

**As Reported by the House Civil and Commercial Law Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. S. B. No. 124**

**Senators Spada, Harris**

**Representatives Seitz, Willamowski**

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**A B I L L**

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

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

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

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

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

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

elected. "Agency" does not include the following:	51
(1) The general assembly, or any commission, committee, or other body composed entirely of members of the general assembly;	52 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
<b>Sec. 101.83.</b> (A) An agency in existence on January 1, <del>2005</del> <u>2005</u> , shall expire on December 31, <del>2010</del> <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	103 104 105 106

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

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

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

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

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

not cause the termination or dismissal of any claim pending 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 142  
claim. 143

(D) An agency may be renewed by passage of a bill that 144  
continues the statutes creating and empowering the agency, that 145  
amends or repeals those statutes, or that enacts new statutes, to 146  
improve agency usefulness, performance, or effectiveness. 147

**Sec. 101.84.** (A) There is hereby created the sunset review 148  
committee, to be composed of nine members ~~and function in calendar~~ 149  
~~years 2009 and 2010~~ and function in calendar years 2009 and 2010. 150  
The president of the senate shall appoint three members of the 151  
senate to the committee, not more than two of whom shall be 152  
members of the same political party. The speaker of the house of 153  
representatives shall appoint three members of the house of 154  
representatives to the committee, not more than two of whom shall 155  
be members of the same political party. The governor, with the 156  
advice and consent of the senate, shall appoint three members to 157  
the committee, not more than two of whom shall be members of the 158  
same political party. Members shall be appointed within fifteen 159  
days after the commencement of the first regular session of ~~the~~ 160  
~~128th~~ the 128th general assembly. 161

(B) Each member of the committee who is appointed by the 162  
president of the senate or the speaker of the house of 163  
representatives shall serve ~~during~~ during that committee member's 164  
~~term of office~~ term of office or until that committee member no 165  
longer is a member of the senate or the house of representatives, 166  
whichever is applicable. Each member of the committee who is 167  
appointed by the governor shall serve a two-year term that ends on 168

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

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

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

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

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

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

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

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

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

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

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

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



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

(9) Whether the programs or services of the agency duplicate or overlap those of other agencies;	260 261
(10) Whether the purpose for which the agency was created has been fulfilled, has changed, or no longer exists;	262 263
(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
<b>Sec. 122.011.</b> (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,	288
development, expansion, and use of the resources and commerce of	289
the state, as provided in section 122.04 of the Revised Code;	290
(3) Assist and cooperate with federal, state, and local	291
governments and agencies of federal, state, and local governments	292
in the coordination of programs to carry out the functions and	293
duties of the department;	294
(4) Encourage and foster research and development activities,	295
conduct studies related to the solution of community problems, and	296
develop recommendations for administrative or legislative actions,	297
as provided in section 122.03 of the Revised Code;	298
(5) Serve as the economic and community development planning	299
agency, which shall prepare and recommend plans and programs for	300
the orderly growth and development of this state and which shall	301
provide planning assistance, as provided in section 122.06 of the	302
Revised Code;	303
(6) Cooperate with and provide technical assistance to state	304
departments, political subdivisions, regional and local planning	305
commissions, tourist associations, councils of government,	306
community development groups, community action agencies, and other	307
appropriate organizations for carrying out the functions and	308
duties of the department or for the solution of community	309
problems;	310
(7) Coordinate the activities of state agencies that have an	311
impact on carrying out the functions and duties of the department;	312
(8) Encourage and assist the efforts of and cooperate with	313
local governments to develop mutual and cooperative solutions to	314
their common problems that relate to carrying out the purposes of	315
this section;	316
(9) Study existing structure, operations, and financing of	317

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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

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

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

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



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

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

For each alcohol, drug addiction, and mental health service 735  
district<sub>TL</sub> 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<sub>TL</sub> 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<sup>771</sup> and at least one shall be a parent or 773  
other relative of such a person. 774

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

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

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

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

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

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

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

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

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

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

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

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

shall hold office for the remainder of the term for which the 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  
this state.

