

# As Introduced

128th General Assembly  
Regular Session  
2009-2010

H. B. No. 495

Representatives Book, Dodd

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## A BILL

To amend sections 101.83, 101.84, 101.85, 101.86, 1  
119.01, 121.084, 121.32, 127.14, 149.304, 173.03, 2  
173.04, 901.90, 1121.12, 1121.18, 1121.29, 3  
1123.01, 1123.02, 1123.03, 1123.04, 1155.13, 4  
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4503.77, 4723.61, 4723.63, 4723.69, 4981.361, 17  
5104.39, 5111.708, 5123.032, and 5123.093; to 18  
amend, for the purpose of adopting new section 19  
numbers as indicated in parentheses, sections 20  
1506.22 (6161.04), 1506.23 (6161.05), and 1506.24 21  
(6161.06); to enact sections 184.21 and 6161.021; 22  
and to repeal sections 101.37, 121.374, 122.98, 23  
122.981, 125.833, 181.22, 184.23, 184.231, 24

1181.16, 1181.17, 1501.25, 1506.12, 1506.21, 25  
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3319.70, 3319.71, 3701.92, 3702.92, 3727.32, 27  
3727.322, 3746.03, 3769.084, 3905.483, 4121.79, 28  
4501.025, 4723.62, 4723.621, 4937.01, 4937.02, 29  
4937.03, 4937.04, 4937.05, 5104.08, 5111.709, 30  
5111.710, and 5902.15 of the Revised Code; to 31  
repeal section 101.38 of the Revised Code on 32  
December 31, 2011; to amend Section 203 of Am. 33  
Sub. H.B. 15 of the 128th General Assembly and 34  
Section 513.03 of Am. Sub. H.B. 66 of the 126th 35  
General Assembly as subsequently amended; and to 36  
repeal Section 3 of Am. H.B. 416 of the 127th 37  
General Assembly, Sections 265.70.20, 709.10, and 38  
751.13 of Am. Sub. H.B. 1 of the 128th General 39  
Assembly, Sections 755.40, 755.80, and 756.40 of 40  
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127th General Assembly, Sections 703.30 and 715.50 50  
of Am. Sub. H.B. 562 of the 127th General 51  
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the 127th General Assembly as subsequently 53  
amended, Section 4 of Am. Sub. S.B. 77 of the 54  
127th General Assembly, Sections 206.10.12, 55  
206.42.12, 206.66.24, 206.66.43, 209.63.58, 56  
503.09, 503.12, and 560.03 of Am. Sub. H.B. 66 of 57

the 126th General Assembly, Sections 3 and 4 of 58  
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General Assembly, Section 3 of Am. Sub. S.B. 311 65  
of the 126th General Assembly, Section 3 of Sub. 66  
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12 and 25 of Am. Sub. H.B. 87 of the 125th General 68  
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of the 124th General Assembly, Section 701.20 of 79  
Am. Sub. H.B. 562 of the 127th General Assembly as 80  
subsequently amended, Section 206.66.53 of Am. 81  
Sub. H.B. 66 of the 126th General Assembly as 82  
subsequently amended, Section 6 of Sub. H.B. 336 83  
of the 126th General Assembly as subsequently 84  
amended, Section 755.03 of Am. Sub. H.B. 530 of 85  
the 126th General Assembly, as subsequently 86  
amended, Section 6 of Am. Sub. S.B. 238 of the 87  
126th General Assembly as subsequently amended, 88  
Section 8 of Am. Sub. S.B. 311 of the 126th 89  
General Assembly as subsequently amended, Section 90

152 of Am. Sub. H.B. 95 of the 125th General 91  
Assembly, as subsequently amended, Section 59.29 92  
of Am. Sub. H.B. 95 of the 125th General Assembly 93  
as subsequently amended, and Section 69 of H.B. 94  
117 of the 121st General Assembly as subsequently 95  
amended to implement the recommendations of the 96  
Sunset Review Committee by abolishing, 97  
terminating, transferring, or renewing various 98  
agencies and by reestablishing the Sunset Review 99  
Committee but postponing its operation until the 100  
132nd General Assembly, and to terminate the 101  
operation of certain provisions of this act on 102  
December 31, 2016, by repealing sections 101.82, 103  
101.83, 101.84, 101.85, 101.86, and 101.87 of the 104  
Revised Code on that date. 105

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

**Section 1.** That sections 101.83, 101.84, 101.85, 101.86, 106  
119.01, 121.084, 121.32, 127.14, 149.304, 173.03, 173.04, 901.90, 107  
1121.12, 1121.18, 1121.29, 1123.01, 1123.02, 1123.03, 1123.04, 108  
1155.13, 1163.16, 1181.11, 1315.122, 1349.71, 1506.22, 1506.23, 109  
1506.24, 1521.19, 1733.32, 3119.024, 3301.90, 3311.71, 3313.6013, 110  
3335.27, 3345.062, 3701.025, 3701.63, 3702.79, 3702.80, 3702.81, 111  
3702.85, 3702.86, 3702.93, 3702.94, 3705.35, 3705.36, 3718.03, 112  
3727.312, 3727.313, 3727.321, 3727.39, 3727.41, 3743.54, 3746.04, 113  
3769.083, 3769.085, 3769.086, 3905.04, 3905.481, 3905.484, 114  
3905.485, 3905.486, 3905.88, 3929.631, 3929.64, 3929.68, 3930.02, 115  
3930.03, 4121.03, 4121.121, 4121.77, 4123.341, 4123.342, 4123.35, 116  
4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 4503.52, 4503.77, 117  
4723.61, 4723.63, 4723.69, 4981.361, 5104.39, 5111.708, 5123.032, 118  
and 5123.093 be amended, sections 1506.22 (6161.04), 1506.23 119  
(6161.05), and 1506.24 (6161.06) be amended for the purpose of 120

adopting new section numbers as indicated in parentheses, and 121  
sections 184.21 and 6161.021 of the Revised Code be enacted to 122  
read as follows: 123

**Sec. 101.83.** (A) An agency in existence on January 1, ~~2005~~ 124  
2011, shall expire on December 31, ~~2010~~ 2016, unless the agency is 125  
renewed in accordance with division (D) of this section and, if so 126  
renewed, shall expire thereafter on the thirty-first day of 127  
December of the fourth year after the year in which it was most 128  
recently renewed unless the agency is renewed in accordance with 129  
division (D) of this section. An agency created after January 1, 130  
~~2005~~ 2011, that is created on the thirty-first day of December 131  
shall expire not later than four years after its creation, unless 132  
the agency is renewed in accordance with division (D) of this 133  
section. An agency created after January 1, ~~2005~~ 2011, that is 134  
created on any other date shall be considered for the purpose of 135  
this section to have been created on the preceding thirty-first 136  
day of December, and the agency shall expire not later than four 137  
years after the date it was considered to have been created, 138  
unless the agency is renewed in accordance with division (D) of 139  
this section. Any act creating or renewing an agency shall contain 140  
a distinct section providing a specific expiration date for the 141  
agency in accordance with this division. 142

(B) If the general assembly does not renew or transfer an 143  
agency on or before its expiration date, it shall expire on that 144  
date. 145

The director of budget and management shall not authorize the 146  
expenditure of any moneys for any agency on or after the date of 147  
its expiration. 148

(C) The general assembly may provide by law for the orderly, 149  
efficient, and expeditious conclusion of an agency's business and 150

operation. The rules, orders, licenses, contracts, and other 151  
actions made, taken, granted, or performed by the agency shall 152  
continue in effect according to their terms notwithstanding the 153  
agency's abolition, unless the general assembly provides otherwise 154  
by law. The general assembly may provide by law for the temporary 155  
or permanent transfer of some or all of a terminated or 156  
transferred agency's functions and personnel to a successor agency 157  
or officer. 158

The abolition, termination, or transfer of an agency shall 159  
not cause the termination or dismissal of any claim pending 160  
against the agency by any person, or any claim pending against any 161  
person by the agency. Unless the general assembly provides 162  
otherwise by law for the substitution of parties, the attorney 163  
general shall succeed the agency with reference to any pending 164  
claim. 165

(D) An agency may be renewed by passage of a bill that 166  
continues the statutes creating and empowering the agency, that 167  
amends or repeals those statutes, or that enacts new statutes, to 168  
improve agency usefulness, performance, or effectiveness. 169

**Sec. 101.84.** (A) There is hereby created the sunset review 170  
committee, to be composed of nine members and function in calendar 171  
years ~~2009~~ 2015 and ~~2010~~ 2016. The president of the senate shall 172  
appoint three members of the senate to the committee, not more 173  
than two of whom shall be members of the same political party. The 174  
speaker of the house of representatives shall appoint three 175  
members of the house of representatives to the committee, not more 176  
than two of whom shall be members of the same political party. The 177  
governor, with the advice and consent of the senate, shall appoint 178  
three members to the committee, not more than two of whom shall be 179  
members of the same political party. Members shall be appointed 180  
within fifteen days after the commencement of the first regular 181

session of the ~~128th~~ 131st general assembly. 182

(B) Each member of the committee who is appointed by the 183  
president of the senate or the speaker of the house of 184  
representatives shall serve during that committee member's term of 185  
office or until that committee member no longer is a member of the 186  
senate or the house of representatives, whichever is applicable. 187  
Each member of the committee who is appointed by the governor 188  
shall serve a two-year term that ends on the thirty-first day of 189  
December in ~~2010~~ 2016. A vacancy on the committee shall be filled 190  
in the same manner as the original appointment. 191

In the first regular session of the ~~128th~~ 131st general 192  
assembly, the chairperson of the committee shall be a member of 193  
the house of representatives, and the vice-chairperson of the 194  
committee shall be a member of the senate. In the second regular 195  
session of the ~~128th~~ 131st general assembly, the chairperson of 196  
the committee shall be a member of the senate, and the 197  
vice-chairperson of the committee shall be a member of the house 198  
of representatives. 199

Members of the committee shall receive no compensation, but 200  
shall be reimbursed for their necessary expenses incurred in the 201  
performance of their official duties. 202

(C) The committee shall meet not later than thirty days after 203  
the first day of the first regular session of the ~~128th~~ 131st 204  
general assembly to choose a chairperson and to commence 205  
establishment of the schedule for agency review provided for in 206  
section 101.85 of the Revised Code or perform other committee 207  
duties under sections 101.82 to 101.87 of the Revised Code. Five 208  
members of the committee shall constitute a quorum for the conduct 209  
of committee business. 210

**Sec. 101.85.** (A) The sunset review committee, not later than 211

sixty days after its first meeting in ~~2009~~ 2015, shall schedule 212  
for review each agency in existence on January 1, ~~2009~~ 2015. The 213  
committee, by a unanimous vote, also may schedule for review any 214  
state board or commission described in division (A)(9) of section 215  
101.82 of the Revised Code that is in existence on that date, and 216  
any board or commission so scheduled shall be considered an agency 217  
for purposes of sections 101.82 to 101.87 of the Revised Code. 218

(B) The chairperson of the committee shall send a copy of the 219  
schedule for review of agencies for calendar year ~~2009~~ 2015 and 220  
calendar year ~~2010~~ 2016 to each of the agencies scheduled for 221  
review during that year and to the director of the legislative 222  
service commission. The director shall publish a copy of the 223  
schedule in the Ohio Administrative Code and in the register of 224  
Ohio created under section 103.051 of the Revised Code. The 225  
commission shall provide the committee with a list of agencies, 226  
and state boards and commissions described in division (A)(9) of 227  
section 101.82 of the Revised Code, in existence on January 1, 228  
~~2009~~ 2015, to assist the committee in identifying agencies and 229  
exercising its duties under sections 101.82 to 101.87 of the 230  
Revised Code with respect to those agencies. 231

**Sec. 101.86.** (A) Not later than six months prior to the date 232  
on which an agency in existence on January 1, ~~2009~~ 2015, is 233  
scheduled to expire under division (A) of section 101.83 of the 234  
Revised Code, the sunset review committee shall hold hearings to 235  
receive the testimony of the public and of the chief executive 236  
officer of each agency scheduled for review and otherwise shall 237  
consider and evaluate the usefulness, performance, and 238  
effectiveness of the agency. 239

(B) Each agency that is scheduled for review shall submit to 240  
the committee a report that contains all of the following 241  
information: 242



(1) The agency's primary purpose and its various goals and objectives;	243 244
(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;	245 246 247
(3) The agency's past and anticipated budgets and its sources of funding;	248 249
(4) The number of members of its governing board or other governing entity and their compensation, if any.	250 251
(C) Each agency shall have the burden of demonstrating to the committee a public need for its continued existence. In determining whether an agency has demonstrated that need, the committee shall consider all of the following:	252 253 254 255
(1) The extent to which the agency has permitted qualified applicants to serve the public;	256 257
(2) The cost-effectiveness of the agency in terms of number of employees, services rendered, and administrative costs incurred, both past and present;	258 259 260
(3) The extent to which the agency has operated in the public interest, and whether its operation has been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices;	261 262 263 264
(4) Whether the agency has recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the agency, if any, and whether its recommendations and other policies have been adopted and implemented;	265 266 267 268 269
(5) Whether the agency has required any persons it regulates to report to it the impact of agency rules and decisions on the public as they affect service costs and service delivery;	270 271 272

(6) Whether persons regulated by the agency, if any, have been required to assess problems in their business operations that affect the public;	273 274 275
(7) Whether the agency has encouraged public participation in its rule-making and decision-making;	276 277
(8) The efficiency with which formal public complaints filed with the agency have been processed to completion;	278 279
(9) Whether the programs or services of the agency duplicate or overlap those of other agencies;	280 281
(10) Whether the purpose for which the agency was created has been fulfilled, has changed, or no longer exists;	282 283
(11) Whether federal law requires that the agency be renewed in some form;	284 285
(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.	286 287 288
(D) In its initial review of each agency, the committee, whenever possible, shall realign agency titles to conform to the following descriptions:	289 290 291
(1) Commission: an administrative appeals or hearing agency;	292
(2) Authority: an agency empowered to issue bonds or notes;	293
(3) Board: an agency having a licensing function only;	294
(4) Council: an advisory body to a major agency or department;	295 296
(5) Committee: an advisory body to a minor agency or department.	297 298
<b>Sec. 119.01.</b> As used in sections 119.01 to 119.13 of the Revised Code:	299 300

(A)(1) "Agency" means, except as limited by this division, 301  
any official, board, or commission having authority to promulgate 302  
rules or make adjudications in the civil service commission, the 303  
division of liquor control, the department of taxation, the 304  
industrial commission, the bureau of workers' compensation, the 305  
functions of any administrative or executive officer, department, 306  
division, bureau, board, or commission of the government of the 307  
state specifically made subject to sections 119.01 to 119.13 of 308  
the Revised Code, and the licensing functions of any 309  
administrative or executive officer, department, division, bureau, 310  
board, or commission of the government of the state having the 311  
authority or responsibility of issuing, suspending, revoking, or 312  
canceling licenses. 313

Except as otherwise provided in division (I) of this section, 314  
sections 119.01 to 119.13 of the Revised Code do not apply to the 315  
public utilities commission. Sections 119.01 to 119.13 of the 316  
Revised Code do not apply ~~to the utility radiological safety~~ 317  
~~board;~~ to the controlling board; to actions of the superintendent 318  
of financial institutions and the superintendent of insurance in 319  
the taking possession of, and rehabilitation or liquidation of, 320  
the business and property of banks, savings and loan associations, 321  
savings banks, credit unions, insurance companies, associations, 322  
reciprocal fraternal benefit societies, and bond investment 323  
companies; to any action taken by the division of securities under 324  
section 1707.201 of the Revised Code; or to any action that may be 325  
taken by the superintendent of financial institutions under 326  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 327  
1157.01, 1157.02, 1157.10, 1165.01, 1165.02, 1165.10, 1349.33, 328  
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 329

Sections 119.01 to 119.13 of the Revised Code do not apply to 330  
actions of the industrial commission or the bureau of workers' 331  
compensation under sections 4123.01 to 4123.94 of the Revised Code 332

with respect to all matters of adjudication, or to the actions of 333  
the industrial commission, bureau of workers' compensation board 334  
of directors, and bureau of workers' compensation under division 335  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 336  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 337  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 338  
(E) of section 4131.14 of the Revised Code with respect to all 339  
matters concerning the establishment of premium, contribution, and 340  
assessment rates. 341

(2) "Agency" also means any official or work unit having 342  
authority to promulgate rules or make adjudications in the 343  
department of job and family services, but only with respect to 344  
both of the following: 345

(a) The adoption, amendment, or rescission of rules that 346  
section 5101.09 of the Revised Code requires be adopted in 347  
accordance with this chapter; 348

(b) The issuance, suspension, revocation, or cancellation of 349  
licenses. 350

(B) "License" means any license, permit, certificate, 351  
commission, or charter issued by any agency. "License" does not 352  
include any arrangement whereby a person, institution, or entity 353  
furnishes medicaid services under a provider agreement with the 354  
department of job and family services pursuant to Title XIX of the 355  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 356  
amended. 357

(C) "Rule" means any rule, regulation, or standard, having a 358  
general and uniform operation, adopted, promulgated, and enforced 359  
by any agency under the authority of the laws governing such 360  
agency, and includes any appendix to a rule. "Rule" does not 361  
include any internal management rule of an agency unless the 362  
internal management rule affects private rights and does not 363

include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.

(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.

(F) "Person" means a person, firm, corporation, association, or partnership.

(G) "Party" means the person whose interests are the subject of an adjudication by an agency.

(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court.

(I) "Rule-making agency" means any board, commission, department, division, or bureau of the government of the state that is required to file proposed rules, amendments, or rescissions under division (D) of section 111.15 of the Revised Code and any agency that is required to file proposed rules, amendments, or rescissions under divisions (B) and (H) of section 119.03 of the Revised Code. "Rule-making agency" includes the public utilities commission. "Rule-making agency" does not include any state-supported college or university.

(J) "Substantive revision" means any addition to, elimination from, or other change in a rule, an amendment of a rule, or a rescission of a rule, whether of a substantive or procedural nature, that changes any of the following:

(1) That which the rule, amendment, or rescission permits, 395  
authorizes, regulates, requires, prohibits, penalizes, rewards, or 396  
otherwise affects; 397

(2) The scope or application of the rule, amendment, or 398  
rescission. 399

(K) "Internal management rule" means any rule, regulation, or 400  
standard governing the day-to-day staff procedures and operations 401  
within an agency. 402

**Sec. 121.084.** (A) All moneys collected under sections 403  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 404  
~~4169.03~~, 4171.04, and 5104.051 of the Revised Code, and any other 405  
moneys collected by the division of labor shall be paid into the 406  
state treasury to the credit of the labor operating fund, which is 407  
hereby created. The department of commerce shall use the moneys in 408  
the fund for paying the operating expenses of the division and the 409  
administrative assessment described in division (B) of this 410  
section. 411

(B) The director of commerce, with the approval of the 412  
director of budget and management, shall prescribe procedures for 413  
assessing the labor operating fund a proportionate share of the 414  
administrative costs of the department of commerce. The assessment 415  
shall be made in accordance with those procedures and be paid from 416  
the labor operating fund to the division of administration fund 417  
created in section 121.08 of the Revised Code. 418

**Sec. 121.32.** The commission on Hispanic-Latino affairs shall: 419  
420

(A) Gather and disseminate information and conduct hearings, 421  
conferences, investigations, and special studies on problems and 422  
programs concerning Spanish-speaking people; 423

(B) Secure appropriate recognition of the accomplishments and 424

contributions of Spanish-speaking people to this state;	425
(C) Stimulate public awareness of the problems of Spanish-speaking people by conducting a program of public education;	426 427 428
(D) Develop, coordinate, and assist other public and private organizations that serve Spanish-speaking people, including the conducting of training programs for community leadership and service project staff;	429 430 431 432
(E) Advise the governor, general assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of Spanish-speaking people;	433 434 435
(F) Advise the governor, general assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of Spanish-speaking people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation;	436 437 438 439 440 441 442
(G) Propose new programs concerning Spanish-speaking people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning Spanish-speaking people;	443 444 445 446
(H) Review and approve grants to be made from federal, state, or private funds which are administered or subcontracted by the office of Spanish-speaking affairs;	447 448 449
(I) Review and approve the annual report prepared by the office of Spanish-speaking affairs;	450 451
<del>(J) Create an interagency council consisting of the following persons or their authorized representatives: one member of the senate appointed by the president of the senate; one member of the</del>	452 453 454

~~house of representatives appointed by the speaker of the house of 455  
representatives; the directors of administrative services, 456  
agriculture, education, development, health, highway safety, job 457  
and family services, liquor control, mental health, developmental 458  
disabilities, natural resources, rehabilitation and correction, 459  
youth services, transportation, environmental protection, and 460  
budget and management; the chairperson of the Ohio civil rights 461  
commission, the administrators of the bureau of workers' 462  
compensation and the rehabilitation services commission, and an 463  
additional member of the governor's cabinet appointed by the 464  
governor. The commission on Hispanic Latino affairs, by rule, may 465  
designate other state officers or their representatives to be 466  
members of the council. The director of the commission shall be 467  
the chairperson of the council. 468~~

~~The interagency council shall provide Provide and coordinate 469  
with state agencies the exchange of information relative to the 470  
needs of Spanish-speaking people ~~and~~ to promote the delivery of 471  
state services to such people. ~~The council shall meet at the call~~ 472  
~~of the chairperson.~~ 473~~

**Sec. 127.14.** The controlling board may, at the request of any 474  
state agency or the director of budget and management, authorize, 475  
with respect to the provisions of any appropriation act: 476

(A) Transfers of all or part of an appropriation within but 478  
not between state agencies, except such transfers as the director 479  
of budget and management is authorized by law to make, provided 480  
that no transfer shall be made by the director for the purpose of 481  
effecting new or changed levels of program service not authorized 482  
by the general assembly; 483

(B) Transfers of all or part of an appropriation from one 484  
fiscal year to another; 485



(C) Transfers of all or part of an appropriation within or 486  
between state agencies made necessary by administrative 487  
reorganization or by the abolition of an agency or part of an 488  
agency; 489

(D) Transfers of all or part of cash balances in excess of 490  
needs from any fund of the state to the general revenue fund or to 491  
such other fund of the state to which the money would have been 492  
credited in the absence of the fund from which the transfers are 493  
authorized to be made, except that the controlling board may not 494  
authorize such transfers from the accrued leave liability fund, 495  
auto registration distribution fund, budget stabilization fund, 496  
development bond retirement fund, facilities establishment fund, 497  
gasoline excise tax fund, general revenue fund, higher education 498  
improvement fund, highway improvement bond retirement fund, 499  
highway obligations bond retirement fund, highway capital 500  
improvement fund, highway operating fund, horse racing tax fund, 501  
improvements bond retirement fund, public library fund, liquor 502  
control fund, local government fund, local transportation 503  
improvement program fund, mental health facilities improvement 504  
fund, Ohio fairs fund, parks and recreation improvement fund, 505  
public improvements bond retirement fund, school district income 506  
tax fund, state agency facilities improvement fund, state and 507  
local government highway distribution fund, state highway safety 508  
fund, state lottery fund, undivided liquor permit fund, Vietnam 509  
conflict compensation bond retirement fund, volunteer fire 510  
fighters' dependents fund, waterways safety fund, wildlife fund, 511  
workers' compensation fund, ~~workers' compensation council~~ 512  
~~remuneration fund~~, or any fund not specified in this division that 513  
the director of budget and management determines to be a bond fund 514  
or bond retirement fund; 515

(E) Transfers of all or part of those appropriations included 516  
in the emergency purposes account of the controlling board; 517

(F) Temporary transfers of all or part of an appropriation or 518  
other moneys into and between existing funds, or new funds, as may 519  
be established by law when needed for capital outlays for which 520  
notes or bonds will be issued; 521

(G) Transfer or release of all or part of an appropriation to 522  
a state agency requiring controlling board approval of such 523  
transfer or release as provided by law; 524

(H) Temporary transfer of funds included in the emergency 525  
purposes appropriation of the controlling board. Such temporary 526  
transfers may be made subject to conditions specified by the 527  
controlling board at the time temporary transfers are authorized. 528  
No transfers shall be made under this division for the purpose of 529  
effecting new or changed levels of program service not authorized 530  
by the general assembly. 531

As used in this section, "request" means an application by a 532  
state agency or the director of budget and management seeking some 533  
action by the controlling board. 534

When authorizing the transfer of all or part of an 535  
appropriation under this section, the controlling board may 536  
authorize the transfer to an existing appropriation item and the 537  
creation of and transfer to a new appropriation item. 538

Whenever there is a transfer of all or part of funds included 539  
in the emergency purposes appropriation by the controlling board, 540  
pursuant to division (E) of this section, the state agency or the 541  
director of budget and management receiving such transfer shall 542  
keep a detailed record of the use of the transferred funds. At the 543  
earliest scheduled meeting of the controlling board following the 544  
accomplishment of the purposes specified in the request originally 545  
seeking the transfer, or following the total expenditure of the 546  
transferred funds for the specified purposes, the state agency or 547  
the director of budget and management shall submit a report on the 548

expenditure of such funds to the board. The portion of any 549  
appropriation so transferred which is not required to accomplish 550  
the purposes designated in the original request to the controlling 551  
board shall be returned to the proper appropriation of the 552  
controlling board at this time. 553

Notwithstanding any provisions of law providing for the 554  
deposit of revenues received by a state agency to the credit of a 555  
particular fund in the state treasury, whenever there is a 556  
temporary transfer of funds included in the emergency purposes 557  
appropriation of the controlling board pursuant to division (H) of 558  
this section, revenues received by any state agency receiving such 559  
a temporary transfer of funds shall, as directed by the 560  
controlling board, be transferred back to the emergency purposes 561  
appropriation. 562

The board may delegate to the director of budget and 563  
management authority to approve transfers among items of 564  
appropriation under division (A) of this section. 565

**Sec. 149.304.** Any person owning or in possession of an Ohio 566  
homestead or tract of land which has been owned or in the 567  
possession of ~~his~~ the person's family for one hundred years or 568  
more may apply to the Ohio historical society to list the 569  
homestead or tract of land in a register to be maintained by the 570  
society. The society shall provide forms for such applications and 571  
~~shall submit applications received to the Ohio historic site~~ 572  
~~preservation advisory board, which~~ shall rule on the authenticity 573  
of the homestead or ownership or possession of the tract of land 574  
according to criteria it shall establish and make public. 575

Upon authentication of the homestead or tract of land ~~by the~~ 576  
~~board~~, the society shall list the homestead or tract of land on 577  
its register and provide the applicant with a plaque of suitable 578  
design determined by the society to be affixed to the homestead or 579

tract of land. The plaque shall identify the homestead or tract of 580  
land as an historic homestead and specify that it is one hundred 581  
years or more old as of the date of recognition. If the date or 582  
year of construction of the homestead or purchase of tract of land 583  
is known, that date or year may appear on the plaque in lieu of 584  
the fact that the homestead or tract of land is one hundred years 585  
or more old. The plaque shall not bear the name of any member of 586  
the society, board, or any other public official, but may carry an 587  
appropriate emblem to be determined by the society. 588

All costs of administering the historic homestead register 589  
program, including maintenance of the register, research into the 590  
authenticity of the homestead or tract of land, plaque, and plaque 591  
design, and mailing costs, shall be determined by the society and 592  
shall be borne by the applicant. 593

The applicant shall be responsible for displaying the plaque 594  
on the homestead or tract of land in a suitable manner, and shall 595  
bear all costs of such display. 596

The society may arrange to present plaques to applicants so 597  
desiring at the society's annual meeting. 598

**Sec. 173.03.** (A) There is hereby created the Ohio advisory 599  
council for the aging, which shall consist of twelve members to be 600  
appointed by the governor with the advice and consent of the 601  
senate. Two ex officio members of the council shall be members of 602  
the house of representatives appointed by the speaker of the house 603  
of representatives and shall be members of two different political 604  
parties. Two ex officio members of the council shall be members of 605  
the senate appointed by the president of the senate and shall be 606  
members of two different political parties. The directors of 607  
mental health, developmental disabilities, health, and job and 608  
family services, or their designees, shall serve as ex officio 609  
members of the council. The council shall carry out its role as 610

defined under the "Older Americans Act of 1965," 79 Stat. 219, 42 611  
U.S.C. 3001, as amended. 612

At the first meeting of the council, and annually thereafter, 613  
the members shall select one of their members to serve as 614  
chairperson and one of their members to serve as vice-chairperson. 615

(B) Members of the council shall be appointed for a term of 616  
three years, except that for the first appointment members of the 617  
Ohio commission on aging who were serving on the commission 618  
immediately prior to July 26, 1984, shall become members of the 619  
council for the remainder of their unexpired terms. Thereafter, 620  
appointment to the council shall be for a three-year term by the 621  
governor. Each member shall hold office from the date of 622  
appointment until the end of the term for which the member was 623  
appointed. Any member appointed to fill a vacancy occurring prior 624  
to the expiration of the term for which the member's predecessor 625  
was appointed shall hold office for the remainder of the term. ~~Any~~ 626  
No member may shall continue in office subsequent to the 627  
expiration date of the member's term ~~until a successor takes~~ 628  
~~office and shall be compensated for the period served between the~~ 629  
~~expiration of the member's term and the beginning of the~~ 630  
~~successor's term~~ unless reappointed under the provisions of this 631  
section, and no member shall serve more than three consecutive 632  
terms on the council. 633

(C) Membership of the council shall represent all areas of 634  
Ohio and shall be as follows: 635

(1) A majority of members of the council shall have attained 636  
the age of sixty and have a knowledge of and continuing interest 637  
in the affairs and welfare of the older citizens of Ohio. The 638  
fields of business, labor, health, law, and human services shall 639  
be represented in the membership. 640

(2) No more than seven members shall be of the same political 641

party. 642

(D) Any member of the council may be removed from office by 643  
the governor for neglect of duty, misconduct, or malfeasance in 644  
office after being informed in writing of the charges and afforded 645  
an opportunity for a hearing. Two consecutive unexcused absences 646  
from regularly scheduled meetings constitute neglect of duty. 647

~~(E) Members of the council shall be compensated at the rate 648  
of fifty dollars for each day actually employed in the discharge 649  
of official duties but not to exceed two thousand dollars per year 650  
and in addition shall be allowed actual and necessary expenses The 651  
director of aging may reimburse a member for actual and necessary 652  
traveling and other expenses incurred in the discharge of official 653  
duties; but reimbursement shall be made in the manner, and at 654  
rates that do not exceed those, prescribed by the director of 655  
budget and management for any officer, member, or employee of, or 656  
consultant to, any state agency. 657~~

(F) Council members are not limited as to the number of terms 658  
they may serve. 659

~~(G) Council members shall not be interested directly or 660  
indirectly in any contract awarded by the department of aging The 661  
department of aging may award grants to or enter into contracts 662  
with a member of the advisory council or an entity that the member 663  
represents if any of the following apply: 664~~

(1) The department determines that the member or the entity 665  
the member represents is capable of providing the goods or 666  
services specified under the terms of the grant or contract. 667

(2) The member has not taken part in any discussion or vote 668  
of the council related to whether the council should recommend 669  
that the department of aging award the grant to or enter into the 670  
contract with the member of the advisory council or the entity 671  
that the member represents. 672

(G) A member of the advisory council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the requirements of division (F) of this section have been met.

**Sec. 173.04.** (A) As used in this section, "respite care" means short-term, temporary care or supervision provided to a person who has Alzheimer's disease in the absence of the person who normally provides that care or supervision.

(B) Through the internet web site maintained by the department of aging, the director of aging shall disseminate Alzheimer's disease training materials for licensed physicians, registered nurses, licensed practical nurses, administrators of health care programs, social workers, and other health care and social service personnel who participate or assist in the care or treatment of persons who have Alzheimer's disease. The training materials disseminated through the web site may be developed by the director or obtained from other sources.

(C) To the extent funds are available, the director shall administer respite care programs and other supportive services for persons who have Alzheimer's disease and their families or care givers. Respite care programs shall be approved by the director and shall be provided for the following purposes:

(1) Giving persons who normally provide care or supervision for a person who has Alzheimer's disease relief from the stresses and responsibilities that result from providing such care;

(2) Preventing or reducing inappropriate institutional care and enabling persons who have Alzheimer's disease to remain at home as long as possible.

(D) The director may provide services under this section to persons with Alzheimer's disease and their families regardless of

the age of the persons with Alzheimer's disease. 703

(E) The director ~~shall~~ may adopt rules in accordance with 704  
Chapter 119. of the Revised Code governing respite care programs 705  
and other supportive services, the distribution of funds, and the 706  
purpose for which funds may be utilized under this section. 707

~~(F) The director may create an Alzheimer's disease and 708  
related disorders task force to advise the director on the 709  
following: 710~~

~~(1) The rights of persons with Alzheimer's disease and 711  
related disorders; 712~~

~~(2) The development and evaluation of education and training 713  
programs, home care programs, and respite care programs that serve 714  
persons with Alzheimer's disease and related disorders; 715~~

~~(3) How to serve persons with Alzheimer's disease and related 716  
disorders in Ohio's unified long term care budget system. 717~~

~~If a task force is created, the members shall include 718  
representatives of the Alzheimer's disease association and other 719  
organizations the director considers appropriate. 720~~

**Sec. 184.21.** (A) There is hereby created the third frontier 721  
biomedical and bioproducts advisory board. The advisory board 722  
shall provide general advice to the commission regarding 723  
biomedical and bioproducts issues. The advisory board shall 724  
consider the recommendations of the Ohio agriculture to chemicals, 725  
polymers, and advanced materials taskforce when providing advice. 726

(B) The board shall consist of nine members selected for 727  
their biomedical or bioproducts knowledge and experience. The 728  
governor shall appoint three members. The speaker of the house of 729  
representatives shall appoint two members, one of whom may be 730  
recommended by the minority leader of the house of 731  
representatives. The president of the senate shall appoint two 732



members, one of whom may be recommended by the minority leader of 733  
the senate. The director of development or the director's designee 734  
shall serve as a member. The director of agriculture or the 735  
director's designee shall serve as a member. Membership on the 736  
advisory board created under section 184.03 of the Revised Code 737  
does not prohibit membership on the advisory board created under 738  
this section. All members of the board shall serve at the pleasure 739  
of their appointing authorities. 740

(C) The board shall select from among its members a 741  
chairperson. A majority of board members constitutes a quorum, and 742  
no action shall be taken without the affirmative vote of a 743  
majority of the members. 744

(D) A vacancy shall be filled in the same manner as the 745  
original appointment. The governor may remove any member of the 746  
board for malfeasance, misfeasance, or nonfeasance after a hearing 747  
in accordance with Chapter 119. of the Revised Code. 748

(E) Members of the board shall not act as representatives of 749  
any specific disciplinary, regional, or organizational interest. 750  
Members shall represent a wide variety of experience valuable in 751  
technology research and development, product process innovation 752  
and commercialization, and creating and managing high-growth 753  
technology-based companies. 754

(F) Members of the board shall file financial disclosure 755  
statements described in division (B) of section 102.02 of the 756  
Revised Code. 757

(G) Members of the board shall serve without compensation, 758  
but shall receive their reasonable and necessary expenses incurred 759  
in the conduct of board business. 760

(H) The department of development shall provide office space 761  
and facilities for the board. 762

**Sec. 901.90.** (A) There is hereby created in the state 763  
treasury the Ohio agriculture license plate scholarship fund 764  
consisting of the contributions the registrar of motor vehicles 765  
receives pursuant to section 4503.503 of the Revised Code. Money 766  
shall be expended from the fund only as provided in division 767  
~~(C)~~(B) of this section. 768

~~(B)(1) There is hereby created the Ohio agriculture license 769  
plate scholarship fund board, consisting of the director of 770  
agriculture or the director's designee and one representative 771  
appointed by each of the following organizations: 772~~

~~(a) The Ohio agriculture council; 773~~

~~(b) The Ohio corn growers association; 774~~

~~(c) The Ohio farm bureau federation; 775~~

~~(d) The Ohio soy association; 776~~

~~(e) The Ohio state university college of food, agricultural, 777  
and environmental sciences; 778~~

~~(f) The Ohio young farmers association. 779~~

~~(2) All original appointments to the board shall be made not 780  
later than ninety days after the effective date of this section, 781  
and all vacancies shall be filled in the same manner as the 782  
original appointment. Members of the board shall serve without 783  
compensation but shall be reimbursed for the actual expenses they 784  
incur in performing their duties. The director of agriculture or 785  
the director's designee shall serve as chairperson. The board 786  
shall adopt rules governing their meetings and proceedings. 787~~

~~(C)~~ There is hereby established the Ohio agriculture license 788  
plate scholarship program to benefit students who attend an 789  
institution of higher learning located in this state and are 790  
enrolled in a program that is related to agriculture. The ~~board~~ 791  
director of agriculture shall adopt rules governing all aspects of 792

the program, including any additional eligibility requirements, 793  
the application process, scholarship amounts, and any requirements 794  
a student must meet in order to retain a scholarship. 795

All decisions of the ~~board~~ director relating to the 796  
scholarship program, including the decision to award, renew, not 797  
renew, or revoke a scholarship, are final. 798

**Sec. 1121.12.** An examination of the records and affairs of a 799  
bank under section 1121.10 of the Revised Code may include the 800  
examination of a controlling shareholder of the bank that is a 801  
bank holding company registered with the federal reserve, but only 802  
to the extent explicitly permitted under this section. To examine 803  
the records and affairs of a controlling shareholder that is a 804  
bank holding company registered with the federal reserve, the 805  
superintendent of financial institutions may do one of the 806  
following: 807

(A) Rely on an examination of the bank holding company 808  
conducted by a financial institution regulatory authority of 809  
another state, the United States, or another country, as provided 810  
in division (A)(3) of section 1121.11 of the Revised Code; 811

(B) Participate with the financial institution regulatory 812  
authorities of other states, the United States, and other 813  
countries in a joint or coordinated examination of the bank 814  
holding company, provided that both of the following apply: 815

(1) The examination of the bank holding company is validly 816  
authorized by and conducted pursuant to the laws of this state and 817  
such other state, the United States, or other country. 818

(2) Participation of the examiners of the division of 819  
financial institutions will increase the efficiency in regulating 820  
financial institutions, and not increase the cost of examination 821  
to the bank holding company. 822

(C) Examine the bank holding company pursuant to an agreement with financial institution regulatory authorities of other states, the United States, or other countries, provided that both of the following apply:

(1) The examination of the bank holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) The other financial institution regulatory authority agrees to rely on the superintendent's examination in lieu of conducting its own examination.

(D) Examine the bank holding company if both of the following apply:

(1) The superintendent has reasonable cause to believe that there is a significant risk of imminent material harm to the bank and the examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

(2) Either of the following occurs:

(a) The superintendent, in writing, requests the federal reserve to examine the bank holding company, and within fifteen days the federal reserve does not commence an examination of the bank holding company and notifies the superintendent that the federal reserve does not object to the examination.

(b) The ~~banking commission~~ financial consumer council concurs with the superintendent's determination of both of the following:

(i) There is reasonable cause to believe that there ~~a~~ is a significant risk of imminent material harm to the bank.

