

As Passed by the Senate

**126th General Assembly
Regular Session
2005-2006**

Am. S. B. No. 124

Senators Spada, Harris

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A BILL

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, and to confirm 20
the sunset review and related amendments, 21
enactments, and repeals of Am. Sub. H.B. 516 of 22
the 125th General Assembly. 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 constitution of this state;	55 56
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	57 58
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	59 60 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 issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	65 66 67
(10) Any board of elections;	68
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	69 70 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 pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	74 75 76 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 empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code.	89 90 91 92
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	93 94 95 96
(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.	97 98 99
(E) "Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.	100 101 102
Sec. 101.83. (A) An agency in existence on January 1, 2005 <u>2005</u> , shall expire on December 31, 2010 <u>2010</u> , unless the agency is renewed in accordance with division (D) of this section and, if so renewed, shall expire thereafter on the thirty-first day of December of the fourth year after the year in which it was most recently renewed unless the agency is renewed in accordance with division (D) of this section. An agency created after January 1, 2005 <u>2005</u> , that is created on the thirty-first day of December	103 104 105 106 107 108 109 110

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 138
against the agency by any person, or any claim pending against any 139
person by the agency. Unless the general assembly provides 140
otherwise by law for the substitution of parties, the attorney 141

general shall succeed the agency with reference to any pending
claim.

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(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.

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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.

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(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
committee shall be filled in the same manner as the original
appointment.

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In the first regular session of ~~the 128th~~ the 128th general

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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
~~calendar 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~~ governing 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 in some form;	264 265
(12) Changes needed in the enabling laws of the agency in order for it to comply with the criteria suggested by the considerations listed in divisions (C)(1) to (11) of this section.	266 267 268
(D) In its initial review of each agency, the committee, whenever possible, shall realign agency titles to conform to the following descriptions:	269 270 271
(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 department;	275 276
(5) Committee: an advisory body to a minor agency or department.	277 278
Sec. 122.011. (A) The department of development shall develop and promote plans and programs designed to assure that state resources are efficiently used, economic growth is properly balanced, community growth is developed in an orderly manner, and local governments are coordinated with each other and the state, and for such purposes may do all of the following:	279 280 281 282 283 284
(1) Serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to persons or local governments, as provided in section 122.07 of the Revised Code;	285 286 287
(2) Prepare and activate plans for the retention, development, expansion, and use of the resources and commerce of the state, as provided in section 122.04 of the Revised Code;	288 289 290
(3) Assist and cooperate with federal, state, and local governments and agencies of federal, state, and local governments	291 292

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, ~~and~~ 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 410
absence: the president of the senate or the speaker of the house, 411
as the case may be, or a member of the senate or of the house of 412
representatives, of the same political party as the development 413
financing advisory council member, designated by the president of 414

~~the senate~~ of the senate or the speaker of the house. 415

Sec. 123.151. (A) As used in this section, "minority business 416
enterprise" has the ~~same~~ same meaning ~~as~~ as in division (E)(1) of 417
section 122.71 of the Revised Code. 418

(B)(1) The director of administrative services shall make 419
rules in accordance with Chapter 119. of the Revised Code 420
establishing procedures by which minority businesses may apply to 421
the equal employment opportunity coordinator for certification as 422
minority business enterprises. 423

(2) The coordinator shall approve the application of any 424
minority business enterprise that complies with the rules adopted 425
under this division. Any person adversely affected by an order of 426
the coordinator denying certification as a minority business 427
enterprise may appeal as provided in Chapter 119. of the Revised 428
Code. The coordinator shall prepare and maintain a list of 429
certified minority business enterprises. 430

(C) The department of administrative services, every other 431
state agency authorized to enter into contracts for construction 432
or contracts for purchases of equipment, materials, supplies, 433
insurance, or services, and every port authority shall file a 434
report every ninety days with the equal employment opportunity 435
coordinator. The report shall be filed at a time and in a form 436
prescribed by the coordinator. The report shall include the name 437
of each minority business enterprise that the agency or port 438
authority entered into a contract with during the preceding 439
ninety-day period and the total value and type of each such 440
contract. No later than thirty days after the end of each fiscal 441
year, the coordinator shall notify in writing each state agency 442
and port authority that has not complied with the reporting 443
requirements of this division for the prior fiscal year. A copy of 444
this notification regarding a state agency shall be submitted to 445

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
property" has the same meaning as in section 1506.30 of the
Revised Code.

(B) The Ohio historical society shall establish a program to

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 financing of such acquisition or construction, including, with respect to the revenue bonds of a port authority, amounts to be paid into any special funds from the proceeds of those bonds, and repayments to the port authority, host county, host municipal corporation, or corporation of any amounts advanced for the foregoing purposes.

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

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

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

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

(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, 570
recreational, and cultural purposes set forth therein, together 571
with all parking facilities, walkways, and other auxiliary 572
facilities, real and personal property, property rights, 573
easements, and interests that may be appropriate for, or used in 574
connection with, the operation of the facility. 575

(B) A host county, a host municipal corporation, and a port 576
authority may enter into a cooperative agreement with a 577
corporation under which, as further provided for in that 578
agreement: 579

(1) The host county may agree to do any or all of the 580
following: 581

(a) Levy and collect a tax under division (E) and division 582
(F) of section 5739.09 of the Revised Code for the purposes, and 583
in an amount sufficient for those purposes, described in divisions 584
(B)(1)(b) and (c) of this section; 585

(b) Pay to the port authority all or such portion as provided 586
for in the cooperative agreement of the revenue from the tax, 587
together with any investment earnings on that revenue, to be used 588
to pay a portion of the costs of acquiring, constructing, 589
renovating, rehabilitating, equipping, or improving the port 590
authority educational and cultural performing arts facility; 591

(c) Pledge and pay to the corporation all or such portion as 592
provided for in the cooperative agreement of the revenue from the 593
tax, together with any investment earnings on that revenue, to be 594
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 the Revised Code for the purpose of paying all or a portion of the costs of the port authority educational and cultural performing arts facility;

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

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

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

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

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

(a) Issue its bonds for the purpose of paying all or a portion of the costs of the port authority educational and cultural performing arts facility, and pay the proceeds from the issuance to the port authority for that purpose;

(b) Enter into a guaranty agreement, a reimbursement agreement, or other credit enhancement agreement with the port

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 655
necessary to provide for the final retirement of the port 656
authority revenue bonds referred to in division (B)(2)(a) of this 657
section, and for the satisfaction by the port authority of any of 658
its obligations under or arising from any guaranty agreements, 659
reimbursement agreements, or other credit enhancement agreements 660

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.

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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.

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(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
for purposes of section 133.05 of the Revised Code.

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(E) If the terms of the cooperative agreement so provide, any
contract for the acquisition, construction, renovation,
rehabilitation, equipping, or improving of a port authority
educational and cultural performing arts facility shall be made in

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such manner as is determined by the board of directors of the port authority, and unless the cooperative agreement provides otherwise, such a contract is not subject to division (R)(2) of section 4582.31 of the Revised Code. The port authority may take the assignment of and assume any contracts for the acquisition, construction, renovation, rehabilitation, equipping, or improving of a port authority educational and cultural performing arts facility that had previously been authorized by any of the host county, the host municipality, or the corporation. Such contracts are not subject to division (R)(2) of section 4582.31 of the Revised Code.

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

Notwithstanding any provisions to the contrary in section 3383.07 of the Revised Code, construction services and general building services for a port authority educational and cultural performing arts facility funded completely or in part with money appropriated by the state to the Ohio ~~cultural~~ cultural facilities commission may be provided by a port authority or a corporation that occupies, will occupy, or is responsible for that facility, as determined by the commission. The construction services and general building services to be provided by the port authority or

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_{7L} 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_{7L} 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
in-service 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 876
member's predecessor was appointed. Any member shall continue in 877
office subsequent to the expiration date of the member's term 878
until the member's successor takes office, or until a period of 879
sixty days has elapsed, whichever occurs first. 880

The governor may remove any appointed member of the 881
commission for misfeasance, nonfeasance, or malfeasance in office. 882

The commission shall exercise no administrative function, but 883
may ~~do any of the following~~ do any of the following: 884

(A) Advise with and recommend to the director as to plans and 885
programs for the management, development, utilization, and 886
conservation of the natural resources of the state; 887

(B) Advise with and recommend to the director as to methods 888
of coordinating the work of the divisions of the department; 889

(C) Consider and make recommendations upon any matter that 890
the director may submit to it; 891

(D) Submit to the governor biennially recommendations for 892
amendments to the conservation laws of the state. 893

Each member of the commission, before entering upon the 894
discharge of the member's duties, shall take and subscribe to an 895
oath of office, which oath, in writing, shall be filed in the 896
office of the secretary of state. 897

The members of the commission shall serve without 898
compensation, but shall be entitled to receive their actual and 899
necessary expenses incurred in the performance of their official 900
duties. 901

The commission, by a majority vote of all its members, shall 902
adopt and amend bylaws. 903

To be eligible for appointment, a person shall be a citizen 904
of the United States and an elector of the state and shall possess 905
a knowledge of and have an interest in the natural resources of 906
this state. 907

The commission shall hold at least four regular quarterly 908
meetings each year. Special meetings shall be held at such times 909
as the bylaws of the commission provide. Notices of all meetings 910
shall be given in such manner as the bylaws provide. The 911
commission shall choose annually from among its members a 912

chairperson to preside over its meetings and a secretary to keep a 913
record of its proceedings. A majority of the members of the 914
commission constitutes a quorum. No advice shall be given or 915
recommendation made without a majority of the members of the 916
commission concurring ~~in it~~ in it. 917

Sec. 1502.04. There is hereby created within the division of 918
recycling and litter prevention the recycling and litter 919
prevention advisory council consisting of thirteen members. The 920
speaker of the house of representatives shall appoint one member 921
of the house of representatives to the council, and the president 922
of the senate shall appoint one member of the senate to the 923
council. If the president of the senate belongs to the same 924
political party as the speaker of the house of representatives, 925
the president shall appoint a member of the senate who belongs to 926
a different political party as recommended by the minority leader 927
of the senate. The speaker of the house of representatives and the 928
president of the senate shall make their initial appointments to 929
the council within sixty days after July 20, 1994. Each member 930
appointed by the speaker of the house of representatives or the 931
president of the senate shall serve for a term of office of three 932
years. The appropriate appointing authority may fill any vacancy 933
occurring during the term of any member whom the appointing 934
authority has appointed to the advisory council. 935

The remaining eleven members shall be appointed by the 936
governor with the advice and consent of the senate and shall be 937
persons with knowledge of or experience in recycling or litter 938
prevention programs. The council shall have broad based 939
representation of interests including agriculture, labor, the 940
environment, manufacturing, wholesale and retail industry, and the 941
public. One of the business members shall be from the commercial 942
recycling industry, and another shall be from an industry required 943

to pay taxes under section 5733.065 of the Revised Code. The 944
director of natural resources shall not be a member of the 945
council. The governor shall make initial appointments to the 946
council within thirty days after October 20, 1987. Of the 947
governor's initial appointments to the council, five shall be for 948
a term of one year, and six shall be for a term of two years. 949
Thereafter, terms of office shall be for three years. Each member 950
appointed by the governor shall hold office from the date of the 951
member's appointment until the end of the term for which the 952
member was appointed. In the event of death, removal, resignation, 953
or incapacity of a member of the council appointed by the 954
governor, the governor, with the advice and consent of the senate, 955
shall appoint a successor who shall hold office for the remainder 956
of the term for which the successor's predecessor was appointed. A 957
member shall continue in office subsequent to the expiration date 958
of the member's term until the member's successor takes office, or 959
until a period of sixty days has elapsed, whichever occurs first. 960
The governor at any time may remove any of the governor's 961
appointees from the council for misfeasance, nonfeasance, or 962
malfeasance in office. 963

Members of the council may be reappointed. 964

The council shall hold at least four regular quarterly 965
meetings each year. Special meetings may be held at the behest of 966
the chairperson or a majority of the members. The council annually 967
shall select from among its members a chairperson, a 968
vice-chairperson, and a secretary to keep a record of its 969
proceedings. 970

A majority vote of the members of the council is necessary to 971
take action in any matter. 972

A member of the council shall serve without compensation for 973
attending council meetings, but shall be reimbursed for all 974

traveling, hotel, and other ordinary and necessary expenses 975
incurred in the performance of the member's work as a member of 976
the council. 977

Membership on the council does not constitute holding a 978
public office or position of employment under the laws of this 979
state and does not constitute grounds for removal of public 980
officers or employees from their offices or positions of 981
employment. 982

The council shall do all of the following: 983

(A) In conjunction with the chief of recycling and litter 984
prevention and with the approval of the director of natural 985
resources, establish criteria by which to certify, and certify, 986
agencies of the state, municipal corporations with a population of 987
more than fifty thousand, counties, and solid waste management 988
districts as eligible to receive grants under section 1502.05 of 989
the Revised Code; 990

~~(B)~~(B) In conjunction with the chief and with the approval of 991
the director, establish criteria by which to certify, and certify, 992
political subdivisions for receipt of special grants for 993
activities or projects that are intended to accomplish the 994
purposes of any of the programs established under section 1502.03 995
of the Revised Code; 996

~~(C)~~(C) Advise the chief in carrying out the chief's duties 997
under this chapter. 998

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
litter prevention advisory council under division ~~(A)~~(A) of
section 1502.04 of the Revised Code that applies for a grant that
is intended to further the purposes of the program established
under division (A)(3) of section 1502.03 of the Revised Code,
except any eligible applicant that is or is located in a county
that has a per capita income equal to or below ninety per cent of
the median county per capita income of the state as determined by
the chief using the most recently available figures from the
United States census bureau, to provide a matching contribution as
follows:

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

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

(2) If the eligible applicant is a joint solid waste
management district or is filing a joint application on behalf of
two or more counties, the matching contribution required under
division (D)(1) of this section shall be the average of the
matching contributions of all of the counties covered by the
application as determined in accordance with that division. The
matching contribution of a county that has a per capita income
equal to or below ninety per cent of the median county per capita
income of the state shall be included as zero in calculating the
average matching contribution.

(E) After receiving notice from the director of environmental
protection that each county within the state is subject to the

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 areas and habitats of rare and endangered species of plants and animals;	1311 1312 1313
(E) Adopt rules for the use, visitation, and protection of nature preserves, "natural areas owned or managed through easement, license, or lease by the department and administered by the division," and lands owned "or managed through easement, license, or lease" by the department and administered by the division which are within or adjacent to any wild, scenic, or recreational river area, in accordance with Chapter 119. of the Revised Code;	1314 1315 1316 1317 1318 1319 1320 1321
(F) Provide facilities and improvements within the state system of nature preserves that are necessary for their visitation, use, restoration, and protection and do not impair their natural character;	1322 1323 1324 1325
(G) Provide interpretive programs and publish and disseminate information pertaining to nature preserves and natural areas for their visitation and use;	1326 1327 1328
(H) <u>(H)</u> Conduct and grant permits to qualified persons for the conduct of scientific research and investigations within nature preserves;	1329 1330 1331
(I) <u>(I)</u> Establish an appropriate system for marking nature preserves;	1332 1333
(J) <u>(J)</u> 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 1335 1336 1337
Sec. 1517.23. The <u>The</u> chief of the division of natural areas and preserves shall do both of the following <u>do both of the</u>	1338 1339

following: 1340

(A) Formulate policies and plans and establish a program 1341
incorporating them for the identification and protection of the 1342
state's cave resources and adopt, amend, or rescind rules in 1343
accordance with Chapter 119. of the Revised Code to implement that 1344
program; 1345

(B) Provide technical assistance and management advice to 1346
owners upon request concerning the protection of caves on their 1347
land. 1348

Sec. 1518.01. ~~The~~ The chief of natural areas and preserves 1349
shall adopt and may amend or rescind rules, in accordance with 1350
Chapter 119. of the Revised Code, setting forth criteria for 1351
identifying and designating species of plants native to ~~this state~~ 1352
~~that~~ this state that are in danger of extirpation or are 1353
threatened with becoming endangered. The chief shall adopt and may 1354
amend or rescind rules, in accordance with Chapter 119. of the 1355
Revised Code, setting forth a list of the plants that ~~the chief~~ 1356
the chief determines to be endangered or threatened with 1357
extirpation from this state, applying the criteria so developed. 1358
This list shall identify the common and scientific names of each 1359
species. The list shall include all species native to this state 1360
~~that~~ that are listed on the "United States list of endangered and 1361
threatened wildlife and plants" pursuant to the "Endangered 1362
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as 1363
amended. Further, the chief may produce for public education 1364
purposes lists of plant species which shall include the names of 1365
species of plants ~~that~~ that may become threatened in the future 1366
through habitat loss, commercial exploitation, or other means. 1367

Sec. 1518.03. ~~The~~ The chief of natural areas and preserves 1368
shall adopt and may amend or repeal rules, in accordance with 1369

