commission. All investment earnings
of the administration fund shall be credited to the fund and shall
be allocated among any accounts created in the fund in the manner
determined by the commission.

(J) Title to all real property and lesser interests in real
property acquired by the commission, including leasehold and other
interests, pursuant to this chapter shall be taken in the name of
the state and shall be held for the use and benefit of the
commission. The commission shall not mortgage such real property
and interests in real property. Title to other property and

interests in it acquired by the commission pursuant to this 1828
chapter shall be taken in its name. 1829

Sec. 3383.03. The Ohio ~~cultural~~ cultural facilities 1830
commission shall do the following: 1831

(A) From time to time, determine the need for ~~cultural~~ 1832
cultural projects, Ohio ~~cultural~~ cultural facilities, and Ohio 1833
sports facilities, ~~and~~ and report to the governor and the general 1834
assembly on the need for any additional ~~cultural~~ cultural 1835
projects, Ohio ~~cultural~~ cultural facilities, and Ohio sports 1836
facilities. This division does not apply to state historical 1837
facilities. 1838

(B) Have jurisdiction, control, and possession of, and 1839
supervision over the use and disposition of, all property, rights, 1840
licenses, money, contracts, accounts, liens, books, records, and 1841
other property rights and interests conveyed, delivered, 1842
transferred, or assigned to it; 1843

(C) Use, and provide for the use of, Ohio ~~cultural~~ cultural 1844
facilities and Ohio sports facilities for the commission's 1845
purposes and functions, and conduct reviews necessary to ensure 1846
that uses of those facilities are consistent with statewide 1847
interests and the commission's purposes, including the 1848
presentation or making available of ~~culture~~ culture and 1849
professional athletics and sports to the public in this state and 1850
the provision of training or education in ~~culture~~ culture; 1851

(D) Hold a meeting, including the organizational meeting 1852
required by division (E) of section 3383.02 of the Revised Code, 1853
at least quarterly to conduct its business; 1854

(E) Cooperate with any governmental agency or ~~cultural~~ 1855
cultural organization that provides services in, to, or for an 1856
Ohio ~~cultural~~ cultural facility, and cooperate with any 1857

governmental agency or nonprofit corporation for the provision or 1858
operation of any Ohio sports facilities. 1859

Sec. 3383.04. The Ohio ~~cultural~~ cultural facilities 1860
commission may ~~do the following~~ do the following: 1861

(A) Employ and fix the compensation of an executive director 1862
and such other employees as will facilitate the activities and 1863
purposes of the commission. Any executive director shall serve at 1864
the pleasure of the commission and may serve part-time. Other 1865
employees shall be employed by and serve at the pleasure of the 1866
commission or the executive director, as determined by the 1867
commission. 1868

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 1869
the Revised Code, rules for the management and operation of Ohio 1870
~~cultural~~ cultural facilities and Ohio sports facilities and for 1871
the exercise of all of the commission's rights with respect to 1872
those facilities; 1873

(C) Own, construct or provide for the construction of, lease, 1874
equip, furnish, administer, and manage or provide for the 1875
operation and management of, and cooperate in the use of, Ohio 1876
~~cultural~~ cultural facilities and Ohio sports facilities; 1877

(D) Dispose of, whether by sale, lease, lease-purchase, 1878
sublease, re-lease, or otherwise, real and personal property, and 1879
lesser interests in it, held or owned by the state for the use and 1880
benefit of the commission or held or owned by the commission, if 1881
not needed for the commission's purposes, upon such terms as the 1882
commission determines, subject to approval by the governor in the 1883
case of real property and interests in it; 1884

(E) Grant such easements and other interests in real or 1885
personal property of the commission as will not interfere with the 1886
use of the property as an Ohio ~~cultural~~ cultural facility or an 1887

Ohio sports facility; 1888

(F) Fix, alter, and collect rentals and other charges for the 1889
use or availability for use of Ohio ~~cultural~~ cultural facilities 1890
or an Ohio sports facility, as determined solely by the 1891
commission, for the purpose of providing for all or a portion of 1892
the costs and expenses of the commission, and the costs to be paid 1893
by the commission of leasing, constructing, equipping, repairing, 1894
maintaining, administering, managing, and cooperating in the use 1895
of Ohio ~~cultural~~ cultural facilities, including rentals to be paid 1896
by the commission for any Ohio ~~cultural~~ cultural facilities or for 1897
any Ohio sports facility; 1898

(G) Lease, sublease, cooperate in the use of, or otherwise 1899
make available to a ~~cultural~~ cultural organization, Ohio ~~cultural~~ 1900
cultural facilities, and to any governmental agency or nonprofit 1901
corporation, Ohio sports facilities, including real and personal 1902
property, or any interests in it, to carry out the purposes of 1903
this chapter; 1904

(H) Contract with, retain the services of, or designate, and 1905
fix the compensation of, agents, accountants, attorneys, 1906
consultants, advisers, and other independent contractors necessary 1907
or desirable to carry out the purposes of this chapter; 1908

(I) Procure insurance against loss to the commission by 1909
reason of damages to or nonusability of its property resulting 1910
from fire, theft, accident, or other casualties, or by reason of 1911
its liability for any damages to persons or property, including^{7, 1} 1912
but not limited to, general liability insurance, business 1913
interruption insurance, liability insurance for members, officers, 1914
and employees, and copyright liability insurance; 1915

(J) Receive and accept gifts, grants, devises, bequests, 1916
loans, and any other financial or other form of aid or assistance 1917
from any governmental agency or other person and enter into any 1918

contract or agreement with any such agency or other person in 1919
connection therewith, and receive and accept aid or contributions 1920
from any other source of money, real or personal property, labor, 1921
or other things of value, to be held, used, and applied only for 1922
the purposes for which the aid and contributions are made and 1923
according to their terms and conditions, all within the purposes 1924
of this chapter; 1925

(K) Make and enter into all contracts, commitments, and 1926
agreements, and execute all instruments, necessary or incidental 1927
to the performance of its duties and the execution of its rights 1928
and powers under this chapter; 1929

(L) Do anything necessary or appropriate to carry out the 1930
purposes of and exercise the powers granted in this chapter; 1931

(M) Contract with any governmental agency or nonprofit 1932
corporation to provide or cause to be provided services, including 1933
general building services, in, to, or for an Ohio ~~cultural~~ 1934
cultural facility or any Ohio sports facility, or with a ~~cultural~~ 1935
a cultural organization for the management of an Ohio ~~cultural~~ 1936
cultural facility, or with a governmental agency or nonprofit 1937
corporation for the management of an Ohio sports facility, all in 1938
furtherance of the state function, and make contracts pursuant to 1939
divisions (A) and (B) of section 3383.07 of the Revised Code, 1940
except that nothing in this chapter limits the exercise of the 1941
care, custody, control, and management of those state historical 1942
facilities specified in section 149.30 of the Revised Code. 1943

Sec. 3383.05. (A) Upon the request of the Ohio ~~cultural~~ 1944
cultural facilities commission, any governmental agency may lease, 1945
sublease, grant by lease-purchase or otherwise, convey, or grant 1946
the right to use, to the commission or to a state agency 1947
designated by the commission, any real or personal property or 1948
interests in property, including improvements to it and public 1949

roads, owned or controlled by the governmental agency, which are 1950
necessary or convenient to an Ohio ~~cultural~~ cultural facility or 1951
an Ohio sports facility, upon such terms and conditions as they 1952
agree upon. The lease, sublease, grant, conveyance, or grant of 1953
use may be made without the necessity for advertisement, auction, 1954
competitive bidding, court order, or other action or formality 1955
otherwise required by law, except that the consent of the 1956
governing body of the governmental agency shall be obtained, or, 1957
if title to the property is in the state, the consent of the 1958
governor shall be obtained. Any governmental agency may enter into 1959
agreements with the Ohio ~~cultural~~ cultural facilities commission 1960
for furnishing any supplies, equipment, or services to the 1961
commission pursuant to such terms and for such compensation as 1962
agreed upon by the governmental agency and the commission. 1963

(B) Leases, contracts, agreements, or conveyances entered 1964
into pursuant to this section are not public contracts for 1965
purposes of section 2921.42 of the Revised Code. 1966

Sec. 3383.06. All property purchased, acquired, constructed, 1967
owned, leased, or subleased by the Ohio ~~cultural~~ cultural 1968
facilities commission for the exercise of its powers and duties is 1969
public property used exclusively for a public purpose, and this 1970
property and the income derived by the commission from it are 1971
exempt, except as may otherwise be provided by the commission with 1972
respect to Ohio sports facilities, from all taxation within this 1973
state, including_{TL} without limitation_{TL} ad valorem and excise 1974
taxes. 1975

Sec. 3383.07. (A) The department of administrative services 1976
shall provide for the construction of a ~~cultural~~ a cultural 1977
project in conformity with Chapter 153. of the Revised Code, 1978
except as follows: 1979

(1) For ~~a cultural~~ a cultural project that has an estimated 1980
construction cost, excluding the cost of acquisition, of 1981
twenty-five million dollars or more, and that is financed by the 1982
Ohio building authority, construction services may be provided by 1983
the authority if the authority determines it should provide those 1984
services. 1985

(2) For ~~a cultural~~ a cultural project other than a state 1986
historical facility, construction services may be provided on 1987
behalf of the state by the Ohio ~~cultural~~ cultural facilities 1988
commission, or by a governmental agency or ~~a cultural~~ a cultural 1989
organization that occupies, will occupy, or is responsible for the 1990
Ohio ~~cultural~~ cultural facility, as determined by the commission. 1991
Construction services to be provided by a governmental agency or ~~a~~ 1992
~~cultural~~ a cultural organization shall be specified in an 1993
agreement between the commission and the governmental agency or 1994
~~cultural~~ cultural organization. The agreement, or any actions 1995
taken under it, are not subject to Chapter 123. or 153. of the 1996
Revised Code, except for sections ~~123.081~~ 123.081 and 153.011 of 1997
the Revised Code, and shall be subject to Chapter 4115. of the 1998
Revised Code. 1999

(3) For ~~a cultural~~ a cultural project that is a state 2000
historical facility, construction services may be provided by the 2001
Ohio ~~cultural~~ cultural facilities commission or by ~~a cultural~~ a 2002
cultural organization that occupies, will occupy, or is 2003
responsible for the facility, as determined by the commission. The 2004
construction services to be provided by the ~~cultural~~ cultural 2005
organization shall be specified in an agreement between the 2006
commission and the ~~cultural~~ cultural organization. That agreement, 2007
and any actions taken under it, are not subject to Chapter 123., 2008
153., or 4115. of the Revised Code. 2009

(B) For an Ohio sports facility that is financed in part by 2010
the Ohio building authority, construction services shall be 2011

provided on behalf of the state by or at the direction of the
governmental agency or nonprofit corporation that will own or be
responsible for the management of the facility, all as determined
by the Ohio ~~cultural~~ cultural facilities commission. Any
construction services to be provided by a governmental agency or
nonprofit corporation shall be specified in an agreement between
the commission and the governmental agency or nonprofit
corporation. That agreement, and any actions taken under it, are
not subject to Chapter 123. or 153. of the Revised Code, except
for sections ~~123.081~~ 123.081 and 153.011 of the Revised Code, and
shall be subject to Chapter 4115. of the Revised Code.

(C) General building services for an Ohio ~~cultural~~ cultural
facility shall be provided by the Ohio ~~cultural~~ cultural
facilities commission or by a ~~cultural~~ a cultural organization
that occupies, will occupy, or is responsible for the facility, as
determined by the commission, except that the Ohio building
authority may elect to provide those services for Ohio ~~cultural~~
cultural facilities financed with proceeds of state bonds issued
by the authority. The costs of management and general building
services shall be paid by the ~~cultural~~ cultural organization that
occupies, will occupy, or is responsible for the facility as
provided in an agreement between the commission and the ~~cultural~~
cultural organization, except that the state may pay for general
building services for state-owned ~~cultural~~ cultural facilities
constructed on state-owned land.

General building services for an Ohio sports facility shall
be provided by or at the direction of the governmental agency or
nonprofit corporation that will be responsible for the management
of the facility, all as determined by the commission. Any general
building services to be provided by a governmental agency or
nonprofit corporation for an Ohio sports facility shall be
specified in an agreement between the commission and the

governmental agency or nonprofit corporation. That agreement, and
any actions taken under it, are not subject to Chapter 123. or
153. of the Revised Code, except for sections ~~123.081~~ 123.081 and
153.011 of the Revised Code, and shall be subject to Chapter 4115.
of the Revised Code.

(D) This division does not apply to a state historical
facility. No state funds, including any state bond proceeds, shall
be spent on the construction of any ~~cultural~~ cultural project
under this chapter unless, with respect to the ~~cultural~~ cultural
project and to the Ohio ~~cultural~~ cultural facility related to the
project, all of the following apply:

(1) The Ohio ~~cultural~~ cultural facilities commission has
determined that there is a need for the ~~cultural~~ cultural project
and the Ohio ~~cultural~~ cultural facility related to the project in
the region of the state in which the Ohio ~~cultural~~ cultural
facility is located or for which the facility is proposed.

(2) The commission has determined that, as an indication of
substantial regional support for the ~~cultural~~ cultural project,
the ~~cultural~~ cultural organization has made provision satisfactory
to the commission, in its sole discretion, for local contributions
amounting to not less than fifty per cent of the total state
funding for the ~~cultural~~ cultural project.

(3) The general assembly has specifically authorized the
spending of money on, or made an appropriation for, the
construction of the ~~cultural~~ cultural project, or for rental
payments relating to the financing of the construction of the
~~cultural~~ cultural project. Authorization to spend money, or an
appropriation, for planning the ~~cultural~~ cultural project does not
constitute authorization to spend money on, or an appropriation
for, construction of the ~~cultural~~ cultural project.

