

**As Reported by the Senate Finance and Financial Institutions  
Committee**

**128th General Assembly  
Regular Session  
2009-2010**

**Sub. S. B. No. 155**

**Senators Carey, Miller, D.**

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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
<b>Section 4.</b> That existing Section 343.40 of Am. Sub. H.B. 1 of	247
the 128th General Assembly is hereby repealed.	248
<b>Section 5.</b> 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