Chapter 119. of the Revised Code, restricting the taking, 1370
possessing, transportation, sale, offering for sale, or exposure 1371
for sale, for commercial purposes of native Ohio species of wild 1372
plants or parts ~~of them~~ of them, that are listed as endangered or 1373
threatened by rule adopted under section 1518.01 of the Revised 1374
Code. The rules may prohibit the taking of any endangered or 1375
threatened plant, or parts ~~of it~~ of it, for commercial purposes, 1376
from any wood lot, field, or forest, or from any other location in 1377
which ~~that~~ that plant is found growing in its native habitat. This 1378
section does not prevent any ~~nurseryperson~~ nurseryperson or dealer 1379
who is licensed under Chapter 927. of the Revised Code from 1380
selling, offering for sale, shipping, or otherwise disposing of 1381
any endangered or threatened plants or parts ~~of them~~ of them when 1382
~~those~~ those plants have been commercially grown by a licensed 1383
nursery or legally imported into this state. For the purposes of 1384
this section, "commercial purposes" means with intent to sell or 1385
trade endangered or threatened plants for gain or profit. 1386
"Commercially grown" means to grow plants under cultivation in 1387
tilled plots or in a greenhouse. 1388

The rules shall provide for the taking of species endangered 1389
or threatened with statewide extirpation for botanical, 1390
educational, and scientific purposes, and for propagation in 1391
captivity to preserve the species, with written permission from 1392
the chief. The rules shall not prohibit the taking or possession 1393
of species listed on the "United States list of endangered and 1394
threatened wildlife and plants" for botanical, educational, or 1395
scientific purposes, or for propagation in captivity to preserve 1396
the species, under a permit or license from the United States or 1397
any instrumentality ~~of the United States~~ of the United States. 1398

Sec. 1551.35. (A) There is hereby established a technical 1399
advisory committee to assist the director of the Ohio coal 1400
development office in achieving the office's purposes. The 1401

director shall appoint to the committee one member of the public 1402
utilities commission and one representative each of coal 1403
production companies, the united mine workers of America, electric 1404
utilities, manufacturers that use Ohio coal, and environmental 1405
organizations, as well as two people with a background in coal 1406
research and development technology, one of whom is employed at 1407
the time of the member's appointment by a state university, as 1408
defined in section 3345.011 of the Revised Code. In addition, the 1409
committee shall include four legislative members. The speaker and 1410
minority leader of the house of representatives each shall appoint 1411
one member of the house of representatives, and the president and 1412
minority leader of the senate each shall appoint one member of the 1413
senate, to the committee. The director of environmental protection 1414
~~and~~ and the director of development shall serve on the committee 1415
as ~~ex-officio~~ ex-officio members. Any member of the committee may 1416
designate in writing a substitute to serve in the member's absence 1417
on the committee. The director of environmental protection may 1418
designate in writing the chief of the air pollution control 1419
division of the agency to represent the agency. Members shall 1420
serve on the committee at the pleasure of their appointing 1421
authority. Members of the committee appointed by the director of 1422
the office and, notwithstanding section 101.26 of the Revised 1423
Code, legislative members of the committee, when engaged in their 1424
official duties as members of the committee, shall be compensated 1425
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
~~those~~ 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~~ nine 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~~ eight 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~~ eight 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~~ the state, and all shall have 1484
expertise in insurance law, including subrogation rights; and two 1485
shall represent employers whose primary place of business is 1486
located in this state, one of which shall represent a small 1487
employer. A member of the Ohio judicial conference who is an 1488
elected or appointed judge shall be a member of the commission. 1489

(2) As used in this division, "small employer" means an 1490
employer who employs not more than one hundred persons on a 1491
full-time permanent basis, or, if the employer is classified as 1492
being in the manufacturing sector by the North American industrial 1493
classification system, an employer who employs not more than five 1494
hundred persons on a full-time permanent basis. 1495

(B) The commission shall do all of the following: 1496

(1) Investigate the problems posed by, and the issues 1497

surrounding, the N. Buckeye Educ. Council Group Health Benefits 1498
Plan v. Lawson (2004), 103 Ohio St. 3d 188 decision regarding 1499
subrogation; 1500

(2) Prepare a report of recommended legislative solutions to 1501
the court decision referred to in division (B)(1) of this section; 1502

(3) Submit a report of its findings to the members of the 1503
general assembly not later ~~than September 1, 2005~~ than one year 1504
from the effective date of this amendment. 1505

(C) Any vacancy in the membership of the commission shall be 1506
filled in the same manner in which the original appointment was 1507
made. 1508

(D) The chairpersons of the house and senate committees to 1509
which bills pertaining to insurance are referred shall jointly 1510
call the first meeting of the commission not later than ~~May 1,~~ 1511
~~2005~~ thirty days after the effective date of this amendment. The 1512
first meeting shall be organizational, and the voting members of 1513
the commission shall determine the chairperson from among 1514
~~commission~~ the commission's voting members by a majority vote. 1515

(E) The legislative service commission shall provide any 1516
technical, professional, and clerical employees that are necessary 1517
for the commission to perform its duties. 1518

(F) All meetings of the commission are public meetings and 1519
shall be open to the public at all times. A member of the 1520
commission must be present in person at a meeting that is open to 1521
the public in order to be considered present or to vote at the 1522
meeting and for the purposes of determining whether a quorum is 1523
present. The commission shall promptly prepare and maintain the 1524
minutes of its meetings, and the minutes shall be public records 1525
under section 149.43 of the Revised Code. The commission shall 1526
give reasonable notice of its meetings so that any person may 1527
determine the time and place of all scheduled meetings. The 1528

commission shall not hold a meeting unless it gives at least 1529
twenty-four hours advance notice to the news media organizations 1530
that have requested notification of its meetings. 1531

Sec. 3358.10. Sections 3354.10, 3354.121, 3354.15, ~~and~~ and 1532
3354.16 of the Revised Code apply to state community college 1533
districts and their boards of trustees. 1534

Sec. 3375.61. In recognition of the work the Ohioana Library 1535
Association, ~~Martha Kinney Cooper Memorial,~~ Martha Kinney Cooper 1536
Memorial, a corporation organized not for profit under the laws of 1537
this state, has done and is doing to collect, promote, publicize, 1538
and make available to the public the cultural, literary, 1539
scientific, social, and economic achievements of Ohioans, the 1540
state may grant financial aid to ~~that~~ that corporation in order 1541
that the purposes for which it was instituted may be fostered and 1542
its services to the public improved and expanded. 1543

Sec. 3375.62. The governor shall appoint four members of the 1544
board of trustees of the Ohioana Library Association, ~~Martha~~ 1545
~~Kinney Cooper Memorial~~ , Martha Kinney Cooper Memorial. Terms of 1546
office shall be for four years, commencing on the sixteenth day of 1547
September and ending on the fifteenth day of September. Each 1548
member shall hold office from the date of appointment until the 1549
end of the term for which appointed. Any member appointed to fill 1550
a vacancy occurring prior to the expiration of the term for which 1551
~~the member's~~ the member's predecessor was appointed shall hold 1552
office for the remainder of ~~that~~ that term. Any member shall 1553
continue in office subsequent to the expiration date of ~~the~~ 1554
~~member's~~ the member's term until ~~the member's~~ the member's 1555
successor takes office, or until a period of sixty days has 1556
elapsed, whichever occurs first. ~~The gubernatorial~~ The 1557
gubernatorial appointees shall serve as members of the board of 1558

trustees in addition to the regular constituted board of trustees 1559
of the corporation. 1560

Sec. 3383.01. As used in this chapter: 1561

(A) "~~Culture~~ Culture" means any of the following: 1562

(1) Visual, musical, dramatic, graphic, design, and other 1563
arts, including, but not limited to, architecture, dance, 1564
literature, motion pictures, music, painting, photography, 1565
sculpture, and theater, and the provision of training or education 1566
in these arts; 1567

(2) The presentation or making available, in museums or other 1568
indoor or outdoor facilities, of principles of science and their 1569
development, use, or application in business, industry, or 1570
commerce or of the history, heritage, development, presentation, 1571
and uses of the arts described in division (A)(1) of this section 1572
and of transportation; 1573

(3) The preservation, presentation, or making available of 1574
features of archaeological, architectural, environmental, or 1575
historical interest or significance in a state historical facility 1576
or a local historical facility. 1577

(B) "~~Cultural~~ Cultural organization" means either of the 1578
following: 1579

(1) A governmental agency or Ohio nonprofit corporation that 1580
provides programs or activities in areas directly concerned with 1581
~~culture~~ culture; 1582

(2) A regional arts and cultural district as defined in 1583
section 3381.01 of the Revised Code. 1584

(C) "~~Cultural~~ Cultural project" means all or any portion of 1585
an Ohio ~~cultural~~ cultural facility for which the general assembly 1586
has specifically authorized the spending of money, or made an 1587
appropriation, pursuant to division (D)(3) or (E) of section 1588

3383.07 of the Revised Code. 1589

(D) "Cooperative contract" means a contract between the Ohio 1590
~~cultural~~ cultural facilities commission and a ~~cultural~~ a cultural 1591
organization providing the terms and conditions of the cooperative 1592
use of an Ohio ~~cultural~~ cultural facility. 1593

(E) "Costs of operation" means amounts required to manage an 1594
Ohio ~~cultural~~ cultural facility that are incurred following the 1595
completion of construction of its ~~cultural~~ cultural project, 1596
provided that both of the following apply: 1597

(1) Those amounts either: 1598

(a) Have been committed to a fund dedicated to that purpose; 1599

(b) Equal the principal of any endowment fund, the income 1600
from which is dedicated to that purpose. 1601

(2) The commission and the ~~cultural~~ cultural organization 1602
have executed an agreement with respect to either of those funds. 1603

(F) "General building services" means general building 1604
services for an Ohio ~~cultural~~ cultural facility or an Ohio sports 1605
facility, including, but not limited to, general custodial care, 1606
security, maintenance, repair, painting, decoration, cleaning, 1607
utilities, fire safety, grounds and site maintenance and upkeep, 1608
and plumbing. 1609

(G) "Governmental agency" means a state agency, a 1610
state-supported or state-assisted institution of higher education, 1611
a municipal corporation, county, township, or school district, a 1612
port authority created under Chapter 4582. of the Revised Code, 1613
any other political subdivision or special district in this state 1614
established by or pursuant to law, or any combination of these 1615
entities; except where otherwise indicated, the United States or 1616
any department, division, or agency of the United States, or any 1617
agency, commission, or authority established pursuant to an 1618

interstate compact or agreement.

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

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(I) "Local historical facility" means a site or facility, other than a state historical facility, of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by ~~a cultural~~ a cultural organization, provided the facility meets the requirements of division (K)(2)(b) of this section, is managed by or pursuant to a 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.

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

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(1) Relating to ~~culture~~ culture for an Ohio ~~cultural~~ cultural facility, including as applicable, but not limited to, providing for displays, exhibitions, specimens, and models; booking of artists, performances, or presentations; scheduling; and hiring or contracting for directors, curators, technical and scientific

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staff, ushers, stage managers, and others directly related to the 1650
~~cultural~~ cultural activities in the facility; but not including 1651
general building services; 1652

(2) Relating to sports and athletic events for an Ohio sports 1653
facility, including as applicable, but not limited to, providing 1654
for booking of athletes, teams, and events; scheduling; and hiring 1655
or contracting for staff, ushers, managers, and others directly 1656
related to the sports and athletic events in the facility; but not 1657
including general building services. 1658

(K) "Ohio ~~cultural~~ cultural facility" means any of the 1659
following: 1660

(1) The theaters located in the state office tower at 77 1661
South High street in Columbus; 1662

(2) Any capital facility in this state to which both of the 1663
following apply: 1664

(a) The construction of a ~~cultural~~ a cultural project related 1665
to the facility was authorized or funded by the general assembly 1666
pursuant to division (D)(3) of section 3383.07 of the Revised Code 1667
and proceeds of state bonds are used for costs of the ~~cultural~~ 1668
cultural project. 1669

(b) The facility is managed directly by, or is subject to a 1670
cooperative or management contract with, the Ohio ~~cultural~~ 1671
cultural facilities commission, and is used for or in connection 1672
with the activities of the commission, including the presentation 1673
or making available of ~~culture~~ culture to the public and the 1674
provision of training or education in ~~culture~~ culture. 1675

(3) A state historical facility or a local historical 1676
facility. 1677

(L) "State agency" means the state or any of its branches, 1678
officers, boards, commissions, authorities, departments, 1679

divisions, or other units or agencies. 1680

(M) "Construction" includes acquisition, including 1681
acquisition by lease-purchase, demolition, reconstruction, 1682
alteration, renovation, remodeling, enlargement, improvement, site 1683
improvements, and related equipping and furnishing. 1684

(N) "State historical facility" means a site or facility of 1685
archaeological, architectural, environmental, or historical 1686
interest or significance, or a facility, including a storage 1687
facility, appurtenant to the operations of such a site or 1688
facility, that is owned by or is located on real property owned by 1689
the state or by ~~a cultural~~ a cultural organization, so long as the 1690
real property of the ~~cultural~~ cultural organization is contiguous 1691
to state-owned real property that is in the care, custody, and 1692
control of ~~a cultural~~ a cultural organization, and that is managed 1693
directly by or is subject to a cooperative or management contract 1694
with the Ohio ~~cultural~~ cultural facilities commission and is used 1695
for or in connection with the activities of the commission, 1696
including the presentation or making available of ~~culture~~ culture 1697
to the public. 1698

(O) "Ohio sports facility" means all or a portion of a 1699
stadium, arena, motorsports complex, or other capital facility in 1700
this state, a primary purpose of which is to provide a site or 1701
venue for the presentation to the public of either motorsports 1702
events or events of one or more major or minor league professional 1703
athletic or sports teams that are associated with the state or 1704
with a city or region of the state, which facility is, in the case 1705
of a motorsports complex, owned by the state or governmental 1706
agency, or in all other instances, is owned by or is located on 1707
real property owned by the state or a governmental agency, and 1708
including all parking facilities, walkways, and other auxiliary 1709
facilities, equipment, furnishings, and real and personal property 1710
and interests and rights therein, that may be appropriate for or 1711

used for or in connection with the facility or its operation, for 1712
capital costs of which state funds are spent pursuant to this 1713
chapter. A facility constructed as an Ohio sports facility may be 1714
both an Ohio ~~cultural~~ cultural facility and an Ohio sports 1715
facility. 1716

(P) "Motorsports" means sporting events in which motor 1717
vehicles are driven on a clearly demarcated tracked surface. 1718

Sec. 3383.02. (A) There is hereby created the Ohio ~~cultural~~ 1719
cultural facilities commission. The commission shall engage in and 1720
provide for the development, performance, and presentation or 1721
making available of ~~culture~~ culture and professional sports and 1722
athletics to the public in this state, and the provision of 1723
training or education in ~~culture~~ culture, by the exercise of its 1724
powers under this chapter, including the provision, operation, 1725
management, and cooperative use of Ohio ~~cultural~~ cultural 1726
facilities and Ohio sports facilities. The commission is a body 1727
corporate and politic, an agency of state government and an 1728
instrumentality of the state, performing essential governmental 1729
functions of this state. The carrying out of the purposes and the 1730
exercise by the commission of its powers conferred by this chapter 1731
are essential public functions and public purposes of the state 1732
and of state government. The commission may, in its own name, sue 1733
and be sued, enter into contracts, and perform all the powers and 1734
duties given to it by this chapter; however, it does not have and 1735
shall not exercise the power of eminent domain. 1736

(B) The commission shall consist of ten members, seven of 1737
whom shall be voting members and three of whom shall be nonvoting 1738
members. The seven voting members shall be appointed by the 1739
governor, with the advice and consent of the senate, from 1740
different geographical regions of the state. In addition, one of 1741
the voting members shall represent the state architect. Not more 1742

than four of the members appointed by the governor shall be 1743
affiliated with the same political party. The nonvoting members 1744
shall be the staff director of the Ohio arts council, a member of 1745
the senate appointed by the president of the senate, and a member 1746
of the house of representatives appointed by the speaker of the 1747
house. 1748

(C) Of the five initial appointments made by the governor, 1749
one shall be for a term expiring December 31, 1989, two shall be 1750
for terms expiring December 31, 1990, and two shall be for terms 1751
expiring December 31, 1991. Of the initial appointments of the 1752
sixth and seventh voting members ~~made~~ made by the governor, one 1753
shall be for a term expiring December 31, 2003, and one shall be 1754
for a term expiring December 31, 2004. Thereafter, each such term 1755
shall be for three years, commencing on the first day of January 1756
and ending on the thirty-first day of December. Each appointment 1757
by the president of the senate and by the speaker of the house of 1758
representatives shall be for the balance of the then legislative 1759
biennium. Each member shall hold office from the date of the 1760
member's appointment until the end of the term for which the 1761
member was appointed. Any member appointed to fill a vacancy 1762
occurring prior to the expiration of the term for which the 1763
member's predecessor was appointed shall hold office for the 1764
remainder of such term. Any member shall continue in office 1765
subsequent to the expiration date of the member's term until the 1766
member's successor takes office, or until a period of sixty days 1767
has elapsed, whichever occurs first. 1768

(D) Members of the commission shall serve without 1769
compensation. 1770

(E) Organizational meetings of the commission shall be held 1771
at the first meeting of each calendar year. At each organizational 1772
meeting, the commission shall elect from among its voting members 1773
a chairperson, a vice-chairperson, and a secretary-treasurer, who 1774

shall serve until the next annual meeting. The commission shall
adopt rules pursuant to section 111.15 of the Revised Code for the
conduct of its internal business and shall keep a journal of its
proceedings.

