

As Introduced

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

S. B. No. 233

Senator Gibbs

Cosponsor: Senator Faber

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A B I L L

To amend section 102.02 and to enact sections 904.01 1
to 904.08 of the Revised Code and to amend Section 2
211.10 of Am. Sub. H.B. 1 of the 128th General 3
Assembly and Section 265.10 of Am. Sub. H.B. 1 of 4
the 128th General Assembly, as subsequently 5
amended, to establish requirements and 6
responsibilities of the Ohio Livestock Care 7
Standards Board and the Director of Agriculture in 8
administering and enforcing the rules adopted by 9
the Board that govern the care and well-being of 10
livestock in this state, and to make an 11
appropriation. 12

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

Section 1. That section 102.02 be amended and sections 13
904.01, 904.02, 904.03, 904.04, 904.05, 904.06, 904.07, and 904.08 14
of the Revised Code be enacted to read as follows: 15

Sec. 102.02. (A) Except as otherwise provided in division (H) 16
of this section, all of the following shall file with the 17
appropriate ethics commission the disclosure statement described 18
in this division on a form prescribed by the appropriate 19

commission: every person who is elected to or is a candidate for a 20
state, county, or city office and every person who is appointed to 21
fill a vacancy for an unexpired term in such an elective office; 22
all members of the state board of education; the director, 23
assistant directors, deputy directors, division chiefs, or persons 24
of equivalent rank of any administrative department of the state; 25
the president or other chief administrative officer of every state 26
institution of higher education as defined in section 3345.011 of 27
the Revised Code; the executive director and the members of the 28
capitol square review and advisory board appointed or employed 29
pursuant to section 105.41 of the Revised Code; the chief 30
executive officer and the members of the board of each state 31
retirement system; each employee of a state retirement board who 32
is a state retirement system investment officer licensed pursuant 33
to section 1707.163 of the Revised Code; the members of the Ohio 34
retirement study council appointed pursuant to division (C) of 35
section 171.01 of the Revised Code; employees of the Ohio 36
retirement study council, other than employees who perform purely 37
administrative or clerical functions; the administrator of 38
workers' compensation and each member of the bureau of workers' 39
compensation board of directors; the bureau of workers' 40
compensation director of investments; the chief investment officer 41
of the bureau of workers' compensation; the director appointed by 42
the workers' compensation council; all members of the board of 43
commissioners on grievances and discipline of the supreme court 44
and the ethics commission created under section 102.05 of the 45
Revised Code; every business manager, treasurer, or superintendent 46
of a city, local, exempted village, joint vocational, or 47
cooperative education school district or an educational service 48
center; every person who is elected to or is a candidate for the 49
office of member of a board of education of a city, local, 50
exempted village, joint vocational, or cooperative education 51
school district or of a governing board of an educational service 52

center that has a total student count of twelve thousand or more 53
as most recently determined by the department of education 54
pursuant to section 3317.03 of the Revised Code; every person who 55
is appointed to the board of education of a municipal school 56
district pursuant to division (B) or (F) of section 3311.71 of the 57
Revised Code; all members of the board of directors of a sanitary 58
district that is established under Chapter 6115. of the Revised 59
Code and organized wholly for the purpose of providing a water 60
supply for domestic, municipal, and public use, and that includes 61
two municipal corporations in two counties; every public official 62
or employee who is paid a salary or wage in accordance with 63
schedule C of section 124.15 or schedule E-2 of section 124.152 of 64
the Revised Code; members of the board of trustees and the 65
executive director of the southern Ohio agricultural and community 66
development foundation; all members appointed to the Ohio 67
livestock care standards board under section 904.02 of the Revised 68
Code; and every other public official or employee who is 69
designated by the appropriate ethics commission pursuant to 70
division (B) of this section. 71

The disclosure statement shall include all of the following: 72

(1) The name of the person filing the statement and each 73
member of the person's immediate family and all names under which 74
the person or members of the person's immediate family do 75
business; 76

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 77
and except as otherwise provided in section 102.022 of the Revised 78
Code, identification of every source of income, other than income 79
from a legislative agent identified in division (A)(2)(b) of this 80
section, received during the preceding calendar year, in the 81
person's own name or by any other person for the person's use or 82
benefit, by the person filing the statement, and a brief 83
description of the nature of the services for which the income was 84

received. If the person filing the statement is a member of the 85
general assembly, the statement shall identify the amount of every 86
source of income received in accordance with the following ranges 87
of amounts: zero or more, but less than one thousand dollars; one 88
thousand dollars or more, but less than ten thousand dollars; ten 89
thousand dollars or more, but less than twenty-five thousand 90
dollars; twenty-five thousand dollars or more, but less than fifty 91
thousand dollars; fifty thousand dollars or more, but less than 92
one hundred thousand dollars; and one hundred thousand dollars or 93
more. Division (A)(2)(a) of this section shall not be construed to 94
require a person filing the statement who derives income from a 95
business or profession to disclose the individual items of income 96
that constitute the gross income of that business or profession, 97
except for those individual items of income that are attributable 98
to the person's or, if the income is shared with the person, the 99
partner's, solicitation of services or goods or performance, 100
arrangement, or facilitation of services or provision of goods on 101
behalf of the business or profession of clients, including 102
corporate clients, who are legislative agents. A person who files 103
the statement under this section shall disclose the identity of 104
and the amount of income received from a person who the public 105
official or employee knows or has reason to know is doing or 106
seeking to do business of any kind with the public official's or 107
employee's agency. 108

