

**As Reported by the Committee of Conference**

**129th General Assembly**

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**Am. Sub. H. B. No. 153**

**Representative Amstutz**

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Lehner, Manning, Niehaus, Schaffer, Wagoner, Widener**

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**A B I L L**

To amend sections 7.10, 7.11, 7.12, 9.06, 9.231,	1
9.24, 9.33, 9.331, 9.332, 9.333, 9.82, 9.823,	2
9.833, 9.90, 9.901, 101.532, 101.82, 102.02,	3
105.41, 107.09, 109.36, 109.43, 109.57, 109.572,	4
109.64, 109.71, 109.801, 111.12, 111.16, 111.18,	5
117.101, 117.13, 118.023, 118.04, 118.05, 118.06,	6
118.12, 118.17, 118.99, 119.032, 120.40, 121.03,	7
121.04, 121.22, 121.37, 121.40, 121.401, 121.402,	8
121.403, 121.404, 122.121, 122.171, 122.76,	9
122.861, 123.01, 123.011, 123.10, 124.09, 124.23,	10
124.231, 124.24, 124.25, 124.26, 124.27, 124.31,	11
124.34, 124.393, 124.85, 125.021, 125.15, 125.18,	12
125.28, 125.89, 126.11, 126.12, 126.21, 126.24,	13
126.45, 126.46, 126.50, 127.14, 127.16, 131.02,	14
131.23, 131.44, 131.51, 133.01, 133.06, 133.09,	15
133.18, 133.20, 133.55, 135.05, 135.61, 135.65,	16
135.66, 145.27, 145.56, 149.01, 149.091, 149.11,	17
149.311, 149.351, 149.38, 149.39, 149.41, 149.411,	18

149.412, 149.42, 149.43, 153.01, 153.02, 153.03,	19
153.07, 153.08, 153.50, 153.51, 153.52, 153.54,	20
153.56, 153.581, 153.65, 153.66, 153.67, 153.69,	21
153.70, 153.71, 153.80, 154.02, 154.07, 154.11,	22
166.02, 173.14, 173.21, 173.26, 173.35, 173.351,	23
173.36, 173.391, 173.40, 173.401, 173.403,	24
173.404, 173.42, 173.45, 173.46, 173.47, 173.48,	25
173.501, 183.30, 183.51, 185.01, 185.03, 185.06,	26
185.10, 187.01, 187.02, 187.03, 187.09, 301.02,	27
301.15, 301.28, 305.171, 306.35, 306.43, 306.70,	28
307.022, 307.041, 307.10, 307.12, 307.676, 307.70,	29
307.79, 307.791, 307.80, 307.801, 307.802,	30
307.803, 307.806, 307.81, 307.82, 307.83, 307.84,	31
307.842, 307.843, 307.846, 307.86, 308.13, 311.29,	32
311.31, 317.20, 319.11, 319.301, 319.54, 321.18,	33
321.261, 322.02, 322.021, 323.08, 323.73, 323.75,	34
324.02, 324.021, 325.20, 340.02, 340.03, 340.05,	35
340.091, 340.11, 341.192, 343.08, 345.03, 349.03,	36
501.07, 503.05, 503.162, 503.41, 504.02, 504.03,	37
504.12, 504.16, 504.21, 505.101, 505.105, 505.106,	38
505.107, 505.108, 505.109, 505.17, 505.172,	39
505.24, 505.264, 505.267, 505.28, 505.373, 505.43,	40
505.48, 505.481, 505.49, 505.491, 505.492,	41
505.493, 505.494, 505.495, 505.50, 505.51,	42
505.511, 505.52, 505.53, 505.54, 505.541, 505.55,	43
505.60, 505.601, 505.603, 505.61, 505.67, 505.73,	44
507.09, 509.15, 511.01, 511.12, 511.23, 511.235,	45
511.236, 511.25, 511.28, 511.34, 513.14, 515.01,	46
515.04, 515.07, 517.06, 517.12, 517.22, 521.03,	47
521.05, 705.16, 709.43, 709.44, 711.35, 715.011,	48
715.47, 718.01, 718.09, 718.10, 719.012, 719.05,	49
721.03, 721.15, 721.20, 723.07, 727.011, 727.012,	50
727.08, 727.14, 727.46, 729.08, 729.11, 731.14,	51

731.141, 731.20, 731.21, 731.211, 731.22, 731.23,	52
731.24, 731.25, 735.05, 735.20, 737.022, 737.04,	53
737.041, 737.32, 737.40, 742.41, 745.07, 747.05,	54
747.11, 747.12, 755.16, 755.29, 755.41, 755.42,	55
755.43, 759.47, 901.09, 924.52, 927.69, 951.11,	56
955.011, 955.012, 1309.528, 1327.46, 1327.50,	57
1327.51, 1327.511, 1327.54, 1327.57, 1327.62,	58
1327.99, 1329.04, 1329.42, 1332.24, 1345.52,	59
1345.73, 1501.01, 1501.022, 1501.40, 1503.05,	60
1503.141, 1505.01, 1505.04, 1505.06, 1505.09,	61
1505.11, 1505.99, 1506.21, 1509.01, 1509.02,	62
1509.021, 1509.03, 1509.04, 1509.041, 1509.05,	63
1509.06, 1509.061, 1509.062, 1509.07, 1509.071,	64
1509.072, 1509.073, 1509.08, 1509.09, 1509.10,	65
1509.11, 1509.12, 1509.13, 1509.14, 1509.15,	66
1509.17, 1509.181, 1509.19, 1509.21, 1509.22,	67
1509.221, 1509.222, 1509.223, 1509.224, 1509.225,	68
1509.226, 1509.23, 1509.24, 1509.25, 1509.26,	69
1509.27, 1509.28, 1509.29, 1509.31, 1509.32,	70
1509.33, 1509.34, 1509.36, 1509.38, 1509.40,	71
1509.50, 1510.01, 1510.08, 1515.08, 1515.14,	72
1515.24, 1517.02, 1517.03, 1531.04, 1533.10,	73
1533.11, 1533.111, 1533.32, 1533.731, 1533.83,	74
1541.03, 1541.05, 1545.071, 1545.09, 1545.12,	75
1545.131, 1545.132, 1547.01, 1547.30, 1547.301,	76
1547.302, 1547.303, 1547.304, 1551.311, 1551.32,	77
1551.33, 1551.35, 1555.02, 1555.03, 1555.04,	78
1555.05, 1555.06, 1555.08, 1555.17, 1561.06,	79
1561.12, 1561.13, 1561.35, 1561.49, 1563.06,	80
1563.24, 1563.28, 1571.01, 1571.02, 1571.03,	81
1571.04, 1571.05, 1571.06, 1571.08, 1571.09,	82
1571.10, 1571.11, 1571.14, 1571.16, 1571.18,	83
1571.99, 1701.07, 1702.01, 1702.59, 1703.031,	84

1703.07, 1705.01, 1707.11, 1707.17, 1711.05,	85
1711.07, 1711.18, 1711.30, 1728.06, 1728.07,	86
1751.01, 1751.04, 1751.11, 1751.111, 1751.12,	87
1751.13, 1751.15, 1751.17, 1751.20, 1751.31,	88
1751.34, 1751.60, 1761.04, 1776.83, 1785.06,	89
1901.02, 1901.06, 1901.261, 1901.262, 1901.41,	90
1907.13, 1907.261, 1907.262, 1907.53, 2105.09,	91
2117.25, 2151.011, 2151.3515, 2151.412, 2151.421,	92
2151.424, 2151.541, 2152.72, 2301.01, 2301.031,	93
2303.201, 2305.232, 2317.02, 2317.422, 2329.26,	94
2335.05, 2335.06, 2501.02, 2503.01, 2744.05,	95
2901.01, 2903.33, 2917.40, 2919.271, 2929.71,	96
2935.01, 2935.03, 2945.371, 2945.38, 2945.39,	97
2945.40, 2945.401, 2945.402, 2949.14, 2981.11,	98
2981.12, 2981.13, 3109.16, 3111.04, 3113.06,	99
3119.54, 3121.48, 3123.44, 3123.45, 3123.55,	100
3123.56, 3123.58, 3123.59, 3123.63, 3301.07,	101
3301.071, 3301.079, 3301.0710, 3301.0711,	102
3301.0712, 3301.0714, 3301.16, 3301.162, 3301.70,	103
3301.921, 3302.02, 3302.031, 3302.032, 3302.04,	104
3302.05, 3302.07, 3304.181, 3304.182, 3305.08,	105
3306.12, 3307.20, 3307.31, 3307.41, 3307.64,	106
3309.22, 3309.41, 3309.48, 3309.51, 3309.66,	107
3310.02, 3310.03, 3310.05, 3310.08, 3310.41,	108
3311.05, 3311.054, 3311.056, 3311.06, 3311.19,	109
3311.21, 3311.213, 3311.214, 3311.29, 3311.50,	110
3311.52, 3311.53, 3311.73, 3311.76, 3313.29,	111
3313.372, 3313.41, 3313.46, 3313.482, 3313.533,	112
3313.55, 3313.603, 3313.61, 3313.611, 3313.612,	113
3313.614, 3313.64, 3313.642, 3313.6410, 3313.65,	114
3313.75, 3313.816, 3313.842, 3313.843, 3313.845,	115
3313.911, 3313.97, 3313.975, 3313.978, 3313.981,	116
3314.012, 3314.013, 3314.015, 3314.02, 3314.021,	117

3314.023, 3314.03, 3314.05, 3314.051, 3314.07,	118
3314.08, 3314.087, 3314.088, 3314.091, 3314.10,	119
3314.13, 3314.19, 3314.22, 3314.35, 3314.36,	120
3315.01, 3316.041, 3316.06, 3316.08, 3316.20,	121
3317.01, 3317.013, 3317.014, 3317.018, 3317.02,	122
3317.021, 3317.022, 3317.023, 3317.024, 3317.025,	123
3317.0210, 3317.0211, 3317.03, 3317.031, 3317.05,	124
3317.051, 3317.053, 3317.06, 3317.061, 3317.07,	125
3317.08, 3317.081, 3317.082, 3317.09, 3317.11,	126
3317.12, 3317.14, 3317.16, 3317.18, 3317.19,	127
3317.20, 3317.201, 3318.011, 3318.032, 3318.034,	128
3318.05, 3318.051, 3318.08, 3318.12, 3318.31,	129
3318.36, 3318.37, 3318.38, 3318.41, 3318.44,	130
3319.02, 3319.08, 3319.081, 3319.11, 3319.111,	131
3319.141, 3319.17, 3319.18, 3319.19, 3319.227,	132
3319.26, 3319.31, 3319.311, 3319.39, 3319.57,	133
3319.71, 3323.09, 3323.091, 3323.14, 3323.142,	134
3323.31, 3324.05, 3325.08, 3326.11, 3326.33,	135
3326.39, 3327.02, 3327.04, 3327.05, 3329.08,	136
3331.01, 3333.03, 3333.043, 3333.31, 3333.66,	137
3333.81, 3333.82, 3333.83, 3333.84, 3333.85,	138
3333.87, 3333.90, 3334.19, 3345.061, 3345.14,	139
3349.29, 3353.04, 3354.12, 3354.16, 3355.09,	140
3357.16, 3365.01, 3365.08, 3375.41, 3381.11,	141
3501.03, 3501.17, 3505.13, 3506.05, 3701.021,	142
3701.023, 3701.07, 3701.61, 3701.74, 3701.83,	143
3702.52, 3702.57, 3702.59, 3704.06, 3704.14,	144
3705.24, 3709.09, 3709.092, 3709.21, 3717.53,	145
3719.141, 3719.41, 3721.01, 3721.011, 3721.02,	146
3721.022, 3721.04, 3721.16, 3721.50, 3721.51,	147
3721.511, 3721.512, 3721.513, 3721.52, 3721.53,	148
3721.55, 3721.561, 3721.58, 3722.01, 3722.011,	149
3722.02, 3722.021, 3722.022, 3722.04, 3722.041,	150

3722.05, 3722.06, 3722.07, 3722.08, 3722.09,	151
3722.10, 3722.11, 3722.12, 3722.13, 3722.14,	152
3722.15, 3722.151, 3722.16, 3722.17, 3722.18,	153
3733.41, 3733.99, 3734.02, 3734.05, 3734.06,	154
3734.18, 3734.19, 3734.20, 3734.21, 3734.22,	155
3734.23, 3734.24, 3734.25, 3734.26, 3734.27,	156
3734.28, 3734.282, 3734.57, 3734.85, 3734.901,	157
3735.36, 3735.66, 3737.73, 3737.83, 3737.841,	158
3737.87, 3737.88, 3743.06, 3743.19, 3743.52,	159
3743.53, 3743.54, 3743.64, 3745.015, 3745.11,	160
3746.02, 3750.081, 3767.32, 3769.08, 3769.20,	161
3769.26, 3770.03, 3770.05, 3772.032, 3772.062,	162
3781.183, 3791.043, 3793.04, 3793.06, 3793.21,	163
3901.3814, 3903.01, 3923.28, 3923.281, 3923.30,	164
3924.10, 3937.41, 3963.01, 3963.11, 4113.11,	165
4113.61, 4115.03, 4115.033, 4115.034, 4115.04,	166
4115.05, 4115.10, 4115.101, 4115.13, 4115.16,	167
4116.01, 4117.01, 4117.03, 4121.03, 4121.12,	168
4121.121, 4121.125, 4121.128, 4121.44, 4123.27,	169
4123.341, 4123.342, 4123.35, 4131.03, 4141.08,	170
4141.11, 4141.33, 4301.12, 4301.43, 4301.62,	171
4301.80, 4301.81, 4503.06, 4503.235, 4503.70,	172
4503.93, 4504.02, 4504.021, 4504.15, 4504.16,	173
4504.18, 4505.181, 4506.071, 4507.111, 4507.164,	174
4511.191, 4511.193, 4513.39, 4513.60, 4513.61,	175
4513.62, 4513.63, 4513.64, 4513.66, 4517.01,	176
4517.02, 4517.04, 4517.09, 4517.10, 4517.12,	177
4517.13, 4517.14, 4517.23, 4517.24, 4517.44,	178
4549.17, 4582.12, 4582.31, 4585.10, 4705.021,	179
4709.13, 4725.34, 4725.48, 4725.50, 4725.52,	180
4725.57, 4729.52, 4729.552, 4731.054, 4731.15,	181
4731.16, 4731.17, 4731.171, 4731.19, 4731.222,	182
4731.65, 4731.71, 4733.15, 4733.151, 4735.01,	183

4735.02, 4735.03, 4735.05, 4735.052, 4735.06,	184
4735.07, 4735.09, 4735.10, 4735.13, 4735.14,	185
4735.141, 4735.142, 4735.15, 4735.16, 4735.17,	186
4735.18, 4735.181, 4735.182, 4735.19, 4735.20,	187
4735.21, 4735.211, 4735.32, 4735.55, 4735.58,	188
4735.59, 4735.62, 4735.68, 4735.71, 4735.74,	189
4736.12, 4740.14, 4757.31, 4776.01, 4906.01,	190
4911.02, 4927.17, 4928.20, 4929.26, 4929.27,	191
4931.40, 4931.51, 4931.52, 4931.53, 5101.16,	192
5101.181, 5101.182, 5101.183, 5101.244, 5101.26,	193
5101.27, 5101.271, 5101.272, 5101.28, 5101.30,	194
5101.341, 5101.342, 5101.35, 5101.37, 5101.46,	195
5101.47, 5101.571, 5101.573, 5101.58, 5101.60,	196
5101.61, 5101.98, 5104.01, 5104.011, 5104.012,	197
5104.013, 5104.03, 5104.04, 5104.05, 5104.13,	198
5104.30, 5104.32, 5104.34, 5104.341, 5104.35,	199
5104.37, 5104.38, 5104.39, 5104.42, 5104.43,	200
5104.99, 5111.011, 5111.012, 5111.013, 5111.0112,	201
5111.0116, 5111.021, 5111.023, 5111.025, 5111.031,	202
5111.06, 5111.061, 5111.113, 5111.13, 5111.151,	203
5111.16, 5111.17, 5111.172, 5111.20, 5111.21,	204
5111.211, 5111.22, 5111.221, 5111.222, 5111.23,	205
5111.231, 5111.232, 5111.235, 5111.24, 5111.241,	206
5111.244, 5111.25, 5111.251, 5111.254, 5111.255,	207
5111.258, 5111.262, 5111.27, 5111.28, 5111.29,	208
5111.291, 5111.33, 5111.35, 5111.52, 5111.54,	209
5111.62, 5111.65, 5111.66, 5111.67, 5111.671,	210
5111.672, 5111.68, 5111.681, 5111.687, 5111.689,	211
5111.85, 5111.871, 5111.872, 5111.873, 5111.874,	212
5111.877, 5111.88, 5111.89, 5111.891, 5111.894,	213
5111.911, 5111.912, 5111.913, 5111.94, 5111.941,	214
5111.97, 5112.30, 5112.31, 5112.37, 5112.371,	215
5112.39, 5112.40, 5112.41, 5112.46, 5112.99,	216

5119.01, 5119.02, 5119.06, 5119.18, 5119.22,	217
5119.61, 5119.611, 5119.612, 5119.613, 5119.62,	218
5119.621, 5119.99, 5120.105, 5120.135, 5120.17,	219
5120.22, 5120.28, 5120.29, 5122.01, 5122.15,	220
5122.21, 5122.31, 5123.01, 5123.0412, 5123.0413,	221
5123.0417, 5123.051, 5123.171, 5123.18, 5123.19,	222
5123.191, 5123.194, 5123.352, 5123.42, 5123.45,	223
5123.60, 5126.01, 5126.029, 5126.04, 5126.042,	224
5126.05, 5126.054, 5126.0510, 5126.0511,	225
5126.0512, 5126.08, 5126.11, 5126.12, 5126.24,	226
5126.41, 5126.42, 5139.11, 5139.43, 5310.35,	227
5501.44, 5501.73, 5502.52, 5502.522, 5502.61,	228
5502.68, 5505.04, 5505.22, 5525.04, 5540.01,	229
5540.03, 5540.031, 5540.05, 5543.10, 5549.21,	230
5552.06, 5553.05, 5553.19, 5553.23, 5553.42,	231
5555.07, 5555.27, 5555.42, 5559.06, 5559.10,	232
5559.12, 5561.04, 5561.08, 5571.011, 5573.02,	233
5573.10, 5575.01, 5575.02, 5591.15, 5593.08,	234
5701.13, 5703.05, 5703.056, 5703.37, 5703.57,	235
5703.58, 5705.01, 5705.14, 5705.16, 5705.19,	236
5705.191, 5705.194, 5705.196, 5705.21, 5705.211,	237
5705.214, 5705.218, 5705.25, 5705.251, 5705.261,	238
5705.29, 5705.314, 5705.392, 5705.412, 5705.71,	239
5707.031, 5709.07, 5709.084, 5709.40, 5709.41,	240
5709.62, 5709.63, 5709.632, 5709.73, 5709.78,	241
5709.82, 5709.83, 5713.01, 5715.17, 5715.23,	242
5715.26, 5719.04, 5721.01, 5721.03, 5721.04,	243
5721.18, 5721.19, 5721.30, 5721.31, 5721.32,	244
5721.37, 5721.38, 5721.42, 5722.13, 5723.05,	245
5723.18, 5725.151, 5725.24, 5725.98, 5727.57,	246
5727.75, 5727.84, 5727.85, 5727.86, 5729.98,	247
5731.02, 5731.19, 5731.21, 5731.39, 5733.0610,	248
5733.23, 5733.351, 5739.01, 5739.02, 5739.021,	249



5739.022, 5739.026, 5739.07, 5739.101, 5739.19,	250
5739.30, 5747.01, 5747.058, 5747.113, 5747.451,	251
5747.46, 5747.51, 5747.98, 5748.01, 5748.02,	252
5748.021, 5748.04, 5748.05, 5748.08, 5748.081,	253
5751.01, 5751.011, 5751.20, 5751.21, 5751.22,	254
5751.23, 5751.50, 5919.34, 5919.341, 6101.16,	255
6103.04, 6103.05, 6103.06, 6103.081, 6103.31,	256
6105.131, 6109.21, 6111.038, 6111.044, 6115.01,	257
6115.20, 6117.05, 6117.06, 6117.07, 6117.251,	258
6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and	259
6119.58; to amend, for the purpose of adopting new	260
section numbers as indicated in parentheses,	261
sections 124.85 (9.04), 173.35 (5119.69), 173.351	262
(5119.691), 173.36 (5119.692), 505.481 (505.482),	263
505.482 (505.481), 3306.12 (3317.0212), 3314.20	264
(3313.473), 3721.561 (3721.56), 3722.01 (5119.70),	265
3722.011 (5119.701), 3722.02 (5119.71), 3722.021	266
(5119.711), 3722.022 (5119.712), 3722.03	267
(5119.72), 3722.04 (5119.73), 3722.041 (5119.731),	268
3722.05 (5119.74), 3722.06 (5119.75), 3722.07	269
(5119.76), 3722.08 (5119.77), 3722.09 (5119.78),	270
3722.10 (5119.79), 3722.11 (5119.80), 3722.12	271
(5119.81), 3722.13 (5119.82), 3722.14 (5119.83),	272
3722.15 (5119.84), 3722.151 (5119.85), 3722.16	273
(5119.86), 3722.17 (5119.87), 3722.18 (5119.88),	274
5101.271 (5101.272), 5101.272 (5101.273), 5111.14	275
(5111.141), 5111.261 (5111.263), 5111.892	276
(5111.893), 5119.612 (5119.613), and 5119.613	277
(5119.614); to enact new sections 3314.016,	278
3319.112, 5101.271, 5111.14, 5111.261, 5111.861,	279
5111.892, 5119.612, and 5126.18, and sections	280
7.16, 9.334, 9.335, 9.482, 101.711, 111.181,	281
111.28, 111.29, 118.025, 118.31, 122.175, 122.86,	282

123.101, 124.394, 125.182, 125.213, 126.141,	283
126.60, 126.601, 126.602, 126.603, 126.604,	284
126.605, 127.162, 127.19, 131.024, 149.308,	285
149.381, 153.501, 153.502, 153.503, 153.53,	286
153.55, 153.692, 153.693, 153.694, 153.72, 153.73,	287
154.24, 154.25, 167.081, 173.41, 187.13, 189.01,	288
189.02, 189.03, 189.04, 189.05, 189.06, 189.07,	289
189.08, 189.09, 189.10, 305.23, 306.322, 306.55,	290
306.551, 307.847, 317.06, 505.483, 505.484,	291
505.551, 523.01, 523.02, 523.03, 523.04, 523.05,	292
523.06, 523.07, 709.451, 709.452, 1327.501,	293
1505.05, 1509.022, 1571.012, 1571.013, 1571.014,	294
1702.461, 1702.462, 2151.429, 2335.061, 3123.591,	295
3302.042, 3302.06, 3302.061, 3302.062, 3302.063,	296
3302.064, 3302.065, 3302.066, 3302.067, 3302.068,	297
3302.12, 3302.20, 3302.21, 3302.22, 3302.25,	298
3302.30, 3310.51, 3310.52, 3310.521, 3310.522,	299
3310.53, 3310.54, 3310.55, 3310.56, 3310.57,	300
3310.58, 3310.59, 3310.60, 3310.61, 3310.62,	301
3310.63, 3310.64, 3311.0510, 3313.411, 3313.538,	302
3313.617, 3313.846, 3313.88, 3314.029, 3314.102,	303
3314.23, 3317.141, 3318.054, 3318.371, 3318.48,	304
3318.49, 3318.60, 3318.70, 3319.0810, 3319.228,	305
3319.229, 3319.58, 3323.052, 3324.08, 3326.111,	306
3328.01 to 3328.04, 3328.11 to 3328.15, 3328.17 to	307
3328.19, 3328.191, 3328.192, 3328.193, 3328.20 to	308
3328.26, 3328.31 to 3328.36, 3328.41, 3328.45,	309
3328.50, 3328.99, 3333.0411, 3333.43, 3345.023,	310
3345.54, 3345.55, 3345.81, 3353.15, 3701.0211,	311
3701.032, 3702.523, 3709.341, 3721.531, 3721.532,	312
3721.533, 3734.577, 3745.016, 3770.031, 3793.061,	313
3901.56, 3903.301, 4313.01, 4313.02, 4729.50,	314
4911.021, 5101.57, 5111.0122, 5111.0123,	315

5111.0124, 5111.0125, 5111.0212, 5111.0213,	316
5111.0214, 5111.0215, 5111.035, 5111.051,	317
5111.052, 5111.053, 5111.054, 5111.063, 5111.086,	318
5111.161, 5111.1711, 5111.212, 5111.224, 5111.225,	319
5111.226, 5111.259, 5111.271, 5111.331, 5111.511,	320
5111.83, 5111.862, 5111.863, 5111.864, 5111.865,	321
5111.944, 5111.945, 5111.981, 5112.991, 5119.012,	322
5119.013, 5119.622, 5119.623, 5119.693, 5120.092,	323
5122.341, 5123.0418, 5123.0419, 5703.059, 5725.34,	324
5729.17, 5747.81, 5748.09, 6115.321, and 6119.061;	325
and to repeal sections 7.14, 122.0818, 122.452,	326
126.04, 126.501, 126.502, 126.507, 165.031,	327
179.01, 179.02, 179.03, 179.04, 181.22, 181.23,	328
181.24, 181.25, 340.08, 701.04, 1501.031, 1551.13,	329
3123.52, 3123.61, 3123.612, 3123.613, 3123.614,	330
3301.82, 3301.922, 3306.01, 3306.011, 3306.012,	331
3306.02, 3306.03, 3306.04, 3306.05, 3306.051,	332
3306.052, 3306.06, 3306.07, 3306.08, 3306.09,	333
3306.091, 3306.10, 3306.11, 3306.13, 3306.19,	334
3306.191, 3306.192, 3306.21, 3306.22, 3306.29,	335
3306.291, 3306.292, 3306.50, 3306.51, 3306.52,	336
3306.53, 3306.54, 3306.55, 3306.56, 3306.57,	337
3306.58, 3306.59, 3311.059, 3313.674, 3314.014,	338
3314.016, 3314.017, 3314.025, 3314.082, 3314.085,	339
3314.11, 3314.111, 3317.011, 3317.016, 3317.017,	340
3317.0216, 3317.04, 3317.17, 3319.112, 3319.62,	341
3329.16, 3335.45, 3349.242, 3706.042, 3721.56,	342
3722.99, 3733.21, 3733.22, 3733.23, 3733.24,	343
3733.25, 3733.26, 3733.27, 3733.28, 3733.29,	344
3733.30, 3923.90, 3923.91, 4115.032, 4121.75,	345
4121.76, 4121.77, 4121.78, 4121.79, 4582.37,	346
4731.18, 4981.23, 5101.5211, 5101.5212, 5101.5213,	347
5101.5214, 5101.5215, 5101.5216, 5111.243,	348

5111.34, 5111.861, 5111.893, 5111.971, 5122.36, 349  
5123.172, 5123.181, 5123.193, 5123.211, 5126.18, 350  
and 5126.19 of the Revised Code; to amend Section 351  
5 of Am. Sub. H.B. 1 of the 129th General 352  
Assembly, Section 205.10 of Am. Sub. H.B. 114 of 353  
the 129th General Assembly, Section 211 of Sub. 354  
H.B. 123 of the 129th General Assembly, Section 5 355  
of Am. Sub. S.B. 2 of the 129th General Assembly, 356  
Sections 125.10 and 753.60 of Am. Sub. H.B. 1 of 357  
the 128th General Assembly, Section 105.20 of Sub. 358  
H.B. 462 of the 128th General Assembly, Section 359  
105.45.70 of Sub. H.B. 462 of the 128th General 360  
Assembly, as subsequently amended, Section 6 of 361  
Am. Sub. S.B. 124 of the 128th General Assembly, 362  
Section 5 of Sub. S.B. 162 of the 128th General 363  
Assembly, Section 5 of Sub. H.B. 125 of the 127th 364  
General Assembly, as subsequently amended, and 365  
Section 153 of Am. Sub. H.B. 117 of the 121st 366  
General Assembly, as subsequently amended; to 367  
repeal Section 6 of Sub. S.B. 162 of the 128th 368  
General Assembly and Section 5 of Sub. H.B. 2 of 369  
the 127th General Assembly; to amend the versions 370  
of sections 3721.16, 5122.01, 5122.31, 5123.19, 371  
5123.191, and 5123.60 of the Revised Code that 372  
result from Section 101.01 of this act and to 373  
amend sections 5111.709, 5119.221, 5122.02, 374  
5122.27, 5122.271, 5122.29, 5122.32, 5123.092, 375  
5123.35, 5123.61, 5123.63, 5123.64, 5123.69, 376  
5123.701, 5123.86, 5123.99, and 5126.33, to amend 377  
section 5123.60 (5123.601) for the purpose of 378  
adopting a new section number as indicated in 379  
parentheses, to enact new sections 5123.60 and 380  
5123.602, and to repeal sections 5123.601, 381

5123.602, 5123.603, 5123.604, and 5123.605 of the 382  
Revised Code on October 1, 2012; to make operating 383  
appropriations for the biennium beginning July 1, 384  
2011, and ending June 30, 2013; and to provide 385  
authorization and conditions for the operation of 386  
programs, including reforms for the efficient and 387  
effective operation of state and local government. 388

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

**Section 101.01.** That sections 7.10, 7.11, 7.12, 9.06, 9.231, 389  
9.24, 9.33, 9.331, 9.332, 9.333, 9.82, 9.823, 9.833, 9.90, 9.901, 390  
101.532, 101.82, 102.02, 105.41, 107.09, 109.36, 109.43, 109.57, 391  
109.572, 109.64, 109.71, 109.801, 111.12, 111.16, 111.18, 117.101, 392  
117.13, 118.023, 118.04, 118.05, 118.06, 118.12, 118.17, 118.99, 393  
119.032, 120.40, 121.03, 121.04, 121.22, 121.37, 121.40, 121.401, 394  
121.402, 121.403, 121.404, 122.121, 122.171, 122.76, 122.861, 395  
123.01, 123.011, 123.10, 124.09, 124.23, 124.231, 124.24, 124.25, 396  
124.26, 124.27, 124.31, 124.34, 124.393, 124.85, 125.021, 125.15, 397  
125.18, 125.28, 125.89, 126.11, 126.12, 126.21, 126.24, 126.45, 398  
126.46, 126.50, 127.14, 127.16, 131.02, 131.23, 131.44, 131.51, 399  
133.01, 133.06, 133.09, 133.18, 133.20, 133.55, 135.05, 135.61, 400  
135.65, 135.66, 145.27, 145.56, 149.01, 149.091, 149.11, 149.311, 401  
149.351, 149.38, 149.39, 149.41, 149.411, 149.412, 149.42, 149.43, 402  
153.01, 153.02, 153.03, 153.07, 153.08, 153.50, 153.51, 153.52, 403  
153.54, 153.56, 153.581, 153.65, 153.66, 153.67, 153.69, 153.70, 404  
153.71, 153.80, 154.02, 154.07, 154.11, 166.02, 173.14, 173.21, 405  
173.26, 173.35, 173.351, 173.36, 173.391, 173.40, 173.401, 406  
173.403, 173.404, 173.42, 173.45, 173.46, 173.47, 173.48, 173.501, 407  
183.30, 183.51, 185.01, 185.03, 185.06, 185.10, 187.01, 187.02, 408  
187.03, 187.09, 301.02, 301.15, 301.28, 305.171, 306.35, 306.43, 409  
306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 410  
307.791, 307.80, 307.801, 307.802, 307.803, 307.806, 307.81, 411

307.82, 307.83, 307.84, 307.842, 307.843, 307.846, 307.86, 308.13, 412  
311.29, 311.31, 317.20, 319.11, 319.301, 319.54, 321.18, 321.261, 413  
322.02, 322.021, 323.08, 323.73, 323.75, 324.02, 324.021, 325.20, 414  
340.02, 340.03, 340.05, 340.091, 340.11, 341.192, 343.08, 345.03, 415  
349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 416  
504.16, 504.21, 505.101, 505.105, 505.106, 505.107, 505.108, 417  
505.109, 505.17, 505.172, 505.24, 505.264, 505.267, 505.28, 418  
505.373, 505.43, 505.48, 505.481, 505.49, 505.491, 505.492, 419  
505.493, 505.494, 505.495, 505.50, 505.51, 505.511, 505.52, 420  
505.53, 505.54, 505.541, 505.55, 505.60, 505.601, 505.603, 505.61, 421  
505.67, 505.73, 507.09, 509.15, 511.01, 511.12, 511.23, 511.235, 422  
511.236, 511.25, 511.28, 511.34, 513.14, 515.01, 515.04, 515.07, 423  
517.06, 517.12, 517.22, 521.03, 521.05, 705.16, 709.43, 709.44, 424  
711.35, 715.011, 715.47, 718.01, 718.09, 718.10, 719.012, 719.05, 425  
721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 727.14, 426  
727.46, 729.08, 729.11, 731.14, 731.141, 731.20, 731.21, 731.211, 427  
731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.022, 737.04, 428  
737.041, 737.32, 737.40, 742.41, 745.07, 747.05, 747.11, 747.12, 429  
755.16, 755.29, 755.41, 755.42, 755.43, 759.47, 901.09, 924.52, 430  
927.69, 951.11, 955.011, 955.012, 1309.528, 1327.46, 1327.50, 431  
1327.51, 1327.511, 1327.54, 1327.57, 1327.62, 1327.99, 1329.04, 432  
1329.42, 1332.24, 1345.52, 1345.73, 1501.01, 1501.022, 1501.40, 433  
1503.05, 1503.141, 1505.01, 1505.04, 1505.06, 1505.09, 1505.11, 434  
1505.99, 1506.21, 1509.01, 1509.02, 1509.021, 1509.03, 1509.04, 435  
1509.041, 1509.05, 1509.06, 1509.061, 1509.062, 1509.07, 1509.071, 436  
1509.072, 1509.073, 1509.08, 1509.09, 1509.10, 1509.11, 1509.12, 437  
1509.13, 1509.14, 1509.15, 1509.17, 1509.181, 1509.19, 1509.21, 438  
1509.22, 1509.221, 1509.222, 1509.223, 1509.224, 1509.225, 439  
1509.226, 1509.23, 1509.24, 1509.25, 1509.26, 1509.27, 1509.28, 440  
1509.29, 1509.31, 1509.32, 1509.33, 1509.34, 1509.36, 1509.38, 441  
1509.40, 1509.50, 1510.01, 1510.08, 1515.08, 1515.14, 1515.24, 442  
1517.02, 1517.03, 1531.04, 1533.10, 1533.11, 1533.111, 1533.32, 443

1533.731, 1533.83, 1541.03, 1541.05, 1545.071, 1545.09, 1545.12, 444  
1545.131, 1545.132, 1547.01, 1547.30, 1547.301, 1547.302, 445  
1547.303, 1547.304, 1551.311, 1551.32, 1551.33, 1551.35, 1555.02, 446  
1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 1561.06, 447  
1561.12, 1561.13, 1561.35, 1561.49, 1563.06, 1563.24, 1563.28, 448  
1571.01, 1571.02, 1571.03, 1571.04, 1571.05, 1571.06, 1571.08, 449  
1571.09, 1571.10, 1571.11, 1571.14, 1571.16, 1571.18, 1571.99, 450  
1701.07, 1702.01, 1702.59, 1703.031, 1703.07, 1705.01, 1707.11, 451  
1707.17, 1711.05, 1711.07, 1711.18, 1711.30, 1728.06, 1728.07, 452  
1751.01, 1751.04, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 453  
1751.17, 1751.20, 1751.31, 1751.34, 1751.60, 1761.04, 1776.83, 454  
1785.06, 1901.02, 1901.06, 1901.261, 1901.262, 1901.41, 1907.13, 455  
1907.261, 1907.262, 1907.53, 2105.09, 2117.25, 2151.011, 456  
2151.3515, 2151.412, 2151.421, 2151.424, 2151.541, 2152.72, 457  
2301.01, 2301.031, 2303.201, 2305.232, 2317.02, 2317.422, 2329.26, 458  
2335.05, 2335.06, 2501.02, 2503.01, 2744.05, 2901.01, 2903.33, 459  
2917.40, 2919.271, 2929.71, 2935.01, 2935.03, 2945.371, 2945.38, 460  
2945.39, 2945.40, 2945.401, 2945.402, 2949.14, 2981.11, 2981.12, 461  
2981.13, 3109.16, 3111.04, 3113.06, 3119.54, 3121.48, 3123.44, 462  
3123.45, 3123.55, 3123.56, 3123.58, 3123.59, 3123.63, 3301.07, 463  
3301.071, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 464  
3301.16, 3301.162, 3301.70, 3301.921, 3302.02, 3302.031, 3302.032, 465  
3302.04, 3302.05, 3302.07, 3304.181, 3304.182, 3305.08, 3306.12, 466  
3307.20, 3307.31, 3307.41, 3307.64, 3309.22, 3309.41, 3309.48, 467  
3309.51, 3309.66, 3310.02, 3310.03, 3310.05, 3310.08, 3310.41, 468  
3311.05, 3311.054, 3311.056, 3311.06, 3311.19, 3311.21, 3311.213, 469  
3311.214, 3311.29, 3311.50, 3311.52, 3311.53, 3311.73, 3311.76, 470  
3313.29, 3313.372, 3313.41, 3313.46, 3313.482, 3313.533, 3313.55, 471  
3313.603, 3313.61, 3313.611, 3313.612, 3313.614, 3313.64, 472  
3313.642, 3313.6410, 3313.65, 3313.75, 3313.816, 3313.842, 473  
3313.843, 3313.845, 3313.911, 3313.97, 3313.975, 3313.978, 474  
3313.981, 3314.012, 3314.013, 3314.015, 3314.02, 3314.021, 475

3314.023, 3314.03, 3314.05, 3314.051, 3314.07, 3314.08, 3314.087, 476  
3314.088, 3314.091, 3314.10, 3314.13, 3314.19, 3314.22, 3314.35, 477  
3314.36, 3315.01, 3316.041, 3316.06, 3316.08, 3316.20, 3317.01, 478  
3317.013, 3317.014, 3317.018, 3317.02, 3317.021, 3317.022, 479  
3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211, 3317.03, 480  
3317.031, 3317.05, 3317.051, 3317.053, 3317.06, 3317.061, 3317.07, 481  
3317.08, 3317.081, 3317.082, 3317.09, 3317.11, 3317.12, 3317.14, 482  
3317.16, 3317.18, 3317.19, 3317.20, 3317.201, 3318.011, 3318.032, 483  
3318.034, 3318.05, 3318.051, 3318.08, 3318.12, 3318.31, 3318.36, 484  
3318.37, 3318.38, 3318.41, 3318.44, 3319.02, 3319.08, 3319.081, 485  
3319.11, 3319.111, 3319.141, 3319.17, 3319.18, 3319.19, 3319.227, 486  
3319.26, 3319.31, 3319.311, 3319.39, 3319.57, 3319.71, 3323.09, 487  
3323.091, 3323.14, 3323.142, 3323.31, 3324.05, 3325.08, 3326.11, 488  
3326.33, 3326.39, 3327.02, 3327.04, 3327.05, 3329.08, 3331.01, 489  
3333.03, 3333.043, 3333.31, 3333.66, 3333.81, 3333.82, 3333.83, 490  
3333.84, 3333.85, 3333.87, 3333.90, 3334.19, 3345.061, 3345.14, 491  
3349.29, 3353.04, 3354.12, 3354.16, 3355.09, 3357.16, 3365.01, 492  
3365.08, 3375.41, 3381.11, 3501.03, 3501.17, 3505.13, 3506.05, 493  
3701.021, 3701.023, 3701.07, 3701.61, 3701.74, 3701.83, 3702.52, 494  
3702.57, 3702.59, 3704.06, 3704.14, 3705.24, 3709.09, 3709.092, 495  
3709.21, 3717.53, 3719.141, 3719.41, 3721.01, 3721.011, 3721.02, 496  
3721.022, 3721.04, 3721.16, 3721.50, 3721.51, 3721.511, 3721.512, 497  
3721.513, 3721.52, 3721.53, 3721.55, 3721.561, 3721.58, 3722.01, 498  
3722.011, 3722.02, 3722.021, 3722.022, 3722.04, 3722.041, 3722.05, 499  
3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 500  
3722.13, 3722.14, 3722.15, 3722.151, 3722.16, 3722.17, 3722.18, 501  
3733.41, 3733.99, 3734.02, 3734.05, 3734.06, 3734.18, 3734.19, 502  
3734.20, 3734.21, 3734.22, 3734.23, 3734.24, 3734.25, 3734.26, 503  
3734.27, 3734.28, 3734.282, 3734.57, 3734.85, 3734.901, 3735.36, 504  
3735.66, 3737.73, 3737.83, 3737.841, 3737.87, 3737.88, 3743.06, 505  
3743.19, 3743.52, 3743.53, 3743.54, 3743.64, 3745.015, 3745.11, 506  
3746.02, 3750.081, 3767.32, 3769.08, 3769.20, 3769.26, 3770.03, 507



3770.05, 3772.032, 3772.062, 3781.183, 3791.043, 3793.04, 3793.06, 508  
3793.21, 3901.3814, 3903.01, 3923.28, 3923.281, 3923.30, 3924.10, 509  
3937.41, 3963.01, 3963.11, 4113.11, 4113.61, 4115.03, 4115.033, 510  
4115.034, 4115.04, 4115.05, 4115.10, 4115.101, 4115.13, 4115.16, 511  
4116.01, 4117.01, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 512  
4121.128, 4121.44, 4123.27, 4123.341, 4123.342, 4123.35, 4131.03, 513  
4141.08, 4141.11, 4141.33, 4301.12, 4301.43, 4301.62, 4301.80, 514  
4301.81, 4503.06, 4503.235, 4503.70, 4503.93, 4504.02, 4504.021, 515  
4504.15, 4504.16, 4504.18, 4505.181, 4506.071, 4507.111, 4507.164, 516  
4511.191, 4511.193, 4513.39, 4513.60, 4513.61, 4513.62, 4513.63, 517  
4513.64, 4513.66, 4517.01, 4517.02, 4517.04, 4517.09, 4517.10, 518  
4517.12, 4517.13, 4517.14, 4517.23, 4517.24, 4517.44, 4549.17, 519  
4582.12, 4582.31, 4585.10, 4705.021, 4709.13, 4725.34, 4725.48, 520  
4725.50, 4725.52, 4725.57, 4729.52, 4729.552, 4731.054, 4731.15, 521  
4731.16, 4731.17, 4731.171, 4731.19, 4731.222, 4731.65, 4731.71, 522  
4733.15, 4733.151, 4735.01, 4735.02, 4735.03, 4735.05, 4735.052, 523  
4735.06, 4735.07, 4735.09, 4735.10, 4735.13, 4735.14, 4735.141, 524  
4735.142, 4735.15, 4735.16, 4735.17, 4735.18, 4735.181, 4735.182, 525  
4735.19, 4735.20, 4735.21, 4735.211, 4735.32, 4735.55, 4735.58, 526  
4735.59, 4735.62, 4735.68, 4735.71, 4735.74, 4736.12, 4740.14, 527  
4757.31, 4776.01, 4906.01, 4911.02, 4927.17, 4928.20, 4929.26, 528  
4929.27, 4931.40, 4931.51, 4931.52, 4931.53, 5101.16, 5101.181, 529  
5101.182, 5101.183, 5101.244, 5101.26, 5101.27, 5101.271, 530  
5101.272, 5101.28, 5101.30, 5101.341, 5101.342, 5101.35, 5101.37, 531  
5101.46, 5101.47, 5101.571, 5101.573, 5101.58, 5101.60, 5101.61, 532  
5101.98, 5104.01, 5104.011, 5104.012, 5104.013, 5104.03, 5104.04, 533  
5104.05, 5104.13, 5104.30, 5104.32, 5104.34, 5104.341, 5104.35, 534  
5104.37, 5104.38, 5104.39, 5104.42, 5104.43, 5104.99, 5111.011, 535  
5111.012, 5111.013, 5111.0112, 5111.0116, 5111.021, 5111.023, 536  
5111.025, 5111.031, 5111.06, 5111.061, 5111.113, 5111.13, 537  
5111.151, 5111.16, 5111.17, 5111.172, 5111.20, 5111.21, 5111.211, 538  
5111.22, 5111.221, 5111.222, 5111.23, 5111.231, 5111.232, 539

5111.235, 5111.24, 5111.241, 5111.244, 5111.25, 5111.251, 540  
5111.254, 5111.255, 5111.258, 5111.262, 5111.27, 5111.28, 5111.29, 541  
5111.291, 5111.33, 5111.35, 5111.52, 5111.54, 5111.62, 5111.65, 542  
5111.66, 5111.67, 5111.671, 5111.672, 5111.68, 5111.681, 5111.687, 543  
5111.689, 5111.85, 5111.871, 5111.872, 5111.873, 5111.874, 544  
5111.877, 5111.88, 5111.89, 5111.891, 5111.894, 5111.911, 545  
5111.912, 5111.913, 5111.94, 5111.941, 5111.97, 5112.30, 5112.31, 546  
5112.37, 5112.371, 5112.39, 5112.40, 5112.41, 5112.46, 5112.99, 547  
5119.01, 5119.02, 5119.06, 5119.18, 5119.22, 5119.61, 5119.611, 548  
5119.613, 5119.62, 5119.621, 5119.99, 5120.105, 5120.135, 5120.17, 549  
5120.22, 5120.28, 5120.29, 5122.01, 5122.15, 5122.21, 5122.31, 550  
5123.01, 5123.0412, 5123.0413, 5123.0417, 5123.051, 5123.171, 551  
5123.18, 5123.19, 5123.191, 5123.194, 5123.352, 5123.42, 5123.45, 552  
5123.60, 5126.01, 5126.029, 5126.04, 5126.042, 5126.05, 5126.054, 553  
5126.0510, 5126.0511, 5126.0512, 5126.08, 5126.11, 5126.12, 554  
5126.24, 5126.41, 5126.42, 5139.11, 5139.43, 5310.35, 5501.44, 555  
5501.73, 5502.52, 5502.522, 5502.61, 5502.68, 5505.04, 5505.22, 556  
5525.04, 5540.01, 5540.03, 5540.031, 5540.05, 5543.10, 5549.21, 557  
5552.06, 5553.05, 5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 558  
5555.42, 5559.06, 5559.10, 5559.12, 5561.04, 5561.08, 5571.011, 559  
5573.02, 5573.10, 5575.01, 5575.02, 5591.15, 5593.08, 5701.13, 560  
5703.05, 5703.056, 5703.37, 5703.57, 5703.58, 5705.01, 5705.14, 561  
5705.16, 5705.19, 5705.191, 5705.194, 5705.196, 5705.21, 5705.211, 562  
5705.214, 5705.218, 5705.25, 5705.251, 5705.261, 5705.29, 563  
5705.314, 5705.392, 5705.412, 5705.71, 5707.031, 5709.07, 564  
5709.084, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 565  
5709.78, 5709.82, 5709.83, 5713.01, 5715.17, 5715.23, 5715.26, 566  
5719.04, 5721.01, 5721.03, 5721.04, 5721.18, 5721.19, 5721.30, 567  
5721.31, 5721.32, 5721.37, 5721.38, 5721.42, 5722.13, 5723.05, 568  
5723.18, 5725.151, 5725.24, 5725.98, 5727.57, 5727.75, 5727.84, 569  
5727.85, 5727.86, 5729.98, 5731.02, 5731.19, 5731.21, 5731.39, 570  
5733.0610, 5733.23, 5733.351, 5739.01, 5739.02, 5739.021, 571

5739.022, 5739.026, 5739.07, 5739.101, 5739.19, 5739.30, 5747.01, 572  
5747.058, 5747.113, 5747.451, 5747.46, 5747.51, 5747.98, 5748.01, 573  
5748.02, 5748.021, 5748.04, 5748.05, 5748.08, 5748.081, 5751.01, 574  
5751.011, 5751.20, 5751.21, 5751.22, 5751.23, 5751.50, 5919.34, 575  
5919.341, 6101.16, 6103.04, 6103.05, 6103.06, 6103.081, 6103.31, 576  
6105.131, 6109.21, 6111.038, 6111.044, 6115.01, 6115.20, 6117.05, 577  
6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 578  
6119.25, and 6119.58 be amended; sections 124.85 (9.04), 173.35 579  
(5119.69), 173.351 (5119.691), 173.36 (5119.692), 505.481 580  
(505.482), 505.482 (505.481), 3306.12 (3317.0212), 3314.20 581  
(3313.473), 3721.561 (3721.56), 3722.01 (5119.70), 3722.011 582  
(5119.701), 3722.02 (5119.71), 3722.021 (5119.711), 3722.022 583  
(5119.712), 3722.03 (5119.72), 3722.04 (5119.73), 3722.041 584  
(5119.731), 3722.05 (5119.74), 3722.06 (5119.75), 3722.07 585  
(5119.76), 3722.08 (5119.77), 3722.09 (5119.78), 3722.10 586  
(5119.79), 3722.11 (5119.80), 3722.12 (5119.81), 3722.13 587  
(5119.82), 3722.14 (5119.83), 3722.15 (5119.84), 3722.151 588  
(5119.85), 3722.16 (5119.86), 3722.17 (5119.87), 3722.18 589  
(5119.88), 5101.271 (5101.272), 5101.272 (5101.273), 5111.14 590  
(5111.141), 5111.261 (5111.263), 5111.892 (5111.893), 5119.612 591  
(5119.613), and 5119.613 (5119.614) be amended for the purpose of 592  
adopting new section numbers as indicated in parentheses; that new 593  
sections 3314.016, 3319.112, 5101.271, 5111.14, 5111.261, 594  
5111.861, 5111.892, 5119.612, and 5126.18 and sections 7.16, 595  
9.334, 9.335, 9.482, 101.711, 111.181, 111.28, 111.29, 118.025, 596  
118.31, 122.175, 122.86, 123.101, 124.394, 125.182, 125.213, 597  
126.141, 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 598  
127.162, 127.19, 131.024, 149.308, 149.381, 153.501, 153.502, 599  
153.503, 153.53, 153.55, 153.692, 153.693, 153.694, 153.72, 600  
153.73, 154.24, 154.25, 167.081, 173.41, 187.13, 189.01, 189.02, 601  
189.03, 189.04, 189.05, 189.06, 189.07, 189.08, 189.09, 189.10, 602  
305.23, 306.322, 306.55, 306.551, 307.847, 317.06, 505.483, 603

505.484, 505.551, 523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 604  
523.07, 709.451, 709.452, 1327.501, 1505.05, 1509.022, 1571.012, 605  
1571.013, 1571.014, 1702.461, 1702.462, 2151.429, 2335.061, 606  
3123.591, 3302.042, 3302.06, 3302.061, 3302.062, 3302.063, 607  
3302.064, 3302.065, 3302.066, 3302.067, 3302.068, 3302.12, 608  
3302.20, 3302.21, 3302.22, 3302.25, 3302.30, 3310.51, 3310.52, 609  
3310.521, 3310.522, 3310.53, 3310.54, 3310.55, 3310.56, 3310.57, 610  
3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 3310.64, 611  
3311.0510, 3313.411, 3313.538, 3313.617, 3313.846, 3313.88, 612  
3314.029, 3314.102, 3314.23, 3317.141, 3318.054, 3318.371, 613  
3318.48, 3318.49, 3318.60, 3318.70, 3319.0810, 3319.228, 3319.229, 614  
3319.58, 3323.052, 3324.08, 3326.111, 3328.01, 3328.02, 3328.03, 615  
3328.04, 3328.11, 3328.12, 3328.13, 3328.14, 3328.15, 3328.17, 616  
3328.18, 3328.19, 3328.191, 3328.192, 3328.193, 3328.20, 3328.21, 617  
3328.22, 3328.23, 3328.24, 3328.25, 3328.26, 3328.31, 3328.32, 618  
3328.33, 3328.34, 3328.35, 3328.36, 3328.41, 3328.45, 3328.50, 619  
3328.99, 3333.0411, 3333.43, 3345.023, 3345.54, 3345.55, 3345.81, 620  
3353.15, 3701.0211, 3701.032, 3702.523, 3709.341, 3721.531, 621  
3721.532, 3721.533, 3734.577, 3745.016, 3770.031, 3793.061, 622  
3901.56, 3903.301, 4313.01, 4313.02, 4729.50, 4911.021, 5101.57, 623  
5111.0122, 5111.0123, 5111.0124, 5111.0125, 5111.0212, 5111.0213, 624  
5111.0214, 5111.0215, 5111.035, 5111.051, 5111.052, 5111.053, 625  
5111.054, 5111.063, 5111.086, 5111.161, 5111.1711, 5111.212, 626  
5111.224, 5111.225, 5111.226, 5111.259, 5111.271, 5111.331, 627  
5111.511, 5111.83, 5111.862, 5111.863, 5111.864, 5111.865, 628  
5111.944, 5111.945, 5111.981, 5112.991, 5119.012, 5119.013, 629  
5119.622, 5119.623, 5119.693, 5120.092, 5122.341, 5123.0418, 630  
5123.0419, 5703.059, 5725.34, 5729.17, 5747.81, 5748.09, 6115.321, 631  
and 6119.061 of the Revised Code be enacted to read as follows: 632

**Sec. 7.10.** For the publication of advertisements, notices, 633  
and proclamations, except those relating to proposed amendments to 634

the Ohio ~~constitution~~ Constitution, required to be published by a 635  
public officer of the state, ~~county, municipal corporation,~~ 636  
~~township, school,~~ a benevolent or other public institution, ~~or by~~ 637  
a trustee, assignee, executor, or administrator, or by or in any 638  
court of record, except when the rate is otherwise fixed by law, 639  
publishers of newspapers may charge and receive for such 640  
advertisements, notices, and proclamations rates charged on annual 641  
contracts by them for a like amount of space to other advertisers 642  
who advertise in its general display advertising columns. ~~Legal~~ 643

For the publication of advertisements, notices, or 644  
proclamations required to be published by a public officer of a 645  
county, municipal corporation, township, school, or other 646  
political subdivision, publishers of newspapers shall establish a 647  
government rate, which shall include free publication of 648  
advertisements, notices, or proclamations on the newspaper's 649  
internet web site, if the newspaper has one. The government rate 650  
shall not exceed the lowest classified advertising rate and lowest 651  
insert rate paid by other advertisers. 652

Legal advertising, except that relating to proposed 653  
amendments to the Ohio ~~constitution~~ Constitution, shall be set up 654  
in a compact form, without unnecessary spaces, blanks, or 655  
headlines, and printed in not smaller than six-point type. The 656  
type used must be of such proportions that the body of the capital 657  
letter M is no wider than it is high and all other letters and 658  
characters are in proportion. 659

Except as provided in section 2701.09 of the Revised Code, 660  
all legal advertisements or notices shall be printed in newspapers 661  
~~published in the English language only of general circulation and~~ 662  
also shall be posted on the state public notice web site created 663  
under section 125.182 of the Revised Code, and on a newspaper's 664  
internet web site, if the newspaper has one. 665

**Sec. 7.11.** A proclamation for an election, an order fixing 666  
the time of holding court, notice of the rates of taxation, bridge 667  
and pike notices, notice to contractors, and such other 668  
advertisements of general interest to the taxpayers as the county 669  
auditor, county treasurer, probate judge, or board of county 670  
commissioners deems proper shall be published in ~~two newspapers~~ a 671  
newspaper of ~~opposite politics~~ of general circulation, as defined 672  
in section ~~5721.01~~ 7.12 of the Revised Code at the county seat ~~if~~ 673  
~~there are such newspapers published thereat. If there are not two~~ 674  
~~newspapers of opposite politics and of general circulation~~ 675  
~~published in said county seat, such publication shall be made in~~ 676  
~~one newspaper published in said county seat and in any other~~ 677  
~~newspaper of general circulation in said county as defined in~~ 678  
~~section 5721.01 of the Revised Code, wherever published, without~~ 679  
~~regard to the politics of such other newspaper.~~ In counties having 680  
cities of eight thousand inhabitants or more, not the county seat 681  
of such counties, additional publication of such notice shall be 682  
made in ~~two newspapers~~ a newspaper of ~~opposite politics~~ and of 683  
general circulation ~~in such city,~~ as defined in such section, in 684  
such city. For purposes of this section, a newspaper independent 685  
~~in politics is a newspaper of opposite politics to a newspaper of~~ 686  
~~designated political affiliation. Sections 7.10 to 7.13,~~ 687  
~~inclusive, of the Revised Code, do not apply to the publication of~~ 688  
~~notices of delinquent and forfeited land sales.~~ 689