(ii) The examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

For purposes of this section, a bank holding company includes 853  
not only the bank holding company, but also includes any nonbank 854  
affiliates of the bank holding company that are subject to 855  
examination by the federal reserve. 856

**Sec. 1121.18.** (A) Information leading to, arising from, or 857  
obtained in the course of the examination of a bank or any 858  
examination conducted pursuant to the authority of section 1121.10 859  
or 1121.11 of the Revised Code is privileged and confidential. No 860  
person, including any person to whom the information is disclosed 861  
under the authority of this section, shall disclose information 862  
leading to, arising from, or obtained in the course of an 863  
examination, except as specifically provided in this section. 864

(B) The superintendent of financial institutions and the 865  
superintendent's agents and employees may disclose information 866  
leading to, arising from, or obtained in the course of an 867  
examination conducted pursuant to section 1121.10 or 1121.11 of 868  
the Revised Code as follows: 869

(1) To the governor, director of commerce, or deputy director 870  
of commerce to enable them to act in the interests of the public; 871

(2) To the ~~banking commission~~ financial consumer council to 872  
enable the ~~commission~~ council to effectively advise the 873  
superintendent and take action on any matter the superintendent 874  
presents to the ~~commission~~ council; 875

(3) To financial institution regulatory authorities of this 876  
and other states, the United States, and other countries to assist 877  
them in their regulatory duties; 878

(4) To the directors, officers, agents, and parent company of 879  
the bank or other person examined to assist them in conducting the 880  
business of the bank or other person examined in a safe and sound 881  
manner and in compliance with law; 882

(5) To law enforcement authorities conducting criminal investigations. 883  
884

(C)(1) Information leading to, arising from, or obtained in 885  
the course of an examination of a bank or other person pursuant to 886  
section 1121.10 or 1121.11 of the Revised Code shall not be 887  
discoverable from any source, and shall not be introduced into 888  
evidence, except in the following circumstances: 889

(a) In connection with criminal proceedings; 890

(b) When, in the opinion of the superintendent, it is 891  
appropriate with regard to enforcement actions taken and decisions 892  
made by the superintendent under the authority of Chapters 1101. 893  
to 1127. of the Revised Code regarding a bank, trust company, or 894  
other person; 895

(c) When litigation has been initiated by the superintendent 896  
in furtherance of the powers, duties, and obligations imposed upon 897  
the superintendent by Chapters 1101. to 1127. of the Revised Code; 898

(d) When authorized by agreements between the superintendent 899  
and financial institution regulatory authorities of this and other 900  
states, the United States, and other countries authorized by 901  
section 1121.11 of the Revised Code; 902

(e) When and in the manner authorized in section 1181.25 of 903  
the Revised Code. 904

(2) The discovery of information leading to, arising from, or 905  
obtained in the course of an examination pursuant to division 906  
(C)(1)(b), (c), or (d) of this section shall be limited to 907  
information that directly relates to the bank, trust company, 908  
regulated person, or other person who is the subject of the 909  
enforcement action, decision, or litigation. 910

(D) A report of an examination conducted pursuant to section 911  
1121.10 or 1121.11 of the Revised Code is the property of the 912

division of financial institutions. Under no circumstances may the 913  
bank or other person examined, its directors, officers, employees, 914  
agents, regulated persons, or contractors, or any person having 915  
knowledge or possession of a report of examination, or any of its 916  
contents, disclose or make public in any manner the report of 917  
examination or its contents. The authority provided in division 918  
(B)(4) of this section for use of examination information to 919  
assist in conducting the business of the bank or other person 920  
examined in a safe and sound manner and in compliance with law 921  
shall not be construed to authorize disclosure of a report of 922  
examination or any of its contents in conducting business with the 923  
examined bank's or person's customers, creditors, or shareholders, 924  
or with other persons. 925

(E) Whoever violates this section shall be removed from 926  
office, shall be liable, with the violator's bond in damages to 927  
the person injured by the disclosure of information, and is guilty 928  
of a felony of the fourth degree. 929

**Sec. 1121.29.** (A)(1) Each bank subject to inspection and 930  
examination by the superintendent of financial institutions and 931  
transacting business on the thirty-first day of December, or the 932  
bank's successor in interest, shall pay to the superintendent 933  
assessments as provided in this section. On the first day of July 934  
each year, the superintendent shall make each assessment based on 935  
the total assets as shown on the books of the bank as of the 936  
thirty-first day of December of the previous year. The 937  
superintendent shall collect the assessment on an annual or 938  
periodic basis, as provided by the superintendent. All assessments 939  
shall be paid within fourteen days of receiving an invoice for 940  
payment of the assessment. 941

(2) After determining the budget of the division of financial 942  
institutions for examination and regulation of banks, but prior to 943

establishing the schedule of assessments under this division 944  
necessary to fund that budget, the superintendent shall include 945  
any amounts collected but not yet expended or encumbered by the 946  
superintendent in the previous fiscal year's budget and remaining 947  
in the division of banks fund pursuant to division (C) of section 948  
1121.30 of the Revised Code. 949

(3) Each bank shall pay an assessment of not more than 950  
forty-five cents for each one thousand dollars of the gross amount 951  
of the assets of the bank, but in no case less than one thousand 952  
dollars. The superintendent shall establish the actual schedule of 953  
assessments on an annual basis, present the schedule to the 954  
~~banking commission~~ financial consumer council for confirmation, 955  
and, each first day of January, forward copies of the current 956  
year's schedule to banks doing business under authority granted by 957  
the superintendent, or their successors in interest. 958

If during the period between the ~~banking commission's~~ 959  
council's confirmation of the schedule of assessments and the 960  
completion of the fiscal year in which those assessments will be 961  
collected, the ~~banking commission~~ council determines additional 962  
money is required to adequately fund the operations of the 963  
division of financial institutions for that fiscal year, the 964  
~~banking commission~~ council may, by the affirmative vote of 965  
two-thirds of its members, increase the schedule of assessments 966  
for that fiscal year. The superintendent shall promptly notify 967  
each bank of the increased assessment, and each bank shall pay the 968  
increased assessment as made and invoiced by the superintendent. 969

(4) A bank authorized by the superintendent to commence 970  
business in the period between assessments shall pay the actual 971  
reasonable costs of the division's examinations and visitations. 972  
The bank shall pay the costs within fourteen days after receiving 973  
an invoice for payment. 974

(B)(1) Whenever in the judgment of the superintendent the 975



condition or conduct of a bank renders it necessary to make 976  
additional examinations and follow-up visitations within the 977  
examination cycle beyond the minimum required by division (A) of 978  
section 1121.10 of the Revised Code, the superintendent may charge 979  
the bank for the additional examinations and follow-up visitations 980  
as provided in division (C)(2) of this section. The bank shall pay 981  
the fee charged within fourteen days after receiving an invoice 982  
for payment. 983

(2) The superintendent may charge a bank for any examination 984  
of the bank's operations as a trust company and data processing 985  
facility in accordance with division (C) of this section whether 986  
that examination is the only examination of the bank in the 987  
examination cycle or in addition to other examinations of the 988  
bank's operations. 989

(C) The superintendent shall periodically establish a 990  
schedule of fees to be paid for the following: 991

(1) Examination of a bank or trust company at the request of 992  
the board of directors or the holders of a majority of the shares 993  
of that bank or trust company pursuant to division (C) of section 994  
1121.10 of the Revised Code; 995

(2) Additional examinations and visitations of a bank in an 996  
examination cycle beyond the minimum required by division (A) of 997  
section 1121.10 of the Revised Code; 998

(3) Examinations of subsidiaries and affiliates; 999

(4) Examinations of data processing facilities; 1000

(5) Examinations of trust companies; 1001

(6) Application for a de novo charter; 1002

(7) Application for a reorganization, including a merger, 1003  
consolidation, or transfer of assets and liabilities; 1004

(8) Application for an interim reorganization; 1005

(9) Application for an additional banking office;	1006
(10) Application for conversion to a bank doing business under authority granted by the superintendent;	1007 1008
(11) Notice of acquisition of control of a bank;	1009
(12) Application for purchase by a bank of its own stock;	1010
(13) Application for a debt or equity issue;	1011
(14) Application for change in location;	1012
(15) Application for authorization to act as a trust company;	1013
(16) Certification of qualification as a trust company;	1014
(17) Application for a foreign bank representative office, agency, or branch;	1015 1016
(18) All other examinations, applications, and notices considered necessary by the superintendent.	1017 1018
(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent.	1019 1020 1021 1022
(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the applications and for conducting and processing the examinations.	1023 1024 1025 1026 1027 1028
(3) The superintendent may determine charging a fee authorized pursuant to division (C) of this section for a particular examination, application, notice, or certification is not necessary.	1029 1030 1031 1032
(E) The superintendent shall determine and charge reasonable fees for furnishing and certifying copies of documents filed with	1033 1034

the division and for any expenses incurred by the division in the 1035  
publication or serving of required notices. 1036

(F) Assessments and examination and application fees charged 1037  
and collected pursuant to this section are not refundable. Any fee 1038  
charged for an examination pursuant to this section shall be paid 1039  
within fourteen days after receiving an invoice for payment of the 1040  
fee. 1041

(G) The superintendent shall pay all assessments and fees 1042  
charged pursuant to this section and all forfeitures required to 1043  
be paid to the superintendent into the state treasury to the 1044  
credit of the bank's fund. 1045

**Sec. 1123.01.** (A) There is hereby created in the division of 1046  
financial institutions a ~~banking commission~~ financial consumer 1047  
council which shall consist of ~~seven~~ twelve members. The deputy 1048  
superintendent for banks, the deputy superintendent for savings 1049  
and loan associations and savings banks, and the deputy 1050  
superintendent for credit unions shall be ~~a member~~ members of the 1051  
commission and ~~its~~ shall alternate as chairperson. The governor, 1052  
with the advice and consent of the senate, shall appoint the 1053  
remaining ~~six~~ nine members. 1054

(B) After the second Monday in January of each year, the 1055  
governor shall appoint ~~two~~ three members. Terms of office shall be 1056  
for three years commencing on the first day of February and ending 1057  
on the thirty-first day of January. Each member shall hold office 1058  
from the date appointed until the end of the term for which 1059  
appointed. In the case of a vacancy in the office of any member, 1060  
the governor shall appoint a successor who shall hold office for 1061  
the remainder of the term for which the successor's predecessor 1062  
was appointed. Any member shall continue in office subsequent to 1063  
the expiration date of the member's term until the member's 1064  
successor is appointed, or until sixty days have elapsed, 1065

whichever occurs first. 1066

(C) No person appointed as a member of the commission may 1067  
serve more than two consecutive full terms. However, a member may 1068  
serve two consecutive full terms following the remainder of a term 1069  
for which the member was appointed to fill a vacancy. 1070

(D)(1) At least ~~three~~ two of the ~~six~~ nine members appointed 1071  
to the ~~commission~~ council shall be, at the time of appointment, 1072  
executive officers of banks transacting business under authority 1073  
granted by the superintendent of financial institutions, ~~and four~~ 1074  
~~of the six members appointed to the commission shall have banking~~ 1075  
~~experience.~~ At least two of the nine members appointed to the 1076  
council shall be, at the time of appointment, executive officers 1077  
of a savings and loan association organized and transacting 1078  
business under authority granted by the superintendent of 1079  
financial institutions. At least two of the nine members appointed 1080  
to the council shall be, at the time of appointment, executive 1081  
officers of a savings bank organized and transacting business 1082  
under authority granted by the superintendent. At least two of the 1083  
nine members appointed to the council shall be, at the time of 1084  
appointment, executive officers of a credit union organized under 1085  
Chapter 1733. of the Revised Code. The membership of the 1086  
~~commission~~ council shall be representative of the banking industry 1087  
as a whole, including savings and loan associations, savings 1088  
banks, credit unions, and representatives of ~~banks~~ financial 1089  
institutions of various asset sizes as determined by the 1090  
superintendent of financial institutions from time to time. 1091

(2) No person who has been convicted of, or has pleaded 1092  
guilty to, a felony involving dishonesty or breach of trust shall 1093  
take or hold office as a member of the ~~banking commission~~ council. 1094

(E) The members of the ~~commission~~ council shall receive no 1095  
salary, but their expenses incurred in the performance of their 1096  
duties shall be paid from funds appropriated for that purpose. 1097

(F) The governor may remove any of the ~~six~~ nine members 1098  
appointed to the ~~commission~~ council whenever in the governor's 1099  
judgment the public interest requires removal. Upon removing a 1100  
member of the ~~commission~~ council, the governor shall file with the 1101  
superintendent a statement of the cause for the removal. 1102

**Sec. 1123.02.** (A) The ~~banking commission~~ financial consumer 1103  
council shall hold regular meetings at the times and places it 1104  
fixes, and shall meet at any time on call of the deputy 1105  
superintendent for banks, the deputy superintendent for savings 1106  
and loan associations and savings banks, or the deputy 1107  
superintendent for credit unions upon two days' notice unless the 1108  
~~commission~~ council by resolution provides for a shorter notice. 1109

(B) A majority of the full ~~commission~~ council constitutes a 1110  
quorum, and action taken by a majority of those present at a 1111  
meeting at which there is a quorum constitutes the action of the 1112  
~~commission~~ council. 1113

(C) No member shall participate before the ~~commission~~ council 1114  
in a proceeding involving any ~~bank~~ financial institution of which 1115  
the member is, or was at any time in the preceding twelve months, 1116  
a member of the board of directors, an officer, an employee, or a 1117  
shareholder. A member may refrain from participating in a 1118  
proceeding before the ~~commission~~ council for any other cause the 1119  
member considers sufficient. 1120

(D) The ~~commission~~ council may, by a majority vote of those 1121  
present at a meeting at which there is a quorum, adopt and amend 1122  
bylaws and rules the ~~commission~~ council, in its judgment, 1123  
considers necessary and proper. The ~~commission~~ council shall 1124  
select one of its members as secretary, who shall keep a record of 1125  
all its proceedings. 1126

**Sec. 1123.03.** The ~~banking commission~~ financial consumer 1127

council shall do all of the following: 1128

(A) Make recommendations to the deputy superintendent for 1129  
banks ~~and~~, the superintendent of financial institutions, the 1130  
deputy superintendent for savings and loan associations and 1131  
savings banks, and the deputy superintendent for credit unions on 1132  
matters relating to the business of banking, savings and loan 1133  
associations, savings banks, and credit unions; 1134

(B) Consider and make recommendations on any matter the 1135  
superintendent or deputy superintendent submits to the ~~commission~~ 1136  
council for that purpose; 1137

(C) Pass upon and determine any matter the superintendent or 1138  
deputy superintendent submits to the ~~commission~~ council for 1139  
determination; 1140

(D) Consider and determine whether to confirm the annual 1141  
schedule of assessments proposed by the superintendent in 1142  
accordance with section 1121.29 and with division (A) of sections 1143  
1155.13 and 1163.16 of the Revised Code, and the assessment 1144  
determined pursuant to section 1733.321 of the Revised Code; 1145

(E) Determine whether to increase the schedule of assessments 1146  
as provided in division (A)(3) of section 1121.29 of the Revised 1147  
Code; 1148

(F) Determine, as provided in division (D) of section 1121.12 1149  
of the Revised Code, both of the following: 1150

(1) Whether there is reasonable cause to believe that there 1151  
is a significant risk of imminent material harm to the bank; 1152

(2) Whether the examination of the bank holding company is 1153  
necessary to fully determine the risk to the bank, or to determine 1154  
how best to address the risk to the bank. 1155

(G) Submit to the governor recommendations concerning 1156  
amendments to the savings and loan association or savings bank 1157

laws and credit union laws of this state or rules adopted pursuant 1158  
to those laws that the council considers appropriate; 1159

(H) Consult with, advise, and make recommendations to the 1160  
superintendent of financial institutions and the deputy 1161  
superintendent for credit unions on matters relating to the 1162  
business for credit unions, including field of membership, 1163  
regulation, examination, safety and soundness, and applications of 1164  
credit unions under this chapter; 1165

(I) Consider and determine whether to confirm the supervisory 1166  
fees proposed by the superintendent of financial institutions in 1167  
accordance with division (E) of section 1733.32 of the Revised 1168  
Code; 1169

(J) With respect to the adoption, amendment, or rescission of 1170  
rules adopted pursuant to this chapter, be present at the public 1171  
hearing required by section 119.03 of the Revised Code and provide 1172  
recommendations, advice, or assistance at the public hearing. 1173

~~Sec. 1123.04. Neither the deputy superintendent for banks nor~~ 1174  
~~any other~~ No member of the banking commission financial consumer 1175  
council is liable, in any civil or criminal action or proceeding, 1176  
for any mistake of judgment or discretion in any action taken, or 1177  
in any omission made, by the member in good faith. 1178  
1179

**Sec. 1155.13.** (A)(1) Each savings and loan association 1180  
subject to inspection and examination by the superintendent of 1181  
financial institutions and transacting business in this state as 1182  
of the thirty-first day of December of the prior fiscal year, or 1183  
the savings and loan association's successor in interest, shall 1184  
pay annual assessments to the superintendent as provided in this 1185  
section. 1186

(2) After determining the budget of the division of financial 1187

institutions for examination and regulation of savings and loan 1188  
associations, but prior to establishing the annual assessment 1189  
amount necessary to fund that budget, the superintendent shall 1190  
include any amounts collected but not yet expended or encumbered 1191  
by the superintendent in the previous fiscal year's budget and 1192  
remaining in the savings institutions fund from the amount to be 1193  
assessed. Based upon the resulting budget amount and upon 1194  
confirmation of the schedule of assessments by the ~~savings and~~ 1195  
~~loan associations and savings banks board~~ financial consumer 1196  
council, the superintendent shall make an assessment upon each 1197  
savings and loan association based on the total assets as shown on 1198  
the books of the savings and loan association as of the 1199  
thirty-first day of December of the previous fiscal year. The 1200  
assessments shall be collected on an annual or periodic basis 1201  
within the fiscal year, as determined by the superintendent. 1202

(3) Annually and prior to making any assessment pursuant to 1203  
division (A)(2) of this section, the superintendent shall present 1204  
to the ~~savings and loan associations and savings banks board~~ 1205  
financial consumer council for confirmation a schedule of the 1206  
assessments to be billed savings and loan associations pursuant to 1207  
division (A)(2) of this section. 1208

(4) A savings and loan association authorized by the 1209  
superintendent to commence business in the period between 1210  
assessments shall pay the actual reasonable costs of the 1211  
division's examinations and visitations. 1212

(B) Assessments and fees charged pursuant to this section 1213  
shall be paid within fourteen days after receiving an invoice for 1214  
payment of the assessment or fee. 1215

Any assessment or fee collected is not refundable. 1216

(C) The superintendent shall pay all assessments and fees 1217  
charged pursuant to this section and all forfeitures required to 1218



be paid to the superintendent into the state treasury to the 1219  
credit of the savings institutions fund established under section 1220  
1181.18 of the Revised Code. 1221

(D) Any money deposited into the state treasury to the credit 1222  
of the savings institutions fund, but not expended or encumbered 1223  
by the superintendent to defray the costs of administering 1224  
Chapters 1151. to 1157. of the Revised Code, shall remain in the 1225  
savings institutions fund for expenditures by the superintendent 1226  
in subsequent years in the administration of Chapters 1151. to 1227  
1157. of the Revised Code. 1228

**Sec. 1163.16.** (A)(1) Each savings bank subject to inspection 1229  
and examination by the superintendent of financial institutions 1230  
and transacting business in this state as of the thirty-first day 1231  
of December of the prior fiscal year, or the savings bank's 1232  
successor in interest, shall pay annual assessments to the 1233  
superintendent as provided in this section. 1234

(2) After determining the budget of the division of financial 1235  
institutions for examination and regulation of savings banks, but 1236  
prior to establishing the annual assessment amount necessary to 1237  
fund that budget, the superintendent shall include any amounts 1238  
collected but not yet expended or encumbered by the superintendent 1239  
in the previous fiscal year's budget and remaining in the savings 1240  
institutions fund from the amount to be assessed. Based upon the 1241  
resulting budget amount and upon confirmation of the schedule of 1242  
assessments by the ~~savings and loan associations and savings banks~~ 1243  
~~board~~ financial consumer council, the superintendent shall make an 1244  
assessment upon each savings bank based on the total assets as 1245  
shown on the books of the savings bank as of the thirty-first day 1246  
of December of the previous fiscal year. The assessments shall be 1247  
collected on an annual or periodic basis within the fiscal year, 1248  
as determined by the superintendent. 1249

(3) Annually and prior to making any assessment pursuant to 1250  
division (A)(2) of this section, the superintendent shall present 1251  
to the ~~savings and loan associations and savings banks board~~ 1252  
financial consumer council for confirmation a schedule of the 1253  
assessments to be billed savings banks pursuant to division (A)(2) 1254  
of this section. 1255

(4) A savings bank authorized by the superintendent to 1256  
commence business in the period between assessments shall pay the 1257  
actual reasonable costs of the division's examinations and 1258  
visitations. 1259

(B) Assessments and fees charged pursuant to this section 1260  
shall be paid within fourteen days after receiving an invoice for 1261  
payment of the assessment or fee. 1262

Any assessment or fee collected is not refundable. 1263

(C) The superintendent shall pay all assessments and fees 1264  
charged pursuant to this section and all forfeitures required to 1265  
be paid to the superintendent into the state treasury to the 1266  
credit of the savings institutions fund established under section 1267  
1181.18 of the Revised Code. 1268

(D) Any money deposited into the state treasury to the credit 1269  
of the savings institutions fund, but not expended or encumbered 1270  
by the superintendent to defray the costs of administering 1271  
Chapters 1161. to 1165. of the Revised Code, shall remain in the 1272  
savings institutions fund for expenditures by the superintendent 1273  
in subsequent years in the administration of Chapters 1161. to 1274  
1165. of the Revised Code. 1275

**Sec. 1181.11.** Copies of all certificates, records, and papers 1276  
in the office of the superintendent of financial institutions, 1277  
including the records of the ~~banking commission, the savings and~~ 1278  
~~loan associations and savings banks board, and the credit union~~ 1279

financial consumer council, duly certified by the superintendent 1280  
and authenticated by the superintendent's seal of office, shall be 1281  
evidence, in all courts of this state, of every matter which could 1282  
be proved by the production of the original. 1283

**Sec. 1315.122.** (A) Information leading to, arising from, or 1284  
obtained in the course of the examination of a licensee or other 1285  
person conducted pursuant to the authority of sections 1315.01 to 1286  
1315.18 of the Revised Code is privileged and confidential. No 1287  
person, including any person to whom the information is disclosed 1288  
under the authority of this section, shall disclose information 1289  
leading to, arising from, or obtained in the course of an 1290  
examination, except as specifically provided in this section. 1291

(B) The superintendent of financial institutions and the 1292  
superintendent's agents and employees may disclose information 1293  
leading to, arising from, or obtained in the course of an 1294  
examination conducted pursuant to section 1315.12 or 1315.121 of 1295  
the Revised Code as follows: 1296

(1) To the governor, director of commerce, or deputy director 1297  
of commerce to enable them to act in the interests of the public; 1298

(2) To the ~~banking commission~~ financial consumer council, 1299  
created pursuant to section 1123.01 of the Revised Code, to enable 1300  
the ~~commission~~ council to effectively advise the superintendent 1301  
and take action on any matter the superintendent presents to the 1302  
~~commission~~ council; 1303

(3) To financial institution regulatory authorities of this 1304  
and other states, the United States, and other countries to assist 1305  
them in their regulatory duties; 1306

(4) To the directors, officers, agents, and parent company of 1307  
the licensee or other money transmitter examined to assist them in 1308  
conducting the business of the licensee or other money transmitter 1309

examined in a safe and sound manner and in compliance with the 1310  
law; 1311

(5) To law enforcement authorities conducting criminal 1312  
investigations. 1313

(C) Information leading to, arising from, or obtained in the 1314  
course of an examination of a licensee or other person pursuant to 1315  
sections 1315.01 to 1315.18 of the Revised Code shall not be 1316  
discoverable from any source. The information shall not be 1317  
introduced into evidence, except in the following circumstances: 1318

(1) In connection with criminal proceedings; 1319

(2) When, in the opinion of the superintendent, it is 1320  
appropriate with regard to enforcement actions taken and decisions 1321  
made by the superintendent under the authority of sections 1315.01 1322  
to 1315.18 of the Revised Code regarding a licensee or other 1323  
person; 1324

(3) When litigation has been initiated by the superintendent 1325  
in furtherance of the powers, duties, and obligations imposed upon 1326  
the superintendent by sections 1315.01 to 1315.18 of the Revised 1327  
Code; 1328

(4) When authorized by agreements between the superintendent 1329  
and financial institution regulatory authorities of this and other 1330  
states, the United States, and other countries authorized by 1331  
section 1315.121 of the Revised Code; 1332

(5) When and in the manner authorized in section 1181.25 of 1333  
the Revised Code. 1334

(D) A report of an examination conducted pursuant to section 1335  
1315.12 or 1315.121 of the Revised Code is the property of the 1336  
division of financial institutions. Under no circumstances may the 1337  
licensee or other money transmitter examined, its directors, 1338  
officers, employees, agents, regulated persons, or contractors, or 1339

any person having knowledge or possession of a report of 1340  
examination, or any of its contents, disclose or make public in 1341  
any manner the report of examination or its contents. The 1342  
authority provided in division (B)(4) of this section for use of 1343  
examination information to assist in conducting the business of 1344  
the licensee or other money transmitter examined in a safe and 1345  
sound manner and in compliance with law shall not be construed to 1346  
authorize disclosure of a report of examination or any of its 1347  
contents in conducting business with the examined licensee's or 1348  
other money transmitter's customers, creditors, or shareholders, 1349  
or with other persons. 1350

(E) Whoever violates this section shall be removed from 1351  
office, shall be liable, with the violator's bond in damages to 1352  
the person injured by the disclosure of information, and is guilty 1353  
of a felony of the fourth degree. 1354

**Sec. 1349.71.** (A) There is hereby created a consumer finance 1355  
education board, consisting of the following twelve members: 1356

(1) An employee of the Ohio attorney general's office, 1357  
appointed by the governor; 1358

(2) An employee of the department of commerce, appointed by 1359  
the governor; 1360

(3) An employee of the Ohio housing finance agency, appointed 1361  
by the governor; 1362

(4) A representative of Ohio minority advocacy groups, 1363  
appointed by the governor; 1364

(5) A member of the Ohio bankers league, appointed by the 1365  
speaker of the house of representatives; 1366

(6) A member of the Ohio mortgage bankers association, 1367  
appointed by the speaker of the house of representatives; 1368

(7) A member of the Ohio credit union league, appointed by 1369

the speaker of the house of representatives; 1370

(8) A member of the Ohio community bankers association, 1371  
appointed by the speaker of the house of representatives; 1372

(9) A representative of the Ohio real estate industry, 1373  
appointed by the president of the senate; 1374

(10) A member of the Ohio mortgage brokers association, 1375  
appointed by the president of the senate; 1376

(11) A representative of the financial services industry, 1377  
appointed by the president of the senate; 1378

(12) A representative of consumer advocacy organizations, 1379  
appointed by the president of the senate. 1380

(B) Geographically diverse representation of the state shall 1381  
be considered in making appointments. Of the initial appointments 1382  
to the board, four shall be for a term ending December 31, 2008, 1383  
four shall be for a term ending December 31, 2009, and four shall 1384  
be for a term ending December 31, 2010. Thereafter, terms of 1385  
office are for three years, commencing on the first day of January 1386  
and ending on the thirty-first day of December. Each member shall 1387  
hold office from the date of the member's appointment until the 1388  
end of the term for which the member is appointed. Prior to 1389  
assuming the duties of office, each member shall subscribe to, and 1390  
file with the secretary of state, the constitutional oath of 1391  
office. Vacancies that occur on the board shall be filled in the 1392  
manner prescribed for regular appointments to the board. A member 1393  
appointed to fill a vacancy occurring prior to the expiration of 1394  
the term for which the member's predecessor was appointed shall 1395  
hold office for the remainder of that predecessor's term. A member 1396  
shall continue in office subsequent to the expiration date of the 1397  
member's term until the member's successor takes office or until 1398  
sixty days have elapsed, whichever occurs first. No person shall 1399  
serve as a member of the board for more than two consecutive 1400

terms. The governor may remove a member pursuant to section 3.04 1401  
of the Revised Code. 1402

(C) Annually, upon the qualification of the members appointed 1403  
in that year, the board shall organize by selecting from its 1404  
members a chairperson. The board shall meet at least once each 1405  
calendar quarter to conduct its business with the place of future 1406  
meetings to be decided by a vote of its members. Each member shall 1407  
be provided with written notice of the time and place of each 1408  
board meeting at least ten days prior to the scheduled date of the 1409  
meeting. A majority of the members of the board constitutes a 1410  
quorum to transact and vote on all business coming before the 1411  
board. 1412

(D)(1) The governor shall call the first meeting of the 1413  
consumer finance education board. At that meeting, and annually 1414  
thereafter, the board shall elect a chairperson for a one-year 1415  
term and may elect members to other positions on the board as the 1416  
board considers necessary or appropriate. 1417

(2) Each member of the board shall receive an amount fixed 1418  
pursuant to division (J) of section 124.15 of the Revised Code for 1419  
each day employed in the discharge of the member's official 1420  
duties, and the member's actual and necessary expenses incurred in 1421  
the discharge of those duties. 1422

(E) The board may obtain services from any state agency, 1423  
including, but not limited to, the department of commerce or its 1424  
successor agency. 1425

~~(F) The board shall assemble an advisory committee of 1426  
representatives from the following organizations or groups for the 1427  
purpose of receiving recommendations on policy, rules, and 1428  
activities of the board. 1429~~

~~(1) The department of aging; 1430~~

~~(2) The department of rehabilitation and correction; 1431~~

- ~~(3) The department of development;~~ 1432
- ~~(4) The department of job and family services;~~ 1433
- ~~(5) The Ohio treasurer of state's office;~~ 1434
- ~~(6) The county treasurers association of Ohio;~~ 1435
- ~~(7) Ohio college professors;~~ 1436
- ~~(8) Ohio university professors;~~ 1437
- ~~(9) The Ohio board of regents;~~ 1438
- ~~(10) The Ohio community development corporations association;~~ 1439
- ~~(11) The Ohio council for economic education;~~ 1440
- ~~(12) The Ohio state university extension service.~~ 1441

**Sec. 1521.19.** (A) There is hereby created the Ohio water 1442  
resources council consisting of the directors of agriculture, 1443  
development, environmental protection, health, natural resources, 1444  
transportation, and the Ohio public works commission, the 1445  
chairperson of the public utilities commission of Ohio, the 1446  
executive director of the Ohio water development authority, and an 1447  
executive assistant in the office of the governor appointed by the 1448  
governor. The governor shall appoint one of the members of the 1449  
council to serve as its chairperson. The council may adopt bylaws 1450  
that are necessary for the implementation of this section. The 1451  
council shall provide a forum for policy development, 1452  
collaboration and coordination among state agencies, and strategic 1453  
direction with respect to state water resource programs. The 1454  
council shall be assisted in its functions by a ~~state agency~~ 1455  
~~coordinating group~~ and an advisory group as provided in this 1456  
section. 1457

(B) ~~The state agency coordinating group shall consist of the~~ 1458  
~~executive director of the Ohio Lake Erie commission and a member~~ 1459  
~~or members from each state agency, commission, and authority~~ 1460



~~represented on the council, to be appointed by the applicable 1461  
director, chairperson, or executive director. However, the 1462  
environmental protection agency shall be represented on the group 1463  
by the chiefs of the divisions within that agency having 1464  
responsibility for surface water programs and drinking and ground 1465  
water programs, and the department of natural resources shall be 1466  
represented on the group by the chief of the division of soil and 1467  
water resources. The chairperson of the council shall appoint a 1468  
leader of the state agency coordinating group. The group shall 1469  
provide assistance to and perform duties on behalf of the council 1470  
as directed by the council. 1471~~

(C) The advisory group shall consist of not more than 1472  
twenty-four members, each representing an organization or entity 1473  
with an interest in water resource issues. The council shall 1474  
appoint the members of the advisory group. Of the initial 1475  
appointments, not more than ten members shall be appointed for 1476  
one-year terms, and not more than ten members shall be appointed 1477  
for two-year terms. Of the four initial appointments made after 1478  
April 6, 2007, two of the members shall be appointed for one-year 1479  
terms, and two of the members shall be appointed for two-year 1480  
terms. Thereafter, all advisory group members shall serve two-year 1481  
terms. Members may be reappointed. Each member shall hold office 1482  
from the date of the member's appointment until the end of the 1483  
member's term. A member shall continue in office subsequent to the 1484  
expiration date of the member's term until the member's successor 1485  
takes office or until a period of sixty days has elapsed, 1486  
whichever occurs first. The council may remove a member for 1487  
misfeasance, nonfeasance, or malfeasance in office. The council 1488  
shall appoint members to fill any vacancies on the group. A member 1489  
appointed to fill a vacancy shall hold office for the remainder of 1490  
the term for which that member was appointed. 1491

The chairperson of the council shall appoint a chairperson of 1492

the advisory group. The advisory group shall advise the council on 1493  
water resources issues addressed by the council. 1494

~~(D)~~(C) There is hereby created in the state treasury the Ohio 1495  
water resources council fund. The department of natural resources 1496  
shall serve as the fiscal agent for the fund. The departments of 1497  
agriculture, development, environmental protection, health, 1498  
natural resources, and transportation shall transfer moneys to the 1499  
fund in equal amounts via intrastate transfer voucher. The public 1500  
utilities commission of Ohio, Ohio public works commission, and 1501  
Ohio water development authority may transfer moneys to the fund. 1502  
If a voluntary transfer of moneys is made to the fund, the portion 1503  
that is required to be transferred by the departments of 1504  
agriculture, development, environmental protection, health, 1505  
natural resources, and transportation may be equally reduced. 1506  
Moneys in the fund shall be used to pay the operating expenses of 1507  
the Ohio water resources council, including those specified in 1508  
division ~~(E)~~(D) of this section. 1509

~~(E)~~(D) The Ohio water resources council may hire staff to 1510  
support its activities. The council may enter into contracts and 1511  
agreements with federal agencies, state agencies, political 1512  
subdivisions, and private entities to assist in accomplishing its 1513  
objectives. Advisory group members shall be reimbursed for 1514  
expenses necessarily incurred in the performance of their duties 1515  
pursuant to section 126.31 of the Revised Code and any applicable 1516  
rules pertaining to travel reimbursement adopted by the office of 1517  
budget and management. 1518

**Sec. 1733.32.** (A)(1) The superintendent of financial 1519  
institutions shall see that the laws relating to credit unions are 1520  
executed and enforced. 1521

(2) The deputy superintendent for credit unions shall be the 1522  
principal supervisor of credit unions. In that position, the 1523

deputy superintendent for credit unions shall, notwithstanding 1524  
division (A)(3) of this section, be responsible for conducting 1525  
examinations and preparing examination reports under that 1526  
division. In addition, the deputy superintendent for credit unions 1527  
shall, notwithstanding sections 1733.191, 1733.41, 1733.411, and 1528  
1733.412 of the Revised Code, have the authority to adopt rules in 1529  
accordance with those sections, and, notwithstanding section 1530  
1733.05 of the Revised Code, shall have the authority to approve 1531  
issues and matters pertaining to fields of membership. In 1532  
performing or exercising any of the examination, rule-making, or 1533  
other regulatory functions, powers, or duties vested by division 1534  
(A)(2) of this section in the deputy superintendent for credit 1535  
unions, the deputy superintendent for credit unions shall be 1536  
subject to the control of the superintendent of financial 1537  
institutions. 1538

(3) The superintendent of financial institutions shall 1539  
develop and implement a system for evaluating the safety and 1540  
soundness of credit unions and for determining when examinations 1541  
and supervisory actions are necessary. Credit unions shall be 1542  
subject to periodic examinations, as specified in rules adopted by 1543  
the superintendent, and their books, records, and accounts shall 1544  
be open to the inspection of the superintendent at all times. For 1545  
the purpose of such examination or inspection, the superintendent 1546  
may subpoena witnesses, administer oaths, receive testimony, and 1547  
order the submission of documents. 1548

(B) Every credit union shall prepare and submit, on forms 1549  
provided by the superintendent, a financial report to the 1550  
superintendent showing its assets and liabilities whenever 1551  
requested to do so by the superintendent. Every financial report 1552  
shall be verified by the oaths of the two principal officers in 1553  
charge of the affairs of the credit union at the time of such 1554  
verification and shall be submitted to the superintendent within 1555

thirty days after the superintendent requests the financial 1556  
report. 1557

(C) An annual financial report of the affairs and business of 1558  
the credit union, showing its condition as of the thirty-first day 1559  
of December unless otherwise authorized by the superintendent, 1560  
shall be filed with the superintendent not later than the date 1561  
authorized in the rules adopted by the superintendent. 1562

(D) If a financial report or an annual financial report is 1563  
not filed with the superintendent in accordance with division (B) 1564  
or (C) of this section, the superintendent may do both of the 1565  
following: 1566

(1) Assess a fine, determined by rule adopted by the 1567  
superintendent, for each day the report is in arrears; 1568

(2) If the superintendent gives written notice to the 1569  
president of the credit union of the superintendent's intention to 1570  
do so, issue an order revoking the credit union's articles of 1571  
incorporation and appointing a liquidating agent to liquidate the 1572  
credit union in accordance with section 1733.37 of the Revised 1573  
Code. 1574

(E)(1) Except as provided in division (E)(2) of this section, 1575  
each credit union doing business in this state shall remit, 1576  
semiannually and within fifteen days after billing, to the 1577  
treasurer of state, a supervisory fee in an amount determined by 1578  
the superintendent and confirmed by the ~~credit union~~ financial 1579  
consumer council. The supervisory fee described in division (E)(1) 1580  
of this section shall be based on a percentage of the gross assets 1581  
of the credit union as shown by its last annual financial report 1582  
filed with the superintendent in accordance with division (C) of 1583  
this section. The minimum supervisory fee shall be determined by 1584  
the superintendent and confirmed by the ~~credit union~~ financial 1585  
consumer council. 1586

(2) Each corporate credit union doing business in this state 1587  
shall remit, semiannually and within fifteen days after billing, 1588  
to the treasurer of state, a supervisory fee determined by rule 1589  
adopted by the superintendent and confirmed by the ~~credit union~~ 1590  
financial consumer council. The aggregate annual amount of the fee 1591  
shall not exceed the annual operating fee that the national credit 1592  
union administration charges a federally chartered credit union 1593  
pursuant to the "Federal Credit Union Act," 84 Stat. 994 (1970), 1594  
12 U.S.C.A. 1751. 1595

(3) The superintendent annually shall present to the ~~credit~~ 1596  
~~union~~ financial consumer council for confirmation the supervisory 1597  
fees to be billed credit unions and corporate credit unions 1598  
pursuant to division (E) of this section. 1599

(4) If any supervisory fee is not remitted in accordance with 1600  
division (E)(1) or (2) of this section, the superintendent may 1601  
assess a fine, determined by rule adopted by the superintendent, 1602  
for each day that each fee is in arrears. 1603

(5)(a) Subject to division (E)(5)(b) of this section, the 1604  
total amount of each semiannual billing to all credit unions and 1605  
corporate credit unions combined shall equal one-half of the 1606  
appropriation made by the main operating appropriation act, 1607  
including any modifications made by the controlling board, to the 1608  
division of financial institutions for the regulation of credit 1609  
unions for the fiscal year in which the billings occur, except 1610  
that the superintendent, in determining the supervisory fees, may 1611  
take into consideration any funds lapsed from the appropriation 1612  
made in the previous fiscal year. 1613

(b) If during the period between the ~~credit union~~ financial 1614  
consumer council's confirmation of supervisory fees and when 1615  
supervisory fees described in this section are collected, the 1616  
~~credit union~~ financial consumer council determines additional 1617  
money is required to adequately fund the operations of the 1618

division of financial institutions for that fiscal year, the 1619  
~~credit union~~ financial consumer council may, by the affirmative 1620  
vote of five of its members, increase the supervisory fees billed. 1621  
The superintendent promptly shall notify each credit union and 1622  
corporate credit union of the increased supervisory fees, and each 1623  
credit union or corporate credit union shall pay the increased 1624  
supervisory fees billed by the superintendent. 1625

(6) The fees or fines collected pursuant to this section 1626  
shall be credited to the credit unions fund created in section 1627  
1733.321 of the Revised Code. 1628

(F) A report of such examination shall be forwarded to the 1629  
president of each credit union after the completion of the 1630  
examination. The report may contain comments relative to the 1631  
management of the affairs of the credit union and also as to the 1632  
general condition of its assets. Within thirty days of the receipt 1633  
of the report, a meeting of the directors shall be called to 1634  
consider matters contained in the report, and the president shall 1635  
notify the superintendent of any action taken at the meeting. 1636

(G)(1) The superintendent shall furnish reports of 1637  
examinations or other appropriate information to any organization 1638  
referred to in section 1733.041 of the Revised Code when requested 1639  
by the organization and authorized by the credit union. The 1640  
superintendent may charge a fee for such reports and other 1641  
information as may be established by rules adopted by the 1642  
superintendent. 1643

(2) A report of examination furnished pursuant to division 1644  
(G)(1) of this section is the property of the division of credit 1645  
unions and may be used by the examined credit union only in the 1646  
conduct of its business. Under no circumstances may the credit 1647  
union, its current or former directors, officers, employees, 1648  
agents, shareholders, participants in the conduct of its affairs, 1649  
or their agents disclose or make public, in any manner, a report 1650

of examination or its contents. 1651

(H) Except as provided in this division, information obtained 1652  
by the superintendent of financial institutions and the 1653  
superintendent's employees as a result of or arising out of the 1654  
examination or independent audit of a credit union, from required 1655  
reports, or because of their official position, shall be 1656  
confidential. Such information may be disclosed only in connection 1657  
with criminal proceedings or, subject to section 1733.327 of the 1658  
Revised Code, when it is necessary for the superintendent to take 1659  
official action pursuant to Chapter 1733. of the Revised Code and 1660  
the rules adopted thereunder regarding the affairs of the credit 1661  
union examined. Such information may also be introduced into 1662  
evidence or disclosed when and in the manner authorized in section 1663  
1181.25 of the Revised Code. This division does not prevent the 1664  
superintendent from properly exchanging information relating to an 1665  
examined credit union pursuant to division (F) or (G) of this 1666  
section, with officials of properly authorized state or federal 1667  
financial institution regulatory authorities, with any insurer 1668  
recognized under section 1733.041, or with any surety recognized 1669  
under section 1733.23 of the Revised Code. This division also does 1670  
not prevent the superintendent from disclosing information 1671  
contained in the financial reports or annual financial reports 1672  
described in division (B) or (C) of this section to recognized 1673  
credit union trade associations, to share guarantee insurance 1674  
organizations, to federal or state agencies, or to the general 1675  
public. Financial reports and annual financial reports described 1676  
in divisions (B) and (C) of this section, call reports, or 1677  
financial statements required to be filed with the division of 1678  
financial institutions are public records for purposes of section 1679  
149.43 of the Revised Code. Information relating to the 1680  
examination or independent audit of a credit union, other than 1681  
information that is permitted to be disclosed by this section or 1682  
is a public record, is not a public record for purposes of section 1683

149.43 of the Revised Code. 1684

**Sec. 3119.024.** At least once every four years, the department 1685  
of job and family services shall review the basic child support 1686  
schedule set forth in section 3119.021 of the Revised Code to 1687  
determine whether child support orders issued in accordance with 1688  
the schedule and worksheets adequately provide for the needs of 1689  
the children who are subject to the child support orders, prepare 1690  
a report of its review, and submit a copy of the report to both 1691  
houses of the general assembly. 1692

~~For each review, the department shall establish a child 1693  
support guideline advisory council to assist the department in the 1694  
completion of its reviews and reports. Each council shall be 1695  
composed of obligors; obligees; judges of courts of common pleas 1696  
who have jurisdiction over domestic relations cases; attorneys 1697  
whose practice includes a significant number of domestic relations 1698  
cases; representatives of child support enforcement agencies; 1699  
other persons interested in the welfare of children; three members 1700  
of the senate appointed by the president of the senate, no more 1701  
than two of whom are members of the same party; and three members 1702  
of the house of representatives appointed by the speaker of the 1703  
house, no more than two of whom are members of the same party. 1704~~

~~The department shall consider input from the council prior to 1705  
the completion of any report under this section. 1706~~

~~The advisory council shall cease to exist at the time that it 1707  
submits its report to the general assembly. 1708~~

~~Any expenses incurred by an advisory council shall be paid by 1709  
the department. 1710~~

On or before the first day of March of every fourth year 1711  
after 1993, the department shall submit a report under this 1712  
division to both houses of the general assembly. 1713



**Sec. 3301.90.** The governor shall create the early childhood 1714  
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 1715  
shall appoint one of its members to serve as chairperson of the 1716  
council. The council shall serve as the state advisory council on 1717  
early childhood education and care, as described in 42 U.S.C. 1718  
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 1719  
9837b(b)(1), the council shall advise the state regarding the 1720  
creation and duties of the center for early childhood development 1721  
and shall promote family-centered programs and services that 1722  
acknowledge and support the social, emotional, cognitive, 1723  
intellectual, and physical development of children and the vital 1724  
role of families in ensuring the well-being and success of 1725  
children. 1726

The council shall also develop recommendations that explore 1727  
the implementation of a single financing system for early care and 1728  
education programs that includes aligned payment mechanisms and 1729  
consistent eligibility and copayment policies. The council shall 1730  
submit its recommendations to the governor. 1731

**Sec. 3311.71.** (A) As used in this section and in sections 1732  
3311.72 to ~~3311.77~~ 3311.76 of the Revised Code: 1733

(1) "Municipal school district" means a school district that 1734  
is or has ever been under a federal court order requiring 1735  
supervision and operational, fiscal, and personnel management of 1736  
the district by the state superintendent of public instruction. 1737

(2) "Mayor" means the mayor of the municipal corporation 1738  
containing the greatest portion of a municipal school district's 1739  
territory. 1740

(B) Whenever any municipal school district is released by a 1741  
federal court from an order requiring supervision and operational, 1742  
fiscal, and personnel management of the district by the state 1743

superintendent, the management and control of that district shall 1744  
be assumed, effective immediately, by a new nine-member board of 1745  
education. Members of the new board shall be appointed by the 1746  
mayor, who shall also designate one member as the chairperson of 1747  
the board. In addition to the rights, authority, and duties 1748  
conferred upon the chairperson by sections 3311.71 to 3311.76 of 1749  
the Revised Code, the chairperson shall have all the rights, 1750  
authority, and duties conferred upon the president of a board of 1751  
education by the Revised Code that are not inconsistent with 1752  
sections 3311.71 to 3311.76 of the Revised Code. 1753

(C) No school board member shall be appointed by the mayor 1754  
pursuant to division (B) of this section until the mayor has 1755  
received a slate of at least eighteen candidates nominated by a 1756  
municipal school district nominating panel, at least three of whom 1757  
reside in the municipal school district but not in the municipal 1758  
corporation containing the greatest portion of the district's 1759  
territory. The municipal school district nominating panel shall be 1760  
initially convened and chaired by the state superintendent of 1761  
public instruction, who shall serve as a nonvoting member for the 1762  
first two years of the panel's existence, and shall consist of 1763  
eleven persons selected as follows: 1764

(1) Three parents or guardians of children attending the 1765  
schools of the municipal school district appointed by the district 1766  
parent-teacher association, or similar organization selected by 1767  
the state superintendent; 1768

(2) Three persons appointed by the mayor; 1769

(3) One person appointed by the president of the legislative 1770  
body of the municipal corporation containing the greatest portion 1771  
of the municipal school district's territory; 1772

(4) One teacher appointed by the collective bargaining 1773  
representative of the school district's teachers; 1774

(5) One principal appointed through a vote of the school 1775  
district's principals, which vote shall be conducted by the state 1776  
superintendent; 1777

(6) One representative of the business community appointed by 1778  
an organized collective business entity selected by the mayor; 1779

(7) One president of a public or private institution of 1780  
higher education located within the municipal school district 1781  
appointed by the state superintendent of public instruction. 1782

The municipal school district nominating panel shall select 1783  
one of its members as its chairperson commencing two years after 1784  
the date of the first meeting of the panel, at which time the 1785  
state superintendent of public instruction shall no longer convene 1786  
or chair the panel. Thereafter, the panel shall meet as necessary 1787  
to make nominations at the call of the chairperson. All members of 1788  
the panel shall serve at the pleasure of the appointing authority. 1789  
Vacancies on the panel shall be filled in the same manner as the 1790  
initial appointments. 1791

(D) No individual shall be appointed by the mayor pursuant to 1792  
division (B) or (F) of this section unless the individual has been 1793  
nominated by the nominating panel, resides in the school district, 1794  
and holds no elected public office. At any given time, four of the 1795  
nine members appointed by the mayor to serve on the board pursuant 1796  
to either division (B) or (F) of this section shall have 1797  
displayed, prior to appointment, significant expertise in either 1798  
the education field, finance, or business management. At all times 1799  
at least one member of the board shall be an individual who 1800  
resides in the municipal school district but not in the municipal 1801  
corporation containing the greatest portion of the district's 1802  
territory. 1803

(E) The terms of office of all members appointed by the mayor 1804  
pursuant to division (B) of this section shall expire on the next 1805

thirtieth day of June following the referendum election required 1806  
by section 3311.73 of the Revised Code. The mayor may, with the 1807  
advice and consent of the nominating panel, remove any member 1808  
appointed pursuant to that division or division (F) of this 1809  
section for cause. 1810

(F) If the voters of the district approve the continuation of 1811  
an appointed board at the referendum election required by section 1812  
3311.73 of the Revised Code, the mayor shall appoint the members 1813  
of a new board from a slate prepared by the nominating panel in 1814  
the same manner as the initial board was appointed pursuant to 1815  
divisions (B), (C), and (D) of this section. Five of the members 1816  
of the new board shall be appointed to four-year terms and the 1817  
other four shall be appointed to two-year terms, each term 1818  
beginning on the first day of July. Thereafter, the mayor shall 1819  
appoint members to four-year terms in the same manner as described 1820  
in divisions (B), (C), and (D) of this section. The minimum number 1821  
of individuals who shall be on the slate prepared by the 1822  
nominating panel for this purpose shall be at least twice the 1823  
number of members to be appointed, including at least two who 1824  
reside in the municipal school district but not in the municipal 1825  
corporation containing the greatest portion of the district's 1826  
territory. 1827

(G) In addition to the nine members appointed by the mayor, 1828  
the boards appointed pursuant to divisions (B) and (F) of this 1829  
section shall include the following nonvoting ex officio members: 1830

(1) If the main campus of a state university specified in 1831  
section 3345.011 of the Revised Code is located within the 1832  
municipal school district, the president of the university or the 1833  
president's designee; 1834

(2) If any community college has its main branch located 1835  
within the district, the president of the community college that 1836  
has the largest main branch within the district, or the 1837

president's designee. 1838

**Sec. 3313.6013.** (A) As used in this section, "dual enrollment 1839  
program" means a program that enables a student to earn credit 1840  
toward a degree from an institution of higher education while 1841  
enrolled in high school or that enables a student to complete 1842  
coursework while enrolled in high school that may earn credit 1843  
toward a degree from an institution of higher education upon the 1844  
student's attainment of a specified score on an examination 1845  
covering the coursework. Dual enrollment programs may include any 1846  
of the following: 1847

