

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

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

**Am. S. B. No. 124**

**Senator Spada**

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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~~7,1~~ with the advice and consent of the senate,~~who are,~~ 354  
who are selected for their knowledge of and experience in economic 355  
development financing, one member of the senate appointed by the 356  
president of the senate, one member of the house of 357  
representatives appointed by the speaker of the house of 358  
representatives,~~and the director of development or the director's~~ 359  
designee, and the director of development or the director's 360  
designee. With respect to the council: 361

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

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

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

<u>appointed for terms of five years in accordance with this</u>	380
<u>division.</u>	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) <del>Except as otherwise provided in division (B)(3) of this</del>	386
<del>section, any</del> <u>Except as otherwise provided in division (B)(3) of</u>	387
<u>this section, any</u> 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) <del>Four</del> <u>Four</u> 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.

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

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

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

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

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

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



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

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

For each alcohol, drug addiction, and mental health service 735  
district~~TL~~ 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~~TL~~ the county 744  
commissioners of each participating county shall appoint members 745  
in as nearly as possible the same proportion as that county's 746  
population bears to the total population of the district, except 747  
that at least one member shall be appointed from each 748  
participating county. 749

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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The remaining eleven members shall be appointed by the

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

Members of the council may be reappointed.

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



vice-chairperson, and a secretary to keep a record of its 969  
proceedings. 970

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

A member of the council shall serve without compensation for 973  
attending council meetings, but shall be reimbursed for all 974  
traveling, hotel, and other ordinary and necessary expenses 975  
incurred in the performance of the member's work as a member of 976  
the council. 977

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

The council shall do all of the following: 983

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(I)~~(I) Establish an appropriate system for marking nature preserves; 1332  
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~~(J)~~(J) Publish and submit to the governor and the general assembly a biennial report of the status and condition of each nature preserve, activities conducted within each preserve, and plans and recommendations for natural area preservation. 1334  
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**Sec. 1517.23.** ~~The~~ The chief of the division of natural areas and preserves shall ~~do both of the following~~ do both of the following: 1338  
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(A) Formulate policies and plans and establish a program incorporating them for the identification and protection of the state's cave resources and adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code to implement that program; 1341  
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(B) Provide technical assistance and management advice to owners upon request concerning the protection of caves on their land. 1346  
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**Sec. 1518.01.** ~~The~~ The chief of natural areas and preserves shall adopt and may amend or rescind rules, in accordance with Chapter 119. of the Revised Code, setting forth criteria for identifying and designating species of plants native to ~~this state~~ that this state that are in danger of extirpation or are threatened with becoming endangered. The chief shall adopt and may amend or rescind rules, in accordance with Chapter 119. of the Revised Code, setting forth a list of the plants that ~~the chief~~ the chief determines to be endangered or threatened with extirpation from this state, applying the criteria so developed. This list shall identify the common and scientific names of each species. The list shall include all species native to this state ~~that that~~ 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~~ nine nonvoting members. To be eligible ~~for appointment~~ as a 1462  
voting member, a person shall be a current member of the general 1463  
assembly. The president of the senate and the speaker of the house 1464  
of representatives shall jointly appoint ~~six~~ eight members. The 1465  
~~chairman~~ chairperson of the senate committee to which bills 1466  
pertaining to insurance are referred shall be a member of the 1467  
commission. The ~~chairman~~ chairperson of the house committee to 1468  
which bills pertaining to insurance are referred shall be a member 1469  
of the commission. The ~~chairman~~ chairperson and the ranking 1470  
minority member of the senate committee to which bills pertaining 1471  
to civil justice are referred shall each be a member of the 1472  
commission. The ~~chairman~~ chairperson and the ranking minority 1473  
member of the house committee to which bills pertaining to civil 1474  
justice are referred shall each be a member of the commission. Of 1475  
the ~~six~~ eight members jointly appointed by the president of the 1476  
senate and the speaker of the house of representative, one shall 1477  
represent a health insuring company doing business in the state ~~of~~ 1478  
~~Ohio~~, one shall represent a public employees union in ~~Ohio~~ the 1479  
state, one shall represent the Ohio academy of trial lawyers, one 1480  
shall represent a property and casualty insurance company doing 1481  
business in ~~Ohio~~ the state, one shall represent the Ohio state bar 1482  
association, and one shall represent a sickness and accident 1483  
insurer doing business in ~~Ohio~~ the state, and all shall have 1484  
expertise in insurance law, including subrogation rights; and two 1485  
shall represent employers whose primary place of business is 1486  
located in this state, one of which shall represent a small 1487  
employer. A member of the Ohio judicial conference who is an 1488  
elected or appointed judge shall be a member of the commission. 1489

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

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

(1) Investigate the problems posed by, and the issues surrounding, the N. Buckeye Educ. Council Group Health Benefits Plan v. Lawson (2004), 103 Ohio St. 3d 188 decision regarding subrogation; 1497  
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(2) Prepare a report of recommended legislative solutions to the court decision referred to in division (B)(1) of this section; 1501  
1502

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

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

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

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

(F) All meetings of the commission are public meetings and 1519

shall be open to the public at all times. A member of the 1520  
commission must be present in person at a meeting that is open to 1521  
the public in order to be considered present or to vote at the 1522  
meeting and for the purposes of determining whether a quorum is 1523  
present. The commission shall promptly prepare and maintain the 1524  
minutes of its meetings, and the minutes shall be public records 1525  
under section 149.43 of the Revised Code. The commission shall 1526  
give reasonable notice of its meetings so that any person may 1527  
determine the time and place of all scheduled meetings. The 1528  
commission shall not hold a meeting unless it gives at least 1529  
twenty-four hours advance notice to the news media organizations 1530  
that have requested notification of its meetings. 1531

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

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

**Sec. 3375.62.** The governor shall appoint four members of the 1544  
board of trustees of the Ohioana Library Association, ~~Martha~~ 1545  
~~Kinney Cooper Memorial~~ , Martha Kinney Cooper Memorial. Terms of 1546  
office shall be for four years, commencing on the sixteenth day of 1547  
September and ending on the fifteenth day of September. Each 1548  
member shall hold office from the date of appointment until the 1549

end of the term for which appointed. Any member appointed to fill 1550  
a vacancy occurring prior to the expiration of the term for which 1551  
~~the member's~~ the member's predecessor was appointed shall hold 1552  
office for the remainder of ~~that~~ that term. Any member shall 1553  
continue in office subsequent to the expiration date of ~~the~~ 1554  
~~member's~~ the member's term until ~~the member's~~ the member's 1555  
successor takes office, or until a period of sixty days has 1556  
elapsed, whichever occurs first. ~~The gubernatorial~~ The 1557  
gubernatorial appointees shall serve as members of the board of 1558  
trustees in addition to the regular constituted board of trustees 1559  
of the corporation. 1560

**Sec. 3383.01.** As used in this chapter: 1561

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

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

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

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

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

(1) A governmental agency or Ohio nonprofit corporation that 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:

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

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

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

(F) "General building services" means general building services for an Ohio ~~cultural~~ cultural 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.

(G) "Governmental agency" means a state agency, a 1610  
state-supported or state-assisted institution of higher education, 1611  
a municipal corporation, county, township, or school district, a 1612  
port authority created under Chapter 4582. of the Revised Code, 1613  
any other political subdivision or special district in this state 1614  
established by or pursuant to law, or any combination of these 1615  
entities; except where otherwise indicated, the United States or 1616  
any department, division, or agency of the United States, or any 1617  
agency, commission, or authority established pursuant to an 1618  
interstate compact or agreement. 1619

(H) "Local contributions" means the value of an asset 1620  
provided by or on behalf of ~~a cultural~~ a cultural organization 1621  
from sources other than the state, the value and nature of which 1622  
shall be approved by the Ohio ~~cultural~~ cultural facilities 1623  
commission, in its sole discretion. "Local contributions" may 1624  
include the value of the site where ~~a cultural~~ a cultural project 1625  
is to be constructed. All "local contributions," except a 1626  
contribution attributable to such a site, shall be for the costs 1627  
of construction of ~~a cultural~~ a cultural project or the ~~creation~~ 1628  
~~or expansion of an endowment for the~~ creation or expansion of an 1629  
endowment for the costs of operation of ~~a cultural~~ a cultural 1630  
facility. 1631

(I) "Local historical facility" means a site or facility, 1632  
other than a state historical facility, of archaeological, 1633  
architectural, environmental, or historical interest or 1634  
significance, or a facility, including a storage facility, 1635  
appurtenant to the operations of such a site or facility, that is 1636  
owned by ~~a cultural~~ a cultural organization, provided the facility 1637  
meets the requirements of division (K)(2)(b) of this section, is 1638  
managed by or pursuant to a contract with the Ohio ~~cultural~~ 1639  
cultural facilities commission, and is used for or in connection 1640  
with the activities of the commission, including the presentation 1641

or making available of ~~culture~~ culture to the public. 1642

(J) "Manage," "operate," or "management" means the provision 1643  
of, or the exercise of control over the provision of, activities: 1644

(1) Relating to ~~culture~~ culture for an Ohio ~~cultural~~ cultural 1645  
facility, including as applicable, but not limited to, providing 1646  
for displays, exhibitions, specimens, and models; booking of 1647  
artists, performances, or presentations; scheduling; and hiring or 1648  
contracting for directors, curators, technical and scientific 1649  
staff, ushers, stage managers, and others directly related to the 1650  
~~cultural~~ cultural activities in the facility; but not including 1651  
general building services; 1652

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

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

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

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

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

(b) The facility is managed directly by, or is subject to a 1670  
cooperative or management contract with, the Ohio ~~cultural~~ 1671

cultural facilities commission, and is used for or in connection 1672  
with the activities of the commission, including the presentation 1673  
or making available of ~~culture~~ culture to the public and the 1674  
provision of training or education in ~~culture~~ culture. 1675

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

(L) "State agency" means the state or any of its branches, 1678  
officers, boards, commissions, authorities, departments, 1679  
divisions, or other units or agencies. 1680

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

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

(O) "Ohio sports facility" means all or a portion of a 1699  
stadium, arena, motorsports complex, or other capital facility in 1700  
this state, a primary purpose of which is to provide a site or 1701  
venue for the presentation to the public of either motorsports 1702



events or events of one or more major or minor league professional 1703  
athletic or sports teams that are associated with the state or 1704  
with a city or region of the state, which facility is, in the case 1705  
of a motorsports complex, owned by the state or governmental 1706  
agency, or in all other instances, is owned by or is located on 1707  
real property owned by the state or a governmental agency, and 1708  
including all parking facilities, walkways, and other auxiliary 1709  
facilities, equipment, furnishings, and real and personal property 1710  
and interests and rights therein, that may be appropriate for or 1711  
used for or in connection with the facility or its operation, for 1712  
capital costs of which state funds are spent pursuant to this 1713  
chapter. A facility constructed as an Ohio sports facility may be 1714  
both an Ohio ~~cultural~~ cultural facility and an Ohio sports 1715  
facility. 1716

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

**Sec. 3383.02.** (A) There is hereby created the Ohio ~~cultural~~ 1719  
cultural facilities commission. The commission shall engage in and 1720  
provide for the development, performance, and presentation or 1721  
making available of ~~culture~~ culture and professional sports and 1722  
athletics to the public in this state, and the provision of 1723  
training or education in ~~culture~~ culture, by the exercise of its 1724  
powers under this chapter, including the provision, operation, 1725  
management, and cooperative use of Ohio ~~cultural~~ cultural 1726  
facilities and Ohio sports facilities. The commission is a body 1727  
corporate and politic, an agency of state government and an 1728  
instrumentality of the state, performing essential governmental 1729  
functions of this state. The carrying out of the purposes and the 1730  
exercise by the commission of its powers conferred by this chapter 1731  
are essential public functions and public purposes of the state 1732  
and of state government. The commission may, in its own name, sue 1733

and be sued, enter into contracts, and perform all the powers and 1734  
duties given to it by this chapter; however, it does not have and 1735  
shall not exercise the power of eminent domain. 1736