(E) No state funds, including any state bond proceeds, shall

be spent on the construction of any state historical facility 2075
under this chapter unless the general assembly has specifically 2076
authorized the spending of money on, or made an appropriation for, 2077
the construction of the ~~state historical~~ state historical project 2078
related to the facility, or for rental payments relating to the 2079
financing of the construction of the ~~state historical~~ state 2080
historical project. Authorization to spend money, or an 2081
appropriation, for planning the ~~state historical~~ state historical 2082
project does not constitute authorization to spend money on, or an 2083
appropriation for, the construction of the ~~state historical~~ state 2084
historical project. 2085

(F) State funds shall not be used to pay or reimburse more 2086
than fifteen per cent of the initial estimated construction cost 2087
of an Ohio sports facility, excluding any site acquisition cost, 2088
and no state funds, including any state bond proceeds, shall be 2089
spent on any Ohio sports facility under this chapter unless, with 2090
respect to that facility, all of the following apply: 2091

(1) The Ohio ~~cultural~~ cultural facilities commission has 2092
determined that there is a need for the facility in the region of 2093
the state for which the facility is proposed to provide the 2094
function of an Ohio sports facility as provided for in this 2095
chapter. 2096

(2) As an indication of substantial local support for the 2097
facility, the commission has received a financial and development 2098
plan satisfactory to it, and provision has been made, by agreement 2099
or otherwise, satisfactory to the commission, for a contribution 2100
amounting to not less than eighty-five per cent of the total 2101
estimated construction cost of the facility, excluding any site 2102
acquisition cost, from sources other than the state. 2103

(3) The general assembly has specifically authorized the 2104
spending of money on, or made an appropriation for, the 2105

construction of the facility, or for rental payments relating to 2106
state financing of all or a portion of the costs of constructing 2107
the facility. Authorization to spend money, or an appropriation, 2108
for planning or determining the feasibility of or need for the 2109
facility does not constitute authorization to spend money on, or 2110
an appropriation for, costs of constructing the facility. 2111

(4) If state bond proceeds are being used for the Ohio sports 2112
facility, the state or a governmental agency owns or has 2113
sufficient property interests in the facility or in the site of 2114
the facility or in the portion or portions of the facility 2115
financed from proceeds of state bonds, which may include, but is 2116
not limited to, the right to use or to require the use of the 2117
facility for the presentation of sport and athletic events to the 2118
public at the facility. 2119

(G) In addition to the requirements of division (F) of this 2120
section, no state funds, including any state bond proceeds, shall 2121
be spent on any Ohio sports facility that is a motorsports 2122
complex, unless, with respect to that facility, both of the 2123
following apply: 2124

(1) Motorsports events shall be presented at the facility 2125
pursuant to a lease entered into with the owner of the facility. 2126
The term of the lease shall be for a period of not less than the 2127
greater of the useful life of the portion of the facility financed 2128
from proceeds of state bonds as determined using the guidelines 2129
for maximum maturities as provided under divisions (B) and (C) of 2130
section 133.20 of the Revised Code, or the period of time 2131
remaining to the date of payment or provision for payment of 2132
outstanding state bonds allocable to costs of the facility, all as 2133
determined by the director of budget and management and certified 2134
by the director to the Ohio ~~cultural~~ cultural facilities 2135
commission and to the Ohio building authority. 2136

(2) Any motorsports organization that commits to using the facility for an established period of time shall give the political subdivision in which the facility is located not less than six months' advance notice if the organization intends to cease utilizing the facility prior to the expiration of that established period. Such a motorsports organization shall be liable to the state for any state funds used on the construction costs of the facility.

Sec. 3383.08. There is hereby created in the state treasury the capital donations fund, which shall be administered by the Ohio ~~cultural~~ cultural facilities commission. The fund shall consist of gifts, grants, devises, bequests, and other financial contributions made to the commission for the construction or improvement of ~~cultural~~ cultural and sports facilities and shall be used in accordance with the specific purposes for which the gifts, grants, devises, bequests, or other financial contributions are made. All investment earnings of the fund shall be credited to the fund. Chapters 123., 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to contracts paid from the fund, notwithstanding anything to the contrary in those chapters or that section.

Not later than one month following the end of each quarter of the fiscal year, the commission shall allocate the amounts credited to the fund from investment earnings during that preceding quarter of the fiscal year among the specific projects for which they are to be used and shall certify this information to the director of budget and management.

If the amounts credited to the fund for a particular project exceed what is required to complete that project, the commission may refund any of those excess amounts, including unexpended investment earnings attributable to those amounts, to the entity

from which they were received.

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Sec. 3383.09. (A) There is hereby created in the state treasury the ~~cultural~~ cultural and sports facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of Ohio ~~cultural~~ cultural facilities and Ohio sports facilities for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

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(B) The director of budget and management may transfer, to the Ohio ~~cultural~~ cultural facilities commission administration fund, investment earnings credited to the ~~cultural~~ cultural and sports facilities building fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements when requested of the director of budget and management by the chairperson or executive director of the commission.

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Sec. 3746.09. (A) A person who proposes to enter into or who is participating in the voluntary action program under this chapter and rules adopted under it, in accordance with this section and rules adopted under division (B)(11) of section 3746.04 of the Revised Code, may apply to the director of environmental protection for a variance from applicable standards otherwise established in this chapter and rules adopted under it. The application for a variance shall be prepared by a certified professional. The director shall issue a variance from those applicable standards only if the application makes all of the following demonstrations to the director's satisfaction:

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(1) Either or both of the following:

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(a) It is technically infeasible to comply with the applicable standards otherwise established at the property named in the application;

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(b) The costs of complying with the applicable standards 2198
otherwise established at the property substantially exceed the 2199
economic benefits-1 2200

(2) The proposed alternative standard or set of standards and 2201
terms and conditions set forth in the application will result in 2202
an improvement of environmental conditions at the property and 2203
ensure that public health and safety will be protected-1 2204

(3) The establishment of and compliance with the alternative 2205
standard or set of standards and terms and conditions are 2206
necessary to promote, protect, preserve, or enhance employment 2207
opportunities or the reuse of the property named in the 2208
application. 2209

A variance issued under this section shall state the specific 2210
standard or standards whose terms are being varied and shall set 2211
forth the specific alternative standard or set of standards and 2212
the terms and conditions imposed on the applicant in their place. 2213
A variance issued under this section shall include only standards 2214
and terms and conditions proposed by the applicant in ~~the~~ the 2215
application, except that the director may impose any additional or 2216
alternative terms and conditions that ~~the director~~ the director 2217
determines to be necessary to ensure that public health and safety 2218
will be protected. If the director finds that compliance with any 2219
standard or term or condition proposed by the applicant will not 2220
protect public health and safety and that the imposition of 2221
additional or alternative terms and conditions will not ensure 2222
that public health or safety will be protected, the director shall 2223
disapprove the application and shall include in the order of 2224
denial the specific findings on which the denial was based. 2225

(B) Variances shall be issued or denied in accordance with 2226
this section, rules adopted under division (B)(11) of section 2227
3746.04 of the Revised Code, and Chapter 3745. of the Revised 2228

Code. Upon determining that an application for a variance is 2229
complete, the director shall ~~schedule~~ schedule a public meeting on 2230
the application to be held within ninety days after the director 2231
determines that the application is complete in the county in which 2232
is located the property to which the application pertains. 2233

(C) Not less than thirty days before the date scheduled for 2234
the public meeting on an application for a variance, the director 2235
shall publish notice of the public meeting and that the director 2236
will receive written comments on the application for a period of 2237
forty-five days commencing on the date of the publication of the 2238
notice. The notice shall contain all of the following information, 2239
at a minimum: 2240

(1) The address of the property to which the application 2241
pertains; 2242

(2) A brief summary of the alternative standards and terms 2243
and conditions proposed by the applicant; 2244

(3) The date, time, and location of the public meeting. 2245

The notice shall be published in a newspaper of general 2246
circulation in the county in which the property is located and, if 2247
the property is located in close proximity to the boundary of the 2248
county with an adjacent county, as determined by the director, 2249
shall be published in a newspaper of general circulation in the 2250
adjacent county. Concurrently with the publication of the notice 2251
of the public meeting, the director shall mail notice of the 2252
application, comment period, and public meeting to the owner of 2253
each parcel of land that is adjacent to the affected property and 2254
to the legislative authority of the municipal corporation or 2255
township, and county, in which the affected property is located. 2256
The notices mailed to the adjacent land owners and legislative 2257
authorities shall contain the same information as the published 2258
notice. 2259

(D) At the public meeting on an application for a variance, 2260
the applicant, or a representative of the applicant who is 2261
knowledgeable about the affected property and the application, 2262
shall present information regarding the application and the basis 2263
of the request for the variance and shall respond to questions 2264
from the public regarding the affected property and the 2265
application. A representative of the environmental protection 2266
agency who is familiar with the affected property and the 2267
application shall attend the public meeting to hear the public's 2268
comments and to respond to questions from the public regarding the 2269
affected property and the application. A stenographic record of 2270
the proceedings at the public meeting shall be kept and shall be 2271
made a part of the administrative record regarding the 2272
application. 2273

(E) Within ninety days after conducting the public meeting on 2274
an application for a variance under division (D) of this section, 2275
the director shall issue a proposed action to the applicant in 2276
accordance with section 3745.07 of the Revised Code that indicates 2277
the director's intent with regard to the issuance or denial of the 2278
application. When considering whether to issue or deny the 2279
application or whether to impose terms and conditions of the 2280
variance that are in addition or alternative to those proposed by 2281
the applicant, the director shall consider comments on the 2282
application made by the public at the public meeting and written 2283
comments on the application received from the public. 2284

Sec. 3746.35. (A) Not later than September 1, 1996, and not 2285
later than the first day of September of each subsequent year, the 2286
director of environmental protection shall prepare and submit to 2287
the ~~chairpersons~~ chairpersons of the respective standing 2288
committees of the senate and house of representatives primarily 2289
responsible for considering environmental and taxation matters a 2290

report regarding the voluntary action program established under 2291
this chapter and rules adopted under it and the tax abatements 2292
granted pursuant to sections 5709.87 and 5709.88 of the Revised 2293
Code for properties where voluntary actions were conducted. Each 2294
annual report shall include, without limitation, all of the 2295
following: 2296

(1) Both of the following for each property for which a 2297
covenant not to sue was issued under section 3746.12 of the 2298
Revised Code during the preceding calendar year: 2299

(a) The address of the property and name of the person who 2300
undertook the voluntary action at the property; 2301

(b) Whether the applicable standards governing the voluntary 2302
action were the interim standards established in section 3746.07 2303
of the Revised Code or the generic numerical clean-up standards 2304
established in rules adopted under division (B)(1) of section 2305
3746.04 of the Revised Code, were established through the 2306
performance of a risk assessment pursuant to rules adopted under 2307
division (B)(2) of section 3746.04 of the Revised Code, or were 2308
set forth in a variance issued under section 3746.09 of the 2309
Revised Code. 2310

(2) All of the following for each property for which a 2311
variance was issued under section 3746.09 of the Revised Code 2312
during the preceding calendar year: 2313

(a) The address of the property and the name of the person to 2314
whom the variance was issued; 2315

(b) A summary of the alternative standards and terms and 2316
conditions of the variance and brief description of the 2317
improvement in environmental conditions at the property that is 2318
anticipated to result from compliance with the alternative 2319
standards and terms and conditions set forth in the variance; 2320

(c) A brief description of the economic benefits to the 2321

person to whom the variance was issued and the community in which
the property is located that are anticipated to result from the
undertaking of the voluntary action in compliance with the
alternative standards and terms and conditions set forth in the
variance.

(3) The number of audits performed under section 3746.17 of
the Revised Code during the preceding calendar year and, in
connection with each of them, at least the following information:

(a) The address of the property in connection with which the
audit was performed and the name of the person who undertook the
voluntary action at the property;

(b) An indication as to whether the audit was a random audit
or was conducted in accordance with the priorities established in
rules adopted under divisions (A)(9)(a) to (f) of section 3746.04
of the Revised Code and, if the audit was conducted in accordance
with those priorities, an indication as to which of them resulted
in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any
action taken by the environmental protection agency as a result of
those findings.

(4) The number of covenants not to sue revoked during the
preceding calendar year through the operation of divisions
(A)(2)(c) and (B) of section 3746.12, division (B)(2) of section
3746.18, and division (B) of section 3746.19 of the Revised Code
and for each property for which a covenant was revoked, at least
both of the following:

(a) The address of the property affected by the revocation
and name of the person who undertook the voluntary action at the
property;

(b) The reason for the revocation.

(5) The amount of money credited to the voluntary action 2352
administration fund created in section 3746.16 of the Revised Code 2353
during the preceding fiscal year from the fees established in 2354
divisions (D) and (H) of section 3746.07 and division (C) of 2355
section 3746.13 of the Revised Code and from civil penalties 2356
imposed under section 3746.22 of the Revised Code. The report 2357
shall indicate the amount of money that arose from each of the 2358
fees and from the civil penalties. The report also shall include 2359
the amount of money expended from the fund during the preceding 2360
fiscal year by program category, including, without limitation, 2361
the amount expended for conducting audits under section 3746.17 of 2362
the Revised Code during the preceding fiscal year. 2363

(6) For each property that is receiving a tax abatement under 2364
section 5709.87 of the Revised Code for the preceding tax year, 2365
the amount of the valuation exempted from real property taxation 2366
for that tax year under that section. In order to comply with 2367
division (A)(6) of this section, the director shall include in the 2368
annual report the report required to be provided to ~~the director~~ 2369
the director by the director of development under division (B)(2) 2370
of this section. The sole responsibility of the director of 2371
environmental protection regarding the report provided to ~~the~~ 2372
~~director~~ the director under that division is to include it in the 2373
annual report prepared under division (A) of this section. 2374

(7) For each property that is receiving a tax abatement 2375
pursuant to an agreement with a municipal corporation or county 2376
entered into under section 5709.88 of the Revised Code, the amount 2377
of the valuation exempted from real or personal property taxation. 2378
In order to comply with division (A)(7) of this section, the 2379
director shall include in the annual report the report required to 2380
be provided to ~~the director~~ the director by the director of 2381
development under division (C) of this section. The sole 2382
responsibility of the director of environmental protection 2383

regarding the report provided to ~~the director~~ the director under 2384
that division is to ~~include~~ include it in the annual report 2385
prepared under division (A) of this section. 2386

(B)(1) Not later than March 31, 1996, the county auditor of 2387
each county in which is located any property that is receiving a 2388
tax abatement under section 5709.87 of the Revised Code shall 2389
report to the director of development for each such property both 2390
of the following as applicable to tax year 1995: 2391

(a) The address of the property and the name of the owner as 2392
stated in the records of the county auditor of the county in which 2393
the property is located; 2394

(b) The amount of the valuation of the property that was 2395
exempted from real property taxation under that section. 2396

Not later than the thirty-first day of March of each 2397
subsequent year, each such county auditor shall report the 2398
information described in those divisions to the director of 2399
development for each property within the county that is receiving 2400
a tax abatement under that section for the preceding tax year. 2401

(2) Not later than July 1, 1996, and not later than the first 2402
day of July of each subsequent year, the director of development 2403
shall compile the information provided to ~~the director~~ the 2404
director under division (B)(1) of this section applicable to the 2405
preceding tax year into a report covering all of the counties in 2406
the state in which are located properties receiving a tax 2407
abatement under section 5709.87 of the Revised Code for the 2408
preceding tax year and shall forward the report to the director of 2409
environmental protection. The sole responsibility of the director 2410
of development in preparing the report is to compile the 2411
information submitted to ~~the director~~ the director by the county 2412
auditors under division (B)(1) of this section. 2413