(F) Four voting members of the commission constitute a
quorum, and the affirmative vote of four members is necessary for
approval of any action taken by the commission. A vacancy in the
membership of the commission does not impair a quorum from
exercising all the rights and performing all the duties of the
commission. Meetings of the commission may be held anywhere in the
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 1806
of the administration fund shall be credited to the fund and shall 1807
be allocated among any accounts created in the fund in the manner 1808
determined by the commission. 1809

(J) Title to all real property and lesser interests in real 1810
property acquired by the commission, including leasehold and other 1811
interests, pursuant to this chapter shall be taken in the name of 1812
the state and shall be held for the use and benefit of the 1813
commission. The commission shall not mortgage such real property 1814
and interests in real property. Title to other property and 1815
interests in it acquired by the commission pursuant to this 1816
chapter shall be taken in its name. 1817

Sec. 3383.03. The Ohio ~~cultural~~ cultural facilities 1818
commission shall do the following: 1819

(A) From time to time, determine the need for ~~cultural~~ 1820
cultural projects, Ohio ~~cultural~~ cultural facilities, and Ohio 1821
sports facilities, ~~and~~ and report to the governor and the general 1822
assembly on the need for any additional ~~cultural~~ cultural 1823
projects, Ohio ~~cultural~~ cultural facilities, and Ohio sports 1824
facilities. This division does not apply to state historical 1825
facilities. 1826

(B) Have jurisdiction, control, and possession of, and 1827
supervision over the use and disposition of, all property, rights, 1828
licenses, money, contracts, accounts, liens, books, records, and 1829
other property rights and interests conveyed, delivered, 1830
transferred, or assigned to it; 1831

(C) Use, and provide for the use of, Ohio ~~cultural~~ cultural 1832
facilities and Ohio sports facilities for the commission's 1833
purposes and functions, and conduct reviews necessary to ensure 1834
that uses of those facilities are consistent with statewide 1835
interests and the commission's purposes, including the 1836

presentation or making available of ~~culture~~ culture and 1837
professional athletics and sports to the public in this state and 1838
the provision of training or education in ~~culture~~ culture; 1839

(D) Hold a meeting, including the organizational meeting 1840
required by division (E) of section 3383.02 of the Revised Code, 1841
at least quarterly to conduct its business; 1842

(E) Cooperate with any governmental agency or ~~cultural~~ 1843
cultural organization that provides services in, to, or for an 1844
Ohio ~~cultural~~ cultural facility, and cooperate with any 1845
governmental agency or nonprofit corporation for the provision or 1846
operation of any Ohio sports facilities. 1847

Sec. 3383.04. The Ohio ~~cultural~~ cultural facilities 1848
commission may ~~do the following~~ do the following: 1849

(A) Employ and fix the compensation of an executive director 1850
and such other employees as will facilitate the activities and 1851
purposes of the commission. Any executive director shall serve at 1852
the pleasure of the commission and may serve part-time. Other 1853
employees shall be employed by and serve at the pleasure of the 1854
commission or the executive director, as determined by the 1855
commission. 1856

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 1857
the Revised Code, rules for the management and operation of Ohio 1858
~~cultural~~ cultural facilities and Ohio sports facilities and for 1859
the exercise of all of the commission's rights with respect to 1860
those facilities; 1861

(C) Own, construct or provide for the construction of, lease, 1862
equip, furnish, administer, and manage or provide for the 1863
operation and management of, and cooperate in the use of, Ohio 1864
~~cultural~~ cultural facilities and Ohio sports facilities; 1865

(D) Dispose of, whether by sale, lease, lease-purchase, 1866

sublease, re-lease, or otherwise, real and personal property, and
lesser interests in it, held or owned by the state for the use and
benefit of the commission or held or owned by the commission, if
not needed for the commission's purposes, upon such terms as the
commission determines, subject to approval by the governor in the
case of real property and interests in it;

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

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

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

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

(I) Procure insurance against loss to the commission by

reason of damages to or nonusability of its property resulting 1898
from fire, theft, accident, or other casualties, or by reason of 1899
its liability for any damages to persons or property, including~~g~~ 1900
but not limited to, general liability insurance, business 1901
interruption insurance, liability insurance for members, officers, 1902
and employees, and copyright liability insurance; 1903

(J) Receive and accept gifts, grants, devises, bequests, 1904
loans, and any other financial or other form of aid or assistance 1905
from any governmental agency or other person and enter into any 1906
contract or agreement with any such agency or other person in 1907
connection therewith, and receive and accept aid or contributions 1908
from any other source of money, real or personal property, labor, 1909
or other things of value, to be held, used, and applied only for 1910
the purposes for which the aid and contributions are made and 1911
according to their terms and conditions, all within the purposes 1912
of this chapter; 1913

(K) Make and enter into all contracts, commitments, and 1914
agreements, and execute all instruments, necessary or incidental 1915
to the performance of its duties and the execution of its rights 1916
and powers under this chapter; 1917

(L) Do anything necessary or appropriate to carry out the 1918
purposes of and exercise the powers granted in this chapter; 1919

(M) Contract with any governmental agency or nonprofit 1920
corporation to provide or cause to be provided services, including 1921
general building services, in, to, or for an Ohio ~~cultural~~ 1922
cultural facility or any Ohio sports facility, or with a ~~cultural~~ 1923
a cultural organization for the management of an Ohio ~~cultural~~ 1924
cultural facility, or with a governmental agency or nonprofit 1925
corporation for the management of an Ohio sports facility, all in 1926
furtherance of the state function, and make contracts pursuant to 1927
divisions (A) and (B) of section 3383.07 of the Revised Code, 1928

except that nothing in this chapter limits the exercise of the 1929
care, custody, control, and management of those state historical 1930
facilities specified in section 149.30 of the Revised Code. 1931

Sec. 3383.05. (A) Upon the request of the Ohio ~~cultural~~ 1932
cultural facilities commission, any governmental agency may lease, 1933
sublease, grant by lease-purchase or otherwise, convey, or grant 1934
the right to use, to the commission or to a state agency 1935
designated by the commission, any real or personal property or 1936
interests in property, including improvements to it and public 1937
roads, owned or controlled by the governmental agency, which are 1938
necessary or convenient to an Ohio ~~cultural~~ cultural facility or 1939
an Ohio sports facility, upon such terms and conditions as they 1940
agree upon. The lease, sublease, grant, conveyance, or grant of 1941
use may be made without the necessity for advertisement, auction, 1942
competitive bidding, court order, or other action or formality 1943
otherwise required by law, except that the consent of the 1944
governing body of the governmental agency shall be obtained, or, 1945
if title to the property is in the state, the consent of the 1946
governor shall be obtained. Any governmental agency may enter into 1947
agreements with the Ohio ~~cultural~~ cultural facilities commission 1948
for furnishing any supplies, equipment, or services to the 1949
commission pursuant to such terms and for such compensation as 1950
agreed upon by the governmental agency and the commission. 1951

(B) Leases, contracts, agreements, or conveyances entered 1952
into pursuant to this section are not public contracts for 1953
purposes of section 2921.42 of the Revised Code. 1954

Sec. 3383.06. All property purchased, acquired, constructed, 1955
owned, leased, or subleased by the Ohio ~~cultural~~ cultural 1956
facilities commission for the exercise of its powers and duties is 1957
public property used exclusively for a public purpose, and this 1958
property and the income derived by the commission from it are 1959

exempt, except as may otherwise be provided by the commission with 1960
respect to Ohio sports facilities, from all taxation within this 1961
state, including ~~TL~~ without limitation ~~TL~~ ad valorem and excise 1962
taxes. 1963

Sec. 3383.07. (A) The department of administrative services 1964
shall provide for the construction of ~~a-cultural~~ a cultural 1965
project in conformity with Chapter 153. of the Revised Code, 1966
except as follows: 1967

(1) For ~~a-cultural~~ a cultural project that has an estimated 1968
construction cost, excluding the cost of acquisition, of 1969
twenty-five million dollars or more, and that is financed by the 1970
Ohio building authority, construction services may be provided by 1971
the authority if the authority determines it should provide those 1972
services. 1973

(2) For ~~a-cultural~~ a cultural project other than a state 1974
historical facility, construction services may be provided on 1975
behalf of the state by the Ohio ~~cultural~~ cultural facilities 1976
commission, or by a governmental agency or ~~a-cultural~~ a cultural 1977
organization that occupies, will occupy, or is responsible for the 1978
Ohio ~~cultural~~ cultural facility, as determined by the commission. 1979
Construction services to be provided by a governmental agency or a 1980
~~cultural~~ a cultural organization shall be specified in an 1981
agreement between the commission and the governmental agency or 1982
~~cultural~~ cultural organization. The agreement, or any actions 1983
taken under it, are not subject to Chapter 123. or 153. of the 1984
Revised Code, except for sections ~~123.081~~ 123.081 and 153.011 of 1985
the Revised Code, and shall be subject to Chapter 4115. of the 1986
Revised Code. 1987

(3) For ~~a-cultural~~ a cultural project that is a state 1988
historical facility, construction services may be provided by the 1989
Ohio ~~cultural~~ cultural facilities commission or by ~~a-cultural~~ a 1990

cultural organization that occupies, will occupy, or is 1991
responsible for the facility, as determined by the commission. The 1992
construction services to be provided by the ~~cultural~~ cultural 1993
organization shall be specified in an agreement between the 1994
commission and the ~~cultural~~ cultural organization. That agreement, 1995
and any actions taken under it, are not subject to Chapter 123., 1996
153., or 4115. of the Revised Code. 1997

(B) For an Ohio sports facility that is financed in part by 1998
the Ohio building authority, construction services shall be 1999
provided on behalf of the state by or at the direction of the 2000
governmental agency or nonprofit corporation that will own or be 2001
responsible for the management of the facility, all as determined 2002
by the Ohio ~~cultural~~ cultural facilities commission. Any 2003
construction services to be provided by a governmental agency or 2004
nonprofit corporation shall be specified in an agreement between 2005
the commission and the governmental agency or nonprofit 2006
corporation. That agreement, and any actions taken under it, are 2007
not subject to Chapter 123. or 153. of the Revised Code, except 2008
for sections ~~123.081~~ 123.081 and 153.011 of the Revised Code, and 2009
shall be subject to Chapter 4115. of the Revised Code. 2010

(C) General building services for an Ohio ~~cultural~~ cultural 2011
facility shall be provided by the Ohio ~~cultural~~ cultural 2012
facilities commission or by a ~~cultural~~ a cultural organization 2013
that occupies, will occupy, or is responsible for the facility, as 2014
determined by the commission, except that the Ohio building 2015
authority may elect to provide those services for Ohio ~~cultural~~ 2016
cultural facilities financed with proceeds of state bonds issued 2017
by the authority. The costs of management and general building 2018
services shall be paid by the ~~cultural~~ cultural organization that 2019
occupies, will occupy, or is responsible for the facility as 2020
provided in an agreement between the commission and the ~~cultural~~ 2021
cultural organization, except that the state may pay for general 2022

building services for state-owned ~~cultural~~ cultural facilities 2023
constructed on state-owned land. 2024

General building services for an Ohio sports facility shall 2025
be provided by or at the direction of the governmental agency or 2026
nonprofit corporation that will be responsible for the management 2027
of the facility, all as determined by the commission. Any general 2028
building services to be provided by a governmental agency or 2029
nonprofit corporation for an Ohio sports facility shall be 2030
specified in an agreement between the commission and the 2031
governmental agency or nonprofit corporation. That agreement, and 2032
any actions taken under it, are not subject to Chapter 123. or 2033
153. of the Revised Code, except for sections ~~123.081~~ 123.081 and 2034
153.011 of the Revised Code, and shall be subject to Chapter 4115. 2035
of the Revised Code. 2036

(D) This division does not apply to a state historical 2037
facility. No state funds, including any state bond proceeds, shall 2038
be spent on the construction of any ~~cultural~~ cultural project 2039
under this chapter unless, with respect to the ~~cultural~~ cultural 2040
project and to the Ohio ~~cultural~~ cultural facility related to the 2041
project, all of the following apply: 2042

(1) The Ohio ~~cultural~~ cultural facilities commission has 2043
determined that there is a need for the ~~cultural~~ cultural project 2044
and the Ohio ~~cultural~~ cultural facility related to the project in 2045
the region of the state in which the Ohio ~~cultural~~ cultural 2046
facility is located or for which the facility is proposed. 2047

(2) The commission has determined that, as an indication of 2048
substantial regional support for the ~~cultural~~ cultural project, 2049
the ~~cultural~~ cultural organization has made provision satisfactory 2050
to the commission, in its sole discretion, for local contributions 2051
amounting to not less than fifty per cent of the total state 2052
funding for the ~~cultural~~ cultural project. 2053

(3) The general assembly has specifically authorized the 2054
spending of money on, or made an appropriation for, the 2055
construction of the ~~cultural~~ cultural project, or for rental 2056
payments relating to the financing of the construction of the 2057
~~cultural~~ cultural project. Authorization to spend money, or an 2058
appropriation, for planning the ~~cultural~~ cultural project does not 2059
constitute authorization to spend money on, or an appropriation 2060
for, construction of the ~~cultural~~ cultural project. 2061

(E) No state funds, including any state bond proceeds, shall 2062
be spent on the construction of any state historical facility 2063
under this chapter unless the general assembly has specifically 2064
authorized the spending of money on, or made an appropriation for, 2065
the construction of the ~~state-historical~~ state historical project 2066
related to the facility, or for rental payments relating to the 2067
financing of the construction of the ~~state-historical~~ state 2068
historical project. Authorization to spend money, or an 2069
appropriation, for planning the ~~state-historical~~ state historical 2070
project does not constitute authorization to spend money on, or an 2071
appropriation for, the construction of the ~~state-historical~~ state 2072
historical project. 2073

(F) State funds shall not be used to pay or reimburse more 2074
than fifteen per cent of the initial estimated construction cost 2075
of an Ohio sports facility, excluding any site acquisition cost, 2076
and no state funds, including any state bond proceeds, shall be 2077
spent on any Ohio sports facility under this chapter unless, with 2078
respect to that facility, all of the following apply: 2079

(1) The Ohio ~~cultural~~ cultural facilities commission has 2080
determined that there is a need for the facility in the region of 2081
the state for which the facility is proposed to provide the 2082
function of an Ohio sports facility as provided for in this 2083
chapter. 2084

(2) As an indication of substantial local support for the 2085
facility, the commission has received a financial and development 2086
plan satisfactory to it, and provision has been made, by agreement 2087
or otherwise, satisfactory to the commission, for a contribution 2088
amounting to not less than eighty-five per cent of the total 2089
estimated construction cost of the facility, excluding any site 2090
acquisition cost, from sources other than the state. 2091

(3) The general assembly has specifically authorized the 2092
spending of money on, or made an appropriation for, the 2093
construction of the facility, or for rental payments relating to 2094
state financing of all or a portion of the costs of constructing 2095
the facility. Authorization to spend money, or an appropriation, 2096
for planning or determining the feasibility of or need for the 2097
facility does not constitute authorization to spend money on, or 2098
an appropriation for, costs of constructing the facility. 2099

(4) If state bond proceeds are being used for the Ohio sports 2100
facility, the state or a governmental agency owns or has 2101
sufficient property interests in the facility or in the site of 2102
the facility or in the portion or portions of the facility 2103
financed from proceeds of state bonds, which may include, but is 2104
not limited to, the right to use or to require the use of the 2105
facility for the presentation of sport and athletic events to the 2106
public at the facility. 2107

(G) In addition to the requirements of division (F) of this 2108
section, no state funds, including any state bond proceeds, shall 2109
be spent on any Ohio sports facility that is a motorsports 2110
complex, unless, with respect to that facility, both of the 2111
following apply: 2112

(1) Motorsports events shall be presented at the facility 2113
pursuant to a lease entered into with the owner of the facility. 2114
The term of the lease shall be for a period of not less than the 2115

greater of the useful life of the portion of the facility financed 2116
from proceeds of state bonds as determined using the guidelines 2117
for maximum maturities as provided under divisions (B) and (C) of 2118
section 133.20 of the Revised Code, or the period of time 2119
remaining to the date of payment or provision for payment of 2120
outstanding state bonds allocable to costs of the facility, all as 2121
determined by the director of budget and management and certified 2122
by the director to the Ohio ~~cultural~~ cultural facilities 2123
commission and to the Ohio building authority. 2124

(2) Any motorsports organization that commits to using the 2125
facility for an established period of time shall give the 2126
political subdivision in which the facility is located not less 2127
than six months' advance notice if the organization intends to 2128
cease utilizing the facility prior to the expiration of that 2129
established period. Such a motorsports organization shall be 2130
liable to the state for any state funds used on the construction 2131
costs of the facility. 2132

Sec. 3383.08. There is hereby created in the state treasury 2133
the capital donations fund, which shall be administered by the 2134
Ohio ~~cultural~~ cultural facilities commission. The fund shall 2135
consist of gifts, grants, devises, bequests, and other financial 2136
contributions made to the commission for the construction or 2137
improvement of ~~cultural~~ cultural and sports facilities and shall 2138
be used in accordance with the specific purposes for which the 2139
gifts, grants, devises, bequests, or other financial contributions 2140
are made. All investment earnings of the fund shall be credited to 2141
the fund. Chapters 123., 125., 127., and 153. and section 3517.13 2142
of the Revised Code do not apply to contracts paid from the fund, 2143
notwithstanding anything to the contrary in those chapters or that 2144
section. 2145