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

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

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The remaining eleven members shall be appointed by the

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governor with the advice and consent of the senate and shall be 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  
proceedings.

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

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

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

The council shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(I)~~(I) Establish an appropriate system for marking nature preserves; 1332  
1333

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

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

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

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

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

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

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

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

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



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

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

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

(2) As used in this division: 1495

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

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

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

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

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

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

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

made. 1520

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

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

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

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

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

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

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

**Sec. 3383.01.** As used in this chapter: 1573

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

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

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

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

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

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

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

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

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

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

(1) Those amounts either:	1610
(a) Have been committed to a fund dedicated to that purpose;	1611
(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.	1612 1613
(2) The commission and the <del>cultural</del> <u>cultural</u> organization have executed an agreement with respect to either of those funds.	1614 1615
(F) "General building services" means general building services for an Ohio <del>cultural</del> <u>cultural</u> facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.	1616 1617 1618 1619 1620 1621
(G) "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.	1622 1623 1624 1625 1626 1627 1628 1629 1630 1631
(H) "Local contributions" means the value of an asset provided by or on behalf of a <del>cultural</del> <u>a cultural</u> organization from sources other than the state, the value and nature of which shall be approved by the Ohio <del>cultural</del> <u>cultural</u> facilities commission, in its sole discretion. "Local contributions" may include the value of the site where a <del>cultural</del> <u>a cultural</u> 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 <del>cultural</del> <u>a cultural</u> project or the <del>creation</del>	1632 1633 1634 1635 1636 1637 1638 1639 1640

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

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

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

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

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

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

following:	1672
(1) The theaters located in the state office tower at 77 South High street in Columbus;	1673 1674
(2) Any capital facility in this state to which both of the following apply:	1675 1676
(a) The construction of a <del>cultural</del> <u>a cultural</u> project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code and proceeds of state bonds are used for costs of the <del>cultural</del> <u>cultural</u> project.	1677 1678 1679 1680 1681
(b) The facility is managed directly by, or is subject to a cooperative or management contract with, the Ohio <del>cultural</del> <u>cultural</u> facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of <del>culture</del> <u>culture</u> to the public and the provision of training or education in <del>culture</del> <u>culture</u> .	1682 1683 1684 1685 1686 1687
(3) A state historical facility or a local historical facility.	1688 1689
(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.	1690 1691 1692
(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	1693 1694 1695 1696
(N) "State historical facility" means a site or 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 or is located on real property owned by	1697 1698 1699 1700 1701



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

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

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

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

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

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

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

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

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

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

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

state, and shall be held in compliance with section 121.22 of the Revised Code. 1797  
1798

(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. 1799  
1800  
1801  
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(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. 1804  
1805  
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(I) There is hereby established in the state treasury the Ohio ~~cultural~~ cultural facilities commission administration fund. All revenues of the commission shall be credited to that fund and to any accounts created in the fund with the commission's approval. All expenses of the commission, including reimbursement of, or payment to, any other fund or any governmental agency for advances made or services rendered to or on behalf of the commission, shall be paid from the Ohio ~~cultural~~ cultural facilities commission administration fund as determined by or pursuant to directions of the commission. All investment earnings of the administration fund shall be credited to the fund and shall be allocated among any accounts created in the fund in the manner determined by the commission. 1809  
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(J) Title to all real property and lesser interests in real property acquired by the commission, including leasehold and other interests, pursuant to this chapter shall be taken in the name of the state and shall be held for the use and benefit of the commission. The commission shall not mortgage such real property and interests in real property. Title to other property and 1822  
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interests in it acquired by the commission pursuant to this 1828  
chapter shall be taken in its name. 1829

