

**As Reported by the House Agriculture and Natural Resources  
Committee**

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**Regular Session**

**2009-2010**

**Sub. H. B. No. 414**

**Representatives Sayre, Bolon**

**Cosponsors: Representatives Boose, Hite, Ruhl, Derickson, Pryor,  
Weddington, Domenick, Zehringer, Wagner**

—

**A B I L L**

To amend section 102.02 and to enact sections 904.01 1  
to 904.08 of the Revised Code to establish 2  
requirements and responsibilities of the Ohio 3  
Livestock Care Standards Board and the Director of 4  
Agriculture in administering and enforcing the 5  
rules adopted by the Board that govern the care 6  
and well-being of livestock in this state. 7

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

**Section 1.** That section 102.02 be amended and sections 8  
904.01, 904.02, 904.03, 904.04, 904.05, 904.06, 904.07, and 904.08 9  
of the Revised Code be enacted to read as follows: 10

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 11  
of this section, all of the following shall file with the 12  
appropriate ethics commission the disclosure statement described 13  
in this division on a form prescribed by the appropriate 14  
commission: every person who is elected to or is a candidate for a 15  
state, county, or city office and every person who is appointed to 16  
fill a vacancy for an unexpired term in such an elective office; 17

all members of the state board of education; the director, 18  
assistant directors, deputy directors, division chiefs, or persons 19  
of equivalent rank of any administrative department of the state; 20  
the president or other chief administrative officer of every state 21  
institution of higher education as defined in section 3345.011 of 22  
the Revised Code; the executive director and the members of the 23  
capitol square review and advisory board appointed or employed 24  
pursuant to section 105.41 of the Revised Code; the chief 25  
executive officer and the members of the board of each state 26  
retirement system; each employee of a state retirement board who 27  
is a state retirement system investment officer licensed pursuant 28  
to section 1707.163 of the Revised Code; the members of the Ohio 29  
retirement study council appointed pursuant to division (C) of 30  
section 171.01 of the Revised Code; employees of the Ohio 31  
retirement study council, other than employees who perform purely 32  
administrative or clerical functions; the administrator of 33  
workers' compensation and each member of the bureau of workers' 34  
compensation board of directors; the bureau of workers' 35  
compensation director of investments; the chief investment officer 36  
of the bureau of workers' compensation; the director appointed by 37  
the workers' compensation council; all members of the board of 38  
commissioners on grievances and discipline of the supreme court 39  
and the ethics commission created under section 102.05 of the 40  
Revised Code; every business manager, treasurer, or superintendent 41  
of a city, local, exempted village, joint vocational, or 42  
cooperative education school district or an educational service 43  
center; every person who is elected to or is a candidate for the 44  
office of member of a board of education of a city, local, 45  
exempted village, joint vocational, or cooperative education 46  
school district or of a governing board of an educational service 47  
center that has a total student count of twelve thousand or more 48  
as most recently determined by the department of education 49  
pursuant to section 3317.03 of the Revised Code; every person who 50

is appointed to the board of education of a municipal school 51  
district pursuant to division (B) or (F) of section 3311.71 of the 52  
Revised Code; all members of the board of directors of a sanitary 53  
district that is established under Chapter 6115. of the Revised 54  
Code and organized wholly for the purpose of providing a water 55  
supply for domestic, municipal, and public use, and that includes 56  
two municipal corporations in two counties; every public official 57  
or employee who is paid a salary or wage in accordance with 58  
schedule C of section 124.15 or schedule E-2 of section 124.152 of 59  
the Revised Code; members of the board of trustees and the 60  
executive director of the southern Ohio agricultural and community 61  
development foundation; all members appointed to the Ohio 62  
livestock care standards board under section 904.02 of the Revised 63  
Code; and every other public official or employee who is 64  
designated by the appropriate ethics commission pursuant to 65  
division (B) of this section. 66

The disclosure statement shall include all of the following: 67

(1) The name of the person filing the statement and each 68  
member of the person's immediate family and all names under which 69  
the person or members of the person's immediate family do 70  
business; 71