(1) The post-secondary enrollment options program established 1848  
under Chapter 3365. of the Revised Code; 1849

(2) Advanced placement courses; 1850

(3) Any similar program established pursuant to an agreement 1851  
between a school district or chartered nonpublic high school and 1852  
an institution of higher education. 1853

(B) Each city, local, exempted village, and joint vocational 1854  
school district and each chartered nonpublic high school shall 1855  
provide students enrolled in grades nine through twelve with the 1856  
opportunity to participate in a dual enrollment program. For this 1857  
purpose, each school district and chartered nonpublic high school 1858  
shall offer at least one dual enrollment program in accordance 1859  
with division (B)(1) or (2) of this section, as applicable. 1860

(1) A city, local, or exempted village school district meets 1861  
the requirements of this division through its mandatory 1862  
participation in the post-secondary enrollment options program 1863  
established under Chapter 3365. of the Revised Code. However, a 1864  
city, local, or exempted village school district may offer any 1865  
other dual enrollment program, in addition to the post-secondary 1866  
enrollment options program, and each joint vocational school 1867

district shall offer at least one other ~~duel~~ dual enrollment 1868  
program, to students in good standing, as defined by the 1869  
~~partnership for continued learning under section 3301.42 of the~~ 1870  
~~Revised Code as it existed prior to the effective date of this~~ 1871  
~~amendment or as subsequently defined by the department of~~ 1872  
education. 1873

(2) A chartered nonpublic high school that elects to 1874  
participate in the post-secondary enrollment options program 1875  
established under Chapter 3365. of the Revised Code meets the 1876  
requirements of this division. Each chartered nonpublic high 1877  
school that elects not to participate in the post-secondary 1878  
enrollment options program instead shall offer at least one other 1879  
dual enrollment program to students in good standing, as defined 1880  
by the ~~partnership for continued learning under section 3301.42 of~~ 1881  
~~the Revised Code as it existed prior to the effective date of this~~ 1882  
~~amendment or as subsequently defined by the department of~~ 1883  
education. 1884

(C) Each school district and each chartered nonpublic high 1885  
school shall provide information about the dual enrollment 1886  
programs offered by the district or school to all students 1887  
enrolled in grades eight through eleven. 1888

**Sec. 3335.27.** The engineering experiment station shall be 1889  
under the control of the board of trustees of the Ohio state 1890  
university, through the regular administrative and fiscal 1891  
officers. The board shall appoint a director on recommendation of 1892  
the president of the university. ~~There shall be an advisory~~ 1893  
~~committee of seven members appointed by the board of which~~ 1894  
~~committee the director shall be ex officio a member, and~~ 1895  
~~chairperson, said director, and the other six members to be chosen~~ 1896  
~~from the faculty of the college of engineering. The term of these~~ 1897  
~~members shall be for three years. The director and advisory~~ 1898

~~committee~~ shall select suitable subjects for investigation, 1899  
apportion the available funds, and with the consent of the board 1900  
may provide for the dissemination of the results to the people of 1901  
the state. 1902

**Sec. 3345.062.** ~~If the partnership for continued learning,~~ 1903  
~~after consulting with the Ohio board of regents and the state~~ 1904  
~~board of education, does not complete and submit recommendations~~ 1905  
~~for legislative changes for the operation of the post secondary~~ 1906  
~~enrollment options program, as required by division (B) of section~~ 1907  
~~3301.42 of the Revised Code as it existed prior to the effective~~ 1908  
~~date of this amendment, by the deadline prescribed in that~~ 1909  
~~division, each~~ Each state university, as defined in section 1910  
3345.011 of the Revised Code, shall offer via the internet or 1911  
interactive distance learning at least two college level courses, 1912  
one each in science and mathematics, by which high school students 1913  
may earn both high school and college credit. During such course, 1914  
the university may include a single presentation, of not more than 1915  
two minutes in length, that describes its other programs and 1916  
courses. The university may assess a fee for the course required 1917  
under this section of not more than one-tenth of the amount per 1918  
credit hour normally assessed by the university for an 1919  
undergraduate course at its main campus. 1920

**Sec. 3701.025.** ~~(A)~~ There is hereby created the medically 1921  
handicapped children's medical advisory council consisting of 1922  
twenty-one members to be appointed by the director of health for 1923  
terms set in accordance with rules adopted by the public health 1924  
council under division (A)(11) of section 3701.021 of the Revised 1925  
Code. The medically handicapped children's medical advisory 1926  
council shall advise the director regarding the administration of 1927  
the program for medically handicapped children, the suitable 1928  
quality of medical practice for providers, and the requirements 1929

for medical eligibility for the program. 1930

All members of the council shall be licensed physicians, 1931  
surgeons, dentists, and other professionals in the field of 1932  
medicine, representative of the various disciplines involved in 1933  
the treatment of children with medically handicapping conditions, 1934  
and representative of the treatment facilities involved, such as 1935  
hospitals, private and public health clinics, and private 1936  
physicians' offices, and shall be eligible for the program. 1937

Members of the council shall receive no compensation, but 1938  
shall receive their actual and necessary travel expenses incurred 1939  
in the performance of their official duties in accordance with the 1940  
rules of the office of budget and management. 1941

~~(B) The director of health may appoint a maternal and child 1942  
health council to represent the views of service providers, other 1943  
interest groups, consumers, and various geographic areas of the 1944  
state. The maternal and child health council shall advise the 1945  
department of health on matters pertaining to maternal and child 1946  
health and, in particular, the "Maternal and Child Health Block 1947  
Grant," Title V of the "Social Security Act," 95 Stat. 818, (1981) 1948  
42 U.S.C.A. 701, as amended. Members of the council shall receive 1949  
no compensation, but shall receive their actual and necessary 1950  
travel expenses incurred in the performance of their official 1951  
duties in accordance with the rules of the office of budget and 1952  
management. 1953~~

**Sec. 3701.63.** (A) As used in this section and section 3701.64 1954  
of the Revised Code: 1955

(1) "Child day-care center," "type A family day-care home," 1956  
and "certified type B family day-care home" have the same meanings 1957  
as in section 5104.01 of the Revised Code. 1958

(2) "Child care facility" means a child day-care center, a 1959



type A family day-care home, or a certified type B family day-care home. 1960  
1961

(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code. 1962  
1963

(4) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital. 1964  
1965  
1966

(5) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care. 1967  
1968  
1969  
1970  
1971

(6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 1972  
1973  
1974  
1975  
1976

(7) "Shaken Baby Syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child. 1977  
1978  
1979  
1980  
1981

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following: 1982  
1983

(1) By not later than one year after ~~the effective date of this section~~ February 29, 2008, with the advice of the work group appointed under division (D) of this section, developing educational materials that present readily comprehensible information on shaken baby syndrome; 1984  
1985  
1986  
1987  
1988

(2) Making available on the department of health web site in 1989

an easily accessible format the educational materials developed 1990  
under division (B)(1) of this section; 1991

(3) Beginning in 2009, annually assessing the effectiveness 1992  
of the shaken baby syndrome education program by evaluating the 1993  
reports received pursuant to section 5101.135 of the Revised Code. 1994

(C) In meeting the requirements under division (B) of this 1995  
section, the director shall not develop educational materials that 1996  
will impose an administrative or financial burden on any of the 1997  
entities or persons listed in section 3701.64 of the Revised Code. 1998

~~(D) The director of health shall appoint and convene a work 1999  
group to advise the director on the shaken baby syndrome 2000  
educational materials the director is required to develop under 2001  
division (B) of this section. The work group shall include at 2002  
least one representative of each of the following: 2003~~

~~(1) Child abuse prevention advocates; 2004~~

~~(2) The staff of the "help me grow" program established 2005  
pursuant to section 3701.61 of the Revised Code; 2006~~

~~(3) Experts in the field of infant care, particularly in the 2007  
area of infant calming methods; 2008~~

~~(4) Maternity unit directors; 2009~~

~~(5) Parenting skills educators; 2010~~

~~(6) Child care facilities. 2011~~

~~The work group may also include, at the director's 2012  
discretion, representatives of other professions whose members 2013  
have practical experience regarding shaken baby syndrome and 2014  
representatives of citizens' organizations whose members are 2015  
knowledgeable about shaken baby syndrome. 2016~~

**Sec. 3702.79.** The director of health, in accordance with 2017  
Chapter 119. of the Revised Code, shall adopt rules as necessary 2018

to implement and administer sections 3702.71 to 3702.78 of the Revised Code. In preparing rules, the director shall consult with the ~~physician~~ medical loan repayment advisory board.

**Sec. 3702.80.** The ~~physician~~ medical loan repayment advisory board, annually on or before the first day of March, shall submit a report to the governor and general assembly describing the operations of the physician loan repayment program during the previous calendar year. The report shall include information about all of the following:

(A) The number of requests received by the director of health that a particular area be designated as a health resource shortage area;

(B) The areas that have been designated as health resource shortage areas and the priorities that have been assigned to them;

(C) The number of applicants for participation in the physician loan repayment program;

(D) The number and primary care specialties of physicians assigned to health resource shortage areas and the payments made on behalf of these physicians under the physician loan repayment program;

(E) The health resource shortage areas that have not been matched with all of the primary care physicians they respectively need;

(F) The number of primary care physicians failing to complete their service obligations, the amount of damages owed, and the amount of damages collected.

**Sec. 3702.81.** There is hereby created the ~~physician~~ medical loan repayment advisory board. The board shall consist of ~~ten~~ fourteen members as follows:

(A) The following five members appointed by the governor: a 2048  
representative of the Ohio academy of family practice, a 2049  
representative of the board of regents, a representative of the 2050  
Ohio association of community health centers, a representative of 2051  
the Ohio state medical association, and a representative of the 2052  
Ohio osteopathic association; 2053

(B) Two members of the house of representatives, one from 2054  
each political party, appointed by the speaker of the house of 2055  
representatives; 2056

(C) Two members of the senate, one from each political party, 2057  
appointed by the president of the senate. 2058

(D) The director of health or an employee of the department 2059  
of health designated by the director. 2060

~~Of the initial appointments made by the governor, three shall 2061  
be for terms ending June 30, 1994, and four shall be for terms 2062  
ending June 30, 1995. Of the initial appointments made by the 2063  
speaker of the house of representatives, one shall be for a term 2064  
ending June 30, 1994, and one shall be for a term ending June 30, 2065  
1995. Of the initial appointments made by the president of the 2066  
senate, one shall be for a term ending June 30, 1994, and one 2067  
shall be for a term ending June 30, 1995. Thereafter, terms (E) 2068  
Four representatives of the dental profession, appointed by the 2069  
governor from persons nominated by the Ohio dental association. 2070~~

Terms of office shall be two years, commencing on the first 2071  
day of July and ending on the thirtieth day of June. Each member 2072  
shall hold office from the date of appointment until the end of 2073  
the term for which the member was appointed, except that a 2074  
legislative member ceases to be a member of the board upon ceasing 2075  
to be a member of the general assembly. 2076

Vacancies shall be filled in the manner prescribed for the 2077  
original appointment. A member appointed to fill a vacancy 2078

occurring prior to the expiration of the term for which the 2079  
member's predecessor was appointed shall hold office for the 2080  
remainder of that term. A member shall continue in office 2081  
subsequent to the expiration of the member's term until a 2082  
successor takes office or until sixty days have elapsed, whichever 2083  
occurs first. No person shall be appointed to the board for more 2084  
than two consecutive terms. 2085

The governor, speaker, president, or director may remove a 2086  
member for whom the governor, speaker, president, or director was 2087  
the appointing authority, for misfeasance, malfeasance, or willful 2088  
neglect of duty. 2089

The board shall designate a member to serve as chairperson of 2090  
the board. 2091

The board shall meet at least once annually. The chairperson 2092  
shall call special meetings as needed or upon the request of ~~six~~ 2093  
eight members. 2094

~~Six~~ Eight members of the board constitute a quorum to 2095  
transact and vote on all business coming before the board. 2096

Members of the board shall serve without compensation. 2097

The department of health shall provide the board with staff 2098  
assistance as requested by the board. 2099

**Sec. 3702.85.** There is hereby created the dentist loan 2100  
repayment program, which shall be administered by the department 2101  
of health in cooperation with the ~~dentist~~ medical loan repayment 2102  
advisory board. The program shall provide loan repayment on behalf 2103  
of individuals who agree to provide dental services in areas 2104  
designated as dental health resource shortage areas by the 2105  
director of health pursuant to section 3702.87 of the Revised 2106  
Code. 2107

Under the program, the department of health, by means of a 2108

contract entered into under section 3702.91 of the Revised Code, 2109  
may agree to repay all or part of the principal and interest of a 2110  
government or other educational loan taken by an individual for 2111  
the following expenses incurred while the individual was enrolled 2112  
in an accredited dental college or a dental college located 2113  
outside of the United States that meets the standards of section 2114  
4715.11 of the Revised Code: 2115

(A) Tuition; 2116

(B) Other educational expenses, such as fees, books, and 2117  
laboratory expenses that are for purposes and in amounts 2118  
determined reasonable by the director of health; 2119

(C) Room and board, in an amount determined reasonable by the 2120  
director of health. 2121

**Sec. 3702.86.** The director of health, in accordance with 2122  
Chapter 119. of the Revised Code, shall adopt rules as necessary 2123  
to implement and administer sections 3702.85 to 3702.95 of the 2124  
Revised Code. In preparing rules, the director shall consult with 2125  
the ~~dentist~~ medical loan repayment advisory board. 2126

**Sec. 3702.93.** The ~~dentist~~ medical loan repayment advisory 2127  
board shall determine the amounts that will be paid as loan 2128  
repayments on behalf of participants in the dentist loan repayment 2129  
program. In the first and second years, no repayment shall exceed 2130  
twenty-five thousand dollars in each year. In the third and fourth 2131  
years, no repayment shall exceed thirty-five thousand dollars in 2132  
each year. If, however, a repayment results in an increase in the 2133  
participant's federal, state, or local income tax liability, the 2134  
department of health, at the participant's request and with the 2135  
approval of the director of health, may reimburse the participant 2136  
for the increased tax liability, regardless of the amount of the 2137  
repayment in that year. 2138

**Sec. 3702.94.** The ~~dentist~~ medical loan repayment advisory board, annually on or before the first day of March, shall submit a report to the governor and general assembly describing the operations of the dentist loan repayment program during the previous calendar year. The report shall include information about all of the following:

(A) The number of requests received by the director of health that a particular area be designated as a dental health resource shortage area;

(B) The areas that have been designated as dental health resource shortage areas and the priorities that have been assigned to them;

(C) The number of applicants for participation in the dentist loan repayment program;

(D) The number of dentists assigned to dental health resource shortage areas and the payments made on behalf of those dentists under the dentist loan repayment program;

(E) The dental health resource shortage areas that have not been matched with all of the dentists they need;

(F) The number of dentists failing to complete their service obligations, the amount of damages owed, and the amount of damages collected.

**Sec. 3705.35.** Not later than one hundred eighty days after ~~the effective date of this section~~ October 5, 2000, the director of health shall, ~~in consultation with the council created under section 3705.34 of the Revised Code~~, adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(A) Implement the birth defects information system;

(B) Specify the types of congenital anomalies and abnormal

conditions of newborns to be reported to the system under section 2168  
3705.30 of the Revised Code; 2169

(C) Establish reporting requirements for information 2170  
concerning diagnosed congenital anomalies and abnormal conditions 2171  
of newborns; 2172

(D) Establish standards that must be met by persons or 2173  
government entities that seek access to the system; 2174

(E) Establish a form for use by parents or legal guardians 2175  
who seek to have information regarding their children removed from 2176  
the system and a method of distributing the form to local health 2177  
departments, as defined in section 3705.33 of the Revised Code, 2178  
and to physicians. The method of distribution must include making 2179  
the form available on the internet. 2180

**Sec. 3705.36.** Three years after the date a birth defects 2181  
information system is implemented pursuant to section 3705.30 of 2182  
the Revised Code, and annually thereafter, the department of 2183  
health shall prepare a report regarding the birth defects 2184  
information system. ~~The council created under section 3705.34 of~~ 2185  
~~the Revised Code shall, not later than two years after the date a~~ 2186  
~~birth defects information system is implemented, specify the~~ 2187  
~~information the department is to include in each report.~~ 2188  
The 2189  
department shall file the report with the governor, the president 2190  
and minority leader of the senate, the speaker and minority leader 2191  
of the house of representatives, the departments of developmental 2192  
disabilities, education, and job and family services, the 2193  
commission on minority health, and the news media.

**Sec. 3718.03.** (A) There is hereby created the sewage 2194  
treatment system technical advisory committee consisting of the 2195  
director of health or the director's designee and ten members who 2196  
are knowledgeable about sewage treatment systems and technologies. 2197



Of the ten members, four shall be appointed by the governor, three 2198  
shall be appointed by the president of the senate, and three shall 2199  
be appointed by the speaker of the house of representatives. 2200

(1) Of the members appointed by the governor, one shall 2201  
represent academia, one shall be a representative of the public 2202  
who is not employed by the state or any of its political 2203  
subdivisions and who does not have a pecuniary interest in 2204  
household sewage treatment systems, one shall be an engineer from 2205  
the environmental protection agency, and one shall be selected 2206  
from among soil scientists in the division of soil and water 2207  
resources in the department of natural resources. 2208

(2) Of the members appointed by the president of the senate, 2209  
one shall be a health commissioner who is a member of and 2210  
recommended by the association of Ohio health commissioners, one 2211  
shall represent the interests of manufacturers of household sewage 2212  
treatment systems, and one shall represent installers and service 2213  
providers. 2214

(3) Of the members appointed by the speaker of the house of 2215  
representatives, one shall be a health commissioner who is a 2216  
member of and recommended by the association of Ohio health 2217  
commissioners, one shall represent the interests of manufacturers 2218  
of household sewage treatment systems, and one shall be a 2219  
sanitarian who is registered under Chapter 4736. of the Revised 2220  
Code and who is a member of the Ohio environmental health 2221  
association. 2222

(B) Terms of members appointed to the committee shall be for 2223  
three years, with each term ending on the same day of the same 2224  
month as did the term that it succeeds. Each member shall serve 2225  
from the date of appointment until the end of the term for which 2226  
the member was appointed. 2227

Members may be reappointed. Vacancies shall be filled in the 2228

same manner as provided for original appointments. Any member 2229  
appointed to fill a vacancy occurring prior to the expiration date 2230  
of the term for which the member was appointed shall hold office 2231  
for the remainder of that term. A member shall continue to serve 2232  
after the expiration date of the member's term until the member's 2233  
successor is appointed or until a period of sixty days has 2234  
elapsed, whichever occurs first. The applicable appointing 2235  
authority may remove a member from the committee for failure to 2236  
attend two consecutive meetings without showing good cause for the 2237  
absences. 2238

(C) The technical advisory committee annually shall select 2239  
from among its members a chairperson and a vice-chairperson and a 2240  
secretary to keep a record of its proceedings. A majority vote of 2241  
the members of the full committee is necessary to take action on 2242  
any matter. The committee may adopt bylaws governing its 2243  
operation, including bylaws that establish the frequency of 2244  
meetings. 2245

(D) Serving as a member of the sewage treatment system 2246  
technical advisory committee does not constitute holding a public 2247  
office or position of employment under the laws of this state and 2248  
does not constitute grounds for removal of public officers or 2249  
employees from their offices or positions of employment. Members 2250  
of the committee shall serve without compensation for attending 2251  
committee meetings. 2252

(E) A member of the committee shall not have a conflict of 2253  
interest with the position. For the purposes of this division, 2254  
"conflict of interest" means the taking of any action that 2255  
violates any provision of Chapter 102. or 2921. of the Revised 2256  
Code. 2257

(F) The sewage treatment system technical advisory committee 2258  
shall do all of the following: 2259

(1) Develop with the department of health standards and	2260
guidelines for approving or disapproving a sewage treatment system	2261
or components of a system under section 3718.04 of the Revised	2262
Code;	2263
(2) Develop with the department an application form to be	2264
submitted to the director by an applicant for approval or	2265
disapproval of a sewage treatment system or components of a system	2266
and specify the information that must be included with an	2267
application form;	2268
(3) Advise the director on the approval or disapproval of an	2269
application sent to the director under section 3718.04 of the	2270
Revised Code requesting approval of a sewage treatment system or	2271
components of a system;	2272
(4) Pursue and recruit in an active manner the research,	2273
development, introduction, and timely approval of innovative and	2274
cost-effective household sewage treatment systems and components	2275
of a system for use in this state, which shall include conducting	2276
pilot projects to assess the effectiveness of a system or	2277
components of a system;	2278
<del>(5) By January 1, 2008, provide the household sewage and</del>	2279
<del>small flow on-site sewage treatment system study commission</del>	2280
<del>created by Am. Sub. H.B. 119 of the 127th general assembly with a</del>	2281
<del>list of available alternative systems and the estimated cost of</del>	2282
<del>each system.</del>	2283
(G) The chairperson of the committee shall prepare and submit	2284
an annual report concerning the activities of the committee to the	2285
general assembly not later than ninety days after the end of the	2286
calendar year. The report shall discuss the number of applications	2287
submitted under section 3718.04 of the Revised Code for the	2288
approval of a new sewage treatment system or a component of a	2289
system, the number of such systems and components that were	2290

approved, any information that the committee considers beneficial 2291  
to the general assembly, and any other information that the 2292  
chairperson determines is beneficial to the general assembly. If 2293  
other members of the committee determine that certain information 2294  
should be included in the report, they shall submit the 2295  
information to the chairperson not later than thirty days after 2296  
the end of the calendar year. 2297

(H) The department shall provide meeting space for the 2298  
committee. The committee shall be assisted in its duties by the 2299  
staff of the department. 2300

(I) Sections 101.82 to 101.87 of the Revised Code do not 2301  
apply to the sewage treatment system technical advisory committee. 2302

**Sec. 3727.312.** The hospital measures advisory council shall 2303  
do all of the following: 2304

(A) Study the issue of hospitals reporting information 2305  
regarding their performance in meeting measures for hospital 2306  
inpatient and outpatient services, including how such reports are 2307  
made in other states; 2308

(B) Work with health care consumers, nurses, and experts in 2309  
infection control to study infection issues as needed for the 2310  
council to perform its duties; 2311

(C) Not later than one year after the date the last of the 2312  
initial council members is appointed, issue a report to the 2313  
director of health with recommendations for all of the following: 2314

(1) Collecting, pursuant to section 3727.33 of the Revised 2315  
Code, information from hospitals that shows their performance in 2316  
meeting measures for hospital inpatient and outpatient services; 2317

(2) The audits conducted pursuant to section 3727.331 of the 2318  
Revised Code; 2319

(3) Disseminating information about the performance of 2320

hospitals in meeting the measures, including effective methods of 2321  
displaying information on any internet web site established under 2322  
section 3727.39 of the Revised Code; 2323

(4) Explaining to the public how to use the information about 2324  
the performance of hospitals in meeting the measures, including 2325  
explanations about the limitations of the information; 2326

(5) How to provide for any internet web site established 2327  
under section 3727.39 of the Revised Code to include a report on 2328  
each hospital's overall performance in meeting the measures 2329  
specified in rules adopted under section 3727.41 of the Revised 2330  
Code. 2331

(D) Develop, on an ongoing basis, with input from hospitals 2332  
and experts in pediatric medicine, recommendations regarding 2333  
measures for hospital inpatient and outpatient services and submit 2334  
the recommendations to the director for the director's 2335  
consideration when the director adopts rules under section 3727.41 2336  
of the Revised Code specifying the measures to be used by 2337  
hospitals in submitting information to the director under section 2338  
3727.33 of the Revised Code. 2339

~~(C)~~(E) Provide the director of health ongoing advice on all 2340  
of the following: 2341

(1) The issue of hospitals reporting information regarding 2342  
their performance in meeting measures for hospital inpatient and 2343  
outpatient services; 2344

(2) Disseminating the information reported by hospitals; 2345

(3) Making improvements to the reports and dissemination of 2346  
information; 2347

(4) Making changes to the information collection requirements 2348  
and dissemination methods. 2349

~~(D) Convene a group of health care consumers, nurses, and 2350~~

~~experts in infection control, the members of which shall be~~ 2351  
~~appointed by the council according to a method selected by the~~ 2352  
~~council, to provide information about infection issues to the~~ 2353  
~~council as needed for the council to perform its duties.~~ 2354

(F) Submit to the director guidelines to be used to determine 2355  
whether a hospital's performance in meeting a particular measure 2356  
should be excluded from any web site established under section 2357  
3727.39 of the Revised Code because the hospital's caseload for 2358  
the diagnosis or procedure that the measure concerns is 2359  
insufficient to make the hospital's performance a reliable 2360  
indicator of its ability to treat the diagnosis or perform the 2361  
procedure in a quality manner. 2362

**Sec. 3727.313.** All of the following apply to members of the 2363  
hospital measures advisory council ~~and the members of the group~~ 2364  
~~convened by the council under division (D) of section 3727.312 of~~ 2365  
~~the Revised Code:~~ 2366

(A) The members shall serve at the pleasure of their 2367  
appointing authority. 2368

(B) The members shall serve without remuneration, except to 2369  
the extent that serving on the council or in the group is 2370  
considered a part of their regular employment duties. 2371

(C) The members shall not be reimbursed for expenses incurred 2372  
in the performance of their duties on the council or in the group. 2373

**Sec. 3727.321.** (A) ~~The group of experts convened under~~ 2374  
~~section 3727.32 of the Revised Code~~ hospital measures advisory 2375  
council may include in the recommendations developed under 2376  
division ~~(A)(1)(C)~~ of ~~that section recommendations~~ 3727.312 of the 2377  
Revised Code that the director of health's rules adopted under 2378  
section 3727.41 of the Revised Code include some or all of the 2379  
following measures: 2380

(1) Hospital quality measures publicly reported by the centers for medicare and medicaid services;	2381 2382
(2) Hospital quality measures publicly reported by the joint commission;	2383 2384
(3) Measures included in the patient safety indicators and inpatient quality indicators developed by the agency for health care research and quality;	2385 2386 2387
(4) Measures included in the national voluntary consensus standards for hospital care endorsed by the national quality forum.	2388 2389 2390
(B) In considering whether to recommend that the director include a particular measure in the rules, the <del>group of experts</del> <u>hospital measures advisory council</u> shall consider whether there are any excessive administrative or financial implications associated with the reporting of information by hospitals regarding their performance in meeting the measure.	2391 2392 2393 2394 2395 2396
<b>Sec. 3727.39.</b> (A) The duties of the director of health under this section are subject to section 3727.391 of the Revised Code.	2397 2398
(B) Not later than ninety days after a hospital submits information to the director of health under section 3727.33 or 3727.34 of the Revised Code, the director shall make the submitted information available on an internet web site. In making the information available on a web site, the director shall do all of the following:	2399 2400 2401 2402 2403 2404
(1) Make the web site available to the public without charge;	2405
(2) Provide for the web site to be organized in a manner that enables the public to use it easily;	2406 2407
(3) Exclude from the web site any information that compromises patient privacy;	2408 2409

(4) Include links to hospital internet web sites to enable the public to obtain additional information about hospitals, including hospital programs designed to enhance quality and safety;

(5) Allow other internet web sites to link to the web site for purposes of increasing the web site's availability and encouraging ongoing improvement;

(6) Update the web site as needed to include new information and to correct errors.

(C) The information submitted under section 3727.33 of the Revised Code shall be presented on the web site in a manner that enables the public to compare the performance of hospitals in meeting the measures for hospital inpatient and outpatient services specified in rules adopted under section 3727.41 of the Revised Code. In making the information available on a web site, the director shall do all of the following:

(1) Enable the public to compare the performance of hospitals in meeting the measures for specific diagnoses and procedures;

(2) Enable the public to make the comparisons by different geographic regions, such as by county or zip code;

(3) Based on the report issued to the director pursuant to division ~~(A)(2)(C)(5)~~ of section ~~3727.32~~ 3727.312 of the Revised Code, include a report of each hospital's overall performance in meeting the measures;

(4) To the extent possible, include state and federal benchmarks for the measures;

(5) Include contextual information and explanations that the public can easily understand, including contextual information that explains why differences in the performance of hospitals in meeting the measures may be misleading;



(6) Exclude from the web site a hospital's performance in meeting a particular measure if the hospital's caseload for the diagnosis or procedure that the measure concerns is insufficient, as determined in accordance with the guidelines submitted to the director under division ~~(A)(3)(F)~~ of section ~~3727.32~~ 3727.312 of the Revised Code, to make the hospital's performance for the diagnosis or procedure a reliable indicator of its ability to treat the diagnosis or provide the procedure in a quality manner;

(7) Clearly identify the sources of information used in the web site and explain both of the following:

(a) The analytical methods used in determining the performance of hospitals in meeting the measures;

(b) The risk adjustment methodologies that hospitals use to adjust information submitted to the director pursuant to division (C) of section 3727.33 of the Revised Code.

**Sec. 3727.41.** (A)(1) The director of health shall adopt rules governing hospitals in their submission of information to the director under sections 3727.33 and 3727.34 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) Rules adopted by the director under division (A)(1) of this section shall not require either of the following:

(a) A hospital to submit information regarding a performance, quality, or service measure for which the hospital does not provide the service;

(b) A children's hospital to report a performance, quality, or service measure for patients eighteen years of age or older.

(B)(1) The rules for submission of information under section 3727.33 of the Revised Code shall include rules specifying the inpatient and outpatient service measures to be used by hospitals

in submitting the information. The rules may include any of the 2470  
measures recommended by the ~~group of experts convened under~~ 2471  
~~section 3727.32 of the Revised Code~~ hospital measures advisory 2472  
council and shall include measures from the following: 2473

(a) Hospital quality measures publicly reported by the 2474  
centers for medicare and medicaid services; 2475

(b) Hospital quality measures publicly reported by the joint 2476  
commission; 2477

(c) Measures that examine volume of cases, adjusted length of 2478  
stay, complications, infections, or mortality rates and are 2479  
developed by the agency for health care research and quality; 2480

(d) Measures included in the national voluntary consensus 2481  
standards for hospital care endorsed by the national quality 2482  
forum. 2483

(2) In adopting rules specifying the measures to be used by 2484  
hospitals in submitting the information, the director shall 2485  
consider both of the following: 2486

(a) Whether hospitals have a sufficient caseload to make a 2487  
particular measure a reliable indicator of their ability to treat 2488  
a diagnosis or perform a procedure in a quality manner; 2489

(b) Whether there are any excessive administrative or 2490  
financial implications associated with the reporting of 2491  
information by hospitals regarding their performance in meeting a 2492  
particular measure. 2493

**Sec. 3743.54.** (A) A licensed exhibitor of fireworks may 2494  
acquire fireworks for use at a public fireworks exhibition only 2495  
from a licensed manufacturer of fireworks or licensed wholesaler 2496  
of fireworks, and only in accordance with the procedures specified 2497  
in this section and section 3743.55 of the Revised Code. 2498

(B)(1) A licensed exhibitor of fireworks who wishes to 2499

conduct a public fireworks exhibition shall apply for approval to 2500  
conduct the exhibition to whichever of the following persons is 2501  
appropriate under the circumstances: 2502

(a) Unless division (B)(1)(c) or (d) of this section applies, 2503  
if the exhibition will take place in a municipal corporation, the 2504  
approval shall be obtained from the fire chief, and from the 2505  
police chief or other similar chief law enforcement officer, or 2506  
the designee of the police chief or similar chief law enforcement 2507  
officer, of the particular municipal corporation. 2508

(b) Unless division (B)(1)(c) or (d) of this section applies, 2509  
if the exhibition will take place in an unincorporated area, the 2510  
approval shall be obtained from the fire chief of the particular 2511  
township or township fire district, and from the police chief or 2512  
other similar chief law enforcement officer, or the designee of 2513  
the police chief or similar chief law enforcement officer, of the 2514  
particular township or township police district. 2515

(c) If fire protection services for the premises on which the 2516  
exhibition will take place are provided in accordance with a 2517  
contract between political subdivisions, the approval shall be 2518  
obtained from the fire chief of the political subdivision 2519  
providing the fire protection services and from the police chief 2520  
or other similar chief law enforcement officer, or the designee of 2521  
the police chief or similar chief law enforcement officer, of the 2522  
political subdivision in which the premises on which the 2523  
exhibition will take place are located. If police services for the 2524  
premises on which the exhibition will take place are provided in 2525  
accordance with a contract between political subdivisions, the 2526  
approval shall be obtained from the police chief or other similar 2527  
chief law enforcement officer, or the designee of the police chief 2528  
or similar chief law enforcement officer, of the political 2529  
subdivision providing the police services and from the fire chief 2530  
of the political subdivision in which the premises on which the 2531

exhibition will take place are located. If both fire and police 2532  
protection services for the premises on which the exhibition will 2533  
take place are provided in accordance with a contract between 2534  
political subdivisions, the approval shall be obtained from the 2535  
fire chief, and from the police chief or other similar chief law 2536  
enforcement officer, or the designee of the police chief or 2537  
similar chief law enforcement officer, of the political 2538  
subdivisions providing the police and fire protection services. 2539

(d) If there is no municipal corporation, township, or 2540  
township fire district fire department, no municipal corporation, 2541  
township, or township police district police department, and no 2542  
contract for police or fire protection services between political 2543  
subdivisions covering the premises on which the exhibition will 2544  
take place, the approval shall be obtained from the fire 2545  
prevention officer, and from the police chief or other similar 2546  
chief law enforcement officer, or the designee of the police chief 2547  
or other similar chief law enforcement officer, having 2548  
jurisdiction over the premises. 2549

(2) The approval required by division (B)(1) of this section 2550  
shall be evidenced by the fire chief or fire prevention officer 2551  
and by the police chief or other similar chief law enforcement 2552  
officer, or the designee of the police chief or other similar 2553  
chief law enforcement officer, signing a permit for the 2554  
exhibition. The fire marshal shall prescribe the form of 2555  
exhibition permits and distribute copies of the form to fire 2556  
chiefs, to fire prevention officers, and to police chiefs or other 2557  
similar chief law enforcement officers of municipal corporations, 2558  
townships, or township police districts, or their designees, in 2559  
this state. Any exhibitor of fireworks who wishes to conduct a 2560  
public fireworks exhibition may obtain a copy of the form from the 2561  
fire marshal or, if it is available, from a fire chief, a fire 2562  
prevention officer, a police chief or other similar chief law 2563

enforcement officer of a municipal corporation, township, or 2564  
township police district, or a designee of such a police chief or 2565  
other similar chief law enforcement officer. 2566

(C) Before a permit is signed and issued to a licensed 2567  
exhibitor of fireworks, the fire chief or fire prevention officer, 2568  
in consultation with the police chief or other similar chief law 2569  
enforcement officer or with the designee of the police chief or 2570  
other similar chief law enforcement officer, shall inspect the 2571  
premises on which the exhibition will take place and shall 2572  
determine that, in fact, the applicant for the permit is a 2573  
licensed exhibitor of fireworks. Each applicant shall show the 2574  
applicant's license as an exhibitor of fireworks to the fire chief 2575  
or fire prevention officer. 2576

The fire chief or fire prevention officer, and the police 2577  
chief or other similar chief law enforcement officer, or the 2578  
designee of the police chief or other similar chief law 2579  
enforcement officer, shall give approval to conduct a public 2580  
fireworks exhibition only if satisfied, based on the inspection, 2581  
that the premises on which the exhibition will be conducted allow 2582  
the exhibitor to comply with the rules adopted by the fire marshal 2583  
pursuant to divisions (B) and (E) of section 3743.53 of the 2584  
Revised Code and that the applicant is, in fact, a licensed 2585  
exhibitor of fireworks. The fire chief or fire prevention officer, 2586  
in consultation with the police chief or other similar chief law 2587  
enforcement officer or with the designee of the police chief or 2588  
other similar chief law enforcement officer, may inspect the 2589  
premises immediately prior to the exhibition to determine if the 2590  
exhibitor has complied with the rules, and may revoke a permit for 2591  
noncompliance with the rules. 2592

(D) If the legislative authorities of their political 2593  
subdivisions have prescribed a fee for the issuance of a permit 2594  
for a public fireworks exhibition, fire chiefs or fire prevention 2595

officers, and police chiefs, other similar chief law enforcement 2596  
officers, or their designee, shall not issue a permit until the 2597  
exhibitor pays the requisite fee. 2598

Each exhibitor shall provide an indemnity bond in the amount 2599  
of at least one million dollars, with surety satisfactory to the 2600  
fire chief or fire prevention officer and to the police chief or 2601  
other similar chief law enforcement officer, or the designee of 2602  
the police chief or other similar chief law enforcement officer, 2603  
conditioned for the payment of all final judgments that may be 2604  
rendered against the exhibitor on account of injury, death, or 2605  
loss to persons or property emanating from the fireworks 2606  
exhibition, or proof of insurance coverage of at least one million 2607  
dollars for liability arising from injury, death, or loss to 2608  
persons or property emanating from the fireworks exhibition. The 2609  
legislative authority of a political subdivision in which a public 2610  
fireworks exhibition will take place may require the exhibitor to 2611  
provide an indemnity bond or proof of insurance coverage in 2612  
amounts greater than those required by this division. Fire chiefs 2613  
or fire prevention officers, and police chiefs, other similar 2614  
chief law enforcement officers, or their designee, shall not issue 2615  
a permit until the exhibitor provides the bond or proof of the 2616  
insurance coverage required by this division or by the political 2617  
subdivision in which the fireworks exhibition will take place. 2618

(E)(1) Each permit for a fireworks exhibition issued by a 2619  
fire chief or fire prevention officer, and by the police chief or 2620  
other similar chief law enforcement officer, or the designee of 2621  
the police chief or other similar chief law enforcement officer, 2622  
shall contain a distinct number, designate the municipal 2623  
corporation, township, or township fire or police district of the 2624  
fire chief, fire prevention officer, police chief or other similar 2625  
chief law enforcement officer, or designee of the police chief or 2626  
other similar chief law enforcement officer, and identify the 2627

certified fire safety inspector, fire chief, or fire prevention officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the fire chief or fire prevention officer, and by the police chief or other similar chief law enforcement officer, or the designee of the police chief or other similar chief law enforcement officer, issuing it to the fire marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

(2) Each fire chief, fire prevention officer, police chief or other similar chief law enforcement officer, and designee of a police chief or other similar chief law enforcement officer shall keep a record of issued permits for fireworks exhibitions. In this list, the fire chief, fire prevention officer, police chief or other similar chief law enforcement officer, and designee of a police chief or other similar chief law enforcement officer shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.

(F) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified fire safety inspector, fire chief, or fire prevention officer be present before, during, and after the exhibition, and shall require the certified fire safety inspector, fire chief, or fire prevention officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter.

(G) Notwithstanding any provision of the Revised Code to the contrary, the state fire marshal is hereby authorized to create additional license categories for fireworks exhibitors and to

create additional permit requirements for fireworks exhibitions 2660  
for the indoor use of fireworks and other uses of pyrotechnics, 2661  
including the use of pyrotechnic materials that do not meet the 2662  
definition of fireworks as described in section 3743.01 of the 2663  
Revised Code. Such licenses and permits and the fees for such 2664  
licenses and permits shall be described in rules adopted by the 2665  
fire marshal under Chapter 119. of the Revised Code. Such rules 2666  
may provide for different standards for exhibitor licensure and 2667  
the permitting and conducting of a fireworks exhibition than the 2668  
requirements of this chapter. 2669

~~Prior to the state fire marshal's adoption of the rules 2670  
described in this division, the director of commerce shall appoint 2671  
a committee consisting of the state fire marshal or the marshal's 2672  
designee, three representatives of the fireworks industry, and 2673  
three representatives of the fire service to assist the state fire 2674  
marshal in adopting these rules. Unless an extension is granted by 2675  
the director of commerce, the state fire marshal shall adopt 2676  
initial rules under this section not later than July 1, 2010. 2677~~

**Sec. 3746.04.** Within one year after September 28, 1994, the 2678  
director of environmental protection, in accordance with Chapter 2679  
119. of the Revised Code ~~and with the advice of the 2680  
multidisciplinary council appointed under section 3746.03 of the 2681  
Revised Code,~~ shall adopt, and subsequently may amend, suspend, or 2682  
rescind, rules that do both of the following: 2683

(A) Revise the rules adopted under Chapters 3704., 3714., 2684  
3734., 6109., and 6111. of the Revised Code to incorporate the 2685  
provisions necessary to conform those rules to the requirements of 2686  
this chapter. The amended rules adopted under this division also 2687  
shall establish response times for all submittals to the 2688  
environmental protection agency required under this chapter or 2689  
rules adopted under it. 2690



(B) Establish requirements and procedures that are reasonably necessary for the implementation and administration of this chapter, including, without limitation, all of the following:

(1) Appropriate generic numerical clean-up standards for the treatment or removal of soils, sediments, and water media for hazardous substances and petroleum. The rules shall establish separate generic numerical clean-up standards based upon the intended use of properties after the completion of voluntary actions, including industrial, commercial, and residential uses and such other categories of land use as the director considers to be appropriate. The generic numerical clean-up standards established for each category of land use shall be the concentration of each contaminant that may be present on a property that shall ensure protection of public health and safety and the environment for the reasonable exposure for that category of land use. When developing the standards, the director shall consider such factors as all of the following:

(a) Scientific information, including, without limitation, toxicological information and realistic assumptions regarding human and environmental exposure to hazardous substances or petroleum;

(b) Climatic factors;

(c) Human activity patterns;

(d) Current statistical techniques;

(e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.

The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation,

the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.

In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.

The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.

(2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in protection of public health and safety and the environment instead of complying with the generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section. The risk assessment procedures shall describe a methodology to establish, on a property-specific basis, allowable levels of contamination to remain at a property to ensure protection of public health and safety and the environment on the property and off the property when the contamination is emanating off the property, taking into account all of the following:

(i) The implementation of treatment, storage, or disposal, or a combination thereof, of hazardous substances or petroleum;

(ii) The existence of institutional controls or activity and use limitations that eliminate or mitigate exposure to hazardous substances or petroleum through the restriction of access to hazardous substances or petroleum;

(iii) The existence of engineering controls that eliminate or mitigate exposure to hazardous substances or petroleum through containment of, control of, or restrictions of access to hazardous substances or petroleum, including, without limitation, fences, cap systems, cover systems, and landscaping.

(b) The risk assessment procedures and levels of acceptable risk set forth in the rules adopted under division (B)(2) of this section shall be based upon all of the following:

(i) Scientific information, including, without limitation, toxicological information and actual or proposed human and environmental exposure;

(ii) Locational and climatic factors;

(iii) Surrounding land use and human activities;

(iv) Differing levels of remediation that may be required when an existing land use is continued compared to when a different land use follows the remediation.

(c) Any standards established pursuant to rules adopted under division (B)(2) of this section shall be no more stringent than standards established under the environmental statutes of this state and rules adopted under them for the same contaminant in the same environmental medium that are in effect at the time the risk assessment is conducted.