(b) If the person filing the statement is a member of the 109
general assembly, the statement shall identify every source of 110
income and the amount of that income that was received from a 111
legislative agent during the preceding calendar year, in the 112
person's own name or by any other person for the person's use or 113
benefit, by the person filing the statement, and a brief 114
description of the nature of the services for which the income was 115
received. Division (A)(2)(b) of this section requires the 116
disclosure of clients of attorneys or persons licensed under 117

section 4732.12 of the Revised Code, or patients of persons 118
certified under section 4731.14 of the Revised Code, if those 119
clients or patients are legislative agents. Division (A)(2)(b) of 120
this section requires a person filing the statement who derives 121
income from a business or profession to disclose those individual 122
items of income that constitute the gross income of that business 123
or profession that are received from legislative agents. 124

(c) Except as otherwise provided in division (A)(2)(c) of 125
this section, division (A)(2)(a) of this section applies to 126
attorneys, physicians, and other persons who engage in the 127
practice of a profession and who, pursuant to a section of the 128
Revised Code, the common law of this state, a code of ethics 129
applicable to the profession, or otherwise, generally are required 130
not to reveal, disclose, or use confidences of clients, patients, 131
or other recipients of professional services except under 132
specified circumstances or generally are required to maintain 133
those types of confidences as privileged communications except 134
under specified circumstances. Division (A)(2)(a) of this section 135
does not require an attorney, physician, or other professional 136
subject to a confidentiality requirement as described in division 137
(A)(2)(c) of this section to disclose the name, other identity, or 138
address of a client, patient, or other recipient of professional 139
services if the disclosure would threaten the client, patient, or 140
other recipient of professional services, would reveal details of 141
the subject matter for which legal, medical, or professional 142
advice or other services were sought, or would reveal an otherwise 143
privileged communication involving the client, patient, or other 144
recipient of professional services. Division (A)(2)(a) of this 145
section does not require an attorney, physician, or other 146
professional subject to a confidentiality requirement as described 147
in division (A)(2)(c) of this section to disclose in the brief 148
description of the nature of services required by division 149
(A)(2)(a) of this section any information pertaining to specific 150

professional services rendered for a client, patient, or other 151
recipient of professional services that would reveal details of 152
the subject matter for which legal, medical, or professional 153
advice was sought or would reveal an otherwise privileged 154
communication involving the client, patient, or other recipient of 155
professional services. 156

(3) The name of every corporation on file with the secretary 157
of state that is incorporated in this state or holds a certificate 158
of compliance authorizing it to do business in this state, trust, 159
business trust, partnership, or association that transacts 160
business in this state in which the person filing the statement or 161
any other person for the person's use and benefit had during the 162
preceding calendar year an investment of over one thousand dollars 163
at fair market value as of the thirty-first day of December of the 164
preceding calendar year, or the date of disposition, whichever is 165
earlier, or in which the person holds any office or has a 166
fiduciary relationship, and a description of the nature of the 167
investment, office, or relationship. Division (A)(3) of this 168
section does not require disclosure of the name of any bank, 169
savings and loan association, credit union, or building and loan 170
association with which the person filing the statement has a 171
deposit or a withdrawable share account. 172

(4) All fee simple and leasehold interests to which the 173
person filing the statement holds legal title to or a beneficial 174
interest in real property located within the state, excluding the 175
person's residence and property used primarily for personal 176
recreation; 177

(5) The names of all persons residing or transacting business 178
in the state to whom the person filing the statement owes, in the 179
person's own name or in the name of any other person, more than 180
one thousand dollars. Division (A)(5) of this section shall not be 181
construed to require the disclosure of debts owed by the person 182

resulting from the ordinary conduct of a business or profession or 183
debts on the person's residence or real property used primarily 184
for personal recreation, except that the superintendent of 185
financial institutions shall disclose the names of all 186
state-chartered savings and loan associations and of all service 187
corporations subject to regulation under division (E)(2) of 188
section 1151.34 of the Revised Code to whom the superintendent in 189
the superintendent's own name or in the name of any other person 190
owes any money, and that the superintendent and any deputy 191
superintendent of banks shall disclose the names of all 192
state-chartered banks and all bank subsidiary corporations subject 193
to regulation under section 1109.44 of the Revised Code to whom 194
the superintendent or deputy superintendent owes any money. 195

