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Senators Carey, Miller, D.

**Cosponsors: Senators Buehrer, Cafaro, Fedor, Gibbs, Goodman, Harris,
Hughes, Kearney, Morano, Niehaus, Schaffer, Schiavoni, Strahorn, Widener,
Gillmor, Turner, Sawyer, Smith, Miller, R.**

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A B I L L

To amend sections 117.13, 1515.14, and 3734.901 of 1
the Revised Code and to amend Section 343.40 of 2
Am. Sub. H.B. 1 of the 128th General Assembly to 3
require that the costs of all biennial audits of 4
state agencies be charged to the state agency 5
being audited, to alter the allocation of the 6
proceeds of the existing fee on the sale of new 7
tires in order to provide funding for the Soil and 8
Water Conservation District Assistance Fund, and 9
to increase the maximum amount of the annual soil 10
and water conservation district subsidy. 11

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

Section 1. That sections 117.13, 1515.14, and 3734.901 of the 12
Revised Code be amended to read as follows: 13

Sec. 117.13. (A) The costs of audits of state agencies shall 14
be recovered by the auditor of state in the following manner: 15

(1) The costs of all audits of state agencies shall be paid 16
to the auditor of state on statements rendered by the auditor of 17

state. Money so received by the auditor of state shall be paid 18
into the state treasury to the credit of the public audit expense 19
fund--intrastate, which is hereby created, and shall be used to 20
pay costs related to such audits. The costs of ~~all annual and~~ 21
~~special~~ audits of a state agency shall be charged to the state 22
agency being audited. ~~The costs of all biennial audits of a state~~ 23
~~agency shall be paid from money appropriated to the department of~~ 24
~~administrative services for that purpose.~~ The costs of any 25
assistant auditor, employee, or expert employed pursuant to 26
section 117.09 of the Revised Code called upon to testify in any 27
legal proceedings in regard to any audit, or called upon to review 28
or discuss any matter related to any audit, may be charged to the 29
state agency to which the audit relates. 30

(2) The auditor of state shall establish by rule rates to be 31
charged to state agencies ~~or to the department of administrative~~ 32
~~services~~ for recovering the costs of audits of state agencies. 33

(B) As used in this division, "government auditing standards" 34
means the government auditing standards published by the 35
comptroller general of the United States general accounting 36
office. 37

(1) Except as provided in divisions (B)(2) and (3) of this 38
section, any costs of an audit of a private institution, 39
association, board, or corporation receiving public money for its 40
use shall be charged to the public office providing the public 41
money in the same manner as costs of an audit of the public 42
office. 43

(2) If an audit of a private child placing agency or private 44
noncustodial agency receiving public money from a public children 45
services agency for providing child welfare or child protection 46
services sets forth that money has been illegally expended, 47
converted, misappropriated, or is unaccounted for, the costs of 48
the audit shall be charged to the agency being audited in the same 49

manner as costs of an audit of a public office, unless the 50
findings are inconsequential, as defined by government auditing 51
standards. 52

(3) If such an audit does not set forth that money has been 53
illegally expended, converted, misappropriated, or is unaccounted 54
for or sets forth findings that are inconsequential, as defined by 55
government auditing standards, the costs of the audit shall be 56
charged as follows: 57

(a) One-third of the costs to the agency being audited; 58

(b) One-third of the costs to the public children services 59
agency that provided the public money to the agency being audited; 60

(c) One-third of the costs to the department of job and 61
family services. 62

(C) The costs of audits of local public offices shall be 63
recovered by the auditor of state in the following manner: 64

(1) The total amount of compensation paid assistant auditors 65
of state, their expenses, the cost of employees assigned to assist 66
the assistant auditors of state, the cost of experts employed 67
pursuant to section 117.09 of the Revised Code, and the cost of 68
typing, reviewing, and copying reports shall be borne by the 69
public office to which such assistant auditors of state are so 70
assigned, except that annual vacation and sick leave of assistant 71
auditors of state, employees, and typists shall be financed from 72
the general revenue fund. The necessary traveling and hotel 73
expenses of the deputy inspectors and supervisors of public 74
offices shall be paid from the state treasury. Assistant auditors 75
of state shall be compensated by the taxing district or other 76
public office audited for activities undertaken pursuant to 77
division (B) of section 117.18 and section 117.24 of the Revised 78
Code. The costs of any assistant auditor, employee, or expert 79
employed pursuant to section 117.09 of the Revised Code called 80

upon to testify in any legal proceedings in regard to any audit, 81
or called upon to review or discuss any matter related to any 82
audit, may be charged to the public office to which the audit 83
relates. 84