(B) The commission shall consist of ten members, seven of 1737  
whom shall be voting members and three of whom shall be nonvoting 1738  
members. The seven voting members shall be appointed by the 1739  
governor, with the advice and consent of the senate, from 1740  
different geographical regions of the state. In addition, one of 1741  
the voting members shall represent the state architect. Not more 1742  
than four of the members appointed by the governor shall be 1743  
affiliated with the same political party. The nonvoting members 1744  
shall be the staff director of the Ohio arts council, a member of 1745  
the senate appointed by the president of the senate, and a member 1746  
of the house of representatives appointed by the speaker of the 1747  
house. 1748

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

subsequent to the expiration date of the member's term until the 1766  
member's successor takes office, or until a period of sixty days 1767  
has elapsed, whichever occurs first. 1768

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

(E) Organizational meetings of the commission shall be held 1771  
at the first meeting of each calendar year. At each organizational 1772  
meeting, the commission shall elect from among its voting members 1773  
a chairperson, a vice-chairperson, and a secretary-treasurer, who 1774  
shall serve until the next annual meeting. The commission shall 1775  
adopt rules pursuant to section 111.15 of the Revised Code for the 1776  
conduct of its internal business and shall keep a journal of its 1777  
proceedings. 1778

(F) Four voting members of the commission constitute a 1779  
quorum, and the affirmative vote of four members is necessary for 1780  
approval of any action taken by the commission. A vacancy in the 1781  
membership of the commission does not impair a quorum from 1782  
exercising all the rights and performing all the duties of the 1783  
commission. Meetings of the commission may be held anywhere in the 1784  
state, and shall be held in compliance with section 121.22 of the 1785  
Revised Code. 1786

(G) All expenses incurred in carrying out this chapter are 1787  
payable solely from money accrued under this chapter or 1788  
appropriated for these purposes by the general assembly, and the 1789  
commission shall incur no liability or obligation beyond such 1790  
money. 1791

(H) The commission shall file an annual report of its 1792  
activities and finances with the governor, director of budget and 1793  
management, speaker of the house of representatives, president of 1794  
the senate, and chairpersons of the house and senate finance 1795  
committees. 1796

(I) There is hereby established in the state treasury the 1797  
Ohio ~~cultural~~ cultural facilities commission administration fund. 1798  
All revenues of the commission shall be credited to that fund and 1799  
to any accounts created in the fund with the commission's 1800  
approval. All expenses of the commission, including reimbursement 1801  
of, or payment to, any other fund or any governmental agency for 1802  
advances made or services rendered to or on behalf of the 1803  
commission, shall be paid from the Ohio ~~cultural~~ cultural 1804  
facilities commission administration fund as determined by or 1805  
pursuant to directions of the commission. All investment earnings 1806  
of the administration fund shall be credited to the fund and shall 1807  
be allocated among any accounts created in the fund in the manner 1808  
determined by the commission. 1809

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

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

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

(B) Have jurisdiction, control, and possession of, and 1827

supervision over the use and disposition of, all property, rights,  
licenses, money, contracts, accounts, liens, books, records, and  
other property rights and interests conveyed, delivered,  
transferred, or assigned to it;

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

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

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

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

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

(B) Adopt, amend, and rescind, pursuant to section 111.15 of

the Revised Code, rules for the management and operation of Ohio 1858  
~~ultural~~ cultural facilities and Ohio sports facilities and for 1859  
the exercise of all of the commission's rights with respect to 1860  
those facilities; 1861

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

(D) Dispose of, whether by sale, lease, lease-purchase, 1866  
sublease, re-lease, or otherwise, real and personal property, and 1867  
lesser interests in it, held or owned by the state for the use and 1868  
benefit of the commission or held or owned by the commission, if 1869  
not needed for the commission's purposes, upon such terms as the 1870  
commission determines, subject to approval by the governor in the 1871  
case of real property and interests in it; 1872

(E) Grant such easements and other interests in real or 1873  
personal property of the commission as will not interfere with the 1874  
use of the property as an Ohio ~~ultural~~ cultural facility or an 1875  
Ohio sports facility; 1876

(F) Fix, alter, and collect rentals and other charges for the 1877  
use or availability for use of Ohio ~~ultural~~ cultural facilities 1878  
or an Ohio sports facility, as determined solely by the 1879  
commission, for the purpose of providing for all or a portion of 1880  
the costs and expenses of the commission, and the costs to be paid 1881  
by the commission of leasing, constructing, equipping, repairing, 1882  
maintaining, administering, managing, and cooperating in the use 1883  
of Ohio ~~ultural~~ cultural facilities, including rentals to be paid 1884  
by the commission for any Ohio ~~ultural~~ cultural facilities or for 1885  
any Ohio sports facility; 1886

(G) Lease, sublease, cooperate in the use of, or otherwise 1887  
make available to a ~~ultural~~ cultural organization, Ohio ~~ultural~~ 1888

cultural facilities, and to any governmental agency or nonprofit 1889  
corporation, Ohio sports facilities, including real and personal 1890  
property, or any interests in it, to carry out the purposes of 1891  
this chapter; 1892

(H) Contract with, retain the services of, or designate, and 1893  
fix the compensation of, agents, accountants, attorneys, 1894  
consultants, advisers, and other independent contractors necessary 1895  
or desirable to carry out the purposes of this chapter; 1896

(I) Procure insurance against loss to the commission by 1897  
reason of damages to or nonusability of its property resulting 1898  
from fire, theft, accident, or other casualties, or by reason of 1899  
its liability for any damages to persons or property, including, 1900  
but not limited to, general liability insurance, business 1901  
interruption insurance, liability insurance for members, officers, 1902  
and employees, and copyright liability insurance; 1903

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

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

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

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

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



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

**Sec. 3383.06.** All property purchased, acquired, constructed, 1955  
owned, leased, or subleased by the Ohio ~~cultural~~ cultural 1956  
facilities commission for the exercise of its powers and duties is 1957  
public property used exclusively for a public purpose, and this 1958  
property and the income derived by the commission from it are 1959  
exempt, except as may otherwise be provided by the commission with 1960  
respect to Ohio sports facilities, from all taxation within this 1961  
state, including ~~TL~~ without limitation ~~TL~~ ad valorem and excise 1962  
taxes. 1963

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

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

(2) For a ~~cultural~~ a cultural project other than a state 1974  
historical facility, construction services may be provided on 1975  
behalf of the state by the Ohio ~~cultural~~ cultural facilities 1976  
commission, or by a governmental agency or a ~~cultural~~ a cultural 1977  
organization that occupies, will occupy, or is responsible for the 1978  
Ohio ~~cultural~~ cultural facility, as determined by the commission. 1979  
Construction services to be provided by a governmental agency or a 1980  
~~cultural~~ a cultural organization shall be specified in an 1981

**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

agreement between the commission and the governmental agency or 1982  
~~ultural~~ cultural organization. The agreement, or any actions 1983  
 taken under it, are not subject to Chapter 123. or 153. of the 1984  
 Revised Code, except for sections ~~123.081~~ 123.081 and 153.011 of 1985  
 the Revised Code, and shall be subject to Chapter 4115. of the 1986  
 Revised Code. 1987

(3) For ~~a cultural~~ a cultural project that is a state 1988  
 historical facility, construction services may be provided by the 1989  
 Ohio ~~ultural~~ cultural facilities commission or by ~~a cultural~~ a 1990  
cultural organization that occupies, will occupy, or is 1991  
 responsible for the facility, as determined by the commission. The 1992  
 construction services to be provided by the ~~ultural~~ cultural 1993  
 organization shall be specified in an agreement between the 1994  
 commission and the ~~ultural~~ cultural organization. That agreement, 1995  
 and any actions taken under it, are not subject to Chapter 123., 1996  
 153., or 4115. of the Revised Code. 1997

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

(C) General building services for an Ohio ~~ultural~~ cultural 2011  
 facility shall be provided by the Ohio ~~ultural~~ cultural 2012  
 facilities commission or by ~~a cultural~~ a cultural organization 2013

that occupies, will occupy, or is responsible for the facility, as 2014  
determined by the commission, except that the Ohio building 2015  
authority may elect to provide those services for Ohio ~~cultural~~ 2016  
cultural facilities financed with proceeds of state bonds issued 2017  
by the authority. The costs of management and general building 2018  
services shall be paid by the ~~cultural~~ cultural organization that 2019  
occupies, will occupy, or is responsible for the facility as 2020  
provided in an agreement between the commission and the ~~cultural~~ 2021  
cultural organization, except that the state may pay for general 2022  
building services for state-owned ~~cultural~~ cultural facilities 2023  
constructed on state-owned land. 2024

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

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

(1) The Ohio ~~cultural~~ cultural facilities commission has 2043  
determined that there is a need for the ~~cultural~~ cultural project 2044  
and the Ohio ~~cultural~~ cultural facility related to the project in 2045

the region of the state in which the Ohio ~~cultural~~ cultural 2046  
facility is located or for which the facility is proposed. 2047

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

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

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

(F) State funds shall not be used to pay or reimburse more 2074  
than fifteen per cent of the initial estimated construction cost 2075  
of an Ohio sports facility, excluding any site acquisition cost, 2076  
and no state funds, including any state bond proceeds, shall be 2077

spent on any Ohio sports facility under this chapter unless, with  
respect to that facility, all of the following apply:

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

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

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

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

(G) In addition to the requirements of division (F) of this

section, no state funds, including any state bond proceeds, shall 2109  
be spent on any Ohio sports facility that is a motorsports 2110  
complex, unless, with respect to that facility, both of the 2111  
following apply: 2112

(1) Motorsports events shall be presented at the facility 2113  
pursuant to a lease entered into with the owner of the facility. 2114  
The term of the lease shall be for a period of not less than the 2115  
greater of the useful life of the portion of the facility financed 2116  
from proceeds of state bonds as determined using the guidelines 2117  
for maximum maturities as provided under divisions (B) and (C) of 2118  
section 133.20 of the Revised Code, or the period of time 2119  
remaining to the date of payment or provision for payment of 2120  
outstanding state bonds allocable to costs of the facility, all as 2121  
determined by the director of budget and management and certified 2122  
by the director to the Ohio ~~cultural~~ cultural facilities 2123  
commission and to the Ohio building authority. 2124

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

**Sec. 3383.08.** There is hereby created in the state treasury 2133  
the capital donations fund, which shall be administered by the 2134  
Ohio ~~cultural~~ cultural facilities commission. The fund shall 2135  
consist of gifts, grants, devises, bequests, and other financial 2136  
contributions made to the commission for the construction or 2137  
improvement of ~~cultural~~ cultural and sports facilities and shall 2138  
be used in accordance with the specific purposes for which the 2139

gifts, grants, devises, bequests, or other financial contributions 2140  
are made. All investment earnings of the fund shall be credited to 2141  
the fund. Chapters 123., 125., 127., and 153. and section 3517.13 2142  
of the Revised Code do not apply to contracts paid from the fund, 2143  
notwithstanding anything to the contrary in those chapters or that 2144  
section. 2145