(C) Not later than July 1, 1996, and not later than the first 2414

day of July of each subsequent year, the director of development 2415
shall compile the information provided to ~~the director~~ the 2416
director by municipal corporations and counties under division (A) 2417
of section 5709.882 of the Revised Code applicable to the 2418
preceding calendar year into a report covering, by county, all of 2419
the municipal corporations and counties in this state in which are 2420
located properties receiving a tax abatement pursuant to an 2421
agreement entered into under section 5709.88 of the Revised Code 2422
and shall forward the report to the director of environmental 2423
protection. The sole responsibility of the director of development 2424
in preparing the report is to compile the information submitted to 2425
him by municipal corporations and counties under division (A) of 2426
section 5709.882 of the Revised Code. 2427

Sec. 3747.02. (A)(1) The governor, with the advice and 2428
consent of the senate, shall appoint the Ohio member of the 2429
midwest interstate low-level radioactive waste commission. The 2430
commissioner shall serve at the pleasure of the governor and shall 2431
be reimbursed for actual and necessary expenses incurred in the 2432
performance of ~~official~~ official duties. 2433

(2) As used in this section, "compact" means the midwest 2434
interstate compact on low-level radioactive waste entered into 2435
under section 3747.01 of the Revised Code. 2436

(B) The representative from this state on the commission 2437
shall not cast a vote contrary to Ohio law. 2438

(C) The representative from this state on the commission 2439
shall not cast an affirmative vote on the following matters before 2440
the commission without the prior approval of ~~the governor~~ the 2441
governor: 2442

(1) Approval by the commission of the amount of the long-term 2443
care fund established by this state pursuant to Article VI(0) of 2444

the compact; 2445

(2) Relief of a party state to the compact of its 2446
responsibility to serve as a host state under Article VI(E) of the 2447
compact; 2448

(3) A requirement pursuant to Article VI(F) of the compact 2449
that this state use alternate technology to that proposed by this 2450
state for a compact facility in this state; 2451

(4) Authorization of the early closing of a compact facility 2452
under Article III(H)(7) of the compact; 2453

~~+5+~~(5) Any agreement between this state and the commission or 2454
a state other than Ohio that determines or alters the rights, 2455
powers, or obligations of this state under the compact; 2456

~~+6+~~(6) Modification of the requirements of Article VI(L)(2), 2457
(3), or (5) of the compact if the then operating compact facility 2458
is in this state; 2459

~~+7+~~(7) Admission by the commission of a new party state to 2460
the compact; 2461

~~+8+~~(8) Revocation by the commission of the membership of a 2462
party state in the compact. 2463

(D) A vote by the representative from this state on the 2464
commission that is inconsistent with division (B) or (C) of this 2465
section is void and is not enforceable. 2466

Sec. 3748.01. As used in this chapter: 2467

(A) "Byproduct material" means either of the following: 2468

(1) Any radioactive material, except special nuclear 2469
material, yielded in or made radioactive by exposure to radiation 2470
incident to the process of producing or utilizing special nuclear 2471
material; 2472

(2) The tailings or wastes produced by the extraction or	2473
concentration of uranium or thorium from any ore processed	2474
primarily for its source material content.	2475
(B) "Certified radiation expert" means an individual who has	2476
complied with all of the following:	2477
(1) Applied to the director of health for certification as a	2478
radiation expert under section 3748.12 of the Revised Code;	2479
(2) Met minimum education and experience requirements	2480
established in rules adopted under division (C) of section 3748.04	2481
of the Revised Code;	2482
(3) Been granted a certificate as a radiation expert by the	2483
director under section 3748.12 of the Revised Code.	2484
(C) "Closure" or "site closure" refers to a facility for the	2485
disposal of low-level radioactive waste or a byproduct material	2486
site, as "byproduct material" is defined in division (A)(2) of	2487
this section, and means all activities performed at a licensed	2488
operation, such as stabilization and contouring, to ensure that	2489
the site where the operation occurred is in a stable condition so	2490
that only minor custodial care, surveillance, and monitoring are	2491
necessary at the site following the termination of the licensed	2492
operation.	2493
(D) "Decommissioning" means to safely remove any licensed	2494
operation from service and reduce residual radioactivity to a	2495
level that permits release of the licensee's property for	2496
unrestricted use. With regard to a facility for the disposal of	2497
low-level radioactive waste or a byproduct material site, as	2498
"byproduct material" is defined in division (A)(2) of this	2499
section, "decommissioning" does not include the reduction of	2500
residual radioactivity to a level that permits release of the	2501
facility for unrestricted use.	2502

(E) "Director of health" includes a designee or authorized
representative of the director.

(F) "Disposal," with regard to low-level radioactive waste,
means the permanent isolation of that waste in accordance with
requirements established by the United States nuclear regulatory
commission or the licensing agreement state.

(G) ~~"Disposal site" means that portion of a facility that is
used for the disposal of low level radioactive waste and that
consists of disposal units and a buffer zone. "Disposal unit"
means a discrete portion of such a facility into which low level
radioactive waste is placed for disposal~~ means that portion of a
facility that is used for the disposal of low-level radioactive
waste and that consists of disposal units and a buffer zone.
"Disposal unit" means a discrete portion of such a facility into
which low-level radioactive waste is placed for disposal.

(H)(1) Except as provided in division (H)(2) of this section,
"facility" means the state, any political subdivision, person,
public or private institution, or group, or any unit of one of
those entities, but does not include the federal government or any
of its agencies.

(2) For the purposes of the disposal of low-level radioactive
waste, "facility" has the same meaning as in section 3747.01 of
the Revised Code.

(I) "Handle" means receive, possess, use, store, transfer,
install, service, or dispose of sources of radiation unless
possession is solely for the purpose of transportation.

(J) "Handler" means a facility that handles sources of
radiation unless possession is solely for the purpose of
transportation.

(K) "Inspection" means an official review, examination, or

observation, including, without limitation, tests, surveys, and 2533
monitoring, that is used to determine compliance with rules, 2534
orders, requirements, and conditions of the department of health 2535
and that is conducted by the director of health. 2536

(L) "Low-level radioactive waste" has the same meaning as in 2537
section 3747.01 of the Revised Code with regard to the disposal of 2538
low-level radioactive waste. In regard to regulatory control at 2539
locations other than a disposal facility, "low-level radioactive 2540
waste" has the same meaning as in 42 U.S.C.A. 2021b. 2541

(M) "Quality assurance program" means a program providing for 2542
verification by written procedures such as testing, auditing, and 2543
inspection to ensure that deficiencies, deviations, defective 2544
equipment, or unsafe practices, or a combination thereof, relating 2545
to the use, disposal, management, or manufacture of radiation 2546
sources are identified, promptly corrected, and reported to the 2547
appropriate regulatory authorities. 2548

(N) "Radiation" means ionizing and nonionizing radiation. 2549

(1) "Ionizing radiation" means gamma rays and X-rays, alpha 2550
and beta particles, high-speed electrons, neutrons, protons, and 2551
other nuclear particles, but does not include sound or radio waves 2552
or visible, infrared, or ultraviolet light. 2553

(2) "Nonionizing radiation" means any electromagnetic 2554
radiation, other than ionizing electromagnetic radiation, or any 2555
sonic, ultrasonic, or infrasonic wave. 2556

(O) "Radioactive material" means any solid, liquid, or 2557
gaseous material that emits ionizing radiation spontaneously. 2558
"Radioactive material" includes accelerator-produced and naturally 2559
occurring materials and byproduct, source, and special nuclear 2560
material. 2561

(P) "Radiation-generating equipment" means any manufactured 2562

product or device, or component of such a product or device, or
any machine or system that during operation can generate or emit
radiation, except those that emit radiation only from radioactive
material. "Radiation-generating equipment" does not include either
of the following:

(1) Diathermy machines;

(2) Microwave ovens, including food service microwave ovens
used for commercial and industrial uses, television receivers,
electric lamps, and other household appliances and products that
generate very low levels of radiation.

(Q) "Source material" means uranium, thorium, or any
combination thereof in any physical or chemical form, or any ores
that contain by weight at least one-twentieth of one per cent of
uranium, thorium, or any combination thereof. "Source material"
does not include special nuclear material.

(R) "Source of radiation" means radioactive material or
radiation-generating equipment.

(S) "Special nuclear material" means either of the following:

(1) Plutonium, uranium 233, uranium enriched in the isotope
233 or in the isotope 235, and any other material that the United
States nuclear regulatory commission determines to be special
nuclear material, but does not include source material pursuant to
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42
U.S.C.A. 2071."

(2) Except for any source material, any material artificially
enriched by any of the materials identified in division (S)(1) of
this section.

(T) "Storage" means the retention of radioactive materials,
including low-level radioactive waste, prior to disposal in a
manner that allows for surveillance, control, and subsequent

retrieval. 2593

Sec. 3748.02. (A) The department of health is hereby 2594
designated the Ohio radiation control agency. 2595

(B) In accordance with the laws of this state, the director 2596
of health may employ, compensate, and prescribe the duties of 2597
individuals necessary to implement and administer this chapter and 2598
~~the~~ the rules adopted under it. 2599

Sec. 3748.04. The public health council, in accordance with 2600
Chapter 119. of the Revised Code, shall adopt and may amend or 2601
rescind rules doing all of the following: 2602

(A) Listing types of radioactive material for which licensure 2603
by its handler is required and types of radiation-generating 2604
equipment for which registration by its handler is required, and 2605
establishing requirements governing them. Rules adopted under 2606
division (A) of this section shall be compatible with applicable 2607
federal regulations and shall establish all of the following, 2608
without limitation: 2609

(1) Requirements governing both of the following: 2610

(a) The licensing and inspection of handlers of radioactive 2611
material. Standards established in rules adopted under division 2612
(A)(1)(a) of this section regarding byproduct material or any 2613
activity that results in the production of that material, to the 2614
extent practicable, shall be equivalent to or more stringent than 2615
applicable standards established by the United States nuclear 2616
regulatory commission. 2617

(b) The registration and inspection of handlers of 2618
radiation-generating equipment. Standards established in rules 2619
adopted under division (A)(1)(b) of this section, to the extent 2620
practicable, shall be equivalent to applicable standards 2621

established by the food and drug administration in the United	2622
States department of health and human services.	2623
(2) Identification of and requirements governing possession	2624
and use of specifically licensed and generally licensed quantities	2625
of radioactive material as either sealed sources or unsealed	2626
sources;	2627
(3) A procedure for the issuance of and the frequency of	2628
renewal of the licenses of handlers of radioactive material, other	2629
than a license for a facility for the disposal of low-level	2630
radioactive waste, and of the certificates of registration of	2631
handlers of radiation-generating equipment;	2632
(4) Procedures for suspending and revoking the licenses of	2633
handlers of radioactive material and the certificates of	2634
registration of handlers of radiation-generating equipment;	2635
(5) Criteria to be used by the director of health in amending	2636
the license of a handler of radioactive material or the	2637
certificate of registration of a handler of radiation-generating	2638
equipment subsequent to its issuance;	2639
(6) Criteria for achieving and maintaining compliance with	2640
this chapter and rules adopted under it by licensees and	2641
registrants;	2642
(7) Criteria governing environmental monitoring of licensed	2643
and registered activities to assess compliance with this chapter	2644
and rules adopted under it;	2645
(8) Except as otherwise provided in division (A)(8) of this	2646
section, fees for the licensing of handlers of radioactive	2647
material, other than a facility for the disposal of low-level	2648
radioactive waste, and the registration of handlers of	2649
radiation-generating equipment and a fee schedule for their	2650
inspection. Rules adopted under division (A)(8) of this section	2651

shall not revise any fees established in section 3748.07 or 2652
3748.13 of the Revised Code to be paid by any handler of 2653
radiation-generating equipment that is a medical practitioner or a 2654
corporation, partnership, or other business entity consisting of 2655
medical practitioners, other than a hospital as defined in section 2656
3727.01 of the Revised Code. 2657

As used in division (A)(8) of this section, "medical 2658
practitioner" means a person who is authorized to practice 2659
dentistry pursuant to Chapter 4715. of the Revised Code; medicine 2660
and surgery, osteopathic medicine and surgery, or podiatry 2661
pursuant to Chapter 4731. of the Revised Code; or chiropractic 2662
pursuant to Chapter 4734. of the Revised Code. 2663

(B)(1) Identifying sources of radiation, circumstances of 2664
possession, use, or disposal of sources of radiation, and levels 2665
of radiation that constitute an unreasonable or unnecessary risk 2666
to human health or the environment; 2667

(2) Establishing requirements for the achievement and 2668
maintenance of compliance with standards for the receipt, 2669
possession, use, storage, installation, transfer, servicing, and 2670
disposal of sources of radiation to prevent levels of radiation 2671
that constitute an unreasonable or unnecessary risk to human 2672
health or the environment; 2673

(3) Requiring the maintenance of records on the receipt, use, 2674
storage, transfer, and disposal of radioactive material and on the 2675
radiological safety aspects of the use and maintenance of 2676
radiation-generating equipment. 2677

In adopting rules under divisions (A) and (B) of this 2678
section, the council shall use standards no less stringent than 2679
the "suggested state regulations for control of radiation" 2680
prepared by the conference of radiation control program directors, 2681
inc., and regulations adopted by the United States nuclear 2682

regulatory commission, the United States environmental protection 2683
agency, and the United States department of health and human 2684
services and shall consider reports of the national council on 2685
radiation protection and measurement and the relevant standards of 2686
the American national standards institute. 2687

(C) Establishing fees, procedures, and requirements for 2688
certification as a radiation expert, including all of the 2689
following, without limitation: 2690

(1) Minimum training and experience requirements; 2691

(2) Procedures for applying for certification; 2692

(3) Procedures for review of applications and issuance of 2693
certificates; 2694

(4) Procedures for suspending and revoking certification. 2695

(D) Establishing a schedule for inspection of sources of 2696
radiation and their shielding and surroundings; 2697

(E) Establishing the responsibilities of a radiation expert; 2698

(F) Establishing criteria for quality assurance programs for 2699
licensees of radioactive material and registrants of 2700
radiation-generating equipment; 2701

(G) Establishing fees to be paid by any facility that, on 2702
September 8, 1995, holds a license from the United States nuclear 2703
regulatory commission in order to provide moneys necessary for the 2704
transfer of licensing and other regulatory authority from the 2705
commission to the state pursuant to section 3748.03 of the Revised 2706
Code. Rules adopted under this division shall stipulate that fees 2707
so established do not apply to any functions dealing specifically 2708
with a facility for the disposal of low-level radioactive waste. 2709
Fees collected under this division shall be deposited into the 2710
state treasury to the credit of the general operations fund 2711
created in section 3701.83 of the Revised Code. The fees shall be 2712

used solely to administer and enforce this chapter and rules 2713
adopted under it. 2714