(2) The auditor of state shall certify the amount of such 85
compensation, expenses, cost of experts, reviewing, copying, and 86
typing to the fiscal officer of the local public office audited. 87
The fiscal officer of the local public office shall forthwith draw 88
a warrant upon the general fund or other appropriate funds of the 89
local public office to the order of the auditor of state; 90
provided, that the auditor of state is authorized to negotiate 91
with any local public office and, upon agreement between the 92
auditor of state and the local public office, may adopt a schedule 93
for payment of the amount due under this section. Money so 94
received by the auditor of state shall be paid into the state 95
treasury to the credit of the public audit expense fund--local 96
government, which is hereby created, and shall be used to pay the 97
compensation, expense, cost of experts and employees, reviewing, 98
copying, and typing of reports. 99

(3) At the conclusion of each audit, or analysis and report 100
made pursuant to section 117.24 of the Revised Code, the auditor 101
of state shall furnish the fiscal officer of the local public 102
office audited a statement showing the total cost of the audit, or 103
of the audit and the analysis and report, and the percentage of 104
the total cost chargeable to each fund audited. The fiscal officer 105
may distribute such total cost to each fund audited in accordance 106
with its percentage of the total cost. 107

(4) The auditor of state shall provide each local public 108
office a statement or certification of the amount due from the 109
public office for services performed by the auditor of state under 110
this or any other section of the Revised Code, as well as the date 111
upon which payment is due to the auditor of state. Any local 112

public office that does not pay the amount due to the auditor of 113
state by that date may be assessed by the auditor of state for 114
interest from the date upon which the payment is due at the rate 115
per annum prescribed by section 5703.47 of the Revised Code. All 116
interest charges assessed by the auditor of state may be collected 117
in the same manner as audit costs pursuant to division (D) of this 118
section. 119

(D) If the auditor of state fails to receive payment for any 120
amount due, including, but not limited to, fines, fees, and costs, 121
from a public office for services performed under this or any 122
other section of the Revised Code, the auditor of state may seek 123
payment through the office of budget and management. (Amounts due 124
include any amount due to an independent public accountant with 125
whom the auditor has contracted to perform services, all costs and 126
fees associated with participation in the uniform accounting 127
network, and all costs associated with the auditor's provision of 128
local government services.) Upon certification by the auditor of 129
state to the director of budget and management of any such amount 130
due, the director shall withhold from the public office any amount 131
available, up to and including the amount certified as due, from 132
any funds under the director's control that belong to or are 133
lawfully payable or due to the public office. The director shall 134
promptly pay the amount withheld to the auditor of state. If the 135
director determines that no funds due and payable to the public 136
office are available or that insufficient amounts of such funds 137
are available to cover the amount due, the director shall withhold 138
and pay to the auditor of state the amounts available and, in the 139
case of a local public office, certify the remaining amount to the 140
county auditor of the county in which the local public office is 141
located. The county auditor shall withhold from the local public 142
office any amount available, up to and including the amount 143
certified as due, from any funds under the county auditor's 144
control and belonging to or lawfully payable or due to the local 145

public office. The county auditor shall promptly pay any such 146
amount withheld to the auditor of state. 147

Sec. 1515.14. Within the limits of funds appropriated to the 148
department of natural resources and the soil and water 149
conservation district assistance fund created in this section, 150
there shall be paid in each calendar year to each local soil and 151
water conservation district an amount not to exceed one dollar for 152
each one dollar received in accordance with section 1515.10 of the 153
Revised Code, received from tax levies in excess of the ten-mill 154
levy limitation approved for the benefit of local soil and water 155
conservation districts, or received from an appropriation by a 156
municipal corporation or a township to a maximum of eight thousand 157
dollars, provided that the Ohio soil and water conservation 158
commission may approve payment to a district in an amount in 159
excess of eight thousand dollars in any calendar year upon receipt 160
of a request and justification from the district. The county 161
auditor shall credit such payments to the special fund established 162
pursuant to section 1515.10 of the Revised Code for the local soil 163
and water conservation district. The department may make advances 164
at least quarterly to each district on the basis of the estimated 165
contribution of the state to each district. Moneys received by 166
each district shall be expended for the purposes of the district. 167

For the purpose of providing money to soil and water 168
conservation districts under this section, there is hereby created 169
in the state treasury the soil and water conservation district 170
assistance fund consisting of money credited to it under ~~section~~ 171
sections 3714.073 and 3734.901 and division (A)(5) of section 172
3734.57 of the Revised Code. 173