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

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

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

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

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

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

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

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

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

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

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

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

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

Ohio sports facility;	1888
(F) Fix, alter, and collect rentals and other charges for the	1889
use or availability for use of Ohio <del>cultural</del> <u>cultural</u> facilities	1890
or an Ohio sports facility, as determined solely by the	1891
commission, for the purpose of providing for all or a portion of	1892
the costs and expenses of the commission, and the costs to be paid	1893
by the commission of leasing, constructing, equipping, repairing,	1894
maintaining, administering, managing, and cooperating in the use	1895
of Ohio <del>cultural</del> <u>cultural</u> facilities, including rentals to be paid	1896
by the commission for any Ohio <del>cultural</del> <u>cultural</u> facilities or for	1897
any Ohio sports facility;	1898
(G) Lease, sublease, cooperate in the use of, or otherwise	1899
make available to a <del>cultural</del> <u>cultural</u> organization, Ohio <del>cultural</del>	1900
<u>cultural</u> facilities, and to any governmental agency or nonprofit	1901
corporation, Ohio sports facilities, including real and personal	1902
property, or any interests in it, to carry out the purposes of	1903
this chapter;	1904
(H) Contract with, retain the services of, or designate, and	1905
fix the compensation of, agents, accountants, attorneys,	1906
consultants, advisers, and other independent contractors necessary	1907
or desirable to carry out the purposes of this chapter;	1908
(I) Procure insurance against loss to the commission by	1909
reason of damages to or nonusability of its property resulting	1910
from fire, theft, accident, or other casualties, or by reason of	1911
its liability for any damages to persons or property, including <sup>74</sup>	1912
but not limited to, general liability insurance, business	1913
interruption insurance, liability insurance for members, officers,	1914
and employees, and copyright liability insurance;	1915
(J) Receive and accept gifts, grants, devises, bequests,	1916
loans, and any other financial or other form of aid or assistance	1917
from any governmental agency or other person and enter into any	1918

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

from which they were received.

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

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

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

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(1) Either or both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The reason for the revocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



the compact;	2445
(2) Relief of a party state to the compact of its responsibility to serve as a host state under Article VI(E) of the compact;	2446 2447 2448
(3) A requirement pursuant to Article VI(F) of the compact that this state use alternate technology to that proposed by this state for a compact facility in this state;	2449 2450 2451
(4) Authorization of the early closing of a compact facility under Article III(H)(7) of the compact;	2452 2453
<del>(5)</del> (5) Any agreement between this state and the commission or a state other than Ohio that determines or alters the rights, powers, or obligations of this state under the compact;	2454 2455 2456
<del>(6)</del> (6) Modification of the requirements of Article VI(L)(2), (3), or (5) of the compact if the then operating compact facility is in this state;	2457 2458 2459
<del>(7)</del> (7) Admission by the commission of a new party state to the compact;	2460 2461
<del>(8)</del> (8) Revocation by the commission of the membership of a party state in the compact.	2462 2463
(D) A vote by the representative from this state on the commission that is inconsistent with division (B) or (C) of this section is void and is not enforceable.	2464 2465 2466
<b>Sec. 3748.01.</b> As used in this chapter:	2467
(A) "Byproduct material" means either of the following:	2468
(1) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;	2469 2470 2471 2472

(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.	2473 2474 2475
(B) "Certified radiation expert" means an individual who has complied with all of the following:	2476 2477
(1) Applied to the director of health for certification as a radiation expert under section 3748.12 of the Revised Code;	2478 2479
(2) Met minimum education and experience requirements established in rules adopted under division (C) of section 3748.04 of the Revised Code;	2480 2481 2482
(3) Been granted a certificate as a radiation expert by the director under section 3748.12 of the Revised Code.	2483 2484
(C) "Closure" or "site closure" refers 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, and means all activities performed at a licensed operation, such as stabilization and contouring, to ensure that the site where the operation occurred is in a stable condition so that only minor custodial care, surveillance, and monitoring are necessary at the site following the termination of the licensed operation.	2485 2486 2487 2488 2489 2490 2491 2492 2493
(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.	2494 2495 2496 2497 2498 2499 2500 2501 2502

(E) "Director of health" includes a designee or authorized representative of the director. 2503  
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(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. 2505  
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(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. 2509  
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(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. 2518  
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(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. 2523  
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(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. 2526  
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(J) "Handler" means a facility that handles sources of radiation unless possession is solely for the purpose of transportation. 2529  
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(K) "Inspection" means an official review, examination, or 2532