(H) Establishing fees to be collected annually from 2715
generators of low-level radioactive waste, which shall be based 2716
upon the volume and radioactivity of the waste generated and the 2717
costs of administering low-level radioactive waste management 2718
activities under this chapter and rules adopted under it. All fees 2719
collected under this division shall be deposited into the state 2720
treasury to the credit of the general operations fund created in 2721
section 3701.83 of the Revised Code. The fees shall be used solely 2722
to administer and enforce this chapter and rules adopted under it. 2723
Any fee required under this division that has not been paid within 2724
ninety days after the invoice date shall be assessed at two times 2725
the original invoiced fee. Any fee that has not been paid within 2726
one hundred eighty days after the invoice date shall be assessed 2727
at five times the original invoiced fee. 2728

(I) Establishing requirements governing closure, 2729
decontamination, decommissioning, reclamation, and long-term 2730
surveillance and care of a facility licensed under this chapter 2731
and rules adopted under it. Rules adopted under division (I) of 2732
this section shall include, without limitation, all of the 2733
following: 2734

(1) Standards and procedures to ensure that a licensee 2735
prepares a decommissioning funding plan that provides an adequate 2736
financial guaranty to permit the completion of all requirements 2737
governing the closure, decontamination, decommissioning, and 2738
reclamation of sites, structures, and equipment used in 2739
conjunction with a licensed activity; 2740

(2) For licensed activities where radioactive material that 2741
will require surveillance or care is likely to remain at the site 2742
after the licensed activities cease, as indicated in the 2743

application for the license submitted under section 3748.07 of the
Revised Code, standards and procedures to ensure that the licensee
prepares an additional decommissioning funding plan for long-term
surveillance and care, before termination of the license, that
provides an additional adequate financial guaranty as necessary to
provide for that surveillance and care;

(3) For the purposes of the decommissioning funding plans
required in rules adopted under divisions (I)(1) and (2) of this
section, the types of acceptable financial guaranties, which shall
include bonds issued by fidelity or surety companies authorized to
do business in the state, certificates of deposit, deposits of
government securities, irrevocable letters or lines of credit,
trust funds, escrow accounts, or other similar types of
arrangements, but shall not include any arrangement that
constitutes self-insurance;

(4) A requirement that the decommissioning funding plans
required in rules adopted under divisions (I)(1) and (2) of this
section contain financial guaranties in amounts sufficient to
ensure compliance with any standards established by the United
States nuclear regulatory commission, or by the state if it has
become an agreement state pursuant to section 3748.03 of the
Revised Code, pertaining to closure, decontamination,
decommissioning, reclamation, and long-term surveillance and care
of licensed activities and sites of licensees.

Standards established in rules adopted under division (I) of
this section regarding any activity that resulted in the
production of byproduct material, as defined in division (A)(2) of
section 3748.01 of the Revised Code, to the extent practicable,
shall be equivalent to or more stringent than standards
established by the United States nuclear regulatory commission for
sites at which ores were processed primarily for their source
material content and at which byproduct material, as defined in

division (A)(2) of section 3748.01 of the Revised Code, is 2776
deposited. 2777

(J) Establishing criteria governing inspections of a facility 2778
for the disposal of low-level radioactive waste, including, 2779
without limitation, the establishment of a resident inspector 2780
program at such a facility; 2781

~~(K)~~(K) Establishing requirements and procedures governing the 2782
filing of complaints under section 3748.16 of the Revised Code, 2783
including, without limitation, those governing intervention in a 2784
hearing held under division (B)(3) of that section. 2785

Sec. 3748.05. (A) The director of health shall do all of the 2786
following: 2787

(1) Administer and enforce this chapter and ~~the~~ the rules 2788
adopted under it; 2789

(2) Collect and make available information relating to 2790
sources of radiation; 2791

(3) Ensure the review of plans and specifications, submitted 2792
in accordance with rules adopted by the public health council, for 2793
the control of radiation that constitutes an unreasonable or 2794
unnecessary risk to human health or the environment; 2795

(4) Review reports of quality assurance audits performed by 2796
certified radiation experts under this chapter and ~~the~~ the rules 2797
adopted under it; 2798

(5) Ensure that programs for the control of sources of 2799
radiation are developed with due regard for compatibility with 2800
federal programs for the regulation of byproduct, source, and 2801
special nuclear materials; 2802

(6) In accordance with Chapter 119. of the Revised Code, 2803
adopt, and subsequently may amend and rescind, rules providing for 2804

the administrative assessment and collection of monetary penalties 2805
for failure by any facility licensed under this chapter and rules 2806
adopted under it to comply with this chapter and those rules. The 2807
director may require the submission of compliance schedules and 2808
other related information. Any orders issued or payments or other 2809
requirements imposed pursuant to rules adopted under division 2810
(A)(6) of this section shall not affect any civil or criminal 2811
enforcement proceeding brought under this chapter or any other 2812
provision of state or local law. Moneys collected as 2813
administrative penalties imposed pursuant to rules adopted under 2814
division (A)(6) of this section shall be deposited in the state 2815
treasury to the credit of the general operations fund created in 2816
section 3701.83 of the Revised Code. The moneys shall be used 2817
solely to administer and enforce this chapter and the rules 2818
adopted under it. 2819

(7) Maintain files of both of the following: 2820

(a) All license and registration applications, issuances, 2821
denials, amendments, renewals, suspensions, and revocations and 2822
any administrative or judicial action pertaining to them; 2823

(b) All rules adopted under this chapter, or proposed to be 2824
adopted, relating to the regulation of sources of radiation and 2825
proceedings on them. 2826

(B) The director may do any or all of the following: 2827

(1) Advise, consult, and cooperate with other agencies of the 2828
state, the federal government, other states, interstate agencies, 2829
political subdivisions, industries, and other affected groups in 2830
furtherance of the purposes of this chapter and ~~the~~ the rules 2831
adopted under it; 2832

(2) Accept and administer grants from the federal government 2833
and from other sources, public or private, for carrying out any of 2834
the director's functions under this chapter and ~~the~~ the rules 2835

adopted under it; 2836

(3) Encourage, participate in, or conduct studies, 2837
investigations, training, research, and demonstrations relating to 2838
the detection and control of radiation that constitutes an 2839
unreasonable or unnecessary risk to human health or the 2840
environment, the measurement of radiation, the evaluation of 2841
potential effects on health of cumulative or acute exposure to 2842
radiation, the development and improvement of methods to limit and 2843
reduce the generation of radioactive waste, and related problems 2844
as the director considers necessary or advisable; 2845

(4) In accordance with Chapter 119. of the Revised Code, 2846
adopt rules establishing criteria under which other agencies of 2847
the state or private entities may perform inspections of x-ray 2848
equipment at registered dental ~~facilities~~ facilities at the 2849
request of the facility or pursuant to contract with the 2850
department; 2851

(5) Exercise all incidental powers necessary to carry out the 2852
purposes of this chapter and ~~the~~ the rules adopted under it, 2853
including, without limitation, the issuance of orders. 2854

Sec. 3748.16. (A)(1) The director of health shall conduct 2855
regular inspections of the facility for the disposal of low-level 2856
radioactive waste in accordance with rules adopted under division 2857
(~~J~~)(J) of section 3748.04 of the Revised Code and, in accordance 2858
with those rules, shall provide for at least one resident 2859
inspector at the facility. 2860

(2) Concentrations of radioactive materials released into the 2861
environment during operation, closure, institutional control, and 2862
long-term care of the facility shall be kept as low as are 2863
reasonably achievable and shall not exceed levels established in 2864
rules adopted under division (A)(7) of section 3748.04 of the 2865
Revised Code or the standards set forth in 10 C.F.R. 61.41, 2866

whichever are more stringent. The director shall establish a
program to monitor concentrations of radioactive materials so
released and shall conduct an investigation if monitoring results
indicate concentrations of radioactive materials at levels that
are greater than the established background for a monitoring point
to determine the source of the increased radiation level.

(B)(1) An officer of an agency of the state or of a political
subdivision, acting in the officer's representative capacity, or
any person may file a written complaint with the director, in
accordance with rules adopted under division ~~(K)~~(K) of section
3748.04 of the Revised Code, regarding the failure or alleged
failure of the facility for the disposal of low-level radioactive
waste to comply with health or safety requirements established
under this chapter or Chapter 3747. of the Revised Code or rules
adopted under them. The complaint shall be verified by an
affidavit of the complainant or the complainant's agent or
attorney. The affidavit may be made before any person authorized
by law to administer oaths and shall be signed by the officer or
person who makes it. The person before whom it was taken shall
certify that it was sworn to before that person and signed in that
person's presence, and the certificate signed officially by that
person shall be evidence that the affidavit was made, that the
name of the officer or person was written by that officer or
person, and that the signer was that officer or person.

(2) Upon receipt of a complaint under division (B)(1) of this
section, the director shall cause a prompt investigation to be
conducted as is reasonably necessary to determine whether the
facility has failed or is failing to comply with the health or
safety requirements identified in the complaint. The investigation
shall include a discussion of the complaint with the contractor.

(3) The director may hold a hearing on the complaint. Not
less than twenty days before the hearing, the director shall cause

publication of a notice of the hearing in the county in which the
facility is located and shall mail written notice by certified
mail, return receipt requested, to the complainant and to the
contractor. The hearing shall be conducted before the director or
a hearing examiner designated by the director. The department of
health and the contractor shall be parties. The complainant may
participate as a party by filing with the director, at any time
prior to the hearing, a written notice of the complainant's intent
to participate. Any other person may be permitted to intervene
upon the granting by the director or hearing examiner of a motion
to intervene filed in accordance with rules adopted under division
~~(K)~~(K) of section 3748.04 of the Revised Code.

If the director does not hold a hearing, the director shall
provide an opportunity to the complainant and the contractor to
attend a conference with the director concerning the complaint.

(4) Following the completion of the investigation under
division (B)(2) of this section and the hearing or conference
under division (B)(3) of this section, if the director determines
that the facility is in compliance with the health or safety
requirements identified in the complaint, the director shall
dismiss the complaint. If the director determines that the
facility is not in compliance with those requirements, the
director shall issue an order under division (B)(4) of section
3748.05 of the Revised Code requiring the contractor to bring the
facility into compliance and to submit a written discussion of how
that will be accomplished. The director also may do any or all of
the following:

(a) Suspend or revoke the facility's license in accordance
with rules adopted under division (A) of section 3748.04 of the
Revised Code;

(b) Issue an order assessing an administrative penalty in

accordance with rules adopted under division (A)(6) of section 2930
3748.05 of the Revised Code; 2931

(c) Request the attorney general, in writing, to commence 2932
appropriate legal proceedings, including a civil action for 2933
imposition of a civil penalty under section 3748.19 of the Revised 2934
Code and criminal prosecution. 2935

(C) If the director suspends or revokes the license of the 2936
facility for the disposal of low-level radioactive waste for any 2937
reason in accordance with rules adopted under division (A) or (B) 2938
of section 3748.04 of the Revised Code, the contractor shall 2939
indemnify the state for any loss suffered by the state as a result 2940
of the lack of disposal capacity for low-level radioactive waste 2941
that otherwise would have been disposed of at the facility. 2942

(D) The provisions of division (A) of this section 2943
establishing requirements governing the director and divisions (B) 2944
and (C) of this section apply only if the state becomes an 2945
agreement state pursuant to section 3748.03 of the Revised Code. 2946

Sec. 3929.482. (A) The Ohio fair plan underwriting 2947
association by action of its board of governors, with the approval 2948
of the superintendent of insurance, is authorized to enter into a 2949
contract with the Ohio mine subsidence insurance underwriting 2950
association to provide administrative and claims adjusting 2951
services required by it. Such contract shall provide 2952
indemnification by the Ohio mine subsidence insurance underwriting 2953
association to the Ohio fair plan underwriting association, its 2954
members, members of its board of governors, ~~and its~~ and its 2955
officers, employees, and agents against all liability, loss, and 2956
expense resulting from acts done or omitted in good faith in 2957
performing such contract. Such contract shall also provide that 2958
the Ohio fair plan underwriting association will be reimbursed for 2959
its actual expenses incurred in performing such services. Common 2960

expenses applicable both to the Ohio fair plan and to the mine 2961
subsidence insurance underwriting association shall be allocated 2962
between them on an equitable basis approved by the superintendent 2963
of insurance. 2964

~~(B)~~(B) The Ohio fair plan underwriting association by action 2965
of its board of governors, with the approval of the superintendent 2966
of insurance, is authorized to enter into a contract with the Ohio 2967
commercial joint underwriting association to provide 2968
administrative and claims adjusting services required by it. Such 2969
contract shall provide indemnification by the Ohio commercial 2970
joint underwriting association to the Ohio fair plan underwriting 2971
association, its members, members of its board of governors, ~~and~~ 2972
~~its~~ and its officers, employees, and agents against all liability, 2973
loss, and expenses resulting from acts done or omitted in good 2974
faith in performing such contract. Such contract shall also 2975
provide that the Ohio fair plan underwriting association will be 2976
reimbursed for its actual expenses incurred in performing such 2977
services. Common expenses applicable both to the Ohio fair plan 2978
and to the Ohio commercial joint underwriting association shall be 2979
allocated between them on an equitable basis approved by the 2980
superintendent of insurance. 2981

Sec. 3929.85. No insurer licensed to carry on the business of 2982
insurance in this state that is required by law to contribute to 2983
~~or~~ or participate in, or ~~that~~ that can be assessed by the Ohio 2984
insurance guaranty association pursuant to sections 3955.01 to 2985
3955.19 of the Revised Code, or by the plan for apportionment of 2986
applicants for motor vehicle insurance pursuant to section 4509.70 2987
of the Revised Code, or by the Ohio fair plan underwriting 2988
association pursuant to sections 3929.43 to 3929.61 of the Revised 2989
Code, or by the Ohio commercial insurance joint underwriting 2990
association pursuant to sections 3930.03 to 3930.18 of the Revised 2991
Code shall in any calendar year be required to contribute to, 2992

participate in, or be assessed by any one or more of ~~those~~ those 2993
plans or associations in an amount or amounts totaling in excess 2994
of two and one-half per cent of its net direct Ohio premium volume 2995
for the year next preceding the year in which the assessment or 2996
assessments are made or the contributions or participations are 2997
required. 2998

Sec. 3931.01. Individuals, partnerships, and corporations of 2999
this state, designated in sections 3931.01 to 3931.12 of the 3000
Revised Code, as "subscribers," may exchange reciprocal or 3001
interinsurance contracts with each other, and with individuals, 3002
partnerships, and corporations of other states, districts, 3003
provinces, and countries, providing indemnity among themselves 3004
from any loss which may be legally insured against by any fire or 3005
casualty insurance company or association provided that contracts 3006
of indemnity against property damage and bodily injury arising out 3007
of the ownership, maintenance or use of a singly owned private 3008
passenger automobile principally used for nonbusiness purposes may 3009
not be exchanged through a reciprocal insurer which maintains a 3010
surplus over all liabilities of less than two and one-half million 3011
dollars and provided that this exception shall not prohibit the 3012
exchanging of contracts of indemnity against any form of liability 3013
otherwise authorized and arising out of any business or commercial 3014
enterprise. Such contracts and the exchange thereof and such 3015
subscribers, their attorneys, and representatives shall be 3016
regulated by such sections, and no law enacted after July 4, 1917, 3017
shall apply to them, unless they are expressly designated therein. 3018

Such a contract may be executed by an attorney or other 3019
representative designated "attorney," in sections 3931.01 to 3020
3931.12 of the Revised Code, authorized by and acting for such 3021
subscribers under powers of attorney. Such attorney may be a 3022
corporation. The principal office of such attorney shall be 3023
maintained at the place designated by the subscribers in the 3024

powers of attorney.