The cost of any publication authorized by this section, which 690  
~~is~~ shall be printed in display form, shall be the ~~commercial~~ 691  
government rate ~~charged~~ established by such newspaper under 692  
section 7.10 of the Revised Code. 693

**Sec. 7.12.** (A) Whenever any legal publication a state agency 694  
or a political subdivision of the state is required by law to be 695  
made make any legal publication in a newspaper ~~published in a~~ 696

~~municipal corporation, county, or other political subdivision, the~~ 697  
~~newspaper shall also be a newspaper of general circulation in the~~ 698  
~~municipal corporation, county, or other political subdivision,~~ 699  
~~without further restriction or limitation upon a selection of the~~ 700  
~~newspaper to be used. If no newspaper is published in such~~ 701  
~~municipal corporation, county, or other political subdivision,~~ 702  
~~such legal publication shall be made in any newspaper of general~~ 703  
~~circulation therein. If there are less than two newspapers~~ 704  
~~published in any municipal corporation, county, or other political~~ 705  
~~subdivision in the manner defined by this section, then any legal~~ 706  
~~publication required by law to be made in a newspaper published in~~ 707  
~~a municipal corporation, county, or other political subdivision~~ 708  
~~may be made in any newspaper regularly issued at stated intervals~~ 709  
~~from a known office of publication located within the municipal~~ 710  
~~corporation, county, or other political subdivision. As used in~~ 711  
~~this section, a known office of publication is a public office~~ 712  
~~where the business of the newspaper is transacted during the usual~~ 713  
~~business hours, and such office shall be shown by the publication~~ 714  
~~itself. As used in the Revised Code,~~ 715