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

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

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

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

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

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

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

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

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

(1) Diathermy machines;

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

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

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

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

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

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

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

retrieval.	2593
<b>Sec. 3748.02.</b> (A) The department of health is hereby	2594
designated the Ohio radiation control agency.	2595
(B) In accordance with the laws of this state, the director	2596
of health may employ, compensate, and prescribe the duties of	2597
individuals necessary to implement and administer this chapter and	2598
<del>the</del> <u>the</u> rules adopted under it.	2599
<b>Sec. 3748.04.</b> The public health council, in accordance with	2600
Chapter 119. of the Revised Code, shall adopt and may amend or	2601
rescind rules doing all of the following:	2602
(A) Listing types of radioactive material for which licensure	2603
by its handler is required and types of radiation-generating	2604
equipment for which registration by its handler is required, and	2605
establishing requirements governing them. Rules adopted under	2606
division (A) of this section shall be compatible with applicable	2607
federal regulations and shall establish all of the following,	2608
without limitation:	2609
(1) Requirements governing both of the following:	2610
(a) The licensing and inspection of handlers of radioactive	2611
material. Standards established in rules adopted under division	2612
(A)(1)(a) of this section regarding byproduct material or any	2613
activity that results in the production of that material, to the	2614
extent practicable, shall be equivalent to or more stringent than	2615
applicable standards established by the United States nuclear	2616
regulatory commission.	2617
(b) The registration and inspection of handlers of	2618
radiation-generating equipment. Standards established in rules	2619
adopted under division (A)(1)(b) of this section, to the extent	2620
practicable, shall be equivalent to applicable standards	2621

established by the food and drug administration in the United States department of health and human services.	2622 2623
(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;	2624 2625 2626 2627
(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;	2628 2629 2630 2631 2632
(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;	2633 2634 2635
(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;	2636 2637 2638 2639
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	2640 2641 2642
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	2643 2644 2645
(8) Except as otherwise provided in division (A)(8) of this section, fees for the licensing of handlers of radioactive material, other than a facility for the disposal of low-level radioactive waste, and the registration of handlers of radiation-generating equipment and a fee schedule for their inspection. Rules adopted under division (A)(8) of this section	2646 2647 2648 2649 2650 2651

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

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

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

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

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

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



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

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

(1) Minimum training and experience requirements; 2691

(2) Procedures for applying for certification; 2692

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

(4) Procedures for suspending and revoking certification. 2695

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

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

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

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

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

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

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

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

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

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

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

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

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

division (A)(2) of section 3748.01 of the Revised Code, is	2776
deposited.	2777
(J) Establishing criteria governing inspections of a facility	2778
for the disposal of low-level radioactive waste, including,	2779
without limitation, the establishment of a resident inspector	2780
program at such a facility;	2781
<del>(K)</del> (K) Establishing requirements and procedures governing the	2782
filing of complaints under section 3748.16 of the Revised Code,	2783
including, without limitation, those governing intervention in a	2784
hearing held under division (B)(3) of that section.	2785
<b>Sec. 3748.05.</b> (A) The director of health shall do all of the	2786
following:	2787
(1) Administer and enforce this chapter and <del>the</del> <u>the</u> rules	2788
adopted under it;	2789
(2) Collect and make available information relating to	2790
sources of radiation;	2791
(3) Ensure the review of plans and specifications, submitted	2792
in accordance with rules adopted by the public health council, for	2793
the control of radiation that constitutes an unreasonable or	2794
unnecessary risk to human health or the environment;	2795
(4) Review reports of quality assurance audits performed by	2796
certified radiation experts under this chapter and <del>the</del> <u>the</u> rules	2797
adopted under it;	2798
(5) Ensure that programs for the control of sources of	2799
radiation are developed with due regard for compatibility with	2800
federal programs for the regulation of byproduct, source, and	2801
special nuclear materials;	2802
(6) In accordance with Chapter 119. of the Revised Code,	2803
adopt, and subsequently may amend and rescind, rules providing for	2804