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 72  
and except as otherwise provided in section 102.022 of the Revised 73  
Code, identification of every source of income, other than income 74  
from a legislative agent identified in division (A)(2)(b) of this 75  
section, received during the preceding calendar year, in the 76  
person's own name or by any other person for the person's use or 77  
benefit, by the person filing the statement, and a brief 78  
description of the nature of the services for which the income was 79  
received. If the person filing the statement is a member of the 80  
general assembly, the statement shall identify the amount of every 81  
source of income received in accordance with the following ranges 82

of amounts: zero or more, but less than one thousand dollars; one 83  
thousand dollars or more, but less than ten thousand dollars; ten 84  
thousand dollars or more, but less than twenty-five thousand 85  
dollars; twenty-five thousand dollars or more, but less than fifty 86  
thousand dollars; fifty thousand dollars or more, but less than 87  
one hundred thousand dollars; and one hundred thousand dollars or 88  
more. Division (A)(2)(a) of this section shall not be construed to 89  
require a person filing the statement who derives income from a 90  
business or profession to disclose the individual items of income 91  
that constitute the gross income of that business or profession, 92  
except for those individual items of income that are attributable 93  
to the person's or, if the income is shared with the person, the 94  
partner's, solicitation of services or goods or performance, 95  
arrangement, or facilitation of services or provision of goods on 96  
behalf of the business or profession of clients, including 97  
corporate clients, who are legislative agents. A person who files 98  
the statement under this section shall disclose the identity of 99  
and the amount of income received from a person who the public 100  
official or employee knows or has reason to know is doing or 101  
seeking to do business of any kind with the public official's or 102  
employee's agency. 103

(b) If the person filing the statement is a member of the 104  
general assembly, the statement shall identify every source of 105  
income and the amount of that income that was received from a 106  
legislative agent during the preceding calendar year, in the 107  
person's own name or by any other person for the person's use or 108  
benefit, by the person filing the statement, and a brief 109  
description of the nature of the services for which the income was 110  
received. Division (A)(2)(b) of this section requires the 111  
disclosure of clients of attorneys or persons licensed under 112  
section 4732.12 of the Revised Code, or patients of persons 113  
certified under section 4731.14 of the Revised Code, if those 114  
clients or patients are legislative agents. Division (A)(2)(b) of 115

this section requires a person filing the statement who derives 116  
income from a business or profession to disclose those individual 117  
items of income that constitute the gross income of that business 118  
or profession that are received from legislative agents. 119

(c) Except as otherwise provided in division (A)(2)(c) of 120  
this section, division (A)(2)(a) of this section applies to 121  
attorneys, physicians, and other persons who engage in the 122  
practice of a profession and who, pursuant to a section of the 123  
Revised Code, the common law of this state, a code of ethics 124  
applicable to the profession, or otherwise, generally are required 125  
not to reveal, disclose, or use confidences of clients, patients, 126  
or other recipients of professional services except under 127  
specified circumstances or generally are required to maintain 128  
those types of confidences as privileged communications except 129  
under specified circumstances. Division (A)(2)(a) of this section 130  
does not require an attorney, physician, or other professional 131  
subject to a confidentiality requirement as described in division 132  
(A)(2)(c) of this section to disclose the name, other identity, or 133  
address of a client, patient, or other recipient of professional 134  
services if the disclosure would threaten the client, patient, or 135  
other recipient of professional services, would reveal details of 136  
the subject matter for which legal, medical, or professional 137  
advice or other services were sought, or would reveal an otherwise 138  
privileged communication involving the client, patient, or other 139  
recipient of professional services. Division (A)(2)(a) of this 140  
section does not require an attorney, physician, or other 141  
professional subject to a confidentiality requirement as described 142  
in division (A)(2)(c) of this section to disclose in the brief 143  
description of the nature of services required by division 144  
(A)(2)(a) of this section any information pertaining to specific 145  
professional services rendered for a client, patient, or other 146  
recipient of professional services that would reveal details of 147  
the subject matter for which legal, medical, or professional 148

advice was sought or would reveal an otherwise privileged 149  
communication involving the client, patient, or other recipient of 150  
professional services. 151