~~In addition to all other requirements, a "newspaper" or~~ 716  
~~"newspaper of general circulation," except those publications~~ 717  
~~daily law journals in existence on or before July 1, 2011, and~~ 718  
~~performing the functions described in section 2701.09 of the~~ 719  
~~Revised Code for a period of ~~one year~~ three years immediately~~ 720  
~~preceding any such legal publication required to be made, ~~shall be~~~~ 721  
~~is a publication bearing a title or name, that is regularly issued~~ 722  
~~~~as frequently as~~ at least once a week ~~for a definite price or~~~~ 723  
~~~~consideration paid for by not less than fifty per cent of those to~~~~ 724  
~~~~whom distribution is made, having a second class mailing~~~~ 725  
~~privilege, being not less than four pages, published continuously~~ 726  
~~during the immediately preceding one year period, and circulated~~ 727  
~~generally in the political subdivision in which it is published.~~ 728  
~~Such publication must be of a type to which the general public~~ 729

~~resorts for passing events of a political, religious, commercial,~~ 730  
~~and social nature, current happenings, announcements,~~ 731  
~~miscellaneous reading matter, advertisements, and other notices,~~ 732  
and that meets all of the following requirements: 733

(1) It is printed in the English language using standard 734  
printing methods, being not less than eight pages in the 735  
broadsheet format or sixteen pages in the tabloid format. 736

(2) It contains at least twenty-five per cent editorial 737  
content, which includes, but is not limited to, local news, 738  
political information, and local sports. 739

(3) It has been published continuously for at least three 740  
years immediately preceding legal publication by the state agency 741  
or political subdivision. 742

(4) The publication has the ability to add subscribers to its 743  
distribution list. 744

(5) The publication is circulated generally by United States 745  
mail or carrier delivery in the political subdivision responsible 746  
for legal publication or in the state, if legal publication is 747  
made by a state agency, by proof of the filing of a United States 748  
postal service "Statement of Ownership, Management, and 749  
Circulation" (PS form 3526) with the local postmaster, or by proof 750  
of an independent audit of the publication performed, within the 751  
twelve months immediately preceding legal publication. 752

(B) A person who disagrees that a publication is a "newspaper 753  
of general circulation" in which legal publication may be made 754  
under this section may deliver a written request for mediation to 755  
the publisher of the publication and to the court of common pleas 756  
of the county in which is located the political subdivision in 757  
which the publication is circulated, or in the Franklin county 758  
court of common pleas if legal publication is to be made by a 759  
state agency. The court of common pleas shall appoint a mediator, 760



and the parties shall follow the procedures of the mediation 761  
program operated by the court. 762

Sec. 7.16. (A) If a section of the Revised Code or an 763  
administrative rule requires a state agency or a political 764  
subdivision of the state to publish a notice or advertisement two 765  
or more times in a newspaper of general circulation and the 766  
section or administrative rule refers to this section, the first 767  
publication of the notice or advertisement shall be made in its 768  
entirety in a newspaper of general circulation and may be made in 769  
a preprinted insert in the newspaper, but the second publication 770  
otherwise required by that section or administrative rule may be 771  
made in abbreviated form in a newspaper of general circulation in 772  
the state or in the political subdivision, as designated in that 773  
section or administrative rule, and on the newspaper's internet 774  
web site, if the newspaper has one. The state agency or political 775  
subdivision may eliminate any further newspaper publications 776  
required by that section or administrative rule, provided that the 777  
second, abbreviated notice or advertisement meets all of the 778  
following requirements: 779

(1) It is published in the newspaper of general circulation 780  
in which the first publication of the notice or advertisement was 781  
made and is published on that newspaper's internet web site, if 782  
the newspaper has one. 783

(2) It includes a title, followed by a summary paragraph or 784  
statement that clearly describes the specific purpose of the 785  
notice or advertisement, and includes a statement that the notice 786  
or advertisement is posted in its entirety on the state public 787  
notice web site established under section 125.182 of the Revised 788  
Code. The notice or advertisement also may be posted on the state 789  
agency's or political subdivision's internet web site. 790

(3) It includes the internet addresses of the state public 791

notice web site, and of the newspaper's and state agency's or 792  
political subdivision's internet web site if the notice or 793  
advertisement is posted on those web sites, and the name, address, 794  
telephone number, and electronic mail address of the state agency, 795  
political subdivision, or other party responsible for publication 796  
of the notice or advertisement. 797

(B) A notice or advertisement published under this section on 798  
an internet web site shall be published in its entirety in 799  
accordance with the section of the Revised Code or the 800  
administrative rule that requires the publication. 801

(C) If a state agency or political subdivision does not 802  
operate and maintain, or ceases to operate and maintain, an 803  
internet web site, and if the state public notice web site 804  
established under section 125.182 of the Revised Code is not 805  
operational, the state agency or political subdivision shall not 806  
publish a notice or advertisement under this section, but instead 807  
shall comply with the publication requirements of the section of 808  
the Revised Code or the administrative rule that refers to this 809  
section. 810

**Sec. 124.85 9.04.** (A) As used in this section: 811

(1) "Nontherapeutic abortion" means an abortion that is 812  
performed or induced when the life of the mother would not be 813  
endangered if the fetus were carried to term or when the pregnancy 814  
of the mother was not the result of rape or incest reported to a 815  
law enforcement agency. 816

(2) "Policy, contract, or plan" means a policy, contract, or 817  
plan of one or more insurance companies, medical care 818  
corporations, health care corporations, health maintenance 819  
organizations, preferred provider organizations, or other entities 820  
that provides health, medical, hospital, or surgical coverage, 821  
benefits, or services to elected or appointed officers or 822

employees of the state, ~~including~~ or any political subdivision 823  
thereof. "Policy, contract, or plan" includes a plan that is 824  
associated with a self-insurance program and a policy, contract, 825  
or plan that implements a collective bargaining agreement. 826

(3) "Political subdivision" means any body corporate and 827  
politic that is responsible for governmental activities in a 828  
geographic area smaller than the state, except that "political 829  
subdivision" does not include either of the following: 830

(a) A municipal corporation; 831

(b) A county that has adopted a charter under Section 3 of 832  
Article X, Ohio Constitution, to the extent that it is exercising 833  
the powers of local self-government as provided in that charter 834  
and is subject to Section 3 of Article XVIII, Ohio Constitution. 835

(4) "State" has the same meaning as in section 2744.01 of the 836  
Revised Code means the state of Ohio, including the general 837  
assembly, the supreme court, the offices of all elected state 838  
officers, and all departments, boards, offices, commissions, 839  
agencies, colleges and universities, institutions, and other 840  
instrumentalities of the state of Ohio. "State" does not include 841  
political subdivisions. 842

(B) Subject to division (C) of this section, but 843  
notwithstanding other provisions of the Revised Code that conflict 844  
with the prohibition specified in this division, funds of the 845  
state or any political subdivision thereof shall not be expended 846  
directly or indirectly to pay the costs, premiums, or charges 847  
associated with a policy, contract, or plan if the policy, 848  
contract, or plan provides coverage, benefits, or services related 849  
to a nontherapeutic abortion. 850

(C) Division (B) of this section does not preclude the state 851  
or any political subdivision thereof from expending funds to pay 852  
the costs, premiums, or charges associated with a policy, 853

contract, or plan that includes a rider or other provision offered 854  
on an individual basis under which an elected or appointed 855  
official or employee who accepts the offer of the rider or 856  
provision may obtain coverage of a nontherapeutic abortion through 857  
the policy, contract, or plan if the individual pays for all of 858  
the costs, premiums, or charges associated with the rider or 859  
provision, including all administrative expenses related to the 860  
rider or provision and any claim made for a nontherapeutic 861  
abortion. 862

(D) In addition to the laws specified in division (A) of 863  
section 4117.10 of the Revised Code that prevail over conflicting 864  
provisions of agreements between employee organizations and public 865  
employers, divisions (B) and (C) of this section shall prevail 866  
over conflicting provisions of that nature. 867

**Sec. 9.06.** (A)(1) The department of rehabilitation and 868  
correction may contract for the private operation and management 869  
pursuant to this section of the initial intensive program prison 870  
established pursuant to section 5120.033 of the Revised Code, if 871  
one or more intensive program prisons are established under that 872  
section, and may contract for the private operation and management 873  
of any other facility under this section. Counties and municipal 874  
corporations to the extent authorized in sections 307.93, 341.35, 875  
753.03, and 753.15 of the Revised Code may contract for the 876  
private operation and management of a facility under this section. 877  
A contract entered into under this section shall be for an initial 878  
term ~~of not more than two years~~ specified in the contract with an 879  
option to renew for additional periods of two years. 880

(2) The department of rehabilitation and correction, by rule, 881  
shall adopt minimum criteria and specifications that a person or 882  
entity, other than a person or entity that satisfies the criteria 883  
set forth in division (A)(3)(a) of this section and subject to 884

division (I) of this section, must satisfy in order to apply to 885  
operate and manage as a contractor pursuant to this section the 886  
initial intensive program prison established pursuant to section 887  
5120.033 of the Revised Code, if one or more intensive program 888  
prisons are established under that section. 889

(3) Subject to division (I) of this section, any person or 890  
entity that applies to operate and manage a facility as a 891  
contractor pursuant to this section shall satisfy one or more of 892  
the following criteria: 893

(a) The person or entity ~~is accredited by the American~~ 894  
~~correctional association and~~, at the time of the application, 895  
operates and manages one or more facilities accredited by the 896  
American correctional association. 897

(b) The person or entity satisfies all of the minimum 898  
criteria and specifications adopted by the department of 899  
rehabilitation and correction pursuant to division (A)(2) of this 900  
section, provided that this alternative shall be available only in 901  
relation to the initial intensive program prison established 902  
pursuant to section 5120.033 of the Revised Code, if one or more 903  
intensive program prisons are established under that section. 904

(4) Subject to division (I) of this section, before a public 905  
entity may enter into a contract under this section, the 906  
contractor shall convincingly demonstrate to the public entity 907  
that it can operate the facility with the inmate capacity required 908  
by the public entity and provide the services required in this 909  
section and realize at least a five per cent savings over the 910  
projected cost to the public entity of providing these same 911  
services to operate the facility that is the subject of the 912  
contract. No out-of-state prisoners may be housed in any facility 913  
that is the subject of a contract entered into under this section. 914

(B) Subject to division (I) of this section, any contract 915

entered into under this section shall include all of the 916  
following: 917

(1) A requirement that ~~the contractor retain the contractor's~~ 918  
~~accreditation from the American correctional association~~ 919  
~~throughout the contract term or~~, if the contractor applied 920  
pursuant to division (A)(3)(b) of this section, the contractor 921  
continue complying with the applicable criteria and specifications 922  
adopted by the department of rehabilitation and correction 923  
pursuant to division (A)(2) of this section; 924

(2) A requirement that all of the following conditions be 925  
met: 926

(a) The contractor begins the process of accrediting the 927  
facility with the American correctional association no later than 928  
sixty days after the facility receives its first inmate. 929

(b) The contractor receives accreditation of the facility 930  
within twelve months after the date the contractor applies to the 931  
American correctional association for accreditation. 932

(c) Once the accreditation is received, the contractor 933  
maintains it for the duration of the contract term. 934

(d) If the contractor does not comply with divisions 935  
(B)(2)(a) to (c) of this section, the contractor is in violation 936  
of the contract, and the public entity may revoke the contract at 937  
its discretion. 938

(3) A requirement that the contractor comply with all rules 939  
promulgated by the department of rehabilitation and correction 940  
that apply to the operation and management of correctional 941  
facilities, including the minimum standards for jails in Ohio and 942  
policies regarding the use of force and the use of deadly force, 943  
although the public entity may require more stringent standards, 944  
and comply with any applicable laws, rules, or regulations of the 945  
federal, state, and local governments, including, but not limited 946

to, sanitation, food service, safety, and health regulations. The 947  
contractor shall be required to send copies of reports of 948  
inspections completed by the appropriate authorities regarding 949  
compliance with rules and regulations to the director of 950  
rehabilitation and correction or the director's designee and, if 951  
contracting with a local public entity, to the governing authority 952  
of that entity. 953

(4) A requirement that the contractor report for 954  
investigation all crimes in connection with the facility to the 955  
public entity, to all local law enforcement agencies with 956  
jurisdiction over the place at which the facility is located, and, 957  
for a crime committed at a state correctional institution, to the 958  
state highway patrol; 959

(5) A requirement that the contractor immediately report all 960  
escapes from the facility, and the apprehension of all escapees, 961  
by telephone and in writing to all local law enforcement agencies 962  
with jurisdiction over the place at which the facility is located, 963  
to the prosecuting attorney of the county in which the facility is 964  
located, to the state highway patrol, to a daily newspaper having 965  
general circulation in the county in which the facility is 966  
located, and, if the facility is a state correctional institution, 967  
to the department of rehabilitation and correction. The written 968  
notice may be by either facsimile transmission or mail. A failure 969  
to comply with this requirement regarding an escape is a violation 970  
of section 2921.22 of the Revised Code. 971

(6) A requirement that, if the facility is a state 972  
correctional institution, the contractor provide a written report 973  
within specified time limits to the director of rehabilitation and 974  
correction or the director's designee of all unusual incidents at 975  
the facility as defined in rules promulgated by the department of 976  
rehabilitation and correction or, if the facility is a local 977  
correctional institution, that the contractor provide a written 978

|                                                                                   |      |
|-----------------------------------------------------------------------------------|------|
| report of all unusual incidents at the facility to the governing                  | 979  |
| authority of the local public entity;                                             | 980  |
| (7) A requirement that the contractor maintain proper control                     | 981  |
| of inmates' personal funds pursuant to rules promulgated by the                   | 982  |
| department of rehabilitation and correction for state correctional                | 983  |
| institutions or pursuant to the minimum standards for jails along                 | 984  |
| with any additional standards established by the local public                     | 985  |
| entity for local correctional institutions and that records                       | 986  |
| pertaining to these funds be made available to representatives of                 | 987  |
| the public entity for review or audit;                                            | 988  |
| (8) A requirement that the contractor prepare and distribute                      | 989  |
| to the director of rehabilitation and correction or, if                           | 990  |
| contracting with a local public entity, to the governing authority                | 991  |
| of the local entity annual budget income and expenditure                          | 992  |
| statements and funding source financial reports;                                  | 993  |
| (9) A requirement that the public entity appoint and                              | 994  |
| supervise a full-time contract monitor, that the contractor                       | 995  |
| provide suitable office space for the contract monitor at the                     | 996  |
| facility, and that the contractor allow the contract monitor                      | 997  |
| unrestricted access to all parts of the facility and all records                  | 998  |
| of the facility except the contractor's financial records;                        | 999  |
| (10) A requirement that if the facility is a state                                | 1000 |
| correctional institution designated department of rehabilitation                  | 1001 |
| and correction staff members be allowed access to the facility in                 | 1002 |
| accordance with rules promulgated by the department;                              | 1003 |
| (11) A requirement that the contractor provide internal and                       | 1004 |
| perimeter security as agreed upon in the contract;                                | 1005 |
| (12) If the facility is a state correctional institution, a                       | 1006 |
| requirement that the contractor impose discipline on inmates                      | 1007 |
| housed in <del>a state correctional institution</del> <u>the facility</u> only in | 1008 |
| accordance with rules promulgated by the department of                            | 1009 |



rehabilitation and correction; 1010

(13) A requirement that the facility be staffed at all times 1011  
with a staffing pattern approved by the public entity and adequate 1012  
both to ensure supervision of inmates and maintenance of security 1013  
within the facility and to provide for programs, transportation, 1014  
security, and other operational needs. In determining security 1015  
needs, the contractor shall be required to consider, among other 1016  
things, the proximity of the facility to neighborhoods and 1017  
schools. 1018

(14) If the contract is with a local public entity, a 1019  
requirement that the contractor provide services and programs, 1020  
consistent with the minimum standards for jails promulgated by the 1021  
department of rehabilitation and correction under section 5120.10 1022  
of the Revised Code; 1023

(15) A clear statement that no immunity from liability 1024  
granted to the state, and no immunity from liability granted to 1025  
political subdivisions under Chapter 2744. of the Revised Code, 1026  
shall extend to the contractor or any of the contractor's 1027  
employees; 1028

(16) A statement that all documents and records relevant to 1029  
the facility shall be maintained in the same manner required for, 1030  
and subject to the same laws, rules, and regulations as apply to, 1031  
the records of the public entity; 1032

(17) Authorization for the public entity to impose a fine on 1033  
the contractor from a schedule of fines included in the contract 1034  
for the contractor's failure to perform its contractual duties or 1035  
to cancel the contract, as the public entity considers 1036  
appropriate. If a fine is imposed, the public entity may reduce 1037  
the payment owed to the contractor pursuant to any invoice in the 1038  
amount of the imposed fine. 1039

(18) A statement that all services provided or goods produced 1040

at the facility shall be subject to the same regulations, and the 1041  
same distribution limitations, as apply to goods and services 1042  
produced at other correctional institutions; 1043

(19) ~~Authorization~~ If the facility is a state correctional 1044  
institution, authorization for the department to establish one or 1045  
more prison industries at a the facility ~~operated and managed by a~~ 1046  
~~contractor for the department;~~ 1047

(20) A requirement that, if the facility is an intensive 1048  
program prison established pursuant to section 5120.033 of the 1049  
Revised Code, the facility shall comply with all criteria for 1050  
intensive program prisons of that type that are set forth in that 1051  
section; 1052

(21) If the ~~institution~~ facility is a state correctional 1053  
institution, a requirement that the contractor provide clothing 1054  
for all inmates housed in the facility that is conspicuous in its 1055  
color, style, or color and style, that conspicuously identifies 1056  
its wearer as an inmate, and that is readily distinguishable from 1057  
clothing of a nature that normally is worn outside the facility by 1058  
non-inmates, that the contractor require all inmates housed in the 1059  
facility to wear the clothing so provided, and that the contractor 1060  
not permit any inmate, while inside or on the premises of the 1061  
facility or while being transported to or from the facility, to 1062  
wear any clothing of a nature that does not conspicuously identify 1063  
its wearer as an inmate and that normally is worn outside the 1064  
facility by non-inmates. 1065

(C) No contract entered into under this section may require, 1066  
authorize, or imply a delegation of the authority or 1067  
responsibility of the public entity to a contractor for any of the 1068  
following: 1069

(1) Developing or implementing procedures for calculating 1070  
inmate release and parole eligibility dates and recommending the 1071

granting or denying of parole, although the contractor may submit 1072  
written reports that have been prepared in the ordinary course of 1073  
business; 1074

(2) Developing or implementing procedures for calculating and 1075  
awarding earned credits, approving the type of work inmates may 1076  
perform and the wage or earned credits, if any, that may be 1077  
awarded to inmates engaging in that work, and granting, denying, 1078  
or revoking earned credits; 1079

(3) For inmates serving a term imposed for a felony offense 1080  
committed prior to July 1, 1996, or for a misdemeanor offense, 1081  
developing or implementing procedures for calculating and awarding 1082  
good time, approving the good time, if any, that may be awarded to 1083  
inmates engaging in work, and granting, denying, or revoking good 1084  
time; 1085

(4) Classifying an inmate or placing an inmate in a more or a 1086  
less restrictive custody than the custody ordered by the public 1087  
entity; 1088

(5) Approving inmates for work release; 1089

(6) Contracting for local or long distance telephone services 1090  
for inmates or receiving commissions from those services at a 1091  
facility that is owned by or operated under a contract with the 1092  
department. 1093

(D) A contractor that has been approved to operate a facility 1094  
under this section, and a person or entity that enters into a 1095  
contract for specialized services, as described in division (I) of 1096  
this section, relative to an intensive program prison established 1097  
pursuant to section 5120.033 of the Revised Code to be operated by 1098  
a contractor that has been approved to operate the prison under 1099  
this section, shall provide an adequate policy of insurance 1100  
specifically including, but not limited to, insurance for civil 1101  
rights claims as determined by a risk management or actuarial firm 1102

with demonstrated experience in public liability for state 1103  
governments. The insurance policy shall provide that the state, 1104  
including all state agencies, and all political subdivisions of 1105  
the state with jurisdiction over the facility or in which a 1106  
facility is located are named as insured, and that the state and 1107  
its political subdivisions shall be sent any notice of 1108  
cancellation. The contractor may not self-insure. 1109

A contractor that has been approved to operate a facility 1110  
under this section, and a person or entity that enters into a 1111  
contract for specialized services, as described in division (I) of 1112  
this section, relative to an intensive program prison established 1113  
pursuant to section 5120.033 of the Revised Code to be operated by 1114  
a contractor that has been approved to operate the prison under 1115  
this section, shall indemnify and hold harmless the state, its 1116  
officers, agents, and employees, and any local government entity 1117  
in the state having jurisdiction over the facility or ownership of 1118  
the facility, shall reimburse the state for its costs in defending 1119  
the state or any of its officers, agents, or employees, and shall 1120  
reimburse any local government entity of that nature for its costs 1121  
in defending the local government entity, from all of the 1122  
following: 1123

(1) Any claims or losses for services rendered by the 1124  
contractor, person, or entity performing or supplying services in 1125  
connection with the performance of the contract; 1126

(2) Any failure of the contractor, person, or entity or its 1127  
officers or employees to adhere to the laws, rules, regulations, 1128  
or terms agreed to in the contract; 1129

(3) Any constitutional, federal, state, or civil rights claim 1130  
brought against the state related to the facility operated and 1131  
managed by the contractor; 1132

(4) Any claims, losses, demands, or causes of action arising 1133

out of the contractor's, person's, or entity's activities in this 1134  
state; 1135

(5) Any attorney's fees or court costs arising from any 1136  
habeas corpus actions or other inmate suits that may arise from 1137  
any event that occurred at the facility or was a result of such an 1138  
event, or arise over the conditions, management, or operation of 1139  
the facility, which fees and costs shall include, but not be 1140  
limited to, attorney's fees for the state's representation and for 1141  
any court-appointed representation of any inmate, and the costs of 1142  
any special judge who may be appointed to hear those actions or 1143  
suits. 1144

(E) Private correctional officers of a contractor operating 1145  
and managing a facility pursuant to a contract entered into under 1146  
this section may carry and use firearms in the course of their 1147  
employment only after being certified as satisfactorily completing 1148  
an approved training program as described in division (A) of 1149  
section 109.78 of the Revised Code. 1150

(F) Upon notification by the contractor of an escape from, or 1151  
of a disturbance at, the facility that is the subject of a 1152  
contract entered into under this section, the department of 1153  
rehabilitation and correction and state and local law enforcement 1154  
agencies shall use all reasonable means to recapture escapees or 1155  
quell any disturbance. Any cost incurred by the state or its 1156  
political subdivisions relating to the apprehension of an escapee 1157  
or the quelling of a disturbance at the facility shall be 1158  
chargeable to and borne by the contractor. The contractor shall 1159  
also reimburse the state or its political subdivisions for all 1160  
reasonable costs incurred relating to the temporary detention of 1161  
the escapee following recapture. 1162

(G) Any offense that would be a crime if committed at a state 1163  
correctional institution or jail, workhouse, prison, or other 1164  
correctional facility shall be a crime if committed by or with 1165

regard to inmates at facilities operated pursuant to a contract 1166  
entered into under this section. 1167

(H) A contractor operating and managing a facility pursuant 1168  
to a contract entered into under this section shall pay any inmate 1169  
workers at the facility at the rate approved by the public entity. 1170  
Inmates working at the facility shall not be considered employees 1171  
of the contractor. 1172

(I) In contracting for the private operation and management 1173  
pursuant to division (A) of this section of any intensive program 1174  
prison established pursuant to section 5120.033 of the Revised 1175  
Code, the department of rehabilitation and correction may enter 1176  
into a contract with a contractor for the general operation and 1177  
management of the prison and may enter into one or more separate 1178  
contracts with other persons or entities for the provision of 1179  
specialized services for persons confined in the prison, 1180  
including, but not limited to, security or training services or 1181  
medical, counseling, educational, or similar treatment programs. 1182  
If, pursuant to this division, the department enters into a 1183  
contract with a contractor for the general operation and 1184  
management of the prison and also enters into one or more 1185  
specialized service contracts with other persons or entities, all 1186  
of the following apply: 1187

(1) The contract for the general operation and management 1188  
shall comply with all requirements and criteria set forth in this 1189  
section, and all provisions of this section apply in relation to 1190  
the prison operated and managed pursuant to the contract. 1191

(2) Divisions (A)(2), (B), and (C) of this section do not 1192  
apply in relation to any specialized services contract, except to 1193  
the extent that the provisions of those divisions clearly are 1194  
relevant to the specialized services to be provided under the 1195  
specialized services contract. Division (D) of this section 1196  
applies in relation to each specialized services contract. 1197

(J) If, on or after the effective date of this amendment, a contractor enters into a contract with the department of rehabilitation and correction under this section for the operation and management of any facility described in Section 753.10 of the act in which this amendment was adopted, if the contract provides for the sale of the facility to the contractor, if the facility is sold to the contractor subsequent to the execution of the contract, and if the contractor is privately operating and managing the facility, notwithstanding the contractor's private operation and management of the facility, all of the following apply: 1198  
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(1) Except as expressly provided to the contrary in this section, the facility being privately operated and managed by the contractor shall be considered for purposes of the Revised Code as being under the control of, or under the jurisdiction of, the department of rehabilitation and correction. 1209  
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(2) Any reference in this section to "state correctional institution," any reference in Chapter 2967. of the Revised Code to "state correctional institution," other than the definition of that term set forth in section 2967.01 of the Revised Code, or to "prison," and any reference in Chapter 2929., 5120., 5145., 5147., or 5149. or any other provision of the Revised Code to "state correctional institution" or "prison" shall be considered to include a reference to the facility being privately operated and managed by the contractor, unless the context makes the inclusion of that facility clearly inapplicable. 1214  
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(3) Upon the sale and conveyance of the facility, the facility shall be returned to the tax list and duplicate maintained by the county auditor, and the facility shall be subject to all real property taxes and assessments. No exemption from real property taxation pursuant to Chapter 5709. of the Revised Code shall apply to the facility conveyed. The gross 1224  
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receipts and income of the contractor to whom the facility is 1230  
conveyed that are derived from operating and managing the facility 1231  
under this section shall be subject to gross receipts and income 1232  
taxes levied by the state and its subdivisions, including the 1233  
taxes levied pursuant to Chapters 718., 5747., 5748., and 5751. of 1234  
the Revised Code. Unless exempted under another section of the 1235  
Revised Code, transactions involving a contractor as a consumer or 1236  
purchaser are subject to any tax levied under Chapters 5739. and 1237  
5741. of the Revised Code. 1238

(4) After the sale and conveyance of the facility, all of the 1239  
following apply: 1240

(a) Before the contractor may resell or otherwise transfer 1241  
the facility and the real property on which it is situated, any 1242  
surrounding land that also was transferred under the contract, or 1243  
both the facility and real property on which it is situated plus 1244  
the surrounding land that was transferred under the contract, the 1245  
contractor first must offer the state the opportunity to 1246  
repurchase the facility, real property, and surrounding land that 1247  
is to be resold or transferred and must sell the facility, real 1248  
property, and surrounding land to the state if the state so 1249  
desires, pursuant to and in accordance with the repurchase clause 1250  
included in the contract. 1251

(b) Upon the default by the contractor of any financial 1252  
agreement for the purchase of the facility and the real property 1253  
on which it is situated, any surrounding land that also was 1254  
transferred under the contract, or both the facility and real 1255  
property on which it is situated plus the surrounding land that 1256  
was transferred under the contract, upon the default by the 1257  
contractor of any other term in the contract, or upon the 1258  
financial insolvency of the contractor or inability of the 1259  
contractor to meet its contractual obligations, the state may 1260  
repurchase the facility, real property, and surrounding land, if 1261



the state so desires, pursuant to and in accordance with the 1262  
repurchase clause included in the contract. 1263

(c) If the contract entered into under this section for the 1264  
operation and management of a state correctional institution is 1265  
terminated, both of the following apply: 1266

(i) The operation and management responsibilities of the 1267  
state correctional institution shall be transferred to another 1268  
contractor under the same terms and conditions as applied to the 1269  
original contractor or to the department of rehabilitation and 1270  
correction. 1271

(ii) The department of rehabilitation and correction or the 1272  
new contractor, whichever is applicable, may enter into an 1273  
agreement with the terminated contractor to purchase the 1274  
terminated contractor's equipment, supplies, furnishings, and 1275  
consumables. 1276

(K) Any action asserting that section 9.06 of the Revised 1277  
Code or section 753.10 of the act in which this amendment was 1278  
adopted violates any provision of the Ohio constitution and any 1279  
claim asserting that any action taken by the governor or the 1280  
department of administrative services or the department of 1281  
rehabilitation and correction pursuant to section 9.06 of the 1282  
Revised Code or section 753.10 of the act in which this amendment 1283  
was adopted violates any provision of the Ohio constitution or any 1284  
provision of the Revised Code shall be brought in the court of 1285  
common pleas of Franklin county. The court shall give any action 1286  
filed pursuant to this division priority over all other civil 1287  
cases pending on its docket and expeditiously make a determination 1288  
on the claim. If an appeal is taken from any final order issued in 1289  
a case brought pursuant to this division, the court of appeals 1290  
shall give the case priority over all other civil cases pending on 1291  
its docket and expeditiously make a determination on the appeal. 1292

|                                                                                                                                                                                                                                                                                                                                               |                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <u>(L)</u> As used in this section:                                                                                                                                                                                                                                                                                                           | 1293                                         |
| (1) "Public entity" means the department of rehabilitation and correction, or a county or municipal corporation or a combination of counties and municipal corporations, that has jurisdiction over a facility that is the subject of a contract entered into under this section.                                                             | 1294<br>1295<br>1296<br>1297<br>1298         |
| (2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility used only for misdemeanants that is the subject of a contract entered into under this section.                                       | 1299<br>1300<br>1301<br>1302<br>1303         |
| (3) "Governing authority of a local public entity" means, for a county, the board of county commissioners; for a municipal corporation, the legislative authority; for a combination of counties and municipal corporations, all the boards of county commissioners and municipal legislative authorities that joined to create the facility. | 1304<br>1305<br>1306<br>1307<br>1308<br>1309 |
| (4) "Contractor" means a person or entity that enters into a contract under this section to operate and manage a jail, workhouse, or other correctional facility.                                                                                                                                                                             | 1310<br>1311<br>1312                         |
| (5) "Facility" means <del>the</del> <u>any of the following:</u>                                                                                                                                                                                                                                                                              | 1313                                         |
| <u>(a) The specific county, multicounty, municipal, municipal-county, or multicounty-municipal jail, workhouse, prison, or other type of correctional institution or facility used only for misdemeanants,</u> <del>or a</del> <u>that is the subject of a contract entered into under this section;</u>                                      | 1314<br>1315<br>1316<br>1317<br>1318         |
| <u>(b) Any state correctional institution,</u> <del>that is the subject of a contract entered into under this section,</del> <u>including any facility described in Section 753.10 of the act in which this amendment was adopted at any time prior to or after any sale to a contractor of the state's right, title, and interest in the</u> | 1319<br>1320<br>1321<br>1322<br>1323         |

facility, the land situated thereon, and specified surrounding 1324  
land. 1325

(6) "Person or entity" in the case of a contract for the 1326  
private operation and management of a state correctional 1327  
institution, includes an employee organization, as defined in 1328  
section 4117.01 of the Revised Code, that represents employees at 1329  
state correctional institutions. 1330

**Sec. 9.231.** (A)(1) Subject to divisions (A)(2) and (3) of 1331  
this section, a governmental entity shall not disburse money 1332  
totaling twenty-five thousand dollars or more to any person for 1333  
the provision of services for the primary benefit of individuals 1334  
or the public and not for the primary benefit of a governmental 1335  
entity or the employees of a governmental entity, unless the 1336  
contracting authority of the governmental entity first enters into 1337  
a written contract with the person that is signed by the person or 1338  
by an officer or agent of the person authorized to legally bind 1339  
the person and that embodies all of the requirements and 1340  
conditions set forth in sections 9.23 to 9.236 of the Revised 1341  
Code. If the disbursement of money occurs over the course of a 1342  
governmental entity's fiscal year, rather than in a lump sum, the 1343  
contracting authority of the governmental entity shall enter into 1344  
the written contract with the person at the point during the 1345  
governmental entity's fiscal year that at least seventy-five 1346  
thousand dollars has been disbursed by the governmental entity to 1347  
the person. Thereafter, the contracting authority of the 1348  
governmental entity shall enter into the written contract with the 1349  
person at the beginning of the governmental entity's fiscal year, 1350  
if, during the immediately preceding fiscal year, the governmental 1351  
entity disbursed to that person an aggregate amount totaling at 1352  
least seventy-five thousand dollars. 1353

(2) If the money referred to in division (A)(1) of this 1354

section is disbursed by or through more than one state agency to 1355  
the person for the provision of services to the same population, 1356  
the contracting authorities of those agencies shall determine 1357  
which one of them will enter into the written contract with the 1358  
person. 1359

(3) The requirements and conditions set forth in divisions 1360  
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1361  
and (B) of section 9.234, divisions (A)(2) and (B) of section 1362  
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1363  
apply with respect to the following: 1364

(a) Contracts to which all of the following apply: 1365

(i) The amount received for the services is a set fee for 1366  
each time the services are provided, is determined in accordance 1367  
with a fixed rate per unit of time or per service, or is a 1368  
capitated rate, and the fee or rate is established by competitive 1369  
bidding or by a market rate survey of similar services provided in 1370  
a defined market area. The market rate survey may be one conducted 1371  
by or on behalf of the governmental entity or an independent 1372  
survey accepted by the governmental entity as statistically valid 1373  
and reliable. 1374

(ii) The services are provided in accordance with standards 1375  
established by state or federal law, or by rules or regulations 1376  
adopted thereunder, for their delivery, which standards are 1377  
enforced by the federal government, a governmental entity, or an 1378  
accrediting organization recognized by the federal government or a 1379  
governmental entity. 1380

(iii) Payment for the services is made after the services are 1381  
delivered and upon submission to the governmental entity of an 1382  
invoice or other claim for payment as required by any applicable 1383  
local, state, or federal law or, if no such law applies, by the 1384  
terms of the contract. 1385

|                                                                    |      |
|--------------------------------------------------------------------|------|
| (b) Contracts under which the services are reimbursed through      | 1386 |
| or in a manner consistent with a federal program that meets all of | 1387 |
| the following requirements:                                        | 1388 |
| (i) The program calculates the reimbursement rate on the           | 1389 |
| basis of the previous year's experience or in accordance with an   | 1390 |
| alternative method set forth in rules adopted by the Ohio          | 1391 |
| department of job and family services.                             | 1392 |
| (ii) The reimbursement rate is derived from a breakdown of         | 1393 |
| direct and indirect costs.                                         | 1394 |
| (iii) The program's guidelines describe types of expenditures      | 1395 |
| that are allowable and not allowable under the program and         | 1396 |
| delineate which costs are acceptable as direct costs for purposes  | 1397 |
| of calculating the reimbursement rate.                             | 1398 |
| (iv) The program includes a uniform cost reporting system          | 1399 |
| with specific audit requirements.                                  | 1400 |
| (c) Contracts under which the services are reimbursed through      | 1401 |
| or in a manner consistent with a federal program that calculates   | 1402 |
| the reimbursement rate on a fee for service basis in compliance    | 1403 |
| with United States office of management and budget Circular A-87,  | 1404 |
| as revised May 10, 2004.                                           | 1405 |
| (d) Contracts for services that are paid pursuant to the           | 1406 |
| earmarking of an appropriation made by the general assembly for    | 1407 |
| that purpose.                                                      | 1408 |
| (B) Division (A) of this section does not apply if the money       | 1409 |
| is disbursed to a person pursuant to a contract with the United    | 1410 |
| States or a governmental entity under any of the following         | 1411 |
| circumstances:                                                     | 1412 |
| (1) The person receives the money directly or indirectly from      | 1413 |
| the United States, and no governmental entity exercises any        | 1414 |
| oversight or control over the use of the money.                    | 1415 |

|                                                                    |      |
|--------------------------------------------------------------------|------|
| (2) The person receives the money solely in return for the         | 1416 |
| performance of one or more of the following types of services:     | 1417 |
| (a) Medical, therapeutic, or other health-related services         | 1418 |
| provided by a person if the amount received is a set fee for each  | 1419 |
| time the person provides the services, is determined in accordance | 1420 |
| with a fixed rate per unit of time, or is a capitated rate, and    | 1421 |
| the fee or rate is reasonable and customary in the person's trade  | 1422 |
| or profession;                                                     | 1423 |
| (b) Medicaid-funded services, including administrative and         | 1424 |
| management services, provided pursuant to a contract or medicaid   | 1425 |
| provider agreement that meets the requirements of the medicaid     | 1426 |
| program established under Chapter 5111. of the Revised Code.       | 1427 |
| (c) Services, other than administrative or management              | 1428 |
| services or any of the services described in division (B)(2)(a) or | 1429 |
| (b) of this section, that are commonly purchased by the public at  | 1430 |
| an hourly rate or at a set fee for each time the services are      | 1431 |
| provided, unless the services are performed for the benefit of     | 1432 |
| children, persons who are eligible for the services by reason of   | 1433 |
| advanced age, medical condition, or financial need, or persons who | 1434 |
| are confined in a detention facility as defined in section 2921.01 | 1435 |
| of the Revised Code, and the services are intended to help promote | 1436 |
| the health, safety, or welfare of those children or persons;       | 1437 |
| (d) Educational services provided by a school to children          | 1438 |
| eligible to attend that school. For purposes of division (B)(2)(d) | 1439 |
| of this section, "school" means any school operated by a school    | 1440 |
| district board of education, any community school established      | 1441 |
| under Chapter 3314. of the Revised Code, or any nonpublic school   | 1442 |
| for which the state board of education prescribes minimum          | 1443 |
| education standards under section 3301.07 of the Revised Code.     | 1444 |
| (e) Services provided by a foster home as defined in section       | 1445 |
| 5103.02 of the Revised Code;                                       | 1446 |

(f) "Routine business services other than administrative or management services," as that term is defined by the attorney general by rule adopted in accordance with Chapter 119. of the Revised Code;

(g) Services to protect the environment or promote environmental education that are provided by a nonprofit entity or services to protect the environment that are funded with federal grants or revolving loan funds and administered in accordance with federal law;

~~(h) Services, including administrative and management services, provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.~~

(3) The person receives the money solely in return for the performance of services intended to help preserve public health or safety under circumstances requiring immediate action as a result of a natural or man-made emergency.

(C) With respect to a nonprofit association, corporation, or organization established for the purpose of providing educational, technical, consulting, training, financial, or other services to its members in exchange for membership dues and other fees, any of the services provided to a member that is a governmental entity shall, for purposes of this section, be considered services "for the primary benefit of a governmental entity or the employees of a governmental entity."

**Sec. 9.24.** (A) Except as may be allowed under division (F) of this section, no state agency and no political subdivision shall award a contract as described in division (G)(1) of this section for goods, services, or construction, paid for in whole or in part with state funds, to a person against whom a finding for recovery has been issued by the auditor of state on and after January 1, 2001, if the finding for recovery is unresolved.

A contract is considered to be awarded when it is entered 1478  
into or executed, irrespective of whether the parties to the 1479  
contract have exchanged any money. 1480

(B) For purposes of this section, a finding for recovery is 1481  
unresolved unless one of the following criteria applies: 1482

(1) The money identified in the finding for recovery is paid 1483  
in full to the state agency or political subdivision to whom the 1484  
money was owed; 1485

(2) The debtor has entered into a repayment plan that is 1486  
approved by the attorney general and the state agency or political 1487  
subdivision to whom the money identified in the finding for 1488  
recovery is owed. A repayment plan may include a provision 1489  
permitting a state agency or political subdivision to withhold 1490  
payment to a debtor for goods, services, or construction provided 1491  
to or for the state agency or political subdivision pursuant to a 1492  
contract that is entered into with the debtor after the date the 1493  
finding for recovery was issued. 1494

(3) The attorney general waives a repayment plan described in 1495  
division (B)(2) of this section for good cause; 1496

(4) The debtor and state agency or political subdivision to 1497  
whom the money identified in the finding for recovery is owed have 1498  
agreed to a payment plan established through an enforceable 1499  
settlement agreement. 1500

(5) The state agency or political subdivision desiring to 1501  
enter into a contract with a debtor certifies, and the attorney 1502  
general concurs, that all of the following are true: 1503

(a) Essential services the state agency or political 1504  
subdivision is seeking to obtain from the debtor cannot be 1505  
provided by any other person besides the debtor; 1506

(b) Awarding a contract to the debtor for the essential 1507



services described in division (B)(5)(a) of this section is in the 1508  
best interest of the state; 1509

(c) Good faith efforts have been made to collect the money 1510  
identified in the finding of recovery. 1511

(6) The debtor has commenced an action to contest the finding 1512  
for recovery and a final determination on the action has not yet 1513  
been reached. 1514

(C) The attorney general shall submit an initial report to 1515  
the auditor of state, not later than December 1, 2003, indicating 1516  
the status of collection for all findings for recovery issued by 1517  
the auditor of state for calendar years 2001, 2002, and 2003. 1518  
Beginning on January 1, 2004, the attorney general shall submit to 1519  
the auditor of state, on the first day of every January, April, 1520  
July, and October, a list of all findings for recovery that have 1521  
been resolved in accordance with division (B) of this section 1522  
during the calendar quarter preceding the submission of the list 1523  
and a description of the means of resolution. The attorney general 1524  
shall notify the auditor of state when a judgment is issued 1525  
against an entity described in division (F)(1) of this section. 1526

(D) The auditor of state shall maintain a database, 1527  
accessible to the public, listing persons against whom an 1528  
unresolved finding for recovery has been issued, and the amount of 1529  
the money identified in the unresolved finding for recovery. The 1530  
auditor of state shall have this database operational on or before 1531  
January 1, 2004. The initial database shall contain the 1532  
information required under this division for calendar years 2001, 1533  
2002, and 2003. 1534

Beginning January 15, 2004, the auditor of state shall update 1535  
the database by the fifteenth day of every January, April, July, 1536  
and October to reflect resolved findings for recovery that are 1537  
reported to the auditor of state by the attorney general on the 1538

first day of the same month pursuant to division (C) of this 1539  
section. 1540

(E) Before awarding a contract as described in division 1541  
(G)(1) of this section for goods, services, or construction, paid 1542  
for in whole or in part with state funds, a state agency or 1543  
political subdivision shall verify that the person to whom the 1544  
state agency or political subdivision plans to award the contract 1545  
has no unresolved finding for recovery issued against the person. 1546  
A state agency or political subdivision shall verify that the 1547  
person does not appear in the database described in division (D) 1548  
of this section or shall obtain other proof that the person has no 1549  
unresolved finding for recovery issued against the person. 1550

(F) The prohibition of division (A) of this section and the 1551  
requirement of division (E) of this section do not apply with 1552  
respect to the companies, payments, or agreements described in 1553  
divisions (F)(1) and (2) of this section, or in the circumstance 1554  
described in division (F)(3) of this section. 1555

(1) A bonding company or a company authorized to transact the 1556  
business of insurance in this state, a self-insurance pool, joint 1557  
self-insurance pool, risk management program, or joint risk 1558  
management program, unless a court has entered a final judgment 1559  
against the company and the company has not yet satisfied the 1560  
final judgment. 1561

(2) To medicaid provider agreements under Chapter 5111. of 1562  
the Revised Code ~~or payments or provider agreements under the~~ 1563  
~~children's buy in program established under sections 5101.5211 to~~ 1564  
~~5101.5216 of the Revised Code.~~ 1565

(3) When federal law dictates that a specified entity provide 1566  
the goods, services, or construction for which a contract is being 1567  
awarded, regardless of whether that entity would otherwise be 1568  
prohibited from entering into the contract pursuant to this 1569

|                                                                    |      |
|--------------------------------------------------------------------|------|
| section.                                                           | 1570 |
| (G)(1) This section applies only to contracts for goods,           | 1571 |
| services, or construction that satisfy the criteria in either      | 1572 |
| division (G)(1)(a) or (b) of this section. This section may apply  | 1573 |
| to contracts for goods, services, or construction that satisfy the | 1574 |
| criteria in division (G)(1)(c) of this section, provided that the  | 1575 |
| contracts also satisfy the criteria in either division (G)(1)(a)   | 1576 |
| or (b) of this section.                                            | 1577 |
| (a) The cost for the goods, services, or construction              | 1578 |
| provided under the contract is estimated to exceed twenty-five     | 1579 |
| thousand dollars.                                                  | 1580 |
| (b) The aggregate cost for the goods, services, or                 | 1581 |
| construction provided under multiple contracts entered into by the | 1582 |
| particular state agency and a single person or the particular      | 1583 |
| political subdivision and a single person within the fiscal year   | 1584 |
| preceding the fiscal year within which a contract is being entered | 1585 |
| into by that same state agency and the same single person or the   | 1586 |
| same political subdivision and the same single person, exceeded    | 1587 |
| fifty thousand dollars.                                            | 1588 |
| (c) The contract is a renewal of a contract previously             | 1589 |
| entered into and renewed pursuant to that preceding contract.      | 1590 |
| (2) This section does not apply to employment contracts.           | 1591 |
| (H) As used in this section:                                       | 1592 |
| (1) "State agency" has the same meaning as in section 9.66 of      | 1593 |
| the Revised Code.                                                  | 1594 |
| (2) "Political subdivision" means a political subdivision as       | 1595 |
| defined in section 9.82 of the Revised Code that has received more | 1596 |
| than fifty thousand dollars of state money in the current fiscal   | 1597 |
| year or the preceding fiscal year.                                 | 1598 |
| (3) "Finding for recovery" means a determination issued by         | 1599 |

the auditor of state, contained in a report the auditor of state 1600  
gives to the attorney general pursuant to section 117.28 of the 1601  
Revised Code, that public money has been illegally expended, 1602  
public money has been collected but not been accounted for, public 1603  
money is due but has not been collected, or public property has 1604  
been converted or misappropriated. 1605

(4) "Debtor" means a person against whom a finding for 1606  
recovery has been issued. 1607

(5) "Person" means the person named in the finding for 1608  
recovery. 1609

(6) "State money" does not include funds the state receives 1610  
from another source and passes through to a political subdivision. 1611

**Sec. 9.33.** As used in sections 9.33 to ~~9.333~~ 9.335 of the 1612  
Revised Code: 1613

(A) "Construction manager" means a person with substantial 1614  
discretion and authority to plan, coordinate, manage, and direct 1615  
all phases of a project for the construction, demolition, 1616  
alteration, repair, or reconstruction of any public building, 1617  
structure, or other improvement, but does not mean the person who 1618  
provides the professional design services or who actually performs 1619  
the construction, demolition, alteration, repair, or 1620  
reconstruction work on the project. 1621

(B)(1) "Construction manager at risk" means a person with 1622  
substantial discretion and authority to plan, coordinate, manage, 1623  
direct, and construct all phases of a project for the 1624  
construction, demolition, alteration, repair, or reconstruction of 1625  
any public building, structure, or other improvement and who 1626  
provides the public authority a guaranteed maximum price as 1627  
determined in section 9.334 of the Revised Code. 1628

(2) As used in division (B)(1) of this section: 1629

(a) "Construct" includes performing, or subcontracting for performing, construction, demolition, alteration, repair, or reconstruction. 1630  
1631  
1632

(b) "Manage" includes approving bidders and awarding subcontracts for furnishing materials regarding, or for performing, construction, demolition, alteration, repair, or reconstruction. 1633  
1634  
1635  
1636

(C) "Construction management contract" means a contract between a public authority and another person obligating the person to provide construction management services. 1637  
1638  
1639

(D) "Construction management services" or "management services" means the range of services that either a construction manager or a construction manager at risk may provide. 1640  
1641  
1642

(E) "Qualified" means having the following qualifications: 1643

(1) Competence to perform the required management services as indicated by the technical training, education, and experience of the construction manager's or construction manager at risk's personnel, especially the technical training, education, and experience of the construction manager's or construction manager at risk's employees who would be assigned to perform the services; 1644  
1645  
1646  
1647  
1648  
1649

(2) Ability in terms of workload and the availability of qualified personnel, equipment, and facilities to perform the required management services competently and expeditiously; 1650  
1651  
1652

(3) Past performance as reflected by the evaluations of previous clients with respect to factors such as control of costs, quality of work, and meeting of deadlines; 1653  
1654  
1655

(4) Financial responsibility as evidenced by the capability to provide a letter of credit pursuant to Chapter 1305. of the Revised Code, a surety bond, certified check, or cashier's check in an amount equal to the value of the construction management 1656  
1657  
1658  
1659

contract, or by other means acceptable to the public ~~owner~~ 1660  
authority; 1661

(5) Other similar factors. 1662

~~(C)~~(F)(1) "Public ~~owner~~ authority" means the state, ~~or any~~ 1663  
state institution of higher education as defined in section 1664  
3345.011 of the Revised Code, any county, township, municipal 1665  
corporation, school district, or other political subdivision, or 1666  
any public agency, authority, board, commission, instrumentality, 1667  
or special purpose district of the state or of a political 1668  
subdivision. 1669

(2) "Public authority" does not include the Ohio turnpike 1670  
commission. 1671

(G) "Open book pricing method" means a method in which a 1672  
construction manager at risk provides the public authority, at the 1673  
public authority's request, all books, records, documents, and 1674  
other data in its possession pertaining to the bidding, pricing, 1675  
or performance of a construction management contract awarded to 1676  
the construction manager at risk. 1677

**Sec. 9.331.** (A) Before entering into a contract to employ a 1678  
construction manager or construction manager at risk, a public 1679  
~~owner~~ authority shall advertise, in a newspaper of general 1680  
circulation in the county where the contract is to be performed, 1681  
and may advertise by electronic means pursuant to rules adopted by 1682  
the director of administrative services, notice of its intent to 1683  
employ a construction manager or construction manager at risk. The 1684  
notice shall invite interested parties to submit proposals for 1685  
consideration and shall be published at least thirty days prior to 1686  
the date for accepting the proposals. The public ~~owner~~ authority 1687  
also may advertise the information contained in the notice in 1688  
appropriate trade journals and otherwise notify persons believed 1689  
to be interested in employment as a construction manager or 1690

construction manager at risk. 1691

(B) The advertisement shall include a general description of 1692  
the project, a statement of the specific management services 1693  
required, and a description of the qualifications required for the 1694  
project. 1695

**Sec. 9.332.** ~~For every construction management contract, the~~ 1696  
Every public ~~owner~~ authority planning to contract for construction 1697  
management services with a construction manager shall evaluate the 1698  
proposals submitted and may hold discussions with individual 1699  
construction managers to explore further their proposals, the 1700  
scope and nature of the services they would provide, and the 1701  
various technical approaches they may take regarding the project. 1702  
Following this evaluation, the public ~~owner~~ authority shall: 1703

(A) Select and rank no fewer than three construction managers 1704  
that it considers to be the most qualified to provide the required 1705  
construction management services, except when the public ~~owner~~ 1706  
authority determines in writing that fewer than three qualified 1707  
construction managers are available in which case it shall select 1708  
and rank them; 1709

(B) Negotiate a contract with the construction manager ranked 1710  
most qualified to perform the required services at a compensation 1711  
determined in writing to be fair and reasonable. Contract 1712  
negotiations shall be directed toward: 1713

(1) Ensuring that the construction manager and the public 1714  
~~owner~~ authority have a mutual understanding of the essential 1715  
requirements involved in providing the required services; 1716

(2) Determining that the construction manager will make 1717  
available the necessary personnel, equipment, and facilities to 1718  
perform the services within the required time. 1719

(C) Upon failure to negotiate a contract with the 1720

construction manager ranked most qualified, the public ~~owner~~ 1721  
authority shall inform the construction manager in writing of the 1722  
termination of negotiations and enter into negotiations with the 1723  
construction manager ranked next most qualified. If negotiations 1724  
again fail, the same procedure ~~shall~~ may be followed with each 1725  
next most qualified construction manager selected and ranked 1726  
pursuant to division (A) of this section, in order of ranking, 1727  
until a contract is negotiated. 1728

(D) If the public ~~owner~~ authority fails to negotiate a 1729  
contract with any of the construction managers selected pursuant 1730  
to division (A) of this section, the public ~~owner shall~~ authority 1731  
may select and rank additional construction managers, based on 1732  
their qualifications, and negotiations ~~shall~~ may continue as with 1733  
the construction managers selected and ranked initially until a 1734  
contract is negotiated. 1735

(E) Nothing in this section affects a public authority's 1736  
right to accept or reject any or all proposals in whole or in 1737  
part. 1738

**Sec. 9.333.** (A) No public ~~owner~~ authority shall enter into a 1739  
construction management contract with a construction manager 1740  
unless the construction manager provides a letter of credit 1741  
pursuant to Chapter 1305. of the Revised Code, a surety bond 1742  
pursuant to sections 153.54 and 153.57 of the Revised Code, a 1743  
certified check or cashier's check in an amount equal to the value 1744  
of the construction management contract for the project, or 1745  
provides other reasonable financial assurance of a nature and in 1746  
an amount satisfactory to the ~~owner~~ public authority. The public 1747  
~~owner~~ authority may waive this requirement for good cause. 1748

(B) Before construction begins pursuant to a construction 1749  
management contract with a construction manager at risk, the 1750  
construction manager at risk shall provide a surety bond to the 1751



public authority in accordance with rules adopted by the director 1752  
of administrative services under Chapter 119. of the Revised Code. 1753

Sec. 9.334. (A) Every public authority planning to contract 1754  
for construction management services with a construction manager 1755  
at risk shall evaluate the proposals submitted and select not 1756  
fewer than three construction managers at risk the public 1757  
authority considers to be the most qualified to provide the 1758  
required construction management services, except that the public 1759  
authority shall select and rank fewer than three when the public 1760  
authority determines in writing that fewer than three qualified 1761  
construction managers at risk are available. 1762

(B) The public authority shall provide each construction 1763  
manager at risk selected under division (A) of this section with a 1764  
description of the project, including a statement of available 1765  
design detail, a description of how the guaranteed maximum price 1766  
for the project shall be determined, including the estimated level 1767  
of design detail upon which the guaranteed maximum price shall be 1768  
based, the form of the construction management contract, and a 1769  
request for a pricing proposal. 1770

(C) The pricing proposal of each construction manager at risk 1771  
shall include at least the following regarding the construction 1772  
manager at risk: 1773

(1) A list of key personnel for the project; 1774

(2) A statement of the general conditions and contingency 1775  
requirements; 1776

(3) A fee proposal divided into a preconstruction fee, a 1777  
construction fee, and the portion of the construction fee to be at 1778  
risk in a guaranteed maximum price. 1779

(D) The public authority shall evaluate the submitted pricing 1780  
proposals and may hold discussions with individual construction 1781

managers at risk to explore their proposals further, including the 1782  
scope and nature of the proposed services and potential technical 1783  
approaches. 1784

(E) After evaluating the pricing proposals, the public 1785  
authority shall rank the selected construction managers at risk 1786  
based on its evaluation of the value of each pricing proposal, 1787  
with such evaluation considering the proposed cost and 1788  
qualifications. 1789

(F) The public authority shall enter into negotiations for a 1790  
construction management contract with the construction manager at 1791  
risk whose pricing proposal the public authority determines to be 1792  
the best value under division (E) of this section. Contract 1793  
negotiations shall be directed toward: 1794

(1) Ensuring that the construction manager at risk and the 1795  
public authority mutually understand the essential requirements 1796  
involved in providing the required construction management 1797  
services, including the provisions for the use of contingency 1798  
funds and the possible distribution of savings in the final costs 1799  
of the project; 1800

(2) Ensuring that the construction manager at risk will be 1801  
able to provide the necessary personnel, equipment, and facilities 1802  
to perform the construction management services within the time 1803  
required by the construction management contract; 1804

(3) Agreeing upon a procedure and schedule for determining a 1805  
guaranteed maximum price using an open book pricing method that 1806  
shall represent the total maximum amount to be paid by the public 1807  
authority to the construction manager at risk for the project and 1808  
that shall include the costs of all the work, the cost of its 1809  
general conditions, the contingency, and the fee payable to the 1810  
construction manager at risk. 1811

(G)(1) If the public authority fails to negotiate a 1812

construction management contract with the construction manager at 1813  
risk whose pricing proposal the public authority determines to be 1814  
the best value under division (E) of this section, the public 1815  
authority shall inform the construction manager at risk, in 1816  
writing, of the termination of negotiations. 1817

(2) Upon terminating negotiations, the public authority may 1818  
enter into negotiations as provided in this section with the 1819  
construction manager at risk that the public authority ranked next 1820  
highest under division (E) of this section. If negotiations fail, 1821  
the public authority may enter into negotiations as provided in 1822  
this section with the construction manager at risk the public 1823  
authority ranked next highest under division (E) of this section. 1824

(3) If a public authority fails to negotiate a construction 1825  
management contract with a construction manager at risk whose 1826  
pricing proposal the public authority determines to be the best 1827  
value under division (E) of this section, the public authority may 1828  
select additional construction managers at risk to provide pricing 1829  
proposals to the public authority pursuant to this section or may 1830  
select an alternative delivery method for the project. 1831

(H) If the public authority and construction manager at risk 1832  
fail to agree on a guaranteed maximum price, nothing in this 1833  
section shall prohibit the public authority from allowing the 1834  
construction manager at risk to provide the management services 1835  
that a construction manager is authorized to provide. 1836

(I) Nothing in this section affects a public authority's 1837  
right to accept or reject any or all proposals in whole or in 1838  
part. 1839

**Sec. 9.335.** The requirements set forth in sections 9.33 to 1840  
9.334 of the Revised Code for the bidding, selection, and award of 1841  
a construction management contract by a public authority prevail 1842  
in the event of any conflict with a provision of Chapter 153. of 1843

the Revised Code. 1844

Sec. 9.482. (A) As used in this section, "political 1845  
subdivision" has the meaning defined in section 2744.01 of the 1846  
Revised Code. 1847

(B) When authorized by their respective legislative 1848  
authorities, a political subdivision may enter into an agreement 1849  
with another political subdivision whereby a contracting political 1850  
subdivision agrees to exercise any power, perform any function, or 1851  
render any service for another contracting recipient political 1852  
subdivision that the contracting recipient political subdivision 1853  
is otherwise legally authorized to exercise, perform, or render. 1854

In the absence in the agreement of provisions determining by 1855  
what officer, office, department, agency, or other authority the 1856  
powers and duties of a contracting political subdivision shall be 1857  
exercised or performed, the legislative authority of the 1858  
contracting political subdivision shall determine and assign the 1859  
powers and duties. 1860

An agreement shall not suspend the possession by a 1861  
contracting recipient political subdivision of any power or 1862  
function that is exercised or performed on its behalf by another 1863  
contracting political subdivision under the agreement. 1864

A political subdivision shall not enter into an agreement to 1865  
levy any tax or to exercise, with regard to public moneys, any 1866  
investment powers, perform any investment function, or render any 1867  
investment service on behalf of a contracting subdivision. Nothing 1868  
in this paragraph prohibits a political subdivision from entering 1869  
into an agreement to collect, administer, or enforce any tax on 1870  
behalf of another political subdivision or to limit the authority 1871  
of political subdivisions to create and operate joint economic 1872  
development zones or joint economic development districts as 1873  
provided in sections 715.69 to 715.83 of the Revised Code. 1874

(C) No power shall be exercised, no function shall be performed, and no service shall be rendered by a contracting political subdivision pursuant to an agreement entered into under this section within a political subdivision that is not a party to the agreement, without first obtaining the written consent of the political subdivision that is not a party to the agreement and within which the power is to be exercised, a function is to be performed, or a service is to be rendered.

(D) Chapter 2744. of the Revised Code, insofar as it applies to the operation of a political subdivision, applies to the political subdivisions that are parties to an agreement and to their employees when they are rendering a service outside the boundaries of their employing political subdivision under the agreement. Employees acting outside the boundaries of their employing political subdivision while providing a service under an agreement may participate in any pension or indemnity fund established by the political subdivision to the same extent as while they are acting within the boundaries of the political subdivision, and are entitled to all the rights and benefits of Chapter 4123. of the Revised Code to the same extent as while they are performing a service within the boundaries of the political subdivision.

**Sec. 9.82.** As used in sections 9.82 to 9.83 of the Revised Code:

(A) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.

For purposes of the judicial liability program, "state" means

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| <u>the supreme court, the courts of appeals, the courts of common</u> | 1906 |
| <u>pleas and any division of courts of common pleas, municipal</u>    | 1907 |
| <u>courts, and county courts.</u>                                     | 1908 |
| (B) "Political subdivision" means a county, city, village,            | 1909 |
| township, park district, or school district.                          | 1910 |
| (C) "Personal property" means tangible personal property              | 1911 |
| owned, leased, controlled, or possessed by a state agency and         | 1912 |
| includes, but is not limited to, chattels, movable property,          | 1913 |
| merchandise, furniture, goods, livestock, vehicles, watercraft,       | 1914 |
| aircraft, movable machinery, movable tools, movable equipment,        | 1915 |
| general operating supplies, and media.                                | 1916 |
| (D) "Media" means all active information processing material,         | 1917 |
| including all forms of data, program material, and related            | 1918 |
| engineering specifications employed in any state agency's             | 1919 |
| information processing operation.                                     | 1920 |
| (E) "Property" means real and personal property as defined in         | 1921 |
| divisions (C) and (F) of this section and any other property in       | 1922 |
| which the state determines it has an insurable interest.              | 1923 |
| (F) "Real property" means land or interests in land whose             | 1924 |
| title is vested in the state or that is under the control of the      | 1925 |
| state through a lease purchase agreement, installment purchase,       | 1926 |
| mortgage, lien, or otherwise, and includes, but is not limited to,    | 1927 |
| all buildings, structures, improvements, machinery, equipment, or     | 1928 |
| fixtures erected on, above, or under such land.                       | 1929 |
| (G) "State agency" means every department, bureau, board,             | 1930 |
| commission, office, or other organized body established by the        | 1931 |
| constitution or laws of this state for the exercise of any            | 1932 |
| function of state government, the general assembly, all               | 1933 |
| legislative agencies, the supreme court, and the court of claims.     | 1934 |
| "State agency" does not include any state-supported institutions      | 1935 |
| of higher education, the public employees retirement system, the      | 1936 |

Ohio police and ~~and Fire~~ fire pension fund, the state teachers 1937  
retirement system, the school employees retirement system, the 1938  
state highway patrol retirement system, or the city of Cincinnati 1939  
retirement system. 1940

**Sec. 9.823.** (A) All contributions collected by the director 1941  
of administrative services under division (E) of this section 1942  
shall be deposited into the state treasury to the credit of the 1943  
risk management reserve fund, which is hereby created. The fund 1944  
shall be used to provide insurance and self-insurance for the 1945  
state under sections 9.822 and 9.83 of the Revised Code. All 1946  
investment earnings of the fund shall be credited to it. 1947

(B) The director, through the office of risk management, 1948  
shall operate the risk management reserve fund on an actuarially 1949  
sound basis. 1950

(C) Reserves shall be maintained in the risk management 1951  
reserve fund in any amount that is necessary and adequate, in the 1952  
exercise of sound and prudent actuarial judgment, to cover 1953  
potential liability claims, expenses, fees, or damages. Money in 1954  
the fund may be applied to the payment of liability claims that 1955  
are filed against the state ~~in the court of claims and determined~~ 1956  
~~in the manner provided for under Chapter 2743. of the Revised~~ 1957  
~~Code.~~ The director may procure the services of a qualified 1958  
actuarial firm for the purpose of recommending the specific amount 1959  
of money that would be required to maintain adequate reserves for 1960  
a given period of time. 1961

(D) A report of the amounts reserved and disbursements made 1962  
from the reserves, together with a written report of a competent 1963  
property and casualty actuary, shall be submitted, on or before 1964  
the last day of March for the preceding calendar year, to the 1965  
speaker of the house of representatives and the president of the 1966  
senate. The actuary shall certify the adequacy of the rates of 1967

contributions, the sufficiency of excess insurance, and whether 1968  
the amounts reserved conform to the requirements of this section, 1969  
are computed in accordance with accepted loss reserving standards, 1970  
and are fairly stated in accordance with sound loss reserving 1971  
principles. The report shall include disbursements made for the 1972  
administration of the fund, including claims paid, cost of legal 1973  
representation of state agencies and employees, and fees paid to 1974  
consultants. 1975

(E) The director shall collect from each state agency or any 1976  
participating state body its contribution to the risk management 1977  
reserve fund for the purpose of purchasing insurance or 1978  
administering self-insurance programs for coverages authorized 1979  
under sections 9.822 and 9.83 of the Revised Code. The 1980  
contribution shall be determined by the director, with the 1981  
approval of the director of budget and management, and shall be 1982  
based upon actuarial assumptions and the relative risk and loss 1983  
experience of each state agency or participating state body. The 1984  
contribution shall further include a reasonable sum to cover the 1985  
department's administrative costs. 1986

**Sec. 9.833.** (A) As used in this section, "political 1987  
subdivision" ~~means a municipal corporation, township, county, or~~ 1988  
~~other body corporate and politic responsible for governmental~~ 1989  
~~activities in a geographic area smaller than that of the state,~~ 1990  
~~and agencies and instrumentalities of these entities~~ has the 1991  
meaning defined in sections 2744.01 and 3905.36 of the Revised 1992  
Code. For purposes of this section, "political subdivision" 1993  
includes municipal corporations as defined in section 5705.01 of 1994  
the Revised Code. 1995

(B) Political subdivisions that provide health care benefits 1996  
for their officers or employees may do any of the following: 1997

(1) Establish and maintain an individual self-insurance 1998



program with public moneys to provide authorized health care 1999  
benefits, including but not limited to, health care, prescription 2000  
drugs, dental care, and vision care, in accordance with division 2001  
(C) of this section; 2002

(2) Establish and maintain a health savings account program 2003  
whereby employees or officers may establish and maintain health 2004  
savings accounts in accordance with section 223 of the Internal 2005  
Revenue Code. Public moneys may be used to pay for or fund 2006  
federally qualified high deductible health plans that are linked 2007  
to health savings accounts or to make contributions to health 2008  
savings accounts. A health savings account program may be a part 2009  
of a self-insurance program. 2010

(3) After establishing an individual self-insurance program, 2011  