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

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

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

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

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

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

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

adopted under it;	2836
(3) Encourage, participate in, or conduct studies,	2837
investigations, training, research, and demonstrations relating to	2838
the detection and control of radiation that constitutes an	2839
unreasonable or unnecessary risk to human health or the	2840
environment, the measurement of radiation, the evaluation of	2841
potential effects on health of cumulative or acute exposure to	2842
radiation, the development and improvement of methods to limit and	2843
reduce the generation of radioactive waste, and related problems	2844
as the director considers necessary or advisable;	2845
(4) In accordance with Chapter 119. of the Revised Code,	2846
adopt rules establishing criteria under which other agencies of	2847
the state or private entities may perform inspections of x-ray	2848
equipment at registered dental <del>facilities</del> <u>facilities</u> at the	2849
request of the facility or pursuant to contract with the	2850
department;	2851
(5) Exercise all incidental powers necessary to carry out the	2852
purposes of this chapter and <del>the</del> <u>the</u> rules adopted under it,	2853
including, without limitation, the issuance of orders.	2854
<b>Sec. 3748.16.</b> (A)(1) The director of health shall conduct	2855
regular inspections of the facility for the disposal of low-level	2856
radioactive waste in accordance with rules adopted under division	2857
<del>(I)</del> <u>(J)</u> of section 3748.04 of the Revised Code and, in accordance	2858
with those rules, shall provide for at least one resident	2859
inspector at the facility.	2860
(2) Concentrations of radioactive materials released into the	2861
environment during operation, closure, institutional control, and	2862
long-term care of the facility shall be kept as low as are	2863
reasonably achievable and shall not exceed levels established in	2864
rules adopted under division (A)(7) of section 3748.04 of the	2865
Revised Code or the standards set forth in 10 C.F.R. 61.41,	2866

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

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

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

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

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

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

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

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

(b) Issue an order assessing an administrative penalty in



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

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

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

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

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

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

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

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

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

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

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

powers of attorney. 3025

Except for such limitations on assessability as are approved 3026  
by the superintendent of insurance, every reciprocal or 3027  
interinsurance contract written pursuant to this chapter for 3028  
medical malpractice insurance shall be fully assessable and shall 3029  
contain a statement, in boldface capital letters and in type more 3030  
prominent than that of the balance of the contract, setting forth 3031  
such terms of ~~assessability~~ assessability. ~~As used in this~~ 3032  
~~section, "medical malpractice insurance" means insurance coverage~~ 3033  
~~against the legal liability of the insured and against loss,~~ 3034  
~~damage, or expense incident to a claim arising out of the death,~~ 3035  
~~disease, or injury of any person as the result of negligence or~~ 3036  
~~malpractice in rendering professional service by any licensed~~ 3037  
~~physician, podiatrist, or hospital, as those terms are defined in~~ 3038  
~~section 2305.113 of the Revised Code. As used in this section,~~ 3039  
"medical malpractice insurance" means insurance coverage against 3040  
the legal liability of the insured and against loss, damage, or 3041  
expense incident to a claim arising out of the death, disease, or 3042  
injury of any person as the result of negligence or malpractice in 3043  
rendering professional service by any licensed physician, 3044  
podiatrist, or hospital, as those terms are defined in section 3045  
2305.113 of the Revised Code. 3046

**Sec. 3955.05.** Sections 3955.01 to 3955.19 of the Revised Code 3047  
apply to all kinds of direct insurance, except: 3048