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Except for such limitations on assessability as are approved
by the superintendent of insurance, every reciprocal or
interinsurance contract written pursuant to this chapter for
medical malpractice insurance shall be fully assessable and shall
contain a statement, in boldface capital letters and in type more
prominent than that of the balance of the contract, setting forth
such terms of ~~assessability~~ assessability. ~~As used in this~~
~~section, "medical malpractice insurance" means insurance coverage~~
~~against the legal liability of the insured and against loss,~~
~~damage, or expense incident to a claim arising out of the death,~~
~~disease, or injury of any person as the result of negligence or~~
~~malpractice in rendering professional service by any licensed~~
~~physician, podiatrist, or hospital, as those terms are defined in~~
~~section 2305.113 of the Revised Code. As used in this section,~~
"medical malpractice insurance" means insurance coverage against
the legal liability of the insured and against loss, damage, or
expense incident to a claim arising out of the death, disease, or
injury of any person as the result of negligence or malpractice in
rendering professional service by any licensed physician,
podiatrist, or hospital, as those terms are defined in section
2305.113 of the Revised Code.

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Sec. 3955.05. Sections 3955.01 to 3955.19 of the Revised Code
apply to all kinds of direct insurance, except:

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(A) Title insurance;

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(B) Fidelity or surety bonds, or any other bonding
obligations;

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(C) Credit insurance, vendors' single interest insurance,
collateral protection insurance, or any similar insurance
protecting the interests of a creditor arising out of a

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creditor-debtor transaction; 3055

(D) Mortgage guaranty, financial guaranty, residual value, or 3056
other forms of insurance offering protection against investment 3057
risks; 3058

(E) Ocean marine insurance; 3059

(F) Any insurance provided by or guaranteed by government, 3060
including, but not limited to, any department, board, office, 3061
commission, agency, institution, or other instrumentality or 3062
entity of any branch of state government, any political 3063
subdivision of this state, the United States or any agency of the 3064
United States, or any separate or joint governmental 3065
self-insurance or risk-pooling program, plan, or pool; 3066

(G) Contracts of any corporation by which health services are 3067
to be provided to its subscribers; 3068

(H) Life, annuity, health, or disability insurance, including 3069
sickness and accident insurance written pursuant to Chapter 3923. 3070
of the Revised Code; 3071

(I) Fraternal benefit insurance; 3072

(J) Mutual protective insurance of persons or property; 3073

(K) Reciprocal or interinsurance contracts written pursuant 3074
to Chapter 3931. of the Revised Code for medical malpractice 3075
insurance. ~~As used in this division, "medical malpractice~~ 3076
~~insurance" means insurance coverage against the legal liability of~~ 3077
~~the insured and against loss, damage, or expense incident to a~~ 3078
~~claim arising out of the death, disease, or injury of any person~~ 3079
~~as the result of negligence or malpractice in rendering~~ 3080
~~professional service by any licensed physician, podiatrist, or~~ 3081
~~hospital, as those terms are defined in section 2305.113 of the~~ 3082
~~Revised Code.~~ As used in this division, "medical malpractice 3083
insurance" means insurance coverage against the legal liability of 3084

the insured and against loss, damage, or expense incident to a 3085
claim arising out of the death, disease, or injury of any person 3086
as the result of negligence or malpractice in rendering 3087
professional service by any licensed physician, podiatrist, or 3088
hospital, as those terms are defined in section 2305.113 of the 3089
Revised Code. 3090

(L) Any political subdivision self-insurance program or joint 3091
political subdivision self-insurance pool established under 3092
Chapter 2744. of the Revised Code; 3093

(M) Warranty or service contracts, or the insurance of ~~those~~ 3094
those contracts; 3095

(N) Any state university or college self-insurance program 3096
established under section 3345.202 of the Revised Code; 3097

(O) Any transaction, or combination of transactions, between 3098
a person, including affiliates of such person, and an insurer, 3099
including affiliates of such insurer, that involves the transfer 3100
of investment or credit risk unaccompanied by a transfer of 3101
insurance risk; 3102

(P) Credit union share guaranty insurance issued pursuant to 3103
Chapter 1761. of the Revised Code; 3104

(Q) Insurance issued by risk retention groups as defined in 3105
Chapter 3960. of the Revised Code; 3106

(R) Workers' compensation insurance, including any contract 3107
indemnifying an employer who pays compensation directly to 3108
employees. 3109

Sec. 3960.06. (A) A purchasing group and its insurer or 3110
insurers are subject to all applicable laws of this state, except 3111
that a purchasing group and its insurer or insurers, in regard to 3112
liability insurance for the purchasing group, are exempt from any 3113
law that does any of the following: 3114

(1) Prohibits the establishment of a purchasing group; 3115

(2) Makes it unlawful for an insurer to provide or offer to 3116
provide insurance on a basis providing, to a purchasing group or 3117
its members, advantages based on their loss and expense experience 3118
not afforded to other persons with respect to rates, policy forms, 3119
coverages, or other matters; 3120

(3) Prohibits a purchasing group or its members from 3121
purchasing insurance on a group basis described in division (A)(2) 3122
of this section; 3123

(4) Prohibits a purchasing group from obtaining insurance on 3124
a group basis because the group has not been in existence for a 3125
minimum period of time or because any member has not belonged to 3126
the group for a minimum period of time; 3127

(5) Requires that a purchasing group have a minimum number of 3128
members, common ownership or affiliation, or a certain legal form; 3129

(6) Requires that a certain percentage of a purchasing group 3130
obtain insurance on a group basis; 3131

(7) Otherwise discriminates against a purchasing group or any 3132
of its members; 3133

(8) Requires that any insurance policy issued to a purchasing 3134
group or any of its members be countersigned by an insurance agent 3135
or broker residing in this state. 3136

(B) The superintendent of insurance may require or exempt a 3137
risk retention group from participation in any joint underwriting 3138
association established under section 3930.03 or in the plan 3139
established under section 4509.70 of the Revised Code. Any risk 3140
retention group that is required to participate under this 3141
division shall submit sufficient information to the superintendent 3142
to enable ~~the superintendent~~ the superintendent to apportion on a 3143
nondiscriminatory basis the risk retention group's proportionate 3144

share of losses and expenses. 3145

Sec. 4117.01. As used in this chapter: 3146

(A) "Person," in addition to those included in division (C) 3147
of section 1.59 of the Revised Code, includes employee 3148
organizations, public employees, and public employers. 3149

(B) "Public employer" means the state or any political 3150
subdivision of the state located entirely within the state, 3151
including, without limitation, any municipal corporation with a 3152
population of at least five thousand according to the most recent 3153
federal decennial census; county; township with a population of at 3154
least five thousand in the unincorporated area of the township 3155
according to the most recent federal decennial census; school 3156
district; governing authority of a community school established 3157
under Chapter 3314. of the Revised Code; state institution of 3158
higher learning; public or special district; state agency, 3159
authority, commission, or board; or other branch of public 3160
employment. 3161

(C) "Public employee" means any person holding a position by 3162
appointment or employment in the service of a public employer, 3163
including any person working pursuant to a contract between a 3164
public employer and a private employer and over whom the national 3165
labor relations board has declined jurisdiction on the basis that 3166
the involved employees are employees of a public employer, except: 3167

(1) Persons holding elective office; 3168

(2) Employees of the general assembly and employees of any 3169
other legislative body of the public employer whose principal 3170
duties are directly related to the legislative functions of the 3171
body; 3172

(3) Employees on the staff of the governor or the chief 3173
executive of the public employer whose principal duties are 3174

directly related to the performance of the executive functions of	3175
the governor or the chief executive;	3176
(4) Persons who are members of the Ohio organized militia,	3177
while training or performing duty under section 5919.29 or 5923.12	3178
of the Revised Code;	3179
(5) Employees of the state employment relations board;	3180
(6) Confidential employees;	3181
(7) Management level employees;	3182
(8) Employees and officers of the courts, assistants to the	3183
attorney general, assistant prosecuting attorneys, and employees	3184
of the clerks of courts who perform a judicial function;	3185
(9) Employees of a public official who act in a fiduciary	3186
capacity, appointed pursuant to section 124.11 of the Revised	3187
Code;	3188
(10) Supervisors;	3189
(11) Students whose primary purpose is educational training,	3190
including graduate assistants or associates, residents, interns,	3191
or other students working as part-time public employees less than	3192
fifty per cent of the normal year in the employee's bargaining	3193
unit;	3194
(12) Employees of county boards of election;	3195
(13) Seasonal and casual employees as determined by the state	3196
employment relations board;	3197
(14) Part-time faculty members of an institution of higher	3198
education;	3199
(15) Employees of the state personnel board of review;	3200
(16) Participants in a work activity, developmental activity,	3201
or alternative work activity under sections 5107.40 to 5107.69 of	3202
the Revised Code who perform a service for a public employer that	3203

the public employer needs but is not performed by an employee of 3204
the public employer if the participant is not engaged in paid 3205
employment or subsidized employment pursuant to the activity; 3206

~~(17)~~(17) Employees included in the career professional 3207
service of the department of transportation under section 5501.20 3208
of the Revised Code; 3209

~~(18)~~(18) Employees who must be licensed to practice law in 3210
this state to perform their duties as employees. 3211

(D) "Employee organization" means any labor or bona fide 3212
organization in which public employees participate and that exists 3213
for the purpose, in whole or in part, of dealing with public 3214
employers concerning grievances, labor disputes, wages, hours, 3215
terms, and other conditions of employment. 3216

(E) "Exclusive representative" means the employee 3217
organization certified or recognized as an exclusive 3218
representative under section 4117.05 of the Revised Code. 3219

(F) "Supervisor" means any individual who has authority, in 3220
the interest of the public employer, to hire, transfer, suspend, 3221
lay off, recall, promote, discharge, assign, reward, or discipline 3222
other public employees; to responsibly direct them; to adjust 3223
their grievances; or to effectively recommend such action, if the 3224
exercise of that authority is not of a merely routine or clerical 3225
nature, but requires the use of independent judgment, provided 3226
that: 3227

(1) Employees of school districts who are department 3228
chairpersons or consulting teachers shall not be deemed 3229
supervisors; 3230

(2) With respect to members of a police or fire department, 3231
no person shall be deemed a supervisor except the chief of the 3232
department or those individuals who, in the absence of the chief, 3233

are authorized to exercise the authority and perform the duties of 3234
the chief of the department. Where prior to June 1, 1982, a public 3235
employer pursuant to a judicial decision, rendered in litigation 3236
to which the public employer was a party, has declined to engage 3237
in collective bargaining with members of a police or fire 3238
department on the basis that those members are supervisors, those 3239
members of a police or fire department do not have the rights 3240
specified in this chapter for the purposes of future collective 3241
bargaining. The state employment relations board shall decide all 3242
disputes concerning the application of division (F)(2) of this 3243
section. 3244

(3) With respect to faculty members of a state institution of 3245
higher education, heads of departments or divisions are 3246
supervisors; however, no other faculty member or group of faculty 3247
members is a supervisor solely because the faculty member or group 3248
of faculty members participate in decisions with respect to 3249
courses, curriculum, personnel, or other matters of academic 3250
policy; 3251

(4) No teacher as defined in section 3319.09 of the Revised 3252
Code shall be designated as a supervisor or a management level 3253
employee unless the teacher is employed under a contract governed 3254
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 3255
is assigned to a position for which a license deemed to be for 3256
administrators under state board rules is required pursuant to 3257
section 3319.22 of the Revised Code. 3258

(G) "To bargain collectively" means to perform the mutual 3259
obligation of the public employer, by its representatives, and the 3260
representatives of its employees to negotiate in good faith at 3261
reasonable times and places with respect to wages, hours, terms, 3262
and other conditions of employment and the continuation, 3263
modification, or deletion of an existing provision of a collective 3264
bargaining agreement, with the intention of reaching an agreement, 3265

or to resolve questions arising under the agreement. "To bargain
collectively" includes executing a written contract incorporating
the terms of any agreement reached. The obligation to bargain
collectively does not mean that either party is compelled to agree
to a proposal nor does it require the making of a concession.

(H) "Strike" means continuous concerted action in failing to
report to duty; willful absence from one's position; or stoppage
of work in whole from the full, faithful, and proper performance
of the duties of employment, for the purpose of inducing,
influencing, or coercing a change in wages, hours, terms, and
other conditions of employment. "Strike" does not include a
stoppage of work by employees in good faith because of dangerous
or unhealthful working conditions at the place of employment that
are abnormal to the place of employment.

(I) "Unauthorized strike" includes, but is not limited to,
concerted action during the term or extended term of a collective
bargaining agreement or during the pendency of the settlement
procedures set forth in section 4117.14 of the Revised Code in
failing to report to duty; willful absence from one's position;
stoppage of work; slowdown, or abstinence in whole or in part from
the full, faithful, and proper performance of the duties of
employment for the purpose of inducing, influencing, or coercing a
change in wages, hours, terms, and other conditions of employment.
"Unauthorized strike" includes any such action, absence, stoppage,
slowdown, or abstinence when done partially or intermittently,
whether during or after the expiration of the term or extended
term of a collective bargaining agreement or during or after the
pendency of the settlement procedures set forth in section 4117.14
of the Revised Code.