Not later than one month following the end of each quarter of 2146

the fiscal year, the commission shall allocate the amounts 2147
credited to the fund from investment earnings during that 2148
preceding quarter of the fiscal year among the specific projects 2149
for which they are to be used and shall certify this information 2150
to the director of budget and management. 2151

If the amounts credited to the fund for a particular project 2152
exceed what is required to complete that project, the commission 2153
may refund any of those excess amounts, including unexpended 2154
investment earnings attributable to those amounts, to the entity 2155
from which they were received. 2156

Sec. 3383.09. (A) There is hereby created in the state 2157
treasury the ~~cultural~~ cultural and sports facilities building 2158
fund, which shall consist of proceeds of obligations authorized to 2159
pay costs of Ohio ~~cultural~~ cultural facilities and Ohio sports 2160
facilities for which appropriations are made by the general 2161
assembly. All investment earnings of the fund shall be credited to 2162
the fund. 2163

(B) The director of budget and management may transfer, to 2164
the Ohio ~~cultural~~ cultural facilities commission administration 2165
fund, investment earnings credited to the ~~cultural~~ cultural and 2166
sports facilities building fund that exceed the amounts required 2167
to meet estimated federal arbitrage rebate requirements when 2168
requested of the director of budget and management by the 2169
chairperson or executive director of the commission. 2170

Sec. 3746.09. (A) A person who proposes to enter into or who 2171
is participating in the voluntary action program under this 2172
chapter and rules adopted under it, in accordance with this 2173
section and rules adopted under division (B)(11) of section 2174
3746.04 of the Revised Code, may apply to the director of 2175
environmental protection for a variance from applicable standards 2176

otherwise established in this chapter and rules adopted under it. 2177

The application for a variance shall be prepared by a certified 2178
professional. The director shall issue a variance from those 2179
applicable standards only if the application makes all of the 2180
following demonstrations to the director's satisfaction: 2181

(1) Either or both of the following: 2182

(a) It is technically infeasible to comply with the 2183
applicable standards otherwise established at the property named 2184
in the application; 2185

(b) The costs of complying with the applicable standards 2186
otherwise established at the property substantially exceed the 2187
economic benefits. 2188

(2) The proposed alternative standard or set of standards and 2189
terms and conditions set forth in the application will result in 2190
an improvement of environmental conditions at the property and 2191
ensure that public health and safety will be protected. 2192

(3) The establishment of and compliance with the alternative 2193
standard or set of standards and terms and conditions are 2194
necessary to promote, protect, preserve, or enhance employment 2195
opportunities or the reuse of the property named in the 2196
application. 2197

A variance issued under this section shall state the specific 2198
standard or standards whose terms are being varied and shall set 2199
forth the specific alternative standard or set of standards and 2200
the terms and conditions imposed on the applicant in their place. 2201
A variance issued under this section shall include only standards 2202
and terms and conditions proposed by the applicant in ~~the~~ the 2203
application, except that the director may impose any additional or 2204
alternative terms and conditions that ~~the director~~ the director 2205
determines to be necessary to ensure that public health and safety 2206
will be protected. If the director finds that compliance with any 2207

standard or term or condition proposed by the applicant will not 2208
protect public health and safety and that the imposition of 2209
additional or alternative terms and conditions will not ensure 2210
that public health or safety will be protected, the director shall 2211
disapprove the application and shall include in the order of 2212
denial the specific findings on which the denial was based. 2213

(B) Variances shall be issued or denied in accordance with 2214
this section, rules adopted under division (B)(11) of section 2215
3746.04 of the Revised Code, and Chapter 3745. of the Revised 2216
Code. Upon determining that an application for a variance is 2217
complete, the director shall ~~schedule~~ schedule a public meeting on 2218
the application to be held within ninety days after the director 2219
determines that the application is complete in the county in which 2220
is located the property to which the application pertains. 2221

(C) Not less than thirty days before the date scheduled for 2222
the public meeting on an application for a variance, the director 2223
shall publish notice of the public meeting and that the director 2224
will receive written comments on the application for a period of 2225
forty-five days commencing on the date of the publication of the 2226
notice. The notice shall contain all of the following information, 2227
at a minimum: 2228

(1) The address of the property to which the application 2229
pertains; 2230

(2) A brief summary of the alternative standards and terms 2231
and conditions proposed by the applicant; 2232

(3) The date, time, and location of the public meeting. 2233

The notice shall be published in a newspaper of general 2234
circulation in the county in which the property is located and, if 2235
the property is located in close proximity to the boundary of the 2236
county with an adjacent county, as determined by the director, 2237
shall be published in a newspaper of general circulation in the 2238

adjacent county. Concurrently with the publication of the notice 2239
of the public meeting, the director shall mail notice of the 2240
application, comment period, and public meeting to the owner of 2241
each parcel of land that is adjacent to the affected property and 2242
to the legislative authority of the municipal corporation or 2243
township, and county, in which the affected property is located. 2244
The notices mailed to the adjacent land owners and legislative 2245
authorities shall contain the same information as the published 2246
notice. 2247

(D) At the public meeting on an application for a variance, 2248
the applicant, or a representative of the applicant who is 2249
knowledgeable about the affected property and the application, 2250
shall present information regarding the application and the basis 2251
of the request for the variance and shall respond to questions 2252
from the public regarding the affected property and the 2253
application. A representative of the environmental protection 2254
agency who is familiar with the affected property and the 2255
application shall attend the public meeting to hear the public's 2256
comments and to respond to questions from the public regarding the 2257
affected property and the application. A stenographic record of 2258
the proceedings at the public meeting shall be kept and shall be 2259
made a part of the administrative record regarding the 2260
application. 2261

(E) Within ninety days after conducting the public meeting on 2262
an application for a variance under division (D) of this section, 2263
the director shall issue a proposed action to the applicant in 2264
accordance with section 3745.07 of the Revised Code that indicates 2265
the director's intent with regard to the issuance or denial of the 2266
application. When considering whether to issue or deny the 2267
application or whether to impose terms and conditions of the 2268
variance that are in addition or alternative to those proposed by 2269
the applicant, the director shall consider comments on the 2270

application made by the public at the public meeting and written 2271
comments on the application received from the public. 2272

Sec. 3746.35. (A) Not later than September 1, 1996, and not 2273
later than the first day of September of each subsequent year, the 2274
director of environmental protection shall prepare and submit to 2275
the ~~chairpersons~~ chairpersons of the respective standing 2276
committees of the senate and house of representatives primarily 2277
responsible for considering environmental and taxation matters a 2278
report regarding the voluntary action program established under 2279
this chapter and rules adopted under it and the tax abatements 2280
granted pursuant to sections 5709.87 and 5709.88 of the Revised 2281
Code for properties where voluntary actions were conducted. Each 2282
annual report shall include, without limitation, all of the 2283
following: 2284

(1) Both of the following for each property for which a 2285
covenant not to sue was issued under section 3746.12 of the 2286
Revised Code during the preceding calendar year: 2287

(a) The address of the property and name of the person who 2288
undertook the voluntary action at the property; 2289

(b) Whether the applicable standards governing the voluntary 2290
action were the interim standards established in section 3746.07 2291
of the Revised Code or the generic numerical clean-up standards 2292
established in rules adopted under division (B)(1) of section 2293
3746.04 of the Revised Code, were established through the 2294
performance of a risk assessment pursuant to rules adopted under 2295
division (B)(2) of section 3746.04 of the Revised Code, or were 2296
set forth in a variance issued under section 3746.09 of the 2297
Revised Code. 2298

(2) All of the following for each property for which a 2299
variance was issued under section 3746.09 of the Revised Code 2300

during the preceding calendar year:	2301
(a) The address of the property and the name of the person to whom the variance was issued;	2302 2303
(b) A summary of the alternative standards and terms and conditions of the variance and brief description of the improvement in environmental conditions at the property that is anticipated to result from compliance with the alternative standards and terms and conditions set forth in the variance;	2304 2305 2306 2307 2308
(c) A brief description of the economic benefits to the 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.	2309 2310 2311 2312 2313 2314
(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:	2315 2316 2317
(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;	2318 2319 2320
(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;	2321 2322 2323 2324 2325 2326
(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.	2327 2328 2329
(4) The number of covenants not to sue revoked during the	2330

preceding calendar year through the operation of divisions 2331
(A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 2332
3746.18, and division (B) of section 3746.19 of the Revised Code 2333
and for each property for which a covenant was revoked, at least 2334
both of the following: 2335

(a) The address of the property affected by the revocation 2336
and name of the person who undertook the voluntary action at the 2337
property; 2338

(b) The reason for the revocation. 2339

(5) The amount of money credited to the voluntary action 2340
administration fund created in section 3746.16 of the Revised Code 2341
during the preceding fiscal year from the fees established in 2342
divisions (D) and (H) of section 3746.07 and division (C) of 2343
section 3746.13 of the Revised Code and from civil penalties 2344
imposed under section 3746.22 of the Revised Code. The report 2345
shall indicate the amount of money that arose from each of the 2346
fees and from the civil penalties. The report also shall include 2347
the amount of money expended from the fund during the preceding 2348
fiscal year by program category, including, without limitation, 2349
the amount expended for conducting audits under section 3746.17 of 2350
the Revised Code during the preceding fiscal year. 2351

(6) For each property that is receiving a tax abatement under 2352
section 5709.87 of the Revised Code for the preceding tax year, 2353
the amount of the valuation exempted from real property taxation 2354
for that tax year under that section. In order to comply with 2355
division (A)(6) of this section, the director shall include in the 2356
annual report the report required to be provided to ~~the director~~ 2357
the director by the director of development under division (B)(2) 2358
of this section. The sole responsibility of the director of 2359
environmental protection regarding the report provided to ~~the~~ 2360
~~director~~ the director under that division is to include it in the 2361

annual report prepared under division (A) of this section. 2362

(7) For each property that is receiving a tax abatement 2363
pursuant to an agreement with a municipal corporation or county 2364
entered into under section 5709.88 of the Revised Code, the amount 2365
of the valuation exempted from real or personal property taxation. 2366
In order to comply with division (A)(7) of this section, the 2367
director shall include in the annual report the report required to 2368
be provided to ~~the director~~ the director by the director of 2369
development under division (C) of this section. The sole 2370
responsibility of the director of environmental protection 2371
regarding the report provided to ~~the director~~ the director under 2372
that division is to ~~include~~ include it in the annual report 2373
prepared under division (A) of this section. 2374

(B)(1) Not later than March 31, 1996, the county auditor of 2375
each county in which is located any property that is receiving a 2376
tax abatement under section 5709.87 of the Revised Code shall 2377
report to the director of development for each such property both 2378
of the following as applicable to tax year 1995: 2379

(a) The address of the property and the name of the owner as 2380
stated in the records of the county auditor of the county in which 2381
the property is located; 2382

(b) The amount of the valuation of the property that was 2383
exempted from real property taxation under that section. 2384

Not later than the thirty-first day of March of each 2385
subsequent year, each such county auditor shall report the 2386
information described in those divisions to the director of 2387
development for each property within the county that is receiving 2388
a tax abatement under that section for the preceding tax year. 2389

(2) Not later than July 1, 1996, and not later than the first 2390
day of July of each subsequent year, the director of development 2391
shall compile the information provided to ~~the director~~ the 2392

director under division (B)(1) of this section applicable to the 2393
preceding tax year into a report covering all of the counties in 2394
the state in which are located properties receiving a tax 2395
abatement under section 5709.87 of the Revised Code for the 2396
preceding tax year and shall forward the report to the director of 2397
environmental protection. The sole responsibility of the director 2398
of development in preparing the report is to compile the 2399
information submitted to ~~the director~~ the director by the county 2400
auditors under division (B)(1) of this section. 2401

(C) 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 by municipal corporations and counties under division (A) 2405
of section 5709.882 of the Revised Code applicable to the 2406
preceding calendar year into a report covering, by county, all of 2407
the municipal corporations and counties in this state in which are 2408
located properties receiving a tax abatement pursuant to an 2409
agreement entered into under section 5709.88 of the Revised Code 2410
and shall forward the report to the director of environmental 2411
protection. The sole responsibility of the director of development 2412
in preparing the report is to compile the information submitted to 2413
him by municipal corporations and counties under division (A) of 2414
section 5709.882 of the Revised Code. 2415

Sec. 3747.02. (A)(1) The governor, with the advice and 2416
consent of the senate, shall appoint the Ohio member of the 2417
midwest interstate low-level radioactive waste commission. The 2418
commissioner shall serve at the pleasure of the governor and shall 2419
be reimbursed for actual and necessary expenses incurred in the 2420
performance of ~~official~~ official duties. 2421

(2) As used in this section, "compact" means the midwest 2422
interstate compact on low-level radioactive waste entered into 2423

under section 3747.01 of the Revised Code. 2424

(B) The representative from this state on the commission 2425
shall not cast a vote contrary to Ohio law. 2426

(C) The representative from this state on the commission 2427
shall not cast an affirmative vote on the following matters before 2428
the commission without the prior approval of ~~the governor~~; the 2429
governor: 2430

(1) Approval by the commission of the amount of the long-term 2431
care fund established by this state pursuant to Article VI(O) of 2432
the compact; 2433

(2) Relief of a party state to the compact of its 2434
responsibility to serve as a host state under Article VI(E) of the 2435
compact; 2436

(3) A requirement pursuant to Article VI(F) of the compact 2437
that this state use alternate technology to that proposed by this 2438
state for a compact facility in this state; 2439

(4) Authorization of the early closing of a compact facility 2440
under Article III(H)(7) of the compact; 2441

~~(5)~~(5) Any agreement between this state and the commission or 2442
a state other than Ohio that determines or alters the rights, 2443
powers, or obligations of this state under the compact; 2444

~~(6)~~(6) Modification of the requirements of Article VI(L)(2), 2445
(3), or (5) of the compact if the then operating compact facility 2446
is in this state; 2447

~~(7)~~(7) Admission by the commission of a new party state to 2448
the compact; 2449

~~(8)~~(8) Revocation by the commission of the membership of a 2450
party state in the compact. 2451

(D) A vote by the representative from this state on the 2452

commission that is inconsistent with division (B) or (C) of this 2453
section is void and is not enforceable. 2454

Sec. 3748.01. As used in this chapter: 2455

(A) "Byproduct material" means either of the following: 2456

(1) Any radioactive material, except special nuclear 2457
material, yielded in or made radioactive by exposure to radiation 2458
incident to the process of producing or utilizing special nuclear 2459
material; 2460

(2) The tailings or wastes produced by the extraction or 2461
concentration of uranium or thorium from any ore processed 2462
primarily for its source material content. 2463

(B) "Certified radiation expert" means an individual who has 2464
complied with all of the following: 2465

(1) Applied to the director of health for certification as a 2466
radiation expert under section 3748.12 of the Revised Code; 2467

(2) Met minimum education and experience requirements 2468
established in rules adopted under division (C) of section 3748.04 2469
of the Revised Code; 2470

(3) Been granted a certificate as a radiation expert by the 2471
director under section 3748.12 of the Revised Code. 2472

(C) "Closure" or "site closure" refers to a facility for the 2473
disposal of low-level radioactive waste or a byproduct material 2474
site, as "byproduct material" is defined in division (A)(2) of 2475
this section, and means all activities performed at a licensed 2476
operation, such as stabilization and contouring, to ensure that 2477
the site where the operation occurred is in a stable condition so 2478
that only minor custodial care, surveillance, and monitoring are 2479
necessary at the site following the termination of the licensed 2480
operation. 2481

(D) "Decommissioning" means to safely remove any licensed operation from service and reduce residual radioactivity to a level that permits release of the licensee's property for unrestricted use. With regard to a facility for the disposal of low-level radioactive waste or a byproduct material site, as "byproduct material" is defined in division (A)(2) of this section, "decommissioning" does not include the reduction of residual radioactivity to a level that permits release of the facility for unrestricted use.

(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.	2513
(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.	2514 2515 2516
(J) "Handler" means a facility that handles sources of radiation unless possession is solely for the purpose of transportation.	2517 2518 2519
(K) "Inspection" means an official review, examination, or observation, including, without limitation, tests, surveys, and monitoring, that is used to determine compliance with rules, orders, requirements, and conditions of the department of health and that is conducted by the director of health.	2520 2521 2522 2523 2524
(L) "Low-level radioactive waste" has the same meaning as in section 3747.01 of the Revised Code with regard to the disposal of low-level radioactive waste. In regard to regulatory control at locations other than a disposal facility, <u>"low-level radioactive waste"</u> has the same meaning as in 42 U.S.C.A. 2021b.	2525 2526 2527 2528 2529
(M) "Quality assurance program" means a program providing for verification by written procedures such as testing, auditing, and inspection to ensure that deficiencies, deviations, defective equipment, or unsafe practices, or a combination thereof, relating to the use, disposal, management, or manufacture of radiation sources are identified, promptly corrected, and reported to the appropriate regulatory authorities.	2530 2531 2532 2533 2534 2535 2536
(N) "Radiation" means ionizing and nonionizing radiation.	2537
(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light.	2538 2539 2540 2541
(2) "Nonionizing radiation" means any electromagnetic	2542

radiation, other than ionizing electromagnetic radiation, or any
sonic, ultrasonic, or infrasonic wave.