Not later than one month following the end of each quarter of 2146  
the fiscal year, the commission shall allocate the amounts 2147  
credited to the fund from investment earnings during that 2148  
preceding quarter of the fiscal year among the specific projects 2149  
for which they are to be used and shall certify this information 2150  
to the director of budget and management. 2151

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

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

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

**Sec. 3746.09.** (A) A person who proposes to enter into or who 2171  
is participating in the voluntary action program under this 2172  
chapter and rules adopted under it, in accordance with this 2173  
section and rules adopted under division (B)(11) of section 2174  
3746.04 of the Revised Code, may apply to the director of 2175  
environmental protection for a variance from applicable standards 2176  
otherwise established in this chapter and rules adopted under it. 2177  
The application for a variance shall be prepared by a certified 2178  
professional. The director shall issue a variance from those 2179  
applicable standards only if the application makes all of the 2180  
following demonstrations to the director's satisfaction: 2181

(1) Either or both of the following: 2182

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

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

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

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

A variance issued under this section shall state the specific 2198  
standard or standards whose terms are being varied and shall set 2199  
forth the specific alternative standard or set of standards and 2200



the terms and conditions imposed on the applicant in their place. 2201  
A variance issued under this section shall include only standards 2202  
and terms and conditions proposed by the applicant in ~~the~~ the 2203  
application, except that the director may impose any additional or 2204  
alternative terms and conditions that ~~the director~~ the director 2205  
determines to be necessary to ensure that public health and safety 2206  
will be protected. If the director finds that compliance with any 2207  
standard or term or condition proposed by the applicant will not 2208  
protect public health and safety and that the imposition of 2209  
additional or alternative terms and conditions will not ensure 2210  
that public health or safety will be protected, the director shall 2211  
disapprove the application and shall include in the order of 2212  
denial the specific findings on which the denial was based. 2213

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

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

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

(2) A brief summary of the alternative standards and terms 2231

and conditions proposed by the applicant; 2232

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

The notice shall be published in a newspaper of general 2234  
circulation in the county in which the property is located and, if 2235  
the property is located in close proximity to the boundary of the 2236  
county with an adjacent county, as determined by the director, 2237  
shall be published in a newspaper of general circulation in the 2238  
adjacent county. Concurrently with the publication of the notice 2239  
of the public meeting, the director shall mail notice of the 2240  
application, comment period, and public meeting to the owner of 2241  
each parcel of land that is adjacent to the affected property and 2242  
to the legislative authority of the municipal corporation or 2243  
township, and county, in which the affected property is located. 2244  
The notices mailed to the adjacent land owners and legislative 2245  
authorities shall contain the same information as the published 2246  
notice. 2247

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

(E) Within ninety days after conducting the public meeting on 2262

an application for a variance under division (D) of this section, 2263  
the director shall issue a proposed action to the applicant in 2264  
accordance with section 3745.07 of the Revised Code that indicates 2265  
the director's intent with regard to the issuance or denial of the 2266  
application. When considering whether to issue or deny the 2267  
application or whether to impose terms and conditions of the 2268  
variance that are in addition or alternative to those proposed by 2269  
the applicant, the director shall consider comments on the 2270  
application made by the public at the public meeting and written 2271  
comments on the application received from the public. 2272

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

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

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

(b) Whether the applicable standards governing the voluntary 2290  
action were the interim standards established in section 3746.07 2291  
of the Revised Code or the generic numerical clean-up standards 2292  
established in rules adopted under division (B)(1) of section 2293

3746.04 of the Revised Code, were established through the 2294  
performance of a risk assessment pursuant to rules adopted under 2295  
division (B)(2) of section 3746.04 of the Revised Code, or were 2296  
set forth in a variance issued under section 3746.09 of the 2297  
Revised Code. 2298

(2) All of the following for each property for which a 2299  
variance was issued under section 3746.09 of the Revised Code 2300  
during the preceding calendar year: 2301

(a) The address of the property and the name of the person to 2302  
whom the variance was issued; 2303

(b) A summary of the alternative standards and terms and 2304  
conditions of the variance and brief description of the 2305  
improvement in environmental conditions at the property that is 2306  
anticipated to result from compliance with the alternative 2307  
standards and terms and conditions set forth in the variance; 2308

(c) A brief description of the economic benefits to the 2309  
person to whom the variance was issued and the community in which 2310  
the property is located that are anticipated to result from the 2311  
undertaking of the voluntary action in compliance with the 2312  
alternative standards and terms and conditions set forth in the 2313  
variance. 2314

(3) The number of audits performed under section 3746.17 of 2315  
the Revised Code during the preceding calendar year and, in 2316  
connection with each of them, at least the following information: 2317

(a) The address of the property in connection with which the 2318  
audit was performed and the name of the person who undertook the 2319  
voluntary action at the property; 2320

(b) An indication as to whether the audit was a random audit 2321  
or was conducted in accordance with the priorities established in 2322  
rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 2323

of the Revised Code and, if the audit was conducted in accordance	2324
with those priorities, an indication as to which of them resulted	2325
in the selection of the voluntary action for an audit;	2326
(c) A brief summary of the findings of the audit and any	2327
action taken by the environmental protection agency as a result of	2328
those findings.	2329
(4) The number of covenants not to sue revoked during the	2330
preceding calendar year through the operation of divisions	2331
(A)(2)(c) and (B) of section 3746.12, division (B)(2) of section	2332
3746.18, and division (B) of section 3746.19 of the Revised Code	2333
and for each property for which a covenant was revoked, at least	2334
both of the following:	2335
(a) The address of the property affected by the revocation	2336
and name of the person who undertook the voluntary action at the	2337
property;	2338
(b) The reason for the revocation.	2339
(5) The amount of money credited to the voluntary action	2340
administration fund created in section 3746.16 of the Revised Code	2341
during the preceding fiscal year from the fees established in	2342
divisions (D) and (H) of section 3746.07 and division (C) of	2343
section 3746.13 of the Revised Code and from civil penalties	2344
imposed under section 3746.22 of the Revised Code. The report	2345
shall indicate the amount of money that arose from each of the	2346
fees and from the civil penalties. The report also shall include	2347
the amount of money expended from the fund during the preceding	2348
fiscal year by program category, including, without limitation,	2349
the amount expended for conducting audits under section 3746.17 of	2350
the Revised Code during the preceding fiscal year.	2351
(6) For each property that is receiving a tax abatement under	2352
section 5709.87 of the Revised Code for the preceding tax year,	2353
the amount of the valuation exempted from real property taxation	2354

for that tax year under that section. In order to comply with  
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.

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(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  
that division is to ~~include~~ include it in the annual report  
prepared under division (A) of this section.

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

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

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

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Not later than the thirty-first day of March of each

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subsequent year, each such county auditor shall report the 2386  
information described in those divisions to the director of 2387  
development for each property within the county that is receiving 2388  
a tax abatement under that section for the preceding tax year. 2389

(2) Not later than July 1, 1996, and not later than the first 2390  
day of July of each subsequent year, the director of development 2391  
shall compile the information provided to ~~the director~~ the 2392  
director under division (B)(1) of this section applicable to the 2393  
preceding tax year into a report covering all of the counties in 2394  
the state in which are located properties receiving a tax 2395  
abatement under section 5709.87 of the Revised Code for the 2396  
preceding tax year and shall forward the report to the director of 2397  
environmental protection. The sole responsibility of the director 2398  
of development in preparing the report is to compile the 2399  
information submitted to ~~the director~~ the director by the county 2400  
auditors under division (B)(1) of this section. 2401

(C) Not later than July 1, 1996, and not later than the first 2402  
day of July of each subsequent year, the director of development 2403  
shall compile the information provided to ~~the director~~ the 2404  
director by municipal corporations and counties under division (A) 2405  
of section 5709.882 of the Revised Code applicable to the 2406  
preceding calendar year into a report covering, by county, all of 2407  
the municipal corporations and counties in this state in which are 2408  
located properties receiving a tax abatement pursuant to an 2409  
agreement entered into under section 5709.88 of the Revised Code 2410  
and shall forward the report to the director of environmental 2411  
protection. The sole responsibility of the director of development 2412  
in preparing the report is to compile the information submitted to 2413  
him by municipal corporations and counties under division (A) of 2414  
section 5709.882 of the Revised Code. 2415

**Sec. 3747.02.** (A)(1) The governor, with the advice and 2416

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

(2) As used in this section, "compact" means the midwest 2422  
interstate compact on low-level radioactive waste entered into 2423  
under section 3747.01 of the Revised Code. 2424

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

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

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

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

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

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

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

~~(6)~~(6) Modification of the requirements of Article VI(L)(2), 2445  
(3), or (5) of the compact if the then operating compact facility 2446



is in this state;	2447
<del>(7)</del> (7) Admission by the commission of a new party state to the compact;	2448 2449
<del>(8)</del> (8) Revocation by the commission of the membership of a party state in the compact.	2450 2451
(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.	2452 2453 2454
<b>Sec. 3748.01.</b> As used in this chapter:	2455
(A) "Byproduct material" means either of the following:	2456
(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;	2457 2458 2459 2460
(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.	2461 2462 2463
(B) "Certified radiation expert" means an individual who has complied with all of the following:	2464 2465
(1) Applied to the director of health for certification as a radiation expert under section 3748.12 of the Revised Code;	2466 2467
(2) Met minimum education and experience requirements established in rules adopted under division (C) of section 3748.04 of the Revised Code;	2468 2469 2470
(3) Been granted a certificate as a radiation expert by the director under section 3748.12 of the Revised Code.	2471 2472
(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	2473 2474 2475

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.

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

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

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

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

(H)(1) Except as provided in division (H)(2) of this section,

"facility" means the state, any political subdivision, person, 2507  
public or private institution, or group, or any unit of one of 2508  
those entities, but does not include the federal government or any 2509  
of its agencies. 2510

(2) For the purposes of the disposal of low-level radioactive 2511  
waste, "facility" has the same meaning as in section 3747.01 of 2512  
the Revised Code. 2513

(I) "Handle" means receive, possess, use, store, transfer, 2514  
install, service, or dispose of sources of radiation unless 2515  
possession is solely for the purpose of transportation. 2516

(J) "Handler" means a facility that handles sources of 2517  
radiation unless possession is solely for the purpose of 2518  
transportation. 2519

(K) "Inspection" means an official review, examination, or 2520  
observation, including, without limitation, tests, surveys, and 2521  
monitoring, that is used to determine compliance with rules, 2522  
orders, requirements, and conditions of the department of health 2523  
and that is conducted by the director of health. 2524

(L) "Low-level radioactive waste" has the same meaning as in 2525  
section 3747.01 of the Revised Code with regard to the disposal of 2526  
low-level radioactive waste. In regard to regulatory control at 2527  
locations other than a disposal facility, "low-level radioactive 2528  
waste" has the same meaning as in 42 U.S.C.A. 2021b. 2529

(M) "Quality assurance program" means a program providing for 2530  
verification by written procedures such as testing, auditing, and 2531  
inspection to ensure that deficiencies, deviations, defective 2532  
equipment, or unsafe practices, or a combination thereof, relating 2533  
to the use, disposal, management, or manufacture of radiation 2534  
sources are identified, promptly corrected, and reported to the 2535  
appropriate regulatory authorities. 2536