(3) The name of every corporation on file with the secretary 152  
of state that is incorporated in this state or holds a certificate 153  
of compliance authorizing it to do business in this state, trust, 154  
business trust, partnership, or association that transacts 155  
business in this state in which the person filing the statement or 156  
any other person for the person's use and benefit had during the 157  
preceding calendar year an investment of over one thousand dollars 158  
at fair market value as of the thirty-first day of December of the 159  
preceding calendar year, or the date of disposition, whichever is 160  
earlier, or in which the person holds any office or has a 161  
fiduciary relationship, and a description of the nature of the 162  
investment, office, or relationship. Division (A)(3) of this 163  
section does not require disclosure of the name of any bank, 164  
savings and loan association, credit union, or building and loan 165  
association with which the person filing the statement has a 166  
deposit or a withdrawable share account. 167

(4) All fee simple and leasehold interests to which the 168  
person filing the statement holds legal title to or a beneficial 169  
interest in real property located within the state, excluding the 170  
person's residence and property used primarily for personal 171  
recreation; 172

(5) The names of all persons residing or transacting business 173  
in the state to whom the person filing the statement owes, in the 174  
person's own name or in the name of any other person, more than 175  
one thousand dollars. Division (A)(5) of this section shall not be 176  
construed to require the disclosure of debts owed by the person 177  
resulting from the ordinary conduct of a business or profession or 178  
debts on the person's residence or real property used primarily 179  
for personal recreation, except that the superintendent of 180

financial institutions shall disclose the names of all 181  
state-chartered savings and loan associations and of all service 182  
corporations subject to regulation under division (E)(2) of 183  
section 1151.34 of the Revised Code to whom the superintendent in 184  
the superintendent's own name or in the name of any other person 185  
owes any money, and that the superintendent and any deputy 186  
superintendent of banks shall disclose the names of all 187  
state-chartered banks and all bank subsidiary corporations subject 188  
to regulation under section 1109.44 of the Revised Code to whom 189  
the superintendent or deputy superintendent owes any money. 190

(6) The names of all persons residing or transacting business 191  
in the state, other than a depository excluded under division 192  
(A)(3) of this section, who owe more than one thousand dollars to 193  
the person filing the statement, either in the person's own name 194  
or to any person for the person's use or benefit. Division (A)(6) 195  
of this section shall not be construed to require the disclosure 196  
of clients of attorneys or persons licensed under section 4732.12 197  
or 4732.15 of the Revised Code, or patients of persons certified 198  
under section 4731.14 of the Revised Code, nor the disclosure of 199  
debts owed to the person resulting from the ordinary conduct of a 200  
business or profession. 201

(7) Except as otherwise provided in section 102.022 of the 202  
Revised Code, the source of each gift of over seventy-five 203  
dollars, or of each gift of over twenty-five dollars received by a 204  
member of the general assembly from a legislative agent, received 205  
by the person in the person's own name or by any other person for 206  
the person's use or benefit during the preceding calendar year, 207  
except gifts received by will or by virtue of section 2105.06 of 208  
the Revised Code, or received from spouses, parents, grandparents, 209  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 210  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 211  
fathers-in-law, mothers-in-law, or any person to whom the person 212

filing the statement stands in loco parentis, or received by way 213  
of distribution from any inter vivos or testamentary trust 214  
established by a spouse or by an ancestor; 215

(8) Except as otherwise provided in section 102.022 of the 216  
Revised Code, identification of the source and amount of every 217  
payment of expenses incurred for travel to destinations inside or 218  
outside this state that is received by the person in the person's 219  
own name or by any other person for the person's use or benefit 220  
and that is incurred in connection with the person's official 221  
duties, except for expenses for travel to meetings or conventions 222  
of a national or state organization to which any state agency, 223  
including, but not limited to, any legislative agency or state 224  
institution of higher education as defined in section 3345.011 of 225  
the Revised Code, pays membership dues, or any political 226  
subdivision or any office or agency of a political subdivision 227  
pays membership dues; 228