agree with other political subdivisions that have established 2012  
individual self-insurance programs for health care benefits, that 2013  
their programs will be jointly administered in a manner specified 2014  
in the agreement; 2015

(4) Pursuant to a written agreement and in accordance with 2016  
division (C) of this section, join in any combination with other 2017  
political subdivisions to establish and maintain a joint 2018  
self-insurance program to provide health care benefits; 2019

(5) Pursuant to a written agreement, join in any combination 2020  
with other political subdivisions to procure or contract for 2021  
policies, contracts, or plans of insurance to provide health care 2022  
benefits, which may include a health savings account program, for 2023  
their officers and employees subject to the agreement; 2024

(6) Use in any combination any of the policies, contracts, 2025  
plans, or programs authorized under this division. 2026

(7) Any agreement made under divisions (B)(3), (4), (5), or 2027  
(6) of this section shall be in writing, comply with division (C) 2028  
of this section, and contain best practices established in 2029

consultation with and approved by the department of administrative services. The best practices may be reviewed and amended at the discretion of the political subdivisions in consultation with the department. Detailed information regarding the best practices shall be made available to any employee upon that employee's request.

(8) Purchase plans approved by the department of administrative services under section 9.901 of the Revised Code.

(C) Except as otherwise provided in division (E) of this section, the following apply to individual or joint self-insurance programs established pursuant to this section:

(1) Such funds shall be reserved as are necessary, in the exercise of sound and prudent actuarial judgment, to cover potential cost of health care benefits for the officers and employees of the political subdivision. A certified audited financial statement and a report of amounts so reserved and disbursements made from such funds, together with a written report of a member of the American academy of actuaries certifying whether the amounts reserved conform to the requirements of this division, are computed in accordance with accepted loss reserving standards, and are fairly stated in accordance with sound loss reserving principles, shall be prepared and maintained, within ninety days after the last day of the fiscal year of the entity for which the report is provided for that fiscal year, in the office of the program administrator described in division (C)(3) of this section.

The report required by division (C)(1) of this section shall include, but not be limited to, disbursements made for the administration of the program, including claims paid, costs of the legal representation of political subdivisions and employees, and fees paid to consultants.

The program administrator described in division (C)(3) of this section shall make the report required by this division available for inspection by any person at all reasonable times during regular business hours, and, upon the request of such person, shall make copies of the report available at cost within a reasonable period of time. The program administrator shall further provide the report to the auditor of state under Chapter 117. of the Revised Code.

(2) Each political subdivision shall reserve funds necessary for an individual or joint self-insurance program in a special fund that may be established for political subdivisions other than an agency or instrumentality pursuant to an ordinance or resolution of the political subdivision and not subject to section 5705.12 of the Revised Code. An agency or instrumentality shall reserve the funds necessary for an individual or joint self-insurance program in a special fund established pursuant to a resolution duly adopted by the agency's or instrumentality's governing board. The political subdivision may allocate the costs of insurance or any self-insurance program, or both, among the funds or accounts established under this division on the basis of relative exposure and loss experience.

(3) A contract may be awarded, without the necessity of competitive bidding, to any person, political subdivision, nonprofit corporation organized under Chapter 1702. of the Revised Code, or regional council of governments created under Chapter 167. of the Revised Code for purposes of administration of an individual or joint self-insurance program. No such contract shall be entered into without full, prior, public disclosure of all terms and conditions. The disclosure shall include, at a minimum, a statement listing all representations made in connection with any possible savings and losses resulting from the contract, and potential liability of any political subdivision or employee. The

proposed contract and statement shall be disclosed and presented 2093  
at a meeting of the political subdivision not less than one week 2094  
prior to the meeting at which the political subdivision authorizes 2095  
the contract. 2096

A contract awarded to a nonprofit corporation or a regional 2097  
council of governments under this division may provide that all 2098  
employees of the nonprofit corporation or regional council of 2099  
governments and the employees of all entities related to the 2100  
nonprofit corporation or regional council of governments may be 2101  
covered by the individual or joint self-insurance program under 2102  
the terms and conditions set forth in the contract. 2103

(4) The individual or joint self-insurance program shall 2104  
include a contract with a certified public accountant and a member 2105  
of the American academy of actuaries for the preparation of the 2106  
~~written evaluation of the reserve funds~~ evaluations required under 2107  
division (C)(1) of this section. 2108

(5) A joint self-insurance program may allocate the costs of 2109  
funding the program among the funds or accounts established under 2110  
this division to the participating political subdivisions on the 2111  
basis of their relative exposure and loss experience. 2112

(6) An individual self-insurance program may allocate the 2113  
costs of funding the program among the funds or accounts 2114  
established under this division to the political subdivision that 2115  
established the program. 2116

(7) Two or more political subdivisions may also authorize the 2117  
establishment and maintenance of a joint health care cost 2118  
containment program, including, but not limited to, the employment 2119  
of risk managers, health care cost containment specialists, and 2120  
consultants, for the purpose of preventing and reducing health 2121  
care costs covered by insurance, individual self-insurance, or 2122  
joint self-insurance programs. 2123

(8) A political subdivision is not liable under a joint 2124  
self-insurance program for any amount in excess of amounts payable 2125  
pursuant to the written agreement for the participation of the 2126  
political subdivision in the joint self-insurance program. Under a 2127  
joint self-insurance program agreement, a political subdivision 2128  
may, to the extent permitted under the written agreement, assume 2129  
the risks of any other political subdivision. A joint 2130  
self-insurance program established under this section is deemed a 2131  
separate legal entity for the public purpose of enabling the 2132  
members of the joint self-insurance program to obtain insurance or 2133  
to provide for a formalized, jointly administered self-insurance 2134  
fund for its members. An entity created pursuant to this section 2135  
is exempt from all state and local taxes. 2136

(9) Any political subdivision, other than an agency or 2137  
instrumentality, may issue general obligation bonds, or special 2138  
obligation bonds that are not payable from real or personal 2139  
property taxes, and may also issue notes in anticipation of such 2140  
bonds, pursuant to an ordinance or resolution of its legislative 2141  
authority or other governing body for the purpose of providing 2142  
funds to pay expenses associated with the settlement of claims, 2143  
whether by way of a reserve or otherwise, and to pay the political 2144  
subdivision's portion of the cost of establishing and maintaining 2145  
an individual or joint self-insurance program or to provide for 2146  
the reserve in the special fund authorized by division (C)(2) of 2147  
this section. 2148

In its ordinance or resolution authorizing bonds or notes 2149  
under this section, a political subdivision may elect to issue 2150  
such bonds or notes under the procedures set forth in Chapter 133. 2151  
of the Revised Code. In the event of such an election, 2152  
notwithstanding Chapter 133. of the Revised Code, the maturity of 2153  
the bonds may be for any period authorized in the ordinance or 2154  
resolution not exceeding twenty years, which period shall be the 2155

maximum maturity of the bonds for purposes of section 133.22 of 2156  
the Revised Code. 2157

Bonds and notes issued under this section shall not be 2158  
considered in calculating the net indebtedness of the political 2159  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 2160  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 2161  
hereby made applicable to bonds or notes authorized under this 2162  
section. 2163

(10) A joint self-insurance program is not an insurance 2164  
company. Its operation does not constitute doing an insurance 2165  
business and is not subject to the insurance laws of this state. 2166

(D) A political subdivision may procure group life insurance 2167  
for its employees in conjunction with an individual or joint 2168  
self-insurance program authorized by this section, provided that 2169  
the policy of group life insurance is not self-insured. 2170

(E) ~~Divisions (C)(1), (2), and (4) of this~~ This section de 2171  
does not apply to individual self-insurance programs in created 2172  
solely by municipal corporations, townships, or counties as 2173  
defined in section 5705.01 of the Revised Code. 2174

(F) A public official or employee of a political subdivision 2175  
who is or becomes a member of the governing body of the program 2176  
administrator of a joint self-insurance program in which the 2177  
political subdivision participates is not in violation of division 2178  
(D) or (E) of section 102.03, division (C) of section 102.04, or 2179  
section 2921.42 of the Revised Code as a result of either of the 2180  
following: 2181

(1) The political subdivision's entering under this section 2182  
into the written agreement to participate in the joint 2183  
self-insurance program; 2184

(2) The political subdivision's entering under this section 2185  
into any other contract with the joint self-insurance program. 2186

~~Sec. 9.90. (A) The governing board of any public institution of higher education, including without limitation state universities and colleges, community college districts, university branch districts, technical college districts, and municipal universities, The following applies until the department of administrative services implements healthcare plans designed under section 9.901 of the Revised Code. If those plans do not include or address any benefits listed in this section, or if the board of trustees or other governing body of a state institution of higher education, as defined in section 3345.011 of the Revised Code, board of education of a school district, or governing board of an educational service center do not elect to be covered under a plan offered by the department of administrative services under section 9.901 of the Revised Code, the following provisions continue in effect for those benefits. The board of trustees or other governing body of a state institution of higher education, as defined in section 3345.011 of the Revised Code, board of education of a school district, or governing board of an educational service center~~ may, in addition to all other powers provided in the Revised Code:

(1) Contract for, purchase, or otherwise procure from an insurer or insurers licensed to do business by the state of Ohio for or on behalf of such of its employees as it may determine, life insurance, or sickness, accident, annuity, endowment, health, medical, hospital, dental, or surgical coverage and benefits, or any combination thereof, by means of insurance plans or other types of coverage, family, group or otherwise, and may pay from funds under its control and available for such purpose all or any portion of the cost, premium, or charge for such insurance, coverage, or benefits. However, the governing board, in addition to or as an alternative to the authority otherwise granted by division (A)(1) of this section, may elect to procure coverage for

health care services, for or on behalf of such of its employees as 2219  
it may determine, by means of policies, contracts, certificates, 2220  
or agreements issued by at least two health insuring corporations 2221  
holding a certificate of authority under Chapter 1751. of the 2222  
Revised Code and may pay from funds under the governing board's 2223  
control and available for such purpose all or any portion of the 2224  
cost of such coverage. 2225

(2) Make payments to a custodial account for investment in 2226  
regulated investment company stock for the purpose of providing 2227  
retirement benefits as described in section 403(b)(7) of the 2228  
Internal Revenue Code of 1954, as amended. Such stock shall be 2229  
purchased only from persons authorized to sell such stock in this 2230  
state. 2231

Any income of an employee deferred under divisions (A)(1) and 2232  
(2) of this section in a deferred compensation program eligible 2233  
for favorable tax treatment under the Internal Revenue Code of 2234  
1954, as amended, shall continue to be included as regular 2235  
compensation for the purpose of computing the contributions to and 2236  
benefits from the retirement system of such employee. Any sum so 2237  
deferred shall not be included in the computation of any federal 2238  
and state income taxes withheld on behalf of any such employee. 2239

(B) All or any portion of the cost, premium, or charge 2240  
therefor may be paid in such other manner or combination of 2241  
manners as the ~~governing~~ board or governing body may determine, 2242  
including direct payment by the employee in cases under division 2243  
(A)(1) of this section, and, if authorized in writing by the 2244  
employee in cases under division (A)(1) or (2) of this section, by 2245  
~~such governing~~ the board or governing body with moneys made 2246  
available by deduction from or reduction in salary or wages or by 2247  
the foregoing of a salary or wage increase. Nothing in section 2248  
3917.01 or section 3917.06 of the Revised Code shall prohibit the 2249  
issuance or purchase of group life insurance authorized by this 2250



section by reason of payment of premiums therefor by the ~~governing~~ 2251  
board or governing body from its funds, and such group life 2252  
insurance may be so issued and purchased if otherwise consistent 2253  
with the provisions of sections 3917.01 to 3917.07 of the Revised 2254  
Code. 2255

(C) The board of education of any school district may 2256  
exercise any of the powers granted to the governing boards of 2257  
public institutions of higher education under divisions (A) and 2258  
(B) of this section, except in relation to the provision of health 2259  
care benefits to employees. All health care benefits provided to 2260  
persons employed by the public schools of this state shall be 2261  
through health care plans that contain best practices established 2262  
by the school employees health care board or the department of 2263  
administrative services pursuant to section 9.901 of the Revised 2264  
Code. 2265

(D) Once the department of administrative services releases 2266  
in final form health care plans designed under section 9.901 of 2267  
the Revised Code, all health care benefits provided to persons 2268  
employed by state institutions of higher education, school 2269  
districts, or educational service centers may be through those 2270  
plans. 2271

**Sec. 9.901.** (A)(1) All health care benefits provided to 2272  
persons employed by the political subdivisions and public school 2273  
districts of this state shall be provided by health care plans 2274  
that contain best practices established pursuant to this section 2275  
by the school employees health care board or the department of 2276  
administrative services. Twelve months after the release of best 2277  
practices by the board all policies or contracts for health care 2278  
benefits provided to public school district employees that are 2279  
issued or renewed after the expiration of any applicable 2280  
collective bargaining agreement must contain best practices 2281

established pursuant to this section by the board. Any or all of 2282  
the health care plans that contain best practices specified by the 2283  
board may be self-insured. ~~As used in this section, a "public~~ 2284  
~~school district" means a city, local, exempted village, or joint~~ 2285  
~~vocational school district, and includes the educational service~~ 2286  
~~centers associated with those districts but not charter schools.~~ 2287

(2) ~~The board shall determine what strategies are used by the~~ 2288  
~~existing medical plans to manage health care costs and shall study~~ 2289  
~~the potential benefits of state or regional consortiums of public~~ 2290  
~~schools offering multiple health care plans. Upon completion of~~ 2291  
~~the consultant's report under division (E) of this section and~~ 2292  
~~once the plans are released in final form by the department, all~~ 2293  
~~health care benefits provided to persons employed by political~~ 2294  
~~subdivisions, public school districts, and state institutions of~~ 2295  
~~higher education may be provided by health care plans designed~~ 2296  
~~under this section by the department. The department, in~~ 2297  
~~consultation with the superintendent of insurance, may negotiate~~ 2298  
~~with and, in accordance with the competitive selection procedures~~ 2299  
~~of Chapter 125. of the Revised Code, contract with one or more~~ 2300  
~~insurance companies authorized to do business in this state for~~ 2301  
~~the issuance of the plans. Any or all of the health care plans~~ 2302  
~~designed by the department may be self-insured. All self-insured~~ 2303  
~~plans adopted shall be administered by the department in~~ 2304  
~~accordance with this section. The plans shall incorporate the best~~ 2305  
~~practices adopted by the department under division (C)(3) of this~~ 2306  
~~section.~~ 2307

(3) Before soliciting proposals from insurance companies for 2308  
the issuance of health care plans, the department, in consultation 2309  
with the superintendent of insurance, shall determine what 2310  
geographic regions exist in the state based on the availability of 2311  
providers, networks, costs, and other factors relating to 2312  
providing health care benefits. The department shall then 2313

determine what health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums in the region offer the most cost-effective plan. 2314  
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(4) The department, in consultation with the superintendent of insurance, shall develop a request for proposals and solicit bids for health care plans for political subdivisions, public school districts, and state institutions in a region similar to the existing plans. The department shall also determine the benefits offered by existing health care plans, the employees' costs, and the cost-sharing arrangements used by political subdivisions, schools, and institutions participating in a consortium. The department shall determine what strategies are used by the existing plans to manage health care costs and shall study the potential benefits of state or regional consortiums offering multiple health care plans. When options exist in a defined regional service area that meet the benchmarks or best practices prescribed by the department, public employees shall be given the option of selecting from two or more health plans. 2318  
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(5) No political subdivision, public school district, or state institution may be required to offer the health care plans designed under this section until action is taken under division (E) of this section. 2333  
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In addition, political subdivisions, public school districts, or state institutions offering employee health care benefits through a plan offered by a consortium of two or more political subdivisions, districts, or state institutions, or a consortium of one or more political subdivisions, districts, or state institutions and one or more other political subdivisions may continue offering consortium plans to the political subdivisions', districts', or institutions' employees if plans contain best practices required under this section. 2337  
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(6) As used in this section: 2346

(a) "Public school district" means a city, local, exempted village, or joint vocational school district; a STEM school established under Chapter 3326. of the Revised Code; or an educational service center. "Public school district" does not mean a community school established under Chapter 3314. of the Revised Code. 2347  
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(b) "State institution of higher education" or "state institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code. 2353  
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(c) "Political subdivision" has the same meaning as defined in section 9.833 of the Revised Code. 2356  
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(d) A "health care plan" includes group policies, contracts, and agreements that provide hospital, surgical, or medical expense coverage, including self-insured plans. A "health care plan" does not include an individual plan offered to the employees of a political subdivision, public school district, or state institution, or a plan that provides coverage only for specific disease or accidents, or a hospital indemnity, medicare supplement, or other plan that provides only supplemental benefits, paid for by the employees of a political subdivision, public school district, or state institution. 2358  
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~~(b)~~(e) A "health plan sponsor" means a political subdivision, public school district, a state institution of higher education, a consortium of political subdivisions, public school districts, or state institutions, or a council of governments. 2368  
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~~(B) The school employees health care board is hereby created. The school employees health care board shall consist of the following twelve members and shall include individuals with experience with public school district benefit programs, health care industry providers, and health care plan beneficiaries:~~ 2372  
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~~(1) Four members appointed by the governor, one of whom shall  
be representative of nonadministrative public school district  
employees;~~ 2377  
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~~(2) Four members appointed by the president of the senate,  
one of whom shall be representative of nonadministrative public  
school district employees;~~ 2380  
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~~(3) Four members appointed by the speaker of the house of  
representatives, one of whom shall be representative of  
nonadministrative public school district employees.~~ 2383  
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~~A member of the school employees health care board shall not  
be employed by, represent, or in any way be affiliated with a  
private entity that is providing services to the board, an  
individual school district, employers, or employees in the state  
of Ohio.~~ 2386  
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~~(C)(1) Members of the school employees health care board  
shall serve four year terms, but may be reappointed, except as  
otherwise specified in division (B) of this section.~~ 2391  
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~~A member shall continue to serve subsequent to the expiration  
of the member's term until a successor is appointed. Any vacancy  
occurring during a member's term shall be filled in the same  
manner as the original appointment, except that the person  
appointed to fill the vacancy shall be appointed to the remainder  
of the unexpired term.~~ 2394  
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~~(2) Members shall receive compensation fixed pursuant to  
division (J) of section 124.15 of the Revised Code and shall be  
reimbursed from the school employees health care fund for actual  
and necessary expenses incurred in the performance of their  
official duties as members of the board.~~ 2400  
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~~(3) Members may be removed by their appointing authority for  
misfeasance, malfeasance, incompetence, dereliction of duty, or  
other just cause.~~ 2405  
2406  
2407

~~(D)(1) At the first meeting of the board after the first day of January of each calendar year, the board shall elect a chairperson and may elect members to other positions on the board as the board considers necessary or appropriate. The board shall meet at least nine times each calendar year and shall also meet at the call of the chairperson or four or more board members. The chairperson shall provide reasonable advance notice of the time and place of board meetings to all members.~~

~~(2) A majority of the board constitutes a quorum for the transaction of business at a board meeting. A majority vote of the members present is necessary for official action.~~

~~(E) The school employees health care board shall conduct its business at open meetings; however, the records of the board are not public records for purposes of section 149.43 of the Revised Code.~~

~~(F) The school political subdivisions and public employees health care fund is hereby created in the state treasury. The board department shall use all funds in the school political subdivisions and public employees health care fund solely to carry out the provisions of this section and related administrative costs.~~

~~(G)(C) The school employees health care board department shall do all of the following:~~

~~(1) Include disease management and consumer education programs, which programs shall include, but are not limited to, wellness programs and other measures designed to encourage the wise use of medical plan coverage. These programs are not services or treatments for purposes of section 3901.71 of the Revised Code.~~

~~(2) After action is taken under division (E) of this section, design health care plans for political subdivisions, public school districts, and state institutions of higher education in~~

|                                                                                  |      |
|----------------------------------------------------------------------------------|------|
| <u>accordance with division (A) of this section separate from the</u>            | 2439 |
| <u>plans for state agencies;</u>                                                 | 2440 |
| <u>(3) Adopt and release a set of standards that shall be</u>                    | 2441 |
| <u>considered the best practices to which public school districts</u>            | 2442 |
| <u>shall adhere in the selection and implementation of <u>for</u> health</u>     | 2443 |
| <u>care plans offered to employees of political subdivisions, public</u>         | 2444 |
| <u>school districts, and state institutions.</u>                                 | 2445 |
| <del>(2)</del> <u>(4) Require that the plans the health plan sponsors</u>        | 2446 |
| <u>administer make readily available to the public all cost and</u>              | 2447 |
| <u>design elements of the plan;</u>                                              | 2448 |
| <del>(3) Work with health plan sponsors through educational</del>                | 2449 |
| <del>outlets and consultation;</del>                                             | 2450 |
| <del>(4) Maintain a commitment to transparency and public access</del>           | 2451 |
| <del>of its meetings and activity pursuant to division (E) of this</del>         | 2452 |
| <del>section;</del>                                                              | 2453 |
| <u>(5) Set employee and employer health care plan premiums for</u>               | 2454 |
| <u>the plans designed under division (C)(2) of this section;</u>                 | 2455 |
| <u>(6) Promote cooperation among all organizations affected by</u>               | 2456 |
| <u>this section in identifying the elements for the successful</u>               | 2457 |
| <u>implementation of this section;</u>                                           | 2458 |
| <del>(6)</del> <u>(7) Promote cost containment measures aligned with</u>         | 2459 |
| <u>patient, plan, and provider management strategies in developing</u>           | 2460 |
| <u>and managing health care plans;</u>                                           | 2461 |
| <del>(7)</del> <u>(8) Prepare and disseminate to the public an annual report</u> | 2462 |
| <u>on the status of health plan sponsors' effectiveness in making</u>            | 2463 |
| <u>progress to reduce the rate of increase in insurance premiums and</u>         | 2464 |
| <u>employee out of pocket expenses, as well as progress in improving</u>         | 2465 |
| <u>the health status of <u>political subdivision, public school</u></u>          | 2466 |
| <u>district, and state institution employees and their families.</u>             | 2467 |
| <del>(H)</del> <u>(D) The sections in Chapter 3923. of the Revised Code</u>      | 2468 |

regulating public employee benefit plans are not applicable to the 2469  
health care plans designed pursuant to this section. 2470

~~(I) The board may contract with one or more independent 2471  
consultants to analyze costs related to employee health care 2472  
benefits provided by existing public school district plans in this 2473  
state. The consultants may evaluate the benefits offered by 2474  
existing health care plans, the employees' costs, and the 2475  
cost sharing arrangements used by public school districts either 2476  
participating in a consortium or by other means. The consultants 2477  
may evaluate what strategies are used by the existing health care 2478  
plans to manage health care costs and the potential benefits of 2479  
state or regional consortiums of public schools offering multiple 2480  
health care plans. Based on the findings of the analysis, the 2481  
consultants may submit written recommendations to the board for 2482  
the development and implementation of successful best practices 2483  
and programs for improving school districts' purchasing power for 2484  
the acquisition of employee health care plans~~ (E) Before the 2485  
department's release of the initial health care plans, the 2486  
department shall contract with an independent consultant to 2487  
analyze costs related to employee health care benefits provided by 2488  
existing political subdivision, public school district, and state 2489  
institution plans. All political subdivisions shall provide 2490  
information requested by the department that the department 2491  
determines is needed to complete this study. The information 2492  
requested shall be held confidentially by the department and shall 2493  
not be considered a public record under Chapter 149. of the 2494  
Revised Code. The department may release the information after 2495  
redacting all personally identifiable information. The consultant 2496  
shall determine the benefits offered by existing plans, the 2497  
employees' costs, and the cost-sharing arrangements used by 2498  
political subdivisions, schools, and institutions participating in 2499  
a consortium. The consultant shall determine what strategies are 2500  
used by the existing plans to manage health care costs and shall 2501



study the potential benefits of state or regional consortiums of 2502  
political subdivisions, public schools, and institutions offering 2503  
multiple health care plans. Based on the findings of the analysis, 2504  
the consultant shall submit written recommendations to the 2505  
department for the development and implementation of a successful 2506  
program for pooling purchasing power for the acquisition of 2507  
employee health care plans. The consultant's recommendations shall 2508  
address, at a minimum, all of the following issues: 2509

(1) The development of a plan for regional coordination of 2510  
the health care plans; 2511

(2) The establishment of regions for the provision of health 2512  
care plans, based on the availability of providers and plans in 2513  
the state at the time; 2514

(3) The viability of voluntary and mandatory participation by 2515  
political subdivisions, public schools, and institutions of higher 2516  
education; 2517

(4) The use of regional preferred provider and closed panel 2518  
plans, health savings accounts, and alternative health care plans, 2519  
to stabilize both costs and the premiums charged to political 2520  
subdivisions, public school districts, and state institutions and 2521  
their employees; 2522

(5) The use of the competitive bidding process for regional 2523  
health care plans; 2524

(6) The use of information on claims and costs and of 2525  
information reported by political subdivisions, public school 2526  
districts, and state institutions pursuant to the Consolidated 2527  
Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 2528  
1161, as amended in analyzing administrative and premium costs; 2529

(7) The experience of states that have statewide health care 2530  
plans for political subdivision, public school district, and state 2531  
institution employees, including the implementation strategies 2532

|                                                                                                                                                                                                   |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <u>used by those states;</u>                                                                                                                                                                      | 2533                 |
| <u>(8) Recommended strategies for the use of first-year roll-in premiums in the transition from political subdivision, district, and state institution health care plans to department plans;</u> | 2534<br>2535<br>2536 |
| <u>(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;</u>          | 2537<br>2538<br>2539 |
| <u>(10) Mandatory and optional coverages to be offered by the department's plans;</u>                                                                                                             | 2540<br>2541         |
| <u>(11) Potential risks to the state from the use of plans developed under this section;</u>                                                                                                      | 2542<br>2543         |
| <u>(12) Any legislation needed to ensure the long-term financial solvency and stability of a health care purchasing system;</u>                                                                   | 2544<br>2545         |
| <u>(13) The potential impacts of any changes to the existing purchasing structure on all of the following:</u>                                                                                    | 2546<br>2547         |
| <u>(a) Existing health care pooling and consortiums;</u>                                                                                                                                          | 2548                 |
| <u>(b) Political subdivision, school district, and state institution employees;</u>                                                                                                               | 2549<br>2550         |
| <u>(c) Individual political subdivisions, school districts, and state institutions.</u>                                                                                                           | 2551<br>2552         |
| <u>(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;</u>        | 2553<br>2554<br>2555 |
| <u>(15) Strategies available to the department in the creation of fund reserves and the need for stop-loss insurance coverage for catastrophic losses;</u>                                        | 2556<br>2557<br>2558 |
| <u>(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised</u>    | 2559<br>2560<br>2561 |

|                                                                                                   |      |
|---------------------------------------------------------------------------------------------------|------|
| <u>Code;</u>                                                                                      | 2562 |
| <u>(17) How development of the federal health exchange in Ohio</u>                                | 2563 |
| <u>may impact public employees;</u>                                                               | 2564 |
| <u>(18) Impact of joint health insurance regional program on</u>                                  | 2565 |
| <u>insurance carriers and agents;</u>                                                             | 2566 |
| <u>(19) The benefits, including any cost savings to the state of</u>                              | 2567 |
| <u>establishing a benchmark for public employers to meet in lieu of</u>                           | 2568 |
| <u>establishing new plans administered by the department.</u>                                     | 2569 |
| <del>(J)(F)</del> <u>The public <del>schools</del> health care advisory committee is</u>          | 2570 |
| <u>hereby created under the <del>school employees health care board</del></u>                     | 2571 |
| <u>department of administrative services. The committee shall make</u>                            | 2572 |
| <u>recommendations to the <del>school employees health care board</del> related</u>               | 2573 |
| <u>to the board's accomplishment of the duties assigned to the board</u>                          | 2574 |
| <u>director of administrative services or the director's designee on</u>                          | 2575 |
| <u>the development and adoption of best practices under this section.</u>                         | 2576 |
| <u>The committee shall consist of <del>eighteen</del> <u>fifteen</u> members <u>appointed</u></u> | 2577 |
| <u>by the speaker of the house of representatives, the president of</u>                           | 2578 |
| <u>the senate, and the governor and shall include representatives</u>                             | 2579 |
| <u>from state and local government employers, state and local</u>                                 | 2580 |
| <u>government employees, insurance agents, health insurance</u>                                   | 2581 |
| <u>companies, and joint purchasing arrangements currently in</u>                                  | 2582 |
| <u>existence. The governor shall appoint two representatives each</u>                             | 2583 |
| <u>from the Ohio education association, the Ohio school boards</u>                                | 2584 |
| <u>association, and a health insuring corporation licensed to do</u>                              | 2585 |
| <u>business in Ohio and recommended by the Ohio association of Health</u>                         | 2586 |
| <u>Plans. The speaker shall appoint two representatives each from the</u>                         | 2587 |
| <u>Ohio association of school business officials, the Ohio federation</u>                         | 2588 |
| <u>of teachers, and the buckeye association of school administrators.</u>                         | 2589 |
| <u>The president of the senate shall appoint two representatives each</u>                         | 2590 |
| <u>from the Ohio association of health underwriters, an existing</u>                              | 2591 |
| <u>health care consortium serving public schools, and the Ohio</u>                                | 2592 |
| <u>association of public school employees. The initial appointees</u>                             | 2593 |

~~shall serve until December 31, 2007; subsequent two year 2594  
appointments, to commence on the first day of January of each year 2595  
thereafter, and shall be made in the same manner. A member shall 2596  
continue to serve subsequent to the expiration of the member's 2597  
term until the member's successor is appointed. Any vacancy 2598  
occurring during a member's term shall be filled in the same 2599  
manner as the original appointment, except that the person 2600  
appointed to fill the vacancy shall be appointed to the remainder 2601  
of the unexpired term. The advisory committee shall elect a 2602  
chairperson at its first meeting after the first day of January 2603  
each year who shall call the time and place of future committee 2604  
meetings in addition to the meetings that are to be held jointly 2605  
with the school employees health care board. Committee members are 2606  
not subject to the conditions for eligibility set by division (B) 2607  
of this section for members of the school employees health care 2608  
board. Nothing in this section prohibits a political subdivision 2609  
from adopting a delivery system of benefits that is not in 2610  
accordance with the department's adopted best practices if it is 2611  
considered to be most financially advantageous to the political 2612  
subdivision. 2613~~

~~(K)(G) The board department may adopt rules for the 2614  
enforcement of health plan sponsors' compliance with the best 2615  
practices standards adopted by the board department pursuant to 2616  
this section. 2617~~

~~(L) Any districts providing health care plan coverage for the 2618  
employees of public school districts shall provide nonidentifiable 2619  
aggregate claims data for the coverage to the school employees 2620  
health care board, without charge, within sixty days after 2621  
receiving a written request from the board. (H) Any health care 2622  
plan providing coverage for the employees of political 2623  
subdivisions, public school districts, or state institutions of 2624  
higher education, or that have provided coverage within two years 2625~~

before the effective date of this amendment, shall provide 2626  
nonidentifiable aggregate claims and administrative data for the 2627  
coverage provided as required by the department, without charge, 2628  
within thirty days after receiving a written request from the 2629  
department. The claims data shall include data relating to 2630  
employee group benefit sets, demographics, and claims experience. 2631

~~(M)(I)~~(1) The ~~school employees health care board~~ department 2632  
may contract with other state agencies for services as the ~~board~~ 2633  
department deems necessary for the implementation and operation of 2634  
this section, based on demonstrated experience and expertise in 2635  
administration, management, data handling, actuarial studies, 2636  
quality assurance, or for other needed services. ~~The school~~ 2637  
~~employees health care board may contract with the department of~~ 2638  
~~administrative services for central services until such time the~~ 2639  
~~board deems itself able to obtain such services from its own staff~~ 2640  
~~or from other sources. The board shall reimburse the department of~~ 2641  
~~administrative services for the reasonable cost of those services.~~ 2642

(2) The ~~board~~ department shall hire staff as necessary to 2643  
provide administrative support to the ~~board~~ department and the 2644  
public ~~school~~ employee health care plan program established by 2645  
this section. 2646

~~(N)(J)~~ Not more than ninety days before coverage begins for 2647  
political subdivision, public school district, and state 2648  
institution employees under health care plans ~~containing best~~ 2649  
~~practices prescribed~~ designed by the ~~school employees health care~~ 2650  
~~board~~ department, a political subdivision's governing body, public 2651  
school district's board of education, and a state institution's 2652  
board of trustees or managing authority shall provide detailed 2653  
information about the health care plans to the employees. 2654

~~(O)(K)~~ Nothing in this section shall be construed as 2655  
prohibiting political subdivisions, public school districts, or 2656  
state institutions from consulting with and compensating insurance 2657

agents and brokers for professional services or from establishing 2658  
a self-insurance program. 2659

~~(P)(1)(L)~~ Pursuant to Chapter 117. of the Revised Code, the 2660  
auditor of state shall conduct all necessary and required audits 2661  
of the ~~board~~ department. The auditor of state, upon request, also 2662  
shall furnish to the ~~board~~ department copies of audits of 2663  
political subdivisions, public school districts, or consortia 2664  
performed by the auditor of state. 2665

**Sec. 101.532.** The main operating appropriations bill shall 2666  
not contain appropriations for the industrial commission, ~~the~~ 2667  
~~workers' compensation council~~, or the bureau of workers' 2668  
compensation. Appropriations for the bureau ~~and the council~~ shall 2669  
be enacted in one bill, and appropriations for the industrial 2670  
commission shall be enacted in a separate bill. 2671

**Sec. 101.711.** (A) As used in this section: 2672

(1) "Legislative agent" has the meaning defined in section 2673  
101.70 of the Revised Code. 2674

(2) "State agency" has the meaning defined in section 117.01 2675  
of the Revised Code. 2676

(3) "State institution of higher education" means any state 2677  
university or college as defined in division (A)(1) of section 2678  
3345.12 of the Revised Code, community college established under 2679  
Chapter 3354. of the Revised Code, state community college 2680  
established under Chapter 3358. of the Revised Code, university 2681  
branch established under Chapter 3355. of the Revised Code, or 2682  
technical college established under Chapter 3357. of the Revised 2683  
Code. 2684

(B) No state agency or state institution of higher education 2685  
shall enter into a contract with a legislative agent, with a cost 2686  
exceeding fifty thousand dollars in a calendar year, without the 2687

approval of the controlling board. 2688

This section does not apply to an employment contract 2689  
pursuant to which an individual is employed directly by a state 2690  
agency or state institution of higher education as a legislative 2691  
agent. 2692

**Sec. 101.82.** As used in sections 101.82 to 101.87 of the 2693  
Revised Code: 2694

(A) "Agency" means any board, commission, committee, or 2695  
council, or any other similar state public body required to be 2696  
established pursuant to state statutes for the exercise of any 2697  
function of state government and to which members are appointed or 2698  
elected. "Agency" does not include the following: 2699

(1) The general assembly, or any commission, committee, or 2700  
other body composed entirely of members of the general assembly; 2701

(2) Any court; 2702

(3) Any public body created by or directly pursuant to the 2703  
constitution of this state; 2704

(4) The board of trustees of any institution of higher 2705  
education financially supported in whole or in part by the state; 2706

(5) Any public body that has the authority to issue bonds or 2707  
notes or that has issued bonds or notes that have not been fully 2708  
repaid; 2709

(6) The public utilities commission of Ohio; 2710

(7) The consumers' ~~council~~ counsel governing board; 2711

(8) The Ohio board of regents; 2712

(9) Any state board or commission that has the authority to 2713  
issue any final adjudicatory order that may be appealed to the 2714  
court of common pleas under Chapter 119. of the Revised Code; 2715

|                                                                                                                                                                                                                                            |                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| (10) Any board of elections;                                                                                                                                                                                                               | 2716                         |
| (11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;                                                                                          | 2717<br>2718<br>2719         |
| (12) The Ohio public employees deferred compensation board;                                                                                                                                                                                | 2720                         |
| (13) The Ohio retirement study council;                                                                                                                                                                                                    | 2721                         |
| (14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;                     | 2722<br>2723<br>2724<br>2725 |
| (15) The industrial commission;                                                                                                                                                                                                            | 2726                         |
| (16) The parole board;                                                                                                                                                                                                                     | 2727                         |
| (17) The board of tax appeals;                                                                                                                                                                                                             | 2728                         |
| (18) The controlling board;                                                                                                                                                                                                                | 2729                         |
| (19) The release authority of department of youth services;                                                                                                                                                                                | 2730                         |
| (20) The environmental review appeals commission;                                                                                                                                                                                          | 2731                         |
| (21) The Ohio ethics commission;                                                                                                                                                                                                           | 2732                         |
| (22) The Ohio public works commission;                                                                                                                                                                                                     | 2733                         |
| (23) The self-insuring employers evaluation board;                                                                                                                                                                                         | 2734                         |
| (24) The state board of deposit;                                                                                                                                                                                                           | 2735                         |
| (25) The state employment relations board;                                                                                                                                                                                                 | 2736                         |
| <del>(26) The workers' compensation council.</del>                                                                                                                                                                                         | 2737                         |
| (B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code. | 2738<br>2739<br>2740<br>2741 |
| (C) "Terminate" means to amend or repeal the statutes                                                                                                                                                                                      | 2742                         |



creating and empowering an agency, remove its personnel, and 2743  
reassign its functions and records to another agency or officer 2744  
designated by the general assembly. 2745

(D) "Transfer" means to amend the statutes creating and 2746  
empowering an agency so that its functions, records, and personnel 2747  
are conveyed to another agency or officer. 2748

(E) "Renew" means to continue an agency, and may include 2749  
amendment of the statutes creating and empowering the agency, or 2750  
recommendations for changes in agency operation or personnel. 2751

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 2752  
of this section, all of the following shall file with the 2753  
appropriate ethics commission the disclosure statement described 2754  
in this division on a form prescribed by the appropriate 2755  
commission: every person who is elected to or is a candidate for a 2756  
state, county, or city office and every person who is appointed to 2757  
fill a vacancy for an unexpired term in such an elective office; 2758  
all members of the state board of education; the director, 2759  
assistant directors, deputy directors, division chiefs, or persons 2760  
of equivalent rank of any administrative department of the state; 2761  
the president or other chief administrative officer of every state 2762  
institution of higher education as defined in section 3345.011 of 2763  
the Revised Code; the executive director and the members of the 2764  
capitol square review and advisory board appointed or employed 2765  
pursuant to section 105.41 of the Revised Code; all members of the 2766  
Ohio casino control commission, the executive director of the 2767  
commission, all professional employees of the commission, and all 2768  
technical employees of the commission who perform an internal 2769  
audit function; the individuals set forth in division (B)(2) of 2770  
section 187.03 of the Revised Code; the chief executive officer 2771  
and the members of the board of each state retirement system; each 2772  
employee of a state retirement board who is a state retirement 2773

system investment officer licensed pursuant to section 1707.163 of 2774  
the Revised Code; the members of the Ohio retirement study council 2775  
appointed pursuant to division (C) of section 171.01 of the 2776  
Revised Code; employees of the Ohio retirement study council, 2777  
other than employees who perform purely administrative or clerical 2778  
functions; the administrator of workers' compensation and each 2779  
member of the bureau of workers' compensation board of directors; 2780  
the bureau of workers' compensation director of investments; the 2781  
chief investment officer of the bureau of workers' compensation; 2782  
~~the director appointed by the workers' compensation council;~~ all 2783  
members of the board of commissioners on grievances and discipline 2784  
of the supreme court and the ethics commission created under 2785  
section 102.05 of the Revised Code; every business manager, 2786  
treasurer, or superintendent of a city, local, exempted village, 2787  
joint vocational, or cooperative education school district or an 2788  
educational service center; every person who is elected to or is a 2789  
candidate for the office of member of a board of education of a 2790  
city, local, exempted village, joint vocational, or cooperative 2791  
education school district or of a governing board of an 2792  
educational service center that has a total student count of 2793  
twelve thousand or more as most recently determined by the 2794  
department of education pursuant to section 3317.03 of the Revised 2795  
Code; every person who is appointed to the board of education of a 2796  
municipal school district pursuant to division (B) or (F) of 2797  
section 3311.71 of the Revised Code; all members of the board of 2798  
directors of a sanitary district that is established under Chapter 2799  
6115. of the Revised Code and organized wholly for the purpose of 2800  
providing a water supply for domestic, municipal, and public use, 2801  
and that includes two municipal corporations in two counties; 2802  
every public official or employee who is paid a salary or wage in 2803  
accordance with schedule C of section 124.15 or schedule E-2 of 2804  
section 124.152 of the Revised Code; members of the board of 2805  
trustees and the executive director of the southern Ohio 2806

agricultural and community development foundation; all members 2807  
appointed to the Ohio livestock care standards board under section 2808  
904.02 of the Revised Code; and every other public official or 2809  
employee who is designated by the appropriate ethics commission 2810  
pursuant to division (B) of this section. 2811

The disclosure statement shall include all of the following: 2812

(1) The name of the person filing the statement and each 2813  
member of the person's immediate family and all names under which 2814  
the person or members of the person's immediate family do 2815  
business; 2816

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 2817  
and except as otherwise provided in section 102.022 of the Revised 2818  
Code, identification of every source of income, other than income 2819  
from a legislative agent identified in division (A)(2)(b) of this 2820  
section, received during the preceding calendar year, in the 2821  
person's own name or by any other person for the person's use or 2822  
benefit, by the person filing the statement, and a brief 2823  
description of the nature of the services for which the income was 2824  
received. If the person filing the statement is a member of the 2825  
general assembly, the statement shall identify the amount of every 2826  
source of income received in accordance with the following ranges 2827  
of amounts: zero or more, but less than one thousand dollars; one 2828  
thousand dollars or more, but less than ten thousand dollars; ten 2829  
thousand dollars or more, but less than twenty-five thousand 2830  
dollars; twenty-five thousand dollars or more, but less than fifty 2831  
thousand dollars; fifty thousand dollars or more, but less than 2832  
one hundred thousand dollars; and one hundred thousand dollars or 2833  
more. Division (A)(2)(a) of this section shall not be construed to 2834  
require a person filing the statement who derives income from a 2835  
business or profession to disclose the individual items of income 2836  
that constitute the gross income of that business or profession, 2837  
except for those individual items of income that are attributable 2838

to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required

not to reveal, disclose, or use confidences of clients, patients, 2871  
or other recipients of professional services except under 2872  
specified circumstances or generally are required to maintain 2873  
those types of confidences as privileged communications except 2874  
under specified circumstances. Division (A)(2)(a) of this section 2875  
does not require an attorney, physician, or other professional 2876  
subject to a confidentiality requirement as described in division 2877  
(A)(2)(c) of this section to disclose the name, other identity, or 2878  
address of a client, patient, or other recipient of professional 2879  
services if the disclosure would threaten the client, patient, or 2880  
other recipient of professional services, would reveal details of 2881  
the subject matter for which legal, medical, or professional 2882  
advice or other services were sought, or would reveal an otherwise 2883  
privileged communication involving the client, patient, or other 2884  
recipient of professional services. Division (A)(2)(a) of this 2885  
section does not require an attorney, physician, or other 2886  
professional subject to a confidentiality requirement as described 2887  
in division (A)(2)(c) of this section to disclose in the brief 2888  
description of the nature of services required by division 2889  
(A)(2)(a) of this section any information pertaining to specific 2890  
professional services rendered for a client, patient, or other 2891  
recipient of professional services that would reveal details of 2892  
the subject matter for which legal, medical, or professional 2893  
advice was sought or would reveal an otherwise privileged 2894  
communication involving the client, patient, or other recipient of 2895  
professional services. 2896

(3) The name of every corporation on file with the secretary 2897  
of state that is incorporated in this state or holds a certificate 2898  
of compliance authorizing it to do business in this state, trust, 2899  
business trust, partnership, or association that transacts 2900  
business in this state in which the person filing the statement or 2901  
any other person for the person's use and benefit had during the 2902  
preceding calendar year an investment of over one thousand dollars 2903

at fair market value as of the thirty-first day of December of the 2904  
preceding calendar year, or the date of disposition, whichever is 2905  
earlier, or in which the person holds any office or has a 2906  
fiduciary relationship, and a description of the nature of the 2907  
investment, office, or relationship. Division (A)(3) of this 2908  
section does not require disclosure of the name of any bank, 2909  
savings and loan association, credit union, or building and loan 2910  
association with which the person filing the statement has a 2911  
deposit or a withdrawable share account. 2912

(4) All fee simple and leasehold interests to which the 2913  
person filing the statement holds legal title to or a beneficial 2914  
interest in real property located within the state, excluding the 2915  
person's residence and property used primarily for personal 2916  
recreation; 2917

(5) The names of all persons residing or transacting business 2918  
in the state to whom the person filing the statement owes, in the 2919  
person's own name or in the name of any other person, more than 2920  
one thousand dollars. Division (A)(5) of this section shall not be 2921  
construed to require the disclosure of debts owed by the person 2922  
resulting from the ordinary conduct of a business or profession or 2923  
debts on the person's residence or real property used primarily 2924  
for personal recreation, except that the superintendent of 2925  
financial institutions shall disclose the names of all 2926  
state-chartered savings and loan associations and of all service 2927  
corporations subject to regulation under division (E)(2) of 2928  
section 1151.34 of the Revised Code to whom the superintendent in 2929  
the superintendent's own name or in the name of any other person 2930  
owes any money, and that the superintendent and any deputy 2931  
superintendent of banks shall disclose the names of all 2932  
state-chartered banks and all bank subsidiary corporations subject 2933  
to regulation under section 1109.44 of the Revised Code to whom 2934  
the superintendent or deputy superintendent owes any money. 2935

(6) The names of all persons residing or transacting business 2936  
in the state, other than a depository excluded under division 2937  
(A)(3) of this section, who owe more than one thousand dollars to 2938  
the person filing the statement, either in the person's own name 2939  
or to any person for the person's use or benefit. Division (A)(6) 2940  
of this section shall not be construed to require the disclosure 2941  
of clients of attorneys or persons licensed under section 4732.12 2942  
or 4732.15 of the Revised Code, or patients of persons certified 2943  
under section 4731.14 of the Revised Code, nor the disclosure of 2944  
debts owed to the person resulting from the ordinary conduct of a 2945  
business or profession. 2946

(7) Except as otherwise provided in section 102.022 of the 2947  
Revised Code, the source of each gift of over seventy-five 2948  
dollars, or of each gift of over twenty-five dollars received by a 2949  
member of the general assembly from a legislative agent, received 2950  
by the person in the person's own name or by any other person for 2951  
the person's use or benefit during the preceding calendar year, 2952  
except gifts received by will or by virtue of section 2105.06 of 2953  
the Revised Code, or received from spouses, parents, grandparents, 2954  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 2955  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 2956  
fathers-in-law, mothers-in-law, or any person to whom the person 2957  
filing the statement stands in loco parentis, or received by way 2958  
of distribution from any inter vivos or testamentary trust 2959  
established by a spouse or by an ancestor; 2960

(8) Except as otherwise provided in section 102.022 of the 2961  
Revised Code, identification of the source and amount of every 2962  
payment of expenses incurred for travel to destinations inside or 2963  
outside this state that is received by the person in the person's 2964  
own name or by any other person for the person's use or benefit 2965  
and that is incurred in connection with the person's official 2966  
duties, except for expenses for travel to meetings or conventions 2967

of a national or state organization to which any state agency, 2968  
including, but not limited to, any legislative agency or state 2969  
institution of higher education as defined in section 3345.011 of 2970  
the Revised Code, pays membership dues, or any political 2971  
subdivision or any office or agency of a political subdivision 2972  
pays membership dues; 2973

(9) Except as otherwise provided in section 102.022 of the 2974  
Revised Code, identification of the source of payment of expenses 2975  
for meals and other food and beverages, other than for meals and 2976  
other food and beverages provided at a meeting at which the person 2977  
participated in a panel, seminar, or speaking engagement or at a 2978  
meeting or convention of a national or state organization to which 2979  
any state agency, including, but not limited to, any legislative 2980  
agency or state institution of higher education as defined in 2981  
section 3345.011 of the Revised Code, pays membership dues, or any 2982  
political subdivision or any office or agency of a political 2983  
subdivision pays membership dues, that are incurred in connection 2984  
with the person's official duties and that exceed one hundred 2985  
dollars aggregated per calendar year; 2986

(10) If the disclosure statement is filed by a public 2987  
official or employee described in division (B)(2) of section 2988  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 2989  
the Revised Code who receives a statement from a legislative 2990  
agent, executive agency lobbyist, or employer that contains the 2991  
information described in division (F)(2) of section 101.73 of the 2992  
Revised Code or division (G)(2) of section 121.63 of the Revised 2993  
Code, all of the nondisputed information contained in the 2994  
statement delivered to that public official or employee by the 2995  
legislative agent, executive agency lobbyist, or employer under 2996  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 2997  
the Revised Code. 2998

A person may file a statement required by this section in 2999



person or by mail. A person who is a candidate for elective office 3000  
shall file the statement no later than the thirtieth day before 3001  
the primary, special, or general election at which the candidacy 3002  
is to be voted on, whichever election occurs soonest, except that 3003  
a person who is a write-in candidate shall file the statement no 3004  
later than the twentieth day before the earliest election at which 3005  
the person's candidacy is to be voted on. A person who holds 3006  
elective office shall file the statement on or before the 3007  
fifteenth day of April of each year unless the person is a 3008  
candidate for office. A person who is appointed to fill a vacancy 3009  
for an unexpired term in an elective office shall file the 3010  
statement within fifteen days after the person qualifies for 3011  
office. Other persons shall file an annual statement on or before 3012  
the fifteenth day of April or, if appointed or employed after that 3013  
date, within ninety days after appointment or employment. No 3014  
person shall be required to file with the appropriate ethics 3015  
commission more than one statement or pay more than one filing fee 3016  
for any one calendar year. 3017

The appropriate ethics commission, for good cause, may extend 3018  
for a reasonable time the deadline for filing a statement under 3019  
this section. 3020

A statement filed under this section is subject to public 3021  
inspection at locations designated by the appropriate ethics 3022  
commission except as otherwise provided in this section. 3023

(B) The Ohio ethics commission, the joint legislative ethics 3024  
committee, and the board of commissioners on grievances and 3025  
discipline of the supreme court, using the rule-making procedures 3026  
of Chapter 119. of the Revised Code, may require any class of 3027  
public officials or employees under its jurisdiction and not 3028  
specifically excluded by this section whose positions involve a 3029  
substantial and material exercise of administrative discretion in 3030  
the formulation of public policy, expenditure of public funds, 3031

enforcement of laws and rules of the state or a county or city, or 3032  
the execution of other public trusts, to file an annual statement 3033  
on or before the fifteenth day of April under division (A) of this 3034  
section. The appropriate ethics commission shall send the public 3035  
officials or employees written notice of the requirement by the 3036  
fifteenth day of February of each year the filing is required 3037  
unless the public official or employee is appointed after that 3038  
date, in which case the notice shall be sent within thirty days 3039  
after appointment, and the filing shall be made not later than 3040  
ninety days after appointment. 3041

Except for disclosure statements filed by members of the 3042  
board of trustees and the executive director of the southern Ohio 3043  
agricultural and community development foundation, disclosure 3044  
statements filed under this division with the Ohio ethics 3045  
commission by members of boards, commissions, or bureaus of the 3046  
state for which no compensation is received other than reasonable 3047  
and necessary expenses shall be kept confidential. Disclosure 3048  
statements filed with the Ohio ethics commission under division 3049  
(A) of this section by business managers, treasurers, and 3050  
superintendents of city, local, exempted village, joint 3051  
vocational, or cooperative education school districts or 3052  
educational service centers shall be kept confidential, except 3053  
that any person conducting an audit of any such school district or 3054  
educational service center pursuant to section 115.56 or Chapter 3055  
117. of the Revised Code may examine the disclosure statement of 3056  
any business manager, treasurer, or superintendent of that school 3057  
district or educational service center. Disclosure statements 3058  
filed with the Ohio ethics commission under division (A) of this 3059  
section by the individuals set forth in division (B)(2) of section 3060  
187.03 of the Revised Code shall be kept confidential. The Ohio 3061  
ethics commission shall examine each disclosure statement required 3062  
to be kept confidential to determine whether a potential conflict 3063  
of interest exists for the person who filed the disclosure 3064

statement. A potential conflict of interest exists if the private 3065  
interests of the person, as indicated by the person's disclosure 3066  
statement, might interfere with the public interests the person is 3067  
required to serve in the exercise of the person's authority and 3068  
duties in the person's office or position of employment. If the 3069  
commission determines that a potential conflict of interest 3070  
exists, it shall notify the person who filed the disclosure 3071  
statement and shall make the portions of the disclosure statement 3072  
that indicate a potential conflict of interest subject to public 3073  
inspection in the same manner as is provided for other disclosure 3074  
statements. Any portion of the disclosure statement that the 3075  
commission determines does not indicate a potential conflict of 3076  
interest shall be kept confidential by the commission and shall 3077  
not be made subject to public inspection, except as is necessary 3078  
for the enforcement of Chapters 102. and 2921. of the Revised Code 3079  
and except as otherwise provided in this division. 3080

(C) No person shall knowingly fail to file, on or before the 3081  
applicable filing deadline established under this section, a 3082  
statement that is required by this section. 3083

(D) No person shall knowingly file a false statement that is 3084  
required to be filed under this section. 3085

(E)(1) Except as provided in divisions (E)(2) and (3) of this 3086  
section, the statement required by division (A) or (B) of this 3087  
section shall be accompanied by a filing fee of forty dollars. 3088

(2) The statement required by division (A) of this section 3089  
shall be accompanied by the following filing fee to be paid by the 3090  
person who is elected or appointed to, or is a candidate for, any 3091  
of the following offices: 3092

|                                          |                     |      |
|------------------------------------------|---------------------|------|
| For state office, except member of the   |                     | 3093 |
| state board of education                 | \$ <del>65</del> 95 | 3094 |
| For office of member of general assembly | \$40                | 3095 |

|                                                                    |                  |      |
|--------------------------------------------------------------------|------------------|------|
| For county office                                                  | <u>\$4060</u>    | 3096 |
| For city office                                                    | <u>\$2535</u>    | 3097 |
| For office of member of the state board                            |                  | 3098 |
| of education                                                       | \$25             | 3099 |
| For office of member of the Ohio                                   |                  | 3100 |
| livestock care standards board                                     | <u>\$25.....</u> | 3101 |
| For office of member of a city, local,                             |                  | 3102 |
| exempted village, or cooperative                                   |                  | 3103 |
| education board of                                                 |                  | 3104 |
| education or educational service                                   |                  | 3105 |
| center governing board                                             | <u>\$2030</u>    | 3106 |
| For position of business manager,                                  |                  | 3107 |
| treasurer, or superintendent of a                                  |                  | 3108 |
| city, local, exempted village, joint                               |                  | 3109 |
| vocational, or cooperative education                               |                  | 3110 |
| school district or                                                 |                  | 3111 |
| educational service center                                         | <u>\$2030</u>    | 3112 |
| (3) No judge of a court of record or candidate for judge of a      |                  | 3113 |
| court of record, and no referee or magistrate serving a court of   |                  | 3114 |
| record, shall be required to pay the fee required under division   |                  | 3115 |
| (E)(1) or (2) or (F) of this section.                              |                  | 3116 |
| (4) For any public official who is appointed to a nonelective      |                  | 3117 |
| office of the state and for any employee who holds a nonelective   |                  | 3118 |
| position in a public agency of the state, the state agency that is |                  | 3119 |
| the primary employer of the state official or employee shall pay   |                  | 3120 |
| the fee required under division (E)(1) or (F) of this section.     |                  | 3121 |
| (F) If a statement required to be filed under this section is      |                  | 3122 |
| not filed by the date on which it is required to be filed, the     |                  | 3123 |
| appropriate ethics commission shall assess the person required to  |                  | 3124 |
| file the statement a late filing fee of ten dollars for each day   |                  | 3125 |
| the statement is not filed, except that the total amount of the    |                  | 3126 |
| late filing fee shall not exceed two hundred fifty dollars.        |                  | 3127 |

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

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

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

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

**Sec. 105.41.** (A) There is hereby created in the legislative branch of government the capitol square review and advisory board, consisting of thirteen members as follows:

(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;

(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall be the chief of staff of the governor's office, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large;

(4) One member, who shall be a former president of the senate, appointed by the current president of the senate. If the current president of the senate, in the current president's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.

(5) One member, who shall be a former speaker of the house of representatives, appointed by the current speaker of the house of representatives. If the current speaker of the house of representatives, in the current speaker's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.

(6) The clerk of the senate and the clerk of the house of representatives.

(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only

so long as they are members of the general assembly and the chief 3190  
of staff of the governor's office shall be a member of the board 3191  
only so long as the appointing governor remains in office. Each 3192  
member shall hold office from the date of the member's appointment 3193  
until the end of the term for which the member was appointed. In 3194  
case of a vacancy occurring on the board, the president of the 3195  
senate, the speaker of the house of representatives, or the 3196  
governor, as the case may be, shall in the same manner prescribed 3197  
for the regular appointment to the commission, fill the vacancy by 3198  
appointing a member. Any member appointed to fill a vacancy 3199  
occurring prior to the expiration of the term for which the 3200  
member's predecessor was appointed shall hold office for the 3201  
remainder of the term. Any appointed member shall continue in 3202  
office subsequent to the expiration date of the member's term 3203  
until the member's successor takes office, or until a period of 3204  
sixty days has elapsed, whichever occurs first. 3205

(C) The board shall hold meetings in a manner and at times 3206  
prescribed by the rules adopted by the board. A majority of the 3207  
board constitutes a quorum, and no action shall be taken by the 3208  
board unless approved by at least six members or by at least seven 3209  
members if a person is appointed under division (A)(4) or (5) of 3210  
this section. At its first meeting, the board shall adopt rules 3211  
for the conduct of its business and the election of its officers, 3212  
and shall organize by selecting a chairperson and other officers 3213  
as it considers necessary. Board members shall serve without 3214  
compensation but shall be reimbursed for actual and necessary 3215  
expenses incurred in the performance of their duties. 3216

(D) The board may do any of the following: 3217

(1) Employ or hire on a consulting basis professional, 3218  
technical, and clerical employees as are necessary for the 3219  
performance of its duties+. All employees of the board are in the 3220  
unclassified service and serve at the pleasure of the board. For 3221

purposes of section 4117.01 of the Revised Code, employees of the 3222  
board shall be considered employees of the general assembly, 3223  
except that employees who are covered by a collective bargaining 3224  
agreement on the effective date of this amendment shall remain 3225  
subject to the agreement until the agreement expires on its terms, 3226  
and the agreement shall not be extended or renewed. Upon 3227  
expiration of the agreement, the employees are considered 3228  
employees of the general assembly for purposes of section 4117.01 3229  
of the Revised Code and are in the unclassified service and serve 3230  
at the pleasure of the board. 3231

(2) Hold public hearings at times and places as determined by 3232  
the board; 3233

(3) Adopt, amend, or rescind rules necessary to accomplish 3234  
the duties of the board as set forth in this section; 3235

(4) Sponsor, conduct, and support such social events as the 3236  
board may authorize and consider appropriate for the employees of 3237  
the board, employees and members of the general assembly, 3238  
employees of persons under contract with the board or otherwise 3239  
engaged to perform services on the premises of capitol square, or 3240  
other persons as the board may consider appropriate. Subject to 3241  
the requirements of Chapter 4303. of the Revised Code, the board 3242  
may provide beer, wine, and intoxicating liquor, with or without 3243  
charge, for those events and may use funds only from the sale of 3244  
goods and services fund to purchase the beer, wine, and 3245  
intoxicating liquor the board provides; 3246

(5) Purchase a warehouse in which to store items of the 3247  
capitol collection trust and, whenever necessary, equipment or 3248  
other property of the board. 3249

(E) The board shall do all of the following: 3250

(1) Have sole authority to coordinate and approve any 3251  
improvements, additions, and renovations that are made to the 3252



capitol square. The improvements shall include, but not be limited 3253  
to, the placement of monuments and sculpture on the capitol 3254  
grounds. 3255

(2) Subject to section 3353.07 of the Revised Code, operate 3256  
the capitol square, and have sole authority to regulate all uses 3257  
of the capitol square. The uses shall include, but not be limited 3258  
to, the casual and recreational use of the capitol square. 3259

(3) Employ, fix the compensation of, and prescribe the duties 3260  
of the executive director of the board and other employees the 3261  
board considers necessary for the performance of its powers and 3262  
duties; 3263

(4) Establish and maintain the capitol collection trust. The 3264  
capitol collection trust shall consist of furniture, antiques, and 3265  
other items of personal property that the board shall store in 3266  
suitable facilities until they are ready to be displayed in the 3267  
capitol square. 3268

(5) Perform repair, construction, contracting, purchasing, 3269  
maintenance, supervisory, and operating activities the board 3270  
determines are necessary for the operation and maintenance of the 3271  
capitol square; 3272

(6) Maintain and preserve the capitol square, in accordance 3273  
with guidelines issued by the United States secretary of the 3274  
interior for application of the secretary's standards for 3275  
rehabilitation adopted in 36 C.F.R. part 67; 3276

(7) Plan and develop a center at the capitol building for the 3277  
purpose of educating visitors about the history of Ohio, including 3278  
its political, economic, and social development and the design and 3279  
erection of the capitol building and its grounds. 3280

(F)(1) The board shall lease capital facilities improved or 3281  
financed by the Ohio building authority pursuant to Chapter 152. 3282  
of the Revised Code for the use of the board, and may enter into 3283

any other agreements with the authority ancillary to improvement, 3284  
financing, or leasing of those capital facilities, including, but 3285  
not limited to, any agreement required by the applicable bond 3286  
proceedings authorized by Chapter 152. of the Revised Code. Any 3287  
lease of capital facilities authorized by this section shall be 3288  
governed by division (D) of section 152.24 of the Revised Code. 3289

(2) Fees, receipts, and revenues received by the board from 3290  
the state underground parking garage constitute available receipts 3291  
as defined in section 152.09 of the Revised Code, and may be 3292  
pledged to the payment of bond service charges on obligations 3293  
issued by the Ohio building authority pursuant to Chapter 152. of 3294  