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

(P) "Radiation-generating equipment" means any manufactured
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	2573
U.S.C.A. 2071."	2574
(2) Except for any source material, any material artificially	2575
enriched by any of the materials identified in division (S)(1) of	2576
this section.	2577
(T) "Storage" means the retention of radioactive materials,	2578
including low-level radioactive waste, prior to disposal in a	2579
manner that allows for surveillance, control, and subsequent	2580
retrieval.	2581
Sec. 3748.02. (A) The department of health is hereby	2582
designated the Ohio radiation control agency.	2583
(B) In accordance with the laws of this state, the director	2584
of health may employ, compensate, and prescribe the duties of	2585
individuals necessary to implement and administer this chapter and	2586
the <u>the</u> rules adopted under it.	2587
Sec. 3748.04. The public health council, in accordance with	2588
Chapter 119. of the Revised Code, shall adopt and may amend or	2589
rescind rules doing all of the following:	2590
(A) Listing types of radioactive material for which licensure	2591
by its handler is required and types of radiation-generating	2592
equipment for which registration by its handler is required, and	2593
establishing requirements governing them. Rules adopted under	2594
division (A) of this section shall be compatible with applicable	2595
federal regulations and shall establish all of the following,	2596
without limitation:	2597
(1) Requirements governing both of the following:	2598
(a) The licensing and inspection of handlers of radioactive	2599
material. Standards established in rules adopted under division	2600
(A)(1)(a) of this section regarding byproduct material or any	2601

activity that results in the production of that material, to the extent practicable, shall be equivalent to or more stringent than applicable standards established by the United States nuclear regulatory commission.

(b) The registration and inspection of handlers of radiation-generating equipment. Standards established in rules adopted under division (A)(1)(b) of this section, to the extent practicable, shall be equivalent to applicable standards established by the food and drug administration in the United States department of health and human services.

(2) Identification of and requirements governing possession and use of specifically licensed and generally licensed quantities of radioactive material as either sealed sources or unsealed sources;

(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment;

(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;

(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;

(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;

(7) Criteria governing environmental monitoring of licensed

and registered activities to assess compliance with this chapter 2632
and rules adopted under it; 2633

(8) Except as otherwise provided in division (A)(8) of this 2634
section, fees for the licensing of handlers of radioactive 2635
material, other than a facility for the disposal of low-level 2636
radioactive waste, and the registration of handlers of 2637
radiation-generating equipment and a fee schedule for their 2638
inspection. Rules adopted under division (A)(8) of this section 2639
shall not revise any fees established in section 3748.07 or 2640
3748.13 of the Revised Code to be paid by any handler of 2641
radiation-generating equipment that is a medical practitioner or a 2642
corporation, partnership, or other business entity consisting of 2643
medical practitioners, other than a hospital as defined in section 2644
3727.01 of the Revised Code. 2645

As used in division (A)(8) of this section, "medical 2646
practitioner" means a person who is authorized to practice 2647
dentistry pursuant to Chapter 4715. of the Revised Code; medicine 2648
and surgery, osteopathic medicine and surgery, or podiatry 2649
pursuant to Chapter 4731. of the Revised Code; or chiropractic 2650
pursuant to Chapter 4734. of the Revised Code. 2651

(B)(1) Identifying sources of radiation, circumstances of 2652
possession, use, or disposal of sources of radiation, and levels 2653
of radiation that constitute an unreasonable or unnecessary risk 2654
to human health or the environment; 2655

(2) Establishing requirements for the achievement and 2656
maintenance of compliance with standards for the receipt, 2657
possession, use, storage, installation, transfer, servicing, and 2658
disposal of sources of radiation to prevent levels of radiation 2659
that constitute an unreasonable or unnecessary risk to human 2660
health or the environment; 2661

(3) Requiring the maintenance of records on the receipt, use, 2662

storage, transfer, and disposal of radioactive material and on the 2663
radiological safety aspects of the use and maintenance of 2664
radiation-generating equipment. 2665

In adopting rules under divisions (A) and (B) of this 2666
section, the council shall use standards no less stringent than 2667
the "suggested state regulations for control of radiation" 2668
prepared by the conference of radiation control program directors, 2669
inc., and regulations adopted by the United States nuclear 2670
regulatory commission, the United States environmental protection 2671
agency, and the United States department of health and human 2672
services and shall consider reports of the national council on 2673
radiation protection and measurement and the relevant standards of 2674
the American national standards institute. 2675

(C) Establishing fees, procedures, and requirements for 2676
certification as a radiation expert, including all of the 2677
following, without limitation: 2678

(1) Minimum training and experience requirements; 2679

(2) Procedures for applying for certification; 2680

(3) Procedures for review of applications and issuance of 2681
certificates; 2682

(4) Procedures for suspending and revoking certification. 2683

(D) Establishing a schedule for inspection of sources of 2684
radiation and their shielding and surroundings; 2685

(E) Establishing the responsibilities of a radiation expert; 2686

(F) Establishing criteria for quality assurance programs for 2687
licensees of radioactive material and registrants of 2688
radiation-generating equipment; 2689

(G) Establishing fees to be paid by any facility that, on 2690
September 8, 1995, holds a license from the United States nuclear 2691
regulatory commission in order to provide moneys necessary for the 2692

transfer of licensing and other regulatory authority from the
commission to the state pursuant to section 3748.03 of the Revised
Code. Rules adopted under this division shall stipulate that fees
so established do not apply to any functions dealing specifically
with a facility for the disposal of low-level radioactive waste.
Fees collected under this division shall be deposited into the
state treasury to the credit of the general operations fund
created in section 3701.83 of the Revised Code. The fees shall be
used solely to administer and enforce this chapter and rules
adopted under it.

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

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

(1) Standards and procedures to ensure that a licensee
prepares a decommissioning funding plan that provides an adequate

financial guaranty to permit the completion of all requirements 2725
governing the closure, decontamination, decommissioning, and 2726
reclamation of sites, structures, and equipment used in 2727
conjunction with a licensed activity; 2728

(2) For licensed activities where radioactive material that 2729
will require surveillance or care is likely to remain at the site 2730
after the licensed activities cease, as indicated in the 2731
application for the license submitted under section 3748.07 of the 2732
Revised Code, standards and procedures to ensure that the licensee 2733
prepares an additional decommissioning funding plan for long-term 2734
surveillance and care, before termination of the license, that 2735
provides an additional adequate financial guaranty as necessary to 2736
provide for that surveillance and care; 2737

(3) For the purposes of the decommissioning funding plans 2738
required in rules adopted under divisions (I)(1) and (2) of this 2739
section, the types of acceptable financial guaranties, which shall 2740
include bonds issued by fidelity or surety companies authorized to 2741
do business in the state, certificates of deposit, deposits of 2742
government securities, irrevocable letters or lines of credit, 2743
trust funds, escrow accounts, or other similar types of 2744
arrangements, but shall not include any arrangement that 2745
constitutes self-insurance; 2746

(4) A requirement that the decommissioning funding plans 2747
required in rules adopted under divisions (I)(1) and (2) of this 2748
section contain financial guaranties in amounts sufficient to 2749
ensure compliance with any standards established by the United 2750
States nuclear regulatory commission, or by the state if it has 2751
become an agreement state pursuant to section 3748.03 of the 2752
Revised Code, pertaining to closure, decontamination, 2753
decommissioning, reclamation, and long-term surveillance and care 2754
of licensed activities and sites of licensees. 2755

Standards established in rules adopted under division (I) of 2756
this section regarding any activity that resulted in the 2757
production of byproduct material, as defined in division (A)(2) of 2758
section 3748.01 of the Revised Code, to the extent practicable, 2759
shall be equivalent to or more stringent than standards 2760
established by the United States nuclear regulatory commission for 2761
sites at which ores were processed primarily for their source 2762
material content and at which byproduct material, as defined in 2763
division (A)(2) of section 3748.01 of the Revised Code, is 2764
deposited. 2765

(J) Establishing criteria governing inspections of a facility 2766
for the disposal of low-level radioactive waste, including, 2767
without limitation, the establishment of a resident inspector 2768
program at such a facility; 2769

~~(K)~~(K) Establishing requirements and procedures governing the 2770
filing of complaints under section 3748.16 of the Revised Code, 2771
including, without limitation, those governing intervention in a 2772
hearing held under division (B)(3) of that section. 2773

Sec. 3748.05. (A) The director of health shall do all of the 2774
following: 2775

(1) Administer and enforce this chapter and ~~the~~ the rules 2776
adopted under it; 2777

(2) Collect and make available information relating to 2778
sources of radiation; 2779

(3) Ensure the review of plans and specifications, submitted 2780
in accordance with rules adopted by the public health council, for 2781
the control of radiation that constitutes an unreasonable or 2782
unnecessary risk to human health or the environment; 2783

(4) Review reports of quality assurance audits performed by 2784
certified radiation experts under this chapter and ~~the~~ the rules 2785

adopted under it;	2786
(5) Ensure that programs for the control of sources of radiation are developed with due regard for compatibility with federal programs for the regulation of byproduct, source, and special nuclear materials;	2787 2788 2789 2790
(6) In accordance with Chapter 119. of the Revised Code, adopt, and subsequently may amend and rescind, rules providing for the administrative assessment and collection of monetary penalties for failure by any facility licensed under this chapter and rules adopted under it to comply with this chapter and those rules. The director may require the submission of compliance schedules and other related information. Any orders issued or payments or other requirements imposed pursuant to rules adopted under division (A)(6) of this section shall not affect any civil or criminal enforcement proceeding brought under this chapter or any other provision of state or local law. Moneys collected as administrative penalties imposed pursuant to rules adopted under division (A)(6) of this section shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The moneys shall be used solely to administer and enforce this chapter and the rules adopted under it.	2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807
(7) Maintain files of both of the following:	2808
(a) All license and registration applications, issuances, denials, amendments, renewals, suspensions, and revocations and any administrative or judicial action pertaining to them;	2809 2810 2811
(b) All rules adopted under this chapter, or proposed to be adopted, relating to the regulation of sources of radiation and proceedings on them.	2812 2813 2814
(B) The director may do any or all of the following:	2815
(1) Advise, consult, and cooperate with other agencies of the	2816

state, the federal government, other states, interstate agencies, 2817
political subdivisions, industries, and other affected groups in 2818
furtherance of the purposes of this chapter and ~~the~~ the rules 2819
adopted under it; 2820

(2) Accept and administer grants from the federal government 2821
and from other sources, public or private, for carrying out any of 2822
the director's functions under this chapter and ~~the~~ the rules 2823
adopted under it; 2824

(3) Encourage, participate in, or conduct studies, 2825
investigations, training, research, and demonstrations relating to 2826
the detection and control of radiation that constitutes an 2827
unreasonable or unnecessary risk to human health or the 2828
environment, the measurement of radiation, the evaluation of 2829
potential effects on health of cumulative or acute exposure to 2830
radiation, the development and improvement of methods to limit and 2831
reduce the generation of radioactive waste, and related problems 2832
as the director considers necessary or advisable; 2833

(4) In accordance with Chapter 119. of the Revised Code, 2834
adopt rules establishing criteria under which other agencies of 2835
the state or private entities may perform inspections of x-ray 2836
equipment at registered dental ~~facilities~~ facilities at the 2837
request of the facility or pursuant to contract with the 2838
department; 2839

(5) Exercise all incidental powers necessary to carry out the 2840
purposes of this chapter and ~~the~~ the rules adopted under it, 2841
including, without limitation, the issuance of orders. 2842

Sec. 3748.16. (A)(1) The director of health shall conduct 2843
regular inspections of the facility for the disposal of low-level 2844
radioactive waste in accordance with rules adopted under division 2845
(~~F~~)(J) of section 3748.04 of the Revised Code and, in accordance 2846

with those rules, shall provide for at least one resident 2847
inspector at the facility. 2848

(2) Concentrations of radioactive materials released into the 2849
environment during operation, closure, institutional control, and 2850
long-term care of the facility shall be kept as low as are 2851
reasonably achievable and shall not exceed levels established in 2852
rules adopted under division (A)(7) of section 3748.04 of the 2853
Revised Code or the standards set forth in 10 C.F.R. 61.41, 2854
whichever are more stringent. The director shall establish a 2855
program to monitor concentrations of radioactive materials so 2856
released and shall conduct an investigation if monitoring results 2857
indicate concentrations of radioactive materials at levels that 2858
are greater than the established background for a monitoring point 2859
to determine the source of the increased radiation level. 2860

(B)(1) An officer of an agency of the state or of a political 2861
subdivision, acting in the officer's representative capacity, or 2862
any person may file a written complaint with the director, in 2863
accordance with rules adopted under division ~~(K)~~(K) of section 2864
3748.04 of the Revised Code, regarding the failure or alleged 2865
failure of the facility for the disposal of low-level radioactive 2866
waste to comply with health or safety requirements established 2867
under this chapter or Chapter 3747. of the Revised Code or rules 2868
adopted under them. The complaint shall be verified by an 2869
affidavit of the complainant or the complainant's agent or 2870
attorney. The affidavit may be made before any person authorized 2871
by law to administer oaths and shall be signed by the officer or 2872
person who makes it. The person before whom it was taken shall 2873
certify that it was sworn to before that person and signed in that 2874
person's presence, and the certificate signed officially by that 2875
person shall be evidence that the affidavit was made, that the 2876
name of the officer or person was written by that officer or 2877
person, and that the signer was that officer or person. 2878

(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
3748.05 of the Revised Code;

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

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

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

Sec. 3929.482. (A) The Ohio fair plan underwriting
association by action of its board of governors, with the approval
of the superintendent of insurance, is authorized to enter into a
contract with the Ohio mine subsidence insurance underwriting
association to provide administrative and claims adjusting
services required by it. Such contract shall provide

indemnification by the Ohio mine subsidence insurance underwriting 2941
association to the Ohio fair plan underwriting association, its 2942
members, members of its board of governors, ~~and its~~ and its 2943
officers, employees, and agents against all liability, loss, and 2944
expense resulting from acts done or omitted in good faith in 2945
performing such contract. Such contract shall also provide that 2946
the Ohio fair plan underwriting association will be reimbursed for 2947
its actual expenses incurred in performing such services. Common 2948
expenses applicable both to the Ohio fair plan and to the mine 2949
subsidence insurance underwriting association shall be allocated 2950
between them on an equitable basis approved by the superintendent 2951
of insurance. 2952

~~(B)~~(B) The Ohio fair plan underwriting association by action 2953
of its board of governors, with the approval of the superintendent 2954
of insurance, is authorized to enter into a contract with the Ohio 2955
commercial joint underwriting association to provide 2956
administrative and claims adjusting services required by it. Such 2957
contract shall provide indemnification by the Ohio commercial 2958
joint underwriting association to the Ohio fair plan underwriting 2959
association, its members, members of its board of governors, ~~and~~ 2960
~~its~~ and its officers, employees, and agents against all liability, 2961
loss, and expenses resulting from acts done or omitted in good 2962
faith in performing such contract. Such contract shall also 2963
provide that the Ohio fair plan underwriting association will be 2964
reimbursed for its actual expenses incurred in performing such 2965
services. Common expenses applicable both to the Ohio fair plan 2966
and to the Ohio commercial joint underwriting association shall be 2967
allocated between them on an equitable basis approved by the 2968
superintendent of insurance. 2969

Sec. 3929.85. No insurer licensed to carry on the business of 2970
insurance in this state that is required by law to contribute to 2971
~~or~~ or participate in, or ~~that~~ that can be assessed by the Ohio 2972

insurance guaranty association pursuant to sections 3955.01 to 2973
3955.19 of the Revised Code, or by the plan for apportionment of 2974
applicants for motor vehicle insurance pursuant to section 4509.70 2975
of the Revised Code, or by the Ohio fair plan underwriting 2976
association pursuant to sections 3929.43 to 3929.61 of the Revised 2977
Code, or by the Ohio commercial insurance joint underwriting 2978
association pursuant to sections 3930.03 to 3930.18 of the Revised 2979
Code shall in any calendar year be required to contribute to, 2980
participate in, or be assessed by any one or more of ~~those~~ those 2981
plans or associations in an amount or amounts totaling in excess 2982
of two and one-half per cent of its net direct Ohio premium volume 2983
for the year next preceding the year in which the assessment or 2984
assessments are made or the contributions or participations are 2985
required. 2986

Sec. 3931.01. Individuals, partnerships, and corporations of 2987
this state, designated in sections 3931.01 to 3931.12 of the 2988
Revised Code, as "subscribers," may exchange reciprocal or 2989
interinsurance contracts with each other, and with individuals, 2990
partnerships, and corporations of other states, districts, 2991
provinces, and countries, providing indemnity among themselves 2992
from any loss which may be legally insured against by any fire or 2993
casualty insurance company or association provided that contracts 2994
of indemnity against property damage and bodily injury arising out 2995
of the ownership, maintenance or use of a singly owned private 2996
passenger automobile principally used for nonbusiness purposes may 2997
not be exchanged through a reciprocal insurer which maintains a 2998
surplus over all liabilities of less than two and one-half million 2999
dollars and provided that this exception shall not prohibit the 3000
exchanging of contracts of indemnity against any form of liability 3001
otherwise authorized and arising out of any business or commercial 3002
enterprise. Such contracts and the exchange thereof and such 3003
subscribers, their attorneys, and representatives shall be 3004

regulated by such sections, and no law enacted after July 4, 1917, 3005
shall apply to them, unless they are expressly designated therein. 3006