(A) Title insurance; 3049

(B) Fidelity or surety bonds, or any other bonding 3050  
obligations; 3051

(C) Credit insurance, vendors' single interest insurance, 3052  
collateral protection insurance, or any similar insurance 3053  
protecting the interests of a creditor arising out of a 3054

creditor-debtor transaction;	3055
(D) Mortgage guaranty, financial guaranty, residual value, or other forms of insurance offering protection against investment risks;	3056 3057 3058
(E) Ocean marine insurance;	3059
(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;	3060 3061 3062 3063 3064 3065 3066
(G) Contracts of any corporation by which health services are to be provided to its subscribers;	3067 3068
(H) Life, annuity, health, or disability insurance, including sickness and accident insurance written pursuant to Chapter 3923. of the Revised Code;	3069 3070 3071
(I) Fraternal benefit insurance;	3072
(J) Mutual protective insurance of persons or property;	3073
(K) Reciprocal or interinsurance contracts written pursuant to Chapter 3931. of the Revised Code for medical malpractice insurance. <del>As used in this division, "medical malpractice insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death, disease, or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed physician, podiatrist, or hospital, as those terms are defined in section 2305.113 of the Revised Code.</del> <u>As used in this division, "medical malpractice insurance" means insurance coverage against the legal liability of</u>	3074 3075 3076 3077 3078 3079 3080 3081 3082 3083 3084

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

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

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

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

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

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

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

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

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

(1) Prohibits the establishment of a purchasing group;	3115
(2) Makes it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its members, advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages, or other matters;	3116 3117 3118 3119 3120
(3) Prohibits a purchasing group or its members from purchasing insurance on a group basis described in division (A)(2) of this section;	3121 3122 3123
(4) Prohibits a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time;	3124 3125 3126 3127
(5) Requires that a purchasing group have a minimum number of members, common ownership or affiliation, or a certain legal form;	3128 3129
(6) Requires that a certain percentage of a purchasing group obtain insurance on a group basis;	3130 3131
(7) Otherwise discriminates against a purchasing group or any of its members;	3132 3133
(8) Requires that any insurance policy issued to a purchasing group or any of its members be countersigned by an insurance agent or broker residing in this state.	3134 3135 3136
(B) The superintendent of insurance may require or exempt a risk retention group from participation in any joint underwriting association established under section 3930.03 or in the plan established under section 4509.70 of the Revised Code. Any risk retention group that is required to participate under this division shall submit sufficient information to the superintendent to enable <del>the superintendent</del> <u>the superintendent</u> to apportion on a nondiscriminatory basis the risk retention group's proportionate	3137 3138 3139 3140 3141 3142 3143 3144

share of losses and expenses. 3145

**Sec. 4117.01.** As used in this chapter: 3146

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

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

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

(1) Persons holding elective office; 3168

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

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

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

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

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

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

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

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

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

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

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

(Q) "Day" means calendar day. 3345

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

(1) Criteria for selective contracting of health care 3358

providers;	3359
(2) Adequate plan structure and financial stability;	3360
(3) Procedures for the resolution of medical disputes between an employee and an employer, an employee and a provider, or an employer and a provider, prior to an appeal under section 4123.511 of the Revised Code;	3361 3362 3363 3364
(4) Authorize employees who are dissatisfied with the health care services of the employer's qualified plan and do not wish to obtain treatment under the provisions of this section, to request the administrator for referral to a health care provider in the bureau's health care partnership program. The administrator must refer all requesting employees into the health care partnership program.	3365 3366 3367 3368 3369 3370 3371
(5) Does not discriminate against any category of health care provider;	3372 3373
(6) Provide a procedure for reporting injuries to the bureau of workers' compensation and to employers by providers within the qualified plan;	3374 3375 3376
(7) Provide appropriate financial incentives to reduce service costs and utilization without sacrificing the quality of service;	3377 3378 3379
(8) Provide adequate methods of peer review, utilization review, quality assurance, and dispute resolution to prevent and provide sanctions for inappropriate, excessive, or not medically necessary treatment;	3380 3381 3382 3383
(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;	3384 3385 3386 3387
(10) Authorize necessary emergency medical treatment for an	3388