the Revised Code to improve, finance, or purchase capital 3295  
facilities useful to the board. The authority may, with the 3296  
consent of the board, provide in the bond proceedings for a pledge 3297  
of all or a portion of those fees, receipts, and revenues as the 3298  
authority determines. The authority may provide in the bond 3299  
proceedings or by separate agreement with the board for the 3300  
transfer of those fees, receipts, and revenues to the appropriate 3301  
bond service fund or bond service reserve fund as required to pay 3302  
the bond service charges when due, and any such provision for the 3303  
transfer of those fees, receipts, and revenues shall be 3304  
controlling notwithstanding any other provision of law pertaining 3305  
to those fees, receipts, and revenues. 3306

(3) All moneys received by the treasurer of state on account 3307  
of the board and required by the applicable bond proceedings or by 3308  
separate agreement with the board to be deposited, transferred, or 3309  
credited to the bond service fund or bond service reserve fund 3310  
established by the bond proceedings shall be transferred by the 3311  
treasurer of state to such fund, whether or not it is in the 3312  
custody of the treasurer of state, without necessity for further 3313  
appropriation, upon receipt of notice from the Ohio building 3314  
authority as prescribed in the bond proceedings. 3315

(G) All fees, receipts, and revenues received by the board 3316  
from the state underground parking garage shall be deposited into 3317  
the state treasury to the credit of the underground parking garage 3318  
operating fund, which is hereby created, to be used for the 3319  
purposes specified in division (F) of this section and for the 3320  
operation and maintenance of the garage. All investment earnings 3321  
of the fund shall be credited to the fund. 3322

(H) All donations received by the board shall be deposited 3323  
into the state treasury to the credit of the capitol square 3324  
renovation gift fund, which is hereby created. The fund shall be 3325  
used by the board as follows: 3326

(1) To provide part or all of the funding related to 3327  
construction, goods, or services for the renovation of the capitol 3328  
square; 3329

(2) To purchase art, antiques, and artifacts for display at 3330  
the capitol square; 3331

(3) To award contracts or make grants to organizations for 3332  
educating the public regarding the historical background and 3333  
governmental functions of the capitol square. Chapters 125., 127., 3334  
and 153. and section 3517.13 of the Revised Code do not apply to 3335  
purchases made exclusively from the fund, notwithstanding anything 3336  
to the contrary in those chapters or that section. All investment 3337  
earnings of the fund shall be credited to the fund. 3338

(I) Except as provided in divisions (G), (H), and (J) of this 3339  
section, all fees, receipts, and revenues received by the board 3340  
shall be deposited into the state treasury to the credit of the 3341  
sale of goods and services fund, which is hereby created. Money 3342  
credited to the fund shall be used solely to pay costs of the 3343  
board other than those specified in divisions (F) and (G) of this 3344  
section. All investment earnings of the fund shall be credited to 3345  
the fund. 3346

(J) There is hereby created in the state treasury the capitol square improvement fund, to be used by the board to pay construction, renovation, and other costs related to the capitol square for which money is not otherwise available to the board. Whenever the board determines that there is a need to incur those costs and that the unencumbered, unobligated balance to the credit of the underground parking garage operating fund exceeds the amount needed for the purposes specified in division (F) of this section and for the operation and maintenance of the garage, the board may request the director of budget and management to transfer from the underground parking garage operating fund to the capitol square improvement fund the amount needed to pay such construction, renovation, or other costs. The director then shall transfer the amount needed from the excess balance of the underground parking garage operating fund.

(K) As the operation and maintenance of the capitol square constitute essential government functions of a public purpose, the board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

(L) As used in this section, "capitol square" means the capitol building, senate building, capitol atrium, capitol grounds, the state underground parking garage, and the warehouse owned by the board.

(M) The capitol annex shall be known as the senate building.

**Sec. 107.09.** Immediately after the determination of each decennial apportionment for members of the general assembly the governor shall cause such apportionment to be published for four consecutive weeks, or as provided in section 7.16 of the Revised Code, in three newspapers, one in Cincinnati, one in Cleveland,

and one in Columbus. 3378

**Sec. 109.36.** As used in this section and sections 109.361 to 3379  
109.366 of the Revised Code: 3380

(A)(1) "Officer or employee" means any of the following: 3381

(a) A person who, at the time a cause of action against the 3382  
person arises, is serving in an elected or appointed office or 3383  
position with the state or is employed by the state. 3384

(b) A person that, at the time a cause of action against the 3385  
person, partnership, or corporation arises, is rendering medical, 3386  
nursing, dental, podiatric, optometric, physical therapeutic, 3387  
psychiatric, or psychological services pursuant to a personal 3388  
services contract or purchased service contract with a department, 3389  
agency, or institution of the state. 3390

(c) A person that, at the time a cause of action against the 3391  
person, partnership, or corporation arises, is rendering peer 3392  
review, utilization review, or drug utilization review services in 3393  
relation to medical, nursing, dental, podiatric, optometric, 3394  
physical therapeutic, psychiatric, or psychological services 3395  
pursuant to a personal services contract or purchased service 3396  
contract with a department, agency, or institution of the state. 3397

(d) A person who, at the time a cause of action against the 3398  
person arises, is rendering medical, nursing, dental, podiatric, 3399  
optometric, physical therapeutic, psychiatric, or psychological 3400  
services to patients in a state institution operated by the 3401  
department of mental health, ~~is a member of the institution's~~ 3402  
~~staff, and is performing the services~~ pursuant to an agreement 3403  
~~between the state institution and a board of alcohol, drug~~ 3404  
~~addiction, and mental health services described in section 340.021~~ 3405  
~~of the Revised Code with the department.~~ 3406

(2) "Officer or employee" does not include any person 3407

elected, appointed, or employed by any political subdivision of 3408  
the state. 3409

(B) "State" means the state of Ohio, including but not 3410  
limited to, the general assembly, the supreme court, courts of 3411  
appeals, the offices of all elected state officers, and all 3412  
departments, boards, offices, commissions, agencies, institutions, 3413  
and other instrumentalities of the state of Ohio. "State" does not 3414  
include political subdivisions. 3415

(C) "Political subdivisions" of the state means municipal 3416  
corporations, townships, counties, school districts, and all other 3417  
bodies corporate and politic responsible for governmental 3418  
activities only in geographical areas smaller than that of the 3419  
state. 3420

(D) "Employer" means the general assembly, the supreme court, 3421  
courts of appeals, any office of an elected state officer, or any 3422  
department, board, office, commission, agency, institution, or 3423  
other instrumentality of the state of Ohio that employs or 3424  
contracts with an officer or employee or to which an officer or 3425  
employee is elected or appointed. 3426

**Sec. 109.43.** (A) As used in this section: 3427

(1) "Designee" means a designee of the elected official in 3428  
the public office if that elected official is the only elected 3429  
official in the public office involved or a designee of all of the 3430  
elected officials in the public office if the public office 3431  
involved includes more than one elected official. 3432

(2) "Elected official" means an official elected to a local 3433  
or statewide office. "Elected official" does not include the chief 3434  
justice or a justice of the supreme court, a judge of a court of 3435  
appeals, court of common pleas, municipal court, or county court, 3436  
or a clerk of any of those courts. 3437

(3) "Public office" has the same meaning as in section 3438  
149.011 of the Revised Code. 3439

(4) "Public record" has the same meaning as in section 149.43 3440  
of the Revised Code. 3441

(B) The attorney general shall develop, provide, and certify 3442  
training programs and seminars for all elected officials or their 3443  
appropriate designees in order to enhance the officials' knowledge 3444  
of the duty to provide access to public records as required by 3445  
section 149.43 of the Revised Code. The training shall be three 3446  
hours for every term of office for which the elected official was 3447  
appointed or elected to the public office involved. The training 3448  
shall provide elected officials or their appropriate designees 3449  
with guidance in developing and updating their offices' policies 3450  
as required under section 149.43 of the Revised Code. The 3451  
successful completion by an elected official or by an elected 3452  
official's appropriate designee of the training requirements 3453  
established by the attorney general under this section shall 3454  
satisfy the education requirements imposed on elected officials or 3455  
their appropriate designees under division (E) of section 149.43 3456  
of the Revised Code. Prior to providing the training programs and 3457  
seminars under this section to satisfy the education requirements 3458  
imposed on elected officials or their appropriate designees under 3459  
division (E) of section 149.43 of the Revised Code, the attorney 3460  
general shall ensure that the training programs and seminars are 3461  
accredited by the commission on continuing legal education 3462  
established by the supreme court. 3463

(C) The attorney general shall not charge any elected 3464  
official or the appropriate designee of any elected official any 3465  
fee for attending the training programs and seminars that the 3466  
attorney general conducts under this section. The attorney general 3467  
may allow the attendance of any other interested persons at any of 3468  
the training programs or seminars that the attorney general 3469

conducts under this section and shall not charge the person any 3470  
fee for attending the training program or seminar. 3471

(D) In addition to developing, providing, and certifying 3472  
training programs and seminars as required under division (B) of 3473  
this section, the attorney general may contract with one or more 3474  
other state agencies, political subdivisions, or other public or 3475  
private entities to conduct the training programs and seminars for 3476  
elected officials or their appropriate designees under this 3477  
section. The contract may provide for the attendance of any other 3478  
interested persons at any of the training programs or seminars 3479  
conducted by the contracting state agency, political subdivision, 3480  
or other public or private entity. The contracting state agency, 3481  
political subdivision, or other public or private entity may 3482  
charge an elected official, an elected official's appropriate 3483  
designee, or an interested person a registration fee for attending 3484  
the training program or seminar conducted by that contracting 3485  
agency, political subdivision, or entity pursuant to a contract 3486  
entered into under this division. The attorney general shall 3487  
determine a reasonable amount for the registration fee based on 3488  
the actual and necessary expenses associated with the training 3489  
programs and seminars. If the contracting state agency, political 3490  
subdivision, or other public or private entity charges an elected 3491  
official or an elected official's appropriate designee a 3492  
registration fee for attending the training program or seminar 3493  
conducted pursuant to a contract entered into under this division 3494  
by that contracting agency, political subdivision, or entity, the 3495  
public office for which the elected official was appointed or 3496  
elected to represent may use the public office's own funds to pay 3497  
for the cost of the registration fee. 3498

(E) The attorney general shall develop and provide to all 3499  
public offices a model public records policy for responding to 3500  
public records requests in compliance with section 149.43 of the 3501



Revised Code in order to provide guidance to public offices in 3502  
developing their own public record policies for responding to 3503  
public records requests in compliance with that section. 3504

(F) The attorney general may provide any other appropriate 3505  
training or educational programs about Ohio's "Sunshine Laws," 3506  
sections 121.22, 149.38, 149.381, and 149.43 of the Revised Code, 3507  
as may be developed and offered by the attorney general or by the 3508  
attorney general in collaboration with one or more other state 3509  
agencies, political subdivisions, or other public or private 3510  
entities. 3511

(G) The auditor of state, in the course of an annual or 3512  
biennial audit of a public office pursuant to Chapter 117. of the 3513  
Revised Code, shall audit the public office for compliance with 3514  
this section and division (E) of section 149.43 of the Revised 3515  
Code. 3516

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 3517  
criminal identification and investigation shall procure from 3518  
wherever procurable and file for record photographs, pictures, 3519  
descriptions, fingerprints, measurements, and other information 3520  
that may be pertinent of all persons who have been convicted of 3521  
committing within this state a felony, any crime constituting a 3522  
misdemeanor on the first offense and a felony on subsequent 3523  
offenses, or any misdemeanor described in division (A)(1)(a), 3524  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 3525  
of all children under eighteen years of age who have been 3526  
adjudicated delinquent children for committing within this state 3527  
an act that would be a felony or an offense of violence if 3528  
committed by an adult or who have been convicted of or pleaded 3529  
guilty to committing within this state a felony or an offense of 3530  
violence, and of all well-known and habitual criminals. The person 3531  
in charge of any county, multicounty, municipal, municipal-county, 3532

or multicounty-municipal jail or workhouse, community-based 3533  
correctional facility, halfway house, alternative residential 3534  
facility, or state correctional institution and the person in 3535  
charge of any state institution having custody of a person 3536  
suspected of having committed a felony, any crime constituting a 3537  
misdemeanor on the first offense and a felony on subsequent 3538  
offenses, or any misdemeanor described in division (A)(1)(a), 3539  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 3540  
having custody of a child under eighteen years of age with respect 3541  
to whom there is probable cause to believe that the child may have 3542  
committed an act that would be a felony or an offense of violence 3543  
if committed by an adult shall furnish such material to the 3544  
superintendent of the bureau. Fingerprints, photographs, or other 3545  
descriptive information of a child who is under eighteen years of 3546  
age, has not been arrested or otherwise taken into custody for 3547  
committing an act that would be a felony or an offense of violence 3548  
who is not in any other category of child specified in this 3549  
division, if committed by an adult, has not been adjudicated a 3550  
delinquent child for committing an act that would be a felony or 3551  
an offense of violence if committed by an adult, has not been 3552  
convicted of or pleaded guilty to committing a felony or an 3553  
offense of violence, and is not a child with respect to whom there 3554  
is probable cause to believe that the child may have committed an 3555  
act that would be a felony or an offense of violence if committed 3556  
by an adult shall not be procured by the superintendent or 3557  
furnished by any person in charge of any county, multicounty, 3558  
municipal, municipal-county, or multicounty-municipal jail or 3559  
workhouse, community-based correctional facility, halfway house, 3560  
alternative residential facility, or state correctional 3561  
institution, except as authorized in section 2151.313 of the 3562  
Revised Code. 3563

(2) Every clerk of a court of record in this state, other 3564  
than the supreme court or a court of appeals, shall send to the 3565

superintendent of the bureau a weekly report containing a summary 3566  
of each case involving a felony, involving any crime constituting 3567  
a misdemeanor on the first offense and a felony on subsequent 3568  
offenses, involving a misdemeanor described in division (A)(1)(a), 3569  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 3570  
or involving an adjudication in a case in which a child under 3571  
eighteen years of age was alleged to be a delinquent child for 3572  
committing an act that would be a felony or an offense of violence 3573  
if committed by an adult. The clerk of the court of common pleas 3574  
shall include in the report and summary the clerk sends under this 3575  
division all information described in divisions (A)(2)(a) to (f) 3576  
of this section regarding a case before the court of appeals that 3577  
is served by that clerk. The summary shall be written on the 3578  
standard forms furnished by the superintendent pursuant to 3579  
division (B) of this section and shall include the following 3580  
information: 3581

(a) The incident tracking number contained on the standard 3582  
forms furnished by the superintendent pursuant to division (B) of 3583  
this section; 3584

(b) The style and number of the case; 3585

(c) The date of arrest, offense, summons, or arraignment; 3586

(d) The date that the person was convicted of or pleaded 3587  
guilty to the offense, adjudicated a delinquent child for 3588  
committing the act that would be a felony or an offense of 3589  
violence if committed by an adult, found not guilty of the 3590  
offense, or found not to be a delinquent child for committing an 3591  
act that would be a felony or an offense of violence if committed 3592  
by an adult, the date of an entry dismissing the charge, an entry 3593  
declaring a mistrial of the offense in which the person is 3594  
discharged, an entry finding that the person or child is not 3595  
competent to stand trial, or an entry of a nolle prosequi, or the 3596  
date of any other determination that constitutes final resolution 3597

of the case; 3598

(e) A statement of the original charge with the section of 3599  
the Revised Code that was alleged to be violated; 3600

(f) If the person or child was convicted, pleaded guilty, or 3601  
was adjudicated a delinquent child, the sentence or terms of 3602  
probation imposed or any other disposition of the offender or the 3603  
delinquent child. 3604

If the offense involved the disarming of a law enforcement 3605  
officer or an attempt to disarm a law enforcement officer, the 3606  
clerk shall clearly state that fact in the summary, and the 3607  
superintendent shall ensure that a clear statement of that fact is 3608  
placed in the bureau's records. 3609

(3) The superintendent shall cooperate with and assist 3610  
sheriffs, chiefs of police, and other law enforcement officers in 3611  
the establishment of a complete system of criminal identification 3612  
and in obtaining fingerprints and other means of identification of 3613  
all persons arrested on a charge of a felony, any crime 3614  
constituting a misdemeanor on the first offense and a felony on 3615  
subsequent offenses, or a misdemeanor described in division 3616  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 3617  
Revised Code and of all children under eighteen years of age 3618  
arrested or otherwise taken into custody for committing an act 3619  
that would be a felony or an offense of violence if committed by 3620  
an adult. The superintendent also shall file for record the 3621  
fingerprint impressions of all persons confined in a county, 3622  
multicounty, municipal, municipal-county, or multicounty-municipal 3623  
jail or workhouse, community-based correctional facility, halfway 3624  
house, alternative residential facility, or state correctional 3625  
institution for the violation of state laws and of all children 3626  
under eighteen years of age who are confined in a county, 3627  
multicounty, municipal, municipal-county, or multicounty-municipal 3628  
jail or workhouse, community-based correctional facility, halfway 3629

house, alternative residential facility, or state correctional 3630  
institution or in any facility for delinquent children for 3631  
committing an act that would be a felony or an offense of violence 3632  
if committed by an adult, and any other information that the 3633  
superintendent may receive from law enforcement officials of the 3634  
state and its political subdivisions. 3635

(4) The superintendent shall carry out Chapter 2950. of the 3636  
Revised Code with respect to the registration of persons who are 3637  
convicted of or plead guilty to a sexually oriented offense or a 3638  
child-victim oriented offense and with respect to all other duties 3639  
imposed on the bureau under that chapter. 3640

(5) The bureau shall perform centralized recordkeeping 3641  
functions for criminal history records and services in this state 3642  
for purposes of the national crime prevention and privacy compact 3643  
set forth in section 109.571 of the Revised Code and is the 3644  
criminal history record repository as defined in that section for 3645  
purposes of that compact. The superintendent or the 3646  
superintendent's designee is the compact officer for purposes of 3647  
that compact and shall carry out the responsibilities of the 3648  
compact officer specified in that compact. 3649

(B) The superintendent shall prepare and furnish to every 3650  
county, multicounty, municipal, municipal-county, or 3651  
multicounty-municipal jail or workhouse, community-based 3652  
correctional facility, halfway house, alternative residential 3653  
facility, or state correctional institution and to every clerk of 3654  
a court in this state specified in division (A)(2) of this section 3655  
standard forms for reporting the information required under 3656  
division (A) of this section. The standard forms that the 3657  
superintendent prepares pursuant to this division may be in a 3658  
tangible format, in an electronic format, or in both tangible 3659  
formats and electronic formats. 3660

(C)(1) The superintendent may operate a center for 3661

electronic, automated, or other data processing for the storage 3662  
and retrieval of information, data, and statistics pertaining to 3663  
criminals and to children under eighteen years of age who are 3664  
adjudicated delinquent children for committing an act that would 3665  
be a felony or an offense of violence if committed by an adult, 3666  
criminal activity, crime prevention, law enforcement, and criminal 3667  
justice, and may establish and operate a statewide communications 3668  
network to be known as the Ohio law enforcement gateway to gather 3669  
and disseminate information, data, and statistics for the use of 3670  
law enforcement agencies and for other uses specified in this 3671  
division. The superintendent may gather, store, retrieve, and 3672  
disseminate information, data, and statistics that pertain to 3673  
children who are under eighteen years of age and that are gathered 3674  
pursuant to sections 109.57 to 109.61 of the Revised Code together 3675  
with information, data, and statistics that pertain to adults and 3676  
that are gathered pursuant to those sections. 3677

(2) The superintendent or the superintendent's designee shall 3678  
gather information of the nature described in division (C)(1) of 3679  
this section that pertains to the offense and delinquency history 3680  
of a person who has been convicted of, pleaded guilty to, or been 3681  
adjudicated a delinquent child for committing a sexually oriented 3682  
offense or a child-victim oriented offense for inclusion in the 3683  
state registry of sex offenders and child-victim offenders 3684  
maintained pursuant to division (A)(1) of section 2950.13 of the 3685  
Revised Code and in the internet database operated pursuant to 3686  
division (A)(13) of that section and for possible inclusion in the 3687  
internet database operated pursuant to division (A)(11) of that 3688  
section. 3689

(3) In addition to any other authorized use of information, 3690  
data, and statistics of the nature described in division (C)(1) of 3691  
this section, the superintendent or the superintendent's designee 3692  
may provide and exchange the information, data, and statistics 3693

pursuant to the national crime prevention and privacy compact as 3694  
described in division (A)(5) of this section. 3695

(4) The attorney general may adopt rules under Chapter 119. 3696  
of the Revised Code establishing guidelines for the operation of 3697  
and participation in the Ohio law enforcement gateway. The rules 3698  
may include criteria for granting and restricting access to 3699  
information gathered and disseminated through the Ohio law 3700  
enforcement gateway. The attorney general shall permit the state 3701  
medical board and board of nursing to access and view, but not 3702  
alter, information gathered and disseminated through the Ohio law 3703  
enforcement gateway. 3704

The attorney general may appoint a steering committee to 3705  
advise the attorney general in the operation of the Ohio law 3706  
enforcement gateway that is comprised of persons who are 3707  
representatives of the criminal justice agencies in this state 3708  
that use the Ohio law enforcement gateway and is chaired by the 3709  
superintendent or the superintendent's designee. 3710

(D)(1) The following are not public records under section 3711  
149.43 of the Revised Code: 3712

(a) Information and materials furnished to the superintendent 3713  
pursuant to division (A) of this section; 3714

(b) Information, data, and statistics gathered or 3715  
disseminated through the Ohio law enforcement gateway pursuant to 3716  
division (C)(1) of this section; 3717

(c) Information and materials furnished to any board or 3718  
person under division (F) or (G) of this section. 3719

(2) The superintendent or the superintendent's designee shall 3720  
gather and retain information so furnished under division (A) of 3721  
this section that pertains to the offense and delinquency history 3722  
of a person who has been convicted of, pleaded guilty to, or been 3723  
adjudicated a delinquent child for committing a sexually oriented 3724

offense or a child-victim oriented offense for the purposes 3725  
described in division (C)(2) of this section. 3726

(E) The attorney general shall adopt rules, in accordance 3727  
with Chapter 119. of the Revised Code, setting forth the procedure 3728  
by which a person may receive or release information gathered by 3729  
the superintendent pursuant to division (A) of this section. A 3730  
reasonable fee may be charged for this service. If a temporary 3731  
employment service submits a request for a determination of 3732  
whether a person the service plans to refer to an employment 3733  
position has been convicted of or pleaded guilty to an offense 3734  
listed in division (A)(1), (3), (4), (5), or (6) of section 3735  
109.572 of the Revised Code, the request shall be treated as a 3736  
single request and only one fee shall be charged. 3737

(F)(1) As used in division (F)(2) of this section, "head 3738  
start agency" means an entity in this state that has been approved 3739  
to be an agency for purposes of subchapter II of the "Community 3740  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 3741  
as amended. 3742

(2)(a) In addition to or in conjunction with any request that 3743  
is required to be made under section 109.572, 2151.86, 3301.32, 3744  
3301.541, division (C) of section 3310.58, or section 3319.39, 3745  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 3746  
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 3747  
under section 3314.41, 3319.392, ~~or 3326.25,~~ or 3328.20 of the 3748  
Revised Code, the board of education of any school district; the 3749  
director of developmental disabilities; any county board of 3750  
developmental disabilities; any entity under contract with a 3751  
county board of developmental disabilities; the chief 3752  
administrator of any chartered nonpublic school; the chief 3753  
administrator of a registered private provider that is not also a 3754  
chartered nonpublic school; the chief administrator of any home 3755  
health agency; the chief administrator of or person operating any 3756



child day-care center, type A family day-care home, or type B 3757  
family day-care home licensed or certified under Chapter 5104. of 3758  
the Revised Code; the administrator of any type C family day-care 3759  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 3760  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 3761  
general assembly; the chief administrator of any head start 3762  
agency; the executive director of a public children services 3763  
agency; a private company described in section 3314.41, 3319.392, 3764  
~~or~~ 3326.25, or 3328.20 of the Revised Code; or an employer 3765  
described in division (J)(2) of section 3327.10 of the Revised 3766  
Code may request that the superintendent of the bureau investigate 3767  
and determine, with respect to any individual who has applied for 3768  
employment in any position after October 2, 1989, or any 3769  
individual wishing to apply for employment with a board of 3770  
education may request, with regard to the individual, whether the 3771  
bureau has any information gathered under division (A) of this 3772  
section that pertains to that individual. On receipt of the 3773  
request, the superintendent shall determine whether that 3774  
information exists and, upon request of the person, board, or 3775  
entity requesting information, also shall request from the federal 3776  
bureau of investigation any criminal records it has pertaining to 3777  
that individual. The superintendent or the superintendent's 3778  
designee also may request criminal history records from other 3779  
states or the federal government pursuant to the national crime 3780  
prevention and privacy compact set forth in section 109.571 of the 3781  
Revised Code. Within thirty days of the date that the 3782  
superintendent receives a request, the superintendent shall send 3783  
to the board, entity, or person a report of any information that 3784  
the superintendent determines exists, including information 3785  
contained in records that have been sealed under section 2953.32 3786  
of the Revised Code, and, within thirty days of its receipt, shall 3787  
send the board, entity, or person a report of any information 3788  
received from the federal bureau of investigation, other than 3789

information the dissemination of which is prohibited by federal 3790  
law. 3791

(b) When a board of education or a registered private 3792  
provider is required to receive information under this section as 3793  
a prerequisite to employment of an individual pursuant to division 3794  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 3795  
may accept a certified copy of records that were issued by the 3796  
bureau of criminal identification and investigation and that are 3797  
presented by an individual applying for employment with the 3798  
district in lieu of requesting that information itself. In such a 3799  
case, the board shall accept the certified copy issued by the 3800  
bureau in order to make a photocopy of it for that individual's 3801  
employment application documents and shall return the certified 3802  
copy to the individual. In a case of that nature, a district or 3803  
provider only shall accept a certified copy of records of that 3804  
nature within one year after the date of their issuance by the 3805  
bureau. 3806

(c) Notwithstanding division (F)(2)(a) of this section, in 3807  
the case of a request under section 3319.39, 3319.391, or 3327.10 3808  
of the Revised Code only for criminal records maintained by the 3809  
federal bureau of investigation, the superintendent shall not 3810  
determine whether any information gathered under division (A) of 3811  
this section exists on the person for whom the request is made. 3812

(3) The state board of education may request, with respect to 3813  
any individual who has applied for employment after October 2, 3814  
1989, in any position with the state board or the department of 3815  
education, any information that a school district board of 3816  
education is authorized to request under division (F)(2) of this 3817  
section, and the superintendent of the bureau shall proceed as if 3818  
the request has been received from a school district board of 3819  
education under division (F)(2) of this section. 3820

(4) When the superintendent of the bureau receives a request 3821

for information under section 3319.291 of the Revised Code, the 3822  
superintendent shall proceed as if the request has been received 3823  
from a school district board of education and shall comply with 3824  
divisions (F)(2)(a) and (c) of this section. 3825

(5) When a recipient of a classroom reading improvement grant 3826  
paid under section 3301.86 of the Revised Code requests, with 3827  
respect to any individual who applies to participate in providing 3828  
any program or service funded in whole or in part by the grant, 3829  
the information that a school district board of education is 3830  
authorized to request under division (F)(2)(a) of this section, 3831  
the superintendent of the bureau shall proceed as if the request 3832  
has been received from a school district board of education under 3833  
division (F)(2)(a) of this section. 3834

(G) In addition to or in conjunction with any request that is 3835  
required to be made under section 3701.881, 3712.09, 3721.121, 3836  
5119.693, or ~~3722.151~~ 5119.85 of the Revised Code with respect to 3837  
an individual who has applied for employment in a position that 3838  
involves providing direct care to an older adult or adult 3839  
resident, the chief administrator of a home health agency, hospice 3840  
care program, home licensed under Chapter 3721. of the Revised 3841  
Code, adult day-care program operated pursuant to rules adopted 3842  
under section 3721.04 of the Revised Code, adult foster home, or 3843  
adult care facility may request that the superintendent of the 3844  
bureau investigate and determine, with respect to any individual 3845  
who has applied after January 27, 1997, for employment in a 3846  
position that does not involve providing direct care to an older 3847  
adult or adult resident, whether the bureau has any information 3848  
gathered under division (A) of this section that pertains to that 3849  
individual. 3850

In addition to or in conjunction with any request that is 3851  
required to be made under section 173.27 of the Revised Code with 3852  
respect to an individual who has applied for employment in a 3853

position that involves providing ombudsperson services to 3854  
residents of long-term care facilities or recipients of 3855  
community-based long-term care services, the state long-term care 3856  
ombudsperson, ombudsperson's designee, or director of health may 3857  
request that the superintendent investigate and determine, with 3858  
respect to any individual who has applied for employment in a 3859  
position that does not involve providing such ombudsperson 3860  
services, whether the bureau has any information gathered under 3861  
division (A) of this section that pertains to that applicant. 3862

In addition to or in conjunction with any request that is 3863  
required to be made under section 173.394 of the Revised Code with 3864  
respect to an individual who has applied for employment in a 3865  
position that involves providing direct care to an individual, the 3866  
chief administrator of a community-based long-term care agency may 3867  
request that the superintendent investigate and determine, with 3868  
respect to any individual who has applied for employment in a 3869  
position that does not involve providing direct care, whether the 3870  
bureau has any information gathered under division (A) of this 3871  
section that pertains to that applicant. 3872

On receipt of a request under this division, the 3873  
superintendent shall determine whether that information exists 3874  
and, on request of the individual requesting information, shall 3875  
also request from the federal bureau of investigation any criminal 3876  
records it has pertaining to the applicant. The superintendent or 3877  
the superintendent's designee also may request criminal history 3878  
records from other states or the federal government pursuant to 3879  
the national crime prevention and privacy compact set forth in 3880  
section 109.571 of the Revised Code. Within thirty days of the 3881  
date a request is received, the superintendent shall send to the 3882  
requester a report of any information determined to exist, 3883  
including information contained in records that have been sealed 3884  
under section 2953.32 of the Revised Code, and, within thirty days 3885

of its receipt, shall send the requester a report of any 3886  
information received from the federal bureau of investigation, 3887  
other than information the dissemination of which is prohibited by 3888  
federal law. 3889

(H) Information obtained by a government entity or person 3890  
under this section is confidential and shall not be released or 3891  
disseminated. 3892

(I) The superintendent may charge a reasonable fee for 3893  
providing information or criminal records under division (F)(2) or 3894  
(G) of this section. 3895

(J) As used in this section, ~~"sexually:~~ 3896

(1) "Sexually oriented offense" and "child-victim oriented 3897  
offense" have the same meanings as in section 2950.01 of the 3898  
Revised Code. 3899

(2) "Registered private provider" means a nonpublic school or 3900  
entity registered with the superintendent of public instruction 3901  
under section 3310.41 of the Revised Code to participate in the 3902  
autism scholarship program or section 3310.58 of the Revised Code 3903  
to participate in the Jon Peterson special needs scholarship 3904  
program. 3905

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 3906  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3907  
a completed form prescribed pursuant to division (C)(1) of this 3908  
section, and a set of fingerprint impressions obtained in the 3909  
manner described in division (C)(2) of this section, the 3910  
superintendent of the bureau of criminal identification and 3911  
investigation shall conduct a criminal records check in the manner 3912  
described in division (B) of this section to determine whether any 3913  
information exists that indicates that the person who is the 3914  
subject of the request previously has been convicted of or pleaded 3915

guilty to any of the following: 3916

(a) A violation of section 2903.01, 2903.02, 2903.03, 3917  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3918  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3919  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3920  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3921  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3922  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3923  
2925.06, or 3716.11 of the Revised Code, felonious sexual 3924  
penetration in violation of former section 2907.12 of the Revised 3925  
Code, a violation of section 2905.04 of the Revised Code as it 3926  
existed prior to July 1, 1996, a violation of section 2919.23 of 3927  
the Revised Code that would have been a violation of section 3928  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3929  
had the violation been committed prior to that date, or a 3930  
violation of section 2925.11 of the Revised Code that is not a 3931  
minor drug possession offense; 3932

(b) A violation of an existing or former law of this state, 3933  
any other state, or the United States that is substantially 3934  
equivalent to any of the offenses listed in division (A)(1)(a) of 3935  
this section. 3936

(2) On receipt of a request pursuant to section 5123.081 of 3937  
the Revised Code with respect to an applicant for employment in 3938  
any position with the department of developmental disabilities, 3939  
pursuant to section 5126.28 of the Revised Code with respect to an 3940  
applicant for employment in any position with a county board of 3941  
developmental disabilities, or pursuant to section 5126.281 of the 3942  
Revised Code with respect to an applicant for employment in a 3943  
direct services position with an entity contracting with a county 3944  
board for employment, a completed form prescribed pursuant to 3945  
division (C)(1) of this section, and a set of fingerprint 3946  
impressions obtained in the manner described in division (C)(2) of 3947

this section, the superintendent of the bureau of criminal 3948  
identification and investigation shall conduct a criminal records 3949  
check. The superintendent shall conduct the criminal records check 3950  
in the manner described in division (B) of this section to 3951  
determine whether any information exists that indicates that the 3952  
person who is the subject of the request has been convicted of or 3953  
pleaded guilty to any of the following: 3954

(a) A violation of section 2903.01, 2903.02, 2903.03, 3955  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3956  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 3957  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 3958  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3959  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 3960  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 3961  
2925.03, or 3716.11 of the Revised Code; 3962

(b) An existing or former municipal ordinance or law of this 3963  
state, any other state, or the United States that is substantially 3964  
equivalent to any of the offenses listed in division (A)(2)(a) of 3965  
this section. 3966

(3) On receipt of a request pursuant to section 173.27, 3967  
173.394, 3712.09, 3721.121, 5119.693, or ~~3722.151~~ 5119.85 of the 3968  
Revised Code, a completed form prescribed pursuant to division 3969  
(C)(1) of this section, and a set of fingerprint impressions 3970  
obtained in the manner described in division (C)(2) of this 3971  
section, the superintendent of the bureau of criminal 3972  
identification and investigation shall conduct a criminal records 3973  
check with respect to any person who has applied for employment in 3974  
a position for which a criminal records check is required by those 3975  
sections. The superintendent shall conduct the criminal records 3976  
check in the manner described in division (B) of this section to 3977  
determine whether any information exists that indicates that the 3978  
person who is the subject of the request previously has been 3979

convicted of or pleaded guilty to any of the following: 3980

(a) A violation of section 2903.01, 2903.02, 2903.03, 3981  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3982  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3983  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3984  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3985  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3986  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3987  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3988  
2925.22, 2925.23, or 3716.11 of the Revised Code; 3989

(b) An existing or former law of this state, any other state, 3990  
or the United States that is substantially equivalent to any of 3991  
the offenses listed in division (A)(3)(a) of this section. 3992

(4) On receipt of a request pursuant to section 3701.881 of 3993  
the Revised Code with respect to an applicant for employment with 3994  
a home health agency as a person responsible for the care, 3995  
custody, or control of a child, a completed form prescribed 3996  
pursuant to division (C)(1) of this section, and a set of 3997  
fingerprint impressions obtained in the manner described in 3998  
division (C)(2) of this section, the superintendent of the bureau 3999  
of criminal identification and investigation shall conduct a 4000  
criminal records check. The superintendent shall conduct the 4001  
criminal records check in the manner described in division (B) of 4002  
this section to determine whether any information exists that 4003  
indicates that the person who is the subject of the request 4004  
previously has been convicted of or pleaded guilty to any of the 4005  
following: 4006

(a) A violation of section 2903.01, 2903.02, 2903.03, 4007  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4008  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 4009  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 4010  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 4011



2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 4012  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 4013  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 4014  
violation of section 2925.11 of the Revised Code that is not a 4015  
minor drug possession offense; 4016

(b) An existing or former law of this state, any other state, 4017  
or the United States that is substantially equivalent to any of 4018  
the offenses listed in division (A)(4)(a) of this section. 4019

(5) On receipt of a request pursuant to section 5111.032, 4020  
5111.033, or 5111.034 of the Revised Code, a completed form 4021  
prescribed pursuant to division (C)(1) of this section, and a set 4022  
of fingerprint impressions obtained in the manner described in 4023  
division (C)(2) of this section, the superintendent of the bureau 4024  
of criminal identification and investigation shall conduct a 4025  
criminal records check. The superintendent shall conduct the 4026  
criminal records check in the manner described in division (B) of 4027  
this section to determine whether any information exists that 4028  
indicates that the person who is the subject of the request 4029  
previously has been convicted of, has pleaded guilty to, or has 4030  
been found eligible for intervention in lieu of conviction for any 4031  
of the following, regardless of the date of the conviction, the 4032  
date of entry of the guilty plea, or the date the person was found 4033  
eligible for intervention in lieu of conviction: 4034

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 4035  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 4036  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 4037  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 4038  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 4039  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 4040  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 4041  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 4042  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 4043

2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 4044  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 4045  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 4046  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 4047  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 4048  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 4049  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 4050  
penetration in violation of former section 2907.12 of the Revised 4051  
Code, a violation of section 2905.04 of the Revised Code as it 4052  
existed prior to July 1, 1996, a violation of section 2919.23 of 4053  
the Revised Code that would have been a violation of section 4054  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 4055  
had the violation been committed prior to that date; 4056

(b) A violation of an existing or former municipal ordinance 4057  
or law of this state, any other state, or the United States that 4058  
is substantially equivalent to any of the offenses listed in 4059  
division (A)(5)(a) of this section. 4060

(6) On receipt of a request pursuant to section 3701.881 of 4061  
the Revised Code with respect to an applicant for employment with 4062  
a home health agency in a position that involves providing direct 4063  
care to an older adult, a completed form prescribed pursuant to 4064  
division (C)(1) of this section, and a set of fingerprint 4065  
impressions obtained in the manner described in division (C)(2) of 4066  
this section, the superintendent of the bureau of criminal 4067  
identification and investigation shall conduct a criminal records 4068  
check. The superintendent shall conduct the criminal records check 4069  
in the manner described in division (B) of this section to 4070  
determine whether any information exists that indicates that the 4071  
person who is the subject of the request previously has been 4072  
convicted of or pleaded guilty to any of the following: 4073

(a) A violation of section 2903.01, 2903.02, 2903.03, 4074  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4075

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 4076  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 4077  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 4078  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 4079  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 4080  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 4081  
2925.22, 2925.23, or 3716.11 of the Revised Code; 4082

(b) An existing or former law of this state, any other state, 4083  
or the United States that is substantially equivalent to any of 4084  
the offenses listed in division (A)(6)(a) of this section. 4085

(7) When conducting a criminal records check upon a request 4086  
pursuant to section 3319.39 of the Revised Code for an applicant 4087  
who is a teacher, in addition to the determination made under 4088  
division (A)(1) of this section, the superintendent shall 4089  
determine whether any information exists that indicates that the 4090  
person who is the subject of the request previously has been 4091  
convicted of or pleaded guilty to any offense specified in section 4092  
3319.31 of the Revised Code. 4093

(8) On receipt of a request pursuant to section 2151.86 of 4094  
the Revised Code, a completed form prescribed pursuant to division 4095  
(C)(1) of this section, and a set of fingerprint impressions 4096  
obtained in the manner described in division (C)(2) of this 4097  
section, the superintendent of the bureau of criminal 4098  
identification and investigation shall conduct a criminal records 4099  
check in the manner described in division (B) of this section to 4100  
determine whether any information exists that indicates that the 4101  
person who is the subject of the request previously has been 4102  
convicted of or pleaded guilty to any of the following: 4103

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 4104  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 4105  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 4106  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 4107

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 4108  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 4109  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 4110  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 4111  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 4112  
of the Revised Code, a violation of section 2905.04 of the Revised 4113  
Code as it existed prior to July 1, 1996, a violation of section 4114  
2919.23 of the Revised Code that would have been a violation of 4115  
section 2905.04 of the Revised Code as it existed prior to July 1, 4116  
1996, had the violation been committed prior to that date, a 4117  
violation of section 2925.11 of the Revised Code that is not a 4118  
minor drug possession offense, two or more OVI or OVUAC violations 4119  
committed within the three years immediately preceding the 4120  
submission of the application or petition that is the basis of the 4121  
request, or felonious sexual penetration in violation of former 4122  
section 2907.12 of the Revised Code; 4123

(b) A violation of an existing or former law of this state, 4124  
any other state, or the United States that is substantially 4125  
equivalent to any of the offenses listed in division (A)(8)(a) of 4126  
this section. 4127

(9) Upon receipt of a request pursuant to section 5104.012 or 4128  
5104.013 of the Revised Code, a completed form prescribed pursuant 4129  
to division (C)(1) of this section, and a set of fingerprint 4130  
impressions obtained in the manner described in division (C)(2) of 4131  
this section, the superintendent of the bureau of criminal 4132  
identification and investigation shall conduct a criminal records 4133  
check in the manner described in division (B) of this section to 4134  
determine whether any information exists that indicates that the 4135  
person who is the subject of the request has been convicted of or 4136  
pleaded guilty to any of the following: 4137

(a) A violation of section 2903.01, 2903.02, 2903.03, 4138  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 4139

2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 4140  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 4141  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 4142  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 4143  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 4144  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 4145  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 4146  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 4147  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 4148  
3716.11 of the Revised Code, felonious sexual penetration in 4149  
violation of former section 2907.12 of the Revised Code, a 4150  
violation of section 2905.04 of the Revised Code as it existed 4151  
prior to July 1, 1996, a violation of section 2919.23 of the 4152  
Revised Code that would have been a violation of section 2905.04 4153  
of the Revised Code as it existed prior to July 1, 1996, had the 4154  
violation been committed prior to that date, a violation of 4155  
section 2925.11 of the Revised Code that is not a minor drug 4156  
possession offense, a violation of section 2923.02 or 2923.03 of 4157  
the Revised Code that relates to a crime specified in this 4158  
division, or a second violation of section 4511.19 of the Revised 4159  
Code within five years of the date of application for licensure or 4160  
certification. 4161

(b) A violation of an existing or former law of this state, 4162  
any other state, or the United States that is substantially 4163  
equivalent to any of the offenses or violations described in 4164  
division (A)(9)(a) of this section. 4165

(10) Upon receipt of a request pursuant to section 5153.111 4166  
of the Revised Code, a completed form prescribed pursuant to 4167  
division (C)(1) of this section, and a set of fingerprint 4168  
impressions obtained in the manner described in division (C)(2) of 4169  
this section, the superintendent of the bureau of criminal 4170  
identification and investigation shall conduct a criminal records 4171

check in the manner described in division (B) of this section to 4172  
determine whether any information exists that indicates that the 4173  
person who is the subject of the request previously has been 4174  
convicted of or pleaded guilty to any of the following: 4175

(a) A violation of section 2903.01, 2903.02, 2903.03, 4176  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4177  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4178  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4179  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 4180  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 4181  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 4182  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 4183  
felonious sexual penetration in violation of former section 4184  
2907.12 of the Revised Code, a violation of section 2905.04 of the 4185  
Revised Code as it existed prior to July 1, 1996, a violation of 4186  
section 2919.23 of the Revised Code that would have been a 4187  
violation of section 2905.04 of the Revised Code as it existed 4188  
prior to July 1, 1996, had the violation been committed prior to 4189  
that date, or a violation of section 2925.11 of the Revised Code 4190  
that is not a minor drug possession offense; 4191

(b) A violation of an existing or former law of this state, 4192  
any other state, or the United States that is substantially 4193  
equivalent to any of the offenses listed in division (A)(10)(a) of 4194  
this section. 4195

(11) On receipt of a request for a criminal records check 4196  
from an individual pursuant to section 4749.03 or 4749.06 of the 4197  
Revised Code, accompanied by a completed copy of the form 4198  
prescribed in division (C)(1) of this section and a set of 4199  
fingerprint impressions obtained in a manner described in division 4200  
(C)(2) of this section, the superintendent of the bureau of 4201  
criminal identification and investigation shall conduct a criminal 4202  
records check in the manner described in division (B) of this 4203

section to determine whether any information exists indicating 4204  
that the person who is the subject of the request has been 4205  
convicted of or pleaded guilty to a felony in this state or in any 4206  
other state. If the individual indicates that a firearm will be 4207  
carried in the course of business, the superintendent shall 4208  
require information from the federal bureau of investigation as 4209  
described in division (B)(2) of this section. The superintendent 4210  
shall report the findings of the criminal records check and any 4211  
information the federal bureau of investigation provides to the 4212  
director of public safety. 4213

(12) On receipt of a request pursuant to section 1321.37, 4214  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 4215  
Code, a completed form prescribed pursuant to division (C)(1) of 4216  
this section, and a set of fingerprint impressions obtained in the 4217  
manner described in division (C)(2) of this section, the 4218  
superintendent of the bureau of criminal identification and 4219  
investigation shall conduct a criminal records check with respect 4220  
to any person who has applied for a license, permit, or 4221  
certification from the department of commerce or a division in the 4222  
department. The superintendent shall conduct the criminal records 4223  
check in the manner described in division (B) of this section to 4224  
determine whether any information exists that indicates that the 4225  
person who is the subject of the request previously has been 4226  
convicted of or pleaded guilty to any of the following: a 4227  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 4228  
2925.03 of the Revised Code; any other criminal offense involving 4229  
theft, receiving stolen property, embezzlement, forgery, fraud, 4230  
passing bad checks, money laundering, or drug trafficking, or any 4231  
criminal offense involving money or securities, as set forth in 4232  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 4233  
the Revised Code; or any existing or former law of this state, any 4234  
other state, or the United States that is substantially equivalent 4235  
to those offenses. 4236

(13) On receipt of a request for a criminal records check 4237  
from the treasurer of state under section 113.041 of the Revised 4238  
Code or from an individual under section 4701.08, 4715.101, 4239  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4240  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4241  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4242  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4243  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 4244  
a completed form prescribed under division (C)(1) of this section 4245  
and a set of fingerprint impressions obtained in the manner 4246  
described in division (C)(2) of this section, the superintendent 4247  
of the bureau of criminal identification and investigation shall 4248  
conduct a criminal records check in the manner described in 4249  
division (B) of this section to determine whether any information 4250  
exists that indicates that the person who is the subject of the 4251  
request has been convicted of or pleaded guilty to any criminal 4252  
offense in this state or any other state. The superintendent shall 4253  
send the results of a check requested under section 113.041 of the 4254  
Revised Code to the treasurer of state and shall send the results 4255  
of a check requested under any of the other listed sections to the 4256  
licensing board specified by the individual in the request. 4257

(14) On receipt of a request pursuant to section 1121.23, 4258  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 4259  
Code, a completed form prescribed pursuant to division (C)(1) of 4260  
this section, and a set of fingerprint impressions obtained in the 4261  
manner described in division (C)(2) of this section, the 4262  
superintendent of the bureau of criminal identification and 4263  
investigation shall conduct a criminal records check in the manner 4264  
described in division (B) of this section to determine whether any 4265  
information exists that indicates that the person who is the 4266  
subject of the request previously has been convicted of or pleaded 4267  
guilty to any criminal offense under any existing or former law of 4268  
this state, any other state, or the United States. 4269



(15) On receipt of a request for a criminal records check 4270  
from an appointing or licensing authority under section 3772.07 of 4271  
the Revised Code, a completed form prescribed under division 4272  
(C)(1) of this section, and a set of fingerprint impressions 4273  
obtained in the manner prescribed in division (C)(2) of this 4274  
section, the superintendent of the bureau of criminal 4275  
identification and investigation shall conduct a criminal records 4276  
check in the manner described in division (B) of this section to 4277  
determine whether any information exists that indicates that the 4278  
person who is the subject of the request previously has been 4279  
convicted of or pleaded guilty or no contest to any offense under 4280  
any existing or former law of this state, any other state, or the 4281  
United States that is a disqualifying offense as defined in 4282  
section 3772.07 of the Revised Code or substantially equivalent to 4283  
such an offense. 4284

(16) Not later than thirty days after the date the 4285  
superintendent receives a request of a type described in division 4286  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 4287  
(14), or (15) of this section, the completed form, and the 4288  
fingerprint impressions, the superintendent shall send the person, 4289  
board, or entity that made the request any information, other than 4290  
information the dissemination of which is prohibited by federal 4291  
law, the superintendent determines exists with respect to the 4292  
person who is the subject of the request that indicates that the 4293  
person previously has been convicted of or pleaded guilty to any 4294  
offense listed or described in division (A)(1), (2), (3), (4), 4295  
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 4296  
section, as appropriate. The superintendent shall send the person, 4297  
board, or entity that made the request a copy of the list of 4298  
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 4299  
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 4300  
appropriate. If the request was made under section 3701.881 of the 4301  
Revised Code with regard to an applicant who may be both 4302

responsible for the care, custody, or control of a child and 4303  
involved in providing direct care to an older adult, the 4304  
superintendent shall provide a list of the offenses specified in 4305  
divisions (A)(4) and (6) of this section. 4306

Not later than thirty days after the superintendent receives 4307  
a request for a criminal records check pursuant to section 113.041 4308  
of the Revised Code, the completed form, and the fingerprint 4309  
impressions, the superintendent shall send the treasurer of state 4310  
any information, other than information the dissemination of which 4311  
is prohibited by federal law, the superintendent determines exist 4312  
with respect to the person who is the subject of the request that 4313  
indicates that the person previously has been convicted of or 4314  
pleaded guilty to any criminal offense in this state or any other 4315  
state. 4316

(B) The superintendent shall conduct any criminal records 4317  
check requested under section 113.041, 121.08, 173.27, 173.394, 4318  
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 4319  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 4320  
3701.881, 3712.09, 3721.121, ~~3722.151~~, 3772.07, 4701.08, 4715.101, 4321  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4322  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4323  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4324  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4325  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 4326  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 4327  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 4328  
follows: 4329

(1) The superintendent shall review or cause to be reviewed 4330  
any relevant information gathered and compiled by the bureau under 4331  
division (A) of section 109.57 of the Revised Code that relates to 4332  
the person who is the subject of the request, including, if the 4333  
criminal records check was requested under section 113.041, 4334

121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 4335  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 4336  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 4337  
~~3722.151~~, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 4338  
5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 4339  
5126.28, 5126.281, or 5153.111 of the Revised Code, any relevant 4340  
information contained in records that have been sealed under 4341  
section 2953.32 of the Revised Code; 4342

(2) If the request received by the superintendent asks for 4343  
information from the federal bureau of investigation, the 4344  
superintendent shall request from the federal bureau of 4345  
investigation any information it has with respect to the person 4346  
who is the subject of the request, including fingerprint-based 4347  
checks of national crime information databases as described in 42 4348  
U.S.C. 671 if the request is made pursuant to section 2151.86, 4349  
5104.012, or 5104.013 of the Revised Code or if any other Revised 4350  
Code section requires fingerprint-based checks of that nature, and 4351  
shall review or cause to be reviewed any information the 4352  
superintendent receives from that bureau. If a request under 4353  
section 3319.39 of the Revised Code asks only for information from 4354  
the federal bureau of investigation, the superintendent shall not 4355  
conduct the review prescribed by division (B)(1) of this section. 4356

(3) The superintendent or the superintendent's designee may 4357  
request criminal history records from other states or the federal 4358  
government pursuant to the national crime prevention and privacy 4359  
compact set forth in section 109.571 of the Revised Code. 4360

(C)(1) The superintendent shall prescribe a form to obtain 4361  
the information necessary to conduct a criminal records check from 4362  
any person for whom a criminal records check is requested under 4363  
section 113.041 of the Revised Code or required by section 121.08, 4364  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 4365  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 4366

3301.541, 3319.39, 3701.881, 3712.09, 3721.121, ~~3722.151~~, 3772.07, 4367  
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4368  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4369  
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4370  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4371  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 4372  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 4373  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 4374  
form that the superintendent prescribes pursuant to this division 4375  
may be in a tangible format, in an electronic format, or in both 4376  
tangible and electronic formats. 4377

(2) The superintendent shall prescribe standard impression 4378  
sheets to obtain the fingerprint impressions of any person for 4379  
whom a criminal records check is requested under section 113.041 4380  
of the Revised Code or required by section 121.08, 173.27, 4381  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 4382  
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 4383  
3319.39, 3701.881, 3712.09, 3721.121, ~~3722.151~~, 3772.07, 4701.08, 4384  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4385  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4386  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4387  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4388  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 4389  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 4390  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 4391  
person for whom a records check is requested under or required by 4392  
any of those sections shall obtain the fingerprint impressions at 4393  
a county sheriff's office, municipal police department, or any 4394  
other entity with the ability to make fingerprint impressions on 4395  
the standard impression sheets prescribed by the superintendent. 4396  
The office, department, or entity may charge the person a 4397  
reasonable fee for making the impressions. The standard impression 4398  
sheets the superintendent prescribes pursuant to this division may 4399

be in a tangible format, in an electronic format, or in both 4400  
tangible and electronic formats. 4401

(3) Subject to division (D) of this section, the 4402  
superintendent shall prescribe and charge a reasonable fee for 4403  
providing a criminal records check requested under section 4404  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 4405  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 4406  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 4407  
~~3722.151~~, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4408  
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4409  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4410  
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4411  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4412  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 4413  
5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the 4414  
Revised Code. The person making a criminal records request under 4415  
any of those sections shall pay the fee prescribed pursuant to 4416  
this division. A person making a request under section 3701.881 of 4417  
the Revised Code for a criminal records check for an applicant who 4418  
may be both responsible for the care, custody, or control of a 4419  
child and involved in providing direct care to an older adult 4420  
shall pay one fee for the request. In the case of a request under 4421  
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 4422  
5111.032 of the Revised Code, the fee shall be paid in the manner 4423  
specified in that section. 4424

(4) The superintendent of the bureau of criminal 4425  
identification and investigation may prescribe methods of 4426  
forwarding fingerprint impressions and information necessary to 4427  
conduct a criminal records check, which methods shall include, but 4428  
not be limited to, an electronic method. 4429

(D) A determination whether any information exists that 4430  
indicates that a person previously has been convicted of or 4431

pleaded guilty to any offense listed or described in division 4432  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 4433  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 4434  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 4435  
of this section, or that indicates that a person previously has 4436  
been convicted of or pleaded guilty to any criminal offense in 4437  
this state or any other state regarding a criminal records check 4438  
of a type described in division (A)(13) of this section, and that 4439  
is made by the superintendent with respect to information 4440  
considered in a criminal records check in accordance with this 4441  
section is valid for the person who is the subject of the criminal 4442  
records check for a period of one year from the date upon which 4443  
the superintendent makes the determination. During the period in 4444  
which the determination in regard to a person is valid, if another 4445  
request under this section is made for a criminal records check 4446  
for that person, the superintendent shall provide the information 4447  
that is the basis for the superintendent's initial determination 4448  
at a lower fee than the fee prescribed for the initial criminal 4449  
records check. 4450

(E) When the superintendent receives a request for 4451  
information from a registered private provider, the superintendent 4452  
shall proceed as if the request was received from a school 4453  
district board of education under section 3319.39 of the Revised 4454  
Code. The superintendent shall apply division (A)(7) of this 4455  
section to any such request for an applicant who is a teacher. 4456

(F) As used in this section: 4457

(1) "Criminal records check" means any criminal records check 4458  
conducted by the superintendent of the bureau of criminal 4459  
identification and investigation in accordance with division (B) 4460  
of this section. 4461

(2) "Minor drug possession offense" has the same meaning as 4462  
in section 2925.01 of the Revised Code. 4463

(3) "Older adult" means a person age sixty or older. 4464

(4) "OVI or OVUAC violation" means a violation of section 4465  
4511.19 of the Revised Code or a violation of an existing or 4466  
former law of this state, any other state, or the United States 4467  
that is substantially equivalent to section 4511.19 of the Revised 4468  
Code. 4469

(5) "Registered private provider" means a nonpublic school or 4470  
entity registered with the superintendent of public instruction 4471  
under section 3310.41 of the Revised Code to participate in the 4472  
autism scholarship program or section 3310.58 of the Revised Code 4473  
to participate in the Jon Peterson special needs scholarship 4474  
program. 4475

**Sec. 109.64.** The bureau of criminal identification and 4476  
investigation shall prepare a periodic information bulletin 4477  
concerning missing children whom it determines may be present in 4478  
this state. The bureau shall compile the bulletin from information 4479  
contained in the national crime information center computer. The 4480  
bulletin shall indicate the names and addresses of these minors 4481  
who are the subject of missing children cases and other 4482  
information that the superintendent of the bureau considers 4483  
appropriate. The bulletin shall contain a reminder to law 4484  
enforcement agencies of their responsibilities under section 4485  
2901.30 of the Revised Code. 4486

The bureau shall send a copy of each periodic information 4487  
bulletin to the missing children clearinghouse established under 4488  
section 109.65 of the Revised Code for use in connection with its 4489  
responsibilities under division (E) of that section. Upon receipt 4490  
of each periodic information bulletin from the bureau, the missing 4491  
children clearinghouse shall send a copy of the bulletin to each 4492  
sheriff, marshal, police department of a municipal corporation, 4493  
police force of a township police district or joint ~~township~~ 4494

police district, and township constable in this state, to the 4495  
board of education of each school district in this state, and to 4496  
each nonpublic school in this state. The bureau shall provide a 4497  
copy of the bulletin, upon request, to other persons or entities. 4498  
The superintendent of the bureau, with the approval of the 4499  
attorney general, may establish a reasonable fee for a copy of a 4500  
bulletin provided to persons or entities other than law 4501  
enforcement agencies in this or other states or of the federal 4502  
government, the department of education, governmental entities of 4503  
this state, and libraries in this state. The superintendent shall 4504  
deposit all such fees collected ~~by him~~ into the missing children 4505  
fund created by section 109.65 of the Revised Code. 4506

As used in this section, "missing children," "information," 4507  
and "minor" have the same meanings as in section 2901.30 of the 4508  
Revised Code. 4509

**Sec. 109.71.** There is hereby created in the office of the 4510  
attorney general the Ohio peace officer training commission. The 4511  
commission shall consist of nine members appointed by the governor 4512  
with the advice and consent of the senate and selected as follows: 4513  
one member representing the public; two members who are incumbent 4514  
sheriffs; two members who are incumbent chiefs of police; one 4515  
member from the bureau of criminal identification and 4516  
investigation; one member from the state highway patrol; one 4517  
member who is the special agent in charge of a field office of the 4518  
federal bureau of investigation in this state; and one member from 4519  
the department of education, trade and industrial education 4520  
services, law enforcement training. 4521

This section does not confer any arrest authority or any 4522  
ability or authority to detain a person, write or issue any 4523  
citation, or provide any disposition alternative, as granted under 4524  
Chapter 2935. of the Revised Code. 4525



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| As used in sections 109.71 to 109.801 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 4526                                                                                                         |
| (A) "Peace officer" means:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 4527                                                                                                         |
| (1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations; | 4528<br>4529<br>4530<br>4531<br>4532<br>4533<br>4534<br>4535<br>4536<br>4537<br>4538<br>4539<br>4540<br>4541 |
| (2) A police officer who is employed by a railroad company and appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 4542<br>4543<br>4544                                                                                         |
| (3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 4545<br>4546<br>4547<br>4548<br>4549                                                                         |
| (4) An undercover drug agent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 4550                                                                                                         |
| (5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4551<br>4552<br>4553                                                                                         |
| (6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a park officer designated pursuant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 4554<br>4555<br>4556                                                                                         |

to section 1541.10, a forest officer designated pursuant to 4557  
section 1503.29, a preserve officer designated pursuant to section 4558  
1517.10, a wildlife officer designated pursuant to section 4559  
1531.13, or a state watercraft officer designated pursuant to 4560  
section 1547.521 of the Revised Code; 4561

(7) An employee of a park district who is designated pursuant 4562  
to section 511.232 or 1545.13 of the Revised Code; 4563

(8) An employee of a conservancy district who is designated 4564  
pursuant to section 6101.75 of the Revised Code; 4565

(9) A police officer who is employed by a hospital that 4566  
employs and maintains its own proprietary police department or 4567  
security department, and who is appointed and commissioned by the 4568  
secretary of state pursuant to sections 4973.17 to 4973.22 of the 4569  
Revised Code; 4570

(10) Veterans' homes police officers designated under section 4571  
5907.02 of the Revised Code; 4572

(11) A police officer who is employed by a qualified 4573  
nonprofit corporation police department pursuant to section 4574  
1702.80 of the Revised Code; 4575

(12) A state university law enforcement officer appointed 4576  
under section 3345.04 of the Revised Code or a person serving as a 4577  
state university law enforcement officer on a permanent basis on 4578  
June 19, 1978, who has been awarded a certificate by the executive 4579  
director of the Ohio peace officer training commission attesting 4580  
to the person's satisfactory completion of an approved state, 4581  
county, municipal, or department of natural resources peace 4582  
officer basic training program; 4583

(13) A special police officer employed by the department of 4584  
mental health pursuant to section 5119.14 of the Revised Code or 4585  
the department of developmental disabilities pursuant to section 4586  
5123.13 of the Revised Code; 4587

|                                                                    |      |
|--------------------------------------------------------------------|------|
| (14) A member of a campus police department appointed under        | 4588 |
| section 1713.50 of the Revised Code;                               | 4589 |
| (15) A member of a police force employed by a regional             | 4590 |
| transit authority under division (Y) of section 306.35 of the      | 4591 |
| Revised Code;                                                      | 4592 |
| (16) Investigators appointed by the auditor of state pursuant      | 4593 |
| to section 117.091 of the Revised Code and engaged in the          | 4594 |
| enforcement of Chapter 117. of the Revised Code;                   | 4595 |
| (17) A special police officer designated by the                    | 4596 |
| superintendent of the state highway patrol pursuant to section     | 4597 |
| 5503.09 of the Revised Code or a person who was serving as a       | 4598 |
| special police officer pursuant to that section on a permanent     | 4599 |
| basis on October 21, 1997, and who has been awarded a certificate  | 4600 |
| by the executive director of the Ohio peace officer training       | 4601 |
| commission attesting to the person's satisfactory completion of an | 4602 |
| approved state, county, municipal, or department of natural        | 4603 |
| resources peace officer basic training program;                    | 4604 |
| (18) A special police officer employed by a port authority         | 4605 |
| under section 4582.04 or 4582.28 of the Revised Code or a person   | 4606 |
| serving as a special police officer employed by a port authority   | 4607 |
| on a permanent basis on May 17, 2000, who has been awarded a       | 4608 |
| certificate by the executive director of the Ohio peace officer    | 4609 |
| training commission attesting to the person's satisfactory         | 4610 |
| completion of an approved state, county, municipal, or department  | 4611 |
| of natural resources peace officer basic training program;         | 4612 |
| (19) A special police officer employed by a municipal              | 4613 |
| corporation who has been awarded a certificate by the executive    | 4614 |
| director of the Ohio peace officer training commission for         | 4615 |
| satisfactory completion of an approved peace officer basic         | 4616 |
| training program and who is employed on a permanent basis on or    | 4617 |
| after March 19, 2003, at a municipal airport, or other municipal   | 4618 |

air navigation facility, that has scheduled operations, as defined 4619  
in section 119.3 of Title 14 of the Code of Federal Regulations, 4620  
14 C.F.R. 119.3, as amended, and that is required to be under a 4621  
security program and is governed by aviation security rules of the 4622  
transportation security administration of the United States 4623  
department of transportation as provided in Parts 1542. and 1544. 4624  
of Title 49 of the Code of Federal Regulations, as amended; 4625

(20) A police officer who is employed by an owner or operator 4626  
of an amusement park that has an average yearly attendance in 4627  
excess of six hundred thousand guests and that employs and 4628  
maintains its own proprietary police department or security 4629  
department, and who is appointed and commissioned by a judge of 4630  
the appropriate municipal court or county court pursuant to 4631  
section 4973.17 of the Revised Code; 4632

(21) A police officer who is employed by a bank, savings and 4633  
loan association, savings bank, credit union, or association of 4634  