(6) The names of all persons residing or transacting business 196
in the state, other than a depository excluded under division 197
(A)(3) of this section, who owe more than one thousand dollars to 198
the person filing the statement, either in the person's own name 199
or to any person for the person's use or benefit. Division (A)(6) 200
of this section shall not be construed to require the disclosure 201
of clients of attorneys or persons licensed under section 4732.12 202
or 4732.15 of the Revised Code, or patients of persons certified 203
under section 4731.14 of the Revised Code, nor the disclosure of 204
debts owed to the person resulting from the ordinary conduct of a 205
business or profession. 206

(7) Except as otherwise provided in section 102.022 of the 207
Revised Code, the source of each gift of over seventy-five 208
dollars, or of each gift of over twenty-five dollars received by a 209
member of the general assembly from a legislative agent, received 210
by the person in the person's own name or by any other person for 211
the person's use or benefit during the preceding calendar year, 212
except gifts received by will or by virtue of section 2105.06 of 213
the Revised Code, or received from spouses, parents, grandparents, 214

children, grandchildren, siblings, nephews, nieces, uncles, aunts, 215
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 216
fathers-in-law, mothers-in-law, or any person to whom the person 217
filing the statement stands in loco parentis, or received by way 218
of distribution from any inter vivos or testamentary trust 219
established by a spouse or by an ancestor; 220

(8) Except as otherwise provided in section 102.022 of the 221
Revised Code, identification of the source and amount of every 222
payment of expenses incurred for travel to destinations inside or 223
outside this state that is received by the person in the person's 224
own name or by any other person for the person's use or benefit 225
and that is incurred in connection with the person's official 226
duties, except for expenses for travel to meetings or conventions 227
of a national or state organization to which any state agency, 228
including, but not limited to, any legislative agency or state 229
institution of higher education as defined in section 3345.011 of 230
the Revised Code, pays membership dues, or any political 231
subdivision or any office or agency of a political subdivision 232
pays membership dues; 233

(9) Except as otherwise provided in section 102.022 of the 234
Revised Code, identification of the source of payment of expenses 235
for meals and other food and beverages, other than for meals and 236
other food and beverages provided at a meeting at which the person 237
participated in a panel, seminar, or speaking engagement or at a 238
meeting or convention of a national or state organization to which 239
any state agency, including, but not limited to, any legislative 240
agency or state institution of higher education as defined in 241
section 3345.011 of the Revised Code, pays membership dues, or any 242
political subdivision or any office or agency of a political 243
subdivision pays membership dues, that are incurred in connection 244
with the person's official duties and that exceed one hundred 245
dollars aggregated per calendar year; 246

(10) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

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

The appropriate ethics commission, for good cause, may extend

for a reasonable time the deadline for filing a statement under 279
this section. 280

A statement filed under this section is subject to public 281
inspection at locations designated by the appropriate ethics 282
commission except as otherwise provided in this section. 283

(B) The Ohio ethics commission, the joint legislative ethics 284
committee, and the board of commissioners on grievances and 285
discipline of the supreme court, using the rule-making procedures 286
of Chapter 119. of the Revised Code, may require any class of 287
public officials or employees under its jurisdiction and not 288
specifically excluded by this section whose positions involve a 289
substantial and material exercise of administrative discretion in 290
the formulation of public policy, expenditure of public funds, 291
enforcement of laws and rules of the state or a county or city, or 292
the execution of other public trusts, to file an annual statement 293
on or before the fifteenth day of April under division (A) of this 294
section. The appropriate ethics commission shall send the public 295
officials or employees written notice of the requirement by the 296
fifteenth day of February of each year the filing is required 297
unless the public official or employee is appointed after that 298
date, in which case the notice shall be sent within thirty days 299
after appointment, and the filing shall be made not later than 300
ninety days after appointment. 301

Except for disclosure statements filed by members of the 302
board of trustees and the executive director of the southern Ohio 303
agricultural and community development foundation, disclosure 304
statements filed under this division with the Ohio ethics 305
commission by members of boards, commissions, or bureaus of the 306
state for which no compensation is received other than reasonable 307
and necessary expenses shall be kept confidential. Disclosure 308
statements filed with the Ohio ethics commission under division 309
(A) of this section by business managers, treasurers, and 310

superintendents of city, local, exempted village, joint 311
vocational, or cooperative education school districts or 312
educational service centers shall be kept confidential, except 313
that any person conducting an audit of any such school district or 314
educational service center pursuant to section 115.56 or Chapter 315
117. of the Revised Code may examine the disclosure statement of 316
any business manager, treasurer, or superintendent of that school 317
district or educational service center. The Ohio ethics commission 318
shall examine each disclosure statement required to be kept 319
confidential to determine whether a potential conflict of interest 320
exists for the person who filed the disclosure statement. A 321
potential conflict of interest exists if the private interests of 322
the person, as indicated by the person's disclosure statement, 323
might interfere with the public interests the person is required 324
to serve in the exercise of the person's authority and duties in 325
the person's office or position of employment. If the commission 326
determines that a potential conflict of interest exists, it shall 327
notify the person who filed the disclosure statement and shall 328
make the portions of the disclosure statement that indicate a 329
potential conflict of interest subject to public inspection in the 330
same manner as is provided for other disclosure statements. Any 331
portion of the disclosure statement that the commission determines 332
does not indicate a potential conflict of interest shall be kept 333
confidential by the commission and shall not be made subject to 334
public inspection, except as is necessary for the enforcement of 335
Chapters 102. and 2921. of the Revised Code and except as 336
otherwise provided in this division. 337