injury or occupational disease provided by a health care provider	3389
who is not a part of the qualified health care plan;	3390
(11) Provide an employee the right to change health care	3391
providers within the qualified health care plan;	3392
(12) Provide for standardized data and reporting	3393
requirements;	3394
(13) Authorize necessary medical treatment for employees who	3395
work in Ohio but reside in another state.	3396
<del>(B)</del> (B) Health care plans that meet the approved qualified	3397
health plan standards shall be considered qualified plans and are	3398
eligible to become part of the Ohio workers' compensation	3399
qualified health plan system. Any employer or group of employers	3400
may provide medical, surgical, nursing, drug, hospital, and	3401
rehabilitation services and supplies to an employee for an injury	3402
or occupational disease that is compensable under this chapter or	3403
Chapter 4123., 4127., or 4131. of the Revised Code through a	3404
qualified health plan.	3405
<b>Sec. 4167.09.</b> (A) Any public employer affected by a proposed	3406
rule or Ohio employment risk reduction standard or any provision	3407
<del>of a standard</del> <u>of a standard</u> proposed under section 4167.07 or	3408
4167.08 of the Revised Code may apply to the director of commerce	3409
for an order granting a temporary variance from the standard or	3410
provision. The application for the order and any extension <del>of the</del>	3411
<del>order</del> <u>of the order</u> shall contain a reasonable application fee, as	3412
determined by the public employment risk reduction advisory	3413
commission, and all of the following information:	3414
(1) A specification of the Ohio public employment risk	3415
reduction standard or <del>provision of it</del> <u>provision of it</u> from which	3416
the public employer seeks the temporary variance;	3417
(2) A representation by the public employer, supported by	3418



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

access is established;	3543
(2) Administering medication or fluids;	3544
(3) Performing any other procedure involving potential exposure incidents.	3545 3546
(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.	3547 3548 3549 3550 3551 3552 3553 3554 3555 3556 3557 3558
(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.	3559 3560 3561 3562 3563
(G) "Sharps injury" means an injury caused by a sharp, including such injuries as cuts, abrasions, and needlesticks.	3564 3565
<b>Sec. 4167.27.</b> (A) The public employment risk reduction advisory commission shall adopt a rule and Ohio employment risk reduction standard for the prevention of exposure incidents. The initial rule and standard shall be adopted not later than one hundred eighty days after <del>October 5, 2000</del> <u>October 5, 2000</u> .	3566 3567 3568 3569 3570
(B) The commission shall provide advice to public employers with regard to their implementation of the requirements	3571 3572

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

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

"N O T I C E: 3585

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

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

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

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

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

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

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

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

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

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

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

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

(1) Prescribe a seal; 3654

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

podiatrist, certified registered nurse anesthetist, clinical nurse	3726
specialist, certified nurse-midwife, or certified nurse	3727
practitioner, unless either of the following applies:	3728
(a) The evaluation, treatment, or services are being provided	3729
for fitness, wellness, or prevention purposes.	3730
(b) The patient previously was diagnosed with chronic,	3731
neuromuscular, or developmental conditions and the evaluation,	3732
treatment, or services are being provided for problems or symptoms	3733
associated with one or more of those previously diagnosed	3734
conditions.	3735
(3) If the physical therapist determines that orthotic	3736
devices are necessary to treat the patient, the physical therapist	3737
shall be limited to the application of the following orthotic	3738
devices:	3739
(a) Upper extremity adaptive equipment used to facilitate the	3740
activities of daily living;	3741
(b) Finger splints;	3742
(c) Wrist splints;	3743
(d) Prefabricated elastic or fabric abdominal supports with	3744
or without metal or plastic reinforcing stays and other	3745
prefabricated soft goods requiring minimal fitting;	3746
(e) Nontherapeutic accommodative inlays;	3747
(f) Shoes that are not manufactured or modified for a	3748
particular individual;	3749
(g) Prefabricated foot care products;	3750
(h) Custom foot orthotics;	3751
(i) Durable medical equipment.	3752
(4) If, at any time, the physical therapist has reason to	3753
believe that the patient has symptoms or conditions that require	3754

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

(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~~ 4121.442 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.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REVISED CODE 3904

OR



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

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

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

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

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

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

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

Subcommittees

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

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



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

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

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

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