Such a contract may be executed by an attorney or other 3007
representative designated "attorney," in sections 3931.01 to 3008
3931.12 of the Revised Code, authorized by and acting for such 3009
subscribers under powers of attorney. Such attorney may be a 3010
corporation. The principal office of such attorney shall be 3011
maintained at the place designated by the subscribers in the 3012
powers of attorney. 3013

Except for such limitations on assessability as are approved 3014
by the superintendent of insurance, every reciprocal or 3015
interinsurance contract written pursuant to this chapter for 3016
medical malpractice insurance shall be fully assessable and shall 3017
contain a statement, in boldface capital letters and in type more 3018
prominent than that of the balance of the contract, setting forth 3019
such terms of ~~assessability~~ assessability. ~~As used in this~~ 3020
~~section, "medical malpractice insurance" means insurance coverage~~ 3021
~~against the legal liability of the insured and against loss,~~ 3022
~~damage, or expense incident to a claim arising out of the death,~~ 3023
~~disease, or injury of any person as the result of negligence or~~ 3024
~~malpractice in rendering professional service by any licensed~~ 3025
~~physician, podiatrist, or hospital, as those terms are defined in~~ 3026
~~section 2305.113 of the Revised Code. As used in this section,~~ 3027
"medical malpractice insurance" means insurance coverage against 3028
the legal liability of the insured and against loss, damage, or 3029
expense incident to a claim arising out of the death, disease, or 3030
injury of any person as the result of negligence or malpractice in 3031
rendering professional service by any licensed physician, 3032
podiatrist, or hospital, as those terms are defined in section 3033
2305.113 of the Revised Code. 3034

Sec. 3955.05. Sections 3955.01 to 3955.19 of the Revised Code 3035

apply to all kinds of direct insurance, except:	3036
(A) Title insurance;	3037
(B) Fidelity or surety bonds, or any other bonding obligations;	3038 3039
(C) Credit insurance, vendors' single interest insurance, collateral protection insurance, or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;	3040 3041 3042 3043
(D) Mortgage guaranty, financial guaranty, residual value, or other forms of insurance offering protection against investment risks;	3044 3045 3046
(E) Ocean marine insurance;	3047
(F) Any insurance provided by or guaranteed by government, including, but not limited to, any department, board, office, commission, agency, institution, or other instrumentality or entity of any branch of state government, any political subdivision of this state, the United States or any agency of the United States, or any separate or joint governmental self-insurance or risk-pooling program, plan, or pool;	3048 3049 3050 3051 3052 3053 3054
(G) Contracts of any corporation by which health services are to be provided to its subscribers;	3055 3056
(H) Life, annuity, health, or disability insurance, including sickness and accident insurance written pursuant to Chapter 3923. of the Revised Code;	3057 3058 3059
(I) Fraternal benefit insurance;	3060
(J) Mutual protective insurance of persons or property;	3061
(K) Reciprocal or interinsurance contracts written pursuant to Chapter 3931. of the Revised Code for medical malpractice insurance. As used in this division, "medical malpractice insurance" means insurance coverage against the legal liability of	3062 3063 3064 3065

~~the insured and against loss, damage, or expense incident to a~~ 3066
~~claim arising out of the death, disease, or injury of any person~~ 3067
~~as the result of negligence or malpractice in rendering~~ 3068
~~professional service by any licensed physician, podiatrist, or~~ 3069
~~hospital, as those terms are defined in section 2305.113 of the~~ 3070
~~Revised Code. As used in this division, "medical malpractice~~ 3071
~~insurance" means insurance coverage against the legal liability of~~ 3072
~~the insured and against loss, damage, or expense incident to a~~ 3073
~~claim arising out of the death, disease, or injury of any person~~ 3074
~~as the result of negligence or malpractice in rendering~~ 3075
~~professional service by any licensed physician, podiatrist, or~~ 3076
~~hospital, as those terms are defined in section 2305.113 of the~~ 3077
~~Revised Code.~~ 3078

(L) Any political subdivision self-insurance program or joint 3079
political subdivision self-insurance pool established under 3080
Chapter 2744. of the Revised Code; 3081

(M) Warranty or service contracts, or the insurance of ~~those~~ 3082
those contracts; 3083

(N) Any state university or college self-insurance program 3084
established under section 3345.202 of the Revised Code; 3085

(O) Any transaction, or combination of transactions, between 3086
a person, including affiliates of such person, and an insurer, 3087
including affiliates of such insurer, that involves the transfer 3088
of investment or credit risk unaccompanied by a transfer of 3089
insurance risk; 3090

(P) Credit union share guaranty insurance issued pursuant to 3091
Chapter 1761. of the Revised Code; 3092

(Q) Insurance issued by risk retention groups as defined in 3093
Chapter 3960. of the Revised Code; 3094

(R) Workers' compensation insurance, including any contract 3095
indemnifying an employer who pays compensation directly to 3096

employees. 3097

Sec. 3960.06. (A) A purchasing group and its insurer or 3098
insurers are subject to all applicable laws of this state, except 3099
that a purchasing group and its insurer or insurers, in regard to 3100
liability insurance for the purchasing group, are exempt from any 3101
law that does any of the following: 3102

(1) Prohibits the establishment of a purchasing group; 3103

(2) Makes it unlawful for an insurer to provide or offer to 3104
provide insurance on a basis providing, to a purchasing group or 3105
its members, advantages based on their loss and expense experience 3106
not afforded to other persons with respect to rates, policy forms, 3107
coverages, or other matters; 3108

(3) Prohibits a purchasing group or its members from 3109
purchasing insurance on a group basis described in division (A)(2) 3110
of this section; 3111

(4) Prohibits a purchasing group from obtaining insurance on 3112
a group basis because the group has not been in existence for a 3113
minimum period of time or because any member has not belonged to 3114
the group for a minimum period of time; 3115

(5) Requires that a purchasing group have a minimum number of 3116
members, common ownership or affiliation, or a certain legal form; 3117

(6) Requires that a certain percentage of a purchasing group 3118
obtain insurance on a group basis; 3119

(7) Otherwise discriminates against a purchasing group or any 3120
of its members; 3121

(8) Requires that any insurance policy issued to a purchasing 3122
group or any of its members be countersigned by an insurance agent 3123
or broker residing in this state. 3124

(B) The superintendent of insurance may require or exempt a 3125

risk retention group from participation in any joint underwriting 3126
association established under section 3930.03 or in the plan 3127
established under section 4509.70 of the Revised Code. Any risk 3128
retention group that is required to participate under this 3129
division shall submit sufficient information to the superintendent 3130
to enable ~~the superintendent~~ the superintendent to apportion on a 3131
nondiscriminatory basis the risk retention group's proportionate 3132
share of losses and expenses. 3133

Sec. 4117.01. As used in this chapter: 3134

(A) "Person," in addition to those included in division (C) 3135
of section 1.59 of the Revised Code, includes employee 3136
organizations, public employees, and public employers. 3137

(B) "Public employer" means the state or any political 3138
subdivision of the state located entirely within the state, 3139
including, without limitation, any municipal corporation with a 3140
population of at least five thousand according to the most recent 3141
federal decennial census; county; township with a population of at 3142
least five thousand in the unincorporated area of the township 3143
according to the most recent federal decennial census; school 3144
district; governing authority of a community school established 3145
under Chapter 3314. of the Revised Code; state institution of 3146
higher learning; public or special district; state agency, 3147
authority, commission, or board; or other branch of public 3148
employment. 3149

(C) "Public employee" means any person holding a position by 3150
appointment or employment in the service of a public employer, 3151
including any person working pursuant to a contract between a 3152
public employer and a private employer and over whom the national 3153
labor relations board has declined jurisdiction on the basis that 3154
the involved employees are employees of a public employer, except: 3155

(1) Persons holding elective office;	3156
(2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;	3157 3158 3159 3160
(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;	3161 3162 3163 3164
(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	3165 3166 3167
(5) Employees of the state employment relations board;	3168
(6) Confidential employees;	3169
(7) Management level employees;	3170
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	3171 3172 3173
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	3174 3175 3176
(10) Supervisors;	3177
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	3178 3179 3180 3181 3182
(12) Employees of county boards of election;	3183
(13) Seasonal and casual employees as determined by the state	3184

employment relations board;	3185
(14) Part-time faculty members of an institution of higher education;	3186 3187
(15) Employees of the state personnel board of review;	3188
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	3189 3190 3191 3192 3193 3194
(17) (17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	3195 3196 3197
(18) (18) Employees who must be licensed to practice law in this state to perform their duties as employees.	3198 3199
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	3200 3201 3202 3203 3204
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	3205 3206 3207
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided	3208 3209 3210 3211 3212 3213 3214

that: 3215

(1) Employees of school districts who are department 3216
chairpersons or consulting teachers shall not be deemed 3217
supervisors; 3218

(2) With respect to members of a police or fire department, 3219
no person shall be deemed a supervisor except the chief of the 3220
department or those individuals who, in the absence of the chief, 3221
are authorized to exercise the authority and perform the duties of 3222
the chief of the department. Where prior to June 1, 1982, a public 3223
employer pursuant to a judicial decision, rendered in litigation 3224
to which the public employer was a party, has declined to engage 3225
in collective bargaining with members of a police or fire 3226
department on the basis that those members are supervisors, those 3227
members of a police or fire department do not have the rights 3228
specified in this chapter for the purposes of future collective 3229
bargaining. The state employment relations board shall decide all 3230
disputes concerning the application of division (F)(2) of this 3231
section. 3232

(3) With respect to faculty members of a state institution of 3233
higher education, heads of departments or divisions are 3234
supervisors; however, no other faculty member or group of faculty 3235
members is a supervisor solely because the faculty member or group 3236
of faculty members participate in decisions with respect to 3237
courses, curriculum, personnel, or other matters of academic 3238
policy; 3239

(4) No teacher as defined in section 3319.09 of the Revised 3240
Code shall be designated as a supervisor or a management level 3241
employee unless the teacher is employed under a contract governed 3242
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 3243
is assigned to a position for which a license deemed to be for 3244
administrators under state board rules is required pursuant to 3245

section 3319.22 of the Revised Code.

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

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(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.

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(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,

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slowdown, or abstinence when done partially or intermittently, 3278
whether during or after the expiration of the term or extended 3279
term of a collective bargaining agreement or during or after the 3280
pendency of the settlement procedures set forth in section 4117.14 3281
of the Revised Code. 3282

(J) "Professional employee" means any employee engaged in 3283
work that is predominantly intellectual, involving the consistent 3284
exercise of discretion and judgment in its performance and 3285
requiring knowledge of an advanced type in a field of science or 3286
learning customarily acquired by a prolonged course in an 3287
institution of higher learning or a hospital, as distinguished 3288
from a general academic education or from an apprenticeship; or an 3289
employee who has completed the courses of specialized intellectual 3290
instruction and is performing related work under the supervision 3291
of a professional person to become qualified as a professional 3292
employee. 3293

(K) "Confidential employee" means any employee who works in 3294
the personnel offices of a public employer and deals with 3295
information to be used by the public employer in collective 3296
bargaining; or any employee who works in a close continuing 3297
relationship with public officers or representatives directly 3298
participating in collective bargaining on behalf of the employer. 3299

(L) "Management level employee" means an individual who 3300
formulates policy on behalf of the public employer, who 3301
responsibly directs the implementation of policy, or who may 3302
reasonably be required on behalf of the public employer to assist 3303
in the preparation for the conduct of collective negotiations, 3304
administer collectively negotiated agreements, or have a major 3305
role in personnel administration. Assistant superintendents, 3306
principals, and assistant principals whose employment is governed 3307
by section 3319.02 of the Revised Code are management level 3308
employees. With respect to members of a faculty of a state 3309

institution of higher education, no person is a management level 3310
employee because of the person's involvement in the formulation or 3311
implementation of academic or institution policy. 3312

(M) "Wages" means hourly rates of pay, salaries, or other 3313
forms of compensation for services rendered. 3314

(N) "Member of a police department" means a person who is in 3315
the employ of a police department of a municipal corporation as a 3316
full-time regular police officer as the result of an appointment 3317
from a duly established civil service eligibility list or under 3318
section 737.15 or 737.16 of the Revised Code, a full-time deputy 3319
sheriff appointed under section 311.04 of the Revised Code, a 3320
township constable appointed under section 509.01 of the Revised 3321
Code, or a member of a township police district police department 3322
appointed under section 505.49 of the Revised Code. 3323

(O) "Members of the state highway patrol" means highway 3324
patrol troopers and radio operators appointed under section 3325
5503.01 of the Revised Code. 3326

(P) "Member of a fire department" means a person who is in 3327
the employ of a fire department of a municipal corporation or a 3328
township as a fire cadet, full-time regular firefighter, or 3329
promoted rank as the result of an appointment from a duly 3330
established civil service eligibility list or under section 3331
505.38, 709.012, or 737.22 of the Revised Code. 3332

(Q) "Day" means calendar day. 3333

Sec. 4121.442. (A) The ~~administrator of workers' compensation~~ 3334
administrator of workers' compensation shall develop standards for 3335
qualification of health care plans of the Ohio workers' 3336
compensation qualified health plan system to provide medical, 3337
surgical, nursing, drug, hospital, and rehabilitation services and 3338
supplies to an employee for an injury or occupational disease that 3339

is compensable under this chapter or Chapter 4123., 4127., or 3340
4131. of the Revised Code. In adopting the standards, the 3341
~~administrator~~ administrator shall use nationally recognized 3342
accreditation standards. The standards the ~~administrator~~ 3343
administrator adopts must provide that a qualified plan provides 3344
for all of the following: 3345

(1) Criteria for selective contracting of health care 3346
providers; 3347

(2) Adequate plan structure and financial stability; 3348

(3) Procedures for the resolution of medical disputes between 3349
an employee and an employer, an employee and a provider, or an 3350
employer and a provider, prior to an appeal under section 4123.511 3351
of the Revised Code; 3352

(4) Authorize employees who are dissatisfied with the health 3353
care services of the employer's qualified plan and do not wish to 3354
obtain treatment under the provisions of this section, to request 3355
the administrator for referral to a health care provider in the 3356
bureau's health care partnership program. The administrator must 3357
refer all requesting employees into the health care partnership 3358
program. 3359

(5) Does not discriminate against any category of health care 3360
provider; 3361

(6) Provide a procedure for reporting injuries to the bureau 3362
of workers' compensation and to employers by providers within the 3363
qualified plan; 3364

(7) Provide appropriate financial incentives to reduce 3365
service costs and utilization without sacrificing the quality of 3366
service; 3367

(8) Provide adequate methods of peer review, utilization 3368
review, quality assurance, and dispute resolution to prevent and 3369

provide sanctions for inappropriate, excessive, or not medically
necessary treatment; 3370
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(9) Provide a timely and accurate method of reporting to the
administrator necessary information regarding medical and health
care service and supply costs, quality, and utilization to enable
the administrator to determine the effectiveness of the plan; 3372
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(10) Authorize necessary emergency medical treatment for an
injury or occupational disease provided by a health care provider
who is not a part of the qualified health care plan; 3376
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(11) Provide an employee the right to change health care
providers within the qualified health care plan; 3379
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(12) Provide for standardized data and reporting
requirements; 3381
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(13) Authorize necessary medical treatment for employees who
work in Ohio but reside in another state. 3383
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~~(B)~~(B) Health care plans that meet the approved qualified
health plan standards shall be considered qualified plans and are
eligible to become part of the Ohio workers' compensation
qualified health plan system. Any employer or group of employers
may provide medical, surgical, nursing, drug, hospital, and
rehabilitation services and supplies to an employee for an injury
or occupational disease that is compensable under this chapter or
Chapter 4123., 4127., or 4131. of the Revised Code through a
qualified health plan. 3385
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Sec. 4167.09. (A) Any public employer affected by a proposed
rule or Ohio employment risk reduction standard or any provision
~~of a standard~~ of a standard proposed under section 4167.07 or
4167.08 of the Revised Code may apply to the director of commerce
for an order granting a temporary variance from the standard or
provision. The application for the order and any extension ~~of the~~
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~~order of the order~~ shall contain a reasonable application fee, as 3400
determined by the public employment risk reduction advisory 3401
commission, and all of the following information: 3402

(1) A specification of the Ohio public employment risk 3403
reduction standard or ~~provision of it~~ provision of it from which 3404
the public employer seeks the temporary variance; 3405

(2) A representation by the public employer, supported by 3406
representations from qualified persons having firsthand knowledge 3407
of the facts represented, that the public employer is unable to 3408
comply with the Ohio employment risk reduction standard or 3409
~~provision of it~~ provision of it and a detailed statement of the 3410
reasons ~~for the inability to comply;~~ for the inability to comply; 3411

(3) A statement of the steps that the public employer has 3412
taken and will take, with dates specified, to protect employees 3413
against the hazard covered by the standard; 3414

(4) A statement of when the public employer expects to be 3415
able to comply fully with the Ohio employment risk reduction 3416
standard and what steps the public employer has taken and will 3417
take, with dates specified, to come into full compliance with the 3418
standard; 3419

(5) A certification that the public employer has informed the 3420
public employer's public employees of the application by giving a 3421
copy of the application to the public employee representative, if 3422
any, and by posting a statement giving a summary of the 3423
application and specifying where a copy of the application may be 3424
examined at the place or places where notices to public employees 3425
are normally posted, and by any other appropriate means of public 3426
employee notification. The public employer also ~~shall~~ shall inform 3427
the public employer's public employees of their rights to a 3428
hearing under section 4167.15 of the Revised Code. The 3429
certification also shall contain a description of how public 3430

employees have been informed of the application and of their 3431
rights to a hearing. 3432

(B) The director shall issue an order providing for a 3433
temporary variance if the public employer files an application 3434
that meets the requirements of division (A) of this section and 3435
establishes that all of the following pertaining to the public 3436
employer are true: 3437

(1) The public employer is unable to comply with the Ohio 3438
employment risk reduction standard or a provision ~~of it~~ of it by 3439
its effective date because of the unavailability of professional 3440
or technical personnel or of materials and equipment needed to 3441
come into compliance with the Ohio employment risk reduction 3442
standard or provision ~~of it~~ of it or because necessary 3443
construction or alteration of facilities cannot be completed by 3444
the effective date of the standard. 3445

(2) The public employer is taking all available steps to 3446
safeguard the public employer's public employees against the 3447
hazards covered by the Ohio employment risk reduction standard. 3448

(3) The public employer has an effective program for coming 3449
into compliance with the Ohio employment risk reduction standard 3450
as quickly as practicable. 3451

(4) The granting of the variance will not create an imminent 3452
danger of death or serious physical harm to public employees. 3453

(C)(1) If the director issues an order providing for a 3454
temporary variance under division (B) of this section, the 3455
director shall prescribe the practices, means, methods, 3456
operations, and processes that the public employer must adopt and 3457
use while the order is in effect and state in detail the public 3458
employer's program for coming into compliance with the Ohio 3459
employment risk reduction standard. The director may issue the 3460
order only after providing notice to affected public employees and 3461

their public employee representative, if any, and an opportunity
for a hearing pursuant to section 4167.15 of the Revised Code,
provided that the director may issue one interim order granting a
temporary order to be effective until a decision on a hearing is
made. Except as provided in division (C)(2) of this section, no
temporary variance may be in effect for longer than the period
needed by the public employer to achieve compliance with the Ohio
employment risk reduction standard or one year, whichever is
shorter.