(C) No person shall knowingly fail to file, on or before the 338
applicable filing deadline established under this section, a 339
statement that is required by this section. 340

(D) No person shall knowingly file a false statement that is 341
required to be filed under this section. 342

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

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education	\$65	
For office of member of general assembly	\$40	
For county office	\$40	
For city office	\$25	
For office of member of the state board of education	\$25	
<u>For office of member of the Ohio livestock care standards board</u>	<u>\$25</u>	
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$20	
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$20	

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective

office of the state and for any employee who holds a nonelective 374
position in a public agency of the state, the state agency that is 375
the primary employer of the state official or employee shall pay 376
the fee required under division (E)(1) or (F) of this section. 377

(F) If a statement required to be filed under this section is 378
not filed by the date on which it is required to be filed, the 379
appropriate ethics commission shall assess the person required to 380
file the statement a late filing fee of ten dollars for each day 381
the statement is not filed, except that the total amount of the 382
late filing fee shall not exceed two hundred fifty dollars. 383

(G)(1) The appropriate ethics commission other than the Ohio 384
ethics commission and the joint legislative ethics committee shall 385
deposit all fees it receives under divisions (E) and (F) of this 386
section into the general revenue fund of the state. 387

(2) The Ohio ethics commission shall deposit all receipts, 388
including, but not limited to, fees it receives under divisions 389
(E) and (F) of this section and all moneys it receives from 390
settlements under division (G) of section 102.06 of the Revised 391
Code, into the Ohio ethics commission fund, which is hereby 392
created in the state treasury. All moneys credited to the fund 393
shall be used solely for expenses related to the operation and 394
statutory functions of the commission. 395

(3) The joint legislative ethics committee shall deposit all 396
receipts it receives from the payment of financial disclosure 397
statement filing fees under divisions (E) and (F) of this section 398
into the joint legislative ethics committee investigative fund. 399

(H) Division (A) of this section does not apply to a person 400
elected or appointed to the office of precinct, ward, or district 401
committee member under Chapter 3517. of the Revised Code; a 402
presidential elector; a delegate to a national convention; village 403
or township officials and employees; any physician or psychiatrist 404

who is paid a salary or wage in accordance with schedule C of 405
section 124.15 or schedule E-2 of section 124.152 of the Revised 406
Code and whose primary duties do not require the exercise of 407
administrative discretion; or any member of a board, commission, 408
or bureau of any county or city who receives less than one 409
thousand dollars per year for serving in that position. 410

Sec. 904.01. As used in this chapter, "livestock" means 411
either of the following: 412

(A) Equine animals regardless of the purpose for which they 413
are raised; 414

(B) Any of the following animals that are raised for human 415
food products or fiber: 416

(1) Porcine animals; 417

(2) Bovine animals; 418

(3) Caprine animals; 419

(4) Ovine animals; 420

(5) Poultry; 421

(6) Alpacas; 422

(7) Llamas; 423

(8) Any other animal designated in rules adopted under 424
section 904.03 of the Revised Code. 425

Sec. 904.02. (A) There is hereby created the Ohio livestock 426
care standards board consisting of the following members: 427

(1) The director of agriculture, who shall be the chairperson 428
of the board; 429

(2) Ten members appointed by the governor with the advice and 430
consent of the senate. The ten members shall be residents of this 431

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

<u>(b) The dean of the agriculture department of a college or university located in this state;</u>	461 462
<u>(c) The member who is a veterinarian licensed under Chapter 4741. of the Revised Code;</u>	463 464
<u>(d) One of the members of the public representing consumers in this state.</u>	465 466
<u>(3) The following initial members of the board shall be appointed for a term ending January 15, 2012:</u>	467 468
<u>(a) The member appointed by the speaker of the house of representatives who is a family farmer;</u>	469 470
<u>(b) One of the members representing a statewide organization that represents farmers;</u>	471 472
<u>(c) The member representing a county humane society organized under Chapter 1717. of the Revised Code;</u>	473 474
<u>(d) The member who is knowledgeable about food safety in this state.</u>	475 476
<u>(4) The following initial members of the board shall be appointed for a term ending January 15, 2013:</u>	477 478
<u>(a) The member appointed by the president of the senate who is a family farmer;</u>	479 480
<u>(b) One of the members of the public representing consumers in this state;</u>	481 482
<u>(c) One of the members representing a statewide organization that represents farmers.</u>	483 484
<u>(C) After the initial terms served in accordance with division (B) of this section, terms of office shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. However, the terms for the director of agriculture and the state veterinarian shall coincide with the</u>	485 486 487 488 489

length of time that the person holds the position of director or 490
state veterinarian, as applicable. If the director or the state 491
veterinarian resigns or that person's employment is terminated, 492
the director or state veterinarian, as applicable, shall cease to 493
serve on the board, and the successor of the director or state 494
veterinarian shall then serve on the board in accordance with this 495
section. Every other member shall hold office from the date of the 496
member's appointment until the end of the term for which the 497
member was appointed. 498