(N) "Radiation" means ionizing and nonionizing radiation.	2537
(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light.	2538 2539 2540 2541
(2) "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, or any sonic, ultrasonic, or infrasonic wave.	2542 2543 2544
(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. "Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material.	2545 2546 2547 2548 2549
(P) "Radiation-generating equipment" means any manufactured product or device, or component of such a product or device, or any machine or system that during operation can generate or emit radiation, except those that emit radiation only from radioactive material. "Radiation-generating equipment" does not include either of the following:	2550 2551 2552 2553 2554 2555
(1) Diathermy machines;	2556
(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.	2557 2558 2559 2560
(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.	2561 2562 2563 2564 2565
(R) "Source of radiation" means radioactive material or	2566

radiation-generating equipment.	2567
(S) "Special nuclear material" means either of the following:	2568
(1) Plutonium, uranium 233, uranium enriched in the isotope	2569
233 or in the isotope 235, and any other material that the United	2570
States nuclear regulatory commission determines to be special	2571
nuclear material, but does not include source material pursuant to	2572
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42	2573
U.S.C.A. 2071."	2574
(2) Except for any source material, any material artificially	2575
enriched by any of the materials identified in division (S)(1) of	2576
this section.	2577
(T) "Storage" means the retention of radioactive materials,	2578
including low-level radioactive waste, prior to disposal in a	2579
manner that allows for surveillance, control, and subsequent	2580
retrieval.	2581
<b>Sec. 3748.02.</b> (A) The department of health is hereby	2582
designated the Ohio radiation control agency.	2583
(B) In accordance with the laws of this state, the director	2584
of health may employ, compensate, and prescribe the duties of	2585
individuals necessary to implement and administer this chapter and	2586
<del>the</del> <u>the</u> rules adopted under it.	2587
<b>Sec. 3748.04.</b> The public health council, in accordance with	2588
Chapter 119. of the Revised Code, shall adopt and may amend or	2589
rescind rules doing all of the following:	2590
(A) Listing types of radioactive material for which licensure	2591
by its handler is required and types of radiation-generating	2592
equipment for which registration by its handler is required, and	2593
establishing requirements governing them. Rules adopted under	2594
division (A) of this section shall be compatible with applicable	2595

federal regulations and shall establish all of the following, 2596  
without limitation: 2597

(1) Requirements governing both of the following: 2598

(a) The licensing and inspection of handlers of radioactive 2599  
material. Standards established in rules adopted under division 2600  
(A)(1)(a) of this section regarding byproduct material or any 2601  
activity that results in the production of that material, to the 2602  
extent practicable, shall be equivalent to or more stringent than 2603  
applicable standards established by the United States nuclear 2604  
regulatory commission. 2605

(b) The registration and inspection of handlers of 2606  
radiation-generating equipment. Standards established in rules 2607  
adopted under division (A)(1)(b) of this section, to the extent 2608  
practicable, shall be equivalent to applicable standards 2609  
established by the food and drug administration in the United 2610  
States department of health and human services. 2611

(2) Identification of and requirements governing possession 2612  
and use of specifically licensed and generally licensed quantities 2613  
of radioactive material as either sealed sources or unsealed 2614  
sources; 2615

(3) A procedure for the issuance of and the frequency of 2616  
renewal of the licenses of handlers of radioactive material, other 2617  
than a license for a facility for the disposal of low-level 2618  
radioactive waste, and of the certificates of registration of 2619  
handlers of radiation-generating equipment; 2620

(4) Procedures for suspending and revoking the licenses of 2621  
handlers of radioactive material and the certificates of 2622  
registration of handlers of radiation-generating equipment; 2623

(5) Criteria to be used by the director of health in amending 2624  
the license of a handler of radioactive material or the 2625

certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;	2626 2627
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	2628 2629 2630
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	2631 2632 2633
(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 shall not revise any fees established in section 3748.07 or 3748.13 of the Revised Code to be paid by any handler of radiation-generating equipment that is a medical practitioner or a corporation, partnership, or other business entity consisting of medical practitioners, other than a hospital as defined in section 3727.01 of the Revised Code.	2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645
As used in division (A)(8) of this section, "medical practitioner" means a person who is authorized to practice dentistry pursuant to Chapter 4715. of the Revised Code; medicine and surgery, osteopathic medicine and surgery, or podiatry pursuant to Chapter 4731. of the Revised Code; or chiropractic pursuant to Chapter 4734. of the Revised Code.	2646 2647 2648 2649 2650 2651
(B)(1) Identifying sources of radiation, circumstances of possession, use, or disposal of sources of radiation, and levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;	2652 2653 2654 2655
(2) Establishing requirements for the achievement and	2656

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

(3) Requiring the maintenance of records on the receipt, use, 2662  
storage, transfer, and disposal of radioactive material and on the 2663  
radiological safety aspects of the use and maintenance of 2664  
radiation-generating equipment. 2665

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

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

(1) Minimum training and experience requirements; 2679

(2) Procedures for applying for certification; 2680

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

(4) Procedures for suspending and revoking certification. 2683

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

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



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

(G) Establishing fees to be paid by any facility that, on 2690  
September 8, 1995, holds a license from the United States nuclear 2691  
regulatory commission in order to provide moneys necessary for the 2692  
transfer of licensing and other regulatory authority from the 2693  
commission to the state pursuant to section 3748.03 of the Revised 2694  
Code. Rules adopted under this division shall stipulate that fees 2695  
so established do not apply to any functions dealing specifically 2696  
with a facility for the disposal of low-level radioactive waste. 2697  
Fees collected under this division shall be deposited into the 2698  
state treasury to the credit of the general operations fund 2699  
created in section 3701.83 of the Revised Code. The fees shall be 2700  
used solely to administer and enforce this chapter and rules 2701  
adopted under it. 2702

(H) Establishing fees to be collected annually from 2703  
generators of low-level radioactive waste, which shall be based 2704  
upon the volume and radioactivity of the waste generated and the 2705  
costs of administering low-level radioactive waste management 2706  
activities under this chapter and rules adopted under it. All fees 2707  
collected under this division shall be deposited into the state 2708  
treasury to the credit of the general operations fund created in 2709  
section 3701.83 of the Revised Code. The fees shall be used solely 2710  
to administer and enforce this chapter and rules adopted under it. 2711  
Any fee required under this division that has not been paid within 2712  
ninety days after the invoice date shall be assessed at two times 2713  
the original invoiced fee. Any fee that has not been paid within 2714  
one hundred eighty days after the invoice date shall be assessed 2715  
at five times the original invoiced fee. 2716

(I) Establishing requirements governing closure, 2717  
decontamination, decommissioning, reclamation, and long-term 2718

surveillance and care of a facility licensed under this chapter 2719  
and rules adopted under it. Rules adopted under division (I) of 2720  
this section shall include, without limitation, all of the 2721  
following: 2722

(1) Standards and procedures to ensure that a licensee 2723  
prepares a decommissioning funding plan that provides an adequate 2724  
financial guaranty to permit the completion of all requirements 2725  
governing the closure, decontamination, decommissioning, and 2726  
reclamation of sites, structures, and equipment used in 2727  
conjunction with a licensed activity; 2728

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

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

(4) A requirement that the decommissioning funding plans 2747  
required in rules adopted under divisions (I)(1) and (2) of this 2748  
section contain financial guaranties in amounts sufficient to 2749

ensure compliance with any standards established by the United 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 deposited.

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

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

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

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

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

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

(4) Review reports of quality assurance audits performed by 2784  
certified radiation experts under this chapter and ~~the~~ the rules 2785  
adopted under it; 2786

(5) Ensure that programs for the control of sources of 2787  
radiation are developed with due regard for compatibility with 2788  
federal programs for the regulation of byproduct, source, and 2789  
special nuclear materials; 2790

(6) In accordance with Chapter 119. of the Revised Code, 2791  
adopt, and subsequently may amend and rescind, rules providing for 2792  
the administrative assessment and collection of monetary penalties 2793  
for failure by any facility licensed under this chapter and rules 2794  
adopted under it to comply with this chapter and those rules. The 2795  
director may require the submission of compliance schedules and 2796  
other related information. Any orders issued or payments or other 2797  
requirements imposed pursuant to rules adopted under division 2798  
(A)(6) of this section shall not affect any civil or criminal 2799  
enforcement proceeding brought under this chapter or any other 2800  
provision of state or local law. Moneys collected as 2801  
administrative penalties imposed pursuant to rules adopted under 2802  
division (A)(6) of this section shall be deposited in the state 2803  
treasury to the credit of the general operations fund created in 2804  
section 3701.83 of the Revised Code. The moneys shall be used 2805  
solely to administer and enforce this chapter and the rules 2806  
adopted under it. 2807

(7) Maintain files of both of the following: 2808

(a) All license and registration applications, issuances, 2809  
denials, amendments, renewals, suspensions, and revocations and 2810

any administrative or judicial action pertaining to them;	2811
(b) All rules adopted under this chapter, or proposed to be adopted, relating to the regulation of sources of radiation and proceedings on them.	2812 2813 2814
(B) The director may do any or all of the following:	2815
(1) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, industries, and other affected groups in furtherance of the purposes of this chapter and <del>the</del> <u>the</u> rules adopted under it;	2816 2817 2818 2819 2820
(2) Accept and administer grants from the federal government and from other sources, public or private, for carrying out any of the director's functions under this chapter and <del>the</del> <u>the</u> rules adopted under it;	2821 2822 2823 2824
(3) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the detection and control of radiation that constitutes an unreasonable or unnecessary risk to human health or the environment, the measurement of radiation, the evaluation of potential effects on health of cumulative or acute exposure to radiation, the development and improvement of methods to limit and reduce the generation of radioactive waste, and related problems as the director considers necessary or advisable;	2825 2826 2827 2828 2829 2830 2831 2832 2833
(4) In accordance with Chapter 119. of the Revised Code, adopt rules establishing criteria under which other agencies of the state or private entities may perform inspections of x-ray equipment at registered dental <del>facilities</del> <u>facilities</u> at the request of the facility or pursuant to contract with the department;	2834 2835 2836 2837 2838 2839
(5) Exercise all incidental powers necessary to carry out the	2840

purposes of this chapter and ~~the~~ the rules adopted under it, 2841  
including, without limitation, the issuance of orders. 2842

**Sec. 3748.16.** (A)(1) The director of health shall conduct 2843  
regular inspections of the facility for the disposal of low-level 2844  
radioactive waste in accordance with rules adopted under division 2845  
~~(I)~~(J) of section 3748.04 of the Revised Code and, in accordance 2846  
with those rules, shall provide for at least one resident 2847  
inspector at the facility. 2848

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

(B)(1) An officer of an agency of the state or of a political 2861  
subdivision, acting in the officer's representative capacity, or 2862  
any person may file a written complaint with the director, in 2863  
accordance with rules adopted under division ~~(K)~~(K) of section 2864  
3748.04 of the Revised Code, regarding the failure or alleged 2865  
failure of the facility for the disposal of low-level radioactive 2866  
waste to comply with health or safety requirements established 2867  
under this chapter or Chapter 3747. of the Revised Code or rules 2868  
adopted under them. The complaint shall be verified by an 2869  
affidavit of the complainant or the complainant's agent or 2870  
attorney. The affidavit may be made before any person authorized 2871

by law to administer oaths and shall be signed by the officer or 2872  
person who makes it. The person before whom it was taken shall 2873  
certify that it was sworn to before that person and signed in that 2874  
person's presence, and the certificate signed officially by that 2875  
person shall be evidence that the affidavit was made, that the 2876  
name of the officer or person was written by that officer or 2877  
person, and that the signer was that officer or person. 2878

(2) Upon receipt of a complaint under division (B)(1) of this 2879  
section, the director shall cause a prompt investigation to be 2880  
conducted as is reasonably necessary to determine whether the 2881  
facility has failed or is failing to comply with the health or 2882  
safety requirements identified in the complaint. The investigation 2883  
shall include a discussion of the complaint with the contractor. 2884