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

(D) Any public employer affected by an Ohio employment risk
reduction standard or any provision ~~of it~~ of it proposed, adopted,
or otherwise issued under section 4167.07 ~~or~~ or 4167.08 of the
Revised Code may apply to the director for an order granting a
variance from the standard or ~~provision~~ provision. The director
shall provide affected public employees and their public employee
representative, if any, notice of the application and shall
provide an opportunity for a hearing pursuant to section 4167.15
of the Revised Code. The director shall issue the order granting
the variance if the public employer files an application that
meets the requirements of division (B) of this section, and after
an opportunity for a hearing pursuant to section 4167.15 of the
Revised Code, and if the public employer establishes to the
satisfaction of the director that the conditions, practices,
means, methods, operations, or processes used or proposed to be
used by the public employer will provide employment and places of
employment to the public employer's public employees that are as

safe and healthful as those that would prevail if the public 3494
employer complied with the Ohio employment risk reduction 3495
standard. The director shall prescribe in the order granting the 3496
variance the conditions the public employer must maintain, and the 3497
practices, means, methods, operations, and processes the public 3498
employer must adopt and utilize in lieu of the Ohio employment 3499
risk reduction standard ~~that~~ that would otherwise apply. The 3500
director may modify or revoke the order upon application of the 3501
public employer, public employee, or public employee 3502
representative, or upon the director's own motion in the manner 3503
prescribed for the issuance of an order under this division at any 3504
time during six months after the date of issuance of the order. 3505

Sec. 4167.25. As used in this section and sections ~~4167.27~~ 3506
~~and 4167.27 and~~ 4767.28 of the Revised Code: 3507

(A) "Bloodborne pathogen" means a microorganism present in 3508
human blood that can cause disease in humans, including the human 3509
immunodeficiency virus, hepatitis B virus, hepatitis C virus, and 3510
other pathogenic microorganisms. 3511

(B) "Engineered sharps injury protection" means either of the 3512
following: 3513

(1) A physical attribute built into a needle device used for 3514
withdrawing body fluids, accessing a vein or artery, or 3515
administering medications or other fluids that effectively reduces 3516
the risk of an exposure incident by a mechanism such as barrier 3517
creation, blunting, encapsulation, withdrawal, retraction, 3518
destruction, or any other effective mechanism; 3519

(2) A physical attribute built into a type of needle device 3520
not included in division (B)(1) of this section, or built into a 3521
non-needle sharp, that effectively reduces the risk of an exposure 3522
incident. 3523

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

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

(1) Withdrawing body fluids after initial venous or arterial access is established;

(2) Administering medication or fluids;

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

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

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

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

Sec. 4167.27. (A) The public employment risk reduction 3554
advisory commission shall adopt a rule and Ohio employment risk 3555
reduction standard for the prevention of exposure incidents. The 3556
initial rule and standard shall be adopted not later than one 3557
hundred eighty days after ~~October 5, 2000~~ October 5, 2000. 3558

(B) The commission shall provide advice to public employers 3559
with regard to their implementation of the requirements 3560
established by the rule and standard adopted under this section 3561
and the requirements of section 4167.28 of the Revised Code. 3562

Sec. 4731.143. (A) Each person holding a valid certificate 3563
under this chapter authorizing the certificate holder to practice 3564
medicine and surgery, osteopathic medicine and surgery, or 3565
podiatric medicine and surgery, who is not covered by medical 3566
malpractice insurance shall provide a patient with written notice 3567
of the certificate holder's lack of ~~that~~ that insurance coverage 3568
prior to providing nonemergency professional services to the 3569
patient. The notice shall be provided alone on its own page. The 3570
notice shall provide space for the patient to acknowledge receipt 3571
of the notice, and shall be in the following form: 3572

"N O T I C E: 3573

Dr. (here state the full name of the 3574
certificate holder) is not covered by medical malpractice 3575
insurance. 3576

The undersigned acknowledges the receipt of this notice. 3577
..... 3578
(Patient's Signature) 3579
..... 3580
(Date)" 3581

The certificate holder shall obtain the patient's signature, 3582
acknowledging the patient's receipt of the notice, prior to 3583

providing nonemergency professional services to the patient. The 3584
certificate holder shall maintain the signed notice in the 3585
patient's file. 3586

(B) This section does not apply to any officer or employee of 3587
the state, as those terms are defined in section 9.85 of the 3588
Revised Code, who is immune from civil liability under section 3589
9.86 of the Revised Code or is entitled to indemnification 3590
pursuant to section 9.87 of the Revised Code, to the extent that 3591
the person is acting within the scope of the person's employment 3592
or official responsibilities. 3593

This section does not apply to a person who complies with 3594
division (B)(2) of section 2305.234 of the Revised Code. 3595

~~(C) As used in this section, "medical malpractice insurance"~~ 3596
~~means insurance coverage against the legal liability of the~~ 3597
~~insured and against loss, damage, or expense incident to a claim~~ 3598
~~arising out of the death, disease, or injury of any person as the~~ 3599
~~result of negligence or malpractice in rendering professional~~ 3600
~~service by any licensed physician, podiatrist, or hospital, as~~ 3601
~~those terms are defined in section 2305.113 of the Revised Code.~~ 3602

(C) As used in this section, "medical malpractice insurance" means 3603
insurance coverage against the legal liability of the insured and 3604
against loss, damage, or expense incident to a claim arising out 3605
of the death, disease, or injury of any person as the result of 3606
negligence or malpractice in rendering professional service by any 3607
licensed physician, podiatrist, or hospital, as those terms are 3608
defined in section 2305.113 of the Revised Code. 3609

Sec. 4741.03. (A) The state veterinary medical licensing 3610
board shall meet at least once in each calendar year and may hold 3611
additional meetings as often as it considers necessary to conduct 3612
the business of the board. The president of the board may call 3613
special meetings_{7,1} and the executive secretary shall call special 3614

meetings upon the written request of three members of the board. 3615
The board shall organize by electing a president and 3616
vice-president from its veterinarian members and such other 3617
officers as the board prescribes by rule. Each officer shall serve 3618
for a term specified by board rule or until a successor is elected 3619
and qualified. A quorum of the board consists of four members of 3620
which at least three are members who are veterinarians. The 3621
concurrence of four members is necessary for the board to take any 3622
action. 3623

(B) The board may appoint a person, not one of its members, 3624
to serve as its executive secretary. The executive secretary is in 3625
the unclassified service and serves at the pleasure of the board. 3626
The executive secretary shall serve as the board's 3627
secretary-treasurer ex officio. The board may employ additional 3628
employees for professional, technical, clerical, and special work 3629
as it considers necessary. The executive secretary shall give a 3630
surety bond to the state in the sum the board requires, 3631
conditioned upon the faithful performance of the executive 3632
secretary's duties. The board shall pay the cost of the bond. The 3633
executive secretary shall keep a complete accounting of all funds 3634
received and of all vouchers presented by the board to the 3635
director of budget and management for the disbursement of funds. 3636
The president or executive secretary shall approve all vouchers of 3637
the board. All money received by the board shall be credited to 3638
the occupational licensing and regulatory fund. 3639

(C) In addition to any other duty required under this 3640
chapter, the board shall do all of the following: 3641

(1) Prescribe a seal; 3642

(2) Hold at least one examination during each calendar year 3643
for applicants for a license. The board shall provide public 3644
notice of the time and place for the examination. The examination 3645
for applicants for a license to practice veterinary medicine shall 3646

be either written or oral, or both, as determined by the board, 3647
and may include a practical demonstration. The examination may 3648
include all subjects relevant to veterinary medicine the board 3649
determines appropriate, including public health and jurisprudence. 3650

(3) Keep a record of all of its meetings and proceedings; 3651

(4) Maintain a register that records all applicants for a 3652
certificate of license or a temporary permit, all persons who have 3653
been denied a license or permit, all persons who have been granted 3654
or reissued a license or permit, and all persons whose license or 3655
permit has been revoked or suspended. The register shall also 3656
include a record of persons licensed prior to October 17, 1975. 3657

(5) Maintain a register, in such form as the board determines 3658
by rule, of all colleges and universities that teach veterinary 3659
medicine and that are approved by the board; 3660

(6) Enforce this chapter, and for that purpose, make 3661
investigations relative as provided in section 4741.26 of the 3662
Revised Code; 3663

(7) Issue licenses and permits to persons who meet the 3664
qualifications set forth in this chapter; 3665

(8) Approve colleges and universities which meet the board's 3666
requirements for veterinary medicine and associated fields of 3667
study and withdraw or deny, after an adjudication conducted in 3668
accordance with Chapter 119. of the Revised Code, approval from 3669
colleges and universities which fail to meet those requirements; 3670

(9) Adopt rules, in accordance with Chapter 119. of the 3671
Revised Code, which are necessary for its government and for the 3672
administration and enforcement of this chapter. 3673

(D) The board may do all of the following: 3674

(1) Subpoena witnesses and require their attendance and 3675
testimony, ~~and~~ and require the production by witnesses of books, 3676

papers, public records, animal patient records, and other 3677
documentary evidence and examine them^{7,1} in relation to any matter 3678
~~that~~ that the board has authority to investigate, inquire into, or 3679
hear. Except for any officer or employee of the state or any 3680
political subdivision of the state, the treasurer of state shall 3681
pay all witnesses in any proceeding before the board, upon 3682
certification from the board, witness fees in the same amount as 3683
provided in section 2335.06 of the Revised Code. 3684

(2) Examine and inspect books, papers, public records, animal 3685
patient records, and other documentary evidence at the location 3686
where the books, papers, records, and other evidence are normally 3687
stored or maintained. 3688

(E) All registers, books, and records kept by the board are 3689
the property of the board and are open for public examination and 3690
inspection at all reasonable times. The registers, books, and 3691
records are prima-facie evidence of the matters contained ~~in them~~ 3692
in them. 3693

Sec. 4755.481. (A) If a physical therapist evaluates and 3694
treats a patient without the prescription of, or the referral of 3695
the patient by, a person who is licensed to practice medicine and 3696
surgery, chiropractic, dentistry, osteopathic medicine and 3697
surgery, podiatric medicine and surgery, or nursing as a certified 3698
registered nurse anesthetist, clinical nurse specialist, certified 3699
nurse-midwife, or certified nurse practitioner, all of the 3700
following apply: 3701

(1) The physical therapist shall, upon consent of the 3702
patient, inform the patient's physician, chiropractor, dentist, 3703
podiatrist, certified registered nurse anesthetist, clinical nurse 3704
specialist, certified nurse-midwife, or certified nurse 3705
practitioner of the evaluation not later than five business days 3706
after the evaluation is made. 3707

(2) If the physical therapist determines, based on reasonable evidence, that no substantial progress has been made with respect to that patient during the thirty-day period immediately following the date of the patient's initial visit with the physical therapist, the physical therapist shall consult with or refer the patient to a licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, unless either of the following applies:

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

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

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

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

(b) Finger splints;

(c) Wrist splints;

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

(e) Nontherapeutic accommodative inlays;

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

(g) Prefabricated foot care products;	3738
(h) Custom foot orthotics;	3739
(i) Durable medical equipment.	3740
(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.	3741 3742 3743 3744 3745 3746
(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance program as defined in section 5111.01 of the Revised Code, or the health partnership program or qualified health plans established pursuant to sections 4121.44 to 4121.442 <u>4121.442</u> of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.	3747 3748 3749 3750 3751 3752 3753 3754 3755 3756 3757 3758
(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday. "Legal holiday" has the same meaning as in section 1.14 of the Revised Code.	3759 3760 3761 3762
Sec. 4981.03. (A) The Ohio rail development commission shall do all of the following:	3763 3764
(1) Develop, promote, and support safe, adequate, and efficient rail service throughout the state;	3765 3766
(2) Maintain adequate programs of investigation, research,	3767

promotion, planning, and development for rail service, which 3768
programs shall include the consideration of recommendations by 3769
public or private planning organizations; 3770

(3) Provide for the participation of private corporations or 3771
organizations and the public in the development, construction, 3772
operation, and maintenance of rail service, and as franchisees of 3773
~~rail service~~ of rail service. 3774

(B) In regard to rail service, the Ohio rail development 3775
commission is the successor of the Ohio high speed rail authority 3776
and the division of rail transportation of the department of 3777
transportation. The commission shall succeed to all federal 3778
allotments, entitlements, subsidies, and grants now existing, 3779
whether such allotments, entitlements, subsidies, and grants are 3780
encumbered or unencumbered, in the same manner and with the same 3781
authority as the Ohio high speed rail authority and the division 3782
of rail transportation exercised prior to ~~October 20, 1994~~ October 3783
20, 1994. 3784

(C) Every authority, commission, department, or other agency 3785
of this state shall provide the commission with data, plans, 3786
research, and any other information that the commission requests 3787
to assist it in performing its duties pursuant to this chapter. 3788

(D) The commission may request and contract with any railroad 3789
to provide it with data and information necessary to carry out the 3790
purposes of this chapter. All railroads operating within this 3791
state shall provide the requested data and information to the 3792
commission. The commission shall not disclose any confidential 3793
data or information supplied to it. 3794

(E) The commission shall cooperate with the director of 3795
development by exercising the commission's duty to promote and 3796
develop rail service in this state in conjunction with the 3797
director's exercise of his duty to promote the economic 3798

development of this state. 3799

(F) The commission, when developing rail service throughout 3800
the state, may give priority to projects undertaken within the 3801
geographic boundaries of qualifying subdivisions. 3802

Sec. 5123.35. (A) There is hereby created the ~~Ohio~~ 3803
~~developmental disabilities~~ Ohio developmental disabilities 3804
council, which shall serve as an advocate for all persons with 3805
developmental disabilities. The council shall act in accordance 3806
with the "Developmental Disabilities Assistance and Bill of Rights 3807
Act," 98 Stat. 2662 (1984), 42 U.S.C. 6001, as amended. The 3808
governor shall appoint the members of the council in accordance 3809
with 42 U.S.C. 6024. 3810

(B) The ~~Ohio developmental disabilities~~ Ohio developmental 3811
disabilities council shall develop the state plan required by 3812
federal law as a condition of receiving federal assistance under 3813
42 U.S.C. 6021 to 6030. The department of mental retardation and 3814
developmental disabilities, as the state agency selected by the 3815
governor for purposes of receiving the federal assistance, shall 3816
receive, account for, and disburse funds based on the state plan 3817
and shall provide assurances and other administrative support 3818
services required as a condition of receiving the federal 3819
assistance. 3820

(C) The federal funds may be disbursed through grants to or 3821
contracts with persons and government agencies for the provision 3822
of necessary or useful goods and services for developmentally 3823
disabled persons. The ~~Ohio developmental disabilities~~ Ohio 3824
developmental disabilities council may award the grants or enter 3825
into the contracts. 3826

(D) The ~~Ohio developmental disabilities~~ Ohio developmental 3827
disabilities council may award grants to or enter into contracts 3828

with a member of the council or an entity that the member 3829
represents if all of the following apply: 3830

(1) The member serves on the council as a representative of 3831
one of the principal state agencies concerned with services for 3832
persons with developmental disabilities as specified in 42 U.S.C. 3833
6024(b)(3), a representative of a university affiliated program as 3834
defined in 42 U.S.C. 6001(18), or a representative of the legal 3835
rights service created under section 5123.60 of the Revised Code. 3836

(2) The council determines that the member or the entity ~~the~~ 3837
~~member~~ the member represents is capable of providing the goods or 3838
services specified under the terms of the grant or contract. 3839