(3) Minimum standards for phase I property assessments. The standards shall specify the information needed to demonstrate that there is no reason to believe that contamination exists on a property. The rules adopted under division (B)(3) of this section,

at a minimum, shall require that a phase I property assessment 2784  
include all of the following: 2785

(a) A review and analysis of deeds, mortgages, easements of 2786  
record, and similar documents relating to the chain of title to 2787  
the property that are publicly available or that are known to and 2788  
reasonably available to the owner or operator; 2789

(b) A review and analysis of any previous environmental 2790  
assessments, property assessments, environmental studies, or 2791  
geologic studies of the property and any land within two thousand 2792  
feet of the boundaries of the property that are publicly available 2793  
or that are known to and reasonably available to the owner or 2794  
operator; 2795

(c) A review of current and past environmental compliance 2796  
histories of persons who owned or operated the property; 2797

(d) A review of aerial photographs of the property that 2798  
indicate prior uses of the property; 2799

(e) Interviews with managers of activities conducted at the 2800  
property who have knowledge of environmental conditions at the 2801  
property; 2802

(f) Conducting an inspection of the property consisting of a 2803  
walkover; 2804

(g) Identifying the current and past uses of the property, 2805  
adjoining tracts of land, and the area surrounding the property, 2806  
including, without limitation, interviews with persons who reside 2807  
or have resided, or who are or were employed, within the area 2808  
surrounding the property regarding the current and past uses of 2809  
the property and adjacent tracts of land. 2810

The rules adopted under division (B)(3) of this section shall 2811  
establish criteria to determine when a phase II property 2812  
assessment shall be conducted when a phase I property assessment 2813

reveals facts that establish a reason to believe that hazardous 2814  
substances or petroleum have been treated, stored, managed, or 2815  
disposed of on the property if the person undertaking the phase I 2816  
property assessment wishes to obtain a covenant not to sue under 2817  
section 3746.12 of the Revised Code. 2818

(4) Minimum standards for phase II property assessments. The 2819  
standards shall specify the information needed to demonstrate that 2820  
any contamination present at the property does not exceed 2821  
applicable standards or that the remedial activities conducted at 2822  
the property have achieved compliance with applicable standards. 2823  
The rules adopted under division (B)(4) of this section, at a 2824  
minimum, shall require that a phase II property assessment include 2825  
all of the following: 2826

(a) A review and analysis of all documentation prepared in 2827  
connection with a phase I property assessment conducted within the 2828  
one hundred eighty days before the phase II property assessment 2829  
begins. The rules adopted under division (B)(4)(a) of this section 2830  
shall require that if a period of more than one hundred eighty 2831  
days has passed between the time that the phase I assessment of 2832  
the property was completed and the phase II assessment begins, the 2833  
phase II assessment shall include a reasonable inquiry into the 2834  
change in the environmental condition of the property during the 2835  
intervening period. 2836

(b) Quality assurance objectives for measurements taken in 2837  
connection with a phase II assessment; 2838

(c) Sampling procedures to ensure the representative sampling 2839  
of potentially contaminated environmental media; 2840

(d) Quality assurance and quality control requirements for 2841  
samples collected in connection with phase II assessments; 2842

(e) Analytical and data assessment procedures; 2843

(f) Data objectives to ensure that samples collected in 2844

connection with phase II assessments are biased toward areas where 2845  
information indicates that contamination by hazardous substances 2846  
or petroleum is likely to exist. 2847

(5) Standards governing the conduct of certified 2848  
professionals, criteria and procedures for the certification of 2849  
professionals to issue no further action letters under section 2850  
3746.11 of the Revised Code, and criteria for the suspension and 2851  
revocation of those certifications. The director shall take an 2852  
action regarding a certification as a final action. The issuance, 2853  
denial, renewal, suspension, and revocation of those 2854  
certifications are subject to Chapter 3745. of the Revised Code, 2855  
except that, in lieu of publishing an action regarding a 2856  
certification in a newspaper of general circulation as required in 2857  
section 3745.07 of the Revised Code, such an action shall be 2858  
published on the environmental protection agency's web site and in 2859  
the agency's weekly review not later than fifteen days after the 2860  
date of the issuance, denial, renewal, suspension, or revocation 2861  
of the certification and not later than thirty days before a 2862  
hearing or public meeting concerning the action. 2863

The rules adopted under division (B)(5) of this section shall 2864  
do all of the following: 2865

(a) Provide for the certification of environmental 2866  
professionals to issue no further action letters pertaining to 2867  
investigations and remedies in accordance with the criteria and 2868  
procedures set forth in the rules. The rules adopted under 2869  
division (B)(5)(a) of this section shall do at least all of the 2870  
following: 2871

(i) Authorize the director to consider such factors as an 2872  
environmental professional's previous performance record regarding 2873  
such investigations and remedies and the environmental 2874  
professional's environmental compliance history when determining 2875  
whether to certify the environmental professional; 2876

(ii) Ensure that an application for certification is reviewed in a timely manner;	2877 2878
(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;	2879 2880 2881
(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.	2882 2883 2884
(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.	2885 2886 2887 2888 2889 2890 2891
(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals under division (D) of section 3746.07 of the Revised Code in order to determine if they comply with the criteria established in rules adopted under division (B)(5) of this section. The rules adopted under division (B)(5)(c) of this section shall do at least all of the following:	2892 2893 2894 2895 2896 2897 2898 2899
(i) Ensure that the review is conducted in a timely fashion;	2900
(ii) Require the director to certify any such environmental professional who the director determines complies with those criteria;	2901 2902 2903
(iii) Require any such environmental professional initially to pay the fee established in the rules adopted under division (B)(5)(b) of this section at the time that the environmental professional is so certified by the director;	2904 2905 2906 2907

(iv) Establish a time period within which any such environmental professional who does not comply with those criteria may obtain the credentials that are necessary for certification;

(v) Require the director to deny certification for any such environmental professional who does not comply with those criteria and who fails to obtain the necessary credentials within the established time period.

(d) Require that any information submitted to the director for the purposes of the rules adopted under division (B)(5)(a) or (c) of this section comply with division (A) of section 3746.20 of the Revised Code;

(e) Authorize the director to suspend or revoke the certification of an environmental professional if the director finds that the environmental professional's performance has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards or finds that the certified environmental professional has not substantially complied with section 3746.31 of the Revised Code;

(f) Authorize the director to suspend for a period of not more than five years or to permanently revoke a certified environmental professional's certification for any violation of or failure to comply with an ethical standard established in rules adopted under division (B)(5) of this section;

(g) Require the director to revoke the certification of an environmental professional if the director finds that the environmental professional falsified any information on the environmental professional's application for certification regarding the environmental professional's credentials or qualifications or any other information generated for the purposes of or use under this chapter or rules adopted under it;



(h) Require the director permanently to revoke the certification of an environmental professional who has violated or is violating division (A) of section 3746.18 of the Revised Code;

(i) Preclude the director from revoking the certification of an environmental professional who only conducts investigations and remedies at property contaminated solely with petroleum unless the director first consults with the director of commerce.

(6) Criteria and procedures for the certification of laboratories to perform analyses under this chapter and rules adopted under it. The issuance, denial, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, and the director of environmental protection shall take any such action regarding a certification as a final action.

The rules adopted under division (B)(6) of this section shall do all of the following:

(a) Provide for the certification to perform analyses of laboratories in accordance with the criteria and procedures established in the rules adopted under division (B)(6)(a) of this section and establish an annual fee to be paid by those laboratories. The fee shall be established at an amount calculated to defray the costs to the agency for the review of the qualifications of those laboratories for certification and for the issuance of the certifications. The rules adopted under division (B)(6)(a) of this section may provide for the certification of those laboratories to perform only particular types or categories of analyses, specific test parameters or group of test parameters, or a specific matrix or matrices under this chapter.

(b) Develop a schedule for and establish requirements governing the review by the director of the operations of laboratories that were deemed to be certified laboratories under division (E) of section 3746.07 of the Revised Code in order to

determine if they comply with the criteria established in rules 2970  
adopted under division (B)(6) of this section. The rules adopted 2971  
under division (B)(6)(b) of this section shall do at least all of 2972  
the following: 2973

(i) Ensure that the review is conducted in a timely fashion; 2974

(ii) Require the director to certify any such laboratory that 2975  
the director determines complies with those criteria; 2976

(iii) Require any such laboratory initially to pay the fee 2977  
established in the rules adopted under division (B)(6)(a) of this 2978  
section at the time that the laboratory is so certified by the 2979  
director; 2980

(iv) Establish a time period within which any such laboratory 2981  
that does not comply with those criteria may make changes in its 2982  
operations necessary for the performance of analyses under this 2983  
chapter and rules adopted under it in order to be certified by the 2984  
director; 2985

(v) Require the director to deny certification for any such 2986  
laboratory that does not comply with those criteria and that fails 2987  
to make the necessary changes in its operations within the 2988  
established time period. 2989

(c) Require that any information submitted to the director 2990  
for the purposes of the rules adopted under division (B)(6)(a) or 2991  
(b) of this section comply with division (A) of section 3746.20 of 2992  
the Revised Code; 2993

(d) Authorize the director to suspend or revoke the 2994  
certification of a laboratory if the director finds that the 2995  
laboratory's performance has resulted in the issuance of no 2996  
further action letters under section 3746.11 of the Revised Code 2997  
that are not consistent with applicable standards; 2998

(e) Authorize the director to suspend or revoke the 2999

certification of a laboratory if the director finds that the 3000  
laboratory falsified any information on its application for 3001  
certification regarding its credentials or qualifications; 3002

(f) Require the director permanently to revoke the 3003  
certification of a laboratory that has violated or is violating 3004  
division (A) of section 3746.18 of the Revised Code. 3005

(7) Information to be included in a no further action letter 3006  
prepared under section 3746.11 of the Revised Code, including, 3007  
without limitation, all of the following: 3008

(a) A summary of the information required to be submitted to 3009  
the certified environmental professional preparing the no further 3010  
action letter under division (C) of section 3746.10 of the Revised 3011  
Code; 3012

(b) Notification that a risk assessment was performed in 3013  
accordance with rules adopted under division (B)(2) of this 3014  
section if such an assessment was used in lieu of generic 3015  
numerical clean-up standards established in rules adopted under 3016  
division (B)(1) of this section; 3017

(c) The contaminants addressed at the property, if any, their 3018  
source, if known, and their levels prior to remediation; 3019

(d) The identity of any other person who performed work to 3020  
support the request for the no further action letter as provided 3021  
in division (B)(2) of section 3746.10 of the Revised Code and the 3022  
nature and scope of the work performed by that person; 3023

(e) A list of the data, information, records, and documents 3024  
relied upon by the certified environmental professional in 3025  
preparing the no further action letter. 3026

(8) Methods for determining fees to be paid for the following 3027  
services provided by the agency under this chapter and rules 3028  
adopted under it: 3029

(a) Site- or property-specific technical assistance in	3030
developing or implementing plans in connection with a voluntary	3031
action;	3032
(b) Reviewing applications for and issuing consolidated	3033
standards permits under section 3746.15 of the Revised Code and	3034
monitoring compliance with those permits;	3035
(c) Negotiating, preparing, and entering into agreements	3036
necessary for the implementation and administration of this	3037
chapter and rules adopted under it;	3038
(d) Reviewing no further action letters, issuing covenants	3039
not to sue, and monitoring compliance with any terms and	3040
conditions of those covenants and with operation and maintenance	3041
agreements entered into pursuant to those covenants, including,	3042
without limitation, conducting audits of properties where	3043
voluntary actions are being or were conducted under this chapter	3044
and rules adopted under it.	3045
The fees established pursuant to the rules adopted under	3046
division (B)(8) of this section shall be at a level sufficient to	3047
defray the direct and indirect costs incurred by the agency for	3048
the administration and enforcement of this chapter and rules	3049
adopted under it other than the provisions regarding the	3050
certification of professionals and laboratories.	3051
(9) Criteria for selecting the no further action letters	3052
issued under section 3746.11 of the Revised Code that will be	3053
audited under section 3746.17 of the Revised Code, and the scope	3054
and procedures for conducting those audits. The rules adopted	3055
under division (B)(9) of this section, at a minimum, shall require	3056
the director to establish priorities for auditing no further	3057
action letters to which any of the following applies:	3058
(a) The letter was prepared by an environmental professional	3059
who was deemed to be a certified professional under division (D)	3060

of section 3746.07 of the Revised Code, but who does not comply 3061  
with the criteria established in rules adopted under division 3062  
(B)(5) of this section as determined pursuant to rules adopted 3063  
under division (B)(5)(d) of this section; 3064

(b) The letter was submitted fraudulently; 3065

(c) The letter was prepared by a certified environmental 3066  
professional whose certification subsequently was revoked in 3067  
accordance with rules adopted under division (B)(5) of this 3068  
section, or analyses were performed for the purposes of the no 3069  
further action letter by a certified laboratory whose 3070  
certification subsequently was revoked in accordance with rules 3071  
adopted under division (B)(6) of this section; 3072

(d) A covenant not to sue that was issued pursuant to the 3073  
letter was revoked under this chapter; 3074

(e) The letter was for a voluntary action that was conducted 3075  
pursuant to a risk assessment in accordance with rules adopted 3076  
under division (B)(2) of this section; 3077

(f) The letter was for a voluntary action that included as 3078  
remedial activities engineering controls or institutional controls 3079  
or activity and use limitations authorized under section 3746.05 3080  
of the Revised Code. 3081

The rules adopted under division (B)(9) of this section shall 3082  
provide for random audits of no further action letters to which 3083  
the rules adopted under divisions (B)(9)(a) to (f) of this section 3084  
do not apply. 3085

(10) A classification system to characterize ground water 3086  
according to its capability to be used for human use and its 3087  
impact on the environment and a methodology that shall be used to 3088  
determine when ground water that has become contaminated from 3089  
sources on a property for which a covenant not to sue is requested 3090  
under section 3746.11 of the Revised Code shall be remediated to 3091

the standards established in the rules adopted under division	3092
(B)(1) or (2) of this section.	3093
(a) In adopting rules under division (B)(10) of this section	3094
to characterize ground water according to its capability for human	3095
use, the director shall consider all of the following:	3096
(i) The presence of legally enforceable, reliable	3097
restrictions on the use of ground water, including, without	3098
limitation, local rules or ordinances;	3099
(ii) The presence of regional commingled contamination from	3100
multiple sources that diminishes the quality of ground water;	3101
(iii) The natural quality of ground water;	3102
(iv) Regional availability of ground water and reasonable	3103
alternative sources of drinking water;	3104
(v) The productivity of the aquifer;	3105
(vi) The presence of restrictions on the use of ground water	3106
implemented under this chapter and rules adopted under it;	3107
(vii) The existing use of ground water.	3108
(b) In adopting rules under division (B)(10) of this section	3109
to characterize ground water according to its impacts on the	3110
environment, the director shall consider both of the following:	3111
(i) The risks posed to humans, fauna, surface water,	3112
sediments, soil, air, and other resources by the continuing	3113
presence of contaminated ground water;	3114
(ii) The availability and feasibility of technology to remedy	3115
ground water contamination.	3116
(11) Governing the application for and issuance of variances	3117
under section 3746.09 of the Revised Code;	3118
(12)(a) In the case of voluntary actions involving	3119
contaminated ground water, specifying the circumstances under	3120

which the generic numerical clean-up standards established in 3121  
rules adopted under division (B)(1) of this section and standards 3122  
established through a risk assessment conducted pursuant to rules 3123  
adopted under division (B)(2) of this section shall be 3124  
inapplicable to the remediation of contaminated ground water and 3125  
under which the standards for remediating contaminated ground 3126  
water shall be established on a case-by-case basis prior to the 3127  
commencement of the voluntary action pursuant to rules adopted 3128  
under division (B)(12)(b) of this section; 3129

(b) Criteria and procedures for the case-by-case 3130  
establishment of standards for the remediation of contaminated 3131  
ground water under circumstances in which the use of the generic 3132  
numerical clean-up standards and standards established through a 3133  
risk assessment are precluded by the rules adopted under division 3134  
(B)(12)(a) of this section. The rules governing the procedures for 3135  
the case-by-case development of standards for the remediation of 3136  
contaminated ground water shall establish application, public 3137  
participation, adjudication, and appeals requirements and 3138  
procedures that are equivalent to the requirements and procedures 3139  
established in section 3746.09 of the Revised Code and rules 3140  
adopted under division (B)(11) of this section, except that the 3141  
procedural rules shall not require an applicant to make the 3142  
demonstrations set forth in divisions (A)(1) to (3) of section 3143  
3746.09 of the Revised Code. 3144

(13) A definition of the evidence that constitutes sufficient 3145  
evidence for the purpose of division (A)(5) of section 3746.02 of 3146  
the Revised Code. 3147

At least thirty days before filing the proposed rules 3148  
required to be adopted under this section with the secretary of 3149  
state, director of the legislative service commission, and joint 3150  
committee on agency rule review in accordance with divisions (B) 3151  
and (H) of section 119.03 of the Revised Code, the director of 3152

environmental protection shall hold at least one public meeting on 3153  
the proposed rules in each of the five districts into which the 3154  
agency has divided the state for administrative purposes. 3155

**Sec. 3769.083.** (A) As used in this section: 3156

(1) An "accredited Ohio thoroughbred horse" means a horse 3157  
conceived in this state and born in this state which is both of 3158  
the following: 3159

(a) Born of a mare that is domiciled in this state at the 3160  
time of the horse's conception, that remains continuously in the 3161  
state through the date on which the horse is born, and that is 3162  
registered as required by the rules of the state racing 3163  
commission; 3164

(b) By a stallion that stands for breeding purposes only in 3165  
this state in the year in which the horse is conceived, and that 3166  
is registered as required by the rules of the commission. 3167

(2) An "Ohio foaled horse" means a horse registered as 3168  
required by the rules of the state racing commission which is 3169  
either of the following: 3170

(a) A horse born of a mare that enters this state before 3171  
foaling and remains continuously in this state until the horse is 3172  
born; 3173

(b) A thoroughbred foal produced within the state by any 3174  
broodmare shipped into the state to foal and be bred to a 3175  
registered Ohio stallion. To qualify this foal as an Ohio foaled 3176  
horse, the broodmare shall remain in this state one year 3177  
continuously after foaling or continuously through foaling to the 3178  
cover of the Ohio stallion, whichever is sooner. All horses 3179  
previously registered as Ohio conceived and foaled shall be 3180  
considered as Ohio foaled horses effective January 1, 1976. 3181

Any thoroughbred mare may leave this state for periods of 3182



time for purposes of activities such as veterinary treatment or 3183  
surgery, sales purposes, breeding purposes, racing purposes, and 3184  
similar activities if permission is granted by the state racing 3185  
commission and the mare is returned to this state immediately upon 3186  
the conclusion of the requested activity. 3187

(3) "Horse," "stallion," "mare," or "foal" means a horse of 3188  
the thoroughbred breed as distinguished from a horse of the 3189  
standard breed or any other breed, and "race" means a race for 3190  
thoroughbred horses conducted by a permit holder of the state 3191  
racing commission. 3192

(4) "Horse" includes animals of all ages and of both sexes. 3193

(B) There is hereby created in the state treasury the Ohio 3194  
thoroughbred race fund, to consist of moneys paid into it pursuant 3195  
to sections 3769.08 and 3769.087 of the Revised Code. All 3196  
investment earnings on the cash balances in the fund shall be 3197  
credited to it. Moneys to the credit of the fund shall be 3198  
distributed on order of the state racing commission. The 3199  
commission, ~~with the advice and assistance of the Ohio~~ 3200  
~~thoroughbred racing advisory committee,~~ shall use the fund, except 3201  
as provided in divisions (C)(2) and (3) and (D) of this section, 3202  
to promote races and provide purses for races for horses in the 3203  
following classes: 3204

(1) Accredited Ohio thoroughbred horses; 3205

(2) Ohio foaled horses. 3206

Not less than ten nor more than twenty-five per cent of the 3207  
total money to be paid from the fund for all types of races shall 3208  
be allocated to races restricted to accredited Ohio thoroughbred 3209  
horses. The commission may combine the classes of horses described 3210  
in divisions (B)(1) and (2) of this section in one race, except in 3211  
stakes races. 3212

(C)(1) Each permit holder conducting thoroughbred races shall 3213

schedule races each week for horses in the classes named in 3214  
division (B) of this section; the number of the races shall be 3215  
prescribed by the state racing commission. The commission, 3216  
pursuant to division (B) of this section, shall prescribe the 3217  
class or classes of the races to be held by each permit holder 3218  
and, with the advice of the Ohio thoroughbred racing advisory 3219  
committee, shall fix the dates and conditions of the races and the 3220  
amount of moneys to be paid from the Ohio thoroughbred race fund 3221  
to be added in each race to the minimum purse established by the 3222  
permit holder for the class of race held. 3223

(2) ~~The commission, with the advice of the Ohio thoroughbred 3224  
racing advisory committee,~~ may provide for stakes races to be run 3225  
each year, and fix the number of stakes races and the time, place, 3226  
and conditions under which each shall be run. The commission shall 3227  
fix the amount of moneys to be paid from the Ohio thoroughbred 3228  
race fund to be added to the purse provided for each stakes race 3229  
by the permit holder, except that, in at least four stakes races 3230  
each year, the commission shall require, if four stakes races can 3231  
be arranged, that the permit holder conducting the stakes race 3232  
provide no less than fifteen thousand dollars for the purse for 3233  
the stakes race, and the commission shall provide moneys from the 3234  
fund to be added to the purse in an amount equal to or greater 3235  
than the amount provided by the permit holder. The commission may 3236  
require a nominating, sustaining, and entry fee not to exceed one 3237  
per cent of the money added from the fund for each horse in any 3238  
stakes race, which fee shall be added to the purse for the race. 3239

Stakes races where money is added from the Ohio thoroughbred 3240  
race fund shall be open only to accredited Ohio thoroughbred 3241  
horses and Ohio foaled horses. Twenty-five per cent of the total 3242  
moneys to be paid from the fund for stakes races shall be 3243  
allocated to races for only accredited Ohio thoroughbred horses. 3244  
The commission may require a nominating, sustaining, and entry 3245

fee, not to exceed one per cent of the money added from the fund, 3246  
for each horse in any of these stakes races. These fees shall be 3247  
accumulated by the commission and shall be paid out by the 3248  
commission at its discretion as part of the purse money for 3249  
additional races. 3250

(3) The commission may pay from the Ohio thoroughbred race 3251  
fund to the breeder of a horse of class (1) or (2) of division (B) 3252  
of this section winning first, second, or third prize money of a 3253  
purse for a thoroughbred race an amount not to exceed fifteen per 3254  
cent of the first, second, or third prize money of the purse. For 3255  
the purposes of this division, the term "breeder" shall be defined 3256  
by rule of the commission. 3257

The commission also may provide for stallion owners' awards 3258  
in an amount equal to not less than three nor more than ten per 3259  
cent of the first, second, or third place share of the purse. The 3260  
award shall be paid to the owner of the stallion, provided that 3261  
the stallion was standing in this state as provided in division 3262  
(A)(1)(b) of this section at the time the horse placing first, 3263  
second, or third was conceived. 3264

(D) The state racing commission may provide for the 3265  
expenditure of moneys from the Ohio thoroughbred race fund in an 3266  
amount not to exceed in any one calendar year ten per cent of the 3267  
total amount received in the account that year to provide for 3268  
research projects directed toward improving the breeding, raising, 3269  
racing, and health and soundness of thoroughbred horses in the 3270  
state and toward education or promotion of the industry. Research 3271  
for which the moneys from the fund may be used may include, but 3272  
shall not be limited to, studies of pre-race blood testing, 3273  
post-race testing, improvement of the breed, and nutrition. 3274

(E) The state racing commission shall appoint qualified 3275  
personnel as may be required to supervise registration of horses 3276  
under the terms of this section, to determine the eligibility of 3277

horses for accredited Ohio thoroughbred races, Ohio foaled races, 3278  
and the stakes races authorized by division (C)(2) of this 3279  
section, and to assist the ~~Ohio thoroughbred racing advisory~~ 3280  
~~committee and the~~ commission in determining the conditions, class, 3281  
and quality of the race program to be established under this 3282  
section so as to carry out the purposes of this section. The 3283  
personnel shall serve at the pleasure of the commission, and 3284  
compensation shall be fixed by the commission. The compensation of 3285  
the personnel and necessary expenses shall be paid out of the Ohio 3286  
thoroughbred race fund. 3287

The commission shall adopt rules as are necessary to carry 3288  
out this section and shall administer the stakes race program and 3289  
other races supported by the Ohio thoroughbred race fund in a 3290  
manner best designed to aid in the development of the thoroughbred 3291  
horse industry in the state, to upgrade the quality of horse 3292  
racing in the state, and to improve the quality of horses 3293  
conceived and foaled in the state. 3294

**Sec. 3769.085.** (A) There is hereby created in the state 3295  
treasury the Ohio standardbred development fund, to consist of 3296  
moneys paid into it pursuant to section 3769.08 of the Revised 3297  
Code and any fees assessed for or on behalf of the Ohio sires 3298  
stakes races. All fees so assessed shall be exempt from the 3299  
requirements of divisions (D) and (M) of that section. All 3300  
investment earnings on the cash balance in the fund shall be 3301  
credited to the fund. Moneys to the credit of the fund shall be 3302  
distributed on order of the state racing commission ~~with the~~ 3303  
~~approval of the Ohio standardbred development commission.~~ 3304

(B) ~~The Ohio standardbred development commission shall~~ 3305  
~~consist of three members, all to be residents of this state~~ 3306  
~~knowledgeable in breeding and racing, to be appointed by the~~ 3307  
~~governor with the advice and consent of the senate. One member~~ 3308

~~shall be a standardbred breeder, and one member shall be a 3309  
standardbred owner. Of the initial appointments, one member shall 3310  
be appointed for a term ending June 30, 1977, and two members 3311  
shall be appointed for terms ending June 30, 1979. Thereafter, 3312  
appointments for other than unexpired terms shall be for four 3313  
years. Terms shall begin the first day of July and end the 3314  
thirtieth day of June. Any member appointed to fill a vacancy 3315  
occurring prior to the expiration of the term for which the 3316  
member's predecessor was appointed shall hold office for the 3317  
remainder of that term. Any member shall continue in office 3318  
subsequent to the expiration date of the member's term until a 3319  
successor takes office. Members shall receive no compensation, 3320  
except that they shall be paid actual and necessary expenses from 3321  
the Ohio standardbred development fund. The state racing 3322  
commission also shall be reimbursed from the fund for actual 3323  
expenses approved by the development commission. The development 3324  
commission may elect one member to serve as secretary. 3325~~

(C) Upon application not later than the first day of December 3326  
from the harness tracks conducting races with pari-mutuel 3327  
wagering, other than agricultural expositions and fairs, the Ohio 3328  
~~standardbred development~~ state racing commission, after a hearing 3329  
and not later than the twentieth day of January, shall allocate 3330  
and approve all available moneys for colt races for two-year-old 3331  
and three-year-old colts and fillies, both trotting and pacing. 3332  
Separate races for fillies shall be provided at each age and gait. 3333  
Up to five races and a championship race shall be scheduled for 3334  
each of the eight categories of age, sex, and gait. The 3335  
allocations shall take into account the time of year that racing 3336  
colts is feasible, the equity and continuity of the proposed dates 3337  
for racing events, and the amounts to be added by the tracks, 3338  
looking to the maximum benefit for those participating in the 3339  
races. Representatives of the tracks and the Ohio harness 3340  
horsemen's association shall be given an opportunity to be heard 3341

before the allocations are made. No races shall be contested 3342  
earlier than the first day of May or later than the first day of 3343  
November; all permit holders operating extended pari-mutuel 3344  
meetings between those dates shall be entitled to at least three 3345  
races. No funds for a race shall be allocated to and paid to a 3346  
permit holder by the ~~development~~ commission unless the permit 3347  
holder adds at least twenty-five per cent to the amount allocated 3348  
by the ~~development~~ commission, and not less than five thousand 3349  
dollars to each race. 3350

Colts and fillies eligible to the races shall be only those 3351  
sired by a standardbred stallion that was registered with the 3352  
state racing commission and stood in the state the entire breeding 3353  
season of the year the colt or filly was conceived. 3354

If the ~~development~~ commission concludes that sufficient funds 3355  
are available to add aged races without reducing purse levels of 3356  
the colt and filly races, the ~~development~~ commission may allocate 3357  
funds to four-year-old and up races of each sex and gait with Ohio 3358  
eligibility required as set forth in this section. 3359

~~(D)~~(C) The state racing commission may allocate an amount not 3360  
to exceed five per cent of the total Ohio standardbred development 3361  
fund available in any one calendar year to research projects 3362  
directed toward improving the breeding, raising, racing, and 3363  
health and soundness of horses in the state and toward education 3364  
or promotion of the industry. 3365

**Sec. 3769.086.** There is hereby created in the state treasury 3366  
the Ohio quarter horse development fund, to consist of all moneys 3367  
paid into the fund at Ohio quarter horse meets. The purpose of the 3368  
fund is to advance and improve the breeding of racing quarter 3369  
horses in Ohio. 3370

Moneys to the credit of the fund shall be distributed on 3371  
order of the state racing commission ~~with the approval of the Ohio~~ 3372

~~quarter horse development commission.~~ 3373

~~The development commission shall consist of three members, to 3374  
be appointed by the governor, with the advice and consent of the 3375  
senate. One member shall be a quarter horse breeder and one a 3376  
quarter horse owner. Of the initial appointments, one member shall 3377  
be appointed for a term ending June 30, 1977, and two members 3378  
shall be appointed for terms ending June 30, 1979. Thereafter 3379  
appointments for other than unexpired terms shall be for four 3380  
years. Terms shall begin the first day of July and end the 3381  
thirtieth day of June. Any member appointed to fill a vacancy 3382  
occurring prior to the expiration of the term for which the 3383  
member's predecessor was appointed shall hold office for the 3384  
remainder of such term. Any member shall continue in office 3385  
subsequent to the expiration date of the member's term until a 3386  
successor takes office. Members shall receive no compensation, 3387  
except they shall be paid actual and necessary expenses from the 3388  
Ohio quarter horse development fund. The state racing commission 3389  
shall also be reimbursed for actual expense approved by the 3390  
development commission. The development commission may elect one 3391  
member to serve as secretary.~~ 3392

After a general meeting advertised at least one month in 3393  
advance, the ~~development~~ commission shall allocate and approve all 3394  
available moneys to one or more stake races and, at the 3395  
~~development~~ commission's discretion, to one or more overnight 3396  
races. The eligibility for entry into such stake or overnight 3397  
races shall be restricted to the following horses: 3398

(A) An Ohio-sired horse, which means a colt or filly 3399  
registered with the American quarter horse association that has 3400  
been sired by a quarter horse or thoroughbred stallion that stands 3401  
for breeding purposes only in this state in the year that the colt 3402  
or filly was conceived and is registered according to the rules of 3403  
the state racing commission; 3404

(B) An Ohio-foaled horse, which means a filly or colt with a certificate of registration from the American quarter horse association that the colt or filly was foaled in this state. A copy of the registration papers shall accompany any nomination for entry in a race.

(C) An Ohio-owned horse, which means a colt or filly wholly owned by a resident of this state, according to the rules of the state racing commission, both at the time of nomination and at the time of the race.

The ~~development~~ commission may combine any or all of the above classes in one race, but in an overnight race to which money is allocated, preference shall be given to the highest preferred class in the order listed in this section.

The ~~development~~ commission may allocate a sum not to exceed ten per cent of the total Ohio quarter horse development fund to research projects directed toward improving the breeding, raising, and racing of horses in the state and toward education or promotion of the industry.

**Sec. 3905.04.** (A) Except as otherwise provided in this section or in section 3905.041 of the Revised Code, a resident individual applying for an insurance agent license for any of the lines of authority described in division (B) of this section shall take and pass a written examination prior to application for licensure. The examination shall test the knowledge of the individual with respect to the lines of authority for which application will be made, the duties and responsibilities of an insurance agent, and the insurance laws of this state. Before admission to the examination, each individual shall pay the nonrefundable examination fee.

(B) The examination described in division (A) of this section shall be required for the following lines of authority:



(1) Any of the lines of authority set forth in divisions	3436
(B)(1) to (5) of section 3905.06 of the Revised Code;	3437
(2) Title insurance;	3438
(3) Surety bail bonds as provided in sections 3905.83 to	3439
3905.95 of the Revised Code;	3440
(4) Any other line of authority designated by the	3441
superintendent of insurance.	3442
(C) An individual shall not be permitted to take the	3443
examination described in division (A) of this section unless one	3444
of the following applies:	3445
(1) The individual has earned a bachelor's or associate's	3446
degree in insurance from an accredited institution.	3447
(2) The individual has earned a professional designation	3448
approved by the superintendent.	3449
(3) The individual has completed, for each line of authority	3450
for which the individual has applied, twenty hours of study in a	3451
program of insurance education approved by the superintendent, <del>in</del>	3452
<del>consultation with the insurance agent education advisory council,</del>	3453
under criteria established by the superintendent. Division (C) of	3454
this section does not apply with respect to title insurance or any	3455
other line of authority designated by the superintendent.	3456
(D) An individual who fails to appear for an examination as	3457
scheduled, or fails to pass an examination, may reapply for the	3458
examination if the individual pays the required fee and submits	3459
any necessary forms prior to being rescheduled for the	3460
examination.	3461
(E)(1) The superintendent may, in accordance with Chapter	3462
119. of the Revised Code, adopt any rule necessary for the	3463
implementation of this section.	3464
(2) The superintendent may make any necessary arrangements,	3465

including contracting with an outside testing service, for the 3466  
administration of the examinations and the collection of the fees 3467  
required by this section. 3468

**Sec. 3905.481.** Each individual who is issued a resident 3469  
insurance agent license shall complete at least twenty-four hours 3470  
of continuing education in each license renewal period. The 3471  
continuing education shall be offered in a course or program of 3472  
study approved by the superintendent of insurance ~~in consultation~~ 3473  
~~with the insurance agent education advisory council~~ and shall 3474  
include at least three hours of approved ethics training. 3475

This section does not apply to any person or class of 3476  
persons, as determined by the superintendent ~~in consultation with~~ 3477  
~~the council.~~ 3478

**Sec. 3905.484.** (A) The superintendent of insurance, ~~in~~ 3479  
~~consultation with the insurance agent education advisory council,~~ 3480  
shall establish criteria for any course or program of study that 3481  
is offered in this state under section 3905.04 or sections 3482  
3905.481 to 3905.486 of the Revised Code. 3483

(B) No course or program of study shall be offered in this 3484  
state under section 3905.04 or sections 3905.481 to 3905.486 of 3485  
the Revised Code unless it is approved by the superintendent ~~in~~ 3486  
~~consultation with the council.~~ 3487

(C) A course or program of study offered in this state under 3488  
section 3905.04 or sections 3905.481 to 3905.486 of the Revised 3489  
Code shall be developed or sponsored only by one of the following: 3490

(1) An insurance company admitted to transact business in 3491  
this state; 3492

(2) An accredited college or university; 3493

(3) An insurance trade association; 3494

(4) An independent program of instruction that is approved by 3495  
the superintendent ~~in consultation with the council;~~ 3496

(5) Any institution as defined in section 1713.01 of the 3497  
Revised Code that holds a certificate of authorization issued by 3498  
the Ohio board of regents under Chapter 1713. of the Revised Code 3499  
or is exempt under that chapter from the requirements for a 3500  
certificate of authorization. 3501

**Sec. 3905.485.** (A) The superintendent of insurance, ~~in~~ 3502  
~~consultation with the insurance agent education advisory council,~~ 3503  
shall establish a schedule of fees to be paid to the 3504  
superintendent by the sponsor of a course or program of study 3505  
approved in accordance with division (B) of section 3905.484 of 3506  
the Revised Code. The sponsor shall pay the required fee to the 3507  
superintendent in accordance with rules adopted by the 3508  
superintendent. 3509

(B) All fees collected by the superintendent under division 3510  
(A) of this section shall be credited to the department of 3511  
insurance operating fund created in section 3901.021 of the 3512  
Revised Code. 3513

**Sec. 3905.486.** The superintendent of insurance shall adopt 3514  
rules in accordance with Chapter 119. of the Revised Code to carry 3515  
out the purposes of sections 3905.04 and 3905.481 to 3905.486 of 3516  
the Revised Code. ~~In adopting any rules, the superintendent shall~~ 3517  
~~consider any recommendations made by the insurance agent education~~ 3518  
~~advisory council.~~ 3519

**Sec. 3905.88.** (A) Each individual who is issued a license as 3520  
a resident surety bail bond agent shall complete at least seven 3521  
hours of continuing education in each license renewal period. The 3522  
continuing education shall be offered in a course or program of 3523  
study related to the bail bond business that is approved by the 3524

superintendent of insurance ~~in consultation with the insurance~~ 3525  
~~agent education advisory council~~ and shall include at least one 3526  
hour of approved ethics training. 3527

(B) The superintendent shall not renew the license of any 3528  
surety bail bond agent who fails to meet the requirements of 3529  
division (A) of this section or whose application for renewal does 3530  
not meet the requirements of section 3905.85 of the Revised Code. 3531

**Sec. 3929.631.** (A) In the event the superintendent of 3532  
insurance creates the medical liability underwriting association 3533  
under section 3929.63 of the Revised Code or reactivates the 3534  
medical liability underwriting association under section 3929.632 3535  
of the Revised Code, the superintendent also shall create a 3536  
stabilization reserve fund for the medical liability underwriting 3537  
association under Chapter 119. of the Revised Code. The 3538  
stabilization reserve fund shall be administered by ~~thirteen~~ 3539  
~~directors, one of whom shall be the superintendent of insurance or~~ 3540  
~~the superintendent's deputy. The remaining twelve directors shall~~ 3541  
~~be appointed by the superintendent. Of these twelve directors,~~ 3542  
~~five shall be doctors of medicine and surgery, two shall be~~ 3543  
~~doctors of osteopathic medicine and surgery, one shall be a doctor~~ 3544  
~~of podiatric medicine, and four shall be representatives of~~ 3545  
~~hospitals~~ a board of governors of the medical liability 3546  
underwriting association. 3547

(B) The ~~directors~~ board shall act by majority vote with seven 3548  
~~directors~~ members constituting a quorum for the transaction of any 3549  
business or the exercise of any power of the stabilization reserve 3550  
fund. ~~The directors shall serve without salary, but each director~~ 3551  
~~shall be reimbursed for actual and necessary expenses incurred in~~ 3552  
~~the performance of official duties as a director of the~~ 3553  
~~stabilization reserve fund.~~ The ~~directors~~ members are not subject 3554  
to any personal liability with respect to administration of the 3555

fund. 3556

(C) Each policyholder of the medical liability underwriting 3557  
association shall pay to the medical liability underwriting 3558  
association annually a stabilization reserve fund charge. The 3559  
charge shall be determined by ~~the directors with the agreement of~~ 3560  
~~the board of governors of the medical liability underwriting~~ 3561  
~~association~~, subject to the approval of the superintendent. ~~In the~~ 3562  
~~event that there is no agreement among the directors, the board of~~ 3563  
~~governors, and the superintendent as to the charge, the~~ 3564  
~~superintendent shall determine the charge.~~ The amount of the 3565  
charge may differentiate between types of coverage, but shall be 3566  
sufficient to ensure that the medical liability underwriting 3567  
association is actuarially sound, adequately reserved, financially 3568  
stable, and efficiently managed so as to satisfy the purposes of 3569  
sections 3929.62 to 3929.70 of the Revised Code. The medical 3570  
liability underwriting association shall cancel the policy of any 3571  
policyholder who fails to pay the stabilization reserve fund 3572  
charge. 3573

(D) The medical liability underwriting association promptly 3574  
shall pay to the trustee of the stabilization reserve fund all 3575  
stabilization reserve fund charges that it collects from its 3576  
policyholders. 3577

(E) All money received by the stabilization reserve fund 3578  
shall be held in trust by a corporate trustee selected by the 3579  
~~directors~~ board. The corporate trustee may invest the money held 3580  
in trust, subject to the approval of the ~~directors~~ board. All 3581  
investment income shall be credited to the stabilization reserve 3582  
fund. All expenses of administration of the stabilization reserve 3583  
fund shall be charged against the stabilization reserve fund. The 3584  
money held in trust shall be used for the purpose of reimbursing 3585  
the medical liability underwriting association for any deficit 3586  
that arises out of the operations of the medical liability 3587

underwriting association and for any other purpose that is 3588  
approved by the board ~~of directors~~, if the purpose is reasonably 3589  
consistent with the purposes of the association. Such payment ~~to~~ 3590  
~~the medical liability underwriting association~~ shall be made by 3591  
~~the directors~~ upon ~~the medical liability underwriting~~ 3592  
~~association's~~ certification ~~to the directors~~ of the amount due. 3593

(F) If the board ~~of governors~~ determines that the moneys 3594  
contained in the stabilization reserve fund at the end of a fiscal 3595  
year, exclusive of dollars allocated for pending claims and after 3596  
payment of all claims and expenses, are in excess of amounts that 3597  
are necessary to ensure that the medical liability underwriting 3598  
association is actuarially sound, adequately reserved, financially 3599  
stable, and efficiently managed as to satisfy the purposes of 3600  
sections 3929.62 to 3929.70 of the Revised Code, and the 3601  
superintendent concurs, the superintendent shall cause the return 3602  
of the excess fund moneys to applicants that have contributed to 3603  
the fund and that are not medical liability underwriting 3604  
association policyholders at the end of the fiscal year. In 3605  
effectuating the return of fund moneys, the superintendent shall 3606  
ascertain the total amount contributed to the fund by each 3607  
applicant during the entire period of the fund's existence. Within 3608  
a reasonable time period not to exceed one year, the 3609  
superintendent shall remit to each eligible applicant an amount 3610  
that bears the same ratio to the total amount of excess fund 3611  
moneys as the total amount contributed to the fund by each 3612  
applicant bears to the total amount contributed to the fund by all 3613  
applicants. Notwithstanding the return of moneys under this 3614  
division, policyholders shall continue to be subject to the 3615  
charges of the stabilization reserve fund under this section. The 3616  
total amount to be returned under this division shall reflect any 3617  
interest actually earned by the fund less fund operating expenses. 3618

**Sec. 3929.64.** (A)(1) A board of governors consisting of ~~nine~~ 3619

twelve members shall govern the medical liability underwriting 3620  
association. The members shall be appointed by the governor with 3621  
the advice of the superintendent of insurance. ~~Five~~ Four shall be 3622  
selected from insurers licensed to write and writing liability 3623  
insurance in this state, at least two of which insurers must write 3624  
medical liability insurance in this state. ~~One~~ Three shall be a 3625  
licensed ~~physician~~ physicians and ~~one~~ two shall be from a ~~hospital~~ 3626  
hospitals operating in this state. One shall be an insurance agent 3627  
licensed and writing medical liability insurance in this state. 3628  
~~One~~ Two shall represent the interests of consumers and shall 3629  
neither be a member of, or associated with, a health insuring 3630  
corporation holding a certificate of authority under Chapter 1751. 3631  
of the Revised Code or an insurance company. The members of the 3632  
board of governors shall serve without compensation but shall be 3633  
reimbursed for their actual and necessary expenses incurred in the 3634  
discharge of their official duties. ~~The directors of the~~ 3635  
~~stabilization reserve fund shall serve as ex officio members of~~ 3636  
~~the medical liability underwriting association's board of~~ 3637  
~~governors.~~ 3638

(2) Of the initial member appointments made under division 3639  
(A)(1) of this section, ~~three~~ four shall be for terms of one year, 3640  
~~three~~ four shall be for terms of two years, and ~~three~~ four shall 3641  
be for terms of three years, with the members' terms determined 3642  
from the date the medical liability underwriting association is 3643  
created under section 3929.63 of the Revised Code. Thereafter, 3644  
terms of office for appointed members shall be for three years, 3645  
each term ending on the same day of the same month of the year as 3646  
did the term it succeeds. A vacancy shall be filled in the same 3647  
manner as the original appointment. Members may be reappointed to 3648  
the board of governors. 3649

(B) The board of governors may employ, compensate, and 3650  
prescribe the duties and powers of as many employees and 3651

consultants as are necessary to carry out the purposes of sections 3652  
3929.62 to 3929.70 of the Revised Code. 3653

**Sec. 3929.68.** (A) There shall be no liability imposed on the 3654  
part of, and no cause of action of any nature arises against, the 3655  
medical liability underwriting association or the stabilization 3656  
reserve fund, its board of governors, ~~directors~~, agents, or 3657  
employees, an insurer or its employees, any licensed agent or 3658  
broker, or the superintendent of insurance or the superintendent's 3659  
authorized representatives and employees, for any action taken by 3660  
them in the performance of their powers and duties under sections 3661  
3929.62 to 3929.70 of the Revised Code. Any reports and 3662  
communications made in connection with those actions are not 3663  
public records. 3664

(B) With respect to any policy of insurance issued by the 3665  
medical liability underwriting association, any contract executed 3666  
by the medical liability underwriting association or the 3667  
stabilization reserve fund, or any action taken under or related 3668  
to sections 3929.62 to 3929.70 of the Revised Code, there shall be 3669  
no liability on the part of the state beyond amounts paid into or 3670  
earned by the medical liability underwriting association and 3671  
stabilization reserve fund. 3672

**Sec. 3930.02.** (A) The Ohio commercial market assistance plan 3673  
is hereby established to assist in the placement of commercial 3674  
insurance risks located in this state. The plan shall operate 3675  
under the auspices of the department of insurance and shall 3676  
attempt to be self-supporting. If, however, the fees collected 3677  
pursuant to division (C) of this section are not adequate to make 3678  
the plan self-supporting, the balance of the cost of operating the 3679  
plan shall be borne by the department. The plan is not an insurer 3680  
and is not authorized to assume insurance risks. 3681



(B) Only written requests for assistance meeting all of the 3682  
plan criteria shall be eligible for assistance by the plan. 3683

(C) Each request for assistance shall be in writing and shall 3684  
be submitted by a licensed Ohio agent or broker and accompanied by 3685  
a fee, which shall be paid by the applicant for assistance and 3686  
made payable to the "Ohio commercial market assistance plan." Each 3687  
request also shall be accompanied by a statement of the agent or 3688  
broker, in accordance with procedures, standards, and requirements 3689  
set forth in rules adopted by the superintendent of insurance, 3690  
that at least three insurance companies have been contacted for 3691  
the issuance of insurance and that coverage was not available from 3692  
those companies. The fee shall be reasonable and determined by the 3693  
plan after consultation with the superintendent. 3694

(D)(1) In the event the coverage is placed through the plan 3695  
with a request for assistance submitted by an agent not appointed 3696  
by the insurer and the insurer assigns another agent to service 3697  
the insured, the insurer shall pay the agent a producing fee from 3698  
the commission with the remaining balance of the commission paid 3699  
to the agent assigned by the insurer to service the insured. 3700

(2) The plan shall not be considered a party to the 3701  
relationship among insured, agent, and insurer. 3702

(E) ~~The superintendent of insurance shall appoint an 3703  
executive committee, within thirty days of the effective date of 3704  
this section, to administer the plan. The plan shall be 3705  
administered by the Ohio commercial insurance joint underwriting 3706  
association board of governors created by section 3930.03 of the 3707  
Revised Code. The executive committee board may appoint such other 3708  
committees it considers appropriate to execute the purpose of the 3709  
plan. ~~The executive committee for the plan shall consist of nine 3710  
members. Five members shall be representatives of commercial 3711  
insurers and four shall be insurance agents, two of whom shall be 3712  
representatives from excess surplus lines brokers. The 3713~~~~

~~superintendent shall serve as an ex officio member of the~~ 3714  
~~executive committee.~~ The ~~executive committee~~ board shall develop a 3715  
detailed written plan of operation. The plan of operation or any 3716  
amendments thereto shall be submitted to the superintendent of 3717  
insurance for approval ~~within thirty days of the appointment of~~ 3718  
~~the executive committee.~~ The plan of operation or amendments 3719  
thereto shall be approved or disapproved by the superintendent 3720  
within thirty days of submission by the ~~executive committee~~ board 3721  
or shall be deemed approved if the ~~executive committee~~ board is 3722  
not otherwise notified within the thirty-day period. The 3723  
superintendent's disapproval shall be for specific reasons stated 3724  
in writing. If the superintendent disapproves the proposed plan of 3725  
operation, the ~~executive committee~~ board shall, within fifteen 3726  
days, submit for approval an appropriately revised plan of 3727  
operation. If the ~~executive committee~~ board fails to submit a 3728  
revised plan, or if the revised plan submitted is unacceptable, 3729  
the superintendent shall adopt a plan of operation. 3730

(F) The superintendent may suspend or reactivate the plan of 3731  
operation. 3732

(G)(1) The ~~executive committee~~ board shall designate a fiscal 3733  
agent for the plan. The fiscal agent is authorized to receive and 3734  
hold funds submitted to the plan and to disburse them to pay 3735  
reasonable and necessary expenses of the plan. The funds may be 3736  
used for the necessary expenses of the plan, including but not 3737  
limited to printing, postage, rent, mailing, telephone, and such 3738  
other expenses incurred by the plan as the ~~executive committee~~ 3739  
board deems appropriate. 3740

(2) The fiscal agent shall maintain books and records of all 3741  
receipts and disbursements and shall submit financial statements 3742  
as requested by the ~~executive committee~~ board of the plan. The 3743  
superintendent or any ~~executive committee~~ board member shall have 3744  
access to such books and records during normal business hours. 3745

(3) The fiscal agent shall maintain a bank account under the name of the "Ohio commercial market assistance plan." All checks drawn upon the account of the plan shall bear the signatures of the fiscal agent and another person duly authorized by the ~~executive committee~~ board.