banks, savings and loan associations, savings banks, or credit 4635  
unions, who has been appointed and commissioned by the secretary 4636  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 4637  
Code, and who has been awarded a certificate by the executive 4638  
director of the Ohio peace officer training commission attesting 4639  
to the person's satisfactory completion of a state, county, 4640  
municipal, or department of natural resources peace officer basic 4641  
training program; 4642

(22) An investigator, as defined in section 109.541 of the 4643  
Revised Code, of the bureau of criminal identification and 4644  
investigation who is commissioned by the superintendent of the 4645  
bureau as a special agent for the purpose of assisting law 4646  
enforcement officers or providing emergency assistance to peace 4647  
officers pursuant to authority granted under that section; 4648

(23) A state fire marshal law enforcement officer appointed 4649  
under section 3737.22 of the Revised Code or a person serving as a 4650

state fire marshal law enforcement officer on a permanent basis on 4651  
or after July 1, 1982, who has been awarded a certificate by the 4652  
executive director of the Ohio peace officer training commission 4653  
attesting to the person's satisfactory completion of an approved 4654  
state, county, municipal, or department of natural resources peace 4655  
officer basic training program; 4656

(24) A gaming agent employed under section 3772.03 of the 4657  
Revised Code. 4658

(B) "Undercover drug agent" has the same meaning as in 4659  
division (B)(2) of section 109.79 of the Revised Code. 4660

(C) "Crisis intervention training" means training in the use 4661  
of interpersonal and communication skills to most effectively and 4662  
sensitively interview victims of rape. 4663

(D) "Missing children" has the same meaning as in section 4664  
2901.30 of the Revised Code. 4665

**Sec. 109.801.** (A)(1) Each year, any of the following persons 4666  
who are authorized to carry firearms in the course of their 4667  
official duties shall complete successfully a firearms 4668  
requalification program approved by the executive director of the 4669  
Ohio peace officer training commission in accordance with rules 4670  
adopted by the attorney general pursuant to section 109.743 of the 4671  
Revised Code: any peace officer, sheriff, chief of police of an 4672  
organized police department of a municipal corporation or 4673  
township, chief of police of a township police district or joint 4674  
police district police force, superintendent of the state highway 4675  
patrol, state highway patrol trooper, or chief of police of a 4676  
university or college police department; any parole or probation 4677  
officer who carries a firearm in the course of official duties; 4678  
the house of representatives sergeant at arms if the house of 4679  
representatives sergeant at arms has arrest authority pursuant to 4680  
division (E)(1) of section 101.311 of the Revised Code; any 4681

assistant house of representatives sergeant at arms; or any 4682  
employee of the department of youth services who is designated 4683  
pursuant to division (A)(2) of section 5139.53 of the Revised Code 4684  
as being authorized to carry a firearm while on duty as described 4685  
in that division. 4686

(2) No person listed in division (A)(1) of this section shall 4687  
carry a firearm during the course of official duties if the person 4688  
does not comply with division (A)(1) of this section. 4689

(B) The hours that a sheriff spends attending a firearms 4690  
requalification program required by division (A) of this section 4691  
are in addition to the sixteen hours of continuing education that 4692  
are required by division (E) of section 311.01 of the Revised 4693  
Code. 4694

(C) As used in this section, "firearm" has the same meaning 4695  
as in section 2923.11 of the Revised Code. 4696

**Sec. 111.12.** ~~(A) Except as otherwise provided in division (B)~~ 4697  
~~of this section, the~~ The secretary of state shall compile and 4698  
publish biennially in a paper, book, or ~~other nonelectronic~~ 4699  
electronic format ~~twenty five hundred copies of~~ the election 4700  
statistics of Ohio, ~~four thousand copies of~~ the official roster of 4701  
federal, state, and county officers, and ~~twenty five hundred~~ 4702  
~~copies of~~ the official roster of township and municipal officers. 4703

~~(B) The secretary of state may compile and publish biennially~~ 4704  
~~the election statistics of Ohio, the official roster of federal,~~ 4705  
~~state, and county officers, and the official roster of township~~ 4706  
~~and municipal officers in an electronic format instead of~~ 4707  
~~compiling and publishing these documents biennially in a paper,~~ 4708  
~~book, or other nonelectronic format in the numbers specified in~~ 4709  
~~division (A) of this section. If the secretary of state does so,~~ 4710  
~~the secretary of state shall maintain the ability to provide~~ 4711  
~~copies of the election statistics of Ohio, the official roster of~~ 4712

~~federal, state, and county officers, and the official roster of~~ 4713  
~~township and municipal officers in accordance with section 149.43~~ 4714  
~~of the Revised Code.~~ 4715

**Sec. 111.16.** The secretary of state shall charge and collect, 4716  
for the benefit of the state, the following fees: 4717

(A) For filing and recording articles of incorporation of a 4718  
domestic corporation, including designation of agent: 4719

(1) Wherein the corporation shall not be authorized to issue 4720  
any shares of capital stock, one hundred twenty-five dollars; 4721

(2) Wherein the corporation shall be authorized to issue 4722  
shares of capital stock, with or without par value: 4723

(a) Ten cents for each share authorized up to and including 4724  
one thousand shares; 4725

(b) Five cents for each share authorized in excess of one 4726  
thousand shares up to and including ten thousand shares; 4727

(c) Two cents for each share authorized in excess of ten 4728  
thousand shares up to and including fifty thousand shares; 4729

(d) One cent for each share authorized in excess of fifty 4730  
thousand shares up to and including one hundred thousand shares; 4731

(e) One-half cent for each share authorized in excess of one 4732  
hundred thousand shares up to and including five hundred thousand 4733  
shares; 4734

(f) One-quarter cent for each share authorized in excess of 4735  
five hundred thousand shares; provided no fee shall be less than 4736  
one hundred twenty-five dollars or greater than one hundred 4737  
thousand dollars. 4738

(B) For filing and recording a certificate of amendment to or 4739  
amended articles of incorporation of a domestic corporation, or 4740  
for filing and recording a certificate of reorganization, a 4741

certificate of dissolution, or an amendment to a foreign license 4742  
application: 4743

(1) If the domestic corporation is not authorized to issue 4744  
any shares of capital stock, fifty dollars; 4745

(2) If the domestic corporation is authorized to issue shares 4746  
of capital stock, fifty dollars, and in case of any increase in 4747  
the number of shares authorized to be issued, a further sum 4748  
computed in accordance with the schedule set forth in division 4749  
(A)(2) of this section less a credit computed in the same manner 4750  
for the number of shares previously authorized to be issued by the 4751  
corporation; provided no fee under division (B)(2) of this section 4752  
shall be greater than one hundred thousand dollars; 4753

(3) If the foreign corporation is not authorized to issue any 4754  
shares of capital stock, fifty dollars; 4755

(4) If the foreign corporation is authorized to issue shares 4756  
of capital stock, fifty dollars. 4757

(C) For filing and recording articles of incorporation of a 4758  
savings and loan association, one hundred twenty-five dollars; and 4759  
for filing and recording a certificate of amendment to or amended 4760  
articles of incorporation of a savings and loan association, fifty 4761  
dollars; 4762

(D) For filing and recording a certificate of conversion, 4763  
including a designation of agent, a certificate of merger, or a 4764  
certificate of consolidation, one hundred twenty-five dollars and, 4765  
in the case of any new corporation resulting from a consolidation 4766  
or any surviving corporation that has an increased number of 4767  
shares authorized to be issued resulting from a merger, an 4768  
additional sum computed in accordance with the schedule set forth 4769  
in division (A)(2) of this section less a credit computed in the 4770  
same manner for the number of shares previously authorized to be 4771  
issued or represented in this state by each of the corporations 4772



for which a consolidation or merger is effected by the 4773  
certificate; 4774

(E) For filing and recording articles of incorporation of a 4775  
credit union or the American credit union guaranty association, 4776  
one hundred twenty-five dollars, and for filing and recording a 4777  
certificate of increase in capital stock or any other amendment of 4778  
the articles of incorporation of a credit union or the 4779  
association, fifty dollars; 4780

(F) For filing and recording articles of organization of a 4781  
limited liability company, for filing and recording an application 4782  
to become a registered foreign limited liability company, for 4783  
filing and recording a registration application to become a 4784  
domestic limited liability partnership, or for filing and 4785  
recording an application to become a registered foreign limited 4786  
liability partnership, one hundred twenty-five dollars; 4787

(G) For filing and recording a certificate of limited 4788  
partnership or an application for registration as a foreign 4789  
limited partnership, or for filing an initial statement of 4790  
partnership authority pursuant to section 1776.33 of the Revised 4791  
Code, one hundred twenty-five dollars. 4792

(H) For filing a copy of papers evidencing the incorporation 4793  
of a municipal corporation or of annexation of territory by a 4794  
municipal corporation, five dollars, to be paid by the municipal 4795  
corporation, the petitioners therefor, or their agent; 4796

(I) For filing and recording any of the following: 4797

(1) A license to transact business in this state by a foreign 4798  
corporation for profit pursuant to section 1703.04 of the Revised 4799  
Code or a foreign nonprofit corporation pursuant to section 4800  
1703.27 of the Revised Code, one hundred twenty-five dollars; 4801

(2) A biennial report or biennial statement pursuant to 4802  
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 4803

twenty-five dollars; 4804

(3) Except as otherwise provided in this section or any other 4805  
section of the Revised Code, any other certificate or paper that 4806  
is required to be filed and recorded or is permitted to be filed 4807  
and recorded by any provision of the Revised Code with the 4808  
secretary of state, twenty-five dollars. 4809

(J) For filing any certificate or paper not required to be 4810  
recorded, five dollars; 4811

(K)(1) For making copies of any certificate or other paper 4812  
filed in the office of the secretary of state, a fee not to exceed 4813  
one dollar per page, except as otherwise provided in the Revised 4814  
Code, and for creating and affixing the seal of the office of the 4815  
secretary of state to any good standing or other certificate, five 4816  
dollars. For copies of certificates or papers required by state 4817  
officers for official purpose, no charge shall be made. 4818

(2) For creating and affixing the seal of the office of the 4819  
secretary of state to the certificates described in division (E) 4820  
of section 1701.81, division (E) of section 1701.811, division (E) 4821  
of section 1705.38, division (E) of section 1705.381, division (D) 4822  
of section 1702.43, division (E) of section 1775.47, division (E) 4823  
of section 1775.55, division (E) of section 1776.70, division (E) 4824  
of section 1776.74, division (E) of section 1782.433, or division 4825  
(E) of section 1782.4310 of the Revised Code, twenty-five dollars. 4826

(L) For a minister's license to solemnize marriages, ten 4827  
dollars; 4828

(M) For examining documents to be filed at a later date for 4829  
the purpose of advising as to the acceptability of the proposed 4830  
filing, fifty dollars; 4831

(N) Fifty dollars for filing and recording any of the 4832  
following: 4833

|                                                                    |      |
|--------------------------------------------------------------------|------|
| (1) A certificate of dissolution and accompanying documents,       | 4834 |
| or a certificate of cancellation, under section 1701.86, 1702.47,  | 4835 |
| 1705.43, 1776.65, or 1782.10 of the Revised Code;                  | 4836 |
| (2) A notice of dissolution of a foreign licensed corporation      | 4837 |
| or a certificate of surrender of license by a foreign licensed     | 4838 |
| corporation under section 1703.17 of the Revised Code;             | 4839 |
| (3) The withdrawal of registration of a foreign or domestic        | 4840 |
| limited liability partnership under section 1775.61, 1775.64,      | 4841 |
| 1776.81, or 1776.86 of the Revised Code, or the certificate of     | 4842 |
| cancellation of registration of a foreign limited liability        | 4843 |
| company under section 1705.57 of the Revised Code;                 | 4844 |
| (4) The filing of a statement of denial under section 1776.34      | 4845 |
| of the Revised Code, a statement of dissociation under section     | 4846 |
| 1776.57 of the Revised Code, a statement of disclaimer of general  | 4847 |
| partner status under Chapter 1782. of the Revised Code, or a       | 4848 |
| cancellation of disclaimer of general partner status under Chapter | 4849 |
| 1782. of the Revised Code.                                         | 4850 |
| (O) For filing a statement of continued existence by a             | 4851 |
| nonprofit corporation, twenty-five dollars;                        | 4852 |
| (P) For filing a restatement under section 1705.08 or 1782.09      | 4853 |
| of the Revised Code, an amendment to a certificate of cancellation | 4854 |
| under section 1782.10 of the Revised Code, an amendment under      | 4855 |
| section 1705.08 or 1782.09 of the Revised Code, or a correction    | 4856 |
| under section 1705.55, 1775.61, 1775.64, 1776.12, or 1782.52 of    | 4857 |
| the Revised Code, fifty dollars;                                   | 4858 |
| (Q) For filing for reinstatement of an entity cancelled by         | 4859 |
| operation of law, by the secretary of state, by order of the       | 4860 |
| department of taxation, or by order of a court, twenty-five        | 4861 |
| dollars;                                                           | 4862 |
| (R) For filing a <u>and recording any of the following:</u>        | 4863 |

(1) A change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, ~~1776.07~~, or 1782.04 of the Revised Code, twenty-five dollars; 4864  
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(2) A multiple change of agent name or address, standardization of agent address, or resignation of agent under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one hundred twenty-five dollars, plus three dollars per entity record being changed, by the multiple agent update. 4868  
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(S) For filing and recording any of the following: 4874

(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised Code, fifty dollars; 4875  
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(2) A trade name or fictitious name registration or report, fifty dollars; 4879  
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(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars; 4881  
4882  
4883

(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars. 4884  
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(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, one hundred twenty-five dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars; 4889  
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(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars;

(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars.

(V) For filing a service of process with the secretary of state, five dollars, except as otherwise provided in any section of the Revised Code.

Fees specified in this section may be paid by cash, check, or money order, by credit card in accordance with section 113.40 of the Revised Code, or by an alternative payment program in accordance with division (B) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code.

**Sec. 111.18.** (A) The secretary of state shall keep a record of all fees collected by the secretary of state and, ~~subject to division (B) of section 1309.528 of the Revised Code and~~ except as otherwise provided in the Revised Code, shall pay them into the state treasury to the credit of the corporate and uniform commercial code filing fund created by section 1309.528 of the Revised Code.

(B) The secretary of state may implement alternative payment programs that permit payment of any fee charged by the secretary of state by means other than cash, check, money order, or credit card; an alternative payment program may include, but is not limited to, one that permits a fee to be paid by electronic means of transmission. Fees paid under an alternative payment program

shall be deposited to the credit of the secretary of state 4926  
alternative payment program fund, which is hereby created in the 4927  
state treasury. Any investment income of the secretary of state 4928  
alternative payment program fund shall be credited to that fund 4929  
and used to operate the alternative payment program. Within two 4930  
working days following the deposit of funds to the credit of the 4931  
secretary of state alternative payment program fund, the secretary 4932  
of state shall pay those funds to the credit of the corporate and 4933  
uniform commercial code filing fund, subject to division (B) of 4934  
section 1309.401 of the Revised Code and except as otherwise 4935  
provided in the Revised Code. 4936

The secretary of state shall adopt rules necessary to carry 4937  
out the purposes of this division. 4938

Sec. 111.181. There is hereby created in the state treasury 4939  
the information systems fund. The fund shall receive revenues from 4940  
fees charged to customers for special database requests, including 4941  
corporate and uniform commercial code filings. The secretary of 4942  
state shall use the fund for information technology related 4943  
expenses of the office. 4944

Sec. 111.28. (A) There is hereby created in the state 4945  
treasury the help America vote act (HAVA) fund. All moneys 4946  
received by the secretary of state from the United States election 4947  
assistance commission shall be credited to the fund. The secretary 4948  
of state shall use the moneys credited to the fund for activities 4949  
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4950  
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4951  
shall be credited to the fund. 4952

(B) There is hereby created in the state treasury the 4953  
election reform/health and human services fund. All moneys 4954  
received by the secretary of state from the United States 4955

department of health and human services shall be credited to the 4956  
fund. The secretary of state shall use the moneys credited to the 4957  
fund for activities conducted pursuant to grants awarded to the 4958  
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4959  
America Vote Act of 2002 to assure access for individuals with 4960  
disabilities. All investment earnings of the fund shall be 4961  
credited to the fund. 4962

Sec. 111.29. There is hereby created in the state treasury 4963  
the citizen education fund. The fund shall receive gifts, grants, 4964  
fees, and donations from private individuals and entities for 4965  
voter education purposes. The secretary of state shall use the 4966  
moneys credited to the fund for preparing, printing, and 4967  
distributing voter registration and educational materials and for 4968  
conducting related workshops and conferences for public education. 4969

Sec. 117.101. The auditor of state shall provide, operate, 4970  
and maintain a uniform and compatible computerized financial 4971  
management and accounting system known as the uniform accounting 4972  
network. The network shall be designed to provide public offices, 4973  
other than state agencies and the Ohio education computer network 4974  
and public school districts, with efficient and economical access 4975  
to data processing and management information facilities and 4976  
expertise. In accordance with this objective, activities of the 4977  
network shall include, but not be limited to, provision, 4978  
maintenance, and operation of the following facilities and 4979  
services: 4980

(A) A cooperative program of technical assistance for public 4981  
offices, other than state agencies and the Ohio education computer 4982  
network and public school districts, including, but not limited 4983  
to, an adequate computer software system and a data base; 4984

(B) An information processing service center providing 4985

approved computerized financial accounting and reporting services 4986  
to participating public offices. 4987

The auditor of state and any public office, other than a 4988  
state agency and the Ohio education computer network and public 4989  
school districts, may enter into any necessary agreements, without 4990  
advertisement or bidding, for the provision of necessary goods, 4991  
materials, supplies, and services to such public offices by the 4992  
auditor of state through the network. 4993

The auditor of state may, by rule, provide for a system of 4994  
user fees to be charged participating public offices for goods, 4995  
materials, supplies, and services received from the network. All 4996  
such fees shall be paid into the state treasury to the credit of 4997  
the uniform accounting network fund, which is hereby created. The 4998  
fund shall be used by the auditor of state to pay the costs of 4999  
establishing and maintaining the network. The fund shall be 5000  
assessed a proportionate share of the auditor of state's 5001  
administrative costs in accordance with procedures prescribed by 5002  
the auditor of state ~~and approved by the director of budget and~~ 5003  
~~management.~~ 5004

**Sec. 117.13.** (A) The costs of audits of state agencies shall 5005  
be recovered by the auditor of state in the following manner: 5006

(1) The costs of all audits of state agencies shall be paid 5007  
to the auditor of state on statements rendered by the auditor of 5008  
state. Money so received by the auditor of state shall be paid 5009  
into the state treasury to the credit of the public audit expense 5010  
fund--intrastate, which is hereby created, and shall be used to 5011  
pay costs related to such audits. The costs of audits of a state 5012  
agency shall be charged to the state agency being audited. The 5013  
costs of any assistant auditor, employee, or expert employed 5014  
pursuant to section 117.09 of the Revised Code called upon to 5015  
testify in any legal proceedings in regard to any audit, or called 5016



upon to review or discuss any matter related to any audit, may be charged to the state agency to which the audit relates.

(2) The auditor of state shall establish by rule rates to be charged to state agencies for recovering the costs of audits of state agencies.

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

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

(2) If an audit of a private child placing agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards.

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

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

(b) One-third of the costs to the public children services

agency that provided the public money to the agency being audited; 5048

(c) One-third of the costs to the department of job and 5049  
family services. 5050

(C) The costs of audits of local public offices shall be 5051  
recovered by the auditor of state in the following manner: 5052

(1) The total amount of compensation paid assistant auditors 5053  
of state, their expenses, the cost of employees assigned to assist 5054  
the assistant auditors of state, the cost of experts employed 5055  
pursuant to section 117.09 of the Revised Code, and the cost of 5056  
typing, reviewing, and copying reports shall be borne by the 5057  
public office to which such assistant auditors of state are so 5058  
assigned, ~~except that annual vacation and sick leave of assistant~~ 5059  
~~auditors of state, employees, and typists shall be financed from~~ 5060  
~~the general revenue fund. The necessary traveling and hotel~~ 5061  
~~expenses of the deputy inspectors and supervisors of public~~ 5062  
~~offices shall be paid from the state treasury.~~ Assistant auditors 5063  
of state shall be compensated by the taxing district or other 5064  
public office audited for activities undertaken pursuant to 5065  
division (B) of section 117.18 and section 117.24 of the Revised 5066  
Code. The costs of any assistant auditor, employee, or expert 5067  
employed pursuant to section 117.09 of the Revised Code called 5068  
upon to testify in any legal proceedings in regard to any audit, 5069  
or called upon to review or discuss any matter related to any 5070  
audit, may be charged to the public office to which the audit 5071  
relates. 5072

(2) The auditor of state shall certify the amount of such 5073  
compensation, expenses, cost of experts, reviewing, copying, and 5074  
typing to the fiscal officer of the local public office audited. 5075  
The fiscal officer of the local public office shall forthwith draw 5076  
a warrant upon the general fund or other appropriate funds of the 5077  
local public office to the order of the auditor of state; 5078  
provided, that the auditor of state is authorized to negotiate 5079

with any local public office and, upon agreement between the 5080  
auditor of state and the local public office, may adopt a schedule 5081  
for payment of the amount due under this section. Money so 5082  
received by the auditor of state shall be paid into the state 5083  
treasury to the credit of the public audit expense fund--local 5084  
government, which is hereby created, and shall be used to pay the 5085  
compensation, expense, cost of experts and employees, reviewing, 5086  
copying, and typing of reports. 5087

(3) At the conclusion of each audit, or analysis and report 5088  
made pursuant to section 117.24 of the Revised Code, the auditor 5089  
of state shall furnish the fiscal officer of the local public 5090  
office audited a statement showing the total cost of the audit, or 5091  
of the audit and the analysis and report, and the percentage of 5092  
the total cost chargeable to each fund audited. The fiscal officer 5093  
may distribute such total cost to each fund audited in accordance 5094  
with its percentage of the total cost. 5095

(4) The auditor of state shall provide each local public 5096  
office a statement or certification of the amount due from the 5097  
public office for services performed by the auditor of state under 5098  
this or any other section of the Revised Code, as well as the date 5099  
upon which payment is due to the auditor of state. Any local 5100  
public office that does not pay the amount due to the auditor of 5101  
state by that date may be assessed by the auditor of state for 5102  
interest from the date upon which the payment is due at the rate 5103  
per annum prescribed by section 5703.47 of the Revised Code. All 5104  
interest charges assessed by the auditor of state may be collected 5105  
in the same manner as audit costs pursuant to division (D) of this 5106  
section. 5107

(5) The auditor of state shall establish by rule rates to be 5108  
charged to local public offices for recovering the costs of audits 5109  
of local public offices. 5110

(D) If the auditor of state fails to receive payment for any 5111

amount due, including, but not limited to, fines, fees, and costs, 5112  
from a public office for services performed under this or any 5113  
other section of the Revised Code, the auditor of state may seek 5114  
payment through the office of budget and management. (Amounts due 5115  
include any amount due to an independent public accountant with 5116  
whom the auditor has contracted to perform services, all costs and 5117  
fees associated with participation in the uniform accounting 5118  
network, and all costs associated with the auditor's provision of 5119  
local government services.) Upon certification by the auditor of 5120  
state to the director of budget and management of any such amount 5121  
due, the director shall withhold from the public office any amount 5122  
available, up to and including the amount certified as due, from 5123  
any funds under the director's control that belong to or are 5124  
lawfully payable or due to the public office. The director shall 5125  
promptly pay the amount withheld to the auditor of state. If the 5126  
director determines that no funds due and payable to the public 5127  
office are available or that insufficient amounts of such funds 5128  
are available to cover the amount due, the director shall withhold 5129  
and pay to the auditor of state the amounts available and, in the 5130  
case of a local public office, certify the remaining amount to the 5131  
county auditor of the county in which the local public office is 5132  
located. The county auditor shall withhold from the local public 5133  
office any amount available, up to and including the amount 5134  
certified as due, from any funds under the county auditor's 5135  
control and belonging to or lawfully payable or due to the local 5136  
public office. The county auditor shall promptly pay any such 5137  
amount withheld to the auditor of state. 5138

**Sec. 118.023.** (A) Upon determining that one or more of the 5139  
conditions described in section 118.022 of the Revised Code are 5140  
present, the auditor of state shall issue a written declaration of 5141  
the existence of a fiscal watch to the municipal corporation, 5142  
county, or township and the county budget commission. The fiscal 5143

watch shall be in effect until the auditor of state determines 5144  
that none of the conditions are any longer present and cancels the 5145  
watch, or until the auditor of state determines that a state of 5146  
fiscal emergency exists. The auditor of state, or a designee, 5147  
shall provide such technical and support services to the municipal 5148  
corporation, county, or township after a fiscal watch has been 5149  
declared to exist as the auditor of state considers necessary. ~~The~~ 5150  
~~controlling board shall provide sufficient funds for any costs~~ 5151  
~~that the auditor of state may incur in determining if a fiscal~~ 5152  
~~watch exists and for providing technical and support services.~~ 5153

(B) Within one hundred twenty days after the day a written 5154  
declaration of the existence of a fiscal watch is issued under 5155  
division (A) of this section, the mayor of the municipal 5156  
corporation, the board of county commissioners of the county, or 5157  
the board of township trustees of the township for which a fiscal 5158  
watch was declared shall submit to the auditor of state a 5159  
financial recovery plan that shall identify actions to be taken to 5160  
eliminate all of the conditions described in section 118.022 of 5161  
the Revised Code, include a schedule detailing the approximate 5162  
dates for beginning and completing the actions, and include a 5163  
five-year forecast reflecting the effects of the actions. The 5164  
financial recovery plan is subject to review and approval by the 5165  
auditor of state. The auditor of state may extend the amount of 5166  
time by which a financial recovery plan is required to be filed, 5167  
for good cause shown. 5168

(C) If a feasible financial recovery plan for a municipal 5169  
corporation, county, or township for which a fiscal watch was 5170  
declared is not submitted within the time period prescribed by 5171  
division (B) of this section, or within any extension of time 5172  
thereof, the auditor of state shall declare that a fiscal 5173  
emergency condition exists under section 118.04 of the Revised 5174  
Code in the municipal corporation, county, or township. 5175

Sec. 118.025. (A) The auditor of state shall develop 5176  
guidelines for identifying fiscal practices and budgetary 5177  
conditions of municipal corporations, counties, and townships 5178  
that, if uncorrected, could result in a future declaration of a 5179  
fiscal watch or fiscal emergency. 5180

(B) If the auditor of state determines that a municipal 5181  
corporation, county, or township is engaging in any of those 5182  
practices or that any of those conditions exist, the auditor of 5183  
state may declare the municipal corporation, county, or township 5184  
to be under a fiscal caution. 5185

(C) When the auditor of state declares a fiscal caution, the 5186  
auditor of state shall promptly notify the municipal corporation, 5187  
county, or township of that declaration and shall request the 5188  
municipal corporation, county, or township to provide written 5189  
proposals for discontinuing or correcting the fiscal practices or 5190  
budgetary conditions that prompted the declaration and for 5191  
preventing the municipal corporation, county, or township from 5192  
experiencing further fiscal difficulties that could result in a 5193  
declaration of fiscal watch or fiscal emergency. 5194

(D) The auditor of state, or a designee, may visit and 5195  
inspect any municipal corporation, county, or township that is 5196  
declared to be under a fiscal caution. The auditor of state may 5197  
provide technical assistance to the municipal corporation, county, 5198  
or township in implementing proposals to eliminate the practices 5199  
or budgetary conditions that prompted the declaration of fiscal 5200  
caution and may make recommendations concerning those proposals. 5201

(E) If the auditor of state finds that a municipal 5202  
corporation, county, or township declared to be under a fiscal 5203  
caution has not made reasonable proposals or otherwise taken 5204  
action to discontinue or correct the fiscal practices or budgetary 5205  
conditions that prompted the declaration of fiscal caution, and if 5206

the auditor of state considers it necessary to prevent further 5207  
fiscal decline, the auditor of state may determine that the 5208  
municipal corporation, county, or township should be in a state of 5209  
fiscal watch. 5210

**Sec. 118.04.** (A) The existence of a fiscal emergency 5211  
condition constitutes a fiscal emergency. The existence of fiscal 5212  
emergency conditions shall be determined by the auditor of state. 5213  
Such determination, for purposes of this chapter, may be made only 5214  
upon the filing with the auditor of state of a written request for 5215  
such a determination by the governor, by the county budget 5216  
commission, by the mayor of the municipal corporation, or by the 5217  
presiding officer of the legislative authority of the municipal 5218  
corporation when authorized by a majority of the members of such 5219  
legislative authority, by the board of county commissioners, or by 5220  
the board of township trustees, or upon initiation by the auditor 5221  
of state. The request may designate in general or specific terms, 5222  
but without thereby limiting the determination thereto, the 5223  
condition or conditions to be examined to determine whether they 5224  
constitute fiscal emergency conditions. Promptly upon receipt of 5225  
such written request, or upon initiation by the auditor of state, 5226  
the auditor of state shall transmit copies of such request or a 5227  
written notice of such initiation to the mayor and the presiding 5228  
officer of the legislative authority of the municipal corporation 5229  
or to the board of county commissioners or the board of township 5230  
trustees by personal service or certified mail. Such 5231  
determinations shall be set forth in written reports and 5232  
supplemental reports, which shall be filed with the mayor, fiscal 5233  
officer, and presiding officer of the legislative authority of the 5234  
municipal corporation, or with the board of county commissioners 5235  
or the board of township trustees, and with the treasurer of 5236  
state, secretary of state, governor, director of budget and 5237  
management, and county budget commission, within thirty days after 5238

the request. The auditor of state shall so file an initial report 5239  
immediately upon determining the existence of any fiscal emergency 5240  
condition. 5241

(B) In making such determination, the auditor of state may 5242  
rely on reports or other information filed or otherwise made 5243  
available by the municipal corporation, county, or township, 5244  
accountants' reports, or other sources and data the auditor of 5245  
state considers reliable for such purpose. As to the status of 5246  
funds or accounts, a determination that the amounts stated in 5247  
section 118.03 of the Revised Code are exceeded may be made 5248  
without need for determination of the specific amount of the 5249  
excess. The auditor of state may engage the services of 5250  
independent certified or registered public accountants, including 5251  
public accountants engaged or previously engaged by the municipal 5252  
corporation, county, or township, to conduct audits or make 5253  
reports or render such opinions as the auditor of state considers 5254  
desirable with respect to any aspect of the determinations to be 5255  
made by the auditor of state. 5256

(C) A determination by the auditor of state under this 5257  
section that a fiscal emergency condition does not exist is final 5258  
and conclusive and not appealable. A determination by the auditor 5259  
of state under this section that a fiscal emergency exists is 5260  
final, except that the mayor of any municipal corporation affected 5261  
by a determination of the existence of a fiscal emergency 5262  
condition under this section, when authorized by a majority of the 5263  
members of the legislative authority, or the board of county 5264  
commissioners or board of township trustees, may appeal the 5265  
determination of the existence of a fiscal emergency condition to 5266  
the court of appeals having territorial jurisdiction over the 5267  
municipal corporation, county, or township. The appeal shall be 5268  
heard expeditiously by the court of appeals and for good cause 5269  
shown shall take precedence over all other civil matters except 5270



earlier matters of the same character. Notice of such appeal must 5271  
be filed with the auditor of state and such court within thirty 5272  
days after certification by the auditor of state to the mayor and 5273  
presiding officer of the legislative authority of the municipal 5274  
corporation or to the board of county commissioners or board of 5275  
township trustees as provided for in division (A) of this section. 5276  
In such appeal, determinations of the auditor of state shall be 5277  
presumed to be valid and the municipal corporation, county, or 5278  
township shall have the burden of proving, by clear and convincing 5279  
evidence, that each of the determinations made by the auditor of 5280  
state as to the existence of a fiscal emergency condition under 5281  
section 118.03 of the Revised Code was in error. If the municipal 5282  
corporation, county, or township fails, upon presentation of its 5283  
case, to prove by clear and convincing evidence that each such 5284  
determination by the auditor of state was in error, the court 5285  
shall dismiss the appeal. The municipal corporation, county, or 5286  
township and the auditor of state may introduce any evidence 5287  
relevant to the existence or nonexistence of such fiscal emergency 5288  
conditions at the times indicated in the applicable provisions of 5289  
divisions (A) and (B) of section 118.03 of the Revised Code. The 5290  
pendency of any such appeal shall not affect or impede the 5291  
operations of this chapter; no restraining order, temporary 5292  
injunction, or other similar restraint upon actions consistent 5293  
with this chapter shall be imposed by the court or any court 5294  
pending determination of such appeal; and all things may be done 5295  
under this chapter that may be done regardless of the pendency of 5296  
any such appeal. Any action taken or contract executed pursuant to 5297  
this chapter during the pendency of such appeal is valid and 5298  
enforceable among all parties, notwithstanding the decision in 5299  
such appeal. If the court of appeals reverses the determination of 5300  
the existence of a fiscal emergency condition by the auditor of 5301  
state, the determination no longer has any effect, and any 5302  
procedures undertaken as a result of the determination shall be 5303

terminated. 5304

(D) All expenses incurred by the auditor of state relating to 5305  
a determination or termination of a fiscal emergency under this 5306  
section ~~or~~, a fiscal watch under section 118.021 of the Revised 5307  
Code, or a fiscal caution under section 118.025 of the Revised 5308  
Code, including providing technical and support services, shall be 5309  
reimbursed from an appropriation for that purpose. If necessary, 5310  
the controlling board may provide sufficient funds for these 5311  
purposes. 5312

**Sec. 118.05.** (A) Pursuant to the powers of the general 5313  
assembly and for the purposes of this chapter, upon the occurrence 5314  
of a fiscal emergency in any municipal corporation, county, or 5315  
township, as determined pursuant to section 118.04 of the Revised 5316  
Code, there is established, with respect to that municipal 5317  
corporation, county, or township, a body both corporate and 5318  
politic constituting an agency and instrumentality of the state 5319  
and performing essential governmental functions of the state to be 5320  
known as the "financial planning and supervision commission for 5321  
..... (name of municipal corporation, county, or 5322  
township)," which, in that name, may exercise all authority vested 5323  
in such a commission by this chapter. A Except as otherwise 5324  
provided in division (L) of this section, a separate commission is 5325  
established with respect to each municipal corporation, county, or 5326  
township as to which there is a fiscal emergency as determined 5327  
under this chapter. 5328

(B) A commission shall consist of the following voting 5329  
members: 5330

(1) Four ex officio members: the treasurer of state; the 5331  
director of budget and management; in the case of a municipal 5332  
corporation, the mayor of the municipal corporation and the 5333  
presiding officer of the legislative authority of the municipal 5334

corporation; in the case of a county, the president of the board 5335  
of county commissioners and the county auditor; and in the case of 5336  
a township, a member of the board of township trustees and the 5337  
county auditor. 5338

The treasurer of state may designate a deputy treasurer or 5339  
director within the office of the treasurer of state or any other 5340  
appropriate person who is not an employee of the treasurer of 5341  
state's office; the director of budget and management may 5342  
designate an individual within the office of budget and management 5343  
or any other appropriate person who is not an employee of the 5344  
office of budget and management; ~~the mayor may designate a~~ 5345  
~~responsible official within the mayor's office or the fiscal~~ 5346  
~~officer of the municipal corporation;~~ the presiding officer of the 5347  
legislative authority of the municipal corporation may designate 5348  
any other member of the legislative authority; the board of county 5349  
commissioners may designate any other member of the board or the 5350  
fiscal officer of the county; and the board of township trustees 5351  
may designate any other member of the board or the fiscal officer 5352  
of the township to attend the meetings of the commission when the 5353  
ex officio member is absent or unable for any reason to attend. A 5354  
designee, when present, shall be counted in determining whether a 5355  
quorum is present at any meeting of the commission and may vote 5356  
and participate in all proceedings and actions of the commission. 5357  
The designations shall be in writing, executed by the ex officio 5358  
member or entity making the designation, and filed with the 5359  
secretary of the commission. The designations may be changed from 5360  
time to time in like manner, but due regard shall be given to the 5361  
need for continuity. 5362

(2) If a municipal corporation, county, or township has a 5363  
population of at least one thousand, three members nominated and 5364  
appointed as follows: 5365

The mayor and presiding officer of the legislative authority 5366

of the municipal corporation, the board of county commissioners, 5367  
or the board of township trustees shall, within ten days after the 5368  
determination of the fiscal emergency by the auditor of state 5369  
under section 118.04 of the Revised Code, submit in writing to the 5370  
governor the nomination of five persons agreed to by them and 5371  
meeting the qualifications set forth in this division. If the 5372  
governor is not satisfied that at least three of the nominees are 5373  
well qualified, the governor shall notify the mayor and presiding 5374  
officer, or the board of county commissioners, or the board of 5375  
township trustees to submit in writing, within five days, 5376  
additional nominees agreed upon by them, not exceeding three. The 5377  
governor shall appoint three members from all the agreed-upon 5378  
nominees so submitted or a lesser number that the governor 5379  
considers well qualified within thirty days after receipt of the 5380  
nominations, and shall fill any remaining positions on the 5381  
commission by appointment of any other persons meeting the 5382  
qualifications set forth in this division. All appointments by the 5383  
governor shall be made with the advice and consent of the senate. 5384  
Each of the three appointed members shall serve during the life of 5385  
the commission, subject to removal by the governor for 5386  
misfeasance, nonfeasance, or malfeasance in office. In the event 5387  
of the death, resignation, incapacity, removal, or ineligibility 5388  
to serve of an appointed member, the governor, pursuant to the 5389  
process for original appointment, shall appoint a successor. 5390

~~(3) If a municipal corporation, county, or township has a 5391  
population of less than one thousand, one member nominated and 5392  
appointed as follows: 5393~~

~~The mayor and presiding officer of the legislative authority 5394  
of the municipal corporation, the board of county commissioners, 5395  
or the board of township trustees shall, within ten days after the 5396  
determination of the fiscal emergency by the auditor of state 5397  
under section 118.04 of the Revised Code, submit in writing to the 5398~~

~~governor the nomination of three persons agreed to by them and 5399  
meeting the qualifications set forth in this division. If the 5400  
governor is not satisfied that at least one of the nominees is 5401  
well qualified, the governor shall notify the mayor and presiding 5402  
officer, or the board of county commissioners, or the board of 5403  
township trustees to submit in writing, within five days, 5404  
additional nominees agreed upon by them, not exceeding three. The 5405  
governor shall appoint one member from all the agreed upon 5406  
nominees so submitted or shall fill the position on the commission 5407  
by appointment of any other person meeting the qualifications set 5408  
forth in this division. All appointments by the governor shall be 5409  
made with the advice and consent of the senate. The appointed 5410  
member shall serve during the life of the commission, subject to 5411  
removal by the governor for misfeasance, nonfeasance, or 5412  
malfeasance in office. In the event of the death, resignation, 5413  
incapacity, removal, or ineligibility to serve of the appointed 5414  
member, the governor, pursuant to the process for original 5415  
appointment, shall appoint a successor. 5416~~

Each appointed member shall be an individual: 5417

(a) Who has knowledge and experience in financial matters, 5418  
financial management, or business organization or operations; 5419

(b) Whose residency, office, or principal place of 5420  
professional or business activity is situated within the municipal 5421  
corporation, county, or township; 5422

(c) Who shall not become a candidate for elected public 5423  
office while serving as a member of the commission. 5424

(C) Immediately after appointment of the initial appointed 5425  
~~member or~~ members of the commission, the governor shall call the 5426  
first meeting of the commission and shall cause written notice of 5427  
the time, date, and place of the first meeting to be given to each 5428  
member of the commission at least forty-eight hours in advance of 5429

the meeting. 5430

(D) The director of budget and management shall serve as 5431  
chairperson of the commission. The commission shall elect one of 5432  
its members to serve as vice-chairperson and may appoint a 5433  
secretary and any other officers, who need not be members of the 5434  
commission, it considers necessary. The chairperson may remove a 5435  
member appointed by the governor if that member fails to attend 5436  
three consecutive meetings. In that event, the governor shall fill 5437  
the vacancy in the same manner as the original appointment. 5438

(E) The commission may adopt and alter bylaws and rules, 5439  
which shall not be subject to section 111.15 or Chapter 119. of 5440  
the Revised Code, for the conduct of its affairs and for the 5441  
manner, subject to this chapter, in which its powers and functions 5442  
shall be exercised and embodied. 5443

(F) Four members of a commission established pursuant to 5444  
divisions (B)(1) and (2) of this section constitute a quorum of 5445  
the commission. ~~The affirmative vote of a majority of the members~~ 5446  
~~of such a commission is necessary for any action taken by vote of~~ 5447  
~~the commission. Three members of a commission established pursuant~~ 5448  
~~to divisions (B)(1) and (3) of this section constitute a quorum of~~ 5449  
~~the commission.~~ The affirmative vote of a majority of the members 5450  
of ~~such a~~ the commission is necessary for any action taken by vote 5451  
of the commission. No vacancy in the membership of the commission 5452  
shall impair the rights of a quorum by such vote to exercise all 5453  
the rights and perform all the duties of the commission. Members 5454  
of the commission, and their designees, are not disqualified from 5455  
voting by reason of the functions of the other office they hold 5456  
and are not disqualified from exercising the functions of the 5457  
other office with respect to the municipal corporation, county, or 5458  
township, its officers, or the commission. 5459

(G) The auditor of state shall serve as the "financial 5460  
supervisor" to the commission unless the auditor of state elects 5461

to contract for that service. As used in this chapter, "financial supervisor" means the auditor of state. 5462  
5463

(H) At the request of the commission, the auditor of state 5464  
shall designate employees of the auditor of state's office to 5465  
assist the commission and the financial supervisor and to 5466  
coordinate the work of the auditor of state's office and the 5467  
financial supervisor. Upon the determination of a fiscal emergency 5468  
in any municipal corporation, county, or township, the municipal 5469  
corporation, county, or township shall provide the commission with 5470  
such reasonable office space in the principal building housing 5471  
city, county, or township government, where feasible, as it 5472  
determines is necessary to carry out its duties under this 5473  
chapter. 5474

(I) The financial supervisor, the members of the commission, 5475  
the auditor of state, and any person authorized to act on behalf 5476  
of or assist them shall not be personally liable or subject to any 5477  
suit, judgment, or claim for damages resulting from the exercise 5478  
of or failure to exercise the powers, duties, and functions 5479  
granted to them in regard to their functioning under this chapter, 5480  
but the commission, the financial supervisor, the auditor of 5481  
state, and those other persons shall be subject to mandamus 5482  
proceedings to compel performance of their duties under this 5483  
chapter and with respect to any debt obligations issued pursuant 5484  
or subject to this chapter. 5485

(J) At the request of the commission, the administrative head 5486  
of any state agency shall temporarily assign personnel skilled in 5487  
accounting and budgeting procedures to assist the commission or 5488  
the financial supervisor in its duties as financial supervisor. 5489

(K) The appointed members of the commission are not subject 5490  
to section 102.02 of the Revised Code. Each appointed member of 5491  
the commission shall file with the commission a signed written 5492  
statement setting forth the general nature of sales of goods, 5493

property, or services or of loans to the municipal corporation, 5494  
county, or township with respect to which that commission is 5495  
established, in which the appointed member has a pecuniary 5496  
interest or in which any member of the appointed member's 5497  
immediate family, as defined in section 102.01 of the Revised 5498  
Code, or any corporation, partnership, or enterprise of which the 5499  
appointed member is an officer, director, or partner, or of which 5500  
the appointed member or a member of the appointed member's 5501  
immediate family, as so defined, owns more than a five per cent 5502  
interest, has a pecuniary interest, and of which sale, loan, or 5503  
interest such member has knowledge. The statement shall be 5504  
supplemented from time to time to reflect changes in the general 5505  
nature of any such sales or loans. 5506

(L) A commission is not established with respect to any 5507  
village or township with a population of less than one thousand as 5508  
of the most recent federal decennial census. Upon the occurrence 5509  
of a fiscal emergency in such a village or township, the auditor 5510  
of state shall serve as the financial supervisor of the village or 5511  
township and shall have all the powers and responsibilities of a 5512  
commission. 5513

**Sec. 118.06.** (A) Within one hundred twenty days after the 5514  
first meeting of the commission, the mayor of the municipal 5515  
corporation or the board of county commissioners or board of 5516  
township trustees shall submit to the commission a detailed 5517  
financial plan, as approved or amended and approved by ordinance 5518  
or resolution of the legislative authority, containing the 5519  
following: 5520

(1) Actions to be taken by the municipal corporation, county, 5521  
or township to: 5522

(a) Eliminate all fiscal emergency conditions determined to 5523  
exist pursuant to section 118.04 of the Revised Code; 5524



|                                                                            |      |
|----------------------------------------------------------------------------|------|
| (b) Satisfy any judgments, past due accounts payable, and all              | 5525 |
| past due and payable payroll and fringe benefits;                          | 5526 |
| (c) Eliminate the deficits in all deficit funds;                           | 5527 |
| (d) Restore to construction funds and other special funds                  | 5528 |
| moneys from such funds that were used for purposes not within the          | 5529 |
| purposes of such funds, or borrowed from such construction funds           | 5530 |
| by the purchase of debt obligations of the municipal corporation,          | 5531 |
| county, or township with the moneys of such funds, or missing from         | 5532 |
| the construction funds or such special funds and not accounted             | 5533 |
| for;                                                                       | 5534 |
| (e) Balance the budgets, avoid future deficits in any funds,               | 5535 |
| and maintain current payments of payroll, fringe benefits, and all         | 5536 |
| accounts;                                                                  | 5537 |
| (f) Avoid any fiscal emergency condition in the future;                    | 5538 |
| (g) Restore the ability of the municipal corporation, county,              | 5539 |
| or township to market long-term general obligation bonds under             | 5540 |
| provisions of law applicable to municipal corporations, counties,          | 5541 |
| or townships generally.                                                    | 5542 |
| (2) The legal authorities permitting the municipal                         | 5543 |
| corporation, county, or township to take the actions enumerated            | 5544 |
| pursuant to division (A)(1) of this section;                               | 5545 |
| (3) The approximate dates of the commencement, progress upon,              | 5546 |
| and completion of the actions enumerated pursuant to division              | 5547 |
| (A)(1) of this section, <u>a five-year forecast reflecting the</u>         | 5548 |
| <u>effects of those actions</u> , and a reasonable period of time expected | 5549 |
| to be required to implement the plan. The municipal corporation,           | 5550 |
| county, or township, in consultation with the commission and the           | 5551 |
| financial supervisor, shall prepare a reasonable time schedule for         | 5552 |
| progress toward and achievement of the requirements for the                | 5553 |
| financial plan and the financial plan shall be consistent with             | 5554 |
| that time schedule.                                                        | 5555 |

(4) The amount and purpose of any issue of debt obligations 5556  
that will be issued, together with assurances that any such debt 5557  
obligations that will be issued will not exceed debt limits 5558  
supported by appropriate certifications by the fiscal officer of 5559  
the municipal corporation, county, or township and the county 5560  
auditor; 5561

(5) Assurances that the municipal corporation, county, or 5562  
township will establish monthly levels of expenditures and 5563  
encumbrances pursuant to division (B)(2) of section 118.07 of the 5564  
Revised Code; 5565

(6) Assurances that the municipal corporation, county, or 5566  
township will conform to statutes with respect to tax budgets and 5567  
appropriation measures; 5568

(7) The detail, the form, and the supporting information that 5569  
the commission may direct. 5570

(B) The financial plan developed pursuant to division (A) of 5571  
this section shall be filed with the financial supervisor and the 5572  
financial planning and supervision commission and shall be updated 5573  
annually. After consultation with the financial supervisor, the 5574  
commission shall either approve or reject any initial or 5575  
subsequent financial plan. If the commission rejects the initial 5576  
or any subsequent financial plan, it shall forthwith inform the 5577  
mayor and legislative authority of the municipal corporation or 5578  
the board of county commissioners or board of township trustees of 5579  
the reasons for its rejection. Within thirty days after the 5580  
rejection of any plan, the mayor with the approval of the 5581  
legislative authority by the passage of an ordinance or 5582  
resolution, or the board of county commissioners or board of 5583  
township trustees, shall submit another plan meeting the 5584  
requirements of divisions (A)(1) to (7) of this section, to the 5585  
commission and the financial supervisor for approval or rejection 5586  
by the commission. 5587

(C) Any initial or subsequent financial plan passed by the 5588  
municipal corporation, county, or township shall be approved by 5589  
the commission if it complies with divisions (A)(1) to (7) of this 5590  
section, and if the commission finds that the plan is bona fide 5591  
and can reasonably be expected to be implemented within the period 5592  
specified in the plan. 5593

(D) Any financial plan may be amended subsequent to its 5594  
adoption in the same manner as the passage and approval of the 5595  
initial or subsequent plan pursuant to divisions (A) to (C) of 5596  
this section. 5597

(E) If a municipal corporation, county, or township fails to 5598  
submit a financial plan as required by this section, or fails to 5599  
substantially comply with an approved financial plan, upon 5600  
certification of the commission, all state funding for that 5601  
municipal corporation, county, or township other than benefit 5602  
assistance to individuals shall be escrowed until a feasible plan 5603  
is submitted and approved or substantial compliance with the plan 5604  
is achieved, as the case may be. 5605

**Sec. 118.12.** (A) After the date by which the municipal 5606  
corporation, county, or township is required to submit a financial 5607  
plan or segment of a financial plan to the financial planning and 5608  
supervision commission, if the municipal corporation, county, or 5609  
township has failed to submit a financial plan or segment as 5610  
required by this chapter, expenditures from the general fund of 5611  
the municipal corporation, county, or township in any month may 5612  
not exceed eighty-five per cent of expenditures from the general 5613  
fund for such month in the preceding fiscal year, except the 5614  
commission may authorize a higher per cent for any month upon 5615  
justification of need by the municipal corporation, county, or 5616  
township. If considered prudent by the commission, expenditures 5617  
from any other fund of the municipal corporation, county, or 5618

township also may be limited. 5619

(B) After submission of a proposed financial plan by the 5620  
municipal corporation, county, or township to the commission, 5621  
until approval or disapproval no expenditure may be made contrary 5622  
to such proposed financial plan. 5623

(C) After disapproval by the commission of a proposed 5624  
financial plan, no expenditure may be made by the municipal 5625  
corporation, county, or township inconsistent with the reasons for 5626  
disapproval given pursuant to division (B) of section 118.06 of 5627  
the Revised Code; and if the municipal corporation, county, or 5628  
township fails to submit a revised financial plan within the time 5629  
required, the expenditure limits of division (A) of this section 5630  
are applicable. 5631

(D) After approval of a financial plan, or any amendment 5632  
thereof, no expenditure may be made contrary to the approved 5633  
financial plan, or amendment thereof, without the advance approval 5634  
of the financial supervisor. The commission, by a majority vote, 5635  
may overrule the decision of the financial supervisor. 5636

**Sec. 118.17.** (A) During a fiscal emergency period and with 5637  
the approval of the financial planning and supervision commission, 5638  
a municipal corporation, county, or township may issue local 5639  
government fund notes, in anticipation of amounts to be allocated 5640  
to it pursuant to division (B) of section 5747.50 of the Revised 5641  
Code or to be apportioned to it under section 5747.51 or 5747.53 5642  
of the Revised Code in a future year or years, for a period of no 5643  
more than eight calendar years. The principal amount of the notes 5644  
and interest on the notes due and payable in any year shall not 5645  
exceed fifty per cent of the total amount of local government fund 5646  
moneys so allocated or apportioned to the municipal corporation, 5647  
county, or township for the year preceding the year in which the 5648  
notes are issued. The notes may mature in semiannual or annual 5649

installments in such amounts as may be fixed by the commission, 5650  
and need not mature in substantially equal semiannual or annual 5651  
installments. The notes of a municipal corporation may be 5652  
authorized and issued, subject to the approval of the commission, 5653  
in the manner provided in sections 717.15 and 717.16 of the 5654  
Revised Code, except that, notwithstanding division (A)(2) of 5655  
section 717.16 of the Revised Code, the rate or rates of interest 5656  
payable on the notes shall be the prevailing market rate or rates 5657  
as determined and approved by the commission, and except that they 5658  
shall not be issued in anticipation of bonds, shall not constitute 5659  
general obligations of the municipal corporation, and shall not 5660  
pledge the full faith and credit of the municipal corporation. 5661

(B) The principal and interest on the notes provided for in 5662  
this section shall be payable, as provided in this section, solely 5663  
from the portion of the local government fund that would otherwise 5664  
be apportioned to the municipal corporation, county, or township 5665  
and shall not be payable from or constitute a pledge of or claim 5666  
upon, or require the levy, collection, or application of, any 5667  
unvoted ad valorem property taxes or other taxes, or in any manner 5668  
occupy any portion of the indirect debt limit. 5669

(C) Local government fund notes may be issued only to the 5670  
extent needed to achieve one or more of the following objectives 5671  
of the financial plan: 5672

(1) Satisfying any contractual or noncontractual judgments, 5673  
past due accounts payable, and all past due and payable payroll 5674  
and fringe benefits to be taken into account under section 118.03 5675  
of the Revised Code; 5676

(2) Restoring to construction funds or other restricted funds 5677  
any money applied from such funds to uses not within the purposes 5678  
of such funds and which could not be transferred to such use under 5679  
section 5705.14 of the Revised Code; 5680

(3) Eliminating deficit balances in all deficit funds, 5681  
including funds that may be used to pay operating expenses. 5682

In addition to the objectives set forth in divisions (C)(1) 5683  
to (3) of this section, local government fund notes may be issued 5684  
and the proceeds of those notes may be used for the purpose of 5685  
retiring or replacing other moneys used to retire current revenue 5686  
notes issued pursuant to section 118.23 of the Revised Code to the 5687  
extent that the proceeds of the current revenue notes have been or 5688  
are to be used directly or to replace other moneys used to achieve 5689  
one or more of the objectives of the financial plan specified in 5690  
divisions (C)(1) to (3) of this section. Upon authorization of the 5691  
local government fund notes by the legislative authority of the 5692  
municipal corporation, county, or township, the proceeds of the 5693  
local government fund notes and the proceeds of any such current 5694  
revenue notes shall be deemed to be appropriated, to the extent 5695  
that the proceeds have been or are to be so used, for the purposes 5696  
for which the revenues anticipated by any such current revenue 5697  
notes are collected and appropriated within the meaning of section 5698  
133.10 of the Revised Code. 5699

(D) The need for an issue of local government fund notes for 5700  
such purposes shall be determined by taking into consideration 5701  
other money and sources of moneys available therefor under this 5702  
chapter or other provisions of law, and calculating the respective 5703  
amounts needed therefor in accordance with section 118.03 of the 5704  
Revised Code, including the deductions or offsets therein 5705  
provided, for determining that a fiscal emergency condition 5706  
exists, and by eliminating any duplication of amounts thereunder. 5707  
The respective amounts needed to achieve such objectives and the 5708  
resulting aggregate net amount shall be determined initially by a 5709  
certification of the fiscal officer as and to the extent approved 5710  
by the financial supervisor. The principal amount of such notes 5711  
shall not exceed the aggregate net amount needed for such 5712

purposes. The aggregate amount of all issues of such notes shall 5713  
not exceed three times the average of the allocation or 5714  
apportionment to the municipal corporation, county, or township of 5715  
moneys from the local government fund in each of the three fiscal 5716  
years preceding the fiscal year in which the notes are issued. 5717

(E) The proceeds of the sale of local government fund notes 5718  
shall be appropriated by the municipal corporation, county, or 5719  
township for and shall be applied only to the purposes, and in the 5720  
respective amounts for those purposes, set forth in the 5721  
certification given pursuant to division (D) of this section, as 5722  
the purposes and amounts may be modified in the approval by the 5723  
commission provided for in this section. The proceeds shall be 5724  
deposited in separate accounts with a fiscal agent designated in 5725  
the resolution referred to in division (F) of this section and 5726  
released only for such respective purposes in accordance with the 5727  
procedures set forth in division (D) of section 118.20 of the 5728  
Revised Code. Any amounts not needed for such purposes shall be 5729  
deposited with the fiscal agent designated to receive deposits for 5730  
payment of the principal of and interest due on the notes. 5731

(F) An application for approval by the financial planning and 5732  
supervision commission of an issue of local government fund notes 5733  
shall be authorized by a preliminary resolution adopted by the 5734  
legislative authority. The resolution may authorize the 5735  
application as a part of the initial submission of the financial 5736  
plan for approval or as a part of any proposed amendment to an 5737  
approved financial plan or at any time after the approval of a 5738  
financial plan, or amendment to a financial plan, that proposes 5739  
the issue of such notes. The preliminary resolution shall 5740  
designate a fiscal agent for the deposit of the proceeds of the 5741  
sale of the notes, and shall contain a covenant of the municipal 5742  
corporation, county, or township to comply with this chapter and 5743  
the financial plan. 5744

The commission shall review and evaluate the application and supporting certification and financial supervisor action, and shall thereupon certify its approval or disapproval, or modification and approval, of the application.

The commission shall certify the amounts, maturities, interest rates, and terms of issue of the local government fund notes approved by the commission and the purposes to which the proceeds of the sale of the notes will be applied in respective amounts.

The commission shall certify a copy of its approval, of the preliminary resolution, and of the related certification and action of the financial supervisor to the fiscal officer, the financial supervisor, the county budget commission, the county auditor, the county treasurer, and the fiscal agent designated to receive and disburse the proceeds of the sale of the notes.

(G) Upon the sale of any local government fund notes issued under this section, the commission shall determine a schedule for the deposit of local government fund distributions that are pledged for the payment of the principal of and interest on the notes with the fiscal agent or trustee designated in the agreement between the municipal corporation, county, or township and the holders of the notes to receive and disburse the distributions. The amounts to be deposited shall be adequate to provide for the payment of principal and interest on the notes when due and to pay all other proper charges, costs, or expenses pertaining thereto.

The amount of the local government fund moneys apportioned to the municipal corporation, county, or township that is to be so deposited in each year shall not be included in the tax budget and appropriation measures of the municipal corporation, county, or township, or in certificates of estimated revenues, for that year.

The commission shall certify the schedule to the officers



designated in division (F) of this section. 5776

(H) Deposit of amounts with the fiscal agent or trustee 5777  
pursuant to the schedule determined by the commission shall be 5778  
made from local government fund distributions to or apportioned to 5779  
the municipal corporation, county, or township as provided in this 5780  
division. The apportionment of local government fund moneys to the 5781  
municipal corporation, county, or township for any year from the 5782  
undivided local government fund shall be determined as to the 5783  
municipal corporation, county, or township without regard to the 5784  
amounts to be deposited with the fiscal agent or trustee in that 5785  
year in accordance with division (G) of this section. After the 5786  
amount of the undivided local government fund apportioned to the 5787  
municipal corporation, county, or township for a calendar year is 5788  
determined, the county auditor and the county treasurer shall 5789  
withhold from each monthly amount to be distributed to the 5790  
municipal corporation, county, or township from the undivided 5791  
local government fund, and transmit to the fiscal agent or trustee 5792  
for deposit, one-twelfth of the amount scheduled for deposit in 5793  
that year pursuant to division (G) of this section. 5794

(I) If the commission approves the application, the municipal 5795  
corporation, county, or township may proceed with the issuance of 5796  
the notes as approved by the commission. 5797

All notes issued under authority of this section are lawful 5798  
investments for the entities enumerated in division (A)(1) of 5799  
section 133.03 of the Revised Code and are eligible as security 5800  
for the repayment of the deposit of public moneys. 5801

Upon the issuance of any notes under this section, the fiscal 5802  
officer of the municipal corporation, county, or township shall 5803  
certify the fact of the issuance to the county auditor and shall 5804  
also certify to the county auditor the last calendar year in which 5805  
any of the notes are scheduled to mature. 5806

(J) After the legislative authority of the municipal corporation, county, or township has passed an ordinance or resolution authorizing the issuance of local government fund notes and subsequent to the commission's preliminary or final approval of the ordinance or resolution, the director of law, prosecuting attorney, or other chief legal officer of the municipal corporation, county, or township shall certify a sample of the form and content of a note to be used to issue the local government fund notes to the commission. The commission shall determine whether the sample note is consistent with this section and the ordinance or resolution authorizing the issuance of the local government fund notes, and if the sample note is found to be consistent with this section and the ordinance, the commission shall approve the sample note for use by the municipal corporation, county, or township. The form and content of the notes to be used by the municipal corporation, county, or township in issuing the local government fund notes may be modified at any time subsequent to the commission's approval of the sample note upon the approval of the commission and the director of law, prosecuting attorney, or other chief legal officer of the municipal corporation, county, or township. The failure of the director of law, prosecuting attorney, or other chief legal officer of the municipal corporation, county, or township to make the certification required by this division shall not subject that legal officer to removal pursuant to the Revised Code or the charter of a municipal corporation. If the director of law, prosecuting attorney, or other chief legal officer fails or refuses to make the certification required by this division, or if any officer of the municipal corporation, county, or township fails or refuses to take any action required by this section or the ordinance or resolution authorizing the issuance or sale of local government fund notes, the mayor of the municipal corporation or the board of county commissioners or board of

township trustees may cause the commencement of a mandamus action 5840  
in the supreme court against the director of law, prosecuting 5841  
attorney, or other chief legal officer to secure the certification 5842  
required by this division or other action required by this section 5843  
or the ordinance or resolution. If an adjudication of the matters 5844  
that could be adjudicated in validation proceedings under section 5845  
133.70 of the Revised Code is necessary to a determination of the 5846  
mandamus action, the mayor, the board of county commissioners, or 5847  
the board of township trustees or the mayor's or board's legal 5848  
counsel shall name and cause to be served as defendants to the 5849  
mandamus action all of the following: 5850

(1) The director of law, prosecuting attorney, or other chief 5851  
legal officer, or other official of the municipal corporation, 5852  
county, or township, whose failure or refusal to act necessitated 5853  
the action; 5854

(2) The municipal corporation, through its mayor, or the 5855  
board of county commissioners or board of township trustees; 5856

(3) The financial planning and supervision commission, 5857  
through its chairperson; 5858

(4) The prosecuting attorney and auditor of each county in 5859  
which the municipal corporation, county, or township is located, 5860  
in whole or in part; 5861

(5) The auditor of state; 5862

(6) The property owners, taxpayers, citizens of the municipal 5863  
corporation, county, or township and others having or claiming any 5864  
right, title, or interest in any property or funds to be affected 5865  
by the issuance of the local government fund notes by the 5866  
municipal corporation, county, or township, or otherwise affected 5867  
in any way thereby. 5868

Service upon all defendants described in division (J)(6) of 5869  
this section shall be either by publication three times, with at 5870

least six days between each publication, in a newspaper of general 5871  
circulation in Franklin county and a newspaper of general 5872  
circulation in the county or counties where the municipal 5873  
corporation, county, or township is located, or by publication in 5874  
both such newspapers as provided in section 7.16 of the Revised 5875  
Code. The publication and the notice shall indicate that the 5876  
nature of the action is in mandamus, the name of the parties to 5877  
the action, and that the action may result in the validation of 5878  
the subject local government fund notes. Authorization to commence 5879  
such an action by the legislative authority of the municipal 5880  
corporation, county, or township is not required. 5881

A copy of the complaint in the mandamus action shall be 5882  
served personally or by certified mail upon the attorney general. 5883  
If the attorney general has reason to believe that the complaint 5884  
is defective, insufficient, or untrue, or if in the attorney 5885  
general's opinion the issuance of the local government fund notes 5886  
is not lawful or has not been duly authorized, defense shall be 5887  
made to the complaint as the attorney general considers proper. 5888

(K) The action in mandamus authorized by division (J) of this 5889  
section shall take priority over all other civil cases pending in 5890  
the court, except habeas corpus, and shall be determined with the 5891  
least possible delay. The supreme court may determine that the 5892  
local government fund notes will be consistent with the purpose 5893  
and effects, including not occupying the indirect debt limit, 5894  
provided for in this section and will be validly issued and 5895  
acquired. Such a determination shall include a finding of 5896  
validation of the subject local government fund notes if the court 5897  
specifically finds that: 5898

(1) The complaint in mandamus, or subsequent pleadings, 5899  
include appropriate allegations required by division (C) of 5900  
section 133.70 of the Revised Code, and that the proceeding is in 5901  
lieu of an action to validate under section 133.70 of the Revised 5902

Code; 5903

(2) All parties described in divisions (J)(1) to (6) of this 5904  
section have been duly served with notice or are otherwise 5905  
properly before the court; 5906

(3) Notice of the action has been published as required by 5907  
division (J) of this section; 5908

(4) The effect of validation is required to provide a 5909  
complete review and determination of the controversy in mandamus, 5910  
and to avoid duplication of litigation, danger of inconsistent 5911  
results, or inordinate delay in light of the fiscal emergency, or 5912  
that a disposition in the mandamus action would, as a practical 5913  
matter, be dispositive of any subsequent validation proceedings 5914  
under section 133.70 of the Revised Code. 5915

(L) Any decision that includes a finding of validation has 5916  
the same effect as a validation order established by an action 5917  
under section 133.70 of the Revised Code. 5918

(M) Divisions (J) and (K) of this section do not prevent a 5919  
municipal corporation, county, or township from using section 5920  
133.70 of the Revised Code to validate local government fund notes 5921  
by the filing of a petition for validation in the court of common 5922  
pleas of the county in which the municipal corporation, county, or 5923  
township is located, in whole or in part. 5924

(N) It is hereby determined by the general assembly that a 5925  
validation action authorized by section 133.70 of the Revised Code 5926  
is not an adequate remedy at law with respect to a municipal 5927  
corporation, county, or township that is a party to a mandamus 5928  
action pursuant to divisions (J) and (K) of this section and in 5929  
which a fiscal emergency condition has been determined to exist 5930  
pursuant to section 118.04 of the Revised Code because of, but not 5931  
limited to, the following reasons: 5932

(1) It is urgently necessary for such a municipal 5933

corporation, county, or township to take prompt action to issue 5934  
local government fund notes for the purposes provided in division 5935  
(C) of this section; 5936

(2) The potentially ruinous effect upon the fiscal condition 5937  
of a municipal corporation, county, or township by the passage of 5938  
the time required to adjudicate such a separate validation action 5939  
and any appeals thereof; 5940

(3) The reasons stated in division (K)(4) of this section. 5941

Sec. 118.31. (A) Upon petition of the financial supervisor 5942  
and approval of the financial planning and supervision commission, 5943  
if any, the attorney general shall file a court action to dissolve 5944  
a municipal corporation or township if all of the following 5945  
conditions apply: 5946

(1) The municipal corporation or township has a population of 5947  
less than five thousand as of the most recent federal decennial 5948  
census. 5949

(2) The municipal corporation or township has been under a 5950  
fiscal emergency for at least four consecutive years. 5951

(3) Implementation of the financial plan of the municipal 5952  
corporation or township required under this chapter cannot 5953  
reasonably be expected to correct and eliminate all fiscal 5954  
emergency conditions within five years. 5955

(B) If the court finds that all of the conditions described 5956  
in division (A) of this section apply to the municipal corporation 5957  
or township, it shall appoint a receiver. The receiver, under 5958  
court supervision, shall work with executive and legislative 5959  
officers of the municipal corporation or township to wind up the 5960  
affairs of and dissolve the municipal corporation in accordance 5961  
with section 703.21 of the Revised Code or the township in 5962  
accordance with the process in section 503.02 and sections 503.17 5963

to 503.21 of the Revised Code. 5964

**Sec. 118.99.** (A) During the fiscal emergency period, no 5965  
officer or employee of the municipal corporation, county, or 5966  
township shall do any of the following: 5967

(1) Knowingly enter into any contract, financial obligation, 5968  
or other liability of the municipal corporation, county, or 5969  
township involving an expenditure, or make any expenditure in 5970  
excess of the amount permitted by section 118.12 of the Revised 5971  
Code; 5972

(2) Knowingly enter into any contract, financial obligation, 5973  
or other liability of the municipal corporation, county, or 5974  
township, or knowingly execute or deliver debt obligations, or 5975  
transfer, advance, or borrow moneys from one fund of the municipal 5976  
corporation, county, or township to or for any other fund of the 5977  
municipal corporation, county, or township where any of such 5978  
actions are required to be approved by the financial planning and 5979  
supervision commission unless such actions have been so approved 5980  
or deemed to be approved as provided in or pursuant to this 5981  
chapter; 5982

(3) Knowingly fail or refuse to take any of the actions 5983  
required by this chapter for the preparation or amendment of the 5984  
financial plan, or knowingly prepare, present, or certify any 5985  
information or report for the commission or any of its employees, 5986  
advisory committees, task forces, or agents that is false or 5987  
misleading or which is recklessly prepared or presented without 5988  