(3) The director may hold a hearing on the complaint. Not 2885  
less than twenty days before the hearing, the director shall cause 2886  
publication of a notice of the hearing in the county in which the 2887  
facility is located and shall mail written notice by certified 2888  
mail, return receipt requested, to the complainant and to the 2889  
contractor. The hearing shall be conducted before the director or 2890  
a hearing examiner designated by the director. The department of 2891  
health and the contractor shall be parties. The complainant may 2892  
participate as a party by filing with the director, at any time 2893  
prior to the hearing, a written notice of the complainant's intent 2894  
to participate. Any other person may be permitted to intervene 2895  
upon the granting by the director or hearing examiner of a motion 2896  
to intervene filed in accordance with rules adopted under division 2897  
(~~K~~)(K) of section 3748.04 of the Revised Code. 2898

If the director does not hold a hearing, the director shall 2899  
provide an opportunity to the complainant and the contractor to 2900  
attend a conference with the director concerning the complaint. 2901

(4) Following the completion of the investigation under 2902  
division (B)(2) of this section and the hearing or conference 2903

under division (B)(3) of this section, if the director determines 2904  
that the facility is in compliance with the health or safety 2905  
requirements identified in the complaint, the director shall 2906  
dismiss the complaint. If the director determines that the 2907  
facility is not in compliance with those requirements, the 2908  
director shall issue an order under division (B)(4) of section 2909  
3748.05 of the Revised Code requiring the contractor to bring the 2910  
facility into compliance and to submit a written discussion of how 2911  
that will be accomplished. The director also may do any or all of 2912  
the following: 2913

(a) Suspend or revoke the facility's license in accordance 2914  
with rules adopted under division (A) of section 3748.04 of the 2915  
Revised Code; 2916

(b) Issue an order assessing an administrative penalty in 2917  
accordance with rules adopted under division (A)(6) of section 2918  
3748.05 of the Revised Code; 2919

(c) Request the attorney general, in writing, to commence 2920  
appropriate legal proceedings, including a civil action for 2921  
imposition of a civil penalty under section 3748.19 of the Revised 2922  
Code and criminal prosecution. 2923

(C) If the director suspends or revokes the license of the 2924  
facility for the disposal of low-level radioactive waste for any 2925  
reason in accordance with rules adopted under division (A) or (B) 2926  
of section 3748.04 of the Revised Code, the contractor shall 2927  
indemnify the state for any loss suffered by the state as a result 2928  
of the lack of disposal capacity for low-level radioactive waste 2929  
that otherwise would have been disposed of at the facility. 2930

(D) The provisions of division (A) of this section 2931  
establishing requirements governing the director and divisions (B) 2932  
and (C) of this section apply only if the state becomes an 2933  
agreement state pursuant to section 3748.03 of the Revised Code. 2934



Sec. 3929.482. (A) The Ohio fair plan underwriting 2935  
association by action of its board of governors, with the approval 2936  
of the superintendent of insurance, is authorized to enter into a 2937  
contract with the Ohio mine subsidence insurance underwriting 2938  
association to provide administrative and claims adjusting 2939  
services required by it. Such contract shall provide 2940  
indemnification by the Ohio mine subsidence insurance underwriting 2941  
association to the Ohio fair plan underwriting association, its 2942  
members, members of its board of governors, ~~and its~~ and its 2943  
officers, employees, and agents against all liability, loss, and 2944  
expense resulting from acts done or omitted in good faith in 2945  
performing such contract. Such contract shall also provide that 2946  
the Ohio fair plan underwriting association will be reimbursed for 2947  
its actual expenses incurred in performing such services. Common 2948  
expenses applicable both to the Ohio fair plan and to the mine 2949  
subsidence insurance underwriting association shall be allocated 2950  
between them on an equitable basis approved by the superintendent 2951  
of insurance. 2952

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

and to the Ohio commercial joint underwriting association shall be 2967  
allocated between them on an equitable basis approved by the 2968  
superintendent of insurance. 2969

**Sec. 3929.85.** No insurer licensed to carry on the business of 2970  
insurance in this state that is required by law to contribute to 2971  
~~or~~ or participate in, or ~~that~~ that can be assessed by the Ohio 2972  
insurance guaranty association pursuant to sections 3955.01 to 2973  
3955.19 of the Revised Code, or by the plan for apportionment of 2974  
applicants for motor vehicle insurance pursuant to section 4509.70 2975  
of the Revised Code, or by the Ohio fair plan underwriting 2976  
association pursuant to sections 3929.43 to 3929.61 of the Revised 2977  
Code, or by the Ohio commercial insurance joint underwriting 2978  
association pursuant to sections 3930.03 to 3930.18 of the Revised 2979  
Code shall in any calendar year be required to contribute to, 2980  
participate in, or be assessed by any one or more of ~~these~~ those 2981  
plans or associations in an amount or amounts totaling in excess 2982  
of two and one-half per cent of its net direct Ohio premium volume 2983  
for the year next preceding the year in which the assessment or 2984  
assessments are made or the contributions or participations are 2985  
required. 2986

**Sec. 3931.01.** Individuals, partnerships, and corporations of 2987  
this state, designated in sections 3931.01 to 3931.12 of the 2988  
Revised Code, as "subscribers," may exchange reciprocal or 2989  
interinsurance contracts with each other, and with individuals, 2990  
partnerships, and corporations of other states, districts, 2991  
provinces, and countries, providing indemnity among themselves 2992  
from any loss which may be legally insured against by any fire or 2993  
casualty insurance company or association provided that contracts 2994  
of indemnity against property damage and bodily injury arising out 2995  
of the ownership, maintenance or use of a singly owned private 2996  
passenger automobile principally used for nonbusiness purposes may 2997

not be exchanged through a reciprocal insurer which maintains a 2998  
surplus over all liabilities of less than two and one-half million 2999  
dollars and provided that this exception shall not prohibit the 3000  
exchanging of contracts of indemnity against any form of liability 3001  
otherwise authorized and arising out of any business or commercial 3002  
enterprise. Such contracts and the exchange thereof and such 3003  
subscribers, their attorneys, and representatives shall be 3004  
regulated by such sections, and no law enacted after July 4, 1917, 3005  
shall apply to them, unless they are expressly designated therein. 3006

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

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

expense incident to a claim arising out of the death, disease, or 3030  
injury of any person as the result of negligence or malpractice in 3031  
rendering professional service by any licensed physician, 3032  
podiatrist, or hospital, as those terms are defined in section 3033  
2305.113 of the Revised Code. 3034

**Sec. 3955.05.** Sections 3955.01 to 3955.19 of the Revised Code 3035  
apply to all kinds of direct insurance, except: 3036

(A) Title insurance; 3037

(B) Fidelity or surety bonds, or any other bonding 3038  
obligations; 3039

(C) Credit insurance, vendors' single interest insurance, 3040  
collateral protection insurance, or any similar insurance 3041  
protecting the interests of a creditor arising out of a 3042  
creditor-debtor transaction; 3043

(D) Mortgage guaranty, financial guaranty, residual value, or 3044  
other forms of insurance offering protection against investment 3045  
risks; 3046

(E) Ocean marine insurance; 3047

(F) Any insurance provided by or guaranteed by government, 3048  
including, but not limited to, any department, board, office, 3049  
commission, agency, institution, or other instrumentality or 3050  
entity of any branch of state government, any political 3051  
subdivision of this state, the United States or any agency of the 3052  
United States, or any separate or joint governmental 3053  
self-insurance or risk-pooling program, plan, or pool; 3054

(G) Contracts of any corporation by which health services are 3055  
to be provided to its subscribers; 3056

(H) Life, annuity, health, or disability insurance, including 3057  
sickness and accident insurance written pursuant to Chapter 3923. 3058  
of the Revised Code; 3059

(I) Fraternal benefit insurance;	3060
(J) Mutual protective insurance of persons or property;	3061
(K) Reciprocal or interinsurance contracts written pursuant to Chapter 3931. of the Revised Code for medical malpractice insurance. <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 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.</u>	3062 3063 3064 3065 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077 3078
(L) Any political subdivision self-insurance program or joint political subdivision self-insurance pool established under Chapter 2744. of the Revised Code;	3079 3080 3081
(M) Warranty or service contracts, or the insurance of <del>those</del> <u>those</u> contracts;	3082 3083
(N) Any state university or college self-insurance program established under section 3345.202 of the Revised Code;	3084 3085
(O) Any transaction, or combination of transactions, between a person, including affiliates of such person, and an insurer, including affiliates of such insurer, that involves the transfer of investment or credit risk unaccompanied by a transfer of insurance risk;	3086 3087 3088 3089 3090

(P) Credit union share guaranty insurance issued pursuant to Chapter 1761. of the Revised Code;	3091 3092
(Q) Insurance issued by risk retention groups as defined in Chapter 3960. of the Revised Code;	3093 3094
(R) Workers' compensation insurance, including any contract indemnifying an employer who pays compensation directly to employees.	3095 3096 3097
<b>Sec. 3960.06.</b> (A) A purchasing group and its insurer or insurers are subject to all applicable laws of this state, except that a purchasing group and its insurer or insurers, in regard to liability insurance for the purchasing group, are exempt from any law that does any of the following:	3098 3099 3100 3101 3102
(1) Prohibits the establishment of a purchasing group;	3103
(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;	3104 3105 3106 3107 3108
(3) Prohibits a purchasing group or its members from purchasing insurance on a group basis described in division (A)(2) of this section;	3109 3110 3111
(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;	3112 3113 3114 3115
(5) Requires that a purchasing group have a minimum number of members, common ownership or affiliation, or a certain legal form;	3116 3117
(6) Requires that a certain percentage of a purchasing group obtain insurance on a group basis;	3118 3119

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

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

(B) The superintendent of insurance may require or exempt a 3125  
risk retention group from participation in any joint underwriting 3126  
association established under section 3930.03 or in the plan 3127  
established under section 4509.70 of the Revised Code. Any risk 3128  
retention group that is required to participate under this 3129  
division shall submit sufficient information to the superintendent 3130  
to enable ~~the superintendent~~ the superintendent to apportion on a 3131  
nondiscriminatory basis the risk retention group's proportionate 3132  
share of losses and expenses. 3133