(J) "Professional employee" means any employee engaged in
work that is predominantly intellectual, involving the consistent
exercise of discretion and judgment in its performance and

requiring knowledge of an advanced type in a field of science or 3298
learning customarily acquired by a prolonged course in an 3299
institution of higher learning or a hospital, as distinguished 3300
from a general academic education or from an apprenticeship; or an 3301
employee who has completed the courses of specialized intellectual 3302
instruction and is performing related work under the supervision 3303
of a professional person to become qualified as a professional 3304
employee. 3305

(K) "Confidential employee" means any employee who works in 3306
the personnel offices of a public employer and deals with 3307
information to be used by the public employer in collective 3308
bargaining; or any employee who works in a close continuing 3309
relationship with public officers or representatives directly 3310
participating in collective bargaining on behalf of the employer. 3311

(L) "Management level employee" means an individual who 3312
formulates policy on behalf of the public employer, who 3313
responsibly directs the implementation of policy, or who may 3314
reasonably be required on behalf of the public employer to assist 3315
in the preparation for the conduct of collective negotiations, 3316
administer collectively negotiated agreements, or have a major 3317
role in personnel administration. Assistant superintendents, 3318
principals, and assistant principals whose employment is governed 3319
by section 3319.02 of the Revised Code are management level 3320
employees. With respect to members of a faculty of a state 3321
institution of higher education, no person is a management level 3322
employee because of the person's involvement in the formulation or 3323
implementation of academic or institution policy. 3324

(M) "Wages" means hourly rates of pay, salaries, or other 3325
forms of compensation for services rendered. 3326

(N) "Member of a police department" means a person who is in 3327
the employ of a police department of a municipal corporation as a 3328

full-time regular police officer as the result of an appointment 3329
from a duly established civil service eligibility list or under 3330
section 737.15 or 737.16 of the Revised Code, a full-time deputy 3331
sheriff appointed under section 311.04 of the Revised Code, a 3332
township constable appointed under section 509.01 of the Revised 3333
Code, or a member of a township police district police department 3334
appointed under section 505.49 of the Revised Code. 3335

(O) "Members of the state highway patrol" means highway 3336
patrol troopers and radio operators appointed under section 3337
5503.01 of the Revised Code. 3338

(P) "Member of a fire department" means a person who is in 3339
the employ of a fire department of a municipal corporation or a 3340
township as a fire cadet, full-time regular firefighter, or 3341
promoted rank as the result of an appointment from a duly 3342
established civil service eligibility list or under section 3343
505.38, 709.012, or 737.22 of the Revised Code. 3344

(Q) "Day" means calendar day. 3345

Sec. 4121.442. (A) The ~~administrator of workers' compensation~~ 3346
administrator of workers' compensation shall develop standards for 3347
qualification of health care plans of the Ohio workers' 3348
compensation qualified health plan system to provide medical, 3349
surgical, nursing, drug, hospital, and rehabilitation services and 3350
supplies to an employee for an injury or occupational disease that 3351
is compensable under this chapter or Chapter 4123., 4127., or 3352
4131. of the Revised Code. In adopting the standards, the 3353
~~administrator~~ administrator shall use nationally recognized 3354
accreditation standards. The standards the ~~administrator~~ 3355
administrator adopts must provide that a qualified plan provides 3356
for all of the following: 3357

(1) Criteria for selective contracting of health care 3358

providers; 3359

(2) Adequate plan structure and financial stability; 3360

(3) Procedures for the resolution of medical disputes between 3361
an employee and an employer, an employee and a provider, or an 3362
employer and a provider, prior to an appeal under section 4123.511 3363
of the Revised Code; 3364

(4) Authorize employees who are dissatisfied with the health 3365
care services of the employer's qualified plan and do not wish to 3366
obtain treatment under the provisions of this section, to request 3367
the administrator for referral to a health care provider in the 3368
bureau's health care partnership program. The administrator must 3369
refer all requesting employees into the health care partnership 3370
program. 3371

(5) Does not discriminate against any category of health care 3372
provider; 3373

(6) Provide a procedure for reporting injuries to the bureau 3374
of workers' compensation and to employers by providers within the 3375
qualified plan; 3376

(7) Provide appropriate financial incentives to reduce 3377
service costs and utilization without sacrificing the quality of 3378
service; 3379

(8) Provide adequate methods of peer review, utilization 3380
review, quality assurance, and dispute resolution to prevent and 3381
provide sanctions for inappropriate, excessive, or not medically 3382
necessary treatment; 3383

(9) Provide a timely and accurate method of reporting to the 3384
administrator necessary information regarding medical and health 3385
care service and supply costs, quality, and utilization to enable 3386
the administrator to determine the effectiveness of the plan; 3387

(10) Authorize necessary emergency medical treatment for an 3388

injury or occupational disease provided by a health care provider 3389
who is not a part of the qualified health care plan; 3390

(11) Provide an employee the right to change health care 3391
providers within the qualified health care plan; 3392

(12) Provide for standardized data and reporting 3393
requirements; 3394

(13) Authorize necessary medical treatment for employees who 3395
work in Ohio but reside in another state. 3396

~~(B)~~(B) Health care plans that meet the approved qualified 3397
health plan standards shall be considered qualified plans and are 3398
eligible to become part of the Ohio workers' compensation 3399
qualified health plan system. Any employer or group of employers 3400
may provide medical, surgical, nursing, drug, hospital, and 3401
rehabilitation services and supplies to an employee for an injury 3402
or occupational disease that is compensable under this chapter or 3403
Chapter 4123., 4127., or 4131. of the Revised Code through a 3404
qualified health plan. 3405

Sec. 4167.09. (A) Any public employer affected by a proposed 3406
rule or Ohio employment risk reduction standard or any provision 3407
~~of a standard~~ of a standard proposed under section 4167.07 or 3408
4167.08 of the Revised Code may apply to the director of commerce 3409
for an order granting a temporary variance from the standard or 3410
provision. The application for the order and any extension ~~of the~~ 3411
~~order~~ of the order shall contain a reasonable application fee, as 3412
determined by the public employment risk reduction advisory 3413
commission, and all of the following information: 3414

(1) A specification of the Ohio public employment risk 3415
reduction standard or ~~provision of it~~ provision of it from which 3416
the public employer seeks the temporary variance; 3417

(2) A representation by the public employer, supported by 3418

representations from qualified persons having firsthand knowledge 3419
of the facts represented, that the public employer is unable to 3420
comply with the Ohio employment risk reduction standard or 3421
~~provision of it~~ provision of it and a detailed statement of the 3422
reasons ~~for the inability to comply;~~ for the inability to comply; 3423

(3) A statement of the steps that the public employer has 3424
taken and will take, with dates specified, to protect employees 3425
against the hazard covered by the standard; 3426

(4) A statement of when the public employer expects to be 3427
able to comply fully with the Ohio employment risk reduction 3428
standard and what steps the public employer has taken and will 3429
take, with dates specified, to come into full compliance with the 3430
standard; 3431

(5) A certification that the public employer has informed the 3432
public employer's public employees of the application by giving a 3433
copy of the application to the public employee representative, if 3434
any, and by posting a statement giving a summary of the 3435
application and specifying where a copy of the application may be 3436
examined at the place or places where notices to public employees 3437
are normally posted, and by any other appropriate means of public 3438
employee notification. The public employer also ~~shall~~ shall inform 3439
the public employer's public employees of their rights to a 3440
hearing under section 4167.15 of the Revised Code. The 3441
certification also shall contain a description of how public 3442
employees have been informed of the application and of their 3443
rights to a hearing. 3444

(B) The director shall issue an order providing for a 3445
temporary variance if the public employer files an application 3446
that meets the requirements of division (A) of this section and 3447
establishes that all of the following pertaining to the public 3448
employer are true: 3449

(1) The public employer is unable to comply with the Ohio 3450
employment risk reduction standard or a provision ~~of it~~ of it by 3451
its effective date because of the unavailability of professional 3452
or technical personnel or of materials and equipment needed to 3453
come into compliance with the Ohio employment risk reduction 3454
standard or provision ~~of it~~ of it or because necessary 3455
construction or alteration of facilities cannot be completed by 3456
the effective date of the standard. 3457

(2) The public employer is taking all available steps to 3458
safeguard the public employer's public employees against the 3459
hazards covered by the Ohio employment risk reduction standard. 3460

(3) The public employer has an effective program for coming 3461
into compliance with the Ohio employment risk reduction standard 3462
as quickly as practicable. 3463

(4) The granting of the variance will not create an imminent 3464
danger of death or serious physical harm to public employees. 3465

(C)(1) If the director issues an order providing for a 3466
temporary variance under division (B) of this section, the 3467
director shall prescribe the practices, means, methods, 3468
operations, and processes that the public employer must adopt and 3469
use while the order is in effect and state in detail the public 3470
employer's program for coming into compliance with the Ohio 3471
employment risk reduction standard. The director may issue the 3472
order only after providing notice to affected public employees and 3473
their public employee representative, if any, and an opportunity 3474
for a hearing pursuant to section 4167.15 of the Revised Code, 3475
provided that the director may issue one interim order granting a 3476
temporary order to be effective until a decision on a hearing is 3477
made. Except as provided in division (C)(2) of this section, no 3478
temporary variance may be in effect for longer than the period 3479
needed by the public employer to achieve compliance with the Ohio 3480

employment risk reduction standard or one year, whichever is 3481
shorter. 3482

(2) The director may renew an order issued under division (C) 3483
of this section up to two times provided that the requirements of 3484
divisions (A), (B), and (C)(1) of this section and section 4167.15 3485
of the Revised Code are met and the public employer files an 3486
application for renewal with the director at least ninety days 3487
prior to the expiration date of the order. 3488

(D) Any public employer affected by an Ohio employment risk 3489
reduction standard or any provision ~~of it~~ of it proposed, adopted, 3490
or otherwise issued under section 4167.07 ~~or~~ or 4167.08 of the 3491
Revised Code may apply to the director for an order granting a 3492
variance from the standard or ~~provision~~ provision. The director 3493
shall provide affected public employees and their public employee 3494
representative, if any, notice of the application and shall 3495
provide an opportunity for a hearing pursuant to section 4167.15 3496
of the Revised Code. The director shall issue the order granting 3497
the variance if the public employer files an application that 3498
meets the requirements of division (B) of this section, and after 3499
an opportunity for a hearing pursuant to section 4167.15 of the 3500
Revised Code, and if the public employer establishes to the 3501
satisfaction of the director that the conditions, practices, 3502
means, methods, operations, or processes used or proposed to be 3503
used by the public employer will provide employment and places of 3504
employment to the public employer's public employees that are as 3505
safe and healthful as those that would prevail if the public 3506
employer complied with the Ohio employment risk reduction 3507
standard. The director shall prescribe in the order granting the 3508
variance the conditions the public employer must maintain, and the 3509
practices, means, methods, operations, and processes the public 3510
employer must adopt and utilize in lieu of the Ohio employment 3511
risk reduction standard ~~that~~ that would otherwise apply. The 3512

director may modify or revoke the order upon application of the 3513
public employer, public employee, or public employee 3514
representative, or upon the director's own motion in the manner 3515
prescribed for the issuance of an order under this division at any 3516
time during six months after the date of issuance of the order. 3517

Sec. 4167.25. As used in this section and sections ~~4167.27~~ 3518
~~and 4167.27 and~~ 4767.28 of the Revised Code: 3519

(A) "Bloodborne pathogen" means a microorganism present in 3520
human blood that can cause disease in humans, including the human 3521
immunodeficiency virus, hepatitis B virus, hepatitis C virus, and 3522
other pathogenic microorganisms. 3523

(B) "Engineered sharps injury protection" means either of the 3524
following: 3525

(1) A physical attribute built into a needle device used for 3526
withdrawing body fluids, accessing a vein or artery, or 3527
administering medications or other fluids that effectively reduces 3528
the risk of an exposure incident by a mechanism such as barrier 3529
creation, blunting, encapsulation, withdrawal, retraction, 3530
destruction, or any other effective mechanism; 3531

(2) A physical attribute built into a type of needle device 3532
not included in division (B)(1) of this section, or built into a 3533
non-needle sharp, that effectively reduces the risk of an exposure 3534
incident. 3535

(C) "Exposure incident" means an occurrence of occupational 3536
exposure to blood or other material potentially containing 3537
bloodborne pathogens, including exposure that occurs through a 3538
sharps injury. 3539

(D) "Needleless system" means a device that does not utilize 3540
needles for the following: 3541

(1) Withdrawing body fluids after initial venous or arterial 3542

access is established; 3543

(2) Administering medication or fluids; 3544

(3) Performing any other procedure involving potential 3545
exposure incidents. 3546

(E) "Public health care worker" means a person who is 3547
employed by a public employer to provide health services that 3548
carry with them the potential for exposure incidents, including a 3549
person employed by a public hospital or other public health care 3550
facility, a person employed by a public employer to provide home 3551
health care, and a person employed by a public employer as a 3552
firefighter, emergency medical technician-basic, emergency medical 3553
technician-intermediate, or emergency medical 3554
technician-paramedic. "Public health care worker" does not include 3555
a person who is employed by a public employer to provide dental 3556
services, treatment, or training or a dental student who is 3557
receiving training from a public employer. 3558

(F) "Sharp" means an object used in or encountered when 3559
providing health care services that can be reasonably anticipated 3560
to penetrate the skin or any other part of the body and result in 3561
an exposure incident, including objects such as needle devices, 3562
scalpels, lancets, and broken glass. 3563

(G) "Sharps injury" means an injury caused by a sharp, 3564
including such injuries as cuts, abrasions, and needlesticks. 3565

Sec. 4167.27. (A) The public employment risk reduction 3566
advisory commission shall adopt a rule and Ohio employment risk 3567
reduction standard for the prevention of exposure incidents. The 3568
initial rule and standard shall be adopted not later than one 3569
hundred eighty days after ~~October 5, 2000~~ October 5, 2000. 3570

(B) The commission shall provide advice to public employers 3571
with regard to their implementation of the requirements 3572

established by the rule and standard adopted under this section 3573
and the requirements of section 4167.28 of the Revised Code. 3574

Sec. 4731.143. (A) Each person holding a valid certificate 3575
under this chapter authorizing the certificate holder to practice 3576
medicine and surgery, osteopathic medicine and surgery, or 3577
podiatric medicine and surgery, who is not covered by medical 3578
malpractice insurance shall provide a patient with written notice 3579
of the certificate holder's lack of ~~that~~ that insurance coverage 3580
prior to providing nonemergency professional services to the 3581
patient. The notice shall be provided alone on its own page. The 3582
notice shall provide space for the patient to acknowledge receipt 3583
of the notice, and shall be in the following form: 3584

"N O T I C E: 3585

Dr. (here state the full name of the 3586
certificate holder) is not covered by medical malpractice 3587
insurance. 3588

The undersigned acknowledges the receipt of this notice. 3589
..... 3590
(Patient's Signature) 3591
..... 3592
(Date)" 3593

The certificate holder shall obtain the patient's signature, 3594
acknowledging the patient's receipt of the notice, prior to 3595
providing nonemergency professional services to the patient. The 3596
certificate holder shall maintain the signed notice in the 3597
patient's file. 3598

(B) This section does not apply to any officer or employee of 3599
the state, as those terms are defined in section 9.85 of the 3600
Revised Code, who is immune from civil liability under section 3601
9.86 of the Revised Code or is entitled to indemnification 3602

pursuant to section 9.87 of the Revised Code, to the extent that
the person is acting within the scope of the person's employment
or official responsibilities.

This section does not apply to a person who complies with
division (B)(2) of section 2305.234 of the Revised Code.