(9) Except as otherwise provided in section 102.022 of the 229  
Revised Code, identification of the source of payment of expenses 230  
for meals and other food and beverages, other than for meals and 231  
other food and beverages provided at a meeting at which the person 232  
participated in a panel, seminar, or speaking engagement or at a 233  
meeting or convention of a national or state organization to which 234  
any state agency, including, but not limited to, any legislative 235  
agency or state institution of higher education as defined in 236  
section 3345.011 of the Revised Code, pays membership dues, or any 237  
political subdivision or any office or agency of a political 238  
subdivision pays membership dues, that are incurred in connection 239  
with the person's official duties and that exceed one hundred 240  
dollars aggregated per calendar year; 241

(10) If the disclosure statement is filed by a public 242  
official or employee described in division (B)(2) of section 243  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 244

the Revised Code who receives a statement from a legislative 245  
agent, executive agency lobbyist, or employer that contains the 246  
information described in division (F)(2) of section 101.73 of the 247  
Revised Code or division (G)(2) of section 121.63 of the Revised 248  
Code, all of the nondisputed information contained in the 249  
statement delivered to that public official or employee by the 250  
legislative agent, executive agency lobbyist, or employer under 251  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 252  
the Revised Code. 253

A person may file a statement required by this section in 254  
person or by mail. A person who is a candidate for elective office 255  
shall file the statement no later than the thirtieth day before 256  
the primary, special, or general election at which the candidacy 257  
is to be voted on, whichever election occurs soonest, except that 258  
a person who is a write-in candidate shall file the statement no 259  
later than the twentieth day before the earliest election at which 260  
the person's candidacy is to be voted on. A person who holds 261  
elective office shall file the statement on or before the 262  
fifteenth day of April of each year unless the person is a 263  
candidate for office. A person who is appointed to fill a vacancy 264  
for an unexpired term in an elective office shall file the 265  
statement within fifteen days after the person qualifies for 266  
office. Other persons shall file an annual statement on or before 267  
the fifteenth day of April or, if appointed or employed after that 268  
date, within ninety days after appointment or employment. No 269  
person shall be required to file with the appropriate ethics 270  
commission more than one statement or pay more than one filing fee 271  
for any one calendar year. 272

The appropriate ethics commission, for good cause, may extend 273  
for a reasonable time the deadline for filing a statement under 274  
this section. 275

A statement filed under this section is subject to public 276

inspection at locations designated by the appropriate ethics 277  
commission except as otherwise provided in this section. 278

(B) The Ohio ethics commission, the joint legislative ethics 279  
committee, and the board of commissioners on grievances and 280  
discipline of the supreme court, using the rule-making procedures 281  
of Chapter 119. of the Revised Code, may require any class of 282  
public officials or employees under its jurisdiction and not 283  
specifically excluded by this section whose positions involve a 284  
substantial and material exercise of administrative discretion in 285  
the formulation of public policy, expenditure of public funds, 286  
enforcement of laws and rules of the state or a county or city, or 287  
the execution of other public trusts, to file an annual statement 288  
on or before the fifteenth day of April under division (A) of this 289  
section. The appropriate ethics commission shall send the public 290  
officials or employees written notice of the requirement by the 291  
fifteenth day of February of each year the filing is required 292  
unless the public official or employee is appointed after that 293  
date, in which case the notice shall be sent within thirty days 294  
after appointment, and the filing shall be made not later than 295  
ninety days after appointment. 296

Except for disclosure statements filed by members of the 297  
board of trustees and the executive director of the southern Ohio 298  
agricultural and community development foundation, disclosure 299  
statements filed under this division with the Ohio ethics 300  
commission by members of boards, commissions, or bureaus of the 301  
state for which no compensation is received other than reasonable 302  
and necessary expenses shall be kept confidential. Disclosure 303  
statements filed with the Ohio ethics commission under division 304  
(A) of this section by business managers, treasurers, and 305  
superintendents of city, local, exempted village, joint 306  
vocational, or cooperative education school districts or 307  
educational service centers shall be kept confidential, except 308