**Sec. 4117.01.** As used in this chapter: 3134

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

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

(C) "Public employee" means any person holding a position by	3150
appointment or employment in the service of a public employer,	3151
including any person working pursuant to a contract between a	3152
public employer and a private employer and over whom the national	3153
labor relations board has declined jurisdiction on the basis that	3154
the involved employees are employees of a public employer, except:	3155
(1) Persons holding elective office;	3156
(2) Employees of the general assembly and employees of any	3157
other legislative body of the public employer whose principal	3158
duties are directly related to the legislative functions of the	3159
body;	3160
(3) Employees on the staff of the governor or the chief	3161
executive of the public employer whose principal duties are	3162
directly related to the performance of the executive functions of	3163
the governor or the chief executive;	3164
(4) Persons who are members of the Ohio organized militia,	3165
while training or performing duty under section 5919.29 or 5923.12	3166
of the Revised Code;	3167
(5) Employees of the state employment relations board;	3168
(6) Confidential employees;	3169
(7) Management level employees;	3170
(8) Employees and officers of the courts, assistants to the	3171
attorney general, assistant prosecuting attorneys, and employees	3172
of the clerks of courts who perform a judicial function;	3173
(9) Employees of a public official who act in a fiduciary	3174
capacity, appointed pursuant to section 124.11 of the Revised	3175
Code;	3176
(10) Supervisors;	3177
(11) Students whose primary purpose is educational training,	3178



including graduate assistants or associates, residents, interns,	3179
or other students working as part-time public employees less than	3180
fifty per cent of the normal year in the employee's bargaining	3181
unit;	3182
(12) Employees of county boards of election;	3183
(13) Seasonal and casual employees as determined by the state	3184
employment relations board;	3185
(14) Part-time faculty members of an institution of higher	3186
education;	3187
(15) Employees of the state personnel board of review;	3188
(16) Participants in a work activity, developmental activity,	3189
or alternative work activity under sections 5107.40 to 5107.69 of	3190
the Revised Code who perform a service for a public employer that	3191
the public employer needs but is not performed by an employee of	3192
the public employer if the participant is not engaged in paid	3193
employment or subsidized employment pursuant to the activity;	3194
<del>(17)</del> <u>(17)</u> Employees included in the career professional	3195
service of the department of transportation under section 5501.20	3196
of the Revised Code;	3197
<del>(18)</del> <u>(18)</u> Employees who must be licensed to practice law in	3198
this state to perform their duties as employees.	3199
(D) "Employee organization" means any labor or bona fide	3200
organization in which public employees participate and that exists	3201
for the purpose, in whole or in part, of dealing with public	3202
employers concerning grievances, labor disputes, wages, hours,	3203
terms, and other conditions of employment.	3204
(E) "Exclusive representative" means the employee	3205
organization certified or recognized as an exclusive	3206
representative under section 4117.05 of the Revised Code.	3207
(F) "Supervisor" means any individual who has authority, in	3208

the interest of the public employer, to hire, transfer, suspend, 3209  
lay off, recall, promote, discharge, assign, reward, or discipline 3210  
other public employees; to responsibly direct them; to adjust 3211  
their grievances; or to effectively recommend such action, if the 3212  
exercise of that authority is not of a merely routine or clerical 3213  
nature, but requires the use of independent judgment, provided 3214  
that: 3215

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

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

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

(4) No teacher as defined in section 3319.09 of the Revised 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; 3272  
stoppage of work; slowdown, or abstinence in whole or in part from 3273  
the full, faithful, and proper performance of the duties of 3274  
employment for the purpose of inducing, influencing, or coercing a 3275  
change in wages, hours, terms, and other conditions of employment. 3276  
"Unauthorized strike" includes any such action, absence, stoppage, 3277  
slowdown, or abstinence when done partially or intermittently, 3278  
whether during or after the expiration of the term or extended 3279  
term of a collective bargaining agreement or during or after the 3280  
pendency of the settlement procedures set forth in section 4117.14 3281  
of the Revised Code. 3282

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

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

(L) "Management level employee" means an individual who 3300  
formulates policy on behalf of the public employer, who 3301  
responsibly directs the implementation of policy, or who may 3302  
reasonably be required on behalf of the public employer to assist 3303

in the preparation for the conduct of collective negotiations, 3304  
administer collectively negotiated agreements, or have a major 3305  
role in personnel administration. Assistant superintendents, 3306  
principals, and assistant principals whose employment is governed 3307  
by section 3319.02 of the Revised Code are management level 3308  
employees. With respect to members of a faculty of a state 3309  
institution of higher education, no person is a management level 3310  
employee because of the person's involvement in the formulation or 3311  
implementation of academic or institution policy. 3312

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

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

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

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

(Q) "Day" means calendar day. 3333

Sec. 4121.442. (A) The ~~administrator of workers' compensation~~ 3334  
administrator of workers' compensation shall develop standards for 3335  
qualification of health care plans of the Ohio workers' 3336  
compensation qualified health plan system to provide medical, 3337  
surgical, nursing, drug, hospital, and rehabilitation services and 3338  
supplies to an employee for an injury or occupational disease that 3339  
is compensable under this chapter or Chapter 4123., 4127., or 3340  
4131. of the Revised Code. In adopting the standards, the 3341  
~~administrator~~ administrator shall use nationally recognized 3342  
accreditation standards. The standards the ~~administrator~~ 3343  
administrator adopts must provide that a qualified plan provides 3344  
for all of the following: 3345

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

(2) Adequate plan structure and financial stability; 3348

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

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

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

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

qualified plan;	3364
(7) Provide appropriate financial incentives to reduce service costs and utilization without sacrificing the quality of service;	3365 3366 3367
(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;	3368 3369 3370 3371
(9) Provide a timely and accurate method of reporting to the administrator necessary information regarding medical and health care service and supply costs, quality, and utilization to enable the administrator to determine the effectiveness of the plan;	3372 3373 3374 3375
(10) Authorize necessary emergency medical treatment for an injury or occupational disease provided by a health care provider who is not a part of the qualified health care plan;	3376 3377 3378
(11) Provide an employee the right to change health care providers within the qualified health care plan;	3379 3380
(12) Provide for standardized data and reporting requirements;	3381 3382
(13) Authorize necessary medical treatment for employees who work in Ohio but reside in another state.	3383 3384
<del>(B)</del> (B) Health care plans that meet the approved qualified health plan standards shall be considered qualified plans and are eligible to become part of the Ohio workers' compensation qualified health plan system. Any employer or group of employers may provide medical, surgical, nursing, drug, hospital, and rehabilitation services and supplies to an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code through a qualified health plan.	3385 3386 3387 3388 3389 3390 3391 3392 3393

Sec. 4167.09. (A) Any public employer affected by a proposed 3394  
rule or Ohio employment risk reduction standard or any provision 3395  
~~of a standard~~ of a standard proposed under section 4167.07 or 3396  
4167.08 of the Revised Code may apply to the director of commerce 3397  
for an order granting a temporary variance from the standard or 3398  
provision. The application for the order and any extension ~~of the~~ 3399  
~~order~~ of the order shall contain a reasonable application fee, as 3400  
determined by the public employment risk reduction advisory 3401  
commission, and all of the following information: 3402

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

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

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

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

(5) A certification that the public employer has informed the 3420  
public employer's public employees of the application by giving a 3421  
copy of the application to the public employee representative, if 3422  
any, and by posting a statement giving a summary of the 3423



application and specifying where a copy of the application may be 3424  
examined at the place or places where notices to public employees 3425  
are normally posted, and by any other appropriate means of public 3426  
employee notification. The public employer also ~~shall~~ shall inform 3427  
the public employer's public employees of their rights to a 3428  
hearing under section 4167.15 of the Revised Code. The 3429  
certification also shall contain a description of how public 3430  
employees have been informed of the application and of their 3431  
rights to a hearing. 3432

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

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

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

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

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

(C)(1) If the director issues an order providing for a 3454

temporary variance under division (B) of this section, the 3455  
director shall prescribe the practices, means, methods, 3456  
operations, and processes that the public employer must adopt and 3457  
use while the order is in effect and state in detail the public 3458  
employer's program for coming into compliance with the Ohio 3459  
employment risk reduction standard. The director may issue the 3460  
order only after providing notice to affected public employees and 3461  
their public employee representative, if any, and an opportunity 3462  
for a hearing pursuant to section 4167.15 of the Revised Code, 3463  
provided that the director may issue one interim order granting a 3464  
temporary order to be effective until a decision on a hearing is 3465  
made. Except as provided in division (C)(2) of this section, no 3466  
temporary variance may be in effect for longer than the period 3467  
needed by the public employer to achieve compliance with the Ohio 3468  
employment risk reduction standard or one year, whichever is 3469  
shorter. 3470

(2) The director may renew an order issued under division (C) 3471  
of this section up to two times provided that the requirements of 3472  
divisions (A), (B), and (C)(1) of this section and section 4167.15 3473  
of the Revised Code are met and the public employer files an 3474  
application for renewal with the director at least ninety days 3475  
prior to the expiration date of the order. 3476

(D) Any public employer affected by an Ohio employment risk 3477  
reduction standard or any provision ~~of it~~ of it proposed, adopted, 3478  
or otherwise issued under section 4167.07 ~~or~~ or 4167.08 of the 3479  
Revised Code may apply to the director for an order granting a 3480  
variance from the standard or ~~provision~~ provision. The director 3481  
shall provide affected public employees and their public employee 3482  
representative, if any, notice of the application and shall 3483  
provide an opportunity for a hearing pursuant to section 4167.15 3484  
of the Revised Code. The director shall issue the order granting 3485  
the variance if the public employer files an application that 3486

meets the requirements of division (B) of this section, and after 3487  
an opportunity for a hearing pursuant to section 4167.15 of the 3488  
Revised Code, and if the public employer establishes to the 3489  
satisfaction of the director that the conditions, practices, 3490  
means, methods, operations, or processes used or proposed to be 3491  
used by the public employer will provide employment and places of 3492  
employment to the public employer's public employees that are as 3493  
safe and healthful as those that would prevail if the public 3494  
employer complied with the Ohio employment risk reduction 3495  
standard. The director shall prescribe in the order granting the 3496  
variance the conditions the public employer must maintain, and the 3497  
practices, means, methods, operations, and processes the public 3498  
employer must adopt and utilize in lieu of the Ohio employment 3499  
risk reduction standard ~~that~~ that would otherwise apply. The 3500  
director may modify or revoke the order upon application of the 3501  
public employer, public employee, or public employee 3502  
representative, or upon the director's own motion in the manner 3503  
prescribed for the issuance of an order under this division at any 3504  
time during six months after the date of issuance of the order. 3505

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

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

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

(1) A physical attribute built into a needle device used for 3514  
withdrawing body fluids, accessing a vein or artery, or 3515  
administering medications or other fluids that effectively reduces 3516  
the risk of an exposure incident by a mechanism such as barrier 3517

creation, blunting, encapsulation, withdrawal, retraction, 3518  
destruction, or any other effective mechanism; 3519

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

(C) "Exposure incident" means an occurrence of occupational 3524  
exposure to blood or other material potentially containing 3525  
bloodborne pathogens, including exposure that occurs through a 3526  
sharps injury. 3527

(D) "Needleless system" means a device that does not utilize 3528  
needles for the following: 3529

(1) Withdrawing body fluids after initial venous or arterial 3530  
access is established; 3531

(2) Administering medication or fluids; 3532

(3) Performing any other procedure involving potential 3533  
exposure incidents. 3534

(E) "Public health care worker" means a person who is 3535  
employed by a public employer to provide health services that 3536  
carry with them the potential for exposure incidents, including a 3537  
person employed by a public hospital or other public health care 3538  
facility, a person employed by a public employer to provide home 3539  
health care, and a person employed by a public employer as a 3540  
firefighter, emergency medical technician-basic, emergency medical 3541  
technician-intermediate, or emergency medical 3542  
technician-paramedic. "Public health care worker" does not include 3543  
a person who is employed by a public employer to provide dental 3544  
services, treatment, or training or a dental student who is 3545  
receiving training from a public employer. 3546

(F) "Sharp" means an object used in or encountered when 3547

providing health care services that can be reasonably anticipated 3548  
to penetrate the skin or any other part of the body and result in 3549  
an exposure incident, including objects such as needle devices, 3550  
scalpels, lancets, and broken glass. 3551

(G) "Sharps injury" means an injury caused by a sharp, 3552  
including such injuries as cuts, abrasions, and needlesticks. 3553

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

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

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

"N O T I C E: 3573

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

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

The certificate holder shall obtain the patient's signature, 3582  
acknowledging the patient's receipt of the notice, prior to 3583  
providing nonemergency professional services to the patient. The 3584  
certificate holder shall maintain the signed notice in the 3585  
patient's file. 3586