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 174
defray the cost of administering and enforcing the scrap tire 175
provisions of this chapter, rules adopted under those provisions, 176

and terms and conditions of orders, variances, and licenses issued 177
under those provisions; to abate accumulations of scrap tires; to 178
make grants supporting market development activities for scrap 179
tires and synthetic rubber from tire manufacturing processes and 180
tire recycling processes and to support scrap tire amnesty and 181
cleanup events; to make loans to promote the recycling or recovery 182
of energy from scrap tires; and to defray the costs of 183
administering and enforcing sections 3734.90 to 3734.9014 of the 184
Revised Code; and for the purpose of providing revenue for soil 185
and water conservation districts, a fee of fifty cents per tire is 186
hereby levied on the sale of tires. The Fifty per cent of the 187
proceeds of the fee levied under division (A)(1) of this section 188
shall be deposited in the state treasury to the credit of the 189
scrap tire management fund created in section 3734.82 of the 190
Revised Code and fifty per cent of the proceeds shall be deposited 191
in the state treasury to the credit of the soil and water 192
conservation district assistance fund created in section 1515.14 193
of the Revised Code. The fee is levied from the first day of the 194
calendar month that begins next after thirty days from October 29, 195
1993, through June 30, 2011. 196

(2) Beginning on September 5, 2001, and ending on June 30, 197
2011, there is hereby levied an additional fee of fifty cents per 198
tire on the sale of tires. Fifty per cent of the proceeds of which 199
the fee levied under division (A)(2) of this section shall be 200
deposited in the state treasury to the credit of the scrap tire 201
management fund and be used exclusively for the purposes specified 202
in division (G)(3) of that section, and fifty per cent of the 203
proceeds shall be deposited in the state treasury to the credit of 204
the soil and water conservation district assistance fund created 205
in section 1515.14 of the Revised Code. 206

(B) Only one sale of the same article shall be used in 207
computing the amount of the fee due. 208

Section 2. That existing sections 117.13, 1515.14, and 209
3734.901 of the Revised Code are hereby repealed. 210

Section 3. That Section 343.40 of Am. Sub. H.B. 1 of the 211
128th General Assembly be amended to read as follows: 212

Sec. 343.40. SOIL AND WATER DISTRICTS 213

In addition to state payments to soil and water conservation 214
districts authorized by section 1515.10 of the Revised Code, the 215
Department of Natural Resources may use appropriation item 725502, 216
Soil and Water Districts, to pay any soil and water conservation 217
district an annual amount not to exceed ~~\$30,000~~ \$40,000, upon 218
receipt of a request and justification from the district and 219
approval by the Ohio Soil and Water Conservation Commission. The 220
county auditor shall credit the payments to the special fund 221
established under section 1515.10 of the Revised Code for the 222
local soil and water conservation district. Moneys received by 223
each district shall be expended for the purposes of the district. 224

The foregoing appropriation item 725683, Soil and Water 225
Districts, shall be expended for the purposes described above, 226
except that the funding source for this appropriation shall be 227
fees applied on the disposal of construction and demolition debris 228
and municipal solid waste, and fees levied on the sale of tires, 229
as provided in section 1515.14 of the Revised Code. 230

OIL AND GAS WELL PLUGGING 231

The foregoing appropriation item 725677, Oil and Gas Well 232
Plugging, shall be used exclusively for the purposes of plugging 233
wells and to properly restore the land surface of idle and orphan 234
oil and gas wells pursuant to section 1509.071 of the Revised 235
Code. No funds from the appropriation item shall be used for 236
salaries, maintenance, equipment, or other administrative 237

purposes, except for those costs directly attributed to the 238
plugging of an idle or orphan well. This appropriation item shall 239
not be used to transfer cash to any other fund or appropriation 240
item. 241

LITTER CONTROL AND RECYCLING 242

Of the foregoing appropriation item 725644, Litter Control 243
and Recycling, up to \$1,500,000 may be used in each fiscal year 244
for the administration of the Recycling and Litter Prevention 245
Program. 246

Section 4. That existing Section 343.40 of Am. Sub. H.B. 1 of 247
the 128th General Assembly is hereby repealed. 248

Section 5. If determined to be necessary, the Director of 249
Natural Resources may request the Controlling Board to increase 250
appropriations to the Soil and Water Conservation District 251
Assistance Fund in order to account for increased revenue 252
generated as a result of the amendments made by this act to 253
sections 1515.14 and 3734.901 of the Revised Code. The Controlling 254
Board shall approve such a request. 255