that any person conducting an audit of any such school district or 309  
educational service center pursuant to section 115.56 or Chapter 310  
117. of the Revised Code may examine the disclosure statement of 311  
any business manager, treasurer, or superintendent of that school 312  
district or educational service center. The Ohio ethics commission 313  
shall examine each disclosure statement required to be kept 314  
confidential to determine whether a potential conflict of interest 315  
exists for the person who filed the disclosure statement. A 316  
potential conflict of interest exists if the private interests of 317  
the person, as indicated by the person's disclosure statement, 318  
might interfere with the public interests the person is required 319  
to serve in the exercise of the person's authority and duties in 320  
the person's office or position of employment. If the commission 321  
determines that a potential conflict of interest exists, it shall 322  
notify the person who filed the disclosure statement and shall 323  
make the portions of the disclosure statement that indicate a 324  
potential conflict of interest subject to public inspection in the 325  
same manner as is provided for other disclosure statements. Any 326  
portion of the disclosure statement that the commission determines 327  
does not indicate a potential conflict of interest shall be kept 328  
confidential by the commission and shall not be made subject to 329  
public inspection, except as is necessary for the enforcement of 330  
Chapters 102. and 2921. of the Revised Code and except as 331  
otherwise provided in this division. 332

(C) No person shall knowingly fail to file, on or before the 333  
applicable filing deadline established under this section, a 334  
statement that is required by this section. 335

(D) No person shall knowingly file a false statement that is 336  
required to be filed under this section. 337

(E)(1) Except as provided in divisions (E)(2) and (3) of this 338  
section, the statement required by division (A) or (B) of this 339  
section shall be accompanied by a filing fee of forty dollars. 340

(2) The statement required by division (A) of this section		341
shall be accompanied by the following filing fee to be paid by the		342
person who is elected or appointed to, or is a candidate for, any		343
of the following offices:		344
For state office, except member of the		345
state board of education	\$65	346
For office of member of general assembly	\$40	347
For county office	\$40	348
For city office	\$25	349
For office of member of the state board		350
of education	\$25	351
<u>For office of member of the Ohio livestock</u>	<u>\$25</u>	352
<u>care standards board</u>		
For office of member of a city, local,		353
exempted village, or cooperative		354
education board of		355
education or educational service		356
center governing board	\$20	357
For position of business manager,		358
treasurer, or superintendent of a		359
city, local, exempted village, joint		360
vocational, or cooperative education		361
school district or		362
educational service center	\$20	363
(3) No judge of a court of record or candidate for judge of a		364
court of record, and no referee or magistrate serving a court of		365
record, shall be required to pay the fee required under division		366
(E)(1) or (2) or (F) of this section.		367
(4) For any public official who is appointed to a nonelective		368
office of the state and for any employee who holds a nonelective		369
position in a public agency of the state, the state agency that is		370
the primary employer of the state official or employee shall pay		371

the fee required under division (E)(1) or (F) of this section. 372

(F) If a statement required to be filed under this section is 373  
not filed by the date on which it is required to be filed, the 374  
appropriate ethics commission shall assess the person required to 375  
file the statement a late filing fee of ten dollars for each day 376  
the statement is not filed, except that the total amount of the 377  
late filing fee shall not exceed two hundred fifty dollars. 378

(G)(1) The appropriate ethics commission other than the Ohio 379  
ethics commission and the joint legislative ethics committee shall 380  
deposit all fees it receives under divisions (E) and (F) of this 381  
section into the general revenue fund of the state. 382

(2) The Ohio ethics commission shall deposit all receipts, 383  
including, but not limited to, fees it receives under divisions 384  
(E) and (F) of this section and all moneys it receives from 385  
settlements under division (G) of section 102.06 of the Revised 386  
Code, into the Ohio ethics commission fund, which is hereby 387  
created in the state treasury. All moneys credited to the fund 388  
shall be used solely for expenses related to the operation and 389  
statutory functions of the commission. 390

(3) The joint legislative ethics committee shall deposit all 391  
receipts it receives from the payment of financial disclosure 392  
statement filing fees under divisions (E) and (F) of this section 393  
into the joint legislative ethics committee investigative fund. 394