Vacancies on the board shall be filled in the manner provided 499
for original appointments. Any member appointed to fill a vacancy 500
occurring prior to the expiration of the term for which the 501
member's predecessor was appointed shall hold office for the 502
remainder of that term. A member shall continue in office 503
subsequent to the expiration date of the member's term until the 504
member's successor takes office, or until a period of one hundred 505
eighty days has elapsed, whichever occurs first. A member may be 506
reappointed upon the expiration of the member's term. 507

(D) The board shall hold at least three regular meetings each 508
year and may hold additional meetings at times that the 509
chairperson or a majority of the board members considers 510
appropriate. At the three regular meetings held by the board each 511
year, the board shall conduct a review of the rules governing the 512
care and well-being of livestock that have been or are proposed to 513
be adopted under section 904.03 of the Revised Code. 514

At the first meeting of the board in each calendar year, the 515
director shall designate one member of the board to serve as its 516
vice-chairperson. A majority of the board constitutes a quorum. 517
The board may act only if a quorum is present and only by majority 518
vote of that quorum. A vacancy on the board does not impair the 519
right of the other members to exercise all of the board's powers. 520

(E) Serving as an appointed member of the board does not 521

constitute holding a public office or position of employment under 522
the laws of this state and does not constitute grounds for removal 523
of public officers or employees from their offices or positions of 524
employment. 525

(F) Appointed members of the board shall receive no 526
compensation for their services. Members shall be reimbursed for 527
their actual and necessary expenses incurred in the performance of 528
their duties as members. The expenses shall be paid from the Ohio 529
livestock care standards fund created in section 904.06 of the 530
Revised Code. The expenses shall be paid in accordance with the 531
rules and requirements adopted by the department of administrative 532
services that are applicable to state employees. 533

(G) The board may create committees that it deems appropriate 534
to make recommendations to the board. Committees may include 535
nonboard members. 536

Sec. 904.03. (A) The Ohio livestock care standards board 537
shall adopt rules in accordance with Chapter 119. of the Revised 538
Code governing the care and well-being of livestock in this state. 539
In adopting those rules, the board shall consider the following 540
factors: 541

(1) Best management practices for the care and well-being of 542
livestock; 543

(2) Biosecurity. The rules shall not create a statewide 544
animal identification system. 545

(3) The prevention of disease; 546

(4) Animal morbidity and mortality data; 547

(5) Food safety practices; 548

(6) The protection of local, affordable food supplies for 549
consumers; 550

(7) Generally accepted veterinary medical practices, livestock practice standards, and ethical standards established by the American veterinary medical association; 551
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553

(8) Any other factors that the board considers necessary for the proper care and well-being of livestock in this state. 554
555

(B) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the amount of civil penalties to be assessed against persons who violate the rules adopted under division (A) of this section. 556
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(C) The rules adopted under this section do not apply to animals that are confined in research and medical facilities that operate in accordance with "The Guide for the Care and Use of Agricultural Animals in Research and Teaching" published by the federation of animal science societies. 560
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Sec. 904.04. (A) In order to assist the Ohio livestock care standards board in the administration and enforcement of this chapter, the director of agriculture shall do all of the following: 565
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(1) Hire all employees of the board, including an executive director. Employees of the board shall be in the unclassified civil service, serve at the pleasure of the director of agriculture, and be compensated with money from the Ohio livestock care standards fund created in section 904.06 of the Revised Code. 569
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(2) Enter into contracts on behalf of the board; 574

(3) Do all of the following with regard to rules governing the care and well-being of livestock adopted by the board under section 904.03 of the Revised Code: 575
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(a) Process and submit the rules to the joint committee on agency rule review pursuant to Chapter 119. of the Revised Code; 578
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(b) Contract for surveys and analyses; 580

(c) Perform any other activities that assist the board in 581
adopting the rules. 582

(4) Publish and distribute information related to livestock 583
care, including educational materials, to livestock producers and 584
members of the public; 585

(5) Investigate complaints regarding violations of the rules 586
adopted under section 904.03 of the Revised Code in accordance 587
with the authority granted by this chapter, sections 901.25 to 588
901.29 of the Revised Code, and rules adopted under this chapter 589
and section 901.03 of the Revised Code; 590

(6) Enforce the rules adopted under section 904.03 of the 591
Revised Code and levy the civil penalties established by those 592
rules. The director may apply to a court of competent jurisdiction 593
for a temporary or permanent injunction or other appropriate 594
relief for violations of this chapter and rules adopted under it. 595
For purposes of this division, the court of competent jurisdiction 596
shall be either the court of common pleas of Licking county or the 597
court of common pleas of the county where the violation is 598
occurring. 599