~~(C) As used in this section, "medical malpractice insurance"~~
~~means insurance coverage against the legal liability of the~~
~~insured and against loss, damage, or expense incident to a claim~~
~~arising out of the death, disease, or injury of any person as the~~
~~result of negligence or malpractice in rendering professional~~
~~service by any licensed physician, podiatrist, or hospital, as~~
~~those terms are defined in section 2305.113 of the Revised Code.~~

(C) As used in this section, "medical malpractice insurance" means
insurance coverage against the legal liability of the insured and
against loss, damage, or expense incident to a claim arising out
of the death, disease, or injury of any person as the result of
negligence or malpractice in rendering professional service by any
licensed physician, podiatrist, or hospital, as those terms are
defined in section 2305.113 of the Revised Code.

Sec. 4741.03. (A) The state veterinary medical licensing
board shall meet at least once in each calendar year and may hold
additional meetings as often as it considers necessary to conduct
the business of the board. The president of the board may call
special meetings^{7, 1} and the executive secretary shall call special
meetings upon the written request of three members of the board.
The board shall organize by electing a president and
vice-president from its veterinarian members and such other
officers as the board prescribes by rule. Each officer shall serve
for a term specified by board rule or until a successor is elected
and qualified. A quorum of the board consists of four members of
which at least three are members who are veterinarians. The

concurrence of four members is necessary for the board to take any 3634
action. 3635

(B) The board may appoint a person, not one of its members, 3636
to serve as its executive secretary. The executive secretary is in 3637
the unclassified service and serves at the pleasure of the board. 3638
The executive secretary shall serve as the board's 3639
secretary-treasurer ex officio. The board may employ additional 3640
employees for professional, technical, clerical, and special work 3641
as it considers necessary. The executive secretary shall give a 3642
surety bond to the state in the sum the board requires, 3643
conditioned upon the faithful performance of the executive 3644
secretary's duties. The board shall pay the cost of the bond. The 3645
executive secretary shall keep a complete accounting of all funds 3646
received and of all vouchers presented by the board to the 3647
director of budget and management for the disbursement of funds. 3648
The president or executive secretary shall approve all vouchers of 3649
the board. All money received by the board shall be credited to 3650
the occupational licensing and regulatory fund. 3651

(C) In addition to any other duty required under this 3652
chapter, the board shall do all of the following: 3653

(1) Prescribe a seal; 3654

(2) Hold at least one examination during each calendar year 3655
for applicants for a license. The board shall provide public 3656
notice of the time and place for the examination. The examination 3657
for applicants for a license to practice veterinary medicine shall 3658
be either written or oral, or both, as determined by the board, 3659
and may include a practical demonstration. The examination may 3660
include all subjects relevant to veterinary medicine the board 3661
determines appropriate, including public health and jurisprudence. 3662

(3) Keep a record of all of its meetings and proceedings; 3663

(4) Maintain a register that records all applicants for a 3664

certificate of license or a temporary permit, all persons who have
been denied a license or permit, all persons who have been granted
or reissued a license or permit, and all persons whose license or
permit has been revoked or suspended. The register shall also
include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines
by rule, of all colleges and universities that teach veterinary
medicine and that are approved by the board;

(6) Enforce this chapter, and for that purpose, make
investigations relative as provided in section 4741.26 of the
Revised Code;

(7) Issue licenses and permits to persons who meet the
qualifications set forth in this chapter;

(8) Approve colleges and universities which meet the board's
requirements for veterinary medicine and associated fields of
study and withdraw or deny, after an adjudication conducted in
accordance with Chapter 119. of the Revised Code, approval from
colleges and universities which fail to meet those requirements;

(9) Adopt rules, in accordance with Chapter 119. of the
Revised Code, which are necessary for its government and for the
administration and enforcement of this chapter.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and
testimony, ~~and~~ and require the production by witnesses of books,
papers, public records, animal patient records, and other
documentary evidence and examine them ~~7~~ in relation to any matter
~~that~~ that the board has authority to investigate, inquire into, or
hear. Except for any officer or employee of the state or any
political subdivision of the state, the treasurer of state shall
pay all witnesses in any proceeding before the board, upon

certification from the board, witness fees in the same amount as 3695
provided in section 2335.06 of the Revised Code. 3696

(2) Examine and inspect books, papers, public records, animal 3697
patient records, and other documentary evidence at the location 3698
where the books, papers, records, and other evidence are normally 3699
stored or maintained. 3700

(E) All registers, books, and records kept by the board are 3701
the property of the board and are open for public examination and 3702
inspection at all reasonable times. The registers, books, and 3703
records are prima-facie evidence of the matters contained ~~in them~~ 3704
in them. 3705

Sec. 4755.481. (A) If a physical therapist evaluates and 3706
treats a patient without the prescription of, or the referral of 3707
the patient by, a person who is licensed to practice medicine and 3708
surgery, chiropractic, dentistry, osteopathic medicine and 3709
surgery, podiatric medicine and surgery, or nursing as a certified 3710
registered nurse anesthetist, clinical nurse specialist, certified 3711
nurse-midwife, or certified nurse practitioner, all of the 3712
following apply: 3713

(1) The physical therapist shall, upon consent of the 3714
patient, inform the patient's physician, chiropractor, dentist, 3715
podiatrist, certified registered nurse anesthetist, clinical nurse 3716
specialist, certified nurse-midwife, or certified nurse 3717
practitioner of the evaluation not later than five business days 3718
after the evaluation is made. 3719

(2) If the physical therapist determines, based on reasonable 3720
evidence, that no substantial progress has been made with respect 3721
to that patient during the thirty-day period immediately following 3722
the date of the patient's initial visit with the physical 3723
therapist, the physical therapist shall consult with or refer the 3724
patient to a licensed physician, chiropractor, dentist, 3725

podiatrist, certified registered nurse anesthetist, clinical nurse 3726
specialist, certified nurse-midwife, or certified nurse 3727
practitioner, unless either of the following applies: 3728

(a) The evaluation, treatment, or services are being provided 3729
for fitness, wellness, or prevention purposes. 3730

(b) The patient previously was diagnosed with chronic, 3731
neuromuscular, or developmental conditions and the evaluation, 3732
treatment, or services are being provided for problems or symptoms 3733
associated with one or more of those previously diagnosed 3734
conditions. 3735

(3) If the physical therapist determines that orthotic 3736
devices are necessary to treat the patient, the physical therapist 3737
shall be limited to the application of the following orthotic 3738
devices: 3739

(a) Upper extremity adaptive equipment used to facilitate the 3740
activities of daily living; 3741

(b) Finger splints; 3742

(c) Wrist splints; 3743

(d) Prefabricated elastic or fabric abdominal supports with 3744
or without metal or plastic reinforcing stays and other 3745
prefabricated soft goods requiring minimal fitting; 3746

(e) Nontherapeutic accommodative inlays; 3747

(f) Shoes that are not manufactured or modified for a 3748
particular individual; 3749

(g) Prefabricated foot care products; 3750

(h) Custom foot orthotics; 3751

(i) Durable medical equipment. 3752

(4) If, at any time, the physical therapist has reason to 3753
believe that the patient has symptoms or conditions that require 3754

treatment or services beyond the scope of practice of a physical 3755
therapist, the physical therapist shall refer the patient to a 3756
licensed health care practitioner acting within the practitioner's 3757
scope of practice. 3758

(B) Nothing in sections 4755.40 to 4755.56 of the Revised 3759
Code shall be construed to require reimbursement under any health 3760
insuring corporation policy, contract, or agreement, any sickness 3761
and accident insurance policy, the medical assistance program as 3762
defined in section 5111.01 of the Revised Code, or the health 3763
partnership program or qualified health plans established pursuant 3764
to sections 4121.44 to ~~4121.442~~ 4121.442 of the Revised Code, for 3765
any physical therapy service rendered without the prescription of, 3766
or the referral of the patient by, a licensed physician, 3767
chiropractor, dentist, podiatrist, certified registered nurse 3768
anesthetist, clinical nurse specialist, certified nurse-midwife, 3769
or certified nurse practitioner. 3770

(C) For purposes of this section, "business day" means any 3771
calendar day that is not a Saturday, Sunday, or legal holiday. 3772
"Legal holiday" has the same meaning as in section 1.14 of the 3773
Revised Code. 3774

Sec. 4981.03. (A) The Ohio rail development commission shall 3775
do all of the following: 3776

(1) Develop, promote, and support safe, adequate, and 3777
efficient rail service throughout the state; 3778

(2) Maintain adequate programs of investigation, research, 3779
promotion, planning, and development for rail service, which 3780
programs shall include the consideration of recommendations by 3781
public or private planning organizations; 3782

(3) Provide for the participation of private corporations or 3783
organizations and the public in the development, construction, 3784

operation, and maintenance of rail service, and as franchisees of 3785
~~rail service~~ of rail service. 3786

(B) In regard to rail service, the Ohio rail development 3787
commission is the successor of the Ohio high speed rail authority 3788
and the division of rail transportation of the department of 3789
transportation. The commission shall succeed to all federal 3790
allotments, entitlements, subsidies, and grants now existing, 3791
whether such allotments, entitlements, subsidies, and grants are 3792
encumbered or unencumbered, in the same manner and with the same 3793
authority as the Ohio high speed rail authority and the division 3794
of rail transportation exercised prior to ~~October 20, 1994~~ October 3795
20, 1994. 3796

(C) Every authority, commission, department, or other agency 3797
of this state shall provide the commission with data, plans, 3798
research, and any other information that the commission requests 3799
to assist it in performing its duties pursuant to this chapter. 3800

(D) The commission may request and contract with any railroad 3801
to provide it with data and information necessary to carry out the 3802
purposes of this chapter. All railroads operating within this 3803
state shall provide the requested data and information to the 3804
commission. The commission shall not disclose any confidential 3805
data or information supplied to it. 3806

(E) The commission shall cooperate with the director of 3807
development by exercising the commission's duty to promote and 3808
develop rail service in this state in conjunction with the 3809
director's exercise of his duty to promote the economic 3810
development of this state. 3811

(F) The commission, when developing rail service throughout 3812
the state, may give priority to projects undertaken within the 3813
geographic boundaries of qualifying subdivisions. 3814

Sec. 5123.35. (A) There is hereby created the ~~Ohio~~ 3815
~~developmental disabilities~~ Ohio developmental disabilities 3816
council, which shall serve as an advocate for all persons with 3817
developmental disabilities. The council shall act in accordance 3818
with the "Developmental Disabilities Assistance and Bill of Rights 3819
Act," 98 Stat. 2662 (1984), 42 U.S.C. 6001, as amended. The 3820
governor shall appoint the members of the council in accordance 3821
with 42 U.S.C. 6024. 3822

(B) The ~~Ohio developmental disabilities~~ Ohio developmental 3823
disabilities council shall develop the state plan required by 3824
federal law as a condition of receiving federal assistance under 3825
42 U.S.C. 6021 to 6030. The department of mental retardation and 3826
developmental disabilities, as the state agency selected by the 3827
governor for purposes of receiving the federal assistance, shall 3828
receive, account for, and disburse funds based on the state plan 3829
and shall provide assurances and other administrative support 3830
services required as a condition of receiving the federal 3831
assistance. 3832

(C) The federal funds may be disbursed through grants to or 3833
contracts with persons and government agencies for the provision 3834
of necessary or useful goods and services for developmentally 3835
disabled persons. The ~~Ohio developmental disabilities~~ Ohio 3836
developmental disabilities council may award the grants or enter 3837
into the contracts. 3838

(D) The ~~Ohio developmental disabilities~~ Ohio developmental 3839
disabilities council may award grants to or enter into contracts 3840
with a member of the council or an entity that the member 3841
represents if all of the following apply: 3842

(1) The member serves on the council as a representative of 3843
one of the principal state agencies concerned with services for 3844
persons with developmental disabilities as specified in 42 U.S.C. 3845

6024(b)(3), a representative of a university affiliated program as 3846
defined in 42 U.S.C. 6001(18), or a representative of the legal 3847
rights service created under section 5123.60 of the Revised Code. 3848

(2) The council determines that the member or the entity ~~the~~ 3849
~~member~~ the member represents is capable of providing the goods or 3850
services specified under the terms of the grant or contract. 3851

(3) The member has not taken part in any discussion or vote 3852
of the council related to awarding the grant or entering into the 3853
contract, including service as a member of a review panel 3854
established by the council to award grants or enter into contracts 3855
or to make recommendations with regard to awarding grants or 3856
entering into contracts. 3857

(E) A member of the ~~Ohio developmental disabilities~~ Ohio 3858
developmental disabilities council is not in violation of Chapter 3859
102. or section 2921.42 of the Revised Code with regard to 3860
receiving a grant or entering into a contract under this section 3861
if the requirements of division (D) of this section have been met. 3862

Sec. 5123.352. There is hereby created in the state treasury 3863
the community mental retardation and developmental disabilities 3864
trust fund. The director of mental retardation and developmental 3865
disabilities, not later than sixty days after the end of each 3866
fiscal year, shall certify to the director of budget and 3867
management the amount of all the unexpended, unencumbered balances 3868
of general revenue fund appropriations made to the department of 3869
mental retardation and developmental disabilities for the fiscal 3870
year, excluding appropriations for rental payments to the Ohio 3871
public facilities commission, and the amount of any other funds 3872
held by the department in excess of amounts necessary to meet the 3873
department's operating costs and obligations pursuant to this 3874
chapter and Chapter 5126. of the Revised Code. On receipt of the 3875
certification, the director of budget and management shall 3876

transfer cash to the trust fund in an amount up to, but not 3877
exceeding, the total of the amounts certified by the director of 3878
mental retardation and developmental disabilities, except in cases 3879
in which the transfer will involve more than twenty million 3880
dollars. In such cases, the director of budget and management 3881
shall notify the controlling board and must receive the board's 3882
approval of the transfer prior to making the transfer. 3883

~~All~~ All moneys in the trust fund shall be distributed in 3884
accordance with section 5126.19 of the Revised Code. 3885

Sec. 3358.10. Sections 3354.10, 3354.121, 3354.15, ~~and~~ and 3886
3354.16 of the Revised Code apply to state community college 3887
districts and their boards of trustees. 3888

Section 2. That existing sections 101.23, 101.82, 101.83, 3889
101.84, 101.85, 101.86, 122.011, 122.40, 123.151, 149.56, 307.674, 3890
340.02, 1501.04, 1502.04, 1502.05, 1502.11, 1502.12, 1506.30, 3891
1506.34, 1506.35, 1517.02, 1517.23, 1518.01, 1518.03, 1551.35, 3892
2323.44, 3358.10, 3375.61, 3375.62, 3383.01, 3383.02, 3383.03, 3893
3383.04, 3383.05, 3383.06, 3383.07, 3383.08, 3383.09, 3746.09, 3894
3746.35, 3747.02, 3748.01, 3748.02, 3748.04, 3748.05, 3748.16, 3895
3929.482, 3929.85, 3931.01, 3955.05, 3960.06, 4117.01, 4121.442, 3896
4167.09, 4167.25, 4167.27, 4731.143, 4741.03, 4755.481, 4981.03, 3897
5123.35, and 5123.352 of the Revised Code are hereby repealed. 3898