(H) Division (A) of this section does not apply to a person 395  
elected or appointed to the office of precinct, ward, or district 396  
committee member under Chapter 3517. of the Revised Code; a 397  
presidential elector; a delegate to a national convention; village 398  
or township officials and employees; any physician or psychiatrist 399  
who is paid a salary or wage in accordance with schedule C of 400  
section 124.15 or schedule E-2 of section 124.152 of the Revised 401  
Code and whose primary duties do not require the exercise of 402

administrative discretion; or any member of a board, commission, 403  
or bureau of any county or city who receives less than one 404  
thousand dollars per year for serving in that position. 405

Sec. 904.01. As used in this chapter, "livestock" means 406  
either of the following: 407

(A) Equine animals regardless of the purpose for which they 408  
are raised; 409

(B) Any of the following animals that are raised for human 410  
food products or fiber: 411

(1) Porcine animals; 412

(2) Bovine animals; 413

(3) Caprine animals; 414

(4) Ovine animals; 415

(5) Poultry; 416

(6) Alpacas; 417

(7) Llamas; 418

(8) Any other animal designated in rules adopted under 419  
section 904.03 of the Revised Code. 420

Sec. 904.02. (A) There is hereby created the Ohio livestock 421  
care standards board consisting of the following members: 422

(1) The director of agriculture, who shall be the chairperson 423  
of the board; 424

(2) Ten members appointed by the governor with the advice and 425  
consent of the senate. The ten members shall be residents of this 426  
state and shall include the following: 427

(a) One member representing family farms; 428

(b) One member who is knowledgeable about food safety in this 429

<u>state;</u>	430
<u>(c) Two members representing statewide organizations that represent farmers;</u>	431 432
<u>(d) One member who is a veterinarian licensed under Chapter 4741. of the Revised Code;</u>	433 434
<u>(e) The state veterinarian in the department of agriculture;</u>	435
<u>(f) The dean of the agriculture department of a college or university located in this state;</u>	436 437
<u>(g) Two members of the public representing consumers in this state;</u>	438 439
<u>(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code.</u>	440 441
<u>(3) One member appointed by the speaker of the house of representatives who shall be a family farmer;</u>	442 443
<u>(4) One member appointed by the president of the senate who shall be a family farmer.</u>	444 445
<u>Not more than seven members appointed to the board at any given time shall be of the same political party.</u>	446 447
<u>(B)(1) The governor, the speaker of the house of representatives, and the president of the senate shall make appointments to the board not later than forty-five days after the effective date of this section.</u>	448 449 450 451
<u>(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 25, 2011:</u>	452 453 454
<u>(a) The member representing family farmers;</u>	455
<u>(b) The dean of the agriculture department of a college or university located in this state;</u>	456 457
<u>(c) The member who is a veterinarian licensed under Chapter</u>	458

<u>4741. of the Revised Code;</u>	459
<u>(d) One of the members of the public representing consumers in this state.</u>	460 461
<u>(3) The following initial members of the board shall be appointed for a term ending January 15, 2012:</u>	462 463
<u>(a) The member appointed by the speaker of the house of representatives who is a family farmer;</u>	464 465
<u>(b) One of the members representing a statewide organization that represents farmers;</u>	466 467
<u>(c) The member representing a county humane society organized under Chapter 1717. of the Revised Code;</u>	468 469
<u>(d) The member who is knowledgeable about food safety in this state.</u>	470 471
<u>(4) The following initial members of the board shall be appointed for a term ending January 15, 2013:</u>	472 473
<u>(a) The member appointed by the president of the senate who is a family farmer;</u>	474 475
<u>(b) One of the members of the public representing consumers in this state;</u>	476 477
<u>(c) One of the members representing a statewide organization that represents farmers.</u>	478 479
<u>(C) After the initial terms served in accordance with division (B) of this section, terms of office shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. However, the terms for the director of agriculture and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian, as applicable. If the director or the state veterinarian resigns or that person's employment is terminated, the director or state veterinarian, as applicable, shall cease to</u>	480 481 482 483 484 485 486 487 488

serve on the board, and the successor of the director or state 489  
veterinarian shall then serve on the board in accordance with this 490  
section. Every other member shall hold office from the date of the 491  
member's appointment until the end of the term for which the 492  
member was appointed. 493