(7) Perform any other duties necessary to assist the board in 600
the administration and enforcement of this chapter. 601

(B) With the consent of the premises owner and, if the 602
premises owner is different from the livestock owner, the 603
livestock owner, the director or the director's authorized 604
representative may enter at all reasonable times on any premises 605
for the purpose of determining compliance with the rules adopted 606
under section 904.03 of the Revised Code. If the director or the 607
director's authorized representative is denied access to the 608
premises and the director or the director's authorized 609
representative suspects that those rules are not being complied 610
with, the director may apply for a search warrant authorizing 611

access from a court of competent jurisdiction. The court shall 612
issue the search warrant if there is probable cause. Probable 613
cause may be based on hearsay, provided that there is substantial 614
basis for believing the source is credible and there is factual 615
basis for the information. 616

Upon entry on premises in accordance with this division, the 617
director or the director's authorized representative shall observe 618
biosecurity measures in order to prevent spreading disease and 619
infecting livestock. 620

Sec. 904.05. No person shall do either of the following: 621

(A) Falsify any plans, specifications, data, reports, 622
records, or other information required by this chapter or rules 623
adopted under it to be kept or submitted to the director of 624
agriculture or the Ohio livestock care standards board; 625

(B) Violate any provision of this chapter or any order, rule, 626
or determination of the director or board issued, adopted, or made 627
under this chapter or rules adopted under it. 628

Sec. 904.06. (A) All money appropriated by the general 629
assembly for use by the Ohio livestock care standards board, all 630
money collected from civil penalties under this chapter, any money 631
transferred from the commercial feed and seed fund under section 632
923.46 of the Revised Code, and all money donated to the 633
department of agriculture or the board for the purposes of 634
advancing livestock care shall be deposited in the state treasury 635
to the credit of the Ohio livestock care standards fund, which is 636
hereby created. 637

(B) Money credited to the fund shall be used by the director 638
of agriculture to carry out the purposes of this chapter, 639
including the administration and enforcement costs of the 640
department of agriculture and the compensation of employees of the 641

Ohio livestock care standards board. 642

Sec. 904.07. The authority granted to the Ohio livestock care standards board and the director of agriculture by this chapter does not detract from or expand the authority or obligations of county humane societies or county officials under Chapter 1717. of the Revised Code. 643
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Sec. 904.08. The authority granted to the Ohio livestock care standards board and the director of agriculture by this chapter does not apply to food processing production activity that is regulated by the department of agriculture under Title IX of the Revised Code. 648
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Section 2. That existing section 102.02 of the Revised Code is hereby repealed. 653
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Section 3. That Section 211.10 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows: 655
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Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE 657

General Revenue Fund 658

GRF 700401	Animal Disease Control	\$	3,730,436	\$	3,713,876	659
GRF 700403	Dairy Division	\$	1,173,700	\$	1,163,700	660
GRF 700404	Ohio Proud	\$	196,895	\$	196,895	661
GRF 700406	Consumer Analytical Lab	\$	1,321,771	\$	1,289,982	662
GRF 700407	Food Safety	\$	875,043	\$	875,043	663
GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	664
GRF 700411	International Trade and Market Development	\$	529,548	\$	507,005	665
GRF 700412	Weights and Measures	\$	200,000	\$	200,000	666
GRF 700415	Poultry Inspection	\$	400,401	\$	400,401	667

GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,343,676	668
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	669
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	670
GRF 700501	County Agricultural Societies	\$	414,903	\$	434,903	671
TOTAL GRF	General Revenue Fund	\$	15,407,313	\$	15,407,313	672
	General Services Fund Group					673
5DA0 700644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	674
5GH0 700655	Central Support Indirect Cost	\$	5,713,404	\$	5,713,404	675
TOTAL GSF	General Services Fund Group	\$	6,813,404	\$	6,813,404	676
	Federal Special Revenue Fund Group					677
3260 700618	Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	678
3360 700617	Ohio Farm Loan Revolving Fund	\$	1,000,000	\$	1,000,000	679
3820 700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000	680
3AB0 700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	681
3J40 700607	Indirect Cost	\$	600,000	\$	600,000	682
3R20 700614	Federal Plant Industry	\$	1,000,000	\$	1,000,000	683
TOTAL FED	Federal Special Revenue Fund Group	\$	10,550,000	\$	10,550,000	684 685
	State Special Revenue Fund Group					686
4900 700651	License Plates -	\$	20,000	\$	20,000	687