Section 3. That Section 4 of Am. Sub. H.B. 516 of the 125th 3899
General Assembly be amended to read as follows: 3900

Sec. 4. The following agencies shall be retained pursuant to 3901
division (D) of section 101.83 of the Revised Code and shall 3902
expire on December 31, 2010: 3903

REVISED CODE 3904

OR

	UNCODIFIED	3905
AGENCY NAME	SECTION	3906
Administrator, Interstate Compact on Mental Health	5119.50	3907
Administrator, Interstate Compact on	5103.20	3908
Placement of Children		3909
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	3910
Advisory Boards to the EPA for Air Pollution	121.13	3911
Advisory Boards to the EPA for Water Pollution	121.13	3912
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	3913
Advisory Committee on Livestock Exhibitions	901.71	3914
Advisory Council on Amusement Ride Safety	1711.51	3915
Advisory Board of Directors for Prison Labor	5145.162	3916
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	3917
Advisory Councils or Boards for State Departments	107.18 or 121.13	3918
Advisory Group to the Ohio Water Resources Council	1521.19(C)	3919
Alzheimer's Disease Task Force	173.04(F)	3920
AMBER Alert Advisory Committee	5502.521	3921
Apprenticeship Council	4139.02	3922
Armory Board of Control	5911.09	3923
Automated Title Processing Board	4505.09(C)(1)	3924
Banking Commission	1123.01	3925
Board of Directors of the Ohio Health Reinsurance Program	3924.08	3926
Board of Voting Machine Examiners	3506.05(B)	3927
Board of Tax Appeals	5703.02	3928
Brain Injury Advisory Committee	3304.231	3929
Capitol Square Review and Advisory Board	105.41	3930
Child Support Guideline Advisory Council	3119.024	3931
Children's Trust Fund Board	3109.15	3932

Citizens Advisory Committee (BMV)	4501.025	3933
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	3934
Clean Ohio Trail Advisory Board	1519.06	3935
Coastal Resources Advisory Council	1506.12	3936
Commission on African-American Males	4112.12	3937
Commission on Hispanic-Latino Affairs	121.31	3938
Commission on Minority Health	3701.78	3939
Committee on Prescriptive Governance	4723.49	3940
Commodity Advisory Commission	926.32	3941
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	3942
Community Oversight Council	3311.77	3943
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	3944
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	3945
Continuing Education Committee (for Sheriffs)	109.80	3946
Controlling Board	127.12	3947
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	3948
Council on Alcohol and Drug Addiction Services	3793.09	3949
Council on Unreclaimed Strip Mined Lands	1513.29	3950
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	3951
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	3952
Credit Union Council	1733.329	3953
Criminal Sentencing Advisory Committee	181.22	3954
Day-Care Advisory Council	5104.08	3955
Dentist Loan Repayment Advisory Board	3702.92	3956

Development Financing Advisory Council	122.40	3957
Education Commission of the States (Interstate Compact for Education)	3301.48	3958
Electrical Safety Inspector Advisory Committee	3783.08	3959
Emergency Response Commission	3750.02	3960
Engineering Experiment Station Advisory Committee	3335.27	3961
Environmental Education Council	3745.21	3962
Environmental Review Appeals Commission	3745.02	3963
EPA Advisory Boards or Councils	121.13	3964
Farmland Preservation Advisory Board	901.23	3965
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	3966
Financial Planning & Supervision Commission for School District	3316.05	3967
Forestry Advisory Council	1503.40	3968
Governance Authority for a State University or College	3345.75	3969
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	3970
Governor's Council on People with Disabilities	3303.41	3971
Governor's Residence Advisory Commission	107.40	3972
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	3973
Gubernatorial Transition Committee	107.29	3974
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	3975
Hemophilia Advisory Subcommittee	3701.0210	3976
Housing Trust Fund Advisory Committee	175.25	3977
Industrial Commission Nominating Council	4121.04	3978
Industrial Technology and Enterprise Advisory Council	122.29	3979
Infant Hearing Screening Subcommittee	3701.507	3980
Insurance Agent Education Advisory Council	3905.483	3981

Interagency Council on Hispanic/Latino Affairs	121.32(J)	3982
Interstate Mining Commission (Interstate Mining Compact)	1514.30	3983
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	3984
Joint Council on MR/DD	101.37	3985
Joint Select Committee on Volume Cap	133.021	3986
Labor-Management Government Advisory Council	4121.70	3987
Legal Rights Service Commission	5123.60	3988
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	3989
Maternal and Child Health Council	3701.025	3990
Medically Handicapped Children's Medical Advisory Council	3701.025	3991
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	3992
Military Activation Task Force	5902.15	3993
Milk Sanitation Board	917.03	3994
Mine Subsidence Insurance Governing Board	3929.51	3995
Minority Development Financing Board	122.72	3996
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	3997
Multidisciplinary Council	3746.03	3998
Muskingum River Advisory Council	1501.25	3999
National Museum of Afro-American History and Culture Planning Committee	149.303	4000
Nursing Facility Reimbursement Study Council	5111.34	4001
Ohio Advisory Council for the Aging	173.03	4002
Ohio Aerospace & Defense Advisory Council	122.98	4003
Ohio Arts Council	3379.02	4004
Ohio Business Gateway Steering Committee	5703.57	4005
Ohio Cemetery Dispute Resolution Commission	4767.05	4006

Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	4007
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	4008
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	4009
Ohio Commission on Dispute Resolution and Conflict Management	179.02	4010
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	4011
Ohio Community Service Council	121.40	4012
Ohio Council for Interstate Adult Offender Supervision	5149.22	4013
Ohio Cultural Facilities Commission	3383.02	4014
Ohio Developmental Disabilities Council	5123.35	4015
Ohio Educational Telecommunications Network Commission	3353.02	4016
Ohio Ethics Commission	102.05	4017
Ohio Expositions Commission	991.02	4018
Ohio Family and Children First Cabinet Council	121.37	4019
Ohio Geology Advisory Council	1505.11	4020
Ohio Grape Industries Committee	924.51	4021
Ohio Hepatitis C Advisory Commission	3701.92	4022
Ohio Historic Site Preservation Advisory Board	149.301	4023
Ohio Historical Society Board of Trustees	149.30	4024
Ohio Judicial Conference	105.91	4025
Ohio Lake Erie Commission	1506.21	4026
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th	4027

	GA	
Ohio Medical Quality Foundation	3701.89	4028
Ohio Parks and Recreation Council	1541.40	4029
Ohio Peace Officer Training Commission	109.71	4030
Ohio Public Defender Commission	120.01	4031
Ohio Public Library Information Network Board	Sec. 69, H.B.	4032
	117, 121st GA,	
	as amended by	
	H.B. 284,	
	121st GA	
Ohio Public Works Commission	164.02	4033
Ohio Quarter Horse Development Commission	3769.086	4034
Ohio SchoolNet Commission	3301.80	4035
Ohio Small Government Capital Improvements Commission	164.02	4036
Ohio Soil and Water Conservation Commission	1515.02	4037
Ohio Standardbred Development Commission	3769.085	4038
Ohio Steel Industry Advisory Council	122.97	4039
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	4040
Ohio Thoroughbred Racing Advisory Committee	3769.084	4041
Ohio Tuition Trust Authority	3334.03	4042
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	4043
Ohio Vendors Representative Committee	3304.34	4044
Ohio War Orphans Scholarship Board	5910.02	4045
Ohio Water Advisory Council	1521.031	4046
Ohio Water Resources Council	1521.19	4047
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	4048
Oil and Gas Commission	1509.35	4049
Operating Committee, Agricultural Commodity Marketing Programs	924.07	4050

Organized Crime Investigations Commission	177.01	4051
Parele Board	5149.10	4052
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81	4053
Physician Loan Repayment Advisory Board	3702.81	4054
Power Siting Board	4906.02	4055
Prequalification Review Board	5525.07	4056
Private Water Systems Advisory Council	3701.346	4057
Public Employment Risk Reduction Advisory Commission	4167.02	4058
Public Health Council	3701.33	4059
Public Utilities Commission Nominating Council	4901.021	4060
Public Utility Property Tax Study Committee	5727.85	4061
Radiation Advisory Council	3748.20	4062
Reclamation Commission	1513.05	4063
Recreation and Resources Commission	1501.04	4064
Recycling and Litter Prevention Advisory Council	1502.04	4065
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	4066
Release Authority of Department of Youth Services	5139.50	4067
Savings & Loans Associations & Savings Banks Board	1181.16	4068
Schools and Ministerial Lands Divestiture Committee	501.041	4069
Second Chance Trust Fund Advisory Committee	2108.17	4070
Self-Insuring Employers Evaluation Board	4123.352	4071
Services Committee of the Workers' Compensation System	4121.06	4072
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	4073
Solid Waste Management Advisory Council	3734.51	4074
State Agency Coordinating Group	1521.19	4075
State Board of Deposit	135.02	4076
State Board of Emergency Medical Services	4765.04	4077

Subcommittees

State Council of Uniform State Laws	105.21	4078
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	4079
State Criminal Sentencing Commission	181.21	4080
State Employment Relations Board	4117.02	4081
State Fire Commission	3737.81	4082
State Racing Commission	3769.02	4083
State Victims Assistance Advisory Committee	109.91	4084
Student Tuition Recovery Authority	3332.081	4085
Tax Credit Authority	122.17	4086
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	4087
Technical Advisory Council on Oil and Gas	1509.38	4088
Transportation Review Advisory Council	5512.07	4089
Unemployment Compensation Review Commission	4141.06	4090
Unemployment Compensation Advisory Council	4141.08	4091
Utility Radiological Safety Board	4937.02	4092
Vehicle Management Commission	125.833	4093
Veterans Advisory Committee	5902.02(K)	4094
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	4095
Water and Sewer Commission	1525.11(C)	4096
Waterways Safety Council	1547.73	4097
Wildlife Council	1531.03	4098
Workers' Compensation System Oversight Commission	4121.12	4099
Workers' Compensation Oversight Commission	4121.123	4100
Nominating Committee		

Section 4. That existing Section 4 of Am. Sub. H.B. 516 of	4101
the 125th General Assembly is hereby repealed.	4102

Section 5. That Section 8 of Am. Sub. S.B. 80 of the 125th 4103
General Assembly is hereby repealed. 4104

Section 6. It is the intent of the General Assembly in 4105
amending sections 101.23, 101.83, 101.84, 101.85, 101.86, 122.011, 4106
122.40, 123.151, 149.56, 307.674, 340.02, 1501.04, 1502.04, 4107
1502.05, 1502.11, 1502.12, 1506.30, 1506.34, 1506.35, 1517.02, 4108
1517.23, 1518.01, 1518.03, 1551.35, 3358.10, 3375.61, 3375.62, 4109
3383.01, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07, 4110
3383.08, 3383.09, 3746.09, 3746.35, 3747.02, 3748.01, 3748.02, 4111
3748.04, 3748.05, 3748.16, 3929.482, 3929.85, 3931.01, 3955.05, 4112
3960.06, 4117.01, 4121.442, 4167.09, 4167.25, 4167.27, 4731.143, 4113
4741.03, 4755.481, 4981.03, 5123.35, and 5123.352 of the Revised 4114
Code in this act to confirm the amendments to those sections and 4115
the resulting versions of those sections that took effect on 4116
December 30, 2004, in accordance with Section 10 of Am. Sub. H.B. 4117
516 of the 125th General Assembly. It also is the intent of the 4118
General Assembly, in part, in amending Section 4 of Am. Sub. H.B. 4119
516 of the 125th General Assembly in this act to confirm the text 4120
of that uncodified section of law as it took effect on December 4121
30, 2004, in accordance with Section 10 of Am. Sub. H.B. 516 of 4122
the 125th General Assembly. This act does not affect, and shall 4123
not be construed as affecting, the other amendments, enactments, 4124
or repeals of codified or uncodified law made by Am. Sub. H.B. 516 4125
of the 125th General Assembly which took effect on December 30, 4126
2004, in accordance with Section 10 of that legislation, all of 4127
which it is the intent of the General Assembly to confirm in this 4128
act, including, but not limited to, the following amendments, 4129
enactments, or repeals pertaining to the implementation of the 4130
report of the Sunset Review Committee and related purposes set 4131
forth in Am. Sub. H.B. 516's title: the amendments to sections 4132
122.133, 164.07, 1517.05, 2505.02, 3746.04, 3929.682, and 4582.12 4133

of the Revised Code, the repeals of sections 122.09, 125.24, 4134
149.32, 149.321, 149.322, 1502.10, 1506.37, 1517.03, 1517.04, 4135
3354.161, 3355.121, 3357.161, 3375.47, 3746.08, 3747.04, 3747.05, 4136
3747.06, 3747.061, 3747.07, 3747.08, 3747.09, 3747.10, 3747.11, 4137
3747.12, 3747.13, 3747.14, 3747.15, 3747.16, 3747.17, 3747.18, 4138
3747.19, 3747.20, 3747.21, 3747.22, 3748.09, 3929.71, 3929.72, 4139
3929.721, 3929.73, 3929.75, 3929.76, 3929.77, 3929.78, 3929.79, 4140
3929.80, 3929.81, 3929.82, 3929.83, 3929.84, 4121.443, 4167.26, 4141
5101.93, 5119.81, 5119.82, and 5123.353 of the Revised Code, the 4142
enactments of uncodified law in its Sections 3, 6, 9, 10, 11, and 4143
12, and the repeals of Section 6 of Am. Sub. S.B. 163 of the 124th 4144
General Assembly, Section 6 of Sub. S.B. 27 of the 124th General 4145
Assembly, Section 10 of Sub. H.B. 548 of the 123rd General 4146
Assembly, Section 3 of Am. H.B. 280 of the 121st General Assembly, 4147
Section 27 of Sub. H.B. 670 of the 121st General Assembly, Section 4148
3 of Am. S.B. 208 of the 120th General Assembly, and Section 3 of 4149
Sub. H.B. 508 of the 119th General Assembly. The General Assembly, 4150
thus, further declares this section and the related provisions of 4151
Sections 1 and 3 of this act to be remedial legislation solely 4152
intended to confirm the operation on and after December 30, 2004, 4153
of the amendments, enactments, and repeals of codified and 4154
uncodified law made by Am. Sub. H.B. 516 of the 125th General 4155
Assembly. 4156

Section 7. This act is hereby declared to be an emergency 4157
measure necessary for the immediate preservation of the public 4158
peace, health, and safety. The reason for the necessity is that a 4159
plethora of state governmental entities require confirmation that 4160
the changes made by Am. Sub. H.B. 516 of the 125th General 4161
Assembly pertaining to their continued existence under the sunset 4162
review law took effect on December 30, 2004. Therefore, this act 4163
shall go into immediate effect. 4164