(4) If a surplus of funds exists at any time the plan is suspended, the then existing surplus shall be disbursed to the state treasury to the credit of the operating fund of the department of insurance.

(5) Upon approval of the plan of operation and with the approval of the existing Ohio MAP committee established by the department of insurance and the ~~executive committee~~ board of governors of the Ohio ~~commercial market assistance plan~~ commercial insurance joint underwriting association, all assets and all submitted questionnaires of the existing Ohio MAP committee may be transferred to the Ohio commercial market assistance plan and all questionnaires submitted to the existing Ohio MAP committee may be transferred to the Ohio commercial market assistance plan.

(6) There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer, broker, agent, or any employee of the foregoing, employee or ~~executive committee~~ member of the board of governors of the Ohio commercial market assistance plan insurance joint underwriting association, or the superintendent of insurance or ~~his~~ the superintendent's representatives for any action taken by them in the performance of their powers and duties under sections 3930.01 to 3930.18 of the Revised Code.

**Sec. 3930.03.** (A) The Ohio commercial insurance joint underwriting association is hereby created, consisting of all insurers authorized to write and engaged in writing within the state, on a direct basis, commercial insurance, including the

liability component of commercial multi-peril insurance. Every 3777  
such insurer shall be a member of the association and shall remain 3778  
a member as a condition of its authority to continue to transact 3779  
such kind of business in this state, notwithstanding other 3780  
prohibitions or authorizations provided in the Revised Code, nor 3781  
shall participation in the association by any insurer required to 3782  
participate in such association constitute the writing of a line 3783  
of insurance otherwise prohibited by the laws of this state. 3784

The association shall be administered by a board of 3785  
governors. It shall be activated for a particular class of 3786  
insurance only by rule of the superintendent of insurance adopted 3787  
pursuant to Chapter 119. of the Revised Code upon a finding by the 3788  
superintendent that both of the following circumstances exist for 3789  
that particular class of insurance: 3790

(1) A substantial number of eligible requests for assistance 3791  
for that particular class of insurance have not been placed by the 3792  
Ohio commercial insurance market assistance plan and they are 3793  
insurable risks; 3794

(2) The lack of commercial insurance for that class of 3795  
insurance threatens the continued operation of entities in this 3796  
state and such condition will be detrimental to the general 3797  
welfare of the citizens of this state. 3798

(B) The board of governors of the association shall consist 3799  
of ~~eleven~~ thirteen members appointed by the superintendent of 3800  
insurance, ~~eight~~ seven of whom shall be selected from the members 3801  
of the joint underwriting association. ~~Five~~ Four members shall be 3802  
selected from commercial insurers domiciled in this state. Three 3803  
members shall be selected from commercial insurers domiciled 3804  
outside this state. ~~One member~~ Four members shall be ~~an~~ insurance 3805  
agent agents, two of whom shall be representatives from excess 3806  
surplus lines brokers and one of whom shall be licensed and 3807  
writing commercial insurance in this state. Two members shall be 3808

commercial insurance policyholders and shall not have any 3809  
relationship with an insurance company or an insurance agent 3810  
except as a purchaser of commercial insurance. Such governors 3811  
shall serve a term of one year. The members of the board shall 3812  
serve without compensation, but shall be reimbursed for their 3813  
actual and necessary expenses incurred in the discharge of their 3814  
official duties. 3815

(C) There shall be a plan of operation promulgated under 3816  
division (D) of this section. Pursuant to sections 3930.01 to 3817  
3930.18 of the Revised Code and the plan of operation with respect 3818  
to commercial insurance promulgated under division (D) of this 3819  
section, the association may: 3820

(1) Issue or cause to be issued policies of insurance to 3821  
applicants unable to obtain commercial insurance in the voluntary 3822  
market, including incidental coverages and subject to limits as 3823  
specified in the plan of operation; 3824

(2) Underwrite such insurance and adjust and pay losses with 3825  
respect thereto, or appoint service companies or syndicates to 3826  
perform those functions; 3827

(3) Assume reinsurance from its members; 3828

(4) Cede reinsurance. 3829

(D)(1) Within forty-five days following the creation of the 3830  
association, the board of governors of the association shall 3831  
submit to the superintendent of insurance, for ~~his~~ review, a 3832  
proposed plan of operation, consistent with sections 3930.01 to 3833  
3930.18 of the Revised Code. If the superintendent does not adopt 3834  
such plan within thirty days of such submission, ~~he~~ the 3835  
superintendent shall resubmit the plan to the board with written 3836  
reasons consistent with this chapter for the rejection. The board 3837  
shall, within fifteen days, submit for approval an appropriately 3838  
revised plan of operation and if the board of governors fails to 3839

do so, or if the revised plan submitted is unacceptable, the 3840  
superintendent shall adopt a plan of operation. The superintendent 3841  
shall adopt any plan by a rule under Chapter 119. of the Revised 3842  
Code. 3843

(2) The plan of operation shall provide for economic, fair, 3844  
and nondiscriminatory administration and for the prompt and 3845  
efficient provision of any class of commercial insurance that 3846  
cannot be obtained in the voluntary market, and shall contain 3847  
other provisions including, but not limited to, preliminary 3848  
assessment of all members for initial expenses necessary to 3849  
commence operations, establishment of necessary facilities, 3850  
management of the association, assessment of members to defray 3851  
losses and expenses, administrative expenses, establishment of 3852  
reasonable and objective underwriting standards, acceptance and 3853  
cession of reinsurance, and the appointment of servicing carriers 3854  
or the direct issuance of syndicate policies. 3855

(3) Amendments to the plan of operation may be made by the 3856  
board of governors of the association, subject to the approval of 3857  
the superintendent. The superintendent may also recommend 3858  
amendments to the plan of operation. Upon adoption by the board 3859  
and approval by the superintendent, the superintendent shall then 3860  
amend the rule establishing the plan of operation pursuant to 3861  
Chapter 119. of the Revised Code. 3862

(4) The board of governors may employ, compensate, and 3863  
prescribe the duties and powers of such employees and consultants 3864  
as are necessary to carry out the purposes of sections 3930.01 to 3865  
3930.18 of the Revised Code. 3866

(E) Upon application of an insurer, the superintendent may 3867  
waive its participation in the plan if the superintendent 3868  
determines that such participation would threaten the solvency of 3869  
that insurer. 3870

**Sec. 4121.03.** (A) The governor shall appoint from among the 3871  
members of the industrial commission the chairperson of the 3872  
industrial commission. The chairperson shall serve as chairperson 3873  
at the pleasure of the governor. The chairperson is the head of 3874  
the commission and its chief executive officer. 3875

(B) The chairperson shall appoint, after consultation with 3876  
other commission members and obtaining the approval of at least 3877  
one other commission member, an executive director of the 3878  
commission. The executive director shall serve at the pleasure of 3879  
the chairperson. The executive director, under the direction of 3880  
the chairperson, shall perform all of the following duties: 3881

(1) Act as chief administrative officer for the commission; 3882

(2) Ensure that all commission personnel follow the rules of 3883  
the commission; 3884

(3) Ensure that all orders, awards, and determinations are 3885  
properly heard and signed, prior to attesting to the documents; 3886

(4) Coordinate, to the fullest extent possible, commission 3887  
activities with the bureau of workers' compensation activities; 3888

(5) Do all things necessary for the efficient and effective 3889  
implementation of the duties of the commission. 3890

The responsibilities assigned to the executive director of 3891  
the commission do not relieve the chairperson from final 3892  
responsibility for the proper performance of the acts specified in 3893  
this division. 3894

(C) The chairperson shall do all of the following: 3895

(1) Except as otherwise provided in this division, employ, 3896  
promote, supervise, remove, and establish the compensation of all 3897  
employees as needed in connection with the performance of the 3898  
commission's duties under this chapter and Chapters 4123., 4127., 3899  
and 4131. of the Revised Code and may assign to them their duties 3900

to the extent necessary to achieve the most efficient performance 3901  
of its functions, and to that end may establish, change, or 3902  
abolish positions, and assign and reassign duties and 3903  
responsibilities of every employee of the commission. The civil 3904  
service status of any person employed by the commission prior to 3905  
November 3, 1989, is not affected by this section. Personnel 3906  
employed by the bureau or the commission who are subject to 3907  
Chapter 4117. of the Revised Code shall retain all of their rights 3908  
and benefits conferred pursuant to that chapter as it presently 3909  
exists or is hereafter amended and nothing in this chapter or 3910  
Chapter 4123. of the Revised Code shall be construed as 3911  
eliminating or interfering with Chapter 4117. of the Revised Code 3912  
or the rights and benefits conferred under that chapter to public 3913  
employees or to any bargaining unit. 3914

(2) Hire district and staff hearing officers after 3915  
consultation with other commission members and obtaining the 3916  
approval of at least one other commission member; 3917

(3) Hire staff and district hearing officers when the 3918  
chairperson finds appropriate after obtaining the approval of at 3919  
least one other commission member; 3920

(4) Maintain the office for the commission in Columbus; 3921

(5) To the maximum extent possible, use electronic data 3922  
processing equipment for the issuance of orders immediately 3923  
following a hearing, scheduling of hearings and medical 3924  
examinations, tracking of claims, retrieval of information, and 3925  
any other matter within the commission's jurisdiction, and shall 3926  
provide and input information into the electronic data processing 3927  
equipment as necessary to effect the success of the claims 3928  
tracking system established pursuant to division (B)(15) of 3929  
section 4121.121 of the Revised Code; 3930

(6) Exercise all administrative and nonadjudicatory powers 3931



and duties conferred upon the commission by Chapters 4121., 4123., 3932  
4127., and 4131. of the Revised Code; 3933

(7) Approve all contracts for special services. 3934

(D) The chairperson is responsible for all administrative 3935  
matters and may secure for the commission facilities, equipment, 3936  
and supplies necessary to house the commission, any employees, and 3937  
files and records under the commission's control and to discharge 3938  
any duty imposed upon the commission by law, the expense thereof 3939  
to be audited and paid in the same manner as other state expenses. 3940  
For that purpose, the chairperson, separately from the budget 3941  
prepared by the administrator of workers' compensation ~~and the~~ 3942  
~~budget prepared by the director of the workers' compensation~~ 3943  
~~council~~, shall prepare and submit to the office of budget and 3944  
management a budget for each biennium according to sections 3945  
101.532 and 107.03 of the Revised Code. The budget submitted shall 3946  
cover the costs of the commission and staff and district hearing 3947  
officers in the discharge of any duty imposed upon the 3948  
chairperson, the commission, and hearing officers by law. 3949

(E) A majority of the commission constitutes a quorum to 3950  
transact business. No vacancy impairs the rights of the remaining 3951  
members to exercise all of the powers of the commission, so long 3952  
as a majority remains. Any investigation, inquiry, or hearing that 3953  
the commission may hold or undertake may be held or undertaken by 3954  
or before any one member of the commission, or before one of the 3955  
deputies of the commission, except as otherwise provided in this 3956  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 3957  
Every order made by a member, or by a deputy, when approved and 3958  
confirmed by a majority of the members, and so shown on its record 3959  
of proceedings, is the order of the commission. The commission may 3960  
hold sessions at any place within the state. The commission is 3961  
responsible for all of the following: 3962

(1) Establishing the overall adjudicatory policy and 3963

management of the commission under this chapter and Chapters 3964  
4123., 4127., and 4131. of the Revised Code, except for those 3965  
administrative matters within the jurisdiction of the chairperson, 3966  
bureau of workers' compensation, and the administrator of workers' 3967  
compensation under those chapters; 3968

(2) Hearing appeals and reconsiderations under this chapter 3969  
and Chapters 4123., 4127., and 4131. of the Revised Code; 3970

(3) Engaging in rulemaking where required by this chapter or 3971  
Chapter 4123., 4127., or 4131. of the Revised Code. 3972

**Sec. 4121.121.** (A) There is hereby created the bureau of 3973  
workers' compensation, which shall be administered by the 3974  
administrator of workers' compensation. A person appointed to the 3975  
position of administrator shall possess significant management 3976  
experience in effectively managing an organization or 3977  
organizations of substantial size and complexity. A person 3978  
appointed to the position of administrator also shall possess a 3979  
minimum of five years of experience in the field of workers' 3980  
compensation insurance or in another insurance industry, except as 3981  
otherwise provided when the conditions specified in division (C) 3982  
of this section are satisfied. The governor shall appoint the 3983  
administrator as provided in section 121.03 of the Revised Code, 3984  
and the administrator shall serve at the pleasure of the governor. 3985  
The governor shall fix the administrator's salary on the basis of 3986  
the administrator's experience and the administrator's 3987  
responsibilities and duties under this chapter and Chapters 4123., 3988  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 3989  
shall not appoint to the position of administrator any person who 3990  
has, or whose spouse has, given a contribution to the campaign 3991  
committee of the governor in an amount greater than one thousand 3992  
dollars during the two-year period immediately preceding the date 3993  
of the appointment of the administrator. 3994

The administrator shall hold no other public office and shall devote full time to the duties of administrator. Before entering upon the duties of the office, the administrator shall take an oath of office as required by sections 3.22 and 3.23 of the Revised Code, and shall file in the office of the secretary of state, a bond signed by the administrator and by surety approved by the governor, for the sum of fifty thousand dollars payable to the state, conditioned upon the faithful performance of the administrator's duties.

(B) The administrator is responsible for the management of the bureau and for the discharge of all administrative duties imposed upon the administrator in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, and in the discharge thereof shall do all of the following:

(1) Perform all acts and exercise all authorities and powers, discretionary and otherwise that are required of or vested in the bureau or any of its employees in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, except the acts and the exercise of authority and power that is required of and vested in the bureau of workers' compensation board of directors or the industrial commission pursuant to those chapters. The treasurer of state shall honor all warrants signed by the administrator, or by one or more of the administrator's employees, authorized by the administrator in writing, or bearing the facsimile signature of the administrator or such employee under sections 4123.42 and 4123.44 of the Revised Code.

(2) Employ, direct, and supervise all employees required in connection with the performance of the duties assigned to the bureau by this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, including an actuary, and may establish job classification plans and compensation for all employees of the bureau provided that this grant of authority

shall not be construed as affecting any employee for whom the 4027  
state employment relations board has established an appropriate 4028  
bargaining unit under section 4117.06 of the Revised Code. All 4029  
positions of employment in the bureau are in the classified civil 4030  
service except those employees the administrator may appoint to 4031  
serve at the administrator's pleasure in the unclassified civil 4032  
service pursuant to section 124.11 of the Revised Code. The 4033  
administrator shall fix the salaries of employees the 4034  
administrator appoints to serve at the administrator's pleasure, 4035  
including the chief operating officer, staff physicians, and other 4036  
senior management personnel of the bureau and shall establish the 4037  
compensation of staff attorneys of the bureau's legal section and 4038  
their immediate supervisors, and take whatever steps are necessary 4039  
to provide adequate compensation for other staff attorneys. 4040

The administrator may appoint a person who holds a certified 4041  
position in the classified service within the bureau to a position 4042  
in the unclassified service within the bureau. A person appointed 4043  
pursuant to this division to a position in the unclassified 4044  
service shall retain the right to resume the position and status 4045  
held by the person in the classified service immediately prior to 4046  
the person's appointment in the unclassified service, regardless 4047  
of the number of positions the person held in the unclassified 4048  
service. An employee's right to resume a position in the 4049  
classified service may only be exercised when the administrator 4050  
demotes the employee to a pay range lower than the employee's 4051  
current pay range or revokes the employee's appointment to the 4052  
unclassified service. An employee forfeits the right to resume a 4053  
position in the classified service when the employee is removed 4054  
from the position in the unclassified service due to incompetence, 4055  
inefficiency, dishonesty, drunkenness, immoral conduct, 4056  
insubordination, discourteous treatment of the public, neglect of 4057  
duty, violation of this chapter or Chapter 124., 4123., 4125., 4058  
4127., 4131., or 4167. of the Revised Code, violation of the rules 4059

of the director of administrative services or the administrator, 4060  
any other failure of good behavior, any other acts of misfeasance, 4061  
malfeasance, or nonfeasance in office, or conviction of a felony. 4062  
An employee also forfeits the right to resume a position in the 4063  
classified service upon transfer to a different agency. 4064

Reinstatement to a position in the classified service shall 4065  
be to a position substantially equal to that position in the 4066  
classified service held previously, as certified by the department 4067  
of administrative services. If the position the person previously 4068  
held in the classified service has been placed in the unclassified 4069  
service or is otherwise unavailable, the person shall be appointed 4070  
to a position in the classified service within the bureau that the 4071  
director of administrative services certifies is comparable in 4072  
compensation to the position the person previously held in the 4073  
classified service. Service in the position in the unclassified 4074  
service shall be counted as service in the position in the 4075  
classified service held by the person immediately prior to the 4076  
person's appointment in the unclassified service. When a person is 4077  
reinstated to a position in the classified service as provided in 4078  
this division, the person is entitled to all rights, status, and 4079  
benefits accruing to the position during the person's time of 4080  
service in the position in the unclassified service. 4081

(3) Reorganize the work of the bureau, its sections, 4082  
departments, and offices to the extent necessary to achieve the 4083  
most efficient performance of its functions and to that end may 4084  
establish, change, or abolish positions and assign and reassign 4085  
duties and responsibilities of every employee of the bureau. All 4086  
persons employed by the commission in positions that, after 4087  
November 3, 1989, are supervised and directed by the administrator 4088  
under this section are transferred to the bureau in their 4089  
respective classifications but subject to reassignment and 4090  
reclassification of position and compensation as the administrator 4091

determines to be in the interest of efficient administration. The 4092  
civil service status of any person employed by the commission is 4093  
not affected by this section. Personnel employed by the bureau or 4094  
the commission who are subject to Chapter 4117. of the Revised 4095  
Code shall retain all of their rights and benefits conferred 4096  
pursuant to that chapter as it presently exists or is hereafter 4097  
amended and nothing in this chapter or Chapter 4123. of the 4098  
Revised Code shall be construed as eliminating or interfering with 4099  
Chapter 4117. of the Revised Code or the rights and benefits 4100  
conferred under that chapter to public employees or to any 4101  
bargaining unit. 4102

(4) Provide offices, equipment, supplies, and other 4103  
facilities for the bureau. 4104

(5) Prepare and submit to the board information the 4105  
administrator considers pertinent or the board requires, together 4106  
with the administrator's recommendations, in the form of 4107  
administrative rules, for the advice and consent of the board, for 4108  
classifications of occupations or industries, for premium rates 4109  
and contributions, for the amount to be credited to the surplus 4110  
fund, for rules and systems of rating, rate revisions, and merit 4111  
rating. The administrator shall obtain, prepare, and submit any 4112  
other information the board requires for the prompt and efficient 4113  
discharge of its duties. 4114

(6) Keep the accounts required by division (A) of section 4115  
4123.34 of the Revised Code and all other accounts and records 4116  
necessary to the collection, administration, and distribution of 4117  
the workers' compensation funds and shall obtain the statistical 4118  
and other information required by section 4123.19 of the Revised 4119  
Code. 4120

(7) Exercise the investment powers vested in the 4121  
administrator by section 4123.44 of the Revised Code in accordance 4122  
with the investment policy approved by the board pursuant to 4123

section 4121.12 of the Revised Code and in consultation with the 4124  
chief investment officer of the bureau of workers' compensation. 4125  
The administrator shall not engage in any prohibited investment 4126  
activity specified by the board pursuant to division (F)(9) of 4127  
section 4121.12 of the Revised Code and shall not invest in any 4128  
type of investment specified in divisions (B)(1) to (10) of 4129  
section 4123.442 of the Revised Code. All business shall be 4130  
transacted, all funds invested, all warrants for money drawn and 4131  
payments made, and all cash and securities and other property 4132  
held, in the name of the bureau, or in the name of its nominee, 4133  
provided that nominees are authorized by the administrator solely 4134  
for the purpose of facilitating the transfer of securities, and 4135  
restricted to the administrator and designated employees. 4136

(8) Make contracts for and supervise the construction of any 4137  
project or improvement or the construction or repair of buildings 4138  
under the control of the bureau. 4139

(9) Purchase supplies, materials, equipment, and services; 4140  
make contracts for, operate, and superintend the telephone, other 4141  
telecommunication, and computer services for the use of the 4142  
bureau; and make contracts in connection with office reproduction, 4143  
forms management, printing, and other services. Notwithstanding 4144  
sections 125.12 to 125.14 of the Revised Code, the administrator 4145  
may transfer surplus computers and computer equipment directly to 4146  
an accredited public school within the state. The computers and 4147  
computer equipment may be repaired or refurbished prior to the 4148  
transfer. 4149

(10) Prepare and submit to the board an annual budget for 4150  
internal operating purposes for the board's approval. The 4151  
administrator also shall, separately from the budget the 4152  
industrial commission submits ~~and from the budget the director of~~ 4153  
~~the workers' compensation council submits~~, prepare and submit to 4154  
the director of budget and management a budget for each biennium. 4155

The budgets submitted to the board and the director shall include 4156  
estimates of the costs and necessary expenditures of the bureau in 4157  
the discharge of any duty imposed by law. 4158

(11) As promptly as possible in the course of efficient 4159  
administration, decentralize and relocate such of the personnel 4160  
and activities of the bureau as is appropriate to the end that the 4161  
receipt, investigation, determination, and payment of claims may 4162  
be undertaken at or near the place of injury or the residence of 4163  
the claimant and for that purpose establish regional offices, in 4164  
such places as the administrator considers proper, capable of 4165  
discharging as many of the functions of the bureau as is 4166  
practicable so as to promote prompt and efficient administration 4167  
in the processing of claims. All active and inactive lost-time 4168  
claims files shall be held at the service office responsible for 4169  
the claim. A claimant, at the claimant's request, shall be 4170  
provided with information by telephone as to the location of the 4171  
file pertaining to the claimant's claim. The administrator shall 4172  
ensure that all service office employees report directly to the 4173  
director for their service office. 4174

(12) Provide a written binder on new coverage where the 4175  
administrator considers it to be in the best interest of the risk. 4176  
The administrator, or any other person authorized by the 4177  
administrator, shall grant the binder upon submission of a request 4178  
for coverage by the employer. A binder is effective for a period 4179  
of thirty days from date of issuance and is nonrenewable. Payroll 4180  
reports and premium charges shall coincide with the effective date 4181  
of the binder. 4182

(13) Set standards for the reasonable and maximum handling 4183  
time of claims payment functions, ensure, by rules, the impartial 4184  
and prompt treatment of all claims and employer risk accounts, and 4185  
establish a secure, accurate method of time stamping all incoming 4186  
mail and documents hand delivered to bureau employees. 4187



(14) Ensure that all employees of the bureau follow the 4188  
orders and rules of the commission as such orders and rules relate 4189  
to the commission's overall adjudicatory policy-making and 4190  
management duties under this chapter and Chapters 4123., 4127., 4191  
and 4131. of the Revised Code. 4192

(15) Manage and operate a data processing system with a 4193  
common data base for the use of both the bureau and the commission 4194  
and, in consultation with the commission, using electronic data 4195  
processing equipment, shall develop a claims tracking system that 4196  
is sufficient to monitor the status of a claim at any time and 4197  
that lists appeals that have been filed and orders or 4198  
determinations that have been issued pursuant to section 4123.511 4199  
or 4123.512 of the Revised Code, including the dates of such 4200  
filings and issuances. 4201

(16) Establish and maintain a medical section within the 4202  
bureau. The medical section shall do all of the following: 4203

(a) Assist the administrator in establishing standard medical 4204  
fees, approving medical procedures, and determining eligibility 4205  
and reasonableness of the compensation payments for medical, 4206  
hospital, and nursing services, and in establishing guidelines for 4207  
payment policies which recognize usual, customary, and reasonable 4208  
methods of payment for covered services; 4209

(b) Provide a resource to respond to questions from claims 4210  
examiners for employees of the bureau; 4211

(c) Audit fee bill payments; 4212

(d) Implement a program to utilize, to the maximum extent 4213  
possible, electronic data processing equipment for storage of 4214  
information to facilitate authorizations of compensation payments 4215  
for medical, hospital, drug, and nursing services; 4216

(e) Perform other duties assigned to it by the administrator. 4217

(17) Appoint, as the administrator determines necessary, 4218  
panels to review and advise the administrator on disputes arising 4219  
over a determination that a health care service or supply provided 4220  
to a claimant is not covered under this chapter or Chapter 4123., 4221  
4127., or 4131. of the Revised Code or is medically unnecessary. 4222  
If an individual health care provider is involved in the dispute, 4223  
the panel shall consist of individuals licensed pursuant to the 4224  
same section of the Revised Code as such health care provider. 4225

(18) Pursuant to section 4123.65 of the Revised Code, approve 4226  
applications for the final settlement of claims for compensation 4227  
or benefits under this chapter and Chapters 4123., 4127., and 4228  
4131. of the Revised Code as the administrator determines 4229  
appropriate, except in regard to the applications of self-insuring 4230  
employers and their employees. 4231

(19) Comply with section 3517.13 of the Revised Code, and 4232  
except in regard to contracts entered into pursuant to the 4233  
authority contained in section 4121.44 of the Revised Code, comply 4234  
with the competitive bidding procedures set forth in the Revised 4235  
Code for all contracts into which the administrator enters 4236  
provided that those contracts fall within the type of contracts 4237  
and dollar amounts specified in the Revised Code for competitive 4238  
bidding and further provided that those contracts are not 4239  
otherwise specifically exempt from the competitive bidding 4240  
procedures contained in the Revised Code. 4241

(20) Adopt, with the advice and consent of the board, rules 4242  
for the operation of the bureau. 4243

(21) Prepare and submit to the board information the 4244  
administrator considers pertinent or the board requires, together 4245  
with the administrator's recommendations, in the form of 4246  
administrative rules, for the advice and consent of the board, for 4247  
the health partnership program and the qualified health plan 4248  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 4249

the Revised Code. 4250

(C) The administrator, with the advice and consent of the 4251  
senate, shall appoint a chief operating officer who has a minimum 4252  
of five years of experience in the field of workers' compensation 4253  
insurance or in another similar insurance industry if the 4254  
administrator does not possess such experience. The chief 4255  
operating officer shall not commence the chief operating officer's 4256  
duties until after the senate consents to the chief operating 4257  
officer's appointment. The chief operating officer shall serve in 4258  
the unclassified civil service of the state. 4259

**Sec. 4121.77.** The workers' compensation council shall appoint 4260  
a director to manage and direct the duties of the staff of the 4261  
council. The director shall serve at the pleasure of the council. 4262  
The director shall be a person who has had training and experience 4263  
in areas related to the duties of the council. 4264

The council may authorize the director to employ 4265  
professional, technical, and clerical staff as necessary, and 4266  
employ or hire on a consulting basis persons to provide actuarial, 4267  
legal, investment, or other technical services required for the 4268  
performance of the council's duties. All employees of the council 4269  
are in the unclassified civil service as described in section 4270  
124.11 of the Revised Code and the staff serve at the pleasure of 4271  
the director. For purposes of sections 718.04 and 4117.01 of the 4272  
Revised Code, employees of the council shall be considered 4273  
employees of the general assembly. 4274

The council shall fix the compensation of the director. The 4275  
director shall fix the compensation of all other employees of the 4276  
council and, notwithstanding section 124.18 of the Revised Code, 4277  
shall adopt policies relating to payment for overtime, granting of 4278  
compensatory time off, utilizing flexible hours, and working on 4279  
holidays and compensation for holiday work. 4280

The council may do any of the following: 4281

(A) Require the members of the industrial commission, bureau 4282  
of workers' compensation board of directors, workers' compensation 4283  
audit committee, workers' compensation actuarial committee, and 4284  
workers' compensation investment committee, the administrator of 4285  
workers' compensation, and employees of the industrial commission 4286  
and the bureau of workers' compensation, and any agency or 4287  
official of this state or its political subdivisions to provide 4288  
the council with any information necessary to carry out its 4289  
duties; 4290

(B) Administer oaths and hold public hearings at times and 4291  
places within the state as necessary to accomplish the purposes of 4292  
sections 4121.75 to ~~4121.79~~ 4121.78 of the Revised Code; 4293

(C) Establish regular reporting requirements for any report 4294  
that the chairperson of the industrial commission, chairperson of 4295  
the board, members of the committees specified in division (A) of 4296  
this section, and the administrator are required to submit to the 4297  
council; 4298

(D) Request that the auditor of state perform or contract for 4299  
the performance of a financial or special audit of the bureau; 4300

(E) Request that the auditor of state perform or contract for 4301  
the performance of a special or fiduciary audit of the workers' 4302  
compensation system. 4303

**Sec. 4123.341.** The administrative costs of the industrial 4304  
commission, ~~the workers' compensation council~~, the bureau of 4305  
workers' compensation board of directors, and the bureau of 4306  
workers' compensation shall be those costs and expenses that are 4307  
incident to the discharge of the duties and performance of the 4308  
activities of the industrial commission, ~~the council~~, the board, 4309  
and the bureau under this chapter and Chapters 4121., 4125., 4310

4127., 4131., and 4167. of the Revised Code, and all such costs 4311  
shall be borne by the state and by other employers amenable to 4312  
this chapter as follows: 4313

(A) In addition to the contribution required of the state 4314  
under sections 4123.39 and 4123.40 of the Revised Code, the state 4315  
shall contribute the sum determined to be necessary under section 4316  
4123.342 of the Revised Code. 4317

(B) The director of budget and management may allocate the 4318  
state's share of contributions in the manner the director finds 4319  
most equitably apportions the costs. 4320

(C) The counties and taxing districts therein shall 4321  
contribute such sum as may be required under section 4123.342 of 4322  
the Revised Code. 4323

(D) The private employers shall contribute the sum required 4324  
under section 4123.342 of the Revised Code. 4325

**Sec. 4123.342.** (A) The administrator of workers' compensation 4326  
shall allocate among counties and taxing districts therein as a 4327  
class, the state and its instrumentalities as a class, private 4328  
employers who are insured under the private fund as a class, and 4329  
self-insuring employers as a class their fair shares of the 4330  
administrative costs which are to be borne by such employers under 4331  
division (D) of section 4123.341 of the Revised Code, separately 4332  
allocating to each class those costs solely attributable to the 4333  
activities of the industrial commission, ~~those costs solely~~ 4334  
~~attributable to the activities of the workers' compensation~~ 4335  
~~council,~~ and those costs solely attributable to the activities of 4336  
the bureau of workers' compensation board of directors, and the 4337  
bureau of workers' compensation in respect of the class, 4338  
allocating to any combination of classes those costs attributable 4339  
to the activities of the industrial commission, ~~council,~~ board, or 4340  
bureau in respect of the classes, and allocating to all four 4341

classes those costs attributable to the activities of the 4342  
industrial commission, ~~council~~, board, and bureau in respect of 4343  
all classes. The administrator shall separately calculate each 4344  
employer's assessment in the class, except self-insuring 4345  
employers, on the basis of the following three factors: payroll, 4346  
paid compensation, and paid medical costs of the employer for 4347  
those costs solely attributable to the activities of the board and 4348  
the bureau. The administrator shall separately calculate each 4349  
employer's assessment in the class, except self-insuring 4350  
employers, on the basis of the following three factors: payroll, 4351  
paid compensation, and paid medical costs of the employer for 4352  
those costs solely attributable to the activities of the 4353  
industrial commission. ~~The administrator shall separately~~ 4354  
~~calculate each employer's assessment in the class, except~~ 4355  
~~self-insuring employers, on the basis of the following three~~ 4356  
~~factors: payroll, paid compensation, and paid medical costs of the~~ 4357  
~~employer for those costs solely attributable to the activities of~~ 4358  
~~the council.~~ The administrator shall separately calculate each 4359  
self-insuring employer's assessment in accordance with section 4360  
4123.35 of the Revised Code for those costs solely attributable to 4361  
the activities of the board and the bureau. The administrator 4362  
shall separately calculate each self-insuring employer's 4363  
assessment in accordance with section 4123.35 of the Revised Code 4364  
for those costs solely attributable to the activities of the 4365  
industrial commission. ~~The administrator shall separately~~ 4366  
~~calculate each self-insuring employer's assessment in accordance~~ 4367  
~~with section 4123.35 of the Revised Code for those costs solely~~ 4368  
~~attributable to the activities of the council.~~ In a timely manner, 4369  
the industrial commission shall provide to the administrator, the 4370  
information necessary for the administrator to allocate and 4371  
calculate, with the approval of the chairperson of the industrial 4372  
commission, for each class of employer as described in this 4373  
division, the costs solely attributable to the activities of the 4374

industrial commission. ~~In a timely manner, the director of the~~ 4375  
~~workers' compensation council shall submit to the administrator~~ 4376  
~~the information necessary for the administrator to allocate and~~ 4377  
~~calculate, with the approval of the director, for each class of~~ 4378  
~~employer as described in this division, the costs solely~~ 4379  
~~attributable to the activities of the council.~~ 4380

(B) The administrator shall divide the administrative cost 4381  
assessments collected by the administrator into ~~three~~ two 4382  
administrative assessment accounts within the state insurance 4383  
fund. One of the administrative assessment accounts shall consist 4384  
of the administrative cost assessment collected by the 4385  
administrator for the industrial commission. ~~One of the~~ 4386  
~~administrative assessment accounts shall consist of the~~ 4387  
~~administrative cost assessment collected by the administrator for~~ 4388  
~~the council.~~ One of the administrative assessment accounts shall 4389  
consist of the administrative cost assessments collected by the 4390  
administrator for the bureau and the board. The administrator may 4391  
invest the administrative cost assessments in these accounts on 4392  
behalf of the bureau, ~~the council,~~ and the industrial commission 4393  
as authorized in section 4123.44 of the Revised Code. In a timely 4394  
manner, the administrator shall provide to the industrial 4395  
commission ~~and the council~~ the information and reports the 4396  
commission ~~or council, as applicable,~~ deems necessary for the 4397  
commission ~~or the council, as applicable,~~ to monitor the receipts 4398  
and the disbursements from the administrative assessment account 4399  
for the industrial commission ~~or the administrative assessment~~ 4400  
~~account for the council, as applicable.~~ 4401

(C) The administrator or the administrator's designee shall 4402  
transfer moneys as necessary from the administrative assessment 4403  
account identified for the bureau and the board to the workers' 4404  
compensation fund for the use of the bureau and the board. As 4405  
necessary and upon the authorization of the industrial commission, 4406

the administrator or the administrator's designee shall transfer 4407  
moneys from the administrative assessment account identified for 4408  
the industrial commission to the industrial commission operating 4409  
fund created under section 4121.021 of the Revised Code. To the 4410  
extent that the moneys collected by the administrator in any 4411  
fiscal biennium of the state equal the sum appropriated by the 4412  
general assembly for administrative costs of the industrial 4413  
commission, board, and bureau for the biennium and the 4414  
~~administrative costs approved by the workers' compensation~~ 4415  
~~council~~, the moneys shall be paid into the workers' compensation 4416  
fund, the industrial commission operating fund of the state, ~~the~~ 4417  
~~workers' compensation council fund, and the workers' compensation~~ 4418  
~~council remuneration fund~~, as appropriate, and any remainder shall 4419  
be retained in those funds and applied to reduce the amount 4420  
collected during the next biennium. 4421

~~(D) As necessary and upon authorization of the director of 4422~~  
~~the council, the administrator or the administrator's designee 4423~~  
~~shall transfer moneys from the administrative assessment account 4424~~  
~~identified for the council to the workers' compensation council 4425~~  
~~fund created in division (C) of section 4121.79 of the Revised 4426~~  
~~Code. 4427~~

~~(E)~~ Sections 4123.41, 4123.35, and 4123.37 of the Revised 4428  
Code apply to the collection of assessments from public and 4429  
private employers respectively, except that for boards of county 4430  
hospital trustees that are self-insuring employers, only those 4431  
provisions applicable to the collection of assessments for private 4432  
employers apply. 4433

**Sec. 4123.35.** (A) Except as provided in this section, every 4434  
employer mentioned in division (B)(2) of section 4123.01 of the 4435  
Revised Code, and every publicly owned utility shall pay 4436  
semiannually in the months of January and July into the state 4437



insurance fund the amount of annual premium the administrator of 4438  
workers' compensation fixes for the employment or occupation of 4439  
the employer, the amount of which premium to be paid by each 4440  
employer to be determined by the classifications, rules, and rates 4441  
made and published by the administrator. The employer shall pay 4442  
semiannually a further sum of money into the state insurance fund 4443  
as may be ascertained to be due from the employer by applying the 4444  
rules of the administrator, and a receipt or certificate 4445  
certifying that payment has been made, along with a written notice 4446  
as is required in section 4123.54 of the Revised Code, shall be 4447  
mailed immediately to the employer by the bureau of workers' 4448  
compensation. The receipt or certificate is prima-facie evidence 4449  
of the payment of the premium, and the proper posting of the 4450  
notice constitutes the employer's compliance with the notice 4451  
requirement mandated in section 4123.54 of the Revised Code. 4452

The bureau of workers' compensation shall verify with the 4453  
secretary of state the existence of all corporations and 4454  
organizations making application for workers' compensation 4455  
coverage and shall require every such application to include the 4456  
employer's federal identification number. 4457

An employer as defined in division (B)(2) of section 4123.01 4458  
of the Revised Code who has contracted with a subcontractor is 4459  
liable for the unpaid premium due from any subcontractor with 4460  
respect to that part of the payroll of the subcontractor that is 4461  
for work performed pursuant to the contract with the employer. 4462

Division (A) of this section providing for the payment of 4463  
premiums semiannually does not apply to any employer who was a 4464  
subscriber to the state insurance fund prior to January 1, 1914, 4465  
or who may first become a subscriber to the fund in any month 4466  
other than January or July. Instead, the semiannual premiums shall 4467  
be paid by those employers from time to time upon the expiration 4468  
of the respective periods for which payments into the fund have 4469

been made by them. 4470

The administrator shall adopt rules to permit employers to 4471  
make periodic payments of the semiannual premium due under this 4472  
division. The rules shall include provisions for the assessment of 4473  
interest charges, where appropriate, and for the assessment of 4474  
penalties when an employer fails to make timely premium payments. 4475  
An employer who timely pays the amounts due under this division is 4476  
entitled to all of the benefits and protections of this chapter. 4477  
Upon receipt of payment, the bureau immediately shall mail a 4478  
receipt or certificate to the employer certifying that payment has 4479  
been made, which receipt is prima-facie evidence of payment. 4480  
Workers' compensation coverage under this chapter continues 4481  
uninterrupted upon timely receipt of payment under this division. 4482

Every public employer, except public employers that are 4483  
self-insuring employers under this section, shall comply with 4484  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 4485  
regard to the contribution of moneys to the public insurance fund. 4486

(B) Employers who will abide by the rules of the 4487  
administrator and who may be of sufficient financial ability to 4488  
render certain the payment of compensation to injured employees or 4489  
the dependents of killed employees, and the furnishing of medical, 4490  
surgical, nursing, and hospital attention and services and 4491  
medicines, and funeral expenses, equal to or greater than is 4492  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 4493  
to 4123.67 of the Revised Code, and who do not desire to insure 4494  
the payment thereof or indemnify themselves against loss sustained 4495  
by the direct payment thereof, upon a finding of such facts by the 4496  
administrator, may be granted the privilege to pay individually 4497  
compensation, and furnish medical, surgical, nursing, and hospital 4498  
services and attention and funeral expenses directly to injured 4499  
employees or the dependents of killed employees, thereby being 4500  
granted status as a self-insuring employer. The administrator may 4501

charge employers who apply for the status as a self-insuring 4502  
employer a reasonable application fee to cover the bureau's costs 4503  
in connection with processing and making a determination with 4504  
respect to an application. 4505

All employers granted status as self-insuring employers shall 4506  
demonstrate sufficient financial and administrative ability to 4507  
assure that all obligations under this section are promptly met. 4508  
The administrator shall deny the privilege where the employer is 4509  
unable to demonstrate the employer's ability to promptly meet all 4510  
the obligations imposed on the employer by this section. 4511

(1) The administrator shall consider, but is not limited to, 4512  
the following factors, where applicable, in determining the 4513  
employer's ability to meet all of the obligations imposed on the 4514  
employer by this section: 4515

(a) The employer employs a minimum of five hundred employees 4516  
in this state; 4517

(b) The employer has operated in this state for a minimum of 4518  
two years, provided that an employer who has purchased, acquired, 4519  
or otherwise succeeded to the operation of a business, or any part 4520  
thereof, situated in this state that has operated for at least two 4521  
years in this state, also shall qualify; 4522

(c) Where the employer previously contributed to the state 4523  
insurance fund or is a successor employer as defined by bureau 4524  
rules, the amount of the buyout, as defined by bureau rules; 4525

(d) The sufficiency of the employer's assets located in this 4526  
state to insure the employer's solvency in paying compensation 4527  
directly; 4528

(e) The financial records, documents, and data, certified by 4529  
a certified public accountant, necessary to provide the employer's 4530  
full financial disclosure. The records, documents, and data 4531  
include, but are not limited to, balance sheets and profit and 4532

loss history for the current year and previous four years. 4533

(f) The employer's organizational plan for the administration 4534  
of the workers' compensation law; 4535

(g) The employer's proposed plan to inform employees of the 4536  
change from a state fund insurer to a self-insuring employer, the 4537  
procedures the employer will follow as a self-insuring employer, 4538  
and the employees' rights to compensation and benefits; and 4539

(h) The employer has either an account in a financial 4540  
institution in this state, or if the employer maintains an account 4541  
with a financial institution outside this state, ensures that 4542  
workers' compensation checks are drawn from the same account as 4543  
payroll checks or the employer clearly indicates that payment will 4544  
be honored by a financial institution in this state. 4545

The administrator may waive the requirements of divisions 4546  
(B)(1)(a) and (b) of this section and the requirement of division 4547  
(B)(1)(e) of this section that the financial records, documents, 4548  
and data be certified by a certified public accountant. The 4549  
administrator shall adopt rules establishing the criteria that an 4550  
employer shall meet in order for the administrator to waive the 4551  
requirement of division (B)(1)(e) of this section. Such rules may 4552  
require additional security of that employer pursuant to division 4553  
(E) of section 4123.351 of the Revised Code. 4554

The administrator shall not grant the status of self-insuring 4555  
employer to the state, except that the administrator may grant the 4556  
status of self-insuring employer to a state institution of higher 4557  
education, excluding its hospitals, that meets the requirements of 4558  
division (B)(2) of this section. 4559

(2) When considering the application of a public employer, 4560  
except for a board of county commissioners described in division 4561  
(G) of section 4123.01 of the Revised Code, a board of a county 4562  
hospital, or a publicly owned utility, the administrator shall 4563

verify that the public employer satisfies all of the following 4564  
requirements as the requirements apply to that public employer: 4565

(a) For the two-year period preceding application under this 4566  
section, the public employer has maintained an unvoted debt 4567  
capacity equal to at least two times the amount of the current 4568  
annual premium established by the administrator under this chapter 4569  
for that public employer for the year immediately preceding the 4570  
year in which the public employer makes application under this 4571  
section. 4572

(b) For each of the two fiscal years preceding application 4573  
under this section, the unreserved and undesignated year-end fund 4574  
balance in the public employer's general fund is equal to at least 4575  
five per cent of the public employer's general fund revenues for 4576  
the fiscal year computed in accordance with generally accepted 4577  
accounting principles. 4578