due care for its accuracy, or, upon learning that any such 5989  
information is false or misleading, or was recklessly prepared or 5990  
presented, knowingly fail promptly to advise the commission, or 5991  
the employee, advisory committee, task force, or agent to whom 5992  
such information was given, of that fact; 5993

(4) Knowingly use or cause to be used moneys of a 5994

construction fund for purposes other than the lawful purposes of 5995  
the construction fund, or knowingly use or cause to be used moneys 5996  
of a fund created under this chapter for the payment of principal 5997  
and interest on debt obligations, or a bond retirement fund, or 5998  
sinking fund for other than the payment of the principal of and 5999  
interest on debt obligations or other authorized costs or payments 6000  
from such funds, or knowingly fail to perform the duty of such 6001  
officer or employee to cause the prompt deposit of moneys to any 6002  
of the funds referred to in this division. 6003

(B) The prohibitions set forth in division (A) of this 6004  
section are in addition to any other prohibitions provided by law 6005  
for a municipal corporation, county, or township, or by or 6006  
pursuant to a municipal charter. 6007

(C) In addition to any other penalty or liability provided by 6008  
law for a municipal corporation, county, or township, or by or 6009  
pursuant to a municipal charter, a violation of division (A)(1), 6010  
(2), (3), or (4) of this section is a misdemeanor of the second 6011  
degree. Upon conviction of any officer or employee of a municipal 6012  
corporation, county, or township for any violation under division 6013  
(A)(1), (2), (3), or (4) of this section, such officer or employee 6014  
shall forfeit office or employment. For the seven-year period 6015  
immediately following the date of conviction, such officer shall 6016  
also be ineligible to hold any public office or other position of 6017  
trust in this state or be employed by any public entity in this 6018  
state. 6019

**Sec. 119.032.** (A) As used in this section: 6020

(1) "Agency" includes both an agency as defined in division 6021  
(A)(2) of section 111.15 and an agency as defined in division (A) 6022  
of section 119.01 of the Revised Code. 6023

(2) "Review date" means the review date assigned to a rule by 6024  
an agency under division (B) or (E)(2) of this section or under 6025



section 111.15, 119.04, or 4141.14 of the Revised Code or a review 6026  
date assigned to a rule by the joint committee on agency rule 6027  
review under division (B) of this section. 6028

(3)(a) "Rule" means only a rule whose adoption, amendment, or 6029  
rescission is subject to review under division (D) of section 6030  
111.15 or division (H) of section 119.03 of the Revised Code. 6031

(b) "Rule" does not include a rule adopted, amended, or 6032  
rescinded by the department of taxation under section 5703.14 of 6033  
the Revised Code, a rule of a state college or university, 6034  
community college district, technical college district, or state 6035  
community college, or a rule that is consistent with and 6036  
equivalent to the form required by a federal law and that does not 6037  
exceed the minimum scope and intent of that federal law. 6038

(B) Not later than March 25, 1997, each agency shall assign a 6039  
review date to each of its rules that is currently in effect and 6040  
shall notify the joint committee on agency rule review of the 6041  
review date for each such rule. The agency shall assign review 6042  
dates to its rules so that approximately one-fifth of the rules 6043  
are scheduled for review during each calendar year of the 6044  
five-year period that begins March 25, 1997, except that an 6045  
agency, with the joint committee's approval, may set a review 6046  
schedule for the agency's rules in which there is no requirement 6047  
that approximately one-fifth of the agency's rules be assigned a 6048  
review date during each calendar year of the five-year period but 6049  
in which all of the agency's rules are assigned a review date 6050  
during that five-year period. An agency may change the review 6051  
dates it has assigned to specific rules so long as the agency 6052  
complies with the five-year time deadline specified in this 6053  
division. 6054

Upon the request of the agency that adopted the rule, the 6055  
joint committee on agency rule review may extend a review date of 6056  
a rule to a date that is not later than one hundred eighty days 6057

after the original review date assigned to the rule by the agency 6058  
under this division, division (E)(2) of this section, or section 6059  
111.15, 119.04, or 4141.14 of the Revised Code. The joint 6060  
committee may further extend a review date that has been extended 6061  
under this paragraph if appropriate under the circumstances. 6062

(C) Prior to the review date of a rule, the agency that 6063  
adopted the rule shall review the rule to determine all of the 6064  
following: 6065

(1) Whether the rule should be continued without amendment, 6066  
be amended, or be rescinded, taking into consideration the 6067  
purpose, scope, and intent of the statute under which the rule was 6068  
adopted; 6069

(2) Whether the rule needs amendment or rescission to give 6070  
more flexibility at the local level; 6071

(3) Whether the rule needs amendment or rescission to 6072  
eliminate unnecessary paperwork, or whether the rule incorporates 6073  
a text or other material by reference and, if so, whether the text 6074  
or other material incorporated by reference is deposited or 6075  
displayed as required by section 121.74 of the Revised Code and 6076  
whether the incorporation by reference meets the standards stated 6077  
in sections 121.72, 121.75, and 121.76 of the Revised Code; 6078

(4) Whether the rule duplicates, overlaps with, or conflicts 6079  
with other rules; 6080

(5) Whether the rule has an adverse impact on businesses, ~~as~~ 6081  
~~determined~~ reviewing the rule as if it were a draft rule being 6082  
reviewed under section sections 107.52 and 107.53 of the Revised 6083  
Code, and whether any such adverse impact has been eliminated or 6084  
reduced ~~as required under section 121.82 of the Revised Code.~~ 6085

(D) In making the review required under division (C) of this 6086  
section, the agency shall consider the continued need for the 6087  
rule, the nature of any complaints or comments received concerning 6088

the rule, and any relevant factors that have changed in the 6089  
subject matter area affected by the rule. 6090

(E)(1) On or before the designated review date of a rule, the 6091  
agency that adopted the rule shall proceed under division (E)(2) 6092  
or (5) of this section to indicate that the agency has reviewed 6093  
the rule. 6094

(2) If the agency has determined that the rule does not need 6095  
to be amended or rescinded, the agency shall file all the 6096  
following, in electronic form, with the joint committee on agency 6097  
rule review, the secretary of state, and the director of the 6098  
legislative service commission: a copy of the rule, a statement of 6099  
the agency's determination, and an accurate rule summary and 6100  
fiscal analysis for the rule as described in section 127.18 of the 6101  
Revised Code. The agency shall assign a new review date to the 6102  
rule, which shall not be later than five years after the rule's 6103  
immediately preceding review date. After the joint committee has 6104  
reviewed such a rule for the first time, including any rule that 6105  
was in effect on September 26, 1996, the agency in its subsequent 6106  
reviews of the rule may provide the same fiscal analysis it 6107  
provided to the joint committee during its immediately preceding 6108  
review of the rule unless any of the conditions described in 6109  
division (B)(4), (5), (6), (8), (9), or (10) of section 127.18 of 6110  
the Revised Code, as they relate to the rule, have appreciably 6111  
changed since the joint committee's immediately preceding review 6112  
of the rule. If any of these conditions, as they relate to the 6113  
rule, have appreciably changed, the agency shall provide the joint 6114  
committee with an updated fiscal analysis for the rule. If no 6115  
review date is assigned to a rule, or if a review date assigned to 6116  
a rule exceeds the five-year maximum, the review date for the rule 6117  
is five years after its immediately preceding review date. The 6118  
joint committee shall give public notice in the register of Ohio 6119  
of the agency's determination after receiving a notice from the 6120

agency under division (E)(2) of this section. The joint committee 6121  
shall transmit a copy of the notice in electronic form to the 6122  
director of the legislative service commission. The director shall 6123  
publish the notice in the register of Ohio for four consecutive 6124  
weeks after its receipt. 6125

(3) During the ninety-day period following the date the joint 6126  
committee receives a notice under division (E)(2) of this section 6127  
but after the four-week period described in division (E)(2) of 6128  
this section has ended, the joint committee, by a two-thirds vote 6129  
of the members present, may recommend the adoption of a concurrent 6130  
resolution invalidating the rule if the joint committee determines 6131  
that any of the following apply: 6132

(a) The agency improperly applied the criteria described in 6133  
divisions (C) and (D) of this section in reviewing the rule and in 6134  
recommending its continuance without amendment or rescission. 6135

(b) The agency failed to file proper notice with the joint 6136  
committee regarding the rule, or if the rule incorporates a text 6137  
or other material by reference, the agency failed to file, or to 6138  
deposit or display, the text or other material incorporated by 6139  
reference as required by section 121.73 or 121.74 of the Revised 6140  
Code or the incorporation by reference fails to meet the standards 6141  
stated in section 121.72, 121.75, or 121.76 of the Revised Code. 6142

(c) The rule has an adverse impact on businesses, as 6143  
determined under section 107.52 of the Revised Code, and the 6144  
agency has not eliminated or reduced that impact as required under 6145  
section 121.82 of the Revised Code. 6146

(4) If the joint committee does not take the action described 6147  
in division (E)(3) of this section regarding a rule during the 6148  
ninety-day period after the date the joint committee receives a 6149  
notice under division (E)(2) of this section regarding that rule, 6150  
the rule shall continue in effect without amendment and shall be 6151

next reviewed by the joint committee by the date designated by the 6152  
agency in the notice provided to the joint committee under 6153  
division (E)(2) of this section. 6154

(5) If the agency has determined that a rule reviewed under 6155  
division (C) of this section needs to be amended or rescinded, the 6156  
agency, on or before the rule's review date, shall file the rule 6157  
as amended or rescinded in accordance with section 111.15, 119.03, 6158  
or 4141.14 of the Revised Code, as applicable. 6159

(6) Each agency shall provide the joint committee with a copy 6160  
of the rules that it has determined are rules described in 6161  
division (A)(3)(b) of this section. At a time the joint committee 6162  
designates, each agency shall appear before the joint committee 6163  
and explain why it has determined that such rules are rules 6164  
described in division (A)(3)(b) of this section. The joint 6165  
committee, by a two-thirds vote of the members present, may 6166  
determine that any of such rules are rules described in division 6167  
(A)(3)(a) of this section. After the joint committee has made such 6168  
a determination relating to a rule, the agency shall thereafter 6169  
treat the rule as a rule described in division (A)(3)(a) of this 6170  
section. 6171

(F) If an agency fails to provide the notice to the joint 6172  
committee required under division (E)(2) of this section regarding 6173  
a rule or otherwise fails by the rule's review date to take any 6174  
action regarding the rule required by this section, the joint 6175  
committee, by a majority vote of the members present, may 6176  
recommend the adoption of a concurrent resolution invalidating the 6177  
rule. The joint committee shall not recommend the adoption of such 6178  
a resolution until it has afforded the agency the opportunity to 6179  
appear before the joint committee to show cause why the joint 6180  
committee should not recommend the adoption of such a resolution 6181  
regarding that rule. 6182

(G) If the joint committee recommends adoption of a 6183

concurrent resolution invalidating a rule under division (E)(3) or 6184  
(F) of this section, the adoption of the concurrent resolution 6185  
shall be in the manner described in division (I) of section 119.03 6186  
of the Revised Code. 6187

**Sec. 120.40.** (A) The pay ranges established by the board of 6188  
county commissioners for the county public defender ~~and staff~~, and 6189  
those established by the joint board of county commissioners for 6190  
the joint county public defender ~~and staff~~, shall not exceed the 6191  
pay ranges assigned under section ~~124.14~~ 325.11 of the Revised 6192  
Code for ~~comparable positions of the Ohio public defender and~~ 6193  
~~staff~~ county prosecutors. 6194

(B) The pay ranges established by the board of county 6195  
commissioners for the staff of the county public defender and 6196  
those established by the joint board of county commissioners for 6197  
the staff of the joint county public defender shall not exceed the 6198  
pay ranges assigned under section 124.14 of the Revised Code for 6199  
comparable positions of the staff of the Ohio public defender. 6200

**Sec. 121.03.** The following administrative department heads 6201  
shall be appointed by the governor, with the advice and consent of 6202  
the senate, and shall hold their offices during the term of the 6203  
appointing governor, and are subject to removal at the pleasure of 6204  
the governor. 6205

(A) The director of budget and management; 6206

(B) The director of commerce; 6207

(C) The director of transportation; 6208

(D) The director of agriculture; 6209

(E) The director of job and family services; 6210

(F) Until July 1, 1997, the director of liquor control; 6211

(G) The director of public safety; 6212

|                                                                                                                                                        |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (H) The superintendent of insurance;                                                                                                                   | 6213                 |
| (I) The director of development;                                                                                                                       | 6214                 |
| (J) The tax commissioner;                                                                                                                              | 6215                 |
| (K) The director of administrative services;                                                                                                           | 6216                 |
| (L) The director of natural resources;                                                                                                                 | 6217                 |
| (M) The director of mental health;                                                                                                                     | 6218                 |
| (N) The director of developmental disabilities;                                                                                                        | 6219                 |
| (O) The director of health;                                                                                                                            | 6220                 |
| (P) The director of youth services;                                                                                                                    | 6221                 |
| (Q) The director of rehabilitation and correction;                                                                                                     | 6222                 |
| (R) The director of environmental protection;                                                                                                          | 6223                 |
| (S) The director of aging;                                                                                                                             | 6224                 |
| (T) The director of alcohol and drug addiction services;                                                                                               | 6225                 |
| (U) The administrator of workers' compensation who meets the<br>qualifications required under division (A) of section 4121.121 of<br>the Revised Code; | 6226<br>6227<br>6228 |
| (V) The director of veterans services who meets the<br>qualifications required under section 5902.01 of the Revised Code;                              | 6229<br>6230         |
| <u>(W) The chancellor of the Ohio board of regents.</u>                                                                                                | 6231                 |
| <b>Sec. 121.04.</b> Offices are created within the several<br>departments as follows:                                                                  | 6232<br>6233         |
| In the department of commerce:                                                                                                                         | 6234                 |
| Commissioner of securities;                                                                                                                            | 6235                 |
| Superintendent of real estate and professional<br>licensing;                                                                                           | 6236                 |
| Superintendent of financial institutions;                                                                                                              | 6237                 |
| State fire marshal;                                                                                                                                    | 6238                 |

|                                               |      |
|-----------------------------------------------|------|
| Superintendent of labor;                      | 6239 |
| Superintendent of liquor control;             | 6240 |
| Superintendent of unclaimed funds.            | 6241 |
| In the department of administrative services: | 6242 |
| State architect and engineer;                 | 6243 |
| Equal employment opportunity coordinator.     | 6244 |
| In the department of agriculture:             | 6245 |
| Chiefs of divisions as follows:               | 6246 |
| Administration;                               | 6247 |
| Animal industry;                              | 6248 |
| Dairy;                                        | 6249 |
| Food safety;                                  | 6250 |
| Plant industry;                               | 6251 |
| Markets;                                      | 6252 |
| Meat inspection;                              | 6253 |
| Consumer analytical laboratory;               | 6254 |
| Amusement ride safety;                        | 6255 |
| Enforcement;                                  | 6256 |
| Weights and measures.                         | 6257 |
| In the department of natural resources:       | 6258 |
| Chiefs of divisions as follows:               | 6259 |
|                                               | 6260 |
| Mineral resources management;                 | 6261 |
| <u>Oil and gas resources management;</u>      | 6262 |
| Forestry;                                     | 6263 |
| Natural areas and preserves;                  | 6264 |
| Wildlife;                                     | 6265 |
| Geological survey;                            | 6266 |
| Parks and recreation;                         | 6267 |
| Watercraft;                                   | 6268 |
| Recycling and litter prevention;              | 6269 |



Soil and water resources; 6270  
Engineering. 6271

In the department of insurance: 6272

Deputy superintendent of insurance; 6273

Assistant superintendent of insurance, technical; 6274

Assistant superintendent of insurance, administrative; 6275

Assistant superintendent of insurance, research. 6276

**Sec. 121.22.** (A) This section shall be liberally construed to 6277  
require public officials to take official action and to conduct 6278  
all deliberations upon official business only in open meetings 6279  
unless the subject matter is specifically excepted by law. 6280

(B) As used in this section: 6281

(1) "Public body" means any of the following: 6282

(a) Any board, commission, committee, council, or similar 6283  
decision-making body of a state agency, institution, or authority, 6284  
and any legislative authority or board, commission, committee, 6285  
council, agency, authority, or similar decision-making body of any 6286  
county, township, municipal corporation, school district, or other 6287  
political subdivision or local public institution; 6288

(b) Any committee or subcommittee of a body described in 6289  
division (B)(1)(a) of this section; 6290

(c) A court of jurisdiction of a sanitary district organized 6291  
wholly for the purpose of providing a water supply for domestic, 6292  
municipal, and public use when meeting for the purpose of the 6293  
appointment, removal, or reappointment of a member of the board of 6294  
directors of such a district pursuant to section 6115.10 of the 6295  
Revised Code, if applicable, or for any other matter related to 6296  
such a district other than litigation involving the district. As 6297  
used in division (B)(1)(c) of this section, "court of 6298  
jurisdiction" has the same meaning as "court" in section 6115.01 6299

|                                                                                                                                                                                                                                                                                                                             |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| of the Revised Code.                                                                                                                                                                                                                                                                                                        | 6300                                 |
| (2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.                                                                                                                                                                                                      | 6301<br>6302                         |
| (3) "Regulated individual" means either of the following:                                                                                                                                                                                                                                                                   | 6303                                 |
| (a) A student in a state or local public educational institution;                                                                                                                                                                                                                                                           | 6304<br>6305                         |
| (b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.                                                                      | 6306<br>6307<br>6308<br>6309         |
| (4) "Public office" has the same meaning as in section 149.011 of the Revised Code.                                                                                                                                                                                                                                         | 6310<br>6311                         |
| (C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. | 6312<br>6313<br>6314<br>6315<br>6316 |
| The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.                | 6317<br>6318<br>6319<br>6320<br>6321 |
| (D) This section does not apply to any of the following:                                                                                                                                                                                                                                                                    | 6322                                 |
| (1) A grand jury;                                                                                                                                                                                                                                                                                                           | 6323                                 |
| (2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;                                                                                                                                                 | 6324<br>6325<br>6326                 |
| (3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;                                                                                                                                                    | 6327<br>6328<br>6329                 |

|                                                                                                                                                                                                                                                            |                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| (4) The organized crime investigations commission established under section 177.01 of the Revised Code;                                                                                                                                                    | 6330<br>6331                 |
| (5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;                                                                  | 6332<br>6333<br>6334         |
| (6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;                                                                   | 6335<br>6336<br>6337         |
| (7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;                                                                            | 6338<br>6339<br>6340         |
| (8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;                                                                                     | 6341<br>6342<br>6343         |
| (9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;                                                                                                          | 6344<br>6345<br>6346         |
| (10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code; | 6347<br>6348<br>6349<br>6350 |
| (11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;                                | 6351<br>6352<br>6353<br>6354 |
| <u>(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code.</u>                                 | 6355<br>6356<br>6357<br>6358 |
| (E) The controlling board, the development financing advisory                                                                                                                                                                                              | 6359                         |

council, the industrial technology and enterprise advisory 6360  
council, the tax credit authority, or the minority development 6361  
financing advisory board, when meeting to consider granting 6362  
assistance pursuant to Chapter 122. or 166. of the Revised Code, 6363  
in order to protect the interest of the applicant or the possible 6364  
investment of public funds, by unanimous vote of all board, 6365  
council, or authority members present, may close the meeting 6366  
during consideration of the following information confidentially 6367  
received by the authority, council, or board from the applicant: 6368

(1) Marketing plans; 6369

(2) Specific business strategy; 6370

(3) Production techniques and trade secrets; 6371

(4) Financial projections; 6372

(5) Personal financial statements of the applicant or members 6373  
of the applicant's immediate family, including, but not limited 6374  
to, tax records or other similar information not open to public 6375  
inspection. 6376

The vote by the authority, council, or board to accept or 6377  
reject the application, as well as all proceedings of the 6378  
authority, council, or board not subject to this division, shall 6379  
be open to the public and governed by this section. 6380

(F) Every public body, by rule, shall establish a reasonable 6381  
method whereby any person may determine the time and place of all 6382  
regularly scheduled meetings and the time, place, and purpose of 6383  
all special meetings. A public body shall not hold a special 6384  
meeting unless it gives at least twenty-four hours' advance notice 6385  
to the news media that have requested notification, except in the 6386  
event of an emergency requiring immediate official action. In the 6387  
event of an emergency, the member or members calling the meeting 6388  
shall notify the news media that have requested notification 6389  
immediately of the time, place, and purpose of the meeting. 6390

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or

bargaining advantage to a person whose personal, private interest 6423  
is adverse to the general public interest. No member of a public 6424  
body shall use division (G)(2) of this section as a subterfuge for 6425  
providing covert information to prospective buyers or sellers. A 6426  
purchase or sale of public property is void if the seller or buyer 6427  
of the public property has received covert information from a 6428  
member of a public body that has not been disclosed to the general 6429  
public in sufficient time for other prospective buyers and sellers 6430  
to prepare and submit offers. 6431

If the minutes of the public body show that all meetings and 6432  
deliberations of the public body have been conducted in compliance 6433  
with this section, any instrument executed by the public body 6434  
purporting to convey, lease, or otherwise dispose of any right, 6435  
title, or interest in any public property shall be conclusively 6436  
presumed to have been executed in compliance with this section 6437  
insofar as title or other interest of any bona fide purchasers, 6438  
lessees, or transferees of the property is concerned. 6439

(3) Conferences with an attorney for the public body 6440  
concerning disputes involving the public body that are the subject 6441  
of pending or imminent court action; 6442

(4) Preparing for, conducting, or reviewing negotiations or 6443  
bargaining sessions with public employees concerning their 6444  
compensation or other terms and conditions of their employment; 6445

(5) Matters required to be kept confidential by federal law 6446  
or regulations or state statutes; 6447

(6) Details relative to the security arrangements and 6448  
emergency response protocols for a public body or a public office, 6449  
if disclosure of the matters discussed could reasonably be 6450  
expected to jeopardize the security of the public body or public 6451  
office; 6452

(7) In the case of a county hospital operated pursuant to 6453

Chapter 339. of the Revised Code, a joint township hospital 6454  
operated pursuant to Chapter 513. of the Revised Code, or a 6455  
municipal hospital operated pursuant to Chapter 749. of the 6456  
Revised Code, to consider trade secrets, as defined in section 6457  
1333.61 of the Revised Code. 6458

If a public body holds an executive session to consider any 6459  
of the matters listed in divisions (G)(2) to (7) of this section, 6460  
the motion and vote to hold that executive session shall state 6461  
which one or more of the approved matters listed in those 6462  
divisions are to be considered at the executive session. 6463

A public body specified in division (B)(1)(c) of this section 6464  
shall not hold an executive session when meeting for the purposes 6465  
specified in that division. 6466

(H) A resolution, rule, or formal action of any kind is 6467  
invalid unless adopted in an open meeting of the public body. A 6468  
resolution, rule, or formal action adopted in an open meeting that 6469  
results from deliberations in a meeting not open to the public is 6470  
invalid unless the deliberations were for a purpose specifically 6471  
authorized in division (G) or (J) of this section and conducted at 6472  
an executive session held in compliance with this section. A 6473  
resolution, rule, or formal action adopted in an open meeting is 6474  
invalid if the public body that adopted the resolution, rule, or 6475  
formal action violated division (F) of this section. 6476

(I)(1) Any person may bring an action to enforce this 6477  
section. An action under division (I)(1) of this section shall be 6478  
brought within two years after the date of the alleged violation 6479  
or threatened violation. Upon proof of a violation or threatened 6480  
violation of this section in an action brought by any person, the 6481  
court of common pleas shall issue an injunction to compel the 6482  
members of the public body to comply with its provisions. 6483

(2)(a) If the court of common pleas issues an injunction 6484

pursuant to division (I)(1) of this section, the court shall order 6485  
the public body that it enjoins to pay a civil forfeiture of five 6486  
hundred dollars to the party that sought the injunction and shall 6487  
award to that party all court costs and, subject to reduction as 6488  
described in division (I)(2) of this section, reasonable 6489  
attorney's fees. The court, in its discretion, may reduce an award 6490  
of attorney's fees to the party that sought the injunction or not 6491  
award attorney's fees to that party if the court determines both 6492  
of the following: 6493

(i) That, based on the ordinary application of statutory law 6494  
and case law as it existed at the time of violation or threatened 6495  
violation that was the basis of the injunction, a well-informed 6496  
public body reasonably would believe that the public body was not 6497  
violating or threatening to violate this section; 6498

(ii) That a well-informed public body reasonably would 6499  
believe that the conduct or threatened conduct that was the basis 6500  
of the injunction would serve the public policy that underlies the 6501  
authority that is asserted as permitting that conduct or 6502  
threatened conduct. 6503

(b) If the court of common pleas does not issue an injunction 6504  
pursuant to division (I)(1) of this section and the court 6505  
determines at that time that the bringing of the action was 6506  
frivolous conduct, as defined in division (A) of section 2323.51 6507  
of the Revised Code, the court shall award to the public body all 6508  
court costs and reasonable attorney's fees, as determined by the 6509  
court. 6510

(3) Irreparable harm and prejudice to the party that sought 6511  
the injunction shall be conclusively and irrebuttably presumed 6512  
upon proof of a violation or threatened violation of this section. 6513

(4) A member of a public body who knowingly violates an 6514  
injunction issued pursuant to division (I)(1) of this section may 6515



be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general. 6516  
6517  
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(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing: 6519  
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(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code; 6523  
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(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code; 6525  
6526

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code. 6527  
6528  
6529

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance. 6530  
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(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance. 6538  
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**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 6545

and children first cabinet council. The council shall be composed 6546  
of the superintendent of public instruction, the administrator of 6547  
the rehabilitation services commission, and the directors of youth 6548  
services, job and family services, mental health, health, alcohol 6549  
and drug addiction services, developmental disabilities, aging, 6550  
rehabilitation and correction, and budget and management. The 6551  
chairperson of the council shall be the governor or the governor's 6552  
designee and shall establish procedures for the council's internal 6553  
control and management. 6554

The purpose of the cabinet council is to help families 6555  
seeking government services. This section shall not be interpreted 6556  
or applied to usurp the role of parents, but solely to streamline 6557  
and coordinate existing government services for families seeking 6558  
assistance for their children. 6559

(2) In seeking to fulfill its purpose, the council may do any 6560  
of the following: 6561

(a) Advise and make recommendations to the governor and 6562  
general assembly regarding the provision of services to children; 6563

(b) Advise and assess local governments on the coordination 6564  
of service delivery to children; 6565

(c) Hold meetings at such times and places as may be 6566  
prescribed by the council's procedures and maintain records of the 6567  
meetings, except that records identifying individual children are 6568  
confidential and shall be disclosed only as provided by law; 6569

(d) Develop programs and projects, including pilot projects, 6570  
to encourage coordinated efforts at the state and local level to 6571  
improve the state's social service delivery system; 6572

(e) Enter into contracts with and administer grants to county 6573  
family and children first councils, as well as other county or 6574  
multicounty organizations to plan and coordinate service delivery 6575  
between state agencies and local service providers for families 6576

|                                                                                                                                                                                                                                                                  |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| and children;                                                                                                                                                                                                                                                    | 6577                                 |
| (f) Enter into contracts with and apply for grants from federal agencies or private organizations;                                                                                                                                                               | 6578<br>6579                         |
| (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;      | 6580<br>6581<br>6582<br>6583<br>6584 |
| (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; | 6585<br>6586<br>6587<br>6588         |
| (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;                                                                       | 6589<br>6590<br>6591<br>6592         |
| (j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;                                  | 6593<br>6594<br>6595<br>6596         |
| (k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.                          | 6597<br>6598<br>6599<br>6600         |
| (3) The cabinet council shall provide for the following:                                                                                                                                                                                                         | 6601                                 |
| (a) Reviews of service and treatment plans for children for which such reviews are requested;                                                                                                                                                                    | 6602<br>6603                         |
| (b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;                                                                                                                    | 6604<br>6605<br>6606                 |

(c) Monitoring and supervision of a statewide, comprehensive, 6607  
coordinated, multi-disciplinary, interagency system for infants 6608  
and toddlers with developmental disabilities or delays and their 6609  
families, as established pursuant to federal grants received and 6610  
administered by the department of health for early intervention 6611  
services under the "Individuals with Disabilities Education Act of 6612  
2004," 20 U.S.C.A. 1400, as amended. 6613

(4) The cabinet council shall develop and implement the 6614  
following: 6615

(a) An interagency process to select the indicators that will 6616  
be used to measure progress toward increasing child well-being in 6617  
the state and to update the indicators on an annual basis. The 6618  
indicators shall focus on expectant parents and newborns thriving; 6619  
infants and toddlers thriving; children being ready for school; 6620  
children and youth succeeding in school; youth choosing healthy 6621  
behaviors; and youth successfully transitioning into adulthood. 6622

(b) An interagency system to offer guidance and monitor 6623  
progress toward increasing child well-being in the state and in 6624  
each county; 6625

(c) An annual plan that identifies state-level agency efforts 6626  
taken to ensure progress towards increasing child well-being in 6627  
the state. 6628

On an annual basis, the cabinet council shall submit to the 6629  
governor and the general assembly a report on the status of 6630  
efforts to increase child well-being in the state. This report 6631  
shall be made available to any other person on request. 6632

(B)(1) Each board of county commissioners shall establish a 6633  
county family and children first council. The board may invite any 6634  
local public or private agency or group that funds, advocates, or 6635  
provides services to children and families to have a 6636  
representative become a permanent or temporary member of its 6637

county council. Each county council must include the following 6638  
individuals: 6639

(a) At least three individuals who are not employed by an 6640  
agency represented on the council and whose families are or have 6641  
received services from an agency represented on the council or 6642  
another county's council. Where possible, the number of members 6643  
representing families shall be equal to twenty per cent of the 6644  
council's membership. 6645

(b) The director of the board of alcohol, drug addiction, and 6646  
mental health services that serves the county, or, in the case of 6647  
a county that has a board of alcohol and drug addiction services 6648  
and a community mental health board, the directors of both boards. 6649  
If a board of alcohol, drug addiction, and mental health services 6650  
covers more than one county, the director may designate a person 6651  
to participate on the county's council. 6652

(c) The health commissioner, or the commissioner's designee, 6653  
of the board of health of each city and general health district in 6654  
the county. If the county has two or more health districts, the 6655  
health commissioner membership may be limited to the commissioners 6656  
of the two districts with the largest populations. 6657

(d) The director of the county department of job and family 6658  
services; 6659

(e) The executive director of the public children services 6660  
agency; 6661

(f) The superintendent of the county board of developmental 6662  
disabilities; 6663

(g) The superintendent of the city, exempted village, or 6664  
local school district with the largest number of pupils residing 6665  
in the county, as determined by the department of education, which 6666  
shall notify each board of county commissioners of its 6667  
determination at least biennially; 6668

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the regional office of the department of youth services;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a

county's board of county commissioners. 6699

The county's juvenile court judge senior in service or 6700  
another judge of the juvenile court designated by the 6701  
administrative judge or, where there is no administrative judge, 6702  
by the judge senior in service shall serve as the judicial advisor 6703  
to the county family and children first council. The judge may 6704  
advise the county council on the court's utilization of resources, 6705  
services, or programs provided by the entities represented by the 6706  
members of the county council and how those resources, services, 6707  
or programs assist the court in its administration of justice. 6708  
Service of a judge as a judicial advisor pursuant to this section 6709  
is a judicial function. 6710

(2) The purpose of the county council is to streamline and 6711  
coordinate existing government services for families seeking 6712  
services for their children. In seeking to fulfill its purpose, a 6713  
county council shall provide for the following: 6714

(a) Referrals to the cabinet council of those children for 6715  
whom the county council cannot provide adequate services; 6716

(b) Development and implementation of a process that annually 6717  
evaluates and prioritizes services, fills service gaps where 6718  
possible, and invents new approaches to achieve better results for 6719  
families and children; 6720

(c) Participation in the development of a countywide, 6721  
comprehensive, coordinated, multi-disciplinary, interagency system 6722  
for infants and toddlers with developmental disabilities or delays 6723  
and their families, as established pursuant to federal grants 6724  
received and administered by the department of health for early 6725  
intervention services under the "Individuals with Disabilities 6726  
Education Act of 2004"; 6727

(d) Maintenance of an accountability system to monitor the 6728  
county council's progress in achieving results for families and 6729

children; 6730

(e) Establishment of a mechanism to ensure ongoing input from 6731  
a broad representation of families who are receiving services 6732  
within the county system. 6733

(3) A county council shall develop and implement the 6734  
following: 6735

(a) An interagency process to establish local indicators and 6736  
monitor the county's progress toward increasing child well-being 6737  
in the county; 6738

(b) An interagency process to identify local priorities to 6739  
increase child well-being. The local priorities shall focus on 6740  
expectant parents and newborns thriving; infants and toddlers 6741  
thriving; children being ready for school; children and youth 6742  
succeeding in school; youth choosing healthy behaviors; and youth 6743  
successfully transitioning into adulthood and take into account 6744  
the indicators established by the cabinet council under division 6745  
(A)(4)(a) of this section. 6746

(c) An annual plan that identifies the county's interagency 6747  
efforts to increase child well-being in the county. 6748

On an annual basis, the county council shall submit a report 6749  
on the status of efforts by the county to increase child 6750  
well-being in the county to the county's board of county 6751  
commissioners and the cabinet council. This report shall be made 6752  
available to any other person on request. 6753

(4)(a) Except as provided in division (B)(4)(b) of this 6754  
section, a county council shall comply with the policies, 6755  
procedures, and activities prescribed by the rules or interagency 6756  
agreements of a state department participating on the cabinet 6757  
council whenever the county council performs a function subject to 6758  
those rules or agreements. 6759



(b) On application of a county council, the cabinet council 6760  
may grant an exemption from any rules or interagency agreements of 6761  
a state department participating on the council if an exemption is 6762  
necessary for the council to implement an alternative program or 6763  
approach for service delivery to families and children. The 6764  
application shall describe the proposed program or approach and 6765  
specify the rules or interagency agreements from which an 6766  
exemption is necessary. The cabinet council shall approve or 6767  
disapprove the application in accordance with standards and 6768  
procedures it shall adopt. If an application is approved, the 6769  
exemption is effective only while the program or approach is being 6770  
implemented, including a reasonable period during which the 6771  
program or approach is being evaluated for effectiveness. 6772

(5)(a) Each county council shall designate an administrative 6773  
agent for the council from among the following public entities: 6774  
the board of alcohol, drug addiction, and mental health services, 6775  
including a board of alcohol and drug addiction or a community 6776  
mental health board if the county is served by separate boards; 6777  
the board of county commissioners; any board of health of the 6778  
county's city and general health districts; the county department 6779  
of job and family services; the county agency responsible for the 6780  
administration of children services pursuant to section 5153.15 of 6781  
the Revised Code; the county board of developmental disabilities; 6782  
any of the county's boards of education or governing boards of 6783  
educational service centers; or the county's juvenile court. Any 6784  
of the foregoing public entities, other than the board of county 6785  
commissioners, may decline to serve as the council's 6786  
administrative agent. 6787

A county council's administrative agent shall serve as the 6788  
council's appointing authority for any employees of the council. 6789  
The council shall file an annual budget with its administrative 6790  
agent, with copies filed with the county auditor and with the 6791

board of county commissioners, unless the board is serving as the 6792  
council's administrative agent. The council's administrative agent 6793  
shall ensure that all expenditures are handled in accordance with 6794  
policies, procedures, and activities prescribed by state 6795  
departments in rules or interagency agreements that are applicable 6796  
to the council's functions. 6797

The administrative agent of a county council shall send 6798  
notice of a member's absence if a member listed in division (B)(1) 6799  
of this section has been absent from either three consecutive 6800  
meetings of the county council or a county council subcommittee, 6801  
or from one-quarter of such meetings in a calendar year, whichever 6802  
is less. The notice shall be sent to the board of county 6803  
commissioners that establishes the county council and, for the 6804  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 6805  
section, to the governing board overseeing the respective entity; 6806  
for the member listed in division (B)(1)(f) of this section, to 6807  
the county board of developmental disabilities that employs the 6808  
superintendent; for a member listed in division (B)(1)(g) or (h) 6809  
of this section, to the school board that employs the 6810  
superintendent; for the member listed in division (B)(1)(i) of 6811  
this section, to the mayor of the municipal corporation; for the 6812  
member listed in division (B)(1)(k) of this section, to the 6813  
director of youth services; and for the member listed in division 6814  
(B)(1)(n) of this section, to that member's board of trustees. 6815

The administrative agent for a county council may do any of 6816  
the following on behalf of the council: 6817

(i) Enter into agreements or administer contracts with public 6818  
or private entities to fulfill specific council business. Such 6819  
agreements and contracts are exempt from the competitive bidding 6820  
requirements of section 307.86 of the Revised Code if they have 6821  
been approved by the county council and they are for the purchase 6822  
of family and child welfare or child protection services or other 6823

social or job and family services for families and children. The 6824  
approval of the county council is not required to exempt 6825  
agreements or contracts entered into under section 5139.34, 6826  
5139.41, or 5139.43 of the Revised Code from the competitive 6827  
bidding requirements of section 307.86 of the Revised Code. 6828

(ii) As determined by the council, provide financial 6829  
stipends, reimbursements, or both, to family representatives for 6830  
expenses related to council activity; 6831

(iii) Receive by gift, grant, devise, or bequest any moneys, 6832  
lands, or other property for the purposes for which the council is 6833  
established. The agent shall hold, apply, and dispose of the 6834  
moneys, lands, or other property according to the terms of the 6835  
gift, grant, devise, or bequest. Any interest or earnings shall be 6836  
treated in the same manner and are subject to the same terms as 6837  
the gift, grant, devise, or bequest from which it accrues. 6838

(b)(i) If the county council designates the board of county 6839  
commissioners as its administrative agent, the board may, by 6840  
resolution, delegate any of its powers and duties as 6841  
administrative agent to an executive committee the board 6842  
establishes from the membership of the county council. The board 6843  
shall name to the executive committee at least the individuals 6844  
described in divisions (B)(1)(b) to (h) of this section and may 6845  
appoint the president of the board or another individual as the 6846  
chair of the executive committee. The executive committee must 6847  
include at least one family county council representative who does 6848  
not have a family member employed by an agency represented on the 6849  
council. 6850

(ii) The executive committee may, with the approval of the 6851  
board, hire an executive director to assist the county council in 6852  
administering its powers and duties. The executive director shall 6853  
serve in the unclassified civil service at the pleasure of the 6854  
executive committee. The executive director may, with the approval 6855

of the executive committee, hire other employees as necessary to 6856  
properly conduct the county council's business. 6857

(iii) The board may require the executive committee to submit 6858  
an annual budget to the board for approval and may amend or repeal 6859  
the resolution that delegated to the executive committee its 6860  
authority as the county council's administrative agent. 6861

(6) Two or more county councils may enter into an agreement 6862  
to administer their county councils jointly by creating a regional 6863  
family and children first council. A regional council possesses 6864  
the same duties and authority possessed by a county council, 6865  
except that the duties and authority apply regionally rather than 6866  
to individual counties. Prior to entering into an agreement to 6867  
create a regional council, the members of each county council to 6868  
be part of the regional council shall meet to determine whether 6869  
all or part of the members of each county council will serve as 6870  
members of the regional council. 6871

(7) A board of county commissioners may approve a resolution 6872  
by a majority vote of the board's members that requires the county 6873  
council to submit a statement to the board each time the council 6874  
proposes to enter into an agreement, adopt a plan, or make a 6875  
decision, other than a decision pursuant to section 121.38 of the 6876  
Revised Code, that requires the expenditure of funds for two or 6877  
more families. The statement shall describe the proposed 6878  
agreement, plan, or decision. 6879

Not later than fifteen days after the board receives the 6880  
statement, it shall, by resolution approved by a majority of its 6881  
members, approve or disapprove the agreement, plan, or decision. 6882  
Failure of the board to pass a resolution during that time period 6883  
shall be considered approval of the agreement, plan, or decision. 6884

An agreement, plan, or decision for which a statement is 6885  
required to be submitted to the board shall be implemented only if 6886

it is approved by the board. 6887

(C) Each county shall develop a county service coordination 6888  
mechanism. The county service coordination mechanism shall serve 6889  
as the guiding document for coordination of services in the 6890  
county. For children who also receive services under the help me 6891  
grow program, the service coordination mechanism shall be 6892  
consistent with rules adopted by the department of health under 6893  
section 3701.61 of the Revised Code. All family service 6894  
coordination plans shall be developed in accordance with the 6895  
county service coordination mechanism. The mechanism shall be 6896  
developed and approved with the participation of the county 6897  
entities representing child welfare; mental retardation and 6898  
developmental disabilities; alcohol, drug addiction, and mental 6899  
health services; health; juvenile judges; education; the county 6900  
family and children first council; and the county early 6901  
intervention collaborative established pursuant to the federal 6902  
early intervention program operated under the "Individuals with 6903  
Disabilities Education Act of 2004." The county shall establish an 6904  
implementation schedule for the mechanism. The cabinet council may 6905  
monitor the implementation and administration of each county's 6906  
service coordination mechanism. 6907

Each mechanism shall include all of the following: 6908

(1) A procedure for an agency, including a juvenile court, or 6909  
a family voluntarily seeking service coordination, to refer the 6910  
child and family to the county council for service coordination in 6911  
accordance with the mechanism; 6912

(2) A procedure ensuring that a family and all appropriate 6913  
staff from involved agencies, including a representative from the 6914  
appropriate school district, are notified of and invited to 6915  
participate in all family service coordination plan meetings; 6916

(3) A procedure that permits a family to initiate a meeting 6917

to develop or review the family's service coordination plan and 6918  
allows the family to invite a family advocate, mentor, or support 6919  
person of the family's choice to participate in any such meeting; 6920

(4) A procedure for ensuring that a family service 6921  
coordination plan meeting is conducted for each child who receives 6922  
service coordination under the mechanism and for whom an emergency 6923  
out-of-home placement has been made or for whom a nonemergency 6924  
out-of-home placement is being considered. The meeting shall be 6925  
conducted within ten days of an emergency out-of-home placement. 6926  
The meeting shall be conducted before a nonemergency out-of-home 6927  
placement. The family service coordination plan shall outline how 6928  
the county council members will jointly pay for services, where 6929  
applicable, and provide services in the least restrictive 6930  
environment. 6931

(5) A procedure for monitoring the progress and tracking the 6932  
outcomes of each service coordination plan requested in the county 6933  
including monitoring and tracking children in out-of-home 6934  
placements to assure continued progress, appropriateness of 6935  
placement, and continuity of care after discharge from placement 6936  
with appropriate arrangements for housing, treatment, and 6937  
education. 6938

(6) A procedure for protecting the confidentiality of all 6939  
personal family information disclosed during service coordination 6940  
meetings or contained in the comprehensive family service 6941  
coordination plan. 6942

(7) A procedure for assessing the needs and strengths of any 6943  
child or family that has been referred to the council for service 6944  
coordination, including a child whose parent or custodian is 6945  
voluntarily seeking services, and for ensuring that parents and 6946  
custodians are afforded the opportunity to participate; 6947

(8) A procedure for development of a family service 6948

coordination plan described in division (D) of this section; 6949

(9) A local dispute resolution process to serve as the 6950  
process that must be used first to resolve disputes among the 6951  
agencies represented on the county council concerning the 6952  
provision of services to children, including children who are 6953  
abused, neglected, dependent, unruly, alleged unruly, or 6954  
delinquent children and under the jurisdiction of the juvenile 6955  
court and children whose parents or custodians are voluntarily 6956  
seeking services. The local dispute resolution process shall 6957  
comply with sections 121.38, 121.381, and 121.382 of the Revised 6958  
Code. The local dispute resolution process shall be used to 6959  
resolve disputes between a child's parents or custodians and the 6960  
county council regarding service coordination. The county council 6961  
shall inform the parents or custodians of their right to use the 6962  
dispute resolution process. Parents or custodians shall use 6963  
existing local agency grievance procedures to address disputes not 6964  
involving service coordination. The dispute resolution process is 6965  
in addition to and does not replace other rights or procedures 6966  
that parents or custodians may have under other sections of the 6967  
Revised Code. 6968

The cabinet council shall adopt rules in accordance with 6969  
Chapter 119. of the Revised Code establishing an administrative 6970  
review process to address problems that arise concerning the 6971  
operation of a local dispute resolution process. 6972

Nothing in division (C)(4) of this section shall be 6973  
interpreted as overriding or affecting decisions of a juvenile 6974  
court regarding an out-of-home placement, long-term placement, or 6975  
emergency out-of-home placement. 6976

(D) Each county shall develop a family service coordination 6977  
plan that does all of the following: 6978

(1) Designates service responsibilities among the various 6979

state and local agencies that provide services to children and 6980  
their families, including children who are abused, neglected, 6981  
dependent, unruly, or delinquent children and under the 6982  
jurisdiction of the juvenile court and children whose parents or 6983  
custodians are voluntarily seeking services; 6984

(2) Designates an individual, approved by the family, to 6985  
track the progress of the family service coordination plan, 6986  
schedule reviews as necessary, and facilitate the family service 6987  
coordination plan meeting process; 6988

(3) Ensures that assistance and services to be provided are 6989  
responsive to the strengths and needs of the family, as well as 6990  
the family's culture, race, and ethnic group, by allowing the 6991  
family to offer information and suggestions and participate in 6992  
decisions. Identified assistance and services shall be provided in 6993  
the least restrictive environment possible. 6994

(4) Includes a process for dealing with a child who is 6995  
alleged to be an unruly child. The process shall include methods 6996  
to divert the child from the juvenile court system; 6997

(5) Includes timelines for completion of goals specified in 6998  
the plan with regular reviews scheduled to monitor progress toward 6999  
those goals; 7000

(6) Includes a plan for dealing with short-term crisis 7001  
situations and safety concerns. 7002

(E)(1) The process provided for under division (D)(4) of this 7003  
section may include, but is not limited to, the following: 7004

(a) Designation of the person or agency to conduct the 7005  
assessment of the child and the child's family as described in 7006  
division (C)(7) of this section and designation of the instrument 7007  
or instruments to be used to conduct the assessment; 7008

(b) An emphasis on the personal responsibilities of the child 7009



and the parental responsibilities of the parents, guardian, or  
custodian of the child; 7010  
7011

(c) Involvement of local law enforcement agencies and  
officials. 7012  
7013

(2) The method to divert a child from the juvenile court  
system that must be included in the service coordination process 7014  
7015  
may include, but is not limited to, the following: 7016

(a) The preparation of a complaint under section 2151.27 of  
the Revised Code alleging that the child is an unruly child and 7017  
7018  
notifying the child and the parents, guardian, or custodian that 7019  
the complaint has been prepared to encourage the child and the 7020  
parents, guardian, or custodian to comply with other methods to 7021  
divert the child from the juvenile court system; 7022

(b) Conducting a meeting with the child, the parents,  
guardian, or custodian, and other interested parties to determine 7023  
7024  
the appropriate methods to divert the child from the juvenile 7025  
court system; 7026

(c) A method to provide to the child and the child's family a  
short-term respite from a short-term crisis situation involving a 7027  
7028  
confrontation between the child and the parents, guardian, or 7029  
custodian; 7030

(d) A program to provide a mentor to the child or the  
parents, guardian, or custodian; 7031  
7032

(e) A program to provide parenting education to the parents,  
guardian, or custodian; 7033  
7034

(f) An alternative school program for children who are truant  
from school, repeatedly disruptive in school, or suspended or 7035  
7036  
expelled from school; 7037

(g) Other appropriate measures, including, but not limited  
to, any alternative methods to divert a child from the juvenile 7038  
7039

court system that are identified by the Ohio family and children 7040  
first cabinet council. 7041

(F) Each county may review and revise the service 7042  
coordination process described in division (D) of this section 7043  
based on the availability of funds under Title IV-A of the "Social 7044  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 7045  
or to the extent resources are available from any other federal, 7046  
state, or local funds. 7047

**Sec. 121.40.** (A) There is hereby created the Ohio ~~community~~ 7048  
commission on service ~~council~~ and volunteerism consisting of 7049  
twenty-one voting members including the superintendent of public 7050  
instruction or the superintendent's designee, the chancellor of 7051  
the Ohio board of regents or the chancellor's designee, the 7052  
director of youth services or the director's designee, the 7053  
director of aging or the director's designee, the chairperson of 7054  
the committee of the house of representatives dealing with 7055  
education or the chairperson's designee, the chairperson of the 7056  
committee of the senate dealing with education or the 7057  
chairperson's designee, and fifteen members who shall be appointed 7058  
by the governor with the advice and consent of the senate and who 7059  
shall serve terms of office of three years. The appointees shall 7060  
include educators, including teachers and administrators; 7061  
representatives of youth organizations; students and parents; 7062  
representatives of organizations engaged in volunteer program 7063  
development and management throughout the state, including youth 7064  
and conservation programs; and representatives of business, 7065  
government, nonprofit organizations, social service agencies, 7066  
veterans organizations, religious organizations, or philanthropies 7067  
that support or encourage volunteerism within the state. The 7068  
director of the governor's office of faith-based and community 7069  
initiatives shall serve as a nonvoting ex officio member of the 7070  
~~council~~ commission. Members of the ~~council~~ commission shall 7071

receive no compensation, but shall be reimbursed for actual and 7072  
necessary expenses incurred in the performance of their official 7073  
duties. 7074

(B) The ~~council~~ commission shall appoint an executive 7075  
director for the ~~council~~ commission, who shall be in the 7076  
unclassified civil service. The governor shall be informed of the 7077  
appointment of an executive director before such an appointment is 7078  
made. The executive director shall supervise the ~~council's~~ 7079  
commission's activities and report to the ~~council~~ commission on 7080  
the progress of those activities. The executive director shall do 7081  
all things necessary for the efficient and effective 7082  
implementation of the duties of the ~~council~~ commission. 7083

The responsibilities assigned to the executive director do 7084  
not relieve the members of the ~~council~~ commission from final 7085  
responsibility for the proper performance of the requirements of 7086  
this section. 7087

(C) The ~~council~~ commission or its designee shall do all of 7088  
the following: 7089

(1) Employ, promote, supervise, and remove all employees as 7090  
needed in connection with the performance of its duties under this 7091  
section and may assign duties to those employees as necessary to 7092  
achieve the most efficient performance of its functions, and to 7093  
that end may establish, change, or abolish positions, and assign 7094  
and reassign duties and responsibilities of any employee of the 7095  
~~council~~ commission. Personnel employed by the ~~council~~ commission 7096  
who are subject to Chapter 4117. of the Revised Code shall retain 7097  
all of their rights and benefits conferred pursuant to that 7098  
chapter. Nothing in this chapter shall be construed as eliminating 7099  
or interfering with Chapter 4117. of the Revised Code or the 7100  
rights and benefits conferred under that chapter to public 7101  
employees or to any bargaining unit. 7102

- (2) Maintain its office in Columbus, and may hold sessions at any place within the state; 7103  
7104
- (3) Acquire facilities, equipment, and supplies necessary to house the ~~council~~ commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. For that purpose, the ~~council~~ commission shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the ~~council~~ commission and its staff in the discharge of any duty imposed upon the ~~council~~ commission by law. The ~~council~~ commission shall not delegate any authority to obligate funds. 7105  
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- (4) Pay its own payroll and other operating expenses from line items designated by the general assembly; 7117  
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- (5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee. 7119  
7120  
7121
- (6) Establish the overall policy and management of the ~~council~~ commission in accordance with this chapter; 7122  
7123
- (7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state; 7124  
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- (8) Assist the state board of education, school districts, 7133

the chancellor of the board of regents, and institutions of higher 7134  
education in coordinating community service education programs 7135  
through cooperative efforts between institutions and organizations 7136  
in the public and private sectors; 7137

(9) Assist the departments of natural resources, youth 7138  
services, aging, and job and family services in coordinating 7139  
community service programs through cooperative efforts between 7140  
institutions and organizations in the public and private sectors; 7141

(10) Suggest individuals and organizations that are available 7142  
to assist school districts, institutions of higher education, and 7143  
the departments of natural resources, youth services, aging, and 7144  
job and family services in the establishment of community service 7145  
programs and assist in investigating sources of funding for 7146  
implementing these programs; 7147

(11) Assist in evaluating the state's efforts in providing 7148  
community service programs using standards and methods that are 7149  
consistent with any statewide objectives for these programs and 7150  
provide information to the state board of education, school 7151  
districts, the chancellor of the board of regents, institutions of 7152  
higher education, and the departments of natural resources, youth 7153  
services, aging, and job and family services to guide them in 7154  
making decisions about these programs; 7155

(12) Assist the state board of education in complying with 7156  
section 3301.70 of the Revised Code and the chancellor of the 7157  
board of regents in complying with division (B)(2) of section 7158  
3333.043 of the Revised Code; 7159

(13) Advise, assist, consult with, and cooperate with, by 7160  
contract or otherwise, agencies and political subdivisions of this 7161  
state in establishing a statewide system for volunteers pursuant 7162  
to section 121.404 of the Revised Code. 7163

(D) The ~~council~~ commission shall in writing enter into an 7164

agreement with another state agency to serve as the ~~council's~~ commission's fiscal agent. Before entering into such an agreement, the ~~council~~ commission shall inform the governor of the terms of the agreement and of the state agency designated to serve as the ~~council's~~ commission's fiscal agent. The fiscal agent shall be responsible for all the ~~council's~~ commission's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:

(1) Preparing and processing payroll and other personnel documents that the ~~council~~ commission executes as the appointing authority;

(2) Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the ~~council~~ commission; and

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency.

(E)(1) The ~~council~~ commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:

(a) Sole authority to draw funds for any and all federal programs in which the ~~council~~ commission is authorized to participate;

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the ~~council~~ commission may incur and its subgrantees may incur; and

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.

(2) The ~~council~~ commission shall follow all state procurement, fiscal, human resources, statutory, and

administrative rule requirements. 7195

(3) The fiscal agent shall determine fees to be charged to 7196  
the ~~council~~ commission, which shall be in proportion to the 7197  
services performed for the ~~council~~ commission. 7198

(4) The ~~council~~ commission shall pay fees owed to the fiscal 7199  
agent from a general revenue fund of the ~~council~~ commission or 7200  
from any other fund from which the operating expenses of the 7201  
~~council~~ commission are paid. Any amounts set aside for a fiscal 7202  
year for the payment of these fees shall be used only for the 7203  
services performed for the ~~council~~ commission by the fiscal agent 7204  
in that fiscal year. 7205

(F) The ~~council~~ commission may accept and administer grants 7206  
from any source, public or private, to carry out any of the 7207  
~~council's~~ commission's functions this section establishes. 7208

**Sec. 121.401.** (A) As used in this section and section 121.402 7209  
of the Revised Code, "organization or entity" and "unsupervised 7210  
access to a child" have the same meanings as in section 109.574 of 7211  
the Revised Code. 7212

(B) The Ohio ~~community~~ commission on service ~~council~~ and 7213  
volunteerism shall adopt a set of "recommended best practices" for 7214  
organizations or entities to follow when one or more volunteers of 7215  
the organization or entity have unsupervised access to one or more 7216  
children or otherwise interact with one or more children. The 7217  
"recommended best practices" shall focus on, but shall not be 7218  
limited to, the issue of the safety of the children and, in 7219  
addition, the screening and supervision of volunteers. The 7220  
"recommended best practices" shall include as a recommended best 7221  
practice that the organization or entity subject to a criminal 7222  
records check performed by the bureau of criminal identification 7223  
and investigation pursuant to section 109.57, section 109.572, or 7224  
rules adopted under division (E) of section 109.57 of the Revised 7225

|                                                                                                                                                                                                                                                                                                                                |                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Code, all of the following:                                                                                                                                                                                                                                                                                                    | 7226                                         |
| (1) All persons who apply to serve as a volunteer in a position in which the person will have unsupervised access to a child on a regular basis.                                                                                                                                                                               | 7227<br>7228<br>7229                         |
| (2) All volunteers who are in a position in which the person will have unsupervised access to a child on a regular basis and who the organization or entity has not previously subjected to a criminal records check performed by the bureau of criminal identification and investigation.                                     | 7230<br>7231<br>7232<br>7233<br>7234         |
| (C) The set of "recommended best practices" required to be adopted by this section are in addition to the educational program required to be adopted under section 121.402 of the Revised Code.                                                                                                                                | 7235<br>7236<br>7237                         |
| <b>Sec. 121.402.</b> (A) The Ohio <del>community</del> <u>commission on service council and volunteerism</u> shall establish and maintain an educational program that does all of the following:                                                                                                                               | 7238<br>7239<br>7240                         |
| (1) Makes available to parents and guardians of children notice about the provisions of sections 109.574 to 109.577, section 121.401, and section 121.402 of the Revised Code and information about how to keep children safe when they are under the care, custody, or control of a person other than the parent or guardian; | 7241<br>7242<br>7243<br>7244<br>7245<br>7246 |
| (2) Makes available to organizations and entities information regarding the best methods of screening and supervising volunteers, how to obtain a criminal records check of a volunteer, confidentiality issues relating to reports of criminal records checks, and record keeping regarding the reports;                      | 7247<br>7248<br>7249<br>7250<br>7251         |
| (3) Makes available to volunteers information regarding the possibility of being subjected to a criminal records check and displaying appropriate behavior to minors;                                                                                                                                                          | 7252<br>7253<br>7254                         |
| (4) Makes available to children advice on personal safety and                                                                                                                                                                                                                                                                  | 7255                                         |



information on what action to take if someone takes inappropriate 7256  
action towards a child. 7257

(B) The program shall begin making the materials described in 7258  
this section available not later than March 22, 2002. 7259

**Sec. 121.403.** (A) The Ohio ~~community~~ commission on service 7260  
~~council and volunteerism~~ may do any of the following: 7261

(1) Accept monetary gifts or donations; 7262

(2) Sponsor conferences, meetings, or events in furtherance 7263  
of the ~~council's~~ commission's purpose described in section 121.40 7264  
of the Revised Code and charge fees for participation or 7265  
involvement in the conferences, meetings, or events; 7266

(3) Sell promotional items in furtherance of the ~~council's~~ 7267  
commission's purpose described in section 121.40 of the Revised 7268  
Code. 7269

(B) All monetary gifts and donations, funds from the sale of 7270  
promotional items, contributions received from the issuance of 7271  
Ohio "volunteer" license plates pursuant to section 4503.93 of the 7272  
Revised Code, and any fees paid to the ~~council~~ commission for 7273  
conferences, meetings, or events sponsored by the ~~council~~ 7274  
commission shall be deposited into the Ohio ~~community~~ commission 7275  
on service ~~council and volunteerism~~ gifts and donations fund, 7276  
which is hereby created in the state treasury. Moneys in the fund 7277  
may be used only as follows: 7278

(1) To pay operating expenses of the ~~council~~ commission, 7279  
including payroll, personal services, maintenance, equipment, and 7280  
subsidy payments; 7281

(2) To support ~~council~~ commission programs promoting 7282  
volunteerism and community service in the state; 7283

(3) As matching funds for federal grants. 7284

Sec. 121.404. (A) The Ohio ~~community~~ commission on service 7285  
~~council and volunteerism~~ shall advise, assist, consult with, and 7286  
cooperate with agencies and political subdivisions of this state 7287  
to establish a statewide system for recruiting, registering, 7288  
training, and deploying the types of volunteers the ~~council~~ 7289  
commission considers advisable and reasonably necessary to respond 7290  
to an emergency declared by the state or political subdivision. 7291

(B) A registered volunteer is not liable in damages to any 7292  
person or government entity in tort or other civil action, 7293  
including an action upon a medical, dental, chiropractic, 7294  
optometric, or other health-related claim or veterinary claim, for 7295  
injury, death, or loss to person or property that may arise from 7296  
an act or omission of that volunteer. This division applies to a 7297  
registered volunteer while providing services within the scope of 7298  
the volunteer's responsibilities during an emergency declared by 7299  
the state or political subdivision or in disaster-related 7300  
exercises, testing, or other training activities, if the 7301  
volunteer's act or omission does not constitute willful or wanton 7302  
misconduct. 7303

(C) The Ohio ~~community~~ commission on service ~~council and~~ 7304  
volunteerism shall adopt rules pursuant to Chapter 119. of the 7305  
Revised Code to establish fees, procedures, standards, and 7306  
requirements the ~~council~~ commission considers necessary to carry 7307  
out the purposes of this section. 7308

(D)(1) A registered volunteer's status as a volunteer, and 7309  
any information presented in summary, statistical, or aggregate 7310  
form that does not identify an individual, is a public record 7311  
pursuant to section 149.43 of the Revised Code. 7312

(2) Information related to a registered volunteer's specific 7313  
and unique responsibilities, assignments, or deployment plans, 7314  
including but not limited to training, preparedness, readiness, or 7315

organizational assignment, is a security record for purposes of 7316  
section 149.433 of the Revised Code. 7317

(3) Information related to a registered volunteer's personal 7318  
information, including but not limited to contact information, 7319  
medical information, or information related to family members or 7320  
dependents, is not a public record pursuant to section 149.43 of 7321  
the Revised Code. 7322

(E) As used in this section and section 121.40 of the Revised 7323  
Code: 7324

(1) "Registered volunteer" means any individual registered as 7325  
a volunteer pursuant to procedures established under this section 7326  
and who serves without pay or other consideration, other than the 7327  
reasonable reimbursement or allowance for expenses actually 7328  
incurred or the provision of incidental benefits related to the 7329  
volunteer's service, such as meals, lodging, and childcare. 7330

(2) "Political subdivision" means a county, township, or 7331  
municipal corporation in this state. 7332

**Sec. 122.121.** (A) If an endorsing municipality or endorsing 7333  
county enters into a joinder undertaking with a site selection 7334  
organization, the endorsing municipality or endorsing county may 7335  
apply to the director of development, on a form and in the manner 7336  
prescribed by the director, for a grant based on the projected 7337  
incremental increase in the receipts from the tax imposed under 7338  
section 5739.02 of the Revised Code within the market area 7339  
designated under division (C) of this section, for the two-week 7340  
period that ends at the end of the day after the date on which a 7341  
game will be held, that is directly attributable, as determined by 7342  