		Sustainable Agriculture					
4940	700612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000	688
4960	700626	Ohio Grape Industries	\$	849,999	\$	849,999	689
4970	700627	Commodity Handlers Regulatory Program	\$	496,000	\$	496,000	690
4C90	700605	Commercial Feed and Seed	\$	2,200,000	\$	2,200,000	691
4D20	700609	Auction Education	\$	41,000	\$	41,000	692
4E40	700606	Utility Radiological Safety	\$	134,631	\$	134,631	693
4P70	700610	Food Safety Inspection	\$	1,099,396	\$	1,099,396	694
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500	695
4R20	700637	Dairy Industry Inspection	\$	1,800,000	\$	1,800,000	696
4T60	700611	Poultry and Meat Inspection	\$	140,469	\$	140,469	697
4T70	700613	Ohio Proud International and Domestic Market Development	\$	15,000	\$	15,000	698
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001	699
5B80	700629	Auctioneers	\$	365,390	\$	365,390	700
5CP0	700652	License Plate Scholarships	\$	20,000	\$	20,000	701
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000	702
5H20	700608	Metrology Lab and Scale Certification	\$	1,454,006	\$	1,454,006	703
<u>5HP0</u>	<u>700656</u>	<u>Livestock Care Standards Board</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>162,280</u>	704

5L80	700604	Livestock Management Program	\$	256,286	\$	256,286	705
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,400,000	\$	4,400,000	706
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,470,000	\$	3,470,000	707
TOTAL SSR State Special Revenue							708
Fund Group			\$	19,022,678	\$	19,022,678	709
							<u>19,184,958</u>
Clean Ohio Conservation Fund Group							710
7057	700632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	711
TOTAL CLF Clean Ohio Conservation Fund Group							712
TOTAL ALL BUDGET FUND GROUPS			\$	51,942,395	\$	51,942,395	713
							<u>52,104,675</u>

COUNTY AGRICULTURAL SOCIETIES 714

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 715
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COMMERCIAL FEED AND SEED FUND TRANSFER 719

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer thirty-two per cent of the cash balance in the Commercial Feed and Seed Fund (Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and Lime Inspection Program Fund (Fund 6690). The Director shall cancel existing encumbrances against appropriation item 700605, Commercial Feed and Seed, and re-establish them against appropriation item 700635, Pesticide, Fertilizer, and Lime Inspection Program. The re-established encumbrance amounts are 720
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hereby appropriated. 729

PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 730

On July, 1, 2009, or as soon as possible thereafter, the 731

Director of Budget and Management shall transfer \$600,000 in cash 732

from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 733

6690) to the Plant Pest Program Fund (Fund 5FC0). 734

LIVESTOCK CARE STANDARDS BOARD 735

On July 1, 2010, or as soon as possible thereafter, the 736

Director of Budget and Management shall transfer \$162,280 cash 737

from the GRF to the Ohio Livestock Care Standards Fund (Fund 738

5HP0). The amount is hereby appropriated. 739

CLEAN OHIO AGRICULTURAL EASEMENT 740

The foregoing appropriation item 700632, Clean Ohio 741

Agricultural Easement, shall be used by the Department of 742

Agriculture in administering sections 901.21, 901.22, and 5301.67 743

to 5301.70 of the Revised Code. 744

Section 4. That existing Section 211.10 of Am. Sub. H.B. 1 of 745

the 128th General Assembly is hereby repealed. 746

Section 5. That Section 265.10 of Am. Sub. H.B. 1 of the 747

128th General Assembly, as amended by Sub. H.B. 318 of the 128th 748

General Assembly, be amended to read as follows: 749

Sec. 265.10. EDU DEPARTMENT OF EDUCATION 750

General Revenue Fund 751

GRF 200100 Personal Services \$ 10,490,789 \$ 10,723,972 752

GRF 200320 Maintenance and \$ 3,110,071 \$ 3,144,897 753

Equipment

GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 754

Education

GRF 200416	Career-Technical Education Match	\$	2,233,195	\$	2,233,195	755
GRF 200420	Computer/Application/ Network Development	\$	4,880,871	\$	4,880,871	756
GRF 200421	Alternative Education Programs	\$	7,814,479	\$	7,918,749	757
GRF 200422	School Management Assistance	\$	1,950,521	\$	3,230,469	758
GRF 200424	Policy Analysis	\$	356,311	\$	361,065	759
GRF 200425	Tech Prep Consortia Support	\$	1,243,943	\$	1,260,542	760
GRF 200426	Ohio Educational Computer Network	\$	20,156,602	\$	20,425,556	761
GRF 200427	Academic Standards	\$	5,300,074	\$	5,300,074	762
GRF 200431	School Improvement Initiatives	\$	7,294,175	\$	7,391,503	763
GRF 200437	Student Assessment	\$	55,954,648	\$	56,703,265	764
GRF 200439	Accountability/Report Cards	\$	3,804,673	\$	3,804,673	765
GRF 200442	Child Care Licensing	\$	865,590	\$	877,140	766
GRF 200446	Education Management Information System	\$	13,199,152	\$	11,934,284	767
GRF 200447	GED Testing	\$	975,536	\$	988,553	768
GRF 200448	Educator Preparation	\$	1,310,750	\$	1,328,240	769
GRF 200455	Community Schools	\$	1,000,000	\$	1,000,000	770
GRF 200457	STEM Initiatives	\$	5,000,000	\$	5,000,000	771
GRF 200458	School Employees Health Care Board	\$	800,000	\$	800,000 <u>637,720</u>	772
GRF 200502	Pupil Transportation	\$	448,022,619	\$	462,822,619	773
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	774
GRF 200511	Auxiliary Services	\$	111,979,388	\$	111,979,388	775
GRF 200532	Nonpublic Administrative Cost	\$	50,838,939	\$	50,838,939	776