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

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

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

(C) As used in this section, "medical malpractice insurance" means 3603  
insurance coverage against the legal liability of the insured and 3604  
against loss, damage, or expense incident to a claim arising out 3605  
of the death, disease, or injury of any person as the result of 3606  
negligence or malpractice in rendering professional service by any 3607

licensed physician, podiatrist, or hospital, as those terms are 3608  
defined in section 2305.113 of the Revised Code. 3609

**Sec. 4741.03.** (A) The state veterinary medical licensing 3610  
board shall meet at least once in each calendar year and may hold 3611  
additional meetings as often as it considers necessary to conduct 3612  
the business of the board. The president of the board may call 3613  
special meetings<sup>7, L</sup> and the executive secretary shall call special 3614  
meetings upon the written request of three members of the board. 3615  
The board shall organize by electing a president and 3616  
vice-president from its veterinarian members and such other 3617  
officers as the board prescribes by rule. Each officer shall serve 3618  
for a term specified by board rule or until a successor is elected 3619  
and qualified. A quorum of the board consists of four members of 3620  
which at least three are members who are veterinarians. The 3621  
concurrence of four members is necessary for the board to take any 3622  
action. 3623

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

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

(1) Prescribe a seal; 3642

(2) Hold at least one examination during each calendar year 3643  
for applicants for a license. The board shall provide public 3644  
notice of the time and place for the examination. The examination 3645  
for applicants for a license to practice veterinary medicine shall 3646  
be either written or oral, or both, as determined by the board, 3647  
and may include a practical demonstration. The examination may 3648  
include all subjects relevant to veterinary medicine the board 3649  
determines appropriate, including public health and jurisprudence. 3650

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

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

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

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

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

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



colleges and universities which fail to meet those requirements; 3670

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

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

(1) Subpoena witnesses and require their attendance and 3675  
testimony, ~~and~~ and require the production by witnesses of books, 3676  
papers, public records, animal patient records, and other 3677  
documentary evidence and examine them<sup>7, L</sup> in relation to any matter 3678  
~~that~~ that the board has authority to investigate, inquire into, or 3679  
hear. Except for any officer or employee of the state or any 3680  
political subdivision of the state, the treasurer of state shall 3681  
pay all witnesses in any proceeding before the board, upon 3682  
certification from the board, witness fees in the same amount as 3683  
provided in section 2335.06 of the Revised Code. 3684

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

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

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

nurse-midwife, or certified nurse practitioner, all of the 3700  
following apply: 3701

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

(2) If the physical therapist determines, based on reasonable 3708  
evidence, that no substantial progress has been made with respect 3709  
to that patient during the thirty-day period immediately following 3710  
the date of the patient's initial visit with the physical 3711  
therapist, the physical therapist shall consult with or refer the 3712  
patient to a licensed physician, chiropractor, dentist, 3713  
podiatrist, certified registered nurse anesthetist, clinical nurse 3714  
specialist, certified nurse-midwife, or certified nurse 3715  
practitioner, unless either of the following applies: 3716

(a) The evaluation, treatment, or services are being provided 3717  
for fitness, wellness, or prevention purposes. 3718

(b) The patient previously was diagnosed with chronic, 3719  
neuromuscular, or developmental conditions and the evaluation, 3720  
treatment, or services are being provided for problems or symptoms 3721  
associated with one or more of those previously diagnosed 3722  
conditions. 3723

(3) If the physical therapist determines that orthotic 3724  
devices are necessary to treat the patient, the physical therapist 3725  
shall be limited to the application of the following orthotic 3726  
devices: 3727

(a) Upper extremity adaptive equipment used to facilitate the 3728  
activities of daily living; 3729

(b) Finger splints; 3730

(c) Wrist splints;	3731
(d) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting;	3732 3733 3734
(e) Nontherapeutic accommodative inlays;	3735
(f) Shoes that are not manufactured or modified for a particular individual;	3736 3737
(g) Prefabricated foot care products;	3738
(h) Custom foot orthotics;	3739
(i) Durable medical equipment.	3740
(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.	3741 3742 3743 3744 3745 3746
(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance program as defined in section 5111.01 of the Revised Code, or the health partnership program or qualified health plans established pursuant to sections 4121.44 to <del>4121.442</del> <u>4121.442</u> of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.	3747 3748 3749 3750 3751 3752 3753 3754 3755 3756 3757 3758
(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday.	3759 3760

"Legal holiday" has the same meaning as in section 1.14 of the Revised Code. 3761  
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**Sec. 4981.03.** (A) The Ohio rail development commission shall do all of the following: 3763  
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(1) Develop, promote, and support safe, adequate, and efficient rail service throughout the state; 3765  
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(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; 3767  
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(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 ~~rail service~~ of rail service. 3771  
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(B) In regard to rail service, the Ohio rail development commission is the successor of the Ohio high speed rail authority and the division of rail transportation of the department of transportation. The commission shall succeed to all federal allotments, entitlements, subsidies, and grants now existing, whether such allotments, entitlements, subsidies, and grants are encumbered or unencumbered, in the same manner and with the same authority as the Ohio high speed rail authority and the division of rail transportation exercised prior to ~~October 20, 1994~~ October 20, 1994. 3775  
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(C) Every authority, commission, department, or other agency of this state shall provide the commission with data, plans, research, and any other information that the commission requests to assist it in performing its duties pursuant to this chapter. 3785  
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3787  
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(D) The commission may request and contract with any railroad to provide it with data and information necessary to carry out the 3789  
3790

purposes of this chapter. All railroads operating within this state shall provide the requested data and information to the commission. The commission shall not disclose any confidential data or information supplied to it.

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

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

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

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

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

(D) The ~~Ohio developmental disabilities~~ Ohio developmental 3827  
disabilities council may award grants to or enter into contracts 3828  
with a member of the council or an entity that the member 3829  
represents if all of the following apply: 3830

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

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

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

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

**Sec. 5123.352.** There is hereby created in the state treasury 3851  
the community mental retardation and developmental disabilities 3852  
trust fund. The director of mental retardation and developmental 3853  
disabilities, not later than sixty days after the end of each 3854  
fiscal year, shall certify to the director of budget and 3855  
management the amount of all the unexpended, unencumbered balances 3856  
of general revenue fund appropriations made to the department of 3857  
mental retardation and developmental disabilities for the fiscal 3858  
year, excluding appropriations for rental payments to the Ohio 3859  
public facilities commission, and the amount of any other funds 3860  
held by the department in excess of amounts necessary to meet the 3861  
department's operating costs and obligations pursuant to this 3862  
chapter and Chapter 5126. of the Revised Code. On receipt of the 3863  
certification, the director of budget and management shall 3864  
transfer cash to the trust fund in an amount up to, but not 3865  
exceeding, the total of the amounts certified by the director of 3866  
mental retardation and developmental disabilities, except in cases 3867  
in which the transfer will involve more than twenty million 3868  
dollars. In such cases, the director of budget and management 3869  
shall notify the controlling board and must receive the board's 3870  
approval of the transfer prior to making the transfer. 3871

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

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

**Section 2.** That existing sections 101.23, 101.82, 101.83, 3877  
101.84, 101.85, 101.86, 122.011, 122.40, 123.151, 149.56, 307.674, 3878  
340.02, 1501.04, 1502.04, 1502.05, 1502.11, 1502.12, 1506.30, 3879  
1506.34, 1506.35, 1517.02, 1517.23, 1518.01, 1518.03, 1551.35, 3880

2323.44, 3358.10, 3375.61, 3375.62, 3383.01, 3383.02, 3383.03, 3881  
 3383.04, 3383.05, 3383.06, 3383.07, 3383.08, 3383.09, 3746.09, 3882  
 3746.35, 3747.02, 3748.01, 3748.02, 3748.04, 3748.05, 3748.16, 3883  
 3929.482, 3929.85, 3931.01, 3955.05, 3960.06, 4117.01, 4121.442, 3884  
 4167.09, 4167.25, 4167.27, 4731.143, 4741.03, 4755.481, 4981.03, 3885  
 5123.35, and 5123.352 of the Revised Code are hereby repealed. 3886

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

**Sec. 4.** The following agencies shall be retained pursuant to 3889  
 division (D) of section 101.83 of the Revised Code and shall 3890  
 expire on December 31, 2010: 3891

REVISED CODE 3892

OR

UNCODIFIED 3893

AGENCY NAME SECTION 3894

Administrator, Interstate Compact on Mental Health	5119.50	3895
Administrator, Interstate Compact on Placement of Children	5103.20	3896 3897
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	3898
Advisory Boards to the EPA for Air Pollution	121.13	3899
Advisory Boards to the EPA for Water Pollution	121.13	3900
Advisory Committee of the State Veterinary Medical Licensing Board	4741.03(D)(3)	3901
Advisory Committee on Livestock Exhibitions	901.71	3902
Advisory Council on Amusement Ride Safety	1711.51	3903
Advisory Board of Directors for Prison Labor	5145.162	3904
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	3905
Advisory Councils or Boards for State Departments	107.18 or 121.13	3906



**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

Advisory Group to the Ohio Water Resources Council	1521.19(C)	3907
Alzheimer's Disease Task Force	173.04(F)	3908
AMBER Alert Advisory Committee	5502.521	3909
Apprenticeship Council	4139.02	3910
Armory Board of Control	5911.09	3911
Automated Title Processing Board	4505.09(C)(1)	3912
Banking Commission	1123.01	3913
Board of Directors of the Ohio Health Reinsurance Program	3924.08	3914
Board of Voting Machine Examiners	3506.05(B)	3915
<del>Board of Tax Appeals</del>	<del>5703.02</del>	3916
Brain Injury Advisory Committee	3304.231	3917
Capitol Square Review and Advisory Board	105.41	3918
Child Support Guideline Advisory Council	3119.024	3919
Children's Trust Fund Board	3109.15	3920
Citizens Advisory Committee (BMV)	4501.025	3921
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	3922
Clean Ohio Trail Advisory Board	1519.06	3923
Coastal Resources Advisory Council	1506.12	3924
Commission on African-American Males	4112.12	3925
Commission on Hispanic-Latino Affairs	121.31	3926
Commission on Minority Health	3701.78	3927
Committee on Prescriptive Governance	4723.49	3928
Commodity Advisory Commission	926.32	3929
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	3930
Community Oversight Council	3311.77	3931
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	3932
<del>Consumer Advisory Committee to the Rehabilitation Services Commission</del>	<del>3304.24</del>	3933

**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

Continuing Education Committee (for Sheriffs)	109.80	3934
<del>Controlling Board</del>	<del>127.12</del>	3935
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	3936
Council on Alcohol and Drug Addiction Services	3793.09	3937
Council on Unreclaimed Strip Mined Lands	1513.29	3938
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	3939
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	3940
Credit Union Council	1733.329	3941
Criminal Sentencing Advisory Committee	181.22	3942
Day-Care Advisory Council	5104.08	3943
Dentist Loan Repayment Advisory Board	3702.92	3944
Development Financing Advisory Council	122.40	3945
Education Commission of the States (Interstate Compact for Education)	3301.48	3946
Electrical Safety Inspector Advisory Committee	3783.08	3947
Emergency Response Commission	3750.02	3948
Engineering Experiment Station Advisory Committee	3335.27	3949
Environmental Education Council	3745.21	3950
<del>Environmental Review Appeals Commission</del>	<del>3745.02</del>	3951
EPA Advisory Boards or Councils	121.13	3952
Farmland Preservation Advisory Board	901.23	3953
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	3954
Financial Planning & Supervision Commission for School District	3316.05	3955
Forestry Advisory Council	1503.40	3956
Governance Authority for a State University or College	3345.75	3957
Governor's Advisory Council on Physical Fitness,	3701.77	3958