(3) The member has not taken part in any discussion or vote 3840
of the council related to awarding the grant or entering into the 3841
contract, including service as a member of a review panel 3842
established by the council to award grants or enter into contracts 3843
or to make recommendations with regard to awarding grants or 3844
entering into contracts. 3845

(E) A member of the ~~Ohio developmental disabilities~~ Ohio 3846
developmental disabilities council is not in violation of Chapter 3847
102. or section 2921.42 of the Revised Code with regard to 3848
receiving a grant or entering into a contract under this section 3849
if the requirements of division (D) of this section have been met. 3850

Sec. 5123.352. There is hereby created in the state treasury 3851
the community mental retardation and developmental disabilities 3852
trust fund. The director of mental retardation and developmental 3853
disabilities, not later than sixty days after the end of each 3854
fiscal year, shall certify to the director of budget and 3855
management the amount of all the unexpended, unencumbered balances 3856
of general revenue fund appropriations made to the department of 3857
mental retardation and developmental disabilities for the fiscal 3858
year, excluding appropriations for rental payments to the Ohio 3859

public facilities commission, and the amount of any other funds 3860
held by the department in excess of amounts necessary to meet the 3861
department's operating costs and obligations pursuant to this 3862
chapter and Chapter 5126. of the Revised Code. On receipt of the 3863
certification, the director of budget and management shall 3864
transfer cash to the trust fund in an amount up to, but not 3865
exceeding, the total of the amounts certified by the director of 3866
mental retardation and developmental disabilities, except in cases 3867
in which the transfer will involve more than twenty million 3868
dollars. In such cases, the director of budget and management 3869
shall notify the controlling board and must receive the board's 3870
approval of the transfer prior to making the transfer. 3871

~~All~~ All moneys in the trust fund shall be distributed in 3872
accordance with section 5126.19 of the Revised Code. 3873

Sec. 3358.10. Sections 3354.10, 3354.121, 3354.15, ~~and~~ and 3874
3354.16 of the Revised Code apply to state community college 3875
districts and their boards of trustees. 3876

Section 2. That existing sections 101.23, 101.82, 101.83, 3877
101.84, 101.85, 101.86, 122.011, 122.40, 123.151, 149.56, 307.674, 3878
340.02, 1501.04, 1502.04, 1502.05, 1502.11, 1502.12, 1506.30, 3879
1506.34, 1506.35, 1517.02, 1517.23, 1518.01, 1518.03, 1551.35, 3880
2323.44, 3358.10, 3375.61, 3375.62, 3383.01, 3383.02, 3383.03, 3881
3383.04, 3383.05, 3383.06, 3383.07, 3383.08, 3383.09, 3746.09, 3882
3746.35, 3747.02, 3748.01, 3748.02, 3748.04, 3748.05, 3748.16, 3883
3929.482, 3929.85, 3931.01, 3955.05, 3960.06, 4117.01, 4121.442, 3884
4167.09, 4167.25, 4167.27, 4731.143, 4741.03, 4755.481, 4981.03, 3885
5123.35, and 5123.352 of the Revised Code are hereby repealed. 3886

Section 3. That Section 4 of Am. Sub. H.B. 516 of the 125th 3887
General Assembly be amended to read as follows: 3888

Sec. 4. The following agencies shall be retained pursuant to		3889
division (D) of section 101.83 of the Revised Code and shall		3890
expire on December 31, 2010:		3891
	REVISED CODE	3892
	OR	
	UNCODIFIED	3893
	SECTION	3894
AGENCY NAME		
Administrator, Interstate Compact on Mental Health	5119.50	3895
Administrator, Interstate Compact on	5103.20	3896
Placement of Children		3897
Advisory Board of Governor's Office of Faith-Based	107.12	3898
and Community Initiatives		
Advisory Boards to the EPA for Air Pollution	121.13	3899
Advisory Boards to the EPA for Water Pollution	121.13	3900
Advisory Committee of the State Veterinary Medical	4741.03(D)(3)	3901
Licensing Board		
Advisory Committee on Livestock Exhibitions	901.71	3902
Advisory Council on Amusement Ride Safety	1711.51	3903
Advisory Board of Directors for Prison Labor	5145.162	3904
Advisory Council for Each Wild, Scenic, or	1517.18	3905
Recreational River Area		
Advisory Councils or Boards for State Departments	107.18 or	3906
	121.13	
Advisory Group to the Ohio Water Resources Council	1521.19(C)	3907
Alzheimer's Disease Task Force	173.04(F)	3908
AMBER Alert Advisory Committee	5502.521	3909
Apprenticeship Council	4139.02	3910
Armory Board of Control	5911.09	3911
Automated Title Processing Board	4505.09(C)(1)	3912
Banking Commission	1123.01	3913
Board of Directors of the Ohio Health Reinsurance	3924.08	3914
Program		

Board of Voting Machine Examiners	3506.05(B)	3915
Board of Tax Appeals	5703.02	3916
Brain Injury Advisory Committee	3304.231	3917
Capitol Square Review and Advisory Board	105.41	3918
Child Support Guideline Advisory Council	3119.024	3919
Children's Trust Fund Board	3109.15	3920
Citizens Advisory Committee (BMV)	4501.025	3921
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	3922
Clean Ohio Trail Advisory Board	1519.06	3923
Coastal Resources Advisory Council	1506.12	3924
Commission on African-American Males	4112.12	3925
Commission on Hispanic-Latino Affairs	121.31	3926
Commission on Minority Health	3701.78	3927
Committee on Prescriptive Governance	4723.49	3928
Commodity Advisory Commission	926.32	3929
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	3930
Community Oversight Council	3311.77	3931
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	3932
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	3933
Continuing Education Committee (for Sheriffs)	109.80	3934
Controlling Board	127.12	3935
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	3936
Council on Alcohol and Drug Addiction Services	3793.09	3937
Council on Unreclaimed Strip Mined Lands	1513.29	3938
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	3939

County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	3940
Credit Union Council	1733.329	3941
Criminal Sentencing Advisory Committee	181.22	3942
Day-Care Advisory Council	5104.08	3943
Dentist Loan Repayment Advisory Board	3702.92	3944
Development Financing Advisory Council	122.40	3945
Education Commission of the States (Interstate Compact for Education)	3301.48	3946
Electrical Safety Inspector Advisory Committee	3783.08	3947
Emergency Response Commission	3750.02	3948
Engineering Experiment Station Advisory Committee	3335.27	3949
Environmental Education Council	3745.21	3950
Environmental Review Appeals Commission	3745.02	3951
EPA Advisory Boards or Councils	121.13	3952
Farmland Preservation Advisory Board	901.23	3953
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	3954
Financial Planning & Supervision Commission for School District	3316.05	3955
Forestry Advisory Council	1503.40	3956
Governance Authority for a State University or College	3345.75	3957
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	3958
Governor's Council on People with Disabilities	3303.41	3959
Governor's Residence Advisory Commission	107.40	3960
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	3961
Gubernatorial Transition Committee	107.29	3962
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	3963
Hemophilia Advisory Subcommittee	3701.0210	3964

Housing Trust Fund Advisory Committee	175.25	3965
Industrial Commission Nominating Council	4121.04	3966
Industrial Technology and Enterprise Advisory Council	122.29	3967
Infant Hearing Screening Subcommittee	3701.507	3968
Insurance Agent Education Advisory Council	3905.483	3969
Interagency Council on Hispanic/Latino Affairs	121.32(J)	3970
Interstate Mining Commission (Interstate Mining Compact)	1514.30	3971
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	3972
Joint Council on MR/DD	101.37	3973
Joint Select Committee on Volume Cap	133.021	3974
Labor-Management Government Advisory Council	4121.70	3975
Legal Rights Service Commission	5123.60	3976
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	3977
Maternal and Child Health Council	3701.025	3978
Medically Handicapped Children's Medical Advisory Council	3701.025	3979
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	3980
Military Activation Task Force	5902.15	3981
Milk Sanitation Board	917.03	3982
Mine Subsidence Insurance Governing Board	3929.51	3983
Minority Development Financing Board	122.72	3984
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	3985
Multidisciplinary Council	3746.03	3986
Muskingum River Advisory Council	1501.25	3987
National Museum of Afro-American History and Culture Planning Committee	149.303	3988

Nursing Facility Reimbursement Study Council	5111.34	3989
Ohio Advisory Council for the Aging	173.03	3990
Ohio Aerospace & Defense Advisory Council	122.98	3991
Ohio Arts Council	3379.02	3992
Ohio Business Gateway Steering Committee	5703.57	3993
Ohio Cemetery Dispute Resolution Commission	4767.05	3994
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	3995
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	3996
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	3997
Ohio Commission on Dispute Resolution and Conflict Management	179.02	3998
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	3999
Ohio Community Service Council	121.40	4000
Ohio Council for Interstate Adult Offender Supervision	5149.22	4001
Ohio Cultural Facilities Commission	3383.02	4002
Ohio Developmental Disabilities Council	5123.35	4003
Ohio Educational Telecommunications Network Commission	3353.02	4004
Ohio Ethics Commission	102.05	4005
Ohio Expositions Commission	991.02	4006
Ohio Family and Children First Cabinet Council	121.37	4007
Ohio Geology Advisory Council	1505.11	4008
Ohio Grape Industries Committee	924.51	4009
Ohio Hepatitis C Advisory Commission	3701.92	4010
Ohio Historic Site Preservation Advisory Board	149.301	4011
Ohio Historical Society Board of Trustees	149.30	4012
Ohio Judicial Conference	105.91	4013

Ohio Lake Erie Commission	1506.21	4014
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	4015
Ohio Medical Quality Foundation	3701.89	4016
Ohio Parks and Recreation Council	1541.40	4017
Ohio Peace Officer Training Commission	109.71	4018
Ohio Public Defender Commission	120.01	4019
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	4020
Ohio Public Works Commission	164.02	4021
Ohio Quarter Horse Development Commission	3769.086	4022
Ohio SchoolNet Commission	3301.80	4023
Ohio Small Government Capital Improvements Commission	164.02	4024
Ohio Soil and Water Conservation Commission	1515.02	4025
Ohio Standardbred Development Commission	3769.085	4026
Ohio Steel Industry Advisory Council	122.97	4027
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	4028
Ohio Thoroughbred Racing Advisory Committee	3769.084	4029
Ohio Tuition Trust Authority	3334.03	4030
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	4031
Ohio Vendors Representative Committee	3304.34	4032
Ohio War Orphans Scholarship Board	5910.02	4033
Ohio Water Advisory Council	1521.031	4034

Ohio Water Resources Council	1521.19	4035
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	4036
Oil and Gas Commission	1509.35	4037
Operating Committee, Agricultural Commodity Marketing Programs	924.07	4038
Organized Crime Investigations Commission	177.01	4039
Parole Board	5149.10	4040
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81	4041
Physician Loan Repayment Advisory Board	3702.81	4042
Power Siting Board	4906.02	4043
Prequalification Review Board	5525.07	4044
Private Water Systems Advisory Council	3701.346	4045
Public Employment Risk Reduction Advisory Commission	4167.02	4046
Public Health Council	3701.33	4047
Public Utilities Commission Nominating Council	4901.021	4048
Public Utility Property Tax Study Committee	5727.85	4049
Radiation Advisory Council	3748.20	4050
Reclamation Commission	1513.05	4051
Recreation and Resources Commission	1501.04	4052
Recycling and Litter Prevention Advisory Council	1502.04	4053
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	4054
Release Authority of Department of Youth Services	5139.50	4055
Savings & Loans Associations & Savings Banks Board	1181.16	4056
Schools and Ministerial Lands Divestiture Committee	501.041	4057
Second Chance Trust Fund Advisory Committee	2108.17	4058
Self-Insuring Employers Evaluation Board	4123.352	4059
Services Committee of the Workers' Compensation System	4121.06	4060

Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	4061
Solid Waste Management Advisory Council	3734.51	4062
State Agency Coordinating Group	1521.19	4063
State Board of Deposit	135.02	4064
State Board of Emergency Medical Services	4765.04	4065
Subcommittees		
State Council of Uniform State Laws	105.21	4066
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	4067
State Criminal Sentencing Commission	181.21	4068
State Employment Relations Board	4117.02	4069
State Fire Commission	3737.81	4070
State Racing Commission	3769.02	4071
State Victims Assistance Advisory Committee	109.91	4072
Student Tuition Recovery Authority	3332.081	4073
Tax Credit Authority	122.17	4074
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	4075
Technical Advisory Council on Oil and Gas	1509.38	4076
Transportation Review Advisory Council	5512.07	4077
Unemployment Compensation Review Commission	4141.06	4078
Unemployment Compensation Advisory Council	4141.08	4079
Utility Radiological Safety Board	4937.02	4080
Vehicle Management Commission	125.833	4081
Veterans Advisory Committee	5902.02(K)	4082
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	4083
Water and Sewer Commission	1525.11(C)	4084
Waterways Safety Council	1547.73	4085
Wildlife Council	1531.03	4086
Workers' Compensation System Oversight Commission	4121.12	4087

Workers' Compensation Oversight Commission 4121.123 4088
Nominating Committee

Section 4. That existing Section 4 of Am. Sub. H.B. 516 of 4089
the 125th General Assembly is hereby repealed. 4090

Section 5. That Section 8 of Am. Sub. S.B. 80 of the 125th 4091
General Assembly is hereby repealed. 4092

Section 6. It is the intent of the General Assembly in 4093
amending sections 101.23, 101.83, 101.84, 101.85, 101.86, 122.011, 4094
122.40, 123.151, 149.56, 307.674, 340.02, 1501.04, 1502.04, 4095
1502.05, 1502.11, 1502.12, 1506.30, 1506.34, 1506.35, 1517.02, 4096
1517.23, 1518.01, 1518.03, 1551.35, 3358.10, 3375.61, 3375.62, 4097
3383.01, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07, 4098
3383.08, 3383.09, 3746.09, 3746.35, 3747.02, 3748.01, 3748.02, 4099
3748.04, 3748.05, 3748.16, 3929.482, 3929.85, 3931.01, 3955.05, 4100
3960.06, 4117.01, 4121.442, 4167.09, 4167.25, 4167.27, 4731.143, 4101
4741.03, 4755.481, 4981.03, 5123.35, and 5123.352 of the Revised 4102
Code in this act to confirm the amendments to those sections and 4103
the resulting versions of those sections that took effect on 4104
December 30, 2004, in accordance with Section 10 of Am. Sub. H.B. 4105
516 of the 125th General Assembly. It also is the intent of the 4106
General Assembly, in part, in amending Section 4 of Am. Sub. H.B. 4107
516 of the 125th General Assembly in this act to confirm the text 4108
of that uncodified section of law as it took effect on December 4109
30, 2004, in accordance with Section 10 of Am. Sub. H.B. 516 of 4110
the 125th General Assembly. This act does not affect, and shall 4111
not be construed as affecting, the other amendments, enactments, 4112
or repeals of codified or uncodified law made by Am. Sub. H.B. 516 4113
of the 125th General Assembly which took effect on December 30, 4114
2004, in accordance with Section 10 of that legislation, all of 4115
which it is the intent of the General Assembly to confirm in this 4116
act, including, but not limited to, the following amendments, 4117

enactments, or repeals pertaining to the implementation of the 4118
report of the Sunset Review Committee and related purposes set 4119
forth in Am. Sub. H.B. 516's title: the amendments to sections 4120
122.133, 164.07, 1517.05, 2505.02, 3746.04, 3929.682, and 4582.12 4121
of the Revised Code, the repeals of sections 122.09, 125.24, 4122
149.32, 149.321, 149.322, 1502.10, 1506.37, 1517.03, 1517.04, 4123
3354.161, 3355.121, 3357.161, 3375.47, 3746.08, 3747.04, 3747.05, 4124
3747.06, 3747.061, 3747.07, 3747.08, 3747.09, 3747.10, 3747.11, 4125
3747.12, 3747.13, 3747.14, 3747.15, 3747.16, 3747.17, 3747.18, 4126
3747.19, 3747.20, 3747.21, 3747.22, 3748.09, 3929.71, 3929.72, 4127
3929.721, 3929.73, 3929.75, 3929.76, 3929.77, 3929.78, 3929.79, 4128
3929.80, 3929.81, 3929.82, 3929.83, 3929.84, 4121.443, 4167.26, 4129
5101.93, 5119.81, 5119.82, and 5123.353 of the Revised Code, the 4130
enactments of uncodified law in its Sections 3, 6, 9, 10, 11, and 4131
12, and the repeals of Section 6 of Am. Sub. S.B. 163 of the 124th 4132
General Assembly, Section 6 of Sub. S.B. 27 of the 124th General 4133
Assembly, Section 10 of Sub. H.B. 548 of the 123rd General 4134
Assembly, Section 3 of Am. H.B. 280 of the 121st General Assembly, 4135
Section 27 of Sub. H.B. 670 of the 121st General Assembly, Section 4136
3 of Am. S.B. 208 of the 120th General Assembly, and Section 3 of 4137
Sub. H.B. 508 of the 119th General Assembly. The General Assembly, 4138
thus, further declares this section and the related provisions of 4139
Sections 1 and 3 of this act to be remedial legislation solely 4140
intended to confirm the operation on and after December 30, 2004, 4141
of the amendments, enactments, and repeals of codified and 4142
uncodified law made by Am. Sub. H.B. 516 of the 125th General 4143
Assembly. 4144