(c) For the five-year period preceding application under this 4579  
section, the public employer, to the extent applicable, has 4580  
complied fully with the continuing disclosure requirements 4581  
established in rules adopted by the United States securities and 4582  
exchange commission under 17 C.F.R. 240.15c 2-12. 4583

(d) For the five-year period preceding application under this 4584  
section, the public employer has not had its local government fund 4585  
distribution withheld on account of the public employer being 4586  
indebted or otherwise obligated to the state. 4587

(e) For the five-year period preceding application under this 4588  
section, the public employer has not been under a fiscal watch or 4589  
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 4590  
of the Revised Code. 4591

(f) For the public employer's fiscal year preceding 4592  
application under this section, the public employer has obtained 4593  
an annual financial audit as required under section 117.10 of the 4594

Revised Code, which has been released by the auditor of state 4595  
within seven months after the end of the public employer's fiscal 4596  
year. 4597

(g) On the date of application, the public employer holds a 4598  
debt rating of Aa3 or higher according to Moody's investors 4599  
service, inc., or a comparable rating by an independent rating 4600  
agency similar to Moody's investors service, inc. 4601

(h) The public employer agrees to generate an annual 4602  
accumulating book reserve in its financial statements reflecting 4603  
an actuarially generated reserve adequate to pay projected claims 4604  
under this chapter for the applicable period of time, as 4605  
determined by the administrator. 4606

(i) For a public employer that is a hospital, the public 4607  
employer shall submit audited financial statements showing the 4608  
hospital's overall liquidity characteristics, and the 4609  
administrator shall determine, on an individual basis, whether the 4610  
public employer satisfies liquidity standards equivalent to the 4611  
liquidity standards of other public employers. 4612

(j) Any additional criteria that the administrator adopts by 4613  
rule pursuant to division (E) of this section. 4614

The administrator shall not approve the application of a 4615  
public employer, except for a board of county commissioners 4616  
described in division (G) of section 4123.01 of the Revised Code, 4617  
a board of a county hospital, or publicly owned utility, who does 4618  
not satisfy all of the requirements listed in division (B)(2) of 4619  
this section. 4620

(C) A board of county commissioners described in division (G) 4621  
of section 4123.01 of the Revised Code, as an employer, that will 4622  
abide by the rules of the administrator and that may be of 4623  
sufficient financial ability to render certain the payment of 4624  
compensation to injured employees or the dependents of killed 4625

employees, and the furnishing of medical, surgical, nursing, and 4626  
hospital attention and services and medicines, and funeral 4627  
expenses, equal to or greater than is provided for in sections 4628  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 4629  
Code, and that does not desire to insure the payment thereof or 4630  
indemnify itself against loss sustained by the direct payment 4631  
thereof, upon a finding of such facts by the administrator, may be 4632  
granted the privilege to pay individually compensation, and 4633  
furnish medical, surgical, nursing, and hospital services and 4634  
attention and funeral expenses directly to injured employees or 4635  
the dependents of killed employees, thereby being granted status 4636  
as a self-insuring employer. The administrator may charge a board 4637  
of county commissioners described in division (G) of section 4638  
4123.01 of the Revised Code that applies for the status as a 4639  
self-insuring employer a reasonable application fee to cover the 4640  
bureau's costs in connection with processing and making a 4641  
determination with respect to an application. All employers 4642  
granted such status shall demonstrate sufficient financial and 4643  
administrative ability to assure that all obligations under this 4644  
section are promptly met. The administrator shall deny the 4645  
privilege where the employer is unable to demonstrate the 4646  
employer's ability to promptly meet all the obligations imposed on 4647  
the employer by this section. The administrator shall consider, 4648  
but is not limited to, the following factors, where applicable, in 4649  
determining the employer's ability to meet all of the obligations 4650  
imposed on the board as an employer by this section: 4651

(1) The board as an employer employs a minimum of five 4652  
hundred employees in this state; 4653

(2) The board has operated in this state for a minimum of two 4654  
years; 4655

(3) Where the board previously contributed to the state 4656  
insurance fund or is a successor employer as defined by bureau 4657

rules, the amount of the buyout, as defined by bureau rules; 4658

(4) The sufficiency of the board's assets located in this 4659  
state to insure the board's solvency in paying compensation 4660  
directly; 4661

(5) The financial records, documents, and data, certified by 4662  
a certified public accountant, necessary to provide the board's 4663  
full financial disclosure. The records, documents, and data 4664  
include, but are not limited to, balance sheets and profit and 4665  
loss history for the current year and previous four years. 4666

(6) The board's organizational plan for the administration of 4667  
the workers' compensation law; 4668

(7) The board's proposed plan to inform employees of the 4669  
proposed self-insurance, the procedures the board will follow as a 4670  
self-insuring employer, and the employees' rights to compensation 4671  
and benefits; 4672

(8) The board has either an account in a financial 4673  
institution in this state, or if the board maintains an account 4674  
with a financial institution outside this state, ensures that 4675  
workers' compensation checks are drawn from the same account as 4676  
payroll checks or the board clearly indicates that payment will be 4677  
honored by a financial institution in this state; 4678

(9) The board shall provide the administrator a surety bond 4679  
in an amount equal to one hundred twenty-five per cent of the 4680  
projected losses as determined by the administrator. 4681

(D) The administrator shall require a surety bond from all 4682  
self-insuring employers, issued pursuant to section 4123.351 of 4683  
the Revised Code, that is sufficient to compel, or secure to 4684  
injured employees, or to the dependents of employees killed, the 4685  
payment of compensation and expenses, which shall in no event be 4686  
less than that paid or furnished out of the state insurance fund 4687  
in similar cases to injured employees or to dependents of killed 4688



employees whose employers contribute to the fund, except when an 4689  
employee of the employer, who has suffered the loss of a hand, 4690  
arm, foot, leg, or eye prior to the injury for which compensation 4691  
is to be paid, and thereafter suffers the loss of any other of the 4692  
members as the result of any injury sustained in the course of and 4693  
arising out of the employee's employment, the compensation to be 4694  
paid by the self-insuring employer is limited to the disability 4695  
suffered in the subsequent injury, additional compensation, if 4696  
any, to be paid by the bureau out of the surplus created by 4697  
section 4123.34 of the Revised Code. 4698

(E) In addition to the requirements of this section, the 4699  
administrator shall make and publish rules governing the manner of 4700  
making application and the nature and extent of the proof required 4701  
to justify a finding of fact by the administrator as to granting 4702  
the status of a self-insuring employer, which rules shall be 4703  
general in their application, one of which rules shall provide 4704  
that all self-insuring employers shall pay into the state 4705  
insurance fund such amounts as are required to be credited to the 4706  
surplus fund in division (B) of section 4123.34 of the Revised 4707  
Code. The administrator may adopt rules establishing requirements 4708  
in addition to the requirements described in division (B)(2) of 4709  
this section that a public employer shall meet in order to qualify 4710  
for self-insuring status. 4711

Employers shall secure directly from the bureau central 4712  
offices application forms upon which the bureau shall stamp a 4713  
designating number. Prior to submission of an application, an 4714  
employer shall make available to the bureau, and the bureau shall 4715  
review, the information described in division (B)(1) of this 4716  
section, and public employers shall make available, and the bureau 4717  
shall review, the information necessary to verify whether the 4718  
public employer meets the requirements listed in division (B)(2) 4719  
of this section. An employer shall file the completed application 4720

forms with an application fee, which shall cover the costs of 4721  
processing the application, as established by the administrator, 4722  
by rule, with the bureau at least ninety days prior to the 4723  
effective date of the employer's new status as a self-insuring 4724  
employer. The application form is not deemed complete until all 4725  
the required information is attached thereto. The bureau shall 4726  
only accept applications that contain the required information. 4727

(F) The bureau shall review completed applications within a 4728  
reasonable time. If the bureau determines to grant an employer the 4729  
status as a self-insuring employer, the bureau shall issue a 4730  
statement, containing its findings of fact, that is prepared by 4731  
the bureau and signed by the administrator. If the bureau 4732  
determines not to grant the status as a self-insuring employer, 4733  
the bureau shall notify the employer of the determination and 4734  
require the employer to continue to pay its full premium into the 4735  
state insurance fund. The administrator also shall adopt rules 4736  
establishing a minimum level of performance as a criterion for 4737  
granting and maintaining the status as a self-insuring employer 4738  
and fixing time limits beyond which failure of the self-insuring 4739  
employer to provide for the necessary medical examinations and 4740  
evaluations may not delay a decision on a claim. 4741

(G) The administrator shall adopt rules setting forth 4742  
procedures for auditing the program of self-insuring employers. 4743  
The bureau shall conduct the audit upon a random basis or whenever 4744  
the bureau has grounds for believing that a self-insuring employer 4745  
is not in full compliance with bureau rules or this chapter. 4746

The administrator shall monitor the programs conducted by 4747  
self-insuring employers, to ensure compliance with bureau 4748  
requirements and for that purpose, shall develop and issue to 4749  
self-insuring employers standardized forms for use by the 4750  
self-insuring employer in all aspects of the self-insuring 4751  
employers' direct compensation program and for reporting of 4752

information to the bureau. 4753

The bureau shall receive and transmit to the self-insuring 4754  
employer all complaints concerning any self-insuring employer. In 4755  
the case of a complaint against a self-insuring employer, the 4756  
administrator shall handle the complaint through the 4757  
self-insurance division of the bureau. The bureau shall maintain a 4758  
file by employer of all complaints received that relate to the 4759  
employer. The bureau shall evaluate each complaint and take 4760  
appropriate action. 4761

The administrator shall adopt as a rule a prohibition against 4762  
any self-insuring employer from harassing, dismissing, or 4763  
otherwise disciplining any employee making a complaint, which rule 4764  
shall provide for a financial penalty to be levied by the 4765  
administrator payable by the offending self-insuring employer. 4766

(H) For the purpose of making determinations as to whether to 4767  
grant status as a self-insuring employer, the administrator may 4768  
subscribe to and pay for a credit reporting service that offers 4769  
financial and other business information about individual 4770  
employers. The costs in connection with the bureau's subscription 4771  
or individual reports from the service about an applicant may be 4772  
included in the application fee charged employers under this 4773  
section. 4774

(I) The administrator, notwithstanding other provisions of 4775  
this chapter, may permit a self-insuring employer to resume 4776  
payment of premiums to the state insurance fund with appropriate 4777  
credit modifications to the employer's basic premium rate as such 4778  
rate is determined pursuant to section 4123.29 of the Revised 4779  
Code. 4780

(J) On the first day of July of each year, the administrator 4781  
shall calculate separately each self-insuring employer's 4782  
assessments for the safety and hygiene fund, administrative costs 4783

pursuant to section 4123.342 of the Revised Code, and for the 4784  
portion of the surplus fund under division (B) of section 4123.34 4785  
of the Revised Code that is not used for handicapped 4786  
reimbursement, on the basis of the paid compensation attributable 4787  
to the individual self-insuring employer according to the 4788  
following calculation: 4789

(1) The total assessment against all self-insuring employers 4790  
as a class for each fund and for the administrative costs for the 4791  
year that the assessment is being made, as determined by the 4792  
administrator, divided by the total amount of paid compensation 4793  
for the previous calendar year attributable to all amenable 4794  
self-insuring employers; 4795

(2) Multiply the quotient in division (J)(1) of this section 4796  
by the total amount of paid compensation for the previous calendar 4797  
year that is attributable to the individual self-insuring employer 4798  
for whom the assessment is being determined. Each self-insuring 4799  
employer shall pay the assessment that results from this 4800  
calculation, unless the assessment resulting from this calculation 4801  
falls below a minimum assessment, which minimum assessment the 4802  
administrator shall determine on the first day of July of each 4803  
year with the advice and consent of the bureau of workers' 4804  
compensation board of directors, in which event, the self-insuring 4805  
employer shall pay the minimum assessment. 4806

In determining the total amount due for the total assessment 4807  
against all self-insuring employers as a class for each fund and 4808  
the administrative assessment, the administrator shall reduce 4809  
proportionately the total for each fund and assessment by the 4810  
amount of money in the self-insurance assessment fund as of the 4811  
date of the computation of the assessment. 4812

The administrator shall calculate the assessment for the 4813  
portion of the surplus fund under division (B) of section 4123.34 4814  
of the Revised Code that is used for handicapped reimbursement in 4815

the same manner as set forth in divisions (J)(1) and (2) of this 4816  
section except that the administrator shall calculate the total 4817  
assessment for this portion of the surplus fund only on the basis 4818  
of those self-insuring employers that retain participation in the 4819  
handicapped reimbursement program and the individual self-insuring 4820  
employer's proportion of paid compensation shall be calculated 4821  
only for those self-insuring employers who retain participation in 4822  
the handicapped reimbursement program. The administrator, as the 4823  
administrator determines appropriate, may determine the total 4824  
assessment for the handicapped portion of the surplus fund in 4825  
accordance with sound actuarial principles. 4826

The administrator shall calculate the assessment for the 4827  
portion of the surplus fund under division (B) of section 4123.34 4828  
of the Revised Code that under division (D) of section 4121.66 of 4829  
the Revised Code is used for rehabilitation costs in the same 4830  
manner as set forth in divisions (J)(1) and (2) of this section, 4831  
except that the administrator shall calculate the total assessment 4832  
for this portion of the surplus fund only on the basis of those 4833  
self-insuring employers who have not made the election to make 4834  
payments directly under division (D) of section 4121.66 of the 4835  
Revised Code and an individual self-insuring employer's proportion 4836  
of paid compensation only for those self-insuring employers who 4837  
have not made that election. 4838

The administrator shall calculate the assessment for the 4839  
portion of the surplus fund under division (B) of section 4123.34 4840  
of the Revised Code that is used for reimbursement to a 4841  
self-insuring employer under division (H) of section 4123.512 of 4842  
the Revised Code in the same manner as set forth in divisions 4843  
(J)(1) and (2) of this section except that the administrator shall 4844  
calculate the total assessment for this portion of the surplus 4845  
fund only on the basis of those self-insuring employers that 4846  
retain participation in reimbursement to the self-insuring 4847

employer under division (H) of section 4123.512 of the Revised Code and the individual self-insuring employer's proportion of paid compensation shall be calculated only for those self-insuring employers who retain participation in reimbursement to the self-insuring employer under division (H) of section 4123.512 of the Revised Code.

An employer who no longer is a self-insuring employer in this state or who no longer is operating in this state, shall continue to pay assessments for administrative costs and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, based upon paid compensation attributable to claims that occurred while the employer was a self-insuring employer within this state.

~~(K) The administrator shall deposit any moneys received from a self-insuring employer for the self-insuring employer's assessment to pay the costs solely attributable to the workers' compensation council into the administrative assessment account described in division (B) of section 4123.342 of the Revised Code for the administrative cost assessment collected by the administrator for the council.~~ There is hereby created in the state treasury the self-insurance assessment fund. All investment earnings of the fund shall be deposited in the fund. The administrator shall use the money in the self-insurance assessment fund only for administrative costs as specified in section 4123.341 of the Revised Code.

(L) Every self-insuring employer shall certify, in affidavit form subject to the penalty for perjury, to the bureau the amount of the self-insuring employer's paid compensation for the previous calendar year. In reporting paid compensation paid for the previous year, a self-insuring employer shall exclude from the total amount of paid compensation any reimbursement the self-insuring employer receives in the previous calendar year from

the surplus fund pursuant to section 4123.512 of the Revised Code 4880  
for any paid compensation. The self-insuring employer also shall 4881  
exclude from the paid compensation reported any amount recovered 4882  
under section 4123.931 of the Revised Code and any amount that is 4883  
determined not to have been payable to or on behalf of a claimant 4884  
in any final administrative or judicial proceeding. The 4885  
self-insuring employer shall exclude such amounts from the paid 4886  
compensation reported in the reporting period subsequent to the 4887  
date the determination is made. The administrator shall adopt 4888  
rules, in accordance with Chapter 119. of the Revised Code, that 4889  
provide for all of the following: 4890

(1) Establishing the date by which self-insuring employers 4891  
must submit such information and the amount of the assessments 4892  
provided for in division (J) of this section for employers who 4893  
have been granted self-insuring status within the last calendar 4894  
year; 4895

(2) If an employer fails to pay the assessment when due, the 4896  
administrator may add a late fee penalty of not more than five 4897  
hundred dollars to the assessment plus an additional penalty 4898  
amount as follows: 4899

(a) For an assessment from sixty-one to ninety days past due, 4900  
the prime interest rate, multiplied by the assessment due; 4901

(b) For an assessment from ninety-one to one hundred twenty 4902  
days past due, the prime interest rate plus two per cent, 4903  
multiplied by the assessment due; 4904

(c) For an assessment from one hundred twenty-one to one 4905  
hundred fifty days past due, the prime interest rate plus four per 4906  
cent, multiplied by the assessment due; 4907

(d) For an assessment from one hundred fifty-one to one 4908  
hundred eighty days past due, the prime interest rate plus six per 4909  
cent, multiplied by the assessment due; 4910

(e) For an assessment from one hundred eighty-one to two hundred ten days past due, the prime interest rate plus eight per cent, multiplied by the assessment due;

(f) For each additional thirty-day period or portion thereof that an assessment remains past due after it has remained past due for more than two hundred ten days, the prime interest rate plus eight per cent, multiplied by the assessment due.

(3) An employer may appeal a late fee penalty and penalty assessment to the administrator.

For purposes of division (L)(2) of this section, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under section 929.02 of the Revised Code.

The administrator shall include any assessment and penalties that remain unpaid for previous assessment periods in the calculation and collection of any assessments due under this division or division (J) of this section.

(M) As used in this section, "paid compensation" means all amounts paid by a self-insuring employer for living maintenance benefits, all amounts for compensation paid pursuant to sections 4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 4123.64 of the Revised Code, all amounts paid as wages in lieu of such compensation, all amounts paid in lieu of such compensation under a nonoccupational accident and sickness program fully funded by the self-insuring employer, and all amounts paid by a self-insuring employer for a violation of a specific safety standard pursuant to Section 35 of Article II, Ohio Constitution and section 4121.47 of the Revised Code.

(N) Should any section of this chapter or Chapter 4121. of the Revised Code providing for self-insuring employers'



assessments based upon compensation paid be declared 4942  
unconstitutional by a final decision of any court, then that 4943  
section of the Revised Code declared unconstitutional shall revert 4944  
back to the section in existence prior to November 3, 1989, 4945  
providing for assessments based upon payroll. 4946

(O) The administrator may grant a self-insuring employer the 4947  
privilege to self-insure a construction project entered into by 4948  
the self-insuring employer that is scheduled for completion within 4949  
six years after the date the project begins, and the total cost of 4950  
which is estimated to exceed one hundred million dollars or, for 4951  
employers described in division (R) of this section, if the 4952  
construction project is estimated to exceed twenty-five million 4953  
dollars. The administrator may waive such cost and time criteria 4954  
and grant a self-insuring employer the privilege to self-insure a 4955  
construction project regardless of the time needed to complete the 4956  
construction project and provided that the cost of the 4957  
construction project is estimated to exceed fifty million dollars. 4958  
A self-insuring employer who desires to self-insure a construction 4959  
project shall submit to the administrator an application listing 4960  
the dates the construction project is scheduled to begin and end, 4961  
the estimated cost of the construction project, the contractors 4962  
and subcontractors whose employees are to be self-insured by the 4963  
self-insuring employer, the provisions of a safety program that is 4964  
specifically designed for the construction project, and a 4965  
statement as to whether a collective bargaining agreement 4966  
governing the rights, duties, and obligations of each of the 4967  
parties to the agreement with respect to the construction project 4968  
exists between the self-insuring employer and a labor 4969  
organization. 4970

A self-insuring employer may apply to self-insure the 4971  
employees of either of the following: 4972

(1) All contractors and subcontractors who perform labor or 4973

work or provide materials for the construction project; 4974

(2) All contractors and, at the administrator's discretion, a 4975  
substantial number of all the subcontractors who perform labor or 4976  
work or provide materials for the construction project. 4977

Upon approval of the application, the administrator shall 4978  
mail a certificate granting the privilege to self-insure the 4979  
construction project to the self-insuring employer. The 4980  
certificate shall contain the name of the self-insuring employer 4981  
and the name, address, and telephone number of the self-insuring 4982  
employer's representatives who are responsible for administering 4983  
workers' compensation claims for the construction project. The 4984  
self-insuring employer shall post the certificate in a conspicuous 4985  
place at the site of the construction project. 4986

The administrator shall maintain a record of the contractors 4987  
and subcontractors whose employees are covered under the 4988  
certificate issued to the self-insured employer. A self-insuring 4989  
employer immediately shall notify the administrator when any 4990  
contractor or subcontractor is added or eliminated from inclusion 4991  
under the certificate. 4992

Upon approval of the application, the self-insuring employer 4993  
is responsible for the administration and payment of all claims 4994  
under this chapter and Chapter 4121. of the Revised Code for the 4995  
employees of the contractor and subcontractors covered under the 4996  
certificate who receive injuries or are killed in the course of 4997  
and arising out of employment on the construction project, or who 4998  
contract an occupational disease in the course of employment on 4999  
the construction project. For purposes of this chapter and Chapter 5000  
4121. of the Revised Code, a claim that is administered and paid 5001  
in accordance with this division is considered a claim against the 5002  
self-insuring employer listed in the certificate. A contractor or 5003  
subcontractor included under the certificate shall report to the 5004  
self-insuring employer listed in the certificate, all claims that 5005

arise under this chapter and Chapter 4121. of the Revised Code in 5006  
connection with the construction project for which the certificate 5007  
is issued. 5008

A self-insuring employer who complies with this division is 5009  
entitled to the protections provided under this chapter and 5010  
Chapter 4121. of the Revised Code with respect to the employees of 5011  
the contractors and subcontractors covered under a certificate 5012  
issued under this division for death or injuries that arise out 5013  
of, or death, injuries, or occupational diseases that arise in the 5014  
course of, those employees' employment on that construction 5015  
project, as if the employees were employees of the self-insuring 5016  
employer, provided that the self-insuring employer also complies 5017  
with this section. No employee of the contractors and 5018  
subcontractors covered under a certificate issued under this 5019  
division shall be considered the employee of the self-insuring 5020  
employer listed in that certificate for any purposes other than 5021  
this chapter and Chapter 4121. of the Revised Code. Nothing in 5022  
this division gives a self-insuring employer authority to control 5023  
the means, manner, or method of employment of the employees of the 5024  
contractors and subcontractors covered under a certificate issued 5025  
under this division. 5026

The contractors and subcontractors included under a 5027  
certificate issued under this division are entitled to the 5028  
protections provided under this chapter and Chapter 4121. of the 5029  
Revised Code with respect to the contractor's or subcontractor's 5030  
employees who are employed on the construction project which is 5031  
the subject of the certificate, for death or injuries that arise 5032  
out of, or death, injuries, or occupational diseases that arise in 5033  
the course of, those employees' employment on that construction 5034  
project. 5035

The contractors and subcontractors included under a 5036  
certificate issued under this division shall identify in their 5037

payroll records the employees who are considered the employees of 5038  
the self-insuring employer listed in that certificate for purposes 5039  
of this chapter and Chapter 4121. of the Revised Code, and the 5040  
amount that those employees earned for employment on the 5041  
construction project that is the subject of that certificate. 5042  
Notwithstanding any provision to the contrary under this chapter 5043  
and Chapter 4121. of the Revised Code, the administrator shall 5044  
exclude the payroll that is reported for employees who are 5045  
considered the employees of the self-insuring employer listed in 5046  
that certificate, and that the employees earned for employment on 5047  
the construction project that is the subject of that certificate, 5048  
when determining those contractors' or subcontractors' premiums or 5049  
assessments required under this chapter and Chapter 4121. of the 5050  
Revised Code. A self-insuring employer issued a certificate under 5051  
this division shall include in the amount of paid compensation it 5052  
reports pursuant to division (L) of this section, the amount of 5053  
paid compensation the self-insuring employer paid pursuant to this 5054  
division for the previous calendar year. 5055

Nothing in this division shall be construed as altering the 5056  
rights of employees under this chapter and Chapter 4121. of the 5057  
Revised Code as those rights existed prior to September 17, 1996. 5058  
Nothing in this division shall be construed as altering the rights 5059  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 5060  
those rights existed prior to September 17, 1996. 5061

As used in this division, "privilege to self-insure a 5062  
construction project" means privilege to pay individually 5063  
compensation, and to furnish medical, surgical, nursing, and 5064  
hospital services and attention and funeral expenses directly to 5065  
injured employees or the dependents of killed employees. 5066

(P) A self-insuring employer whose application is granted 5067  
under division (O) of this section shall designate a safety 5068  
professional to be responsible for the administration and 5069

enforcement of the safety program that is specifically designed 5070  
for the construction project that is the subject of the 5071  
application. 5072

A self-insuring employer whose application is granted under 5073  
division (O) of this section shall employ an ombudsperson for the 5074  
construction project that is the subject of the application. The 5075  
ombudsperson shall have experience in workers' compensation or the 5076  
construction industry, or both. The ombudsperson shall perform all 5077  
of the following duties: 5078

(1) Communicate with and provide information to employees who 5079  
are injured in the course of, or whose injury arises out of 5080  
employment on the construction project, or who contract an 5081  
occupational disease in the course of employment on the 5082  
construction project; 5083

(2) Investigate the status of a claim upon the request of an 5084  
employee to do so; 5085

(3) Provide information to claimants, third party 5086  
administrators, employers, and other persons to assist those 5087  
persons in protecting their rights under this chapter and Chapter 5088  
4121. of the Revised Code. 5089

A self-insuring employer whose application is granted under 5090  
division (O) of this section shall post the name of the safety 5091  
professional and the ombudsperson and instructions for contacting 5092  
the safety professional and the ombudsperson in a conspicuous 5093  
place at the site of the construction project. 5094

(Q) The administrator may consider all of the following when 5095  
deciding whether to grant a self-insuring employer the privilege 5096  
to self-insure a construction project as provided under division 5097  
(O) of this section: 5098

(1) Whether the self-insuring employer has an organizational 5099  
plan for the administration of the workers' compensation law; 5100

(2) Whether the safety program that is specifically designed for the construction project provides for the safety of employees employed on the construction project, is applicable to all contractors and subcontractors who perform labor or work or provide materials for the construction project, and has as a component, a safety training program that complies with standards adopted pursuant to the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing management and employee involvement;

(3) Whether granting the privilege to self-insure the construction project will reduce the costs of the construction project;

(4) Whether the self-insuring employer has employed an ombudsperson as required under division (P) of this section;

(5) Whether the self-insuring employer has sufficient surety to secure the payment of claims for which the self-insuring employer would be responsible pursuant to the granting of the privilege to self-insure a construction project under division (O) of this section.

(R) As used in divisions (O), (P), and (Q), "self-insuring employer" includes the following employers, whether or not they have been granted the status of being a self-insuring employer under division (B) of this section:

(1) A state institution of higher education;

(2) A school district;

(3) A county school financing district;

(4) An educational service center;

(5) A community school established under Chapter 3314. of the Revised Code;

(6) A municipal power agency as defined in section 3734.058

of the Revised Code. 5131

(S) As used in this section: 5132

(1) "Unvoted debt capacity" means the amount of money that a 5133  
public employer may borrow without voter approval of a tax levy; 5134

(2) "State institution of higher education" means the state 5135  
universities listed in section 3345.011 of the Revised Code, 5136  
community colleges created pursuant to Chapter 3354. of the 5137  
Revised Code, university branches created pursuant to Chapter 5138  
3355. of the Revised Code, technical colleges created pursuant to 5139  
Chapter 3357. of the Revised Code, and state community colleges 5140  
created pursuant to Chapter 3358. of the Revised Code. 5141

**Sec. 4169.02.** (A) ~~For the purposes of regulating~~ The division 5142  
of labor in the department of commerce shall regulate the 5143  
construction, maintenance, mechanical operation, and inspection of 5144  
passenger tramways that are associated with ski areas and ~~of~~ 5145  
~~registering shall register~~ operators of passenger tramways in this 5146  
state, ~~there is hereby established in the division of labor in the~~ 5147  
~~department of commerce a ski tramway board to be appointed by the~~ 5148  
~~governor, with the advice and consent of the senate. The board~~ 5149  
~~shall consist of three members, one of whom shall be a public~~ 5150  
~~member who is an experienced skier and familiar with ski areas in~~ 5151  
~~this state, one of whom shall be a ski area operator actively~~ 5152  
~~engaged in the business of recreational skiing in this state, and~~ 5153  
~~one of whom shall be a professional engineer who is knowledgeable~~ 5154  
~~in the design or operation of passenger tramways.~~ 5155

~~Of the initial appointments, one member shall be appointed~~ 5156  
~~for a term of one year, one for a term of two years, and one for a~~ 5157  
~~term of three years. The member appointed to the term beginning on~~ 5158  
~~July 1, 1996, shall be appointed to a term ending on June 30,~~ 5159  
~~1997; the member appointed to a term beginning on July 1, 1997,~~ 5160  
~~shall be appointed to a term ending on June 30, 1999; and the~~ 5161

~~member appointed to a term beginning on July 1, 1998, shall be 5162  
appointed to a term ending on June 30, 2001. Thereafter, each of 5163  
the members shall be appointed for a term of six years. Each 5164  
member shall hold office from the date of appointment until the 5165  
end of the term for which the member was appointed. In the event 5166  
of a vacancy, the governor, with the advice and consent of the 5167  
senate, shall appoint a successor who shall hold office for the 5168  
remainder of the term for which the successor's predecessor was 5169  
appointed. A member shall continue in office subsequent to the 5170  
expiration date of the member's term until the member's successor 5171  
takes office or until a period of sixty days has elapsed, 5172  
whichever occurs first. The board shall elect a chairperson from 5173  
its members. 5174~~

~~The governor may remove any member of the board at any time 5175  
for misfeasance, nonfeasance, or malfeasance in office after 5176  
giving the member a copy of the charges against the member and an 5177  
opportunity to be heard publicly in person or by counsel in the 5178  
member's defense. Any such act of removal by the governor is 5179  
final. A statement of the findings of the governor, the reason for 5180  
the governor's action, and the answer, if any, of the member shall 5181  
be filed by the governor with the secretary of state and shall be 5182  
open to public inspection. 5183~~

~~Members of the board shall be paid two hundred fifty dollars 5184  
for each meeting that the member attends, except that no member 5185  
shall be paid or receive more than seven hundred fifty dollars for 5186  
attending meetings during any calendar year. Each member shall be 5187  
reimbursed for the member's actual and necessary expenses incurred 5188  
in the performance of official board duties. The chairperson shall 5189  
be paid two hundred fifty dollars annually in addition to any 5190  
compensation the chairperson receives under this division for 5191  
attending meetings and any other compensation the chairperson 5192  
receives for serving on the board. 5193~~



~~The division shall provide the board with such offices and such clerical, professional, and other assistance as may be reasonably necessary for the board to carry on its work. The division shall maintain accurate copies of the ~~board's~~ rules as promulgated in accordance with division (B) of this section and shall keep all of the ~~board's~~ records, including business records, and inspection reports as well as its own records and reports. The cost of administering the board and conducting inspections shall be included in the budget of the division based on revenues generated by the registration fees established under section 4169.03 of the Revised Code.~~

(B) In accordance with Chapter 119. of the Revised Code, the ~~board~~ division shall adopt and may amend or rescind rules relating to public safety in the construction, maintenance, mechanical operation, and inspection of passenger tramways. The rules shall be in accordance with established standards in the business of ski area operation, if any, and shall not discriminate in their application to ski area operators.

No person shall violate the rules of the ~~board~~ division.

(C) The authority of the ~~board~~ division shall not extend to any matter relative to the operation of a ski area other than the construction, maintenance, mechanical operation, and inspection of passenger tramways.

~~(D) A majority of the board constitutes a quorum and may perform and exercise all the duties and powers devolving upon the board.~~

**Sec. 4169.03.** (A) Before a passenger tramway operator may operate any passenger tramway in the state, the operator shall apply to the ~~ski tramway board~~ division of labor in the department of commerce, on forms prepared by it, for registration by the ~~board~~ division. The application shall contain an inventory of the

passenger tramways that the applicant intends to operate and other 5225  
information as the ~~board~~ division may reasonably require and shall 5226  
be accompanied by the following annual fees: 5227

- (1) Each aerial passenger tramway, five hundred dollars; 5228
- (2) Each skimobile, two hundred dollars; 5229
- (3) Each chair lift, two hundred dollars; 5230
- (4) Each J bar, T bar, or platter pull, one hundred dollars; 5231
- (5) Each rope tow, fifty dollars; 5232
- (6) Each wire rope tow, seventy-five dollars; 5233
- (7) Each conveyor, one hundred dollars. 5234

When an operator operates an aerial passenger tramway, a 5235  
skimobile, or a chair lift during both a winter and summer season, 5236  
the annual fee shall be one and one-half the above amount for the 5237  
respective passenger tramway. 5238

(B) Upon payment of the appropriate annual fees in accordance 5239  
with division (A) of this section, the ~~board~~ division shall issue 5240  
a registration certificate to the operator. Each certificate shall 5241  
remain in force until the thirtieth day of September next ensuing. 5242  
The ~~board~~ division shall renew an operator's certificate in 5243  
accordance with the standard renewal procedure in Chapter 4745. of 5244  
the Revised Code upon payment of the appropriate annual fees. 5245

(C) Money received from the registration fees and from the 5246  
fines collected pursuant to section 4169.99 of the Revised Code 5247  
shall be paid into the state treasury to the credit of the labor 5248  
operating fund created in section 121.084 of the Revised Code. 5249

(D) No person shall operate a passenger tramway in this state 5250  
unless the person has been registered by the ~~board~~ division. 5251

**Sec. 4169.04.** (A) The division of labor in the department of 5252  
commerce shall make such inspection of the construction, 5253

maintenance, and mechanical operation of passenger tramways as ~~the~~ 5254  
~~ski tramway board may~~ reasonably ~~require~~ required. The division 5255  
may contract with other qualified engineers to make such 5256  
inspection or may accept the inspection report by any qualified 5257  
inspector of an insurance company authorized to insure passenger 5258  
tramways in this state. 5259

(B) If, as the result of an inspection, an employee of the 5260  
division or other agent with whom the division has contracted 5261  
finds that a violation of the ~~board's~~ division's rules exists or a 5262  
condition in passenger tramway construction, maintenance, or 5263  
mechanical operation exists that endangers public safety, the 5264  
employee or agent shall make an immediate report to the ~~board~~ 5265  
division for appropriate investigation and order. 5266

**Sec. 4169.05.** Any person may make a written complaint to the 5267  
~~ski tramway board~~ division of labor of the department of commerce 5268  
setting forth an alleged violation of the ~~board's~~ division's rules 5269  
by a registered passenger tramway operator or a condition in 5270  
passenger tramway construction, maintenance, or mechanical 5271  
operation that allegedly endangers public safety. The ~~board~~ 5272  
division shall forward a copy of the complaint to the operator 5273  
named in it and may accompany it with an order that requires the 5274  
operator to answer the complaint in writing within a specified 5275  
period of time. The ~~board~~ division may investigate the complaint 5276  
if it determines that there are reasonable grounds for such an 5277  
investigation. 5278

**Sec. 4169.06.** (A) When facts are presented to ~~any member of~~ 5279  
~~the ski tramway board~~ the division of labor in the department of 5280  
commerce that indicate that immediate danger exists in the 5281  
continued operation of a passenger tramway, ~~any member of~~ the 5282  
~~board~~ division, after such verification of the facts as is 5283  
practical under the circumstances and consistent with immediate 5284

public safety, may by an emergency written order require the 5285  
operator of the tramway to cease using the tramway immediately for 5286  
the transportation of passengers. Any person may serve notice on 5287  
the operator or the operator's agent who is in immediate control 5288  
of the tramway by delivering a true and attested copy of the 5289  
order, and the operator or the operator's agent shall furnish 5290  
proof of receipt of such notice by signing an affidavit on the 5291  
back of the copy of the order. The emergency order shall be 5292  
effective for a period not to exceed forty-eight hours from the 5293  
time of notification. 5294

(B) Immediately after the issuance of an emergency order 5295  
pursuant to this section, the ~~board~~ division shall investigate the 5296  
facts of the case. If the ~~board~~ division finds that a violation of 5297  
any of its rules exists or that a condition in passenger tramway 5298  
construction, maintenance, or mechanical operation exists that 5299  
endangers public safety, it shall issue a written order setting 5300  
forth its findings and the corrective action to be taken and 5301  
fixing a reasonable time for compliance. 5302

(C) After an investigation pursuant to division (B) of this 5303  
section, if the ~~board~~ division determines that danger to public 5304  
safety exists in the continued operation of a passenger tramway, 5305  
it shall so state in the order, describe in detail the basis for 5306  
its findings, and in the order may require the operator not to 5307  
operate the tramway until the operator has taken the corrective 5308  
action ordered pursuant to this section. If the operator continues 5309  
to use the tramway following receipt of such order, the ~~board~~ 5310  
division may request the court of common pleas having jurisdiction 5311  
in the county where the tramway is located to issue an injunction 5312  
forbidding operation of the tramway. 5313

(D) An operator of a passenger tramway may request a hearing 5314  
by the ~~board~~ division on any order issued pursuant to this chapter 5315  
and may appeal the results of such a hearing in accordance with 5316

Chapter 119. of the Revised Code. An operator may appeal an order 5317  
suspending the operation of the operator's tramway without first 5318  
requesting a hearing. 5319

(E) If an operator fails to comply with an order of the ~~board~~ 5320  
division issued pursuant to this chapter within the specified 5321  
time, the ~~board~~ division may suspend the registration certificate 5322  
of the operator for such time as it considers necessary to gain 5323  
compliance with its order. 5324

No operator shall operate a passenger tramway while the 5325  
operator's registration certificate is under suspension by the 5326  
~~board~~ division. 5327

**Sec. 4503.52.** (A) The owner or lessee of any passenger car, 5328  
noncommercial motor vehicle, recreational vehicle, or other 5329  
vehicle of a class approved by the registrar of motor vehicles may 5330  
apply to the registrar for the registration of the vehicle and 5331  
issuance of Lake Erie license plates. The application for Lake 5332  
Erie license plates may be combined with a request for a special 5333  
reserved license plate under section 4503.40 or 4503.42 of the 5334  
Revised Code. Upon receipt of the completed application and 5335  
compliance with division (B) of this section, the registrar shall 5336  
issue to the applicant the appropriate vehicle registration and a 5337  
set of Lake Erie license plates with a validation sticker or a 5338  
validation sticker alone when required by section 4503.191 of the 5339  
Revised Code. 5340

In addition to the letters and numbers ordinarily inscribed 5341  
thereon, Lake Erie license plates shall be inscribed with 5342  
identifying words or markings designed by the ~~Ohio Lake Erie~~ great 5343  
lakes state commission and approved by the registrar. Lake Erie 5344  
license plates shall bear county identification stickers that 5345  
identify the county of registration by name or number. 5346

(B) The Lake Erie license plates and validation sticker shall 5347

be issued upon receipt of a contribution as provided in division 5348  
(C) of this section and upon payment of the regular license fees 5349  
as prescribed under section 4503.04 of the Revised Code, a fee not 5350  
to exceed ten dollars for the purpose of compensating the bureau 5351  
of motor vehicles for additional services required in the issuing 5352  
of the Lake Erie license plates, any applicable motor vehicle tax 5353  
levied under Chapter 4504. of the Revised Code, and compliance 5354  
with all other applicable laws relating to the registration of 5355  
motor vehicles. If the application for Lake Erie license plates is 5356  
combined with a request for a special reserved license plate under 5357  
section 4503.40 or 4503.42 of the Revised Code, the license plate 5358  
and validation sticker shall be issued upon payment of the 5359  
contribution, fees, and taxes contained in this division and the 5360  
additional fee prescribed under section 4503.40 or 4503.42 of the 5361  
Revised Code. 5362

(C) For each application for registration and registration 5363  
renewal received under this section, the registrar shall collect a 5364  
contribution in an amount not to exceed forty dollars as 5365  
determined by the ~~Ohio Lake Erie~~ great lakes state commission. The 5366  
registrar shall transmit this contribution to the treasurer of 5367  
state for deposit in the Lake Erie protection fund created in 5368  
section ~~1506.23~~ 6161.05 of the Revised Code. 5369

The registrar shall deposit the additional fee not to exceed 5370  
ten dollars specified in division (B) of this section that the 5371  
applicant for registration voluntarily pays for the purpose of 5372  
compensating the bureau for the additional services required in 5373  
the issuing of the Lake Erie license plates in the state bureau of 5374  
motor vehicles fund created in section 4501.25 of the Revised 5375  
Code. 5376

**Sec. 4503.77.** (A) As used in this section: 5377

(1) "Nonstandard license plate" means all of the following: 5378

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code;

(b) A license plate issued under a program that is reestablished under division (D) of this section and that meets the requirements contained in division (B) of section 4503.78 of the Revised Code;

(c) Except as may otherwise be specifically provided by law, any license plate created after August 21, 1997.

(2) For purposes of license plates issued under sections 4503.503 and 4503.504 of the Revised Code, "sponsor" includes the ~~Ohio agriculture license plate scholarship fund board created in section 901.90 of the Revised Code and the~~ director of agriculture.