**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

Wellness, & Sports

Governor's Council on People with Disabilities	3303.41	3959
Governor's Residence Advisory Commission	107.40	3960
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	3961
Gubernatorial Transition Committee	107.29	3962
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	3963
Hemophilia Advisory Subcommittee	3701.0210	3964
Housing Trust Fund Advisory Committee	175.25	3965
Industrial Commission Nominating Council	4121.04	3966
Industrial Technology and Enterprise Advisory Council	122.29	3967
Infant Hearing Screening Subcommittee	3701.507	3968
Insurance Agent Education Advisory Council	3905.483	3969
Interagency Council on Hispanic/Latino Affairs	121.32(J)	3970
Interstate Mining Commission (Interstate Mining Compact)	1514.30	3971
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	3972
Joint Council on MR/DD	101.37	3973
Joint Select Committee on Volume Cap	133.021	3974
Labor-Management Government Advisory Council	4121.70	3975
Legal Rights Service Commission	5123.60	3976
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	3977
Maternal and Child Health Council	3701.025	3978
Medically Handicapped Children's Medical Advisory Council	3701.025	3979
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	3980
Military Activation Task Force	5902.15	3981

**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

Milk Sanitation Board	917.03	3982
Mine Subsidence Insurance Governing Board	3929.51	3983
Minority Development Financing Board	122.72	3984
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	3985
Multidisciplinary Council	3746.03	3986
Muskingum River Advisory Council	1501.25	3987
National Museum of Afro-American History and Culture Planning Committee	149.303	3988
Nursing Facility Reimbursement Study Council	5111.34	3989
Ohio Advisory Council for the Aging	173.03	3990
Ohio Aerospace & Defense Advisory Council	122.98	3991
Ohio Arts Council	3379.02	3992
Ohio Business Gateway Steering Committee	5703.57	3993
Ohio Cemetery Dispute Resolution Commission	4767.05	3994
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	3995
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	3996
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	3997
Ohio Commission on Dispute Resolution and Conflict Management	179.02	3998
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	3999
Ohio Community Service Council	121.40	4000
Ohio Council for Interstate Adult Offender Supervision	5149.22	4001
Ohio Cultural Facilities Commission	3383.02	4002
Ohio Developmental Disabilities Council	5123.35	4003
Ohio Educational Telecommunications Network Commission	3353.02	4004

**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

<del>Ohio Ethics Commission</del>	<del>102.05</del>	4005
Ohio Expositions Commission	991.02	4006
Ohio Family and Children First Cabinet Council	121.37	4007
Ohio Geology Advisory Council	1505.11	4008
Ohio Grape Industries Committee	924.51	4009
Ohio Hepatitis C Advisory Commission	3701.92	4010
Ohio Historic Site Preservation Advisory Board	149.301	4011
Ohio Historical Society Board of Trustees	149.30	4012
Ohio Judicial Conference	105.91	4013
Ohio Lake Erie Commission	1506.21	4014
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	4015
Ohio Medical Quality Foundation	3701.89	4016
Ohio Parks and Recreation Council	1541.40	4017
Ohio Peace Officer Training Commission	109.71	4018
Ohio Public Defender Commission	120.01	4019
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	4020
<del>Ohio Public Works Commission</del>	<del>164.02</del>	4021
Ohio Quarter Horse Development Commission	3769.086	4022
Ohio SchoolNet Commission	3301.80	4023
Ohio Small Government Capital Improvements Commission	164.02	4024
Ohio Soil and Water Conservation Commission	1515.02	4025
Ohio Standardbred Development Commission	3769.085	4026
Ohio Steel Industry Advisory Council	122.97	4027

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Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	4028
Ohio Thoroughbred Racing Advisory Committee	3769.084	4029
Ohio Tuition Trust Authority	3334.03	4030
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	4031
Ohio Vendors Representative Committee	3304.34	4032
Ohio War Orphans Scholarship Board	5910.02	4033
Ohio Water Advisory Council	1521.031	4034
Ohio Water Resources Council	1521.19	4035
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	4036
Oil and Gas Commission	1509.35	4037
Operating Committee, Agricultural Commodity Marketing Programs	924.07	4038
Organized Crime Investigations Commission	177.01	4039
<del>Parole Board</del>	<del>5149.10</del>	4040
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81	4041
Physician Loan Repayment Advisory Board	3702.81	4042
Power Siting Board	4906.02	4043
Prequalification Review Board	5525.07	4044
Private Water Systems Advisory Council	3701.346	4045
Public Employment Risk Reduction Advisory Commission	4167.02	4046
Public Health Council	3701.33	4047
Public Utilities Commission Nominating Council	4901.021	4048
Public Utility Property Tax Study Committee	5727.85	4049
Radiation Advisory Council	3748.20	4050
Reclamation Commission	1513.05	4051
Recreation and Resources Commission	1501.04	4052
Recycling and Litter Prevention Advisory Council	1502.04	4053
Rehabilitation Services Commission Consumer	3304.24	4054

**As Reported by the Senate State and Local Government and Veterans Affairs  
Committee**

Advisory Committee

<del>Release Authority of Department of Youth Services</del>	5139.50	4055
Savings & Loans Associations & Savings Banks Board	1181.16	4056
Schools and Ministerial Lands Divestiture Committee	501.041	4057
Second Chance Trust Fund Advisory Committee	2108.17	4058
<del>Self-Insuring Employers Evaluation Board</del>	<del>4123.352</del>	4059
Services Committee of the Workers' Compensation System	4121.06	4060
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	4061
Solid Waste Management Advisory Council	3734.51	4062
State Agency Coordinating Group	1521.19	4063
<del>State Board of Deposit</del>	<del>135.02</del>	4064
State Board of Emergency Medical Services	4765.04	4065
Subcommittees		
State Council of Uniform State Laws	105.21	4066
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	4067
State Criminal Sentencing Commission	181.21	4068
<del>State Employment Relations Board</del>	<del>4117.02</del>	4069
State Fire Commission	3737.81	4070
State Racing Commission	3769.02	4071
State Victims Assistance Advisory Committee	109.91	4072
Student Tuition Recovery Authority	3332.081	4073
Tax Credit Authority	122.17	4074
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	4075
Technical Advisory Council on Oil and Gas	1509.38	4076
Transportation Review Advisory Council	5512.07	4077
Unemployment Compensation Review Commission	4141.06	4078
Unemployment Compensation Advisory Council	4141.08	4079

Utility Radiological Safety Board	4937.02	4080
Vehicle Management Commission	125.833	4081
Veterans Advisory Committee	5902.02(K)	4082
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	4083
Water and Sewer Commission	1525.11(C)	4084
Waterways Safety Council	1547.73	4085
Wildlife Council	1531.03	4086
Workers' Compensation System Oversight Commission	4121.12	4087
Workers' Compensation Oversight Commission	4121.123	4088
Nominating Committee		

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

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

**Section 6.** It is the intent of the General Assembly in 4093  
amending sections 101.23, 101.83, 101.84, 101.85, 101.86, 122.011, 4094  
122.40, 123.151, 149.56, 307.674, 340.02, 1501.04, 1502.04, 4095  
1502.05, 1502.11, 1502.12, 1506.30, 1506.34, 1506.35, 1517.02, 4096  
1517.23, 1518.01, 1518.03, 1551.35, 3358.10, 3375.61, 3375.62, 4097  
3383.01, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07, 4098  
3383.08, 3383.09, 3746.09, 3746.35, 3747.02, 3748.01, 3748.02, 4099  
3748.04, 3748.05, 3748.16, 3929.482, 3929.85, 3931.01, 3955.05, 4100  
3960.06, 4117.01, 4121.442, 4167.09, 4167.25, 4167.27, 4731.143, 4101  
4741.03, 4755.481, 4981.03, 5123.35, and 5123.352 of the Revised 4102  
Code in this act to confirm the amendments to those sections and 4103  
the resulting versions of those sections that took effect on 4104  
December 30, 2004, in accordance with Section 10 of Am. Sub. H.B. 4105  
516 of the 125th General Assembly. It also is the intent of the 4106  
General Assembly, in part, in amending Section 4 of Am. Sub. H.B. 4107



516 of the 125th General Assembly in this act to confirm the text 4108  
of that uncodified section of law as it took effect on December 4109  
30, 2004, in accordance with Section 10 of Am. Sub. H.B. 516 of 4110  
the 125th General Assembly. This act does not affect, and shall 4111  
not be construed as affecting, the other amendments, enactments, 4112  
or repeals of codified or uncodified law made by Am. Sub. H.B. 516 4113  
of the 125th General Assembly which took effect on December 30, 4114  
2004, in accordance with Section 10 of that legislation, all of 4115  
which it is the intent of the General Assembly to confirm in this 4116  
act, including, but not limited to, the following amendments, 4117  
enactments, or repeals pertaining to the implementation of the 4118  
report of the Sunset Review Committee and related purposes set 4119  
forth in Am. Sub. H.B. 516's title: the amendments to sections 4120  
122.133, 164.07, 1517.05, 2505.02, 3746.04, 3929.682, and 4582.12 4121  
of the Revised Code, the repeals of sections 122.09, 125.24, 4122  
149.32, 149.321, 149.322, 1502.10, 1506.37, 1517.03, 1517.04, 4123  
3354.161, 3355.121, 3357.161, 3375.47, 3746.08, 3747.04, 3747.05, 4124  
3747.06, 3747.061, 3747.07, 3747.08, 3747.09, 3747.10, 3747.11, 4125  
3747.12, 3747.13, 3747.14, 3747.15, 3747.16, 3747.17, 3747.18, 4126  
3747.19, 3747.20, 3747.21, 3747.22, 3748.09, 3929.71, 3929.72, 4127  
3929.721, 3929.73, 3929.75, 3929.76, 3929.77, 3929.78, 3929.79, 4128  
3929.80, 3929.81, 3929.82, 3929.83, 3929.84, 4121.443, 4167.26, 4129  
5101.93, 5119.81, 5119.82, and 5123.353 of the Revised Code, the 4130  
enactments of uncodified law in its Sections 3, 6, 9, 10, 11, and 4131  
12, and the repeals of Section 6 of Am. Sub. S.B. 163 of the 124th 4132  
General Assembly, Section 6 of Sub. S.B. 27 of the 124th General 4133  
Assembly, Section 10 of Sub. H.B. 548 of the 123rd General 4134  
Assembly, Section 3 of Am. H.B. 280 of the 121st General Assembly, 4135  
Section 27 of Sub. H.B. 670 of the 121st General Assembly, Section 4136  
3 of Am. S.B. 208 of the 120th General Assembly, and Section 3 of 4137  
Sub. H.B. 508 of the 119th General Assembly. The General Assembly, 4138  
thus, further declares this section and the related provisions of 4139  
Sections 1 and 3 of this act to be remedial legislation solely 4140

intended to confirm the operation on and after December 30, 2004, 4141  
of the amendments, enactments, and repeals of codified and 4142  
uncodified law made by Am. Sub. H.B. 516 of the 125th General 4143  
Assembly. 4144

**Section 7.** This act is hereby declared to be an emergency 4145  
measure necessary for the immediate preservation of the public 4146  
peace, health, and safety. The reason for the necessity is that a 4147  
plethora of state governmental entities require confirmation that 4148  
the changes made by Am. Sub. H.B. 516 of the 125th General 4149  
Assembly pertaining to their continued existence under the sunset 4150  
review law took effect on December 30, 2004. Therefore, this act 4151  
shall go into immediate effect. 4152