Vacancies on the board shall be filled in the manner provided 494  
for original appointments. Any member appointed to fill a vacancy 495  
occurring prior to the expiration of the term for which the 496  
member's predecessor was appointed shall hold office for the 497  
remainder of that term. A member shall continue in office 498  
subsequent to the expiration date of the member's term until the 499  
member's successor takes office, or until a period of one hundred 500  
eighty days has elapsed, whichever occurs first. A member may be 501  
reappointed upon the expiration of the member's term. 502

(D) The board shall hold at least three regular meetings each 503  
year and may hold additional meetings at times that the 504  
chairperson or a majority of the board members considers 505  
appropriate. At the three regular meetings held by the board each 506  
year, the board shall conduct a review of the rules governing the 507  
care and well-being of livestock that have been or are proposed to 508  
be adopted under section 904.03 of the Revised Code. 509

At the first meeting of the board in each calendar year, the 510  
director shall designate one member of the board to serve as its 511  
vice-chairperson. A majority of the board constitutes a quorum. 512  
The board may act only if a quorum is present and only by majority 513  
vote of that quorum. A vacancy on the board does not impair the 514  
right of the other members to exercise all of the board's powers. 515

(E) Serving as an appointed member of the board does not 516  
constitute holding a public office or position of employment under 517  
the laws of this state and does not constitute grounds for removal 518  
of public officers or employees from their offices or positions of 519  
employment. 520

(F) Appointed members of the board shall receive no compensation for their services. Members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members. The expenses shall be paid from the Ohio livestock care standards fund created in section 904.06 of the Revised Code. The expenses shall be paid in accordance with the rules and requirements adopted by the department of administrative services that are applicable to state employees. 521  
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(G) The board may create committees that it considers appropriate to make recommendations to the board. Committees may include non-board members. 529  
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**Sec. 904.03.** (A) The Ohio livestock care standards board shall adopt rules in accordance with Chapter 119. of the Revised Code governing the care and well-being of livestock in this state. In adopting those rules, the board shall consider the following factors: 532  
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(1) Best management practices for the care and well-being of livestock; 537  
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(2) Biosecurity. The rules shall not create a statewide animal identification system. 539  
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(3) The prevention of disease; 541

(4) Animal morbidity and mortality data; 542

(5) Food safety practices; 543

(6) The protection of local, affordable food supplies for consumers; 544  
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(7) Generally accepted veterinary medical practices, livestock practice standards, and ethical standards established by the American veterinary medical association; 546  
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(8) Any other factors that the board considers necessary for 549

the proper care and well-being of livestock in this state. 550

The rules shall not apply to organic producers that are 551  
certified by the United States department of agriculture under the 552  
national organic program to the extent that the rules preempt 553  
standards that are required to maintain that certification. 554

(B) The board shall adopt rules in accordance with Chapter 555  
119. of the Revised Code that establish the amount of civil 556  
penalties to be assessed against persons who violate the rules 557  
adopted under division (A) of this section. 558

(C) The rules adopted under this section do not apply to 559  
animals that are used in agricultural, biological, or biomedical 560  
research or confined in research or medical facilities that 561  
operate in accordance with "The Guide for the Care and Use of 562  
Agricultural Animals in Research and Teaching" published by the 563  
federation of animal science societies or "The Guide for the Care 564  
and Use of Laboratory Animals" published by the national academy 565  
of sciences. 566

**Sec. 904.04.** (A) In order to assist the Ohio livestock care 567  
standards board in the administration and enforcement of this 568  
chapter, the director of agriculture shall do all of the 569  
following: 570

(1) Hire all employees of the board, including an executive 571  
director. Employees of the board shall be in the unclassified 572  
civil service, serve at the pleasure of the director of 573  
agriculture, and be compensated with money from the Ohio livestock 574  
care standards fund created in section 904.06 of the Revised Code. 575

(2) Enter into contracts on behalf of the board; 576

(3) Do all of the following with regard to rules governing 577  
the care and well-being of livestock adopted by the board under 578  
section 904.03 of the Revised Code: 579