(B)(1) If, during any calendar year commencing with 1998, the total number of motor vehicle registrations involving a particular type of nonstandard license plate is less than five hundred, including both new registrations and registration renewals, the registrar of motor vehicles, on or after the first day of January, but not later than the fifteenth day of January of the following year, shall send a written notice to the sponsor of that type of nonstandard license plate, if a sponsor exists, informing the sponsor of this fact. The registrar also shall inform the sponsor that if, during the calendar year in which the written notice is sent, the total number of motor vehicle registrations involving the sponsor's nonstandard license plate again is less than five hundred, the program involving that type of nonstandard license plate will be terminated on the thirty-first day of December of the calendar year in which the written notice is sent and, except as provided in division (C) of this section, no motor vehicle registration application involving either the actual issuance of that type of nonstandard license plate or the registration renewal

of a motor vehicle displaying that type of nonstandard license 5411  
plate will be accepted by the registrar or a deputy registrar 5412  
beginning the first day of January of the next calendar year. The 5413  
registrar also shall inform the sponsor that if the program 5414  
involving the sponsor's nonstandard license plate is terminated 5415  
under this section, it may be reestablished pursuant to division 5416  
(D) of this section. 5417

(2) If, during any calendar year commencing with 1998, the 5418  
total number of motor vehicle registrations involving a particular 5419  
type of nonstandard license plate is less than five hundred, 5420  
including both new registrations and registration renewals, and no 5421  
sponsor exists for that license plate, the registrar shall issue a 5422  
public notice on or after the first day of January, but not later 5423  
than the fifteenth day of January of the following year, stating 5424  
that fact. The notice also shall inform the public that if, during 5425  
the calendar year in which the registrar issues the public notice, 5426  
the total number of motor vehicle registrations for that type of 5427  
nonstandard license plate, including both new registrations and 5428  
registration renewals, again is less than five hundred, the 5429  
program involving that type of nonstandard license plate will be 5430  
terminated on the thirty-first day of December of the calendar 5431  
year in which the registrar issues the public notice and, except 5432  
as provided in division (C) of this section, no motor vehicle 5433  
registration application involving either the actual issuance of 5434  
that type of nonstandard license plate or the registration renewal 5435  
of a motor vehicle displaying that type of nonstandard license 5436  
plate will be accepted by the registrar or a deputy registrar 5437  
beginning on the first day of January of the next calendar year. 5438

(C) If the program involving a type of nonstandard license 5439  
plate is terminated under division (B) of this section, the 5440  
registration of any motor vehicle displaying that type of 5441  
nonstandard license plate at the time of termination may be 5442



renewed so long as the nonstandard license plates remain 5443  
serviceable. If the nonstandard license plates of such a motor 5444  
vehicle become unfit for service, the owner of the motor vehicle 5445  
may apply for the issuance of nonstandard license plates of that 5446  
same type, but the registrar or deputy registrar shall issue such 5447  
nonstandard license plates only if at the time of application the 5448  
stock of the bureau contains license plates of that type of 5449  
nonstandard license plate. If, at the time of such application, 5450  
the stock of the bureau does not contain license plates of that 5451  
type of nonstandard license plate, the registrar or deputy 5452  
registrar shall inform the owner of that fact, and the application 5453  
shall be refused. 5454

If the program involving a type of nonstandard license plate 5455  
is terminated under division (B) of this section and the 5456  
registration of motor vehicles displaying such license plates 5457  
continues as permitted by this division, the registrar, for as 5458  
long as such registrations continue to be issued, shall continue 5459  
to collect and distribute any contribution that was required to be 5460  
collected and distributed prior to the termination of that 5461  
program. 5462

(D) If the program involving a nonstandard license plate is 5463  
terminated under division (B)(1) of this section, the sponsor of 5464  
that license plate may apply to the registrar for the 5465  
reestablishment of the program. If the program involving that 5466  
nonstandard license plate is reestablished, the reestablishment is 5467  
subject to division (B) of section 4503.78 of the Revised Code. 5468

**Sec. 4723.61.** As used in this section and in sections ~~4723.62~~ 5469  
4723.63 to 4723.69 of the Revised Code: 5470

(A) "Medication" means a drug, as defined in section 4729.01 5471  
of the Revised Code. 5472

(B) "Medication error" means a failure to follow the 5473

prescriber's instructions when administering a prescription 5474  
medication. 5475

(C) "Nursing home" and "residential care facility" have the 5476  
same meanings as in section 3721.01 of the Revised Code. 5477

(D) "Prescription medication" means a medication that may be 5478  
dispensed only pursuant to a prescription. 5479

(E) "Prescriber" and "prescription" have the same meanings as 5480  
in section 4729.01 of the Revised Code. 5481

**Sec. 4723.63.** (A) ~~In consultation with the medication aide 5482  
advisory council established under section 4723.62 of the Revised 5483  
Code, the~~ The board of nursing shall conduct a pilot program for 5484  
the use of medication aides in nursing homes and residential care 5485  
facilities. The board shall conduct the pilot program in a manner 5486  
consistent with human protection and other ethical concerns 5487  
typically associated with research studies involving live 5488  
subjects. The pilot program shall be commenced not later than May 5489  
1, 2006, and shall end on the thirty-first day after the report 5490  
required by division (F)(2) of this section is submitted in 5491  
accordance with that division. 5492

During the period the pilot program is conducted, a nursing 5493  
home or residential care facility participating in the pilot 5494  
program may use one or more medication aides to administer 5495  
prescription medications to its residents, subject to all of the 5496  
following conditions: 5497

(1) Each individual used as a medication aide must hold a 5498  
current, valid medication aide certificate issued by the board of 5499  
nursing under this chapter. 5500

(2) The nursing home or residential care facility shall 5501  
ensure that the requirements of section 4723.67 of the Revised 5502  
Code are met. 5503

(3) The nursing home or residential care facility shall 5504  
submit to the board, not later than the thirty-first day after the 5505  
day the board makes its request under division (F)(1)(a) of this 5506  
section, the data required by division (F)(1)(a) of this section. 5507

(B) The board, ~~in consultation with the medication aide 5508~~  
~~advisory council~~, shall do all of the following not later than 5509  
February 1, 2006: 5510

(1) Design the pilot program; 5511

(2) Establish standards to govern medication aides and the 5512  
nursing homes and residential care facilities participating in the 5513  
pilot program, including standards for the training of medication 5514  
aides and the staff of participating nursing homes and residential 5515  
care facilities; 5516

(3) Establish standards to protect the health and safety of 5517  
the residents of the nursing homes and residential care facilities 5518  
participating in the program; 5519

(4) Implement a process for selecting the nursing homes and 5520  
residential care facilities to participate in the program. 5521

(C)(1) A nursing home or residential care facility may 5522  
volunteer to participate in the pilot program by submitting an 5523  
application to the board on a form prescribed and provided by the 5524  
board. From among the applicants, the board shall select eighty 5525  
nursing homes and forty residential care facilities to participate 5526  
in the pilot program. When the board denies an application, it 5527  
shall notify, in writing, the president and minority leader of the 5528  
senate and the speaker and minority leader of the house of 5529  
representatives of the denial and the reasons for the denial. 5530

(2) To be eligible to participate, a nursing home or 5531  
residential care facility shall agree to observe the standards 5532  
established by the board for the use of medication aides. A 5533  
nursing home is eligible to participate only if the department of 5534

health has found in the most recent survey or inspection of the 5535  
home that the home is free from deficiencies related to the 5536  
administration of medication. A residential care facility is 5537  
eligible to participate only if the department has found that the 5538  
facility is free from deficiencies related to the provision of 5539  
skilled nursing care or the administration of medication. 5540

(D) As a condition of participation in the pilot program, a 5541  
nursing home and residential care facility selected by the board 5542  
shall pay the participation fee established in rules adopted under 5543  
section 4723.69 of the Revised Code. The participation fee is not 5544  
reimbursable under the medicaid program established under Chapter 5545  
5111. of the Revised Code. 5546

(E) On receipt of evidence found credible by the board that 5547  
continued participation by a nursing home or residential care 5548  
facility poses an imminent danger, risk of serious harm, or 5549  
jeopardy to a resident of the home or facility, the board may 5550  
terminate the authority of the home or facility to participate in 5551  
the pilot program. 5552

(F)(1) ~~With the assistance of the medication aide advisory~~ 5553  
~~council, the~~ The board shall conduct an evaluation of the pilot 5554  
program. In conducting the evaluation, the board shall do all of 5555  
the following: 5556

(a) Request from each nursing home and residential care 5557  
facility participating in the pilot program, on the ninety-first 5558  
day after the day the board issues a medication aide certificate 5559  
under section 4723.651 of the Revised Code to the seventy-fifth 5560  
individual, the data the board requires participating nursing 5561  
homes and residential care facilities to report under rules the 5562  
board adopts under section 4723.69 of the Revised Code. 5563

(b) Assess whether medication aides are able to administer 5564  
prescription medications safely to nursing home and residential 5565

care facility residents; 5566

(c) Determine the financial implications of using medication 5567  
aides in nursing homes and residential care facilities; 5568

(d) Consider any other issue the board or council considers 5569  
relevant to the evaluation. 5570

(2) Not later than the one hundred eighty-first day after the 5571  
day the board issues a medication aide certificate under section 5572  
4723.651 of the Revised Code to the seventy-fifth individual, the 5573  
board shall prepare a report of its findings and recommendations 5574  
derived from the evaluation of the pilot program. The board shall 5575  
submit the report to the governor, president and minority leader 5576  
of the senate, speaker and minority leader of the house of 5577  
representatives, and director of health. 5578

(G) The board shall, on the day it issues a medication aide 5579  
certificate to the seventy-fifth individual, post a notice on its 5580  
web site indicating the date on which any nursing home or 5581  
residential care facility may use medication aides in accordance 5582  
with section 4723.64 of the Revised Code. 5583

**Sec. 4723.69.** (A) ~~In consultation with the medication aide~~ 5584  
~~advisory council created under section 4723.62 of the Revised~~ 5585  
~~Code, the~~ The board of nursing shall adopt rules to implement 5586  
sections 4723.61 to 4723.68 of the Revised Code. Initial rules 5587  
shall be adopted not later than February 1, 2006. All rules 5588  
adopted under this section shall be adopted in accordance with 5589  
Chapter 119. of the Revised Code. 5590

(B) The rules adopted under this section shall establish or 5591  
specify all of the following: 5592

(1) Fees, in an amount sufficient to cover the costs the 5593  
board incurs in implementing sections 4723.61 to 4723.68 of the 5594  
Revised Code, for participation in the medication aide pilot 5595

program, certification as a medication aide, and approval of a medication aide training program;

(2) Requirements to obtain a medication aide certificate that are not otherwise specified in section 4723.651 of the Revised Code;

(3) Procedures for renewal of medication aide certificates;

(4) The extent to which the board determines that the reasons for taking disciplinary actions under section 4723.28 of the Revised Code are applicable reasons for taking disciplinary actions under section 4723.652 of the Revised Code against an applicant for or holder of a medication aide certificate;

(5) Standards for approval of peer support programs for the holders of medication aide certificates;

(6) Standards for medication aide training programs, including the examination to be administered by the training program to test an individual's ability to administer prescription medications safely;

(7) Reasons for denying, revoking, or suspending approval of a medication aide training program;

(8) Other standards and procedures the board considers necessary to implement sections 4723.61 to 4723.68 of the Revised Code.

**Sec. 4981.361.** (A) In pursuance of Article III of the Interstate High Speed Intercity Rail Passenger Network Compact, as set forth in section 4981.35 of the Revised Code, two representatives from this state shall serve on the Interstate Rail Passenger Advisory Council. The governor shall appoint the two representatives as follows:

(1) One representative who shall be a member of the private sector and who shall hold a bachelor of science degree in either

engineering or transportation science. 5626

(2) One representative who shall be either the director of 5627  
the Ohio department of transportation, or the chairperson of the 5628  
Ohio rail development commission. 5629

(B)(1) In pursuance of Articles II and III of the Midwest 5630  
Interstate Passenger Rail Compact, as set forth in section 4981.36 5631  
of the Revised Code, there shall be four members of the commission 5632  
from this state. 5633

The governor shall appoint two members as set forth in 5634  
Article III of the compact. The terms of office for the governor's 5635  
appointments shall be in accordance with Article III of the 5636  
compact. The governor's appointments to the commission shall be 5637  
the same persons as the governor appoints to the Interstate Rail 5638  
Passenger Advisory Council pursuant to division (A) of this 5639  
section. The person appointed pursuant to division (A)(1) of this 5640  
section shall be the Ohio representative who is a member of the 5641  
private sector, and the person appointed pursuant to division 5642  
(A)(2) of this section shall be the Ohio representative who is the 5643  
governor's designee. 5644

(2) The speaker of the house of representatives and the 5645  
president of the senate each shall appoint one member from their 5646  
respective houses of the general assembly to serve as a member of 5647  
the commission, but the two appointees shall not be members of the 5648  
same political party. Terms of office for legislative appointees 5649  
shall be in accordance with Article III of the compact. 5650

(C) Any member of the advisory council or the commission 5651  
shall continue in office subsequent to the expiration of the 5652  
member's term until a successor is appointed. Vacancies in the 5653  
council or commission shall be filled in the same manner as 5654  
original selections are made. Any member of the council or 5655  
commission may be reappointed. 5656

Except for the purposes of Chapters 102., 2744., and 2921. of  
the Revised Code, serving as a member of the council or commission  
does not constitute holding a public office or position of  
employment under the laws of this state and does not constitute  
grounds for removal of public officers or employees from their  
offices or positions of employment.

The governor, speaker, or president may remove a member for  
whom the governor, speaker, or president was the appointing  
authority, for misfeasance, malfeasance, or willful neglect of  
duty.

Members of the council and commission shall serve without  
compensation, but shall be reimbursed for the reasonable expenses  
incurred by them in the discharge of their duties as members of  
the council or commission.

**Sec. 5104.39.** (A) The director of job and family services  
shall adopt rules in accordance with Chapter 119. of the Revised  
Code establishing a procedure for monitoring the expenditures of  
county departments of job and family services to ensure that  
expenditures do not exceed the available federal and state funds  
for publicly funded child care. The department, with the  
assistance of the office of budget and management ~~and the child  
care advisory council created pursuant to section 5104.08 of the  
Revised Code,~~ shall monitor the anticipated future expenditures of  
county departments for publicly funded child care and shall  
compare those anticipated future expenditures to available federal  
and state funds for publicly funded child care. Whenever the  
department determines that the anticipated future expenditures of  
the county departments will exceed the available federal and state  
funds for publicly funded child care and the department reimburses  
the county departments in accordance with rules adopted under  
section 5104.42 of the Revised Code, the department shall promptly



notify the county departments and, before the available state and federal funds are used, the director shall issue and implement an administrative order that shall specify both of the following:

(1) Priorities for expending the remaining available federal and state funds for publicly funded child care;

(2) Instructions and procedures to be used by the county departments.

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

(1) Suspend enrollment of all new participants in any program of publicly funded child care;

(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;

(3) Disenroll existing participants with income above a specified percentage of the federal poverty line.

(C) Each county department shall comply with the order no later than thirty days after it is issued. If the department fails to notify the county departments and to implement the reallocation priorities specified in the order before the available federal and state funds for publicly funded child care are used, the state department shall provide sufficient funds to the county departments for publicly funded child care to enable each county department to pay for all publicly funded child care that was provided by providers pursuant to contract prior to the date that the county department received notice under this section and the state department implemented in that county the priorities.

(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the

anticipated future expenditures of the county departments, the 5718  
director may issue and implement another administrative order 5719  
increasing income eligibility levels to a specified percentage of 5720  
the federal poverty line. The order shall include instructions and 5721  
procedures to be used by the county departments. Each county 5722  
department shall comply with the order not later than thirty days 5723  
after it is issued. 5724

(E) The department of job and family services shall do all of 5725  
the following: 5726

(1) Conduct a quarterly evaluation of the program of publicly 5727  
funded child care that is operated pursuant to sections 5104.30 to 5728  
5104.39 of the Revised Code; 5729

(2) Prepare reports based upon the evaluations that specify 5730  
for each county the number of participants and amount of 5731  
expenditures; 5732

(3) Provide copies of the reports to both houses of the 5733  
general assembly and, on request, to interested parties. 5734

**Sec. 5111.708.** (A) The director of job and family services, ~~after consulting with the medicaid buy-in advisory council,~~ shall 5735  
adopt rules in accordance with Chapter 119. of the Revised Code as 5736  
necessary to implement the medicaid buy-in for workers with 5737  
disabilities program. The rules shall do all of the following: 5738  
5739

(1) Specify assets, asset values, and amounts to be 5740  
disregarded in determining asset and income eligibility limits for 5741  
the program; 5742

(2) Establish meanings for the terms "earned income," "health 5743  
insurance," "resources," "spouse," and "unearned income"; 5744

(3) Establish additional eligibility requirements for the 5745  
program that must be established for the United States secretary 5746  
of health and human services to approve the program; 5747

(4) For the purpose of division (B) of section 5111.704 of the Revised Code, specify an amount to be subtracted from the difference determined under division (A) of that section.

(B) The director, ~~after consulting with the medicaid buy-in advisory council,~~ may adopt rules in accordance with Chapter 119. of the Revised Code to specify amounts to be disregarded from an individual's earned income, unearned income, or both under division (C) of section 5111.703 of the Revised Code for the purpose of determining whether the individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program.

**Sec. 5123.032.** (A) As used in this section, "developmental center" means any institution or facility of the department of developmental disabilities that, on or after January 30, 2004, is named, designated, or referred to as a developmental center.

(B) Notwithstanding any other provision of law, on and after January 30, 2004, any closure of a developmental center shall be subject to, and in accordance with, this section. Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to January 30, 2004, the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to January 30, 2004, the closure identified in the announcement shall be subject to the criteria set forth in this section as if the announcement had been made on or after January 30, 2004, except for the time at which the notice to the general assembly must be provided as identified in division (C) of this section.

(C) Notwithstanding any other provision of law, on and after January 30, 2004, at least ten days prior to making any official, public announcement that the governor intends to close one or more developmental centers, the governor shall notify the general

assembly in writing that the governor intends to close one or more 5779  
developmental centers. Notwithstanding any other provision of law, 5780  
if the governor announced on or after January 1, 2003, and prior 5781  
to January 30, 2004, the intended closure of a developmental 5782  
center and if the closure identified in the announcement has not 5783  
occurred prior to January 30, 2004, not later than ten days after 5784  
January 30, 2004, the governor shall notify the general assembly 5785  
in writing of the prior announcement and that the governor intends 5786  
to close the center identified in the prior announcement, and the 5787  
notification to the general assembly shall constitute, for 5788  
purposes of this section, the governor's official, public 5789  
announcement that the governor intends to close that center. 5790

The notice required by this division shall identify by name 5791  
each developmental center that the governor intends to close or, 5792  
if the governor has not determined any specific developmental 5793  
center to close, shall state the governor's general intent to 5794  
close one or more developmental centers. When the governor 5795  
notifies the general assembly as required by this division, the 5796  
legislative service commission promptly shall conduct an 5797  
independent study of the developmental centers of the department 5798  
of developmental disabilities and of the department's operation of 5799  
the centers, and the study shall address relevant criteria and 5800  
factors, including, but not limited to, all of the following: 5801

(1) The manner in which the closure of developmental centers 5802  
in general would affect the safety, health, well-being, and 5803  
lifestyle of the centers' residents and their family members and 5804  
would affect public safety and, if the governor's notice 5805  
identifies by name one or more developmental centers that the 5806  
governor intends to close, the manner in which the closure of each 5807  
center so identified would affect the safety, health, well-being, 5808  
and lifestyle of the center's residents and their family members 5809  
and would affect public safety; 5810

(2) The availability of alternate facilities;	5811
(3) The cost effectiveness of the facilities identified for closure;	5812 5813
(4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements;	5814 5815
(5) The geographic factors associated with each facility and its proximity to other similar facilities;	5816 5817
(6) The impact of collective bargaining on facility operations;	5818 5819
(7) The utilization and maximization of resources;	5820
(8) Continuity of the staff and ability to serve the facility population;	5821 5822
(9) Continuing costs following closure of a facility;	5823
(10) The impact of the closure on the local economy;	5824
(11) Alternatives and opportunities for consolidation with other facilities;	5825 5826
(12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;	5827 5828 5829
(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.	5830 5831 5832 5833 5834 5835
(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than sixty days after the governor makes the official, public announcement that the	5836 5837 5838 5839

governor intends to close one or more developmental centers as 5840  
described in division (C) of this section. The commission shall 5841  
provide a copy of the report to each member of the general 5842  
assembly who requests a copy of the report. 5843

~~Not later than the date on which the legislative service 5844  
commission is required to complete the report under this division,  
the developmental disabilities developmental center closure 5845  
commission is hereby created as described in division (E) of this 5846  
section. The officials with the duties to appoint members of the 5847  
closure commission, as described in division (E) of this section,  
shall appoint the specified members of the closure commission,  
and, as soon as possible after the appointments, the closure 5848  
commission shall meet for the purposes described in that division.  
Upon completion of the report and the creation of the closure 5849  
commission under this division, the legislative service commission 5850  
promptly shall provide a copy of the report to the closure 5851  
commission and shall present the report as described in division 5852  
(E) of this section. 5853  
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~~(E)(1) A developmental disabilities developmental center 5858  
closure commission shall be created at the time and in the manner 5859  
specified in division (D) of this section. The closure commission 5860  
consists of six members. One member shall be the director of 5861  
developmental disabilities. One member shall be the director of 5862  
health. One member shall be a private executive with expertise in 5863  
facility utilization, in economics, or in both facility 5864  
utilization and economics, jointly appointed by the speaker of the 5865  
house of representatives and the president of the senate. The 5866  
member appointed for expertise in facility utilization, economics,  
or both may not be a member of the general assembly and may not 5867  
have a developmental center identified for closure by the governor 5868  
in the county in which the member resides. One member shall be a 5869  
member of the board of the Ohio civil service employees' 5870  
5871~~

~~association, jointly appointed by the speaker of the house of 5872  
representatives and the president of the senate. One member shall 5873  
be either a family member of a resident of a developmental center 5874  
or a representative of a mental retardation and developmental 5875  
disabilities advocacy group, jointly appointed by the speaker of 5876  
the house of representatives and the president of the senate. The 5877  
member appointed who is a family member of a developmental center 5878  
resident or a representative of an advocacy group may not be a 5879  
member of the general assembly. One member shall be a member of 5880  
the law enforcement community, appointed by the governor. The 5881  
officials with the duties to appoint members of the closure 5882  
commission shall make the appointments, and the closure commission 5883  
shall meet, within the time periods specified in division (D) of 5884  
this section. The members of the closure commission shall serve 5885  
without compensation. At the closure commission's first meeting, 5886  
the members shall organize and appoint a chairperson and 5887  
vice chairperson. 5888~~

~~The closure commission shall meet as often as is necessary 5889  
for the purpose of making the recommendations to the governor that 5890  
are described in this division. The closure commission's meetings 5891  
shall be open to the public, and the closure commission shall 5892  
accept public testimony. The legislative service commission shall 5893  
appear before the closure commission and present the report the 5894  
legislative service commission prepared under division (D) of this 5895  
section. The closure commission shall meet for the purpose of 5896  
making recommendations to the governor, which recommendations may 5897  
include all of the following: 5898~~

~~(a) Whether any developmental center should be closed; 5899~~

~~(b) If the recommendation described in division (E)(1)(a) of 5900  
this section is that one or more developmental centers should be 5901  
closed, which center or centers should be closed; 5902~~

~~(c) If the governor's notice described in division (C) of 5903~~

~~this section identifies by name one or more developmental centers 5904  
that the governor intends to close, whether the center or centers 5905  
so identified should be closed. 5906~~

~~(2) The developmental disabilities developmental center 5907  
closure commission, not later than sixty days after it receives 5908  
the report of the legislative service commission under division 5909  
(D) of this section, shall prepare a report containing its 5910  
recommendations to the governor. The closure commission shall send 5911  
a copy of the report to the governor and to each member of the 5912  
general assembly who requests a copy of the report. (E) Upon 5913  
receipt of the closure commission's report, the governor shall 5914  
review and consider the commission's recommendation report. The 5915  
governor shall do one of the following: 5916~~

~~(a) Follow the recommendation of the commission (1) Close one 5917  
or more developmental centers; 5918~~

~~(b)(2) Close no developmental center; 5919~~

~~(c)(3) Take other action that the governor determines is 5920  
necessary for the purpose of expenditure reductions or budget cuts 5921  
and state the reasons for the action. 5922~~

~~(F) The governor's decision is final. Upon the governor's 5923  
making of the decision, the closure commission shall cease to 5924  
exist. Another closure commission shall be created under this 5925  
section each time the governor subsequently makes an official, 5926  
public announcement that the governor intends to close one or more 5927  
developmental centers. 5928~~

**Sec. 5123.093.** The citizen's advisory councils established 5929  
under section 5123.092 of the Revised Code shall: 5930

(A) Transmit verbal or written information from any person or 5931  
organization associated with the institution or within the 5932  
community, that an advisory council considers important, to the 5933



~~joint council on developmental disabilities created by section~~ 5934  
~~101.37 of the Revised Code and the director of developmental~~ 5935  
~~disabilities;~~ 5936

(B) Review the records of all applicants to any unclassified 5937  
position at the institution, except for resident physician 5938  
positions filled under section 5123.11 of the Revised Code; 5939

(C) Review and evaluate institutional employee training and 5940  
continuing education programs; 5941

(D) On or before the thirty-first day of January of each 5942  
year, submit a written report to the ~~joint council on~~ 5943  
~~developmental disabilities and the~~ director of developmental 5944  
disabilities regarding matters affecting the institution 5945  
including, but not limited to, allegations of dehumanizing 5946  
practices and violations of individual or legal rights; 5947

(E) Review institutional budgets, programs, services, and 5948  
planning; 5949

(F) Develop and maintain relationships within the community 5950  
with community mental retardation and developmental disabilities 5951  
organizations; 5952

(G) Participate in the formulation of the institution's 5953  
objectives, administrative procedures, program philosophy, and 5954  
long range goals; 5955

(H) Bring any matter that an advisory council considers 5956  
important to the attention of the ~~joint council on developmental~~ 5957  
~~disabilities and the~~ director of developmental disabilities; 5958

(I) Recommend to the director of developmental disabilities 5959  
persons for appointment to citizen's advisory councils; 5960

(J) Adopt any rules or procedures necessary to carry out this 5961  
section. 5962

The chairperson of the advisory council or the chairperson's 5963

designee shall be notified within twenty-four hours of any alleged 5964  
incident of abuse to a resident or staff member by anyone. 5965  
Incidents of resident or staff abuse shall include, but not be 5966  
limited to, sudden deaths, accidents, suicides, attempted 5967  
suicides, injury caused by other persons, alleged criminal acts, 5968  
errors in prescribing or administering medication, theft from 5969  
clients, fires, epidemic disease, administering unprescribed 5970  
drugs, unauthorized use of restraint, withholding of information 5971  
concerning alleged abuse, neglect, or any deprivation of rights as 5972  
defined in Chapter 5122. or 5123. of the Revised Code. 5973

Sec. 6161.021. (A) In addition to the duties set forth in 5974  
section 6161.01 of the Revised Code, the great lakes commission 5975  
from this state shall do all of the following: 5976

(1) Ensure the coordination of state and local policies and 5977  
programs pertaining to Lake Erie water quality, toxic pollution 5978  
control, and resource protection; 5979

(2) Review, and make recommendations concerning, the 5980  
development and implementation of policies, programs, and issues 5981  
for long-term, comprehensive protection of Lake Erie water 5982  
resources and water quality that are consistent with the great 5983  
lakes water quality agreement and the great lakes toxic substances 5984  
control agreement; 5985

(3) Recommend policies and programs to modify the coastal 5986  
management program of this state; 5987

(4) At each regular meeting, consider matters relating to the 5988  
implementation of sections 6161.04 and 6161.05 of the Revised 5989  
Code; 5990

(5) Publish and submit the Lake Erie protection agenda in 5991  
accordance with division (C) of section 6161.05 of the Revised 5992  
Code; 5993

- (6) Ensure the implementation of a basinwide approach to Lake Erie issues; 5994  
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- (7) Increase representation of the interests of this state in state, regional, national, and international forums pertaining to the resources and water quality of Lake Erie and the Lake Erie basin; 5996  
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- (8) Promote education concerning the wise management of the resources of Lake Erie; 6000  
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- (9) Establish public advisory councils as considered necessary to assist in programs established under this section and sections 6161.04 and 6161.05 of the Revised Code. Members of the public advisory councils shall represent a broad cross section of interests, shall have experience or expertise in the subject for which the advisory council was established, and shall serve without compensation. 6002  
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- (10) Prepare and submit the report required under division (D) of section 6161.05 of the Revised Code. 6009  
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- (11) Advise the director of natural resources on carrying out the director's duties under Chapter 1506. of the Revised Code, including, without limitation, implementation of the coastal management program; 6011  
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- (12) Recommend to the director of natural resources such policies and legislation as are necessary to preserve, protect, develop, and restore or enhance the coastal resources of this state; 6015  
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- (13) Review and make recommendations to the director of natural resources on the development of policies, plans, and programs for long-term, comprehensive coastal resource management, including, without limitation, the coastal management program document adopted under division (A)(1) of section 1506.02 of the Revised Code; 6019  
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(14) Recommend to the director of natural resources ways to 6025  
enhance cooperation among governmental agencies, including, 6026  
without limitation, state agencies, having an interest in coastal 6027  
management and to encourage wise use and protection of the state's 6028  
coastal resources. The commission may request information and 6029  
other assistance from those government agencies for this purpose. 6030

(B) Each state agency, upon the request of the commission, 6031  
shall cooperate in the implementation of this section and sections 6032  
6161.04 and 6161.05 of the Revised Code. 6033

**Sec. ~~1506.22~~ 6161.04.** (A) Except as provided in division (B) 6034  
of this section, the state agency whose director has been 6035  
designated to administer the Lake Erie protection fund under 6036  
section ~~1506.23~~ 6161.05 of the Revised Code is hereby designated 6037  
the lead agency for the implementation in this state of the 6038  
purposes of the great lakes protection fund, a regional trust fund 6039  
established by the great lakes states to advance the principles, 6040  
goals, and objectives of the great lakes toxic substances control 6041  
agreement and the great lakes water quality agreement, as they may 6042  
be revised and amended. 6043

(B) The governor shall appoint two members from this state to 6044  
the board of directors of the great lakes protection fund as 6045  
provided in the bylaws and articles of incorporation of the fund. 6046  
Of the initial appointments made to the board, one shall serve for 6047  
a term of one year and one shall serve for a term of two years; 6048  
thereafter, the members of the board of directors from this state 6049  
shall serve for terms of two years. The governor may remove any 6050  
member at any time as provided in the bylaws and articles of 6051  
incorporation of the fund. In the event of a vacancy, the governor 6052  
shall appoint a successor to hold office for the remainder of the 6053  
term for which the member's predecessor was appointed. Any member 6054  
shall continue in office subsequent to the expiration date of the 6055

member's term until the member's successor takes office or until a 6056  
period of sixty days has elapsed, whichever occurs first. 6057

Membership on the board does not constitute holding a public 6058  
office or position of employment under the laws of this state and 6059  
is not grounds for removal of public officers or employees from 6060  
their offices or positions of employment. 6061

Members of the board from this state shall receive no 6062  
compensation, but shall be reimbursed for their actual and 6063  
necessary expenses incurred in the performance of their official 6064  
duties. 6065

**Sec. ~~1506.23~~ 6161.05.** (A) There is hereby created in the 6066  
state treasury the Lake Erie protection fund, which shall consist 6067  
of moneys deposited into the fund from the issuance of Lake Erie 6068  
license plates under section 4503.52 of the Revised Code and 6069  
donations, gifts, bequests, and other moneys received for the 6070  
purposes of this section. Not later than the first day of June 6071  
each year, the ~~Ohio Lake Erie~~ great lakes state commission created 6072  
in section ~~1506.21~~ 6161.02 of the Revised Code shall designate ~~one~~ 6073  
~~of its members~~ the director of environmental protection, natural 6074  
resources, health, agriculture, or transportation to administer 6075  
the fund and, with the approval of the commission, to expend 6076  
moneys from the fund for any of the following purposes: 6077

(1) Accelerating the pace of research into the economic, 6078  
environmental, and human health effects of contamination of Lake 6079  
Erie and its tributaries; 6080

(2) Funding cooperative research and data collection 6081  
regarding Lake Erie water quality and toxic contamination; 6082

(3) Developing improved methods of measuring water quality 6083  
and establishing a firm scientific base for implementing a 6084  
basinwide system of water quality management for Lake Erie and its 6085

tributaries; 6086

(4) Supporting research to improve the scientific knowledge 6087  
on which protection policies are based and devising new and 6088  
innovative clean-up techniques for toxic contaminants; 6089

(5) Supplementing, in a stable and predictable manner, state 6090  
commitments to policies and programs pertaining to Lake Erie water 6091  
quality and resource protection; 6092

(6) Encouraging cooperation with and among leaders from state 6093  
legislatures, state agencies, political subdivisions, business and 6094  
industry, labor, institutions of higher education, environmental 6095  
organizations, and conservation groups within the Lake Erie basin; 6096

(7) Awarding of grants to any agency of the United States, 6097  
any state agency, as "agency" is defined in division (A)(2) of 6098  
section 111.15 of the Revised Code, any political subdivision, any 6099  
educational institution, or any nonprofit organization for the 6100  
development and implementation of projects and programs that are 6101  
designed to protect Lake Erie by reducing toxic contamination of 6102  
or improving water quality in Lake Erie; 6103

(8) Expenses authorized by the ~~Ohio Lake Erie~~ great lakes 6104  
state commission necessary to implement this chapter. 6105

(B) Moneys in the Lake Erie protection fund are not intended 6106  
to replace other moneys expended by any agency of the United 6107  
States, any state agency, as "agency" is so defined, any political 6108  
subdivision, any educational institution, or any nonprofit 6109  
organization for projects and programs that are designed to 6110  
protect Lake Erie by reducing toxic contamination of or improving 6111  
water quality in Lake Erie. 6112

(C) Each March, the ~~Ohio Lake Erie~~ great lakes state 6113  
commission shall publish a Lake Erie protection agenda that 6114  
describes proposed uses of the Lake Erie protection fund for the 6115  
following state fiscal year. The agenda shall be the subject of at 6116

least one public meeting of the commission held in the Lake Erie 6117  
basin. The commission shall submit the agenda to the governor, the 6118  
president of the senate, and the speaker of the house of 6119  
representatives. 6120

(D) Not later than September 1, 1991, and annually 6121  
thereafter, the ~~Lake Erie~~ great lakes state commission shall 6122  
prepare a report of the activities that were undertaken by the 6123  
commission under this section during the immediately preceding 6124  
fiscal year, including, without limitation, revenues and expenses 6125  
for the preceding fiscal year. The commission shall submit the 6126  
report to the governor, the president of the senate, and the 6127  
speaker of the house of representatives. 6128

**Sec. ~~1506.24~~ 6161.06.** (A) There is hereby created in the 6129  
state treasury the Lake Erie resources fund, which shall consist 6130  
of moneys awarded to the state from the great lakes protection 6131  
fund and donations, gifts, bequests, and other moneys received for 6132  
the purposes of this section. Not later than the first day of June 6133  
each year, the ~~Ohio Lake Erie~~ great lakes state commission created 6134  
in section ~~1506.21~~ 6161.02 of the Revised Code shall designate ~~one~~ 6135  
~~of its members~~ the director of environmental protection, natural 6136  
resources, health, agriculture, or transportation to administer 6137  
the fund and, with the approval of the commission, to expend 6138  
moneys from the fund for any of the following purposes: 6139

(1) Accelerating the pace of research into the economic, 6140  
environmental, and human health effects of contamination of Lake 6141  
Erie and its tributaries; 6142

(2) Funding cooperative research and data collection 6143  
regarding Lake Erie water quality and toxic contamination; 6144

(3) Developing improved methods of measuring water quality 6145  
and establishing a firm scientific base for implementing a 6146  
basinwide system of water quality management for Lake Erie and its 6147

tributaries; 6148

(4) Supporting research to improve the scientific knowledge 6149  
on which protection policies are based and devising new and 6150  
innovative clean-up techniques for toxic contaminants; 6151

(5) Supplementing, in a stable and predictable manner, state 6152  
commitments to policies and programs pertaining to Lake Erie water 6153  
quality and resource protection; 6154

(6) Encouraging cooperation with and among leaders from state 6155  
legislatures, state agencies, political subdivisions, business and 6156  
industry, labor, institutions of higher education, environmental 6157  
organizations, and conservation groups within the Lake Erie basin; 6158

(7) Awarding of grants to any agency of the United States, 6159  
any state agency, as "agency" is defined in division (A)(2) of 6160  
section 111.15 of the Revised Code, any political subdivision, any 6161  
educational institution, or any nonprofit organization for the 6162  
development and implementation of projects and programs that are 6163  
designed to protect Lake Erie by reducing toxic contamination of 6164  
or improving water quality in Lake Erie; 6165

(8) Expenses authorized by the ~~Ohio Lake Erie~~ great lakes 6166  
state commission necessary to implement this chapter. 6167

(B) Moneys in the Lake Erie resources fund are not intended 6168  
to replace other moneys expended by any agency of the United 6169  
States, any state agency, as "agency" is so defined, any political 6170  
subdivision, any educational institution, or any nonprofit 6171  
organization for projects and programs that are designed to 6172  
protect Lake Erie by reducing toxic contamination of or improving 6173  
water quality in Lake Erie. 6174

(C) Each March, the ~~Ohio Lake Erie~~ great lakes state 6175  
commission shall publish a Lake Erie protection agenda that 6176  
describes proposed uses of the Lake Erie resources fund for the 6177  
following state fiscal year. The agenda shall be the subject of at 6178



least one public meeting of the commission held in the Lake Erie 6179  
basin. The commission shall submit the agenda to the governor, the 6180  
president of the senate, and the speaker of the house of 6181  
representatives. 6182

(D) Annually the ~~Lake Erie~~ great lakes state commission shall 6183  
prepare a report of the activities that were undertaken by the 6184  
commission under this section during the immediately preceding 6185  
fiscal year, including, without limitation, revenues and expenses 6186  
for the preceding fiscal year. The commission shall submit the 6187  
report to the governor, the president of the senate, and the 6188  
speaker of the house of representatives. 6189

**Section 2.** That existing sections 101.83, 101.84, 101.85, 6190  
101.86, 119.01, 121.084, 121.32, 127.14, 149.304, 173.03, 173.04, 6191  
901.90, 1121.12, 1121.18, 1121.29, 1123.01, 1123.02, 1123.03, 6192  
1123.04, 1155.13, 1163.16, 1181.11, 1315.122, 1349.71, 1506.22, 6193  
1506.23, 1506.24, 1521.19, 1733.32, 3119.024, 3301.90, 3311.71, 6194  
3313.6013, 3335.27, 3345.062, 3701.025, 3701.63, 3702.79, 3702.80, 6195  
3702.81, 3702.85, 3702.86, 3702.93, 3702.94, 3705.35, 3705.36, 6196  
3718.03, 3727.312, 3727.313, 3727.321, 3727.39, 3727.41, 3743.54, 6197  
3746.04, 3769.083, 3769.085, 3769.086, 3905.04, 3905.481, 6198  
3905.484, 3905.485, 3905.486, 3905.88, 3929.631, 3929.64, 3929.68, 6199  
3930.02, 3930.03, 4121.03, 4121.121, 4121.77, 4123.341, 4123.342, 6200  
4123.35, 4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 4503.52, 6201  
4503.77, 4723.61, 4723.63, 4723.69, 4981.361, 5104.39, 5111.708, 6202  
5123.032, and 5123.093 and sections 101.37, 121.374, 122.98, 6203  
122.981, 125.833, 181.22, 184.23, 184.231, 1181.16, 1181.17, 6204  
1501.25, 1506.12, 1506.21, 1733.329, 1733.3210, 2151.282, 2323.44, 6205  
3311.77, 3319.70, 3319.71, 3701.92, 3702.92, 3727.32, 3727.322, 6206  
3746.03, 3769.084, 3905.483, 4121.79, 4501.025, 4723.62, 4723.621, 6207  
4937.01, 4937.02, 4937.03, 4937.04, 4937.05, 5104.08, 5111.709, 6208  
5111.710, and 5902.15 of the Revised Code are hereby repealed. 6209

<b>Section 3.</b> The following agencies shall be retained pursuant		6211
to division (D) of section 101.83 of the Revised Code and shall		6212
expire on December 31, 2016:		6213
AGENCY NAME	REVISED CODE OR	6214
	UNCODIFIED	
	SECTION	
Academic Distress Commission	3302.10	6215
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	6216
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	6217
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	6218
Advisory Council of Directors for Prison Labor	5145.162	6219
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	6220
Advisory Committee on Livestock Exhibitions	901.71	6221
Agricultural Commodity Marketing Programs Operating Committees	924.07	6222
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	6223
Alternative Energy Advisory Committee	4928.64(D)	6224
AMBER Alert Advisory Committee	5502.521	6225
Apprenticeship Council	Chapter 4139.	6226
Armory Board of Control	5911.09, 5911.12	6227
Automated Title Processing Board	4505.09(C)(1)	6228
Backflow Advisory Board	3703.21	6229
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	6230
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	6231
Board of Directors of the Ohio Health Reinsurance	3924.08 -	6232

Program	3924.11	
Board of Voting Machines Examiners	3506.05	6233
Budget Planning and Management Commission	Section 509.10,	6234
	H.B. 1, 128th	
	G.A.	
Brain Injury Advisory Committee	3304.231	6235
Bureau of Workers' Compensation Board of Directors	4121.12	6236
Capitol Square Review and Advisory Board	105.41	6237
Children's Trust Fund Board	3109.15 - 3109.17	6238
Citizen's Advisory Council	5123.092, 5123.093	6239
Clean Ohio Trail Advisory Board	1519.06	6240
Commission on African-American Males	4112.12, 4112.13	6241
Commission on Minority Health	3701.78	6242
Committee on Prescriptive Governance	4723.49 - 4723.492	6243
Committee to Study Publicly Funded Child Care Services	Section 309.40.70, H.B. 1, 128th G.A.	6244
Commodity Advisory Commission	926.32	6245
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	6246
Credential Review Board	3319.65	6247
Consumer Finance Education Board	1349.71, 1349.72	6248
Continuing Education Committee	109.80(B)	6249
Council on Alcohol and Drug Addiction Services	3793.09	6250
Council on Unreclaimed Strip Mined Lands	1513.29	6251
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	6252
Department Advisory Council(s)	107.18, 121.13	6253
Development Financing Advisory Council	122.40, 122.41	6254

Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	6255
Education Management Information System Advisory Board	3301.0713	6256
Educator Standards Board	3319.60	6257
Electrical Safety Inspector Advisory Committee	3783.08	6258
Emergency Response Commission	3750.02	6259
Environmental Education Council	3745.21	6260
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	6261
eTech Ohio Commission	3353.02 - 3353.04	6262
Ex-Offender Reentry Coalition	5120.07	6263
Farmland Preservation Advisory Board	901.23	6264
Financial Planning and Supervision Commission(s)	118.05 - 118.09	6265
Financial Planning and Supervision Commission for (name of school district)	3316.05 - 3316.07	6266
Forestry Advisory Council	1503.40	6267
Governance Authority for a State University or College	3345.75	6268
Governor's Council on People with Disabilities	3303.41	6269
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	6270
Governor's Residence Advisory Commission	107.40	6271
Grain Marketing Program Operating Committee	924.20 - 924.30	6272
Gubernatorial Transition Committee	107.29, 126.26	6273
Help Me Grow Advisory Council	3701.611	6274
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	6275
Homeland Security Advisory Council	5502.011(E)	6276
Harmon Commission	3306.50	6277
Housing Trust Fund Advisory Committee	174.06	6278

Industrial Commission Nominating Council	4121.04	6279
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	6280
Infant Hearing Screening Subcommittee	3701.507	6281
Joint Select Committee on Volume Cap	133.021	6282
Labor-Management Government Advisory Council	4121.70	6283
Legal Rights Service Commission	5123.60	6284
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	6285
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	6286
Maternity and Newborn Advisory Council	3711.20, 3711.21	6287
Medically Handicapped Children's Medical Advisory Council	3701.025	6288
Milk Sanitation Board	917.03 - 917.032	6289
Mine Subsidence Insurance Governing Board	3929.51	6290
Minority Development Financing Advisory Board	122.72, 122.73	6291
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	6292
National Museum of Afro-American History and Culture Planning Committee	149.303	6293
New African Immigrants Commission	4112.31, 4112.32	6294
Ohio Accountability Task Force	3302.021(E)	6295
Ohio Advisory Council for the Aging	173.03	6296
Ohio Arts Council	Chapter 3379.	6297
Ohio Business Gateway Steering Committee	5703.57	6298
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	6299
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	6300
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	6301
Ohio Community Service Council	121.40 - 121.404	6302

Ohio Council for Interstate Adult Offender Supervision	5149.22	6303
Ohio Cultural Facilities Commission	Chapter 3383.	6304
Ohio Developmental Disabilities Council	5123.35	6305
Ohio Expositions Commission	991.02	6306
Ohio Family and Children First Cabinet Council	121.37	6307
Ohio Geographically Referenced Information Program Council	125.901, 125.902	6308
Ohio Historic Site Preservation Advisory Board	149.301	6309
Ohio Geology Advisory Council	1501.11	6310
Ohio Grape Industries Committee	924.51 - 924.55	6311
Ohio Historical Society Board of Trustees	149.30	6312
Ohio Judicial Conference	105.91 - 105.97	6313
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	6314
Ohio Medical Quality Foundation	3701.89	6315
Ohio Parks and Recreation Council	1541.40	6316
Ohio Peace Officer Training Commission	109.71, 109.72	6317
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	6318
Ohio Public Defender Commission	120.01 - 120.03	6319
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	6320
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	6321
Ohio Soil and Water Conservation Commission	1515.02	6322
Ohio Steel Industry Advisory Council	122.97, 122.971	6323
Ohio Transportation Finance Commission	5531.12(B) to (D)	6324
Ohio Tuition Trust Authority	3334.03, 3334.08	6325
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	6326

Ohio Vendors Representative Committee	3304.34, 20 USC 107	6327
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	6328
Ohio Water Advisory Council	1521.031	6329
Ohio Water Resources Council Advisory Group	1521.19	6330
Ohio Water Resources Council	1521.19	6331
Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees	3375.61, 3375.62	6332
Oil and Gas Commission	1509.35	6333
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	6334
Organized Crime Investigations Commission	177.01	6335
Pharmacy and Therapeutics Committee of the Department of Job and Family Services	5111.084	6336
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	6337
Power Siting Board	4906.02	6338
Prequalification Review Board	5525.07	6339
Private Water Systems Advisory Council	3701.346	6340
Public Health Council	3701.33, 3701.34	6341
Public Schools Health Care Advisory Committee	9.901	6342
Public Utilities Commission Nominating Council	4901.021	6343
Public Utility Property Tax Study Committee	5727.85(K)	6344
Radiation Advisory Council	3748.20	6345
Reclamation Commission	1513.05	6346
Reclamation Forfeiture Fund Advisory Board	1513.182	6347
Recreation and Resources Commission	1501.04	6348
Recycling and Litter Prevention Advisory Council	1502.04	6349
School and Ministerial Lands Divestiture Committee	501.041	6350
School Employees Health Care Board	9.901	6351
School Funding Advisory Council	3306.29	6352

Second Chance Trust Fund Advisory Committee	2108.35	6353
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	6354
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	6355
Solid Waste Management Advisory Council	3734.51	6356
Special Commission to Consider the Suspension of Local Government Officials	3.16	6357
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	6358
State Audit Committee	126.46	6359
State Council of Uniform State Laws	105.21 - 105.27	6360
State Criminal Sentencing Commission	181.21 - 181.26	6361
State Fire Commission	3737.81	6362
State Library Board	3375.01	6363
State Regional Alliance Advisory Board	3312.11, 3312.12	6364
State Victims Assistance Advisory Committee	109.91(B) and (C)	6365
Statewide Consortium of County Law Library Resource Boards	3375.481	6366
STEM Committee	3326.02	6367
Student Tuition Recovery Authority	3332.081	6368
Sunset Review Committee	101.84 - 101.87	6369
Tax Credit Authority	122.17(M)	6370
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	6371
Technical Advisory Council on Oil and Gas	1509.38	6372
Transportation Review Advisory Council	5512.07 - 5512.09	6373
Unemployment Compensation Advisory Council	4141.08	6374
Unemployment Compensation Review Commission	4141.06	6375



Unified Long-Term Care Budget Work group	Section 209.40, Am. Sub. H.B. 1, 128th G.A.	6376
Veterans Advisory Committee	5902.02(K)	6377
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	6378
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	6379
Water and Sewer Commission	1525.11(C)	6380
Waterways Safety Council	1547.73	6381
Wildlife Council	1531.03 - 1531.05	6382
Workers' Compensation Board of Directors Nominating Committee	4121.123	6383
Workers' Compensation Council	4121.75 - 4121.78	6384
		6385
<b>Section 4.</b> That sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code are hereby repealed on December 31, 2016.		6386 6387 6388
<b>Section 4.01.</b> That section 101.38 of the Revised Code is hereby repealed on December 31, 2011.		6389 6390
<b>Section 5.01.</b> That Section 203 of Am. Sub. H.B. 15 of the 128th General Assembly be amended to read as follows:		6391 6392
<b>Sec. 203.</b> WCC WORKERS' COMPENSATION COUNCIL		6393
5FV0 321600 Remuneration Expenses \$	471,200 \$	<del>471,200</del> 0 6394
TOTAL 5FV0 Workers' Compensation \$	471,200 \$	<del>471,200</del> 0 6395
Council Remuneration Fund		
TOTAL ALL BUDGET FUND GROUPS \$	471,200 \$	<del>471,200</del> 0 6396

WORKERS' COMPENSATION COUNCIL 6397

~~The foregoing appropriation item 321600, Remuneration 6398  
Expenses, shall be used to pay the payroll and fringe benefit 6399  
costs for employees of the Workers' Compensation Council. 6400~~

~~Between July 1, 2009, and December 31, 2009, the 6401  
Administrator of Workers' Compensation shall direct the Treasurer 6402  
of State to transfer \$325,000 in cash from the Workers' 6403  
Compensation Fund (Fund 7023) to the Workers' Compensation Council 6404  
Fund, created in division (C) of section 4121.79 of the Revised 6405  
Code, in three installments. These transfers shall be made 6406  
according to a schedule agreed to by the Director of the Workers' 6407  
Compensation Council and the Administrator of Workers' 6408  
Compensation. 6409~~

~~If the Workers' Compensation Council contracts with an 6410  
independent actuary to have that actuary perform an actuarial 6411  
valuation as described in division (A)(1) of Section 512.45 of Am. 6412  
Sub. H.B. 100 of the 127th General Assembly as amended by this 6413  
act, or a review as described in division (A)(2), (3), or (4) of 6414  
Section 512.45 of Am. Sub. H.B. 100 of the 127th General Assembly 6415  
as amended by this act, on or before January 31, 2011, the 6416  
Director of the Workers' Compensation Council shall request the 6417  
funds necessary to cover the expenses of the valuation or review, 6418  
which amount shall not exceed \$650,000, from the Administrator of 6419  
Workers' Compensation. The Administrator shall direct the 6420  
Treasurer of State to transfer the amount requested by the 6421  
Director from the Workers' Compensation Fund (Fund 7023) to the 6422  
Workers' Compensation Council Fund created in division (C) of 6423  
section 4121.79 of the Revised Code. The Director and 6424  
Administrator shall agree to a schedule for the transfer of these 6425  
funds. 6426~~

(A) The General Assembly shall review the Workers' 6427  
Compensation Council and its funding. 6428

(B) On the effective date of this amendment, or as soon as possible thereafter, the Director of Budget and Management shall transfer the remaining unencumbered cash balance in the Workers' Compensation Council Remuneration Fund (Fund 5FV0) to the Workers' Compensation Fund (Fund 7023). Upon completion of the transfer, the Workers' Compensation Council Remuneration Fund is abolished.