		Reimbursement				
GRF 200540	Special Education	\$ 134,150,233	\$ 135,820,668			777
	Enhancements					
GRF 200545	Career-Technical	\$ 7,752,662	\$ 7,802,699			778
	Education Enhancements					
GRF 200550	Foundation Funding	\$ 5,415,906,323	\$ 5,312,560,800			779
GRF 200551	Foundation Funding -	\$ 387,583,913	\$ 457,449,362			780
	Federal Stimulus					
GRF 200578	Violence Prevention	\$ 200,000	\$ 200,000			781
	and School Safety					
GRF 200901	Property Tax	\$ 1,053,262,363	\$ 1,020,655,157			782
	Allocation - Education					
TOTAL GRF General Revenue Fund		\$ 7,789,806,161	\$ 7,741,805,021			783
			<u>7,741,642,741</u>			
	General Services Fund Group					784
1380 200606	Computer	\$ 7,600,091	\$ 7,600,091			785
	Services-Operational					
	Support					
4520 200638	Miscellaneous	\$ 275,000	\$ 275,000			786
	Educational Services					
4L20 200681	Teacher Certification	\$ 8,013,206	\$ 8,147,756			787
	and Licensure					
5960 200656	Ohio Career	\$ 529,761	\$ 529,761			788
	Information System					
5H30 200687	School District	\$ 18,000,000	\$ 18,000,000			789
	Solvency Assistance					
TOTAL GSF General Services						790
Fund Group		\$ 34,418,058	\$ 34,552,608			791
	Federal Special Revenue Fund Group					792
3090 200601	Educationally	\$ 8,405,512	\$ 8,405,512			793
	Disadvantaged					
	Programs					

3670	200607	School Food Services	\$	6,324,707	\$	6,577,695	794
3680	200614	Veterans' Training	\$	778,349	\$	793,846	795
3690	200616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	796
3700	200624	Education of Exceptional Children	\$	2,664,000	\$	2,755,000	797
3740	200647	Troops to Teachers	\$	100,000	\$	100,000	798
3780	200660	Learn and Serve	\$	619,211	\$	619,211	799
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	800
3AN0	200671	School Improvement Grants	\$	17,909,676	\$	17,936,675	801
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	802
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	803
3BV0	200636	Character Education	\$	700,000	\$	0	804
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	805
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0	806
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834	807
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966	808
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000	809
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026	810
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737	811
3DL0	200650	IDEA Preschool -	\$	6,679,679	\$	6,679,679	812

		Federal Stimulus				
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000 813
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000 814
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 815
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675 816
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500 817
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500 818
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701 819
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000 820
3M10	200678	Innovative Education	\$	1,000,000	\$	0 821
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163 822
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 823
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353 824
3Y20	200688	21st Century Community Learning Centers	\$	36,000,000	\$	36,000,000 825
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172 826
3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400 827
3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299 828
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000 829

3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	830
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280	831
3Z70	200697	General Supervisory Enhancement Grant	\$	887,319	\$	0	832
TOTAL FED Federal Special							833
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	834
State Special Revenue Fund Group							835
4540	200610	Guidance and Testing	\$	450,000	\$	450,000	836
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	837
4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	838
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	839
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	840
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	841
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	842
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	843
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	844
5X90	200911	NGA STEM	\$	100,000	\$	0	845
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	846
TOTAL SSR State Special Revenue							847
Fund Group			\$	55,890,748	\$	55,846,635	848
Lottery Profits Education Fund Group							849
7017	200612	Foundation Funding	\$	705,000,000	\$	711,000,000	850
TOTAL LPE Lottery Profits							851

Education Fund Group	\$ 705,000,000	\$ 711,000,000	852
Revenue Distribution Fund Group			853
7047 200909 School District	\$ 1,150,207,366	\$ 1,150,207,366	854
Property Tax			
Replacement-Business			
7053 200900 School District	\$ 91,123,523	\$ 91,123,523	855
Property Tax			
Replacement-Utility			
TOTAL RDF Revenue Distribution			856
Fund Group	\$ 1,241,330,889	\$ 1,241,330,889	857
TOTAL ALL BUDGET FUND GROUPS	\$12,064,962,135	\$12,047,434,276	858
		<u>12,047,271,996</u>	

Section 6. That existing Section 265.10 of Am. Sub. H.B. 1 of 860
the 128th General Assembly, as amended by Sub. H.B. 318 of the 861
128th General Assembly, is hereby repealed. 862