<u>(a) Process and submit the rules to the joint committee on</u>	580
<u>agency rule review pursuant to Chapter 119. of the Revised Code;</u>	581
<u>(b) Contract for surveys and analyses;</u>	582
<u>(c) Perform any other activities that assist the board in</u>	583
<u>adopting the rules.</u>	584
<u>(4) Publish and distribute information related to livestock</u>	585
<u>care, including educational materials, to livestock producers and</u>	586
<u>members of the public;</u>	587
<u>(5) Investigate complaints regarding violations of the rules</u>	588
<u>adopted under section 904.03 of the Revised Code in accordance</u>	589
<u>with the authority granted by this chapter, sections 901.25 to</u>	590
<u>901.29 of the Revised Code, and rules adopted under this chapter</u>	591
<u>and section 901.03 of the Revised Code;</u>	592
<u>(6) Enforce the rules adopted under section 904.03 of the</u>	593
<u>Revised Code and levy the civil penalties established by those</u>	594
<u>rules. The director may apply to a court of competent jurisdiction</u>	595
<u>for a temporary or permanent injunction or other appropriate</u>	596
<u>relief for violations of this chapter and rules adopted under it.</u>	597
<u>For purposes of this division, the court of competent jurisdiction</u>	598
<u>shall be either the court of common pleas of Licking county or the</u>	599
<u>court of common pleas of the county where the violation is</u>	600
<u>occurring.</u>	601
<u>(7) Perform any other duties necessary to assist the board in</u>	602
<u>the administration and enforcement of this chapter.</u>	603
<u>(B) The director or the director's authorized representative</u>	604
<u>acting on behalf of the Ohio livestock care standards board, upon</u>	605
<u>proper identification and upon stating the purpose and necessity</u>	606
<u>of an inspection, may enter at reasonable times on any public or</u>	607
<u>private property, real or personal, to inspect or investigate,</u>	608
<u>obtain samples, and examine or copy records to determine</u>	609
<u>compliance with this chapter and rules adopted under it. The</u>	610

director or the director's authorized representative may apply 611  
for, and any judge of a court of competent jurisdiction may issue, 612  
an appropriate search warrant necessary to achieve the purposes of 613  
this chapter and rules adopted under it. 614

**Sec. 904.05.** No person shall do either of the following: 615

(A) Falsify any plans, specifications, data, reports, 616  
records, or other information required by this chapter or rules 617  
adopted under it to be kept or submitted to the director of 618  
agriculture or the Ohio livestock care standards board; 619

(B) Violate any provision of this chapter or any order, rule, 620  
or determination of the director or board issued, adopted, or made 621  
under this chapter or rules adopted under it. 622

**Sec. 904.06.** (A) Until the general assembly appropriates 623  
money for the purposes of this chapter and rules adopted under it, 624  
the director of agriculture shall request the controlling board to 625  
authorize the transfer of all or part of an appropriation from any 626  
fund administered by the department of agriculture to the Ohio 627  
livestock care standards fund created in division (B) of this 628  
section. 629

(B) All money appropriated by the general assembly for use by 630  
the Ohio livestock care standards board, money transferred from 631  
any fund administered by the department as provided in division 632  
(A) of this section, all money collected from civil penalties 633  
under this chapter, and all money donated to the department of 634  
agriculture or the board for the purposes of advancing livestock 635  
care shall be deposited in the state treasury to the credit of the 636  
Ohio livestock care standards fund, which is hereby created. 637

(C) Money credited to the fund shall be used by the director 638  
of agriculture to carry out the purposes of this chapter, 639  
including the administration and enforcement costs of the 640

department of agriculture and the compensation of employees of the 641  
Ohio livestock care standards board. 642

Sec. 904.07. The authority granted to the Ohio livestock care 643  
standards board and the director of agriculture by this chapter 644  
does not detract from or expand the authority or obligations of 645  
county humane societies or county officials under Chapter 1717. of 646  
the Revised Code. 647

Sec. 904.08. The authority granted to the Ohio livestock care 648  
standards board and the director of agriculture by this chapter 649  
does not apply to food processing production activity that is 650  
regulated by the department of agriculture under Title IX of the 651  
Revised Code. 652

**Section 2.** That existing section 102.02 of the Revised Code 653  
is hereby repealed. 654