(C)(1) On the effective date of this amendment, or as soon as possible thereafter, the Treasurer of State shall transfer the remaining unencumbered cash balance in the Workers' Compensation Council Fund created in division (C) of section 4121.79 of the Revised Code to Fund 7023. Upon completion of the transfer, the Workers' Compensation Council Fund is abolished.

(2) As soon as possible after the Workers' Compensation Council Fund has been abolished, the Administrator of Workers' Compensation shall refund to employers any such unexpended, unencumbered amounts that were originally collected as an assessment for costs attributable to the activities of the Workers' Compensation Council.

**Section 5.02.** That existing Section 203 of Am. Sub. H.B. 15 of the 128th General Assembly is hereby repealed.

**Section 5.09.** That Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 100 of the 126th General Assembly, be amended to read as follows:

**Sec. 513.03.** (A) Notwithstanding any provision of law to the contrary and during the period beginning July 1, 2005, and ending May 1, 2006, or the effective date of H.B. 397 of the 126th General Assembly, whichever is earlier, the Director of Environmental Protection or a board of health as defined in section 3714.01 of the Revised Code shall not issue a license to open a new construction and demolition debris facility under

Chapter 3714. of the Revised Code and rules adopted under it. 6459  
Except as otherwise provided in this division, the moratorium 6460  
established by this division applies both with respect to an 6461  
application for a license to open a new construction and 6462  
demolition debris facility that is submitted on or after the 6463  
effective date of this section and to an application for such a 6464  
license that has been submitted to the Director or a board of 6465  
health prior to the effective date of this section, but concerning 6466  
which a license for a facility has not been issued as of that 6467  
effective date. 6468

The board of county commissioners of a county may request the 6469  
Director or a board of health to continue to process an 6470  
application for a license to open a new construction and 6471  
demolition debris facility in that county that has been submitted 6472  
to the Director or board of health prior to the effective date of 6473  
this section. After receiving such a request from a board of 6474  
county commissioners, the Director or board of health may then 6475  
issue a license for the new construction and demolition debris 6476  
facility notwithstanding the moratorium established by this 6477  
division. 6478

The moratorium established by this division does not apply to 6479  
a license for a new construction and demolition debris facility if 6480  
the new facility will be located adjacent or contiguous to a 6481  
previously licensed construction and demolition debris facility. 6482  
The moratorium also does not apply to an expansion of or other 6483  
modification to an existing licensed construction and demolition 6484  
debris facility. 6485

(B) The moratorium established by division (A) of this 6486  
section does not apply to an application for a license to 6487  
establish a construction and demolition debris facility pending 6488  
before a board of health or the Director of Environmental 6489

Protection, as applicable, prior to July 1, 2005, and such an  
application shall be reviewed and the license shall be issued or  
denied in accordance with Chapter 3714. of the Revised Code, if  
all of the following apply to the applicant for the license:

(1) The applicant has acquired an interest in the property on  
which the facility will be located on or before May 1, 2005.

(2) The applicant has begun a hydrogeologic investigation  
pursuant to section 3745-400-09 of the Ohio Administrative Code  
prior to submitting the application.

(3) The applicant has begun the engineering plans for the  
facility prior to submitting the application.

(4) The application submitted by the applicant would have  
been determined to be complete if the moratorium had not been in  
effect.

The director shall determine whether this division applies to  
an applicant within forty-five days after receiving an applicant's  
request for a determination under this division.

~~(C)(1) There is hereby created the Construction and  
Demolition Debris Facility Study Committee composed of the  
following thirteen members:~~

~~(a) Three members of the House of Representatives appointed  
by the Speaker of the House of Representatives;~~

~~(b) Three members of the Senate appointed by the President of  
the Senate;~~

~~(c) The Director of Environmental Protection or the  
Director's designee;~~

~~(d) One member representing health districts in the state  
appointed by the Governor;~~

~~(e) Three members representing the construction and  
demolition debris industry in the state appointed by the Governor;~~

~~one of whom shall be the owner of both a construction and 6520  
demolition debris facility and a solid waste disposal facility; 6521~~

~~(f) Two members representing environmental consulting 6522  
organizations or firms in the state appointed by the Governor. 6523~~

~~Appointments shall be made to the Committee not later than 6524  
fifteen days after the effective date of this section. Members of 6525  
the Committee shall not receive compensation for their service on 6526  
the Committee and shall not receive reimbursement for expenses 6527  
incurred related to that service. 6528~~

~~(2) The Committee shall study the laws of this state 6529  
governing construction and demolition debris facilities and the 6530  
rules adopted under those laws and shall make recommendations to 6531  
the General Assembly regarding changes to those laws including, 6532  
but not limited to, recommendations concerning the following 6533  
topics: 6534~~

~~(a) The establishment of a code of ethics for owners and 6535  
operators of construction and demolition debris facilities; 6536~~

~~(b) The establishment of best management practices; 6537~~

~~(c) Licensing requirements; 6538~~

~~(d) Testing and monitoring requirements and protocols; 6539~~

~~(e) Siting and setback criteria for construction and 6540  
demolition debris facilities; 6541~~

~~(f) State and local oversight and regulatory authority; 6542~~

~~(g) Fees; 6543~~

~~(h) The regulation of construction and demolition debris from 6544  
sources inside and outside the state; 6545~~

~~(i) The closure process for construction and demolition 6546  
debris facilities. 6547~~

~~(3) The Committee shall submit a report of its study and any 6548~~

~~recommendations that it has developed to the General Assembly not 6549  
later than September 30, 2005. The Committee shall cease to exist 6550  
on the date on which it submits its report. 6551~~

~~The General Assembly shall enact legislation based on the 6552  
recommendations of the Committee as soon as is practicable. 6553~~

**Section 5.10.** That existing Section 513.03 of Am. Sub. H.B. 6554  
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 100 6555  
of the 126th General Assembly is hereby repealed. 6556

**Section 6.** That Section 6 of Am. Sub. H.B. 516 of the 125th 6557  
General Assembly is repealed. 6558

This repeal prevents the repeal of sections 101.82, 101.83, 6559  
101.84, 101.85, 101.86, and 101.87 of the Revised Code that was to 6560  
be effective on December 31, 2010, and thereby removes this 6561  
limitation upon the continued existence of sections 101.82 and 6562  
101.87 of the Revised Code and upon the continued existence of 6563  
sections 101.83, 101.84, 101.85, and 101.86 of the Revised Code as 6564  
presented in Section 1 of this act. The rule of construction that 6565  
the repeal of a repealing act does not revive the statute 6566  
repealed, which is reflected in section 1.57 of the Revised Code, 6567  
does not affect the intent of this section. 6568

**Section 7.** The following Sections are repealed: 6569

Sections 265.70.20, 709.10, and 751.13 of Am. Sub. H.B. 1 of 6570  
the 128th General Assembly 6571

Sections 755.40, 755.80, and 756.40 of Am. Sub. H.B. 2 of the 6572  
128th General Assembly 6573

Section 3 of Sub. H.B. 7 of the 127th General Assembly 6574

Section 555.17 of Am. Sub. H.B. 67 of the 127th General 6575  
Assembly 6576

Sections 263.30.30, 337.20.20, 377.20, 737.11, and 737.12 of Am. Sub. H.B. 119 of the 127th General Assembly	6577 6578
Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly	6579 6580
Section 2 of Sub. H.B. 233 of the 127th General Assembly	6581
Section 3 of Am. H.B. 416 of the 127th General Assembly	6582
Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly	6583 6584
Section 512.45 of Am. Sub. H.B. 100 of the 127th General Assembly as amended by Am. Sub. H.B. 15 of the 128th General Assembly	6585 6586 6587
Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly	6588
Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, 503.12, and 560.03 of Am. Sub. H.B. 66 of the 126th General Assembly	6589 6590 6591
Sections 3 and 4 of Sub. H.B. 187 of the 126th General Assembly	6592 6593
Section 1 of Sub. H.B. 371 of the 126th General Assembly	6594
Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly	6595 6596
Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly	6597
Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly	6598
Section 3 of Am. Sub. S.B. 311 of the 126th General Assembly	6599
Section 3 of Sub. S.B. 393 of the 126th General Assembly	6600
Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly	6601 6602
Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly	6603 6604



Section 3 of Sub. H.B. 204 of the 125th General Assembly	6605
Section 8 of Sub. H.B. 299 of the 125th General Assembly	6606
Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly	6607
Section 5 of Sub. H.B. 57 of the 124th General Assembly	6608
Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly	6609
Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly	6610
Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by Am. Sub. H.B. 1 of the 128th General Assembly	6611 6612 6613
Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by S.B. 87 of the 126th General Assembly	6614 6615
Section 6 of Sub. H.B. 336 of the 126th General Assembly, as amended by Am. Sub. S.B. 155 of the 127th General Assembly	6616 6617
Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly, as amended by Am. Sub. H.B. 67 of the 127th General Assembly	6618 6619 6620
Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly, as amended by Am. Sub. H.B. 461 of the 126th General Assembly	6621 6622
Section 8 of Am. Sub. S.B. 311 of the 126th General Assembly, as amended by H.B. 190 of the 127th General Assembly	6623 6624
Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 2 of the 125th General Assembly	6625 6626 6627
Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 189 of the 125th General Assembly	6628 6629 6630
Section 69 of H.B. 117 of the 121st General Assembly, as amended by H.B. 284 of the 121st General Assembly	6631 6632

**Section 7.01.** Section 3 of Am. H.B. 416 of the 127th General Assembly is hereby repealed effective September 8, 2010.

**Section 8.** (A) It is in part the intent of the General Assembly in enacting this act to implement the report of the Sunset Review Committee that was created by Am. Sub. H.B. 516 of the 125th General Assembly. That report is implemented in part as follows:

(1) By the abolishment in this act, through amendments to relevant codified sections of law and through outright repeals of codified or uncodified sections of law, of numerous agencies, as defined in section 101.82 of the Revised Code, that were subject to the Committee's jurisdiction;

(2) By the termination, through amendments to relevant codified sections of law and through outright repeals of codified or uncodified sections of law, of several agencies, as defined in section 101.82 of the Revised Code, that were subject to the Committee's jurisdiction;

(3) By the transfer, through the amendment or enactment of codified or uncodified sections of law, of several agencies, as defined in section 101.82 of the Revised Code, that were subject to the Committee's jurisdiction;

(4) By the renewal, through the amendment or enactment of codified or uncodified sections of law, of the existence of numerous agencies, as defined in section 101.82 of the Revised Code, that were subject to the Committee's jurisdiction.

(B) In addition to the means of implementing the Committee's report mentioned in division (A) of this section, the General Assembly hereby declares its intent to abolish the Compact with Ohio Cities Task Force. This entity was subject to the Committee's jurisdiction, and the Committee declared that it should be

abolished, but no express codified or uncodified source of law for 6663  
them was found to exist by the General Assembly. 6664

(C) In addition to the means of implementing the Committee's 6665  
report mentioned in division (A) of this section, the General 6666  
Assembly hereby declares its intent to transfer the Advisory 6667  
Boards to EPA for air pollution and the Advisory Boards to EPA for 6668  
water pollution control into a new Advisory Boards to EPA for Air 6669  
and Water Pollution Control. These entities were subject to the 6670  
Committee's jurisdiction, and the Committee declared that they 6671  
should be transferred, but no express codified or uncodified 6672  
source of law for them was found to exist by the General Assembly. 6673

(D) In addition to the means of implementing the Committee's 6674  
report mentioned in division (A) of this section, the General 6675  
Assembly hereby declares its intent to renew the Advisory Council 6676  
to Select Medicaid Drug Managers. This entity was subject to the 6677  
Committee's jurisdiction, and the Committee declared that it 6678  
should be renewed, but no express codified or uncodified source of 6679  
law for them was found to exist by the General Assembly. 6680

(E) In addition to the means of implementing the Committee's 6681  
report mentioned in division (A) of this section, the General 6682  
Assembly hereby declares its intent to abolish the Ohio Teacher 6683  
Education and Licensure Advisory Commission. This entity was 6684  
subject to the Committee's jurisdiction, and the Committee 6685  
declared that it should be abolished, but no express codified or 6686  
uncodified source of law for them was found to exist by the 6687  
General Assembly. 6688

**Section 9.** The Great Lakes state commission shall supersede 6689  
the Ohio Lake Erie commission and the coastal resources advisory 6690  
council and their members and succeed to and have and perform all 6691  
the duties, powers, and obligations pertaining to the duties, 6692  
powers, and obligations of the Ohio Lake Erie commission and the 6693

coastal resources advisory council and their members. All rules, 6694  
actions, determinations, commitments, resolutions, decisions, and 6695  
agreements pertaining to those duties, powers, obligations, 6696  
functions, and rights in force or in effect on the effective date 6697  
of this section shall continue in force and effect subject to any 6698  
further lawful action thereon by the Great Lakes state commission. 6699  
Wherever the Ohio Lake Erie commission and the coastal resources 6700  
advisory council are referred to in any provision of law, or in 6701  
any agreement or document that pertains to those duties, powers, 6702  
obligations, functions, and rights, the reference is to the Great 6703  
Lakes state commission. 6704

All authorized obligations and supplements thereto of the 6705  
Ohio Lake Erie commission and the coastal resources advisory 6706  
council and their members pertaining to the duties, powers, and 6707  
obligations transferred are binding on the Great Lakes state 6708  
commission, and nothing in this act impairs the obligations or 6709  
rights thereunder or under any contract. The abolition of the Ohio 6710  
Lake Erie commission and the coastal resources advisory council 6711  
and the transfer of their duties, powers, and obligations do not 6712  
affect the validity of agreements or obligations made by the Ohio 6713  
Lake Erie commission and the coastal resources advisory council 6714  
and their members pursuant to Chapters 4121., 4123., 4125., 4127., 6715  
4131., and 4167. of the Revised Code or any other provisions of 6716  
law. 6717

In connection with the transfer of duties, powers, 6718  
obligations, functions, and rights and abolition of the Ohio Lake 6719  
Erie commission and the coastal resources advisory council, all 6720  
real property and interest therein, documents, books, money, 6721  
papers, records, machinery, furnishings, office equipment, 6722  
furniture, and all other property over which the Ohio Lake Erie 6723  
commission and the coastal resources advisory council have control 6724  
pertaining to the duties, powers, and obligations transferred and 6725

the rights of the Ohio Lake Erie commission and the coastal 6726  
resources advisory council to enforce or receive any of the 6727  
aforesaid is automatically transferred to the Great Lakes state 6728  
commission without necessity for further action on the part of the 6729  
Great Lakes state commission. Additionally, all appropriations or 6730  
reappropriations made to the Ohio Lake Erie commission and the 6731  
coastal resources advisory council for the purposes of the 6732  
performance of their duties, powers, and obligations, are 6733  
transferred to the Great Lakes state commission to the extent of 6734  
the remaining unexpended or unencumbered balance thereof, whether 6735  
allocated or unallocated, and whether obligated or unobligated. 6736

**Section 10.** The medical loan repayment advisory board shall 6737  
supersede the physician loan repayment advisory board and the 6738  
dentist loan repayment advisory board and their members and 6739  
succeed to and have and perform all the duties, powers, and 6740  
obligations pertaining to the duties, powers, and obligations of 6741  
the physician loan repayment advisory board and the dentist loan 6742  
repayment advisory board and their members. All rules, actions, 6743  
determinations, commitments, resolutions, decisions, and 6744  
agreements pertaining to those duties, powers, obligations, 6745  
functions, and rights in force or in effect on the effective date 6746  
of this section shall continue in force and effect subject to any 6747  
further lawful action thereon by the medical loan repayment 6748  
advisory board. Wherever the physician loan repayment advisory 6749  
board and the dentist loan repayment advisory board are referred 6750  
to in any provision of law, or in any agreement or document that 6751  
pertains to those duties, powers, obligations, functions, and 6752  
rights, the reference is to the medical loan repayment advisory 6753  
board. 6754

All authorized obligations and supplements thereto of the 6755  
physician loan repayment advisory board and the dentist loan 6756  
repayment advisory board and their members pertaining to the 6757

duties, powers, and obligations transferred are binding on the 6758  
medical loan repayment advisory board, and nothing in this act 6759  
impairs the obligations or rights thereunder or under any 6760  
contract. The abolition of the physician loan repayment advisory 6761  
board and the dentist loan repayment advisory board and the 6762  
transfer of their duties, powers, and obligations do not affect 6763  
the validity of agreements or obligations made by the physician 6764  
loan repayment advisory board and the dentist loan repayment 6765  
advisory board and their members pursuant to Chapters 4121., 6766  
4123., 4125., 4127., 4131., and 4167. of the Revised Code or any 6767  
other provisions of law. 6768

In connection with the transfer of duties, powers, 6769  
obligations, functions, and rights and abolition of the physician 6770  
loan repayment advisory board and the dentist loan repayment 6771  
advisory board, all real property and interest therein, documents, 6772  
books, money, papers, records, machinery, furnishings, office 6773  
equipment, furniture, and all other property over which the 6774  
physician loan repayment advisory board and the dentist loan 6775  
repayment advisory board have control pertaining to the duties, 6776  
powers, and obligations transferred and the rights of the 6777  
physician loan repayment advisory board and the dentist loan 6778  
repayment advisory board to enforce or receive any of the 6779  
aforesaid is automatically transferred to the medical loan 6780  
repayment advisory board without necessity for further action on 6781  
the part of the medical loan repayment advisory board. 6782  
Additionally, all appropriations or reappropriations made to the 6783  
physician loan repayment advisory board and the dentist loan 6784  
repayment advisory board for the purposes of the performance of 6785  
their duties, powers, and obligations, are transferred to the 6786  
medical loan repayment advisory board to the extent of the 6787  
remaining unexpended or unencumbered balance thereof, whether 6788  
allocated or unallocated, and whether obligated or unobligated. 6789

**Section 10.01.** The Governor, the Speaker of the House of Representatives, and the President of the Senate, within thirty days after the effective date of this section, shall appoint members to the Medical Loan Repayment Advisory Board. Of the members appointed by the Governor, four shall be appointed to terms ending June 30, 2012, and five shall be appointed to terms ending June 30, 2013. Of the members appointed by the Speaker of the House of Representatives, one shall be appointed to a term ending June 30, 2012, and one shall be appointed to a term ending June 30, 2013. Of the members appointed by the President of the Senate, one shall be for a term ending June 30, 2012, and one shall be appointed for a term ending June 30, 2013. Thereafter, terms of office are as specified in section 3702.81 of the Revised Code.

**Section 11.** The financial consumer council shall supersede the banking commission, savings and loan associations and savings banks board, and the credit union council and its members and succeed to and have and perform all the duties, powers, and obligations pertaining to the duties, powers, and obligations of the banking commission, savings and loan associations and savings banks board, credit union council, and their members. All rules, actions, determinations, commitments, resolutions, decisions, and agreements pertaining to those duties, powers, obligations, functions, and rights in force or in effect on the effective date of this section shall continue in force and effect subject to any further lawful action thereon by the banking commission. Wherever the banking commission, the savings and loan associations and savings banks board, or the credit union council is referred to in any provision of law, or in any agreement or document that pertains to those duties, powers, obligations, functions, and rights, the reference is to the financial consumer council.

All authorized obligations and supplements thereto of the 6821  
banking commission, the savings and loan associations and savings 6822  
banks board, or the credit union council and their members 6823  
pertaining to the duties, powers, and obligations transferred are 6824  
binding on the financial consumer council, and nothing in this act 6825  
impairs the obligations or rights thereunder or under any 6826  
contract. The abolition of the banking commission, savings and 6827  
loan associations and savings banks board, and the credit union 6828  
council and the transfer of their duties, powers, and obligations 6829  
do not affect the validity of agreements or obligations made by 6830  
the banking commission, the savings and loan associations and 6831  
savings banks board, the credit union council or their members 6832  
pursuant to Chapters 4121., 4123., 4125., 4127., 4131., and 4167. 6833  
of the Revised Code or any other provisions of law. 6834

In connection with the transfer of duties, powers, 6835  
obligations, functions, and rights and abolition of the banking 6836  
commission, savings and loan associations and savings banks board, 6837  
and the credit union council, all real property and interest 6838  
therein, documents, books, money, papers, records, machinery, 6839  
furnishings, office equipment, furniture, and all other property 6840  
over which the banking commission, savings and loan associations 6841  
and savings banks board, and the credit union council has control 6842  
pertaining to the duties, powers, and obligations transferred and 6843  
the rights of the banking commission, savings and loan 6844  
associations and savings banks board, and the credit union council 6845  
to enforce or receive any of the aforesaid is automatically 6846  
transferred to the financial consumer council without necessity 6847  
for further action on the part of the financial consumer council. 6848  
Additionally, all appropriations or reappropriations made to the 6849  
banking commission, the savings and loan associations and savings 6850  
banks board, and the credit union council for the purposes of the 6851  
performance of their duties, powers, and obligations, are 6852  
transferred to the financial consumer council to the extent of the 6853



remaining unexpended or unencumbered balance thereof, whether 6854  
allocated or unallocated, and whether obligated or unobligated. 6855

**Section 12.** The hospital measures advisory council shall 6856  
supersede the data collection and analysis group, the infection 6857  
control group, and the group of experts in pediatric medicine and 6858  
their members and succeed to and have and perform all the duties, 6859  
powers, and obligations pertaining to the duties, powers, and 6860  
obligations of the data collection and analysis group, the 6861  
infection control group, and the group of experts in pediatric 6862  
medicine and their members. All rules, actions, determinations, 6863  
commitments, resolutions, decisions, and agreements pertaining to 6864  
those duties, powers, obligations, functions, and rights in force 6865  
or in effect on the effective date of this section shall continue 6866  
in force and effect subject to any further lawful action thereon 6867  
by the hospital measures advisory council. Wherever the data 6868  
collection and analysis group, the infection control group, and 6869  
the group of experts in pediatric medicine are referred to in any 6870  
provision of law, or in any agreement or document that pertains to 6871  
those duties, powers, obligations, functions, and rights, the 6872  
reference is to the hospital measures advisory council. 6873

All authorized obligations and supplements thereto of the 6874  
data collection and analysis group, the infection control group, 6875  
and the group of experts in pediatric medicine and their members 6876  
pertaining to the duties, powers, and obligations transferred are 6877  
binding on the hospital measures advisory council, and nothing in 6878  
this act impairs the obligations or rights thereunder or under any 6879  
contract. The abolition of the data collection and analysis group, 6880  
the infection control group, and the group of experts in pediatric 6881  
medicine and the transfer of their duties, powers, and obligations 6882  
do not affect the validity of agreements or obligations made by 6883  
the data collection and analysis group, the infection control 6884  
group, and the group of experts in pediatric medicine and their 6885

members pursuant to Chapters 4121., 4123., 4125., 4127., 4131., 6886  
and 4167. of the Revised Code or any other provisions of law. 6887

In connection with the transfer of duties, powers, 6888  
obligations, functions, and rights and abolition of the data 6889  
collection and analysis group, the infection control group, and 6890  
the group of experts in pediatric medicine, all real property and 6891  
interest therein, documents, books, money, papers, records, 6892  
machinery, furnishings, office equipment, furniture, and all other 6893  
property over which the data collection and analysis group, the 6894  
infection control group, and the group of experts in pediatric 6895  
medicine have control pertaining to the duties, powers, and 6896  
obligations transferred and the rights of the data collection and 6897  
analysis group, the infection control group, and the group of 6898  
experts in pediatric medicine to enforce or receive any of the 6899  
aforesaid is automatically transferred to the hospital measures 6900  
advisory council without necessity for further action on the part 6901  
of the hospital measures advisory council. Additionally, all 6902  
appropriations or reappropriations made to the data collection and 6903  
analysis group, the infection control group, and the group of 6904  
experts in pediatric medicine for the purposes of the performance 6905  
of their duties, powers, and obligations, are transferred to the 6906  
hospital measures advisory council to the extent of the remaining 6907  
unexpended or unencumbered balance thereof, whether allocated or 6908  
unallocated, and whether obligated or unobligated. 6909

**Section 13.** The commission on Hispanic-Latino affairs shall 6910  
supersede the interagency council on Hispanic-Latino affairs and 6911  
its members and succeed to and have and perform all the duties, 6912  
powers, and obligations pertaining to the duties, powers, and 6913  
obligations of the interagency council on Hispanic-Latino affairs 6914  
and its members. All rules, actions, determinations, commitments, 6915  
resolutions, decisions, and agreements pertaining to those duties, 6916  
powers, obligations, functions, and rights in force or in effect 6917

on the effective date of this section shall continue in force and 6918  
effect subject to any further lawful action thereon by the 6919  
commission on Hispanic-Latino affairs. Wherever the interagency 6920  
council on Hispanic-Latino affairs is referred to in any provision 6921  
of law, or in any agreement or document that pertains to those 6922  
duties, powers, obligations, functions, and rights, the reference 6923  
is to the commission on Hispanic-Latino affairs. 6924

All authorized obligations and supplements thereto of the 6925  
interagency council on Hispanic-Latino affairs and its members 6926  
pertaining to the duties, powers, and obligations transferred are 6927  
binding on the commission on Hispanic-Latino affairs, and nothing 6928  
in this act impairs the obligations or rights thereunder or under 6929  
any contract. The abolition of the interagency council on 6930  
Hispanic-Latino affairs and the transfer of their duties, powers, 6931  
and obligations do not affect the validity of agreements or 6932  
obligations made by the interagency council on Hispanic-Latino 6933  
affairs and its members pursuant to Chapters 4121., 4123., 4125., 6934  
4127., 4131., and 4167. of the Revised Code or any other 6935  
provisions of law. 6936

In connection with the transfer of duties, powers, 6937  
obligations, functions, and rights and abolition of the 6938  
interagency council on Hispanic-Latino affairs, all real property 6939  
and interest therein, documents, books, money, papers, records, 6940  
machinery, furnishings, office equipment, furniture, and all other 6941  
property over which the interagency council on Hispanic-Latino 6942  
affairs has control pertaining to the duties, powers, and 6943  
obligations transferred and the rights of the interagency council 6944  
on Hispanic-Latino affairs to enforce or receive any of the 6945  
aforesaid is automatically transferred to the commission on 6946  
Hispanic-Latino affairs without necessity for further action on 6947  
the part of the commission on Hispanic-Latino affairs. 6948  
Additionally, all appropriations or reappropriations made to the 6949

interagency council on Hispanic-Latino affairs for the purposes of 6950  
the performance of their duties, powers, and obligations, are 6951  
transferred to the commission on Hispanic-Latino affairs to the 6952  
extent of the remaining unexpended or unencumbered balance 6953  
thereof, whether allocated or unallocated, and whether obligated 6954  
or unobligated. 6955

**Section 14.** The early childhood advisory council shall 6956  
supersede the early childhood financing workgroup and its members 6957  
and succeed to and have and perform all the duties, powers, and 6958  
obligations pertaining to the duties, powers, and obligations of 6959  
the early childhood financing workgroup and its members. All 6960  
rules, actions, determinations, commitments, resolutions, 6961  
decisions, and agreements pertaining to those duties, powers, 6962  
obligations, functions, and rights in force or in effect on the 6963  
effective date of this section shall continue in force and effect 6964  
subject to any further lawful action thereon by the early 6965  
childhood advisory council. Wherever the early childhood financing 6966  
workgroup is referred to in any provision of law, or in any 6967  
agreement or document that pertains to those duties, powers, 6968  
obligations, functions, and rights, the reference is to the early 6969  
childhood advisory council. 6970

All authorized obligations and supplements thereto of the 6971  
early childhood financing workgroup and its members pertaining to 6972  
the duties, powers, and obligations transferred are binding on the 6973  
early childhood advisory council, and nothing in this act impairs 6974  
the obligations or rights thereunder or under any contract. The 6975  
abolition of the early childhood financing workgroup and the 6976  
transfer of their duties, powers, and obligations do not affect 6977  
the validity of agreements or obligations made by the early 6978  
childhood financing workgroup and its members pursuant to Chapters 6979  
4121., 4123., 4125., 4127., 4131., and 4167. of the Revised Code 6980  
or any other provisions of law. 6981

In connection with the transfer of duties, powers, 6982  
obligations, functions, and rights and abolition of the early 6983  
childhood financing workgroup, all real property and interest 6984  
therein, documents, books, money, papers, records, machinery, 6985  
furnishings, office equipment, furniture, and all other property 6986  
over which the early childhood financing workgroup has control 6987  
pertaining to the duties, powers, and obligations transferred and 6988  
the rights of the early childhood financing workgroup to enforce 6989  
or receive any of the aforesaid is automatically transferred to 6990  
the early childhood advisory council without necessity for further 6991  
action on the part of the early childhood advisory council. 6992  
Additionally, all appropriations or reappropriations made to the 6993  
early childhood financing workgroup for the purposes of the 6994  
performance of their duties, powers, and obligations, are 6995  
transferred to the early childhood advisory council to the extent 6996  
of the remaining unexpended or unencumbered balance thereof, 6997  
whether allocated or unallocated, and whether obligated or 6998  
unobligated. 6999

**Section 15.** The board of governors of the medical liability 7000  
underwriting association shall supersede the directors of the 7001  
medical liability underwriting association stabilization reserve 7002  
fund and its members and succeed to and have and perform all the 7003  
duties, powers, and obligations pertaining to the duties, powers, 7004  
and obligations of the directors of the medical liability 7005  
underwriting association stabilization reserve fund and its 7006  
members. All rules, actions, determinations, commitments, 7007  
resolutions, decisions, and agreements pertaining to those duties, 7008  
powers, obligations, functions, and rights in force or in effect 7009  
on the effective date of this section shall continue in force and 7010  
effect subject to any further lawful action thereon by the board 7011  
of governors of the medical liability underwriting association. 7012  
Wherever the directors of the medical liability underwriting 7013

association stabilization reserve fund is referred to in any 7014  
provision of law, or in any agreement or document that pertains to 7015  
those duties, powers, obligations, functions, and rights, the 7016  
reference is to the board of governors of the medical liability 7017  
underwriting association. 7018

All authorized obligations and supplements thereto of the 7019  
directors of the medical liability underwriting association 7020  
stabilization reserve fund and its members pertaining to the 7021  
duties, powers, and obligations transferred are binding on the 7022  
board of governors of the medical liability underwriting 7023  
association, and nothing in this act impairs the obligations or 7024  
rights thereunder or under any contract. The abolition of the 7025  
directors of the medical liability underwriting association 7026  
stabilization reserve fund and the transfer of their duties, 7027  
powers, and obligations do not affect the validity of agreements 7028  
or obligations made by the directors of the medical liability 7029  
underwriting association stabilization reserve fund and its 7030  
members pursuant to Chapters 4121., 4123., 4125., 4127., 4131., 7031  
and 4167. of the Revised Code or any other provisions of law. 7032

In connection with the transfer of duties, powers, 7033  
obligations, functions, and rights and abolition of the directors 7034  
of the medical liability underwriting association stabilization 7035  
reserve fund, all real property and interest therein, documents, 7036  
books, money, papers, records, machinery, furnishings, office 7037  
equipment, furniture, and all other property over which the 7038  
directors of the medical liability underwriting association 7039  
stabilization reserve fund has control pertaining to the duties, 7040  
powers, and obligations transferred and the rights of the 7041  
directors of the medical liability underwriting association 7042  
stabilization reserve fund to enforce or receive any of the 7043  
aforesaid is automatically transferred to the board of governors 7044  
of the medical liability underwriting association without 7045

necessity for further action on the part of the board of governors 7046  
of the medical liability underwriting association. Additionally, 7047  
all appropriations or reappropriations made to the directors of 7048  
the medical liability underwriting association stabilization 7049  
reserve fund for the purposes of the performance of their duties, 7050  
powers, and obligations, are transferred to the board of governors 7051  
of the medical liability underwriting association to the extent of 7052  
the remaining unexpended or unencumbered balance thereof, whether 7053  
allocated or unallocated, and whether obligated or unobligated. 7054

**Section 16.** The third frontier biomedical and bioproducts 7055  
advisory board shall supersede the third frontier biomedical 7056  
advisory board and the third frontier bioproducts advisory board 7057  
and their members and succeed to and have and perform all the 7058  
duties, powers, and obligations pertaining to the duties, powers, 7059  
and obligations of the third frontier biomedical advisory board 7060  
and the third frontier bioproducts advisory board and their 7061  
members. All rules, actions, determinations, commitments, 7062  
resolutions, decisions, and agreements pertaining to those duties, 7063  
powers, obligations, functions, and rights in force or in effect 7064  
on the effective date of this section shall continue in force and 7065  
effect subject to any further lawful action thereon by the third 7066  
frontier biomedical and bioproducts advisory board. Wherever the 7067  
third frontier biomedical advisory board and the third frontier 7068  
bioproducts advisory board are referred to in any provision of 7069  
law, or in any agreement or document that pertains to those 7070  
duties, powers, obligations, functions, and rights, the reference 7071  
is to the third frontier biomedical and bioproducts advisory 7072  
board. 7073

All authorized obligations and supplements thereto of the 7074  
third frontier biomedical advisory board and the third frontier 7075  
bioproducts advisory board and their members pertaining to the 7076  
duties, powers, and obligations transferred are binding on the 7077

third frontier biomedical and bioproducts advisory board, and 7078  
nothing in this act impairs the obligations or rights thereunder 7079  
or under any contract. The abolition of the third frontier 7080  
biomedical advisory board and the third frontier bioproducts 7081  
advisory board and the transfer of their duties, powers, and 7082  
obligations do not affect the validity of agreements or 7083  
obligations made by the third frontier biomedical advisory board 7084  
and the third frontier bioproducts advisory board and their 7085  
members pursuant to Chapters 4121., 4123., 4125., 4127., 4131., 7086  
and 4167. of the Revised Code or any other provisions of law. 7087

In connection with the transfer of duties, powers, 7088  
obligations, functions, and rights and abolition of the third 7089  
frontier biomedical advisory board and the third frontier 7090  
bioproducts advisory board, all real property and interest 7091  
therein, documents, books, money, papers, records, machinery, 7092  
furnishings, office equipment, furniture, and all other property 7093  
over which the third frontier biomedical advisory board and the 7094  
third frontier bioproducts advisory board have control pertaining 7095  
to the duties, powers, and obligations transferred and the rights 7096  
of the third frontier biomedical advisory board and the third 7097  
frontier bioproducts advisory board to enforce or receive any of 7098  
the aforesaid is automatically transferred to the third frontier 7099  
biomedical and bioproducts advisory board without necessity for 7100  
further action on the part of the third frontier biomedical and 7101  
bioproducts advisory board. Additionally, all appropriations or 7102  
reappropriations made to the third frontier biomedical advisory 7103  
board and the third frontier bioproducts advisory board for the 7104  
purposes of the performance of their duties, powers, and 7105  
obligations, are transferred to the third frontier biomedical and 7106  
bioproducts advisory board to the extent of the remaining 7107  
unexpended or unencumbered balance thereof, whether allocated or 7108  
unallocated, and whether obligated or unobligated. 7109



**Section 17.** The Ohio commercial insurance joint underwriting 7110  
association board of governors shall supersede the Ohio commercial 7111  
market assistance plan executive committee and its members and 7112  
succeed to and have and perform all the duties, powers, and 7113  
obligations pertaining to the duties, powers, and obligations of 7114  
the Ohio commercial market assistance plan executive committee and 7115  
its members. All rules, actions, determinations, commitments, 7116  
resolutions, decisions, and agreements pertaining to those duties, 7117  
powers, obligations, functions, and rights in force or in effect 7118  
on the effective date of this section shall continue in force and 7119  
effect subject to any further lawful action thereon by the Ohio 7120  
commercial insurance joint underwriting association board of 7121  
governors. Wherever the Ohio commercial market assistance plan 7122  
executive committee is referred to in any provision of law, or in 7123  
any agreement or document that pertains to those duties, powers, 7124  
obligations, functions, and rights, the reference is to the Ohio 7125  
commercial insurance joint underwriting association board of 7126  
governors. 7127

All authorized obligations and supplements thereto of the 7128  
Ohio commercial market assistance plan executive committee and its 7129  
members pertaining to the duties, powers, and obligations 7130  
transferred are binding on the Ohio commercial insurance joint 7131  
underwriting association board of governors, and nothing in this 7132  
act impairs the obligations or rights thereunder or under any 7133  
contract. The abolition of the Ohio commercial market assistance 7134  
plan executive committee and the transfer of their duties, powers, 7135  
and obligations do not affect the validity of agreements or 7136  
obligations made by the Ohio commercial market assistance plan 7137  
executive committee and its members pursuant to Chapters 4121., 7138  
4123., 4125., 4127., 4131., and 4167. of the Revised Code or any 7139  
other provisions of law. 7140

In connection with the transfer of duties, powers, 7141

obligations, functions, and rights and abolition of the Ohio 7142  
commercial market assistance plan executive committee, all real 7143  
property and interest therein, documents, books, money, papers, 7144  
records, machinery, furnishings, office equipment, furniture, and 7145  
all other property over which the Ohio commercial market 7146  
assistance plan executive committee has control pertaining to the 7147  
duties, powers, and obligations transferred and the rights of the 7148  
Ohio commercial market assistance plan executive committee to 7149  
enforce or receive any of the aforesaid is automatically 7150  
transferred to the Ohio commercial insurance joint underwriting 7151  
association board of governors without necessity for further 7152  
action on the part of the Ohio commercial insurance joint 7153  
underwriting association board of governors. Additionally, all 7154  
appropriations or reappropriations made to the Ohio commercial 7155  
market assistance plan executive committee for the purposes of the 7156  
performance of their duties, powers, and obligations, are 7157  
transferred to the Ohio commercial insurance joint underwriting 7158  
association board of governors to the extent of the remaining 7159  
unexpended or unencumbered balance thereof, whether allocated or 7160  
unallocated, and whether obligated or unobligated. 7161

**Section 18.** The Ohio quarter horse development commission, 7162  
the Ohio standardbred development commission, and the Ohio 7163  
thoroughbred racing advisory committee shall cease to exist on the 7164  
effective date of this section. The state racing commission shall 7165  
perform all the duties, powers, and obligations pertaining to the 7166  
duties, powers, and obligations of the Ohio quarter horse 7167  
development commission, the Ohio standardbred development 7168  
commission, and the Ohio thoroughbred racing advisory committee 7169  
and their members. All rules, actions, determinations, 7170  
commitments, resolutions, decisions, and agreements pertaining to 7171  
those duties, powers, obligations, functions, and rights in force 7172  
or in effect on the effective date of this section shall continue 7173

in force and effect subject to any further lawful action thereon 7174  
by the state racing commission. Wherever the Ohio quarter horse 7175  
development commission, the Ohio standardbred development 7176  
commission, or the Ohio thoroughbred racing advisory committee are 7177  
referred to in any provision of law, or in any agreement or 7178  
document that pertains to those duties, powers, obligations, 7179  
functions, and rights, the reference is to the state racing 7180  
commission. 7181

All authorized obligations and supplements thereto of the 7182  
Ohio quarter horse development commission, the Ohio standardbred 7183  
development commission, and the Ohio thoroughbred racing advisory 7184  
committee and their members pertaining to the duties, powers, and 7185  
obligations transferred are binding on the state racing 7186  
commission, and nothing in this act impairs the obligations or 7187  
rights thereunder or under any contract. The abolition of the Ohio 7188  
quarter horse development commission, the Ohio standardbred 7189  
development commission, and the Ohio thoroughbred racing advisory 7190  
committee and the transfer of their duties, powers, and 7191  
obligations do not affect the validity of agreements or 7192  
obligations made by the Ohio quarter horse development commission, 7193  
the Ohio standardbred development commission, and the Ohio 7194  
thoroughbred racing advisory committee and their members pursuant 7195  
to Chapters 4121., 4123., 4125., 4127., 4131., and 4167. of the 7196  
Revised Code or any other provisions of law. 7197

In connection with the transfer of duties, powers, 7198  
obligations, functions, and rights and abolition of the Ohio 7199  
quarter horse development commission, the Ohio standardbred 7200  
development commission, and the Ohio thoroughbred racing advisory 7201  
committee, all real property and interest therein, documents, 7202  
books, money, papers, records, machinery, furnishings, office 7203  
equipment, furniture, and all other property over which the Ohio 7204  
quarter horse development commission, the Ohio standardbred 7205

development commission, and the Ohio thoroughbred racing advisory 7206  
committee have control pertaining to the duties, powers, and 7207  
obligations transferred and the rights of the Ohio quarter horse 7208  
development commission, the Ohio standardbred development 7209  
commission, and the Ohio thoroughbred racing advisory committee to 7210  
enforce or receive any of the aforesaid is automatically 7211  
transferred to the state racing commission without necessity for 7212  
further action on the part of the state racing commission. 7213  
Additionally, all appropriations or reappropriations made to the 7214  
Ohio quarter horse development commission, the Ohio standardbred 7215  
development commission, and the Ohio thoroughbred racing advisory 7216  
committee for the purposes of the performance of their duties, 7217  
powers, and obligations, are transferred to the state racing 7218  
commission to the extent of the remaining unexpended or 7219  
unencumbered balance thereof, whether allocated or unallocated, 7220  
and whether obligated or unobligated. 7221

**Section 19.** The sections of law contained in this act, except 7222  
for Sections 22 and 23 of this act, take effect on the date that 7223  
is three months after the date on which this act becomes law. 7224

**Section 20.** The following items of law are not subject to the 7225  
referendum and, under Ohio Constitution, Article II, Section 1d 7226  
and section 1.471 of the Revised Code, take effect immediately 7227  
when this act becomes law: 7228

The amendment of sections 127.14, 4121.77, and 4123.342 of 7229  
the Revised Code. 7230

The repeal of section 4121.79 of the Revised Code. 7231

The amendment of Section 203 of Am. Sub. H.B. 15 of the 128th 7232  
General Assembly. 7233

The repeal of Section 512.45 of Am. Sub. H.B. 100 of the 7234  
127th General Assembly as amended by Am. Sub. H.B. 15 of the 128th 7235

General Assembly.	7236
This section.	7237
<b>Section 21.</b> The General Assembly, applying the principle	7238
stated in division (B) of section 1.52 of the Revised Code that	7239
amendments are to be harmonized if reasonably capable of	7240
simultaneous operation, finds that the following sections,	7241
presented in this act as composites of the sections as amended by	7242
the acts indicated, are the resulting versions of the sections in	7243
effect prior to the effective date of the sections as presented in	7244
this act:	7245
Section 4503.52 of the Revised Code as amended by both Am.	7246
Sub. H.B. 210 and Am. Sub. H.B. 224 of the 122nd General Assembly.	7247