the director, to the preparation for and presentation of the game. 7343  
The director shall determine the projected incremental increase in 7344  
the tax imposed under section 5739.02 of the Revised Code from 7345  
information certified to the director by the endorsing 7346

municipality or the endorsing county including, but not limited 7347  
to, historical attendance and ticket sales for the game, income 7348  
statements showing revenue and expenditures for the game in prior 7349  
years, attendance capacity at the proposed venues, event budget at 7350  
the proposed venues, and projected lodging room nights based on 7351  
historical attendance, attendance capacity at the proposed venues, 7352  
and duration of the game and related activities. The endorsing 7353  
municipality or endorsing county is eligible to receive a grant 7354  
under this section only if the projected incremental increase in 7355  
receipts from the tax imposed under section 5739.02 of the Revised 7356  
Code, as determined by the director, exceeds two hundred fifty 7357  
thousand dollars. The amount of the grant shall be determined by 7358  
the director but shall not exceed five hundred thousand dollars. 7359  
The director shall not issue grants with a total value of more 7360  
than one million dollars in any fiscal year, and shall not issue 7361  
any grant before July 1, ~~2011~~ 2013. 7362

(B) If the director of development approves an application 7363  
for an endorsing municipality or endorsing county and that 7364  
endorsing municipality or endorsing county enters into a joinder 7365  
agreement with a site selection organization, the endorsing 7366  
municipality or endorsing county shall file a copy of the joinder 7367  
agreement with the director of development, who immediately shall 7368  
notify the director of budget and management of the filing. Within 7369  
thirty days after receiving the notice, the director of budget and 7370  
management shall establish a schedule to disburse from the general 7371  
revenue fund to such endorsing municipality or endorsing county 7372  
payments that total the amount certified by the director of 7373  
development under division (A) of this section, but in no event 7374  
shall the total amount disbursed exceed five hundred thousand 7375  
dollars, and no disbursement shall be made before July 1, ~~2011~~ 7376  
2013. The payments shall be used exclusively by the endorsing 7377  
municipality or endorsing county to fulfill a portion of its 7378

obligations to a site selection organization under game support 7379  
contracts, which obligations may include the payment of costs 7380  
relating to the preparations necessary for the conduct of the 7381  
game, including acquiring, renovating, or constructing facilities; 7382  
to pay the costs of conducting the game; and to assist the local 7383  
organizing committee, endorsing municipality, or endorsing county 7384  
in providing assurances required by a site selection organization 7385  
sponsoring one or more games. 7386

(C) For the purposes of division (A) of this section, the 7387  
director of development, in consultation with the tax 7388  
commissioner, shall designate as a market area for a game each 7389  
area in which they determine there is a reasonable likelihood of 7390  
measurable economic impact directly attributable to the 7391  
preparation for and presentation of the game and related events, 7392  
including areas likely to provide venues, accommodations, and 7393  
services in connection with the game based on the information and 7394  
the copy of the joinder undertaking provided to the director under 7395  
divisions (A) and (B) of this section. The director and 7396  
commissioner shall determine the geographic boundaries of each 7397  
market area. An endorsing municipality or endorsing county that 7398  
has been selected as the site for a game must be included in a 7399  
market area for the game. 7400

(D) A local organizing committee, endorsing municipality, or 7401  
endorsing county shall provide information required by the 7402  
director of development and tax commissioner to enable the 7403  
director and commissioner to fulfill their duties under this 7404  
section, including annual audited statements of any financial 7405  
records required by a site selection organization and data 7406  
obtained by the local organizing committee, endorsing 7407  
municipality, or endorsing county relating to attendance at a game 7408  
and to the economic impact of the game. A local organizing 7409  
committee, an endorsing municipality, or an endorsing county shall 7410

provide an annual audited financial statement if so required by 7411  
the director and commissioner, not later than the end of the 7412  
fourth month after the date the period covered by the financial 7413  
statement ends. 7414

(E) Within sixty days after the game, the endorsing 7415  
municipality or the endorsing county shall report to the director 7416  
of development about the economic impact of the game. The report 7417  
shall be in the form and substance required by the director, 7418  
including, but not limited to, a final income statement for the 7419  
event showing total revenue and expenditures and revenue and 7420  
expenditures in the market area for the game, and ticket sales for 7421  
the game and any related activities for which admission was 7422  
charged. The director of development shall determine, based on the 7423  
reported information and the exercise of reasonable judgment, the 7424  
incremental increase in receipts from the tax imposed under 7425  
section 5739.02 of the Revised Code directly attributable to the 7426  
game. If the actual incremental increase in such receipts is less 7427  
than the projected incremental increase in receipts, the director 7428  
may require the endorsing municipality or the endorsing county to 7429  
refund to the state all or a portion of the grant. 7430

(F) No disbursement may be made under this section if the 7431  
director of development determines that it would be used for the 7432  
purpose of soliciting the relocation of a professional sports 7433  
franchise located in this state. 7434

(G) This section may not be construed as creating or 7435  
requiring a state guarantee of obligations imposed on an endorsing 7436  
municipality or endorsing county under a game support contract or 7437  
any other agreement relating to hosting one or more games in this 7438  
state. 7439

**Sec. 122.171.** (A) As used in this section: 7440

(1) "Capital investment project" means a plan of investment 7441

at a project site for the acquisition, construction, renovation, 7442  
or repair of buildings, machinery, or equipment, or for 7443  
capitalized costs of basic research and new product development 7444  
determined in accordance with generally accepted accounting 7445  
principles, but does not include any of the following: 7446

(a) Payments made for the acquisition of personal property 7447  
through operating leases; 7448

(b) Project costs paid before January 1, 2002; 7449

(c) Payments made to a related member as defined in section 7450  
5733.042 of the Revised Code or to a consolidated elected taxpayer 7451  
or a combined taxpayer as defined in section 5751.01 of the 7452  
Revised Code. 7453

(2) "Eligible business" means a taxpayer and its related 7454  
members with Ohio operations satisfying all of the following: 7455

(a) The taxpayer employs at least five hundred full-time 7456  
equivalent employees or has an annual payroll of at least 7457  
thirty-five million dollars at the time the tax credit authority 7458  
grants the tax credit under this section; 7459

(b) The taxpayer makes or causes to be made payments for the 7460  
capital investment project of ~~either~~ one of the following: 7461

(i) If the taxpayer is engaged at the project site primarily 7462  
as a manufacturer, at least fifty million dollars in the aggregate 7463  
at the project site during a period of three consecutive calendar 7464  
years, including the calendar year that includes a day of the 7465  
taxpayer's taxable year or tax period with respect to which the 7466  
credit is granted; 7467

(ii) If the taxpayer is engaged at the project site primarily 7468  
in significant corporate administrative functions, as defined by 7469  
the director of development by rule, at least twenty million 7470  
dollars in the aggregate at the project site during a period of 7471

three consecutive calendar years including the calendar year that 7472  
includes a day of the taxpayer's taxable year or tax period with 7473  
respect to which the credit is granted; 7474

(iii) If the taxpayer is applying to enter into an agreement 7475  
for a tax credit authorized under division (B)(3) of this section, 7476  
at least five million dollars in the aggregate at the project site 7477  
during a period of three consecutive calendar years, including the 7478  
calendar year that includes a day of the taxpayer's taxable year 7479  
or tax period with respect to which the credit is granted. 7480

(c) The taxpayer had a capital investment project reviewed 7481  
and approved by the tax credit authority as provided in divisions 7482  
(C), (D), and (E) of this section. 7483

(3) "Full-time equivalent employees" means the quotient 7484  
obtained by dividing the total number of hours for which employees 7485  
were compensated for employment in the project by two thousand 7486  
eighty. "Full-time equivalent employees" shall exclude hours that 7487  
are counted for a credit under section 122.17 of the Revised Code. 7488

(4) "Income tax revenue" means the total amount withheld 7489  
under section 5747.06 of the Revised Code by the taxpayer during 7490  
the taxable year, or during the calendar year that includes the 7491  
tax period, from the compensation of all employees employed in the 7492  
project whose hours of compensation are included in calculating 7493  
the number of full-time equivalent employees. 7494

(5) "Manufacturer" has the same meaning as in section 7495  
5739.011 of the Revised Code. 7496

(6) "Project site" means an integrated complex of facilities 7497  
in this state, as specified by the tax credit authority under this 7498  
section, within a fifteen-mile radius where a taxpayer is 7499  
primarily operating as an eligible business. 7500

(7) "Related member" has the same meaning as in section 7501  
5733.042 of the Revised Code as that section existed on the 7502



effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 7503  
general assembly, September 29, 1997. 7504

(8) "Taxable year" includes, in the case of a domestic or 7505  
foreign insurance company, the calendar year ending on the 7506  
thirty-first day of December preceding the day the superintendent 7507  
of insurance is required to certify to the treasurer of state 7508  
under section 5725.20 or 5729.05 of the Revised Code the amount of 7509  
taxes due from insurance companies. 7510

(B) The tax credit authority created under section 122.17 of 7511  
the Revised Code may grant tax credits under this section for the 7512  
purpose of fostering job retention in this state. Upon application 7513  
by an eligible business and upon consideration of the 7514  
recommendation of the director of budget and management, tax 7515  
commissioner, the superintendent of insurance in the case of an 7516  
insurance company, and director of development under division (C) 7517  
of this section, the tax credit authority may grant the following 7518  
credits against the tax imposed by section 5725.18, 5729.03, 7519  
5733.06, 5747.02, or 5751.02 of the Revised Code: 7520

(1) A nonrefundable credit to an eligible business; 7521

(2) A refundable credit to an eligible business meeting the 7522  
following conditions, provided that the director of budget and 7523  
management, tax commissioner, superintendent of insurance in the 7524  
case of an insurance company, and director of development have 7525  
recommended the granting of the credit to the tax credit authority 7526  
before July 1, 2011: 7527

(a) The business retains at least one thousand full-time 7528  
equivalent employees at the project site. 7529

(b) The business makes or causes to be made payments for a 7530  
capital investment project of at least twenty-five million dollars 7531  
in the aggregate at the project site during a period of three 7532  
consecutive calendar years, including the calendar year that 7533

includes a day of the business' taxable year or tax period with 7534  
respect to which the credit is granted. 7535

(c) In 2010, the business received a written offer of 7536  
financial incentives from another state of the United States that 7537  
the director determines to be sufficient inducement for the 7538  
business to relocate the business' operations from this state to 7539  
that state. 7540

(3) A refundable credit to an eligible business with a total 7541  
annual payroll of at least twenty million dollars, provided that 7542  
the tax credit authority grants the tax credit on or after July 1, 7543  
2011, and before January 1, 2014. 7544

The credits authorized in divisions (B)(1) ~~and~~, (2), and (3) 7545  
of this section may be granted for a period up to fifteen taxable 7546  
years or, in the case of the tax levied by section 5751.02 of the 7547  
Revised Code, for a period of up to fifteen calendar years. The 7548  
credit amount for a taxable year or a calendar year that includes 7549  
the tax period for which a credit may be claimed equals the income 7550  
tax revenue for that year multiplied by the percentage specified 7551  
in the agreement with the tax credit authority. The percentage may 7552  
not exceed seventy-five per cent. The credit shall be claimed in 7553  
the order required under section 5725.98, 5729.98, 5733.98, 7554  
5747.98, or 5751.98 of the Revised Code. In determining the 7555  
percentage and term of the credit, the tax credit authority shall 7556  
consider both the number of full-time equivalent employees and the 7557  
value of the capital investment project. The credit amount may not 7558  
be based on the income tax revenue for a calendar year before the 7559  
calendar year in which the tax credit authority specifies the tax 7560  
credit is to begin, and the credit shall be claimed only for the 7561  
taxable years or tax periods specified in the eligible business' 7562  
agreement with the tax credit authority. In no event shall the 7563  
credit be claimed for a taxable year or tax period terminating 7564  
before the date specified in the agreement. Any credit granted 7565

under this section against the tax imposed by section 5733.06 or 7566  
5747.02 of the Revised Code, to the extent not fully utilized 7567  
against such tax for taxable years ending prior to 2008, shall 7568  
automatically be converted without any action taken by the tax 7569  
credit authority to a credit against the tax levied under Chapter 7570  
5751. of the Revised Code for tax periods beginning on or after 7571  
July 1, 2008, provided that the person to whom the credit was 7572  
granted is subject to such tax. The converted credit shall apply 7573  
to those calendar years in which the remaining taxable years 7574  
specified in the agreement end. 7575

If a nonrefundable credit allowed under division (B)(1) of 7576  
this section for a taxable year or tax period exceeds the 7577  
taxpayer's tax liability for that year or period, the excess may 7578  
be carried forward for the three succeeding taxable or calendar 7579  
years, but the amount of any excess credit allowed in any taxable 7580  
year or tax period shall be deducted from the balance carried 7581  
forward to the succeeding year or period. 7582

(C) A taxpayer that proposes a capital investment project to 7583  
retain jobs in this state may apply to the tax credit authority to 7584  
enter into an agreement for a tax credit under this section. The 7585  
director of development shall prescribe the form of the 7586  
application. After receipt of an application, the authority shall 7587  
forward copies of the application to the director of budget and 7588  
management, the tax commissioner, the superintendent of insurance 7589  
in the case of an insurance company, and the director of 7590  
development, each of whom shall review the application to 7591  
determine the economic impact the proposed project would have on 7592  
the state and the affected political subdivisions and shall submit 7593  
a summary of their determinations and recommendations to the 7594  
authority. 7595

(D) Upon review and consideration of the determinations and 7596  
recommendations described in division (C) of this section, the tax 7597

credit authority may enter into an agreement with the taxpayer for 7598  
a credit under this section if the authority determines all of the 7599  
following: 7600

(1) The taxpayer's capital investment project will result in 7601  
the retention of employment in this state. 7602

(2) The taxpayer is economically sound and has the ability to 7603  
complete the proposed capital investment project. 7604

(3) The taxpayer intends to and has the ability to maintain 7605  
operations at the project site for at least the greater of (a) the 7606  
term of the credit plus three years, or (b) seven years. 7607

(4) Receiving the credit is a major factor in the taxpayer's 7608  
decision to begin, continue with, or complete the project. 7609

(5) If the taxpayer is applying to enter into an agreement 7610  
for a tax credit authorized under division (B)(3) of this section, 7611  
the taxpayer's capital investment project will be located in the 7612  
political subdivision in which the taxpayer maintains its 7613  
principal place of business. 7614

(E) An agreement under this section shall include all of the 7615  
following: 7616

(1) A detailed description of the project that is the subject 7617  
of the agreement, including the amount of the investment, the 7618  
period over which the investment has been or is being made, the 7619  
number of full-time equivalent employees at the project site, and 7620  
the anticipated income tax revenue to be generated. 7621

(2) The term of the credit, the percentage of the tax credit, 7622  
the maximum annual value of tax credits that may be allowed each 7623  
year, and the first year for which the credit may be claimed. 7624

(3) A requirement that the taxpayer maintain operations at 7625  
the project site for at least the greater of (a) the term of the 7626  
credit plus three years, or (b) seven years. 7627

~~(4) A requirement that the taxpayer retain a specified number of full-time equivalent employees at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least five hundred full-time equivalent employees during the entire term of the agreement in the case of a credit granted under division (B)(1) of this section, and one thousand full-time equivalent employees in the case of a credit granted under division (B)(2) of this section~~ 7628  
~~(a) In the case of a credit granted under division (B)(1) of this section, a requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, or a requirement that the taxpayer maintain an annual payroll of at least thirty-five million dollars for the entire term of the credit;~~ 7629  
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7635  
(a) In the case of a credit granted under division (B)(1) of this section, a requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, or a requirement that the taxpayer maintain an annual payroll of at least thirty-five million dollars for the entire term of the credit; 7636  
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(b) In the case of a credit granted under division (B)(2) of this section, a requirement that the taxpayer retain at least one thousand full-time equivalent employees at the project site and within this state for the entire term of the credit; 7643  
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(c) In the case of a credit granted under division (B)(3) of this section, either of the following: 7647  
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(i) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit and a requirement that the taxpayer maintain an annual payroll of at least twenty million dollars for the entire term of the credit; 7649  
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(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty-five million dollars for the entire term of the credit. 7654  
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(5) A requirement that the taxpayer annually report to the director of development employment, tax withholding, capital 7657  
7658

investment, and other information the director needs to perform 7659  
the director's duties under this section. 7660

(6) A requirement that the director of development annually 7661  
review the annual reports of the taxpayer to verify the 7662  
information reported under division (E)(5) of this section and 7663  
compliance with the agreement. Upon verification, the director 7664  
shall issue a certificate to the taxpayer stating that the 7665  
information has been verified and identifying the amount of the 7666  
credit for the taxable year or calendar year that includes the tax 7667  
period. In determining the number of full-time equivalent 7668  
employees, no position shall be counted that is filled by an 7669  
employee who is included in the calculation of a tax credit under 7670  
section 122.17 of the Revised Code. 7671

(7) A provision providing that the taxpayer may not relocate 7672  
a substantial number of employment positions from elsewhere in 7673  
this state to the project site unless the director of development 7674  
determines that the taxpayer notified the legislative authority of 7675  
the county, township, or municipal corporation from which the 7676  
employment positions would be relocated. 7677

For purposes of this section, the movement of an employment 7678  
position from one political subdivision to another political 7679  
subdivision shall be considered a relocation of an employment 7680  
position unless the movement is confined to the project site. The 7681  
transfer of an employment position from one political subdivision 7682  
to another political subdivision shall not be considered a 7683  
relocation of an employment position if the employment position in 7684  
the first political subdivision is replaced by another employment 7685  
position. 7686

(8) A waiver by the taxpayer of any limitations periods 7687  
relating to assessments or adjustments resulting from the 7688  
taxpayer's failure to comply with the agreement. 7689

(F) If a taxpayer fails to meet or comply with any condition 7690  
or requirement set forth in a tax credit agreement, the tax credit 7691  
authority may amend the agreement to reduce the percentage or term 7692  
of the credit. The reduction of the percentage or term may take 7693  
effect in the current taxable or calendar year. 7694

(G) Financial statements and other information submitted to 7695  
the department of development or the tax credit authority by an 7696  
applicant for or recipient of a tax credit under this section, and 7697  
any information taken for any purpose from such statements or 7698  
information, are not public records subject to section 149.43 of 7699  
the Revised Code. However, the chairperson of the authority may 7700  
make use of the statements and other information for purposes of 7701  
issuing public reports or in connection with court proceedings 7702  
concerning tax credit agreements under this section. Upon the 7703  
request of the tax commissioner, or the superintendent of 7704  
insurance in the case of an insurance company, the chairperson of 7705  
the authority shall provide to the commissioner or superintendent 7706  
any statement or other information submitted by an applicant for 7707  
or recipient of a tax credit in connection with the credit. The 7708  
commissioner or superintendent shall preserve the confidentiality 7709  
of the statement or other information. 7710

(H) A taxpayer claiming a tax credit under this section shall 7711  
submit to the tax commissioner or, in the case of an insurance 7712  
company, to the superintendent of insurance, a copy of the 7713  
director of development's certificate of verification under 7714  
division (E)(6) of this section with the taxpayer's tax report or 7715  
return for the taxable year or for the calendar year that includes 7716  
the tax period. Failure to submit a copy of the certificate with 7717  
the report or return does not invalidate a claim for a credit if 7718  
the taxpayer submits a copy of the certificate to the commissioner 7719  
or superintendent within sixty days after the commissioner or 7720  
superintendent requests it. 7721

(I) For the purposes of this section, a taxpayer may include 7722  
a partnership, a corporation that has made an election under 7723  
subchapter S of chapter one of subtitle A of the Internal Revenue 7724  
Code, or any other business entity through which income flows as a 7725  
distributive share to its owners. A partnership, S-corporation, or 7726  
other such business entity may elect to pass the credit received 7727  
under this section through to the persons to whom the income or 7728  
profit of the partnership, S-corporation, or other entity is 7729  
distributed. The election shall be made on the annual report 7730  
required under division (E)(5) of this section. The election 7731  
applies to and is irrevocable for the credit for which the report 7732  
is submitted. If the election is made, the credit shall be 7733  
apportioned among those persons in the same proportions as those 7734  
in which the income or profit is distributed. 7735

(J) If the director of development determines that a taxpayer 7736  
that received a tax credit under this section is not complying 7737  
with the requirement under division (E)(3) of this section, the 7738  
director shall notify the tax credit authority of the 7739  
noncompliance. After receiving such a notice, and after giving the 7740  
taxpayer an opportunity to explain the noncompliance, the 7741  
authority may terminate the agreement and require the taxpayer to 7742  
refund to the state all or a portion of the credit claimed in 7743  
previous years, as follows: 7744

(1) If the taxpayer maintained operations at the project site 7745  
for less than or equal to the term of the credit, an amount not to 7746  
exceed one hundred per cent of the sum of any tax credits allowed 7747  
and received under this section. 7748

(2) If the taxpayer maintained operations at the project site 7749  
longer than the term of the credit, but less than the greater of 7750  
(a) the term of the credit plus three years, or (b) seven years, 7751  
the amount required to be refunded shall not exceed seventy-five 7752  
per cent of the sum of any tax credits allowed and received under 7753



this section. 7754

In determining the portion of the credit to be refunded to 7755  
this state, the authority shall consider the effect of market 7756  
conditions on the taxpayer's project and whether the taxpayer 7757  
continues to maintain other operations in this state. After making 7758  
the determination, the authority shall certify the amount to be 7759  
refunded to the tax commissioner or the superintendent of 7760  
insurance. If the taxpayer is not an insurance company, the 7761  
commissioner shall make an assessment for that amount against the 7762  
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 7763  
If the taxpayer is an insurance company, the superintendent of 7764  
insurance shall make an assessment under section 5725.222 or 7765  
5729.102 of the Revised Code. The time limitations on assessments 7766  
under those chapters and sections do not apply to an assessment 7767  
under this division, but the commissioner or superintendent shall 7768  
make the assessment within one year after the date the authority 7769  
certifies to the commissioner or superintendent the amount to be 7770  
refunded. 7771

(K) The director of development, after consultation with the 7772  
tax commissioner and the superintendent of insurance and in 7773  
accordance with Chapter 119. of the Revised Code, shall adopt 7774  
rules necessary to implement this section. The rules may provide 7775  
for recipients of tax credits under this section to be charged 7776  
fees to cover administrative costs of the tax credit program. The 7777  
fees collected shall be credited to the tax incentive programs 7778  
operating fund created in section 122.174 of the Revised Code. At 7779  
the time the director gives public notice under division (A) of 7780  
section 119.03 of the Revised Code of the adoption of the rules, 7781  
the director shall submit copies of the proposed rules to the 7782  
chairpersons of the standing committees on economic development in 7783  
the senate and the house of representatives. 7784

(L) On or before the first day of August of each year, the 7785

director of development shall submit a report to the governor, the 7786  
president of the senate, and the speaker of the house of 7787  
representatives on the tax credit program under this section. The 7788  
report shall include information on the number of agreements that 7789  
were entered into under this section during the preceding calendar 7790  
year, a description of the project that is the subject of each 7791  
such agreement, and an update on the status of projects under 7792  
agreements entered into before the preceding calendar year. 7793

(M)(1) The aggregate amount of tax credits issued under 7794  
division (B)(1) of this section during any calendar year for 7795  
capital investment projects reviewed and approved by the tax 7796  
credit authority may not exceed the following amounts: 7797

(a) For 2010, thirteen million dollars; 7798

(b) For 2011 through 2023, the amount of the limit for the 7799  
preceding calendar year plus thirteen million dollars; 7800

(c) For 2024 and each year thereafter, one hundred 7801  
ninety-five million dollars. 7802

(2) The aggregate amount of tax credits ~~issued~~ authorized 7803  
under ~~division~~ divisions (B)(2) and (3) of this section ~~during and~~ 7804  
allowed to be claimed by taxpayers in any calendar year for 7805  
capital improvement projects reviewed and approved by the tax 7806  
credit authority ~~may not exceed eight million dollars in 2011,~~ 7807  
2012, and 2013 combined shall not exceed twenty-five million 7808  
dollars. An amount equal to the aggregate amount of credits first 7809  
authorized in calendar year 2011, 2012, and 2013 may be claimed 7810  
over the ensuing period up to fifteen years, subject to the terms 7811  
of individual tax credit agreements. 7812

The limitations in division (M) of this section do not apply 7813  
to credits for capital investment projects approved by the tax 7814  
credit authority before July 1, 2009. 7815

|                                                                           |      |
|---------------------------------------------------------------------------|------|
| <u>Sec. 122.175. (A) As used in this section:</u>                         | 7816 |
| <u>(1) "Capital investment project" means a plan of investment</u>        | 7817 |
| <u>at a project site for the acquisition, construction, renovation,</u>   | 7818 |
| <u>expansion, replacement, or repair of a computer data center or of</u>  | 7819 |
| <u>computer data center equipment, but does not include any of the</u>    | 7820 |
| <u>following:</u>                                                         | 7821 |
| <u>(a) Project costs paid before a date determined by the tax</u>         | 7822 |
| <u>credit authority for each capital investment project;</u>              | 7823 |
| <u>(b) Payments made to a related member as defined in section</u>        | 7824 |
| <u>5733.042 of the Revised Code or to a consolidated elected taxpayer</u> | 7825 |
| <u>or a combined taxpayer as defined in section 5751.01 of the</u>        | 7826 |
| <u>Revised Code.</u>                                                      | 7827 |
| <u>(2) "Computer data center" means a facility used or to be</u>          | 7828 |
| <u>used primarily to house computer data center equipment used or to</u>  | 7829 |
| <u>be used in conducting a computer data center business, as</u>          | 7830 |
| <u>determined by the tax credit authority.</u>                            | 7831 |
| <u>(3) "Computer data center business" means, as may be further</u>       | 7832 |
| <u>determined by the tax credit authority, a business that provides</u>   | 7833 |
| <u>electronic information services as defined in division (Y)(1)(c)</u>   | 7834 |
| <u>of section 5739.01 of the Revised Code. "Computer data center</u>      | 7835 |
| <u>business" does not include providing electronic publishing as</u>      | 7836 |
| <u>defined in division (LLL) of that section.</u>                         | 7837 |
| <u>(4) "Computer data center equipment" means tangible personal</u>       | 7838 |
| <u>property used or to be used for any of the following:</u>              | 7839 |
| <u>(a) To conduct a computer data center business, including</u>          | 7840 |
| <u>equipment cooling systems to manage the performance of computer</u>    | 7841 |
| <u>data center equipment;</u>                                             | 7842 |
| <u>(b) To generate, transform, transmit, distribute, or manage</u>        | 7843 |
| <u>electricity necessary to operate the tangible personal property</u>    | 7844 |
| <u>used or to be used in conducting a computer data center business;</u>  | 7845 |

(c) As building and construction materials sold to construction contractors for incorporation into a computer data center. 7846  
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(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements: 7849  
7850

(a) The taxpayer will make payments for a capital investment project of at least one hundred million dollars in the aggregate at the project site during a period of three consecutive calendar years; 7851  
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(b) The taxpayer will pay annual compensation that is subject to the withholding obligation imposed under section 5747.06 of the Revised Code of at least five million dollars to employees employed at the project site for the term of the agreement. 7855  
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(6) "Person" has the same meaning as in section 5701.01 of the Revised Code. 7859  
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(7) "Project site," "related member," and "tax credit authority" have the same meanings as in sections 122.17 and 122.171 of the Revised Code. 7861  
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(8) "Taxpayer" means any person subject to the taxes imposed under Chapters 5739. and 5741. of the Revised Code. 7864  
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(B) The tax credit authority may completely or partially exempt from the taxes levied under Chapters 5739. and 5741. of the Revised Code the sale, storage, use, or other consumption of computer data center equipment used or to be used at an eligible computer data center. Any such exemption shall extend to charges for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section. 7866  
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(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to the tax credit authority to enter into an agreement under this 7873  
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section for a complete or partial exemption from the taxes imposed 7876  
under Chapters 5739. and 5741. of the Revised Code on computer 7877  
data center equipment used or to be used at the eligible computer 7878  
data center. The director of development shall prescribe the form 7879  
of the application. After receipt of an application, the authority 7880  
shall forward copies of the application to the director of budget 7881  
and management, the tax commissioner, and the director of 7882  
development, each of whom shall review the application to 7883  
determine the economic impact that the proposed eligible computer 7884  
data center would have on the state and any affected political 7885  
subdivisions and submit to the authority a summary of their 7886  
determinations and recommendations. 7887

(D) Upon review and consideration of such determinations and 7888  
recommendations, the tax credit authority may enter into an 7889  
agreement with the taxpayer for a complete or partial exemption 7890  
from the taxes imposed under Chapters 5739. and 5741. of the 7891  
Revised Code on computer data center equipment used or to be used 7892  
at an eligible computer data center if the authority determines 7893  
all of the following: 7894

(1) The taxpayer's capital investment project for the 7895  
eligible computer data center will increase payroll and the amount 7896  
of income taxes to be withheld from employee compensation pursuant 7897  
to section 5747.06 of the Revised Code. 7898

(2) The taxpayer is economically sound and has the ability to 7899  
complete the proposed capital investment project. 7900

(3) The taxpayer intends to and has the ability to maintain 7901  
operations at the project site for the term of the agreement. 7902

(4) Receiving the exemption is a major factor in the 7903  
taxpayer's decision to begin, continue with, or complete the 7904  
capital investment project. 7905

(E) An agreement entered into under this section shall 7906

include all of the following: 7907

(1) A detailed description of the capital investment project 7908  
that is the subject of the agreement, including the amount of the 7909  
investment, the period over which the investment has been or is 7910  
being made, the annual compensation to be paid by the taxpayer to 7911  
its employees at the project site, and the anticipated amount of 7912  
income taxes to be withheld from employee compensation pursuant to 7913  
section 5747.06 of the Revised Code. 7914

(2) The percentage of the exemption from the taxes imposed 7915  
under Chapters 5739. and 5741. of the Revised Code for the 7916  
computer data center equipment used or to be used at the eligible 7917  
computer data center, the length of time the computer data center 7918  
equipment will be exempted, and the first date on which the 7919  
exemption applies. 7920

(3) A requirement that the taxpayer maintain the computer 7921  
data center as an eligible computer data center during the term of 7922  
the agreement and that the taxpayer maintain operations at the 7923  
eligible computer data center during that term. 7924

(4) A requirement that during each year of the term of the 7925  
agreement the taxpayer pay annual compensation that is subject to 7926  
the withholding obligation imposed under section 5747.06 of the 7927  
Revised Code of at least five million dollars to its employees at 7928  
the eligible computer data center. 7929

(5) A requirement that the taxpayer annually report to the 7930  
director of development employment, tax withholding, capital 7931  
investment, and other information required by the director to 7932  
perform the director's duties under this section. 7933

(6) A requirement that the director of development annually 7934  
review the annual reports of the taxpayer to verify the 7935  
information reported under division (E)(5) of this section and 7936  
compliance with the agreement. Upon verification, the director 7937

shall issue a certificate to the taxpayer stating that the 7938  
information has been verified and that the taxpayer remains 7939  
eligible for the exemption specified in the agreement. 7940

(7) A provision providing that the taxpayer may not relocate 7941  
a substantial number of employment positions from elsewhere in 7942  
this state to the project site unless the director of development 7943  
determines that the taxpayer notified the legislative authority of 7944  
the county, township, or municipal corporation from which the 7945  
employment positions would be relocated. For purposes of this 7946  
paragraph, the movement of an employment position from one 7947  
political subdivision to another political subdivision shall be 7948  
considered a relocation of an employment position unless the 7949  
movement is confined to the project site. The transfer of an 7950  
employment position from one political subdivision to another 7951  
political subdivision shall not be considered a relocation of an 7952  
employment position if the employment position in the first 7953  
political subdivision is replaced by another employment position. 7954

(8) A waiver by the taxpayer of any limitations periods 7955  
relating to assessments or adjustments resulting from the 7956  
taxpayer's failure to comply with the agreement. 7957

(F) The term of an agreement under this section shall be 7958  
determined by the tax credit authority, and the amount of the 7959  
exemption shall not exceed one hundred per cent of such taxes that 7960  
would otherwise be owed in respect to the exempted computer data 7961  
center equipment. 7962

(G) If a taxpayer fails to meet or comply with any condition 7963  
or requirement set forth in an agreement under this section, the 7964  
tax credit authority may amend the agreement to reduce the 7965  
percentage of the exemption or term during which the exemption 7966  
applies to the computer data center equipment used or to be used 7967  
at an eligible computer data center. The reduction of the 7968  
percentage or term may take effect in the current calendar year. 7969

(H) Financial statements and other information submitted to the department of development or the tax credit authority by an applicant for or recipient of an exemption under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the chairperson of the authority may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax exemption agreements under this section. Upon the request of the tax commissioner, the chairperson of the authority shall provide to the tax commissioner any statement or other information submitted by an applicant for or recipient of an exemption under this section. The tax commissioner shall preserve the confidentiality of the statement or other information.

(I) The tax commissioner shall issue a direct payment permit under section 5739.031 of the Revised Code to a taxpayer that enters into an agreement under this section. Such direct payment permit shall authorize the taxpayer to pay any sales and use taxes due on purchases of computer data center equipment used or to be used in an eligible computer data center and to pay any sales and use taxes due on purchases of tangible personal property or taxable services other than computer data center equipment used or to be used in an eligible computer data center directly to the tax commissioner. Each taxpayer shall pay pursuant to such direct payment permit all sales tax levied on such purchases under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and all use tax levied on such purchases under sections 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, consistent with the terms of the agreement entered into under this section.

During the term of an agreement under this section the taxpayer shall submit to the tax commissioner a return that shows



the amount of computer data center equipment purchased for use at 8002  
the eligible computer data center, the amount of tangible personal 8003  
property and taxable services other than computer data center 8004  
equipment purchased for use at the eligible computer data center, 8005  
the amount of tax under Chapter 5739. or 5741. of the Revised Code 8006  
that would be due in the absence of the agreement under this 8007  
section, the exemption percentage for computer data center 8008  
equipment specified in the agreement, and the amount of tax due 8009  
under Chapter 5739. or 5741. of the Revised Code as a result of 8010  
the agreement under this section. The taxpayer shall pay the tax 8011  
shown on the return to be due in the manner and at the times as 8012  
may be further prescribed by the tax commissioner. The taxpayer 8013  
shall include a copy of the director of development's certificate 8014  
of verification issued under division (E)(6) of this section. 8015  
Failure to submit a copy of the certificate with the return does 8016  
not invalidate the claim for exemption if the taxpayer submits a 8017  
copy of the certificate to the tax commissioner within sixty days 8018  
after the tax commissioner requests it. 8019

(J) If the director of development determines that a taxpayer 8020  
that received an exemption under this section is not complying 8021  
with the requirement under division (E)(3) of this section, the 8022  
director shall notify the tax credit authority of the 8023  
noncompliance. After receiving such a notice, and after giving the 8024  
taxpayer an opportunity to explain the noncompliance, the 8025  
authority may terminate the agreement and require the taxpayer to 8026  
pay to the state all or a portion of the taxes that would have 8027  
been owed in regards to the exempt equipment in previous years, 8028  
all as determined under rules adopted pursuant to division (K) of 8029  
this section. In determining the portion of the taxes that would 8030  
have been owed on the previously exempted equipment to be paid to 8031  
this state by the taxpayer, the authority shall consider the 8032  
effect of market conditions on the taxpayer's eligible computer 8033  
data center and whether the taxpayer continues to maintain other 8034

operations in this state. After making the determination, the 8035  
authority shall certify to the tax commissioner the amount to be 8036  
paid by the taxpayer. The tax commissioner shall make an 8037  
assessment for that amount against the taxpayer under Chapter 8038  
5739. or 5741. of the Revised Code. The time limitations on 8039  
assessments under those chapters do not apply to an assessment 8040  
under this division, but the tax commissioner shall make the 8041  
assessment within one year after the date the authority certifies 8042  
to the tax commissioner the amount to be paid by the taxpayer. 8043

(K) The director of development, after consultation with the 8044  
tax commissioner and in accordance with Chapter 119. of the 8045  
Revised Code, shall adopt rules necessary to implement this 8046  
section. The rules may provide for recipients of tax exemptions 8047  
under this section to be charged fees to cover administrative 8048  
costs incurred in the administration of this section. The fees 8049  
collected shall be credited to the tax incentive programs 8050  
operating fund created in section 122.174 of the Revised Code. At 8051  
the time the director gives public notice under division (A) of 8052  
section 119.03 of the Revised Code of the adoption of the rules, 8053  
the director shall submit copies of the proposed rules to the 8054  
chairpersons of the standing committees on economic development in 8055  
the senate and the house of representatives. 8056

(L) On or before the first day of August of each year, the 8057  
director of development shall submit a report to the governor, the 8058  
president of the senate, and the speaker of the house of 8059  
representatives on the tax exemption authorized under this 8060  
section. The report shall include information on the number of 8061  
agreements that were entered into under this section during the 8062  
preceding calendar year, a description of the eligible computer 8063  
data center that is the subject of each such agreement, and an 8064  
update on the status of eligible computer data centers under 8065  
agreements entered into before the preceding calendar year. 8066

**Sec. 122.76.** (A) The director of development, with 8067  
controlling board approval, may lend funds to minority business 8068  
enterprises and to community improvement corporations, Ohio 8069  
development corporations, minority contractors business assistance 8070  
organizations, and minority business supplier development councils 8071  
for the purpose of loaning funds to minority business enterprises 8072  
and for the purpose of procuring or improving real or personal 8073  
property, or both, for the establishment, location, or expansion 8074  
of industrial, distribution, commercial, or research facilities in 8075  
the state, and to community development corporations that 8076  
predominantly benefit minority business enterprises or are located 8077  
in a census tract that has a population that is sixty per cent or 8078  
more minority if the director determines, in the director's sole 8079  
discretion, that all of the following apply: 8080

(1) The project is economically sound and will benefit the 8081  
people of the state by increasing opportunities for employment, by 8082  
strengthening the economy of the state, or expanding minority 8083  
business enterprises. 8084

(2) The proposed minority business enterprise borrower is 8085  
unable to finance the proposed project through ordinary financial 8086  
channels at comparable terms. 8087

(3) The value of the project is or, upon completion, will be 8088  
at least equal to the total amount of the money expended in the 8089  
procurement or improvement of the project, ~~and one or more~~ 8090  
~~financial institutions or other governmental entities have loaned~~ 8091  
~~not less than thirty per cent of that amount.~~ 8092

(4) The amount to be loaned by the director will not exceed 8093  
sixty per cent of the total amount expended in the procurement or 8094  
improvement of the project. 8095

(5) The amount to be loaned by the director will be 8096  
adequately secured by a first or second mortgage upon the project 8097

or by mortgages, leases, liens, assignments, or pledges on or of 8098  
other property or contracts as the director requires, and such 8099  
mortgage will not be subordinate to any other liens or mortgages 8100  
except the liens securing loans or investments made by financial 8101  
institutions referred to in division (A)(3) of this section, and 8102  
the liens securing loans previously made by any financial 8103  
institution in connection with the procurement or expansion of all 8104  
or part of a project. 8105

(B) Any proposed minority business enterprise borrower 8106  
submitting an application for assistance under this section shall 8107  
not have defaulted on a previous loan from the director, and no 8108  
full or limited partner, major shareholder, or holder of an equity 8109  
interest of the proposed minority business enterprise borrower 8110  
shall have defaulted on a loan from the director. 8111

(C) The proposed minority business enterprise borrower shall 8112  
demonstrate to the satisfaction of the director that it is able to 8113  
successfully compete in the private sector if it obtains the 8114  
necessary financial, technical, or managerial support and that 8115  
support is available through the director, the minority business 8116  
development office of the department of development, or other 8117  
identified and acceptable sources. In determining whether a 8118  
minority business enterprise borrower will be able to successfully 8119  
compete, the director may give consideration to such factors as 8120  
the successful completion of or participation in courses of study, 8121  
recognized by the board of regents as providing financial, 8122  
technical, or managerial skills related to the operation of the 8123  
business, by the economically disadvantaged individual, owner, or 8124  
partner, and the prior success of the individual, owner, or 8125  
partner in personal, career, or business activities, as well as to 8126  
other factors identified by the director. 8127

(D) The director shall not lend funds for the purpose of 8128  
procuring or improving motor vehicles or accounts receivable. 8129

Sec. 122.86. (A) As used in this section and section 5747.81 8130  
of the Revised Code: 8131

(1) "Small business enterprise" means a corporation, 8132  
pass-through entity, or other person satisfying all of the 8133  
following: 8134

(a) At the time of a qualifying investment, the enterprise's 8135  
assets according to generally accepted accounting principles do 8136  
not exceed fifty million dollars, or its annual sales do not 8137  
exceed ten million dollars; 8138

(b) The enterprise employs at least fifty full-time 8139  
equivalent employees in this state for whom the enterprise is 8140  
required to withhold income tax under section 5747.06 of the 8141  
Revised Code, or more than one-half the enterprise's total number 8142  
of full-time equivalent employees employed anywhere in the United 8143  
States are employed in this state and are subject to that 8144  
withholding requirement. 8145

(c) The enterprise, within six months after an eligible 8146  
investor's qualifying investment is made, invests in or incurs 8147  
cost for one or more of the following in an amount at least equal 8148  
to the amount of the qualifying investment: 8149

(i) Tangible personal property, other than motor vehicles 8150  
operated on public roads and highways, used in business and 8151  
physically located in this state from the time of its acquisition 8152  
by the enterprise until the end of the investor's holding period; 8153

(ii) Motor vehicles operated on public roads and highways if, 8154  
from the time of acquisition by the enterprise until the end of 8155  
the investor's holding period, the motor vehicles are purchased in 8156  
this state, registered in this state under Chapter 4503. of the 8157  
Revised Code, are used primarily for business purposes, and are 8158  
necessary for the operation of the enterprise's business; 8159

(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until the end of the holding period; 8160  
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(iv) Intangible personal property, including patents, copyrights, trademarks, service marks, or licenses used in business primarily in this state from the time of its acquisition by the enterprise until the end of the holding period; 8163  
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(v) Compensation for new employees of the enterprise for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees. 8167  
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(2) "Qualifying investment" means an investment of money made on or after July 1, 2011, to acquire capital stock or other equity interest in a small business enterprise. "Qualifying investment" does not include any investment of money an eligible investor derives, directly or indirectly, from a grant or loan from the federal government or the state or a political subdivision, including the third frontier program under Chapter 184. of the Revised Code. 8173  
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(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest. 8181  
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(4) "Holding period" means: 8186

(a) For qualifying investments made on or after July 1, 2011, but before July 1, 2013, the two-year period beginning on the day the investment was made; 8187  
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(b) For qualifying investments made on or after July 1, 2013, 8190

the five-year period beginning on the day the investment was made. 8191

(5) "Pass-through entity" has the same meaning as in section 8192  
5733.04 of the Revised Code. 8193

(B) Any eligible investor that makes a qualifying investment 8194  
in a small business enterprise on or after July 1, 2011, may apply 8195  
to the director of development to obtain a small business 8196  
investment certificate from the director. Alternatively, a small 8197  
business enterprise may apply on behalf of eligible investors to 8198  
obtain the certificates for those investors. The director, in 8199  
consultation with the tax commissioner, shall prescribe the form 8200  
or manner in which an applicant shall apply for the certificate, 8201  
devise the form of the certificate, and prescribe any records or 8202  
other information an applicant shall furnish with the application 8203  
to evidence the qualifying investment. The applicant shall state 8204  
the amount of the intended investment. 8205

A small business investment certificate entitles the 8206  
certificate holder to receive a tax credit under section 5747.81 8207  
of the Revised Code if the certificate holder qualifies for the 8208  
credit as otherwise provided in this section. If the certificate 8209  
holder is a pass-through entity, the certificate entitles the 8210  
entity's equity owners to receive their distributive or 8211  
proportionate shares of the credit. In any fiscal biennium, an 8212  
eligible investor may not apply for small business investment 8213  
certificates representing intended investment amounts in excess of 8214  
ten million dollars. Such certificates are not transferable. 8215

The director of development shall issue small business 8216  
investment certificates to qualifying applicants in the order in 8217  
which the director receives applications. To qualify for a 8218  
certificate, an eligible investor must satisfy both of the 8219  
following, subject to the limitation on the amount of qualifying 8220  
investments for which certificates may be issued under division 8221  
(C) of this section: 8222

|                                                                           |      |
|---------------------------------------------------------------------------|------|
| <u>(1) The eligible investor makes a qualifying investment on or</u>      | 8223 |
| <u>after July 1, 2011.</u>                                                | 8224 |
| <u>(2) The eligible investor pledges not to sell or otherwise</u>         | 8225 |
| <u>dispose of the qualifying investment before the conclusion of the</u>  | 8226 |
| <u>applicable holding period.</u>                                         | 8227 |
| <u>(C)(1) The amount of any eligible investor's qualifying</u>            | 8228 |
| <u>investments for which small business investment certificates may</u>   | 8229 |
| <u>be issued for a fiscal biennium shall not exceed ten million</u>       | 8230 |
| <u>dollars.</u>                                                           | 8231 |
| <u>(2) The director of development shall not issue a small</u>            | 8232 |
| <u>business investment certificate to an eligible investor</u>            | 8233 |
| <u>representing an amount of qualifying investment in excess of the</u>   | 8234 |
| <u>amount of the intended investment indicated on the investor's</u>      | 8235 |
| <u>application for the certificate.</u>                                   | 8236 |
| <u>(3) The director of development shall not issue small</u>              | 8237 |
| <u>business investment certificates in a total amount that would</u>      | 8238 |
| <u>cause the tax credits claimed in any fiscal biennium to exceed one</u> | 8239 |
| <u>hundred million dollars.</u>                                           | 8240 |
| <u>(D) Before the end of the applicable holding period of a</u>           | 8241 |
| <u>qualifying investment, each enterprise in which a qualifying</u>       | 8242 |
| <u>investment was made for which a small business investment</u>          | 8243 |
| <u>certificate has been issued, upon the request of the director of</u>   | 8244 |
| <u>development, shall provide to the director records or other</u>        | 8245 |
| <u>evidence satisfactory to the director that the enterprise is a</u>     | 8246 |
| <u>small business enterprise for the purposes of this section. No</u>     | 8247 |
| <u>credit may be claimed under this section and section 5747.81 of</u>    | 8248 |
| <u>the Revised Code if the director finds that an enterprise is not a</u> | 8249 |
| <u>small business enterprise for the purposes of this section. The</u>    | 8250 |
| <u>director shall compile and maintain a register of small business</u>   | 8251 |
| <u>enterprises qualifying under this section and shall certify the</u>    | 8252 |
| <u>register to the tax commissioner.</u>                                  | 8253 |



(E) After the conclusion of the applicable holding period for a qualifying investment, a person to whom a small business investment certificate has been issued under this section may claim a credit as provided under section 5747.81 of the Revised Code. 8254  
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(F) The director of development, in consultation with the tax commissioner, may adopt rules for the administration of this section, including rules governing the following: 8259  
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(1) Documents, records, or other information eligible investors shall provide to the director; 8262  
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(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code; 8264  
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8266

(3) Determination of the number of full-time equivalent employees of a small business enterprise; 8267  
8268

(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(c) of this section, including when such investments have been made and where the property is used in business; 8269  
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(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code. 8274  
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8276

**Sec. 122.861.** (A) As used in this section: 8277

(1) "Certified engine configuration" means a new, rebuilt, or remanufactured engine configuration that satisfies divisions (A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this section: 8278  
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(a) It has been certified by the administrator of the United States environmental protection agency or the California air 8282  
8283

resources board. 8284

(b) It meets or is rebuilt or remanufactured to a more 8285  
stringent set of engine emission standards than when originally 8286  
manufactured, as determined pursuant to Subtitle G of Title VII of 8287  
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 8288  
et seq. 8289

(c) In the case of a certified engine configuration involving 8290  
the replacement of an existing engine, an engine configuration 8291  
that replaced an engine that was removed from the vehicle and 8292  
returned to the supplier for remanufacturing to a more stringent 8293  
set of engine emissions standards or for scrappage. 8294

(2) "Section 793" means section 793 of the Energy Policy Act 8295  
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 8296

(3) "Verified technology" means a pollution control 8297  
technology, including a retrofit technology, advanced truckstop 8298  
electrification system, or auxiliary power unit, that has been 8299  
verified by the administrator of the United States environmental 8300  
protection agency or the California air resources board. 8301

(B) For the purpose of reducing emissions from diesel 8302  
engines, the ~~department~~ director of ~~development~~ environmental 8303  
protection shall administer a diesel emissions reduction grant 8304  
program and a diesel emissions reduction revolving loan program. 8305  
The programs shall provide for the implementation in this state of 8306  
section 793 and shall otherwise be administered in compliance with 8307  
the requirements of section 793, and any regulations issued 8308  
pursuant to that section. 8309

The director ~~of development~~ shall apply to the administrator 8310  
of the United States environmental protection agency for grant or 8311  
loan funds available under section 793 to help fund the diesel 8312  
emissions reduction grant program and the diesel emissions 8313  
reduction revolving loan program. ~~Upon the request of the director~~ 8314

~~of development, the director of environmental protection shall 8315  
assist the director of development to the extent necessary to 8316  
develop diesel emission reduction plans, goals, or methods, 8317  
including the role of certified engine configurations and verified 8318  
technologies, and to prepare the application for federal grants or 8319  
loans available under section 793. 8320~~

(C) There is hereby created in the state treasury the diesel 8321  
emissions grant fund consisting of money appropriated to it by the 8322  
general assembly, any grants obtained from the federal government 8323  
under section 793, and any other grants, gifts, or other 8324  
contributions of money made to the credit of the fund. Money in 8325  
the fund shall be used for the purpose of making grants for 8326  
projects relating to certified engine configurations and verified 8327  
technologies in a manner consistent with the requirements of 8328  
section 793 and any regulations issued under that section. 8329  
Interest earned from moneys in the fund shall be used to 8330  
administer the diesel emissions reduction grant program. 8331

(D) There is hereby created in the state treasury the diesel 8332  
emissions reduction revolving loan fund consisting of money 8333  
appropriated to it by the general assembly, any grants obtained 8334  
from the federal government under section 793, and any other 8335  
grants, gifts, or other contributions of money made to the credit 8336  
of the fund. Money in the fund shall be used for the purpose of 8337  
making loans for projects relating to certified engine 8338  
configurations and verified technologies in a manner consistent 8339  
with the requirements of section 793 and any regulations issued 8340  
pursuant to that section. Interest earned from moneys in the fund 8341  
shall be used to administer the diesel emissions reduction 8342  
revolving loan program. 8343

**Sec. 123.01.** (A) The department of administrative services, 8344  
in addition to those powers enumerated in Chapters 124. and 125. 8345

of the Revised Code and provided elsewhere by law, shall exercise 8346  
the following powers: 8347

(1) To prepare, or contract to be prepared, by licensed 8348  
engineers or architects, surveys, general and detailed plans, 8349  
specifications, bills of materials, and estimates of cost for any 8350  
projects, improvements, or public buildings to be constructed by 8351  
state agencies that may be authorized by legislative 8352  
appropriations or any other funds made available therefor, 8353  
provided that the construction of the projects, improvements, or 8354  
public buildings is a statutory duty of the department. This 8355  
section does not require the independent employment of an 8356  
architect or engineer as provided by section 153.01 of the Revised 8357  
Code in the cases to which that section applies nor affect or 8358  
alter the existing powers of the director of transportation. 8359

(2) To have general supervision over the construction of any 8360  
projects, improvements, or public buildings constructed for a 8361  
state agency and over the inspection of materials previous to 8362  
their incorporation into those projects, improvements, or 8363  
buildings; 8364

(3) To make contracts for and supervise the construction of 8365  
any projects and improvements or the construction and repair of 8366  
buildings under the control of a state agency, except contracts 8367  
for the repair of buildings under the management and control of 8368  
the departments of public safety, job and family services, mental 8369  
health, developmental disabilities, rehabilitation and correction, 8370  
and youth services, the bureau of workers' compensation, the 8371  
rehabilitation services commission, and boards of trustees of 8372  
educational and benevolent institutions and except contracts for 8373  
the construction of projects that do not require the issuance of a 8374  
building permit or the issuance of a certificate of occupancy and 8375  
that are necessary to remediate conditions at a hazardous waste 8376  
facility, solid waste facility, or other location at which the 8377

director of environmental protection has reason to believe there 8378  
is a substantial threat to public health or safety or the 8379  
environment. These contracts shall be made and entered into by the 8380  
directors of public safety, job and family services, mental 8381  
health, developmental disabilities, rehabilitation and correction, 8382  
and youth services, the administrator of workers' compensation, 8383  
the rehabilitation services commission, the boards of trustees of 8384  
such institutions, and the director of environmental protection, 8385  
respectively. All such contracts may be in whole or in part on 8386  
unit price basis of maximum estimated cost, with payment computed 8387  
and made upon actual quantities or units. 8388

(4) To prepare and suggest comprehensive plans for the 8389  
development of grounds and buildings under the control of a state 8390  
agency; 8391

(5) To acquire, by purchase, gift, devise, lease, or grant, 8392  
all real estate required by a state agency, in the exercise of 8393  
which power the department may exercise the power of eminent 8394  
domain, in the manner provided by sections 163.01 to 163.22 of the 8395  
Revised Code; 8396

(6) To make and provide all plans, specifications, and models 8397  
for the construction and perfection of all systems of sewerage, 8398  
drainage, and plumbing for the state in connection with buildings 8399  
and grounds under the control of a state agency; 8400

(7) To erect, supervise, and maintain all public monuments 8401  
and memorials erected by the state, except where the supervision 8402  
and maintenance is otherwise provided by law; 8403

(8) To procure, by lease, storage accommodations for a state 8404  
agency; 8405

(9) To lease or grant easements or licenses for unproductive 8406  
and unused lands or other property under the control of a state 8407  
agency. Such leases, easements, or licenses shall be granted for a 8408

period not to exceed fifteen years and shall be executed for the 8409  
state by the director of administrative services and the governor 8410  
and shall be approved as to form by the attorney general, provided 8411  
that leases, easements, or licenses may be granted to any county, 8412  
township, municipal corporation, port authority, water or sewer 8413  
district, school district, library district, health district, park 8414  
district, soil and water conservation district, conservancy 8415  
district, or other political subdivision or taxing district, or 8416  
any agency of the United States government, for the exclusive use 8417  
of that agency, political subdivision, or taxing district, without 8418  
any right of sublease or assignment, for a period not to exceed 8419  
fifteen years, and provided that the director shall grant leases, 8420  
easements, or licenses of university land for periods not to 8421  
exceed twenty-five years for purposes approved by the respective 8422  
university's board of trustees wherein the uses are compatible 8423  
with the uses and needs of the university and may grant leases of 8424  
university land for periods not to exceed forty years for purposes 8425  
approved by the respective university's board of trustees pursuant 8426  
to section 123.77 of the Revised Code. 8427

(10) To lease space for the use of a state agency; 8428

(11) To have general supervision and care of the storerooms, 8429  
offices, and buildings leased for the use of a state agency; 8430

(12) To exercise general custodial care of all real property 8431  
of the state; 8432

(13) To assign and group together state offices in any city 8433  
in the state and to establish, in cooperation with the state 8434  
agencies involved, rules governing space requirements for office 8435  
or storage use; 8436

(14) To lease for a period not to exceed forty years, 8437  
pursuant to a contract providing for the construction thereof 8438  
under a lease-purchase plan, buildings, structures, and other 8439

improvements for any public purpose, and, in conjunction 8440  
therewith, to grant leases, easements, or licenses for lands under 8441  
the control of a state agency for a period not to exceed forty 8442  
years. The lease-purchase plan shall provide that at the end of 8443  
the lease period, the buildings, structures, and related 8444  
improvements, together with the land on which they are situated, 8445  
shall become the property of the state without cost. 8446

(a) Whenever any building, structure, or other improvement is 8447  
to be so leased by a state agency, the department shall retain 8448  
either basic plans, specifications, bills of materials, and 8449  
estimates of cost with sufficient detail to afford bidders all 8450  
needed information or, alternatively, all of the following plans, 8451  
details, bills of materials, and specifications: 8452

(i) Full and accurate plans suitable for the use of mechanics 8453  
and other builders in the improvement; 8454

(ii) Details to scale and full sized, so drawn and 8455  
represented as to be easily understood; 8456

(iii) Accurate bills showing the exact quantity of different 8457  
kinds of material necessary to the construction; 8458

(iv) Definite and complete specifications of the work to be 8459  
performed, together with such directions as will enable a 8460  
competent mechanic or other builder to carry them out and afford 8461  
bidders all needed information; 8462

(v) A full and accurate estimate of each item of expense and 8463  
of the aggregate cost thereof. 8464

(b) The department shall give public notice, in such 8465  
newspaper, in such form, and with such phraseology as the director 8466  
of administrative services prescribes, published once each week 8467  
for four consecutive weeks, of the time when and place where bids 8468  
will be received for entering into an agreement to lease to a 8469  
state agency a building, structure, or other improvement. The last 8470

publication shall be at least eight days preceding the day for 8471  
opening the bids. The bids shall contain the terms upon which the 8472  
builder would propose to lease the building, structure, or other 8473  
improvement to the state agency. The form of the bid approved by 8474  
the department shall be used, and a bid is invalid and shall not 8475  
be considered unless that form is used without change, alteration, 8476  
or addition. Before submitting bids pursuant to this section, any 8477  
builder shall comply with Chapter 153. of the Revised Code. 8478

(c) On the day and at the place named for receiving bids for 8479  
entering into lease agreements with a state agency, the director 8480  
of administrative services shall open the bids and shall publicly 8481  
proceed immediately to tabulate the bids upon duplicate sheets. No 8482  
lease agreement shall be entered into until the bureau of workers' 8483  
compensation has certified that the person to be awarded the lease 8484  
agreement has complied with Chapter 4123. of the Revised Code, 8485  
until, if the builder submitting the lowest and best bid is a 8486  
foreign corporation, the secretary of state has certified that the 8487  
corporation is authorized to do business in this state, until, if 8488  
the builder submitting the lowest and best bid is a person 8489  
nonresident of this state, the person has filed with the secretary 8490  
of state a power of attorney designating the secretary of state as 8491  
its agent for the purpose of accepting service of summons in any 8492  
action brought under Chapter 4123. of the Revised Code, and until 8493  
the agreement is submitted to the attorney general and the 8494  
attorney general's approval is certified thereon. Within thirty 8495  
days after the day on which the bids are received, the department 8496  
shall investigate the bids received and shall determine that the 8497  
bureau and the secretary of state have made the certifications 8498  
required by this section of the builder who has submitted the 8499  
lowest and best bid. Within ten days of the completion of the 8500  
investigation of the bids, the department shall award the lease 8501  
agreement to the builder who has submitted the lowest and best bid 8502  
and who has been certified by the bureau and secretary of state as 8503



required by this section. If bidding for the lease agreement has 8504  
been conducted upon the basis of basic plans, specifications, 8505  
bills of materials, and estimates of costs, upon the award to the 8506  
builder the department, or the builder with the approval of the 8507  
department, shall appoint an architect or engineer licensed in 8508  
this state to prepare such further detailed plans, specifications, 8509  
and bills of materials as are required to construct the building, 8510  
structure, or improvement. The department shall adopt such rules 8511  
as are necessary to give effect to this section. The department 8512  
may reject any bid. Where there is reason to believe there is 8513  
collusion or combination among bidders, the bids of those 8514  
concerned therein shall be rejected. 8515

(15) To acquire by purchase, gift, devise, or grant and to 8516  
transfer, lease, or otherwise dispose of all real property 8517  
required to assist in the development of a conversion facility as 8518  
defined in section 5709.30 of the Revised Code as that section 8519  
existed before its repeal by Amended Substitute House Bill 95 of 8520  
the 125th general assembly; 8521

(16) To lease for a period not to exceed forty years, 8522  
notwithstanding any other division of this section, the 8523  
state-owned property located at 408-450 East Town Street, 8524  
Columbus, Ohio, formerly the state school for the deaf, to a 8525  
developer in accordance with this section. "Developer," as used in 8526  
this section, has the same meaning as in section 123.77 of the 8527  
Revised Code. 8528

Such a lease shall be for the purpose of development of the 8529  
land for use by senior citizens by constructing, altering, 8530  
renovating, repairing, expanding, and improving the site as it 8531  
existed on June 25, 1982. A developer desiring to lease the land 8532  
shall prepare for submission to the department a plan for 8533  
development. Plans shall include provisions for roads, sewers, 8534  
water lines, waste disposal, water supply, and similar matters to 8535

meet the requirements of state and local laws. The plans shall 8536  
also include provision for protection of the property by insurance 8537  
or otherwise, and plans for financing the development, and shall 8538  
set forth details of the developer's financial responsibility. 8539

The department may employ, as employees or consultants, 8540  
persons needed to assist in reviewing the development plans. Those 8541  
persons may include attorneys, financial experts, engineers, and 8542  
other necessary experts. The department shall review the 8543  
development plans and may enter into a lease if it finds all of 8544  
the following: 8545

(a) The best interests of the state will be promoted by 8546  
entering into a lease with the developer; 8547

(b) The development plans are satisfactory; 8548

(c) The developer has established the developer's financial 8549  
responsibility and satisfactory plans for financing the 8550  
development. 8551

The lease shall contain a provision that construction or 8552  
renovation of the buildings, roads, structures, and other 8553  
necessary facilities shall begin within one year after the date of 8554  
the lease and shall proceed according to a schedule agreed to 8555  
between the department and the developer or the lease will be 8556  
terminated. The lease shall contain such conditions and 8557  
stipulations as the director considers necessary to preserve the 8558  
best interest of the state. Moneys received by the state pursuant 8559  
to this lease shall be paid into the general revenue fund. The 8560  
lease shall provide that at the end of the lease period the 8561  
buildings, structures, and related improvements shall become the 8562  
property of the state without cost. 8563

(17) To lease to any person any tract of land owned by the 8564  
state and under the control of the department, or any part of such 8565  
a tract, for the purpose of drilling for or the pooling of oil or 8566

gas. Such a lease shall be granted for a period not exceeding 8567  
forty years, with the full power to contract for, determine the 8568  
conditions governing, and specify the amount the state shall 8569  
receive for the purposes specified in the lease, and shall be 8570  
prepared as in other cases. 8571

(18) To manage the use of space owned and controlled by the 8572  
department, including space in property under the jurisdiction of 8573  
the Ohio building authority, by doing all of the following: 8574

(a) Biennially implementing, by state agency location, a 8575  
census of agency employees assigned space; 8576

(b) Periodically in the discretion of the director of 8577  
administrative services: 8578

(i) Requiring each state agency to categorize the use of 8579  
space allotted to the agency between office space, common areas, 8580  
storage space, and other uses, and to report its findings to the 8581  
department; 8582

(ii) Creating and updating a master space utilization plan 8583  
for all space allotted to state agencies. The plan shall 8584  
incorporate space utilization metrics. 8585

(iii) Conducting a cost-benefit analysis to determine the 8586  
effectiveness of state-owned buildings; 8587

(iv) Assessing the alternatives associated with consolidating 8588  
the commercial leases for buildings located in Columbus. 8589

(c) Commissioning a comprehensive space utilization and 8590  
capacity study in order to determine the feasibility of 8591  
consolidating existing commercially leased space used by state 8592  
agencies into a new state-owned facility. 8593

(B) This section and section 125.02 of the Revised Code shall 8594  
not interfere with any of the following: 8595

(1) The power of the adjutant general to purchase military 8596

supplies, or with the custody of the adjutant general of property 8597  
leased, purchased, or constructed by the state and used for 8598  
military purposes, or with the functions of the adjutant general 8599  
as director of state armories; 8600

(2) The power of the director of transportation in acquiring 8601  
rights-of-way for the state highway system, or the leasing of 8602  
lands for division or resident district offices, or the leasing of 8603  
lands or buildings required in the maintenance operations of the 8604  
department of transportation, or the purchase of real property for 8605  
garage sites or division or resident district offices, or in 8606  
preparing plans and specifications for and constructing such 8607  
buildings as the director may require in the administration of the 8608  
department; 8609

(3) The power of the director of public safety and the 8610  
registrar of motor vehicles to purchase or lease real property and 8611  
buildings to be used solely as locations to which a deputy 8612  
registrar is assigned pursuant to division (B) of section 4507.011 8613  
of the Revised Code and from which the deputy registrar is to 8614  
conduct the deputy registrar's business, the power of the director 8615  
of public safety to purchase or lease real property and buildings 8616  
to be used as locations for division or district offices as 8617  
required in the maintenance of operations of the department of 8618  
public safety, and the power of the superintendent of the state 8619  
highway patrol in the purchase or leasing of real property and 8620  
buildings needed by the patrol, to negotiate the sale of real 8621  
property owned by the patrol, to rent or lease real property owned 8622  
or leased by the patrol, and to make or cause to be made repairs 8623  
to all property owned or under the control of the patrol; 8624

(4) The power of the division of liquor control in the 8625  
leasing or purchasing of retail outlets and warehouse facilities 8626  
for the use of the division; 8627

(5) The power of the director of development to enter into 8628

leases of real property, buildings, and office space to be used 8629  
solely as locations for the state's foreign offices to carry out 8630  
the purposes of section 122.05 of the Revised Code; 8631

(6) The power of the director of environmental protection to 8632  
enter into environmental covenants, to grant and accept easements, 8633  
or to sell property pursuant to division (G) of section 3745.01 of 8634  
the Revised Code. 8635

(C) Purchases for, and the custody and repair of, buildings 8636  
under the management and control of the capitol square review and 8637  
advisory board, the rehabilitation services commission, the bureau 8638  
of workers' compensation, or the departments of public safety, job 8639  
and family services, mental health, developmental disabilities, 8640  
and rehabilitation and correction, ~~and~~; buildings of educational 8641  
and benevolent institutions under the management and control of 8642  
boards of trustees; and purchases or leases for, and the custody 8643  
and repair of, office space used for the purposes of the joint 8644  
legislative ethics committee are not subject to the control and 8645  
jurisdiction of the department of administrative services. 8646

If the joint legislative ethics committee so requests, the 8647  
committee and the director of administrative services may enter 8648  
into a contract under which the department of administrative 8649  
services agrees to perform any services requested by the committee 8650  
that the department is authorized under this section to perform. 8651

(D) Any instrument by which real property is acquired 8652  
pursuant to this section shall identify the agency of the state 8653  
that has the use and benefit of the real property as specified in 8654  
section 5301.012 of the Revised Code. 8655

**Sec. 123.011.** (A) As used in this section: 8656

(1) "Construct" includes reconstruct, improve, renovate, 8657  
enlarge, or otherwise alter. 8658

(2) "Energy consumption analysis" means the evaluation of all energy consuming systems, components, and equipment by demand and type of energy, including the internal energy load imposed on a facility by its occupants and the external energy load imposed by climatic conditions.

(3) "Energy performance index" means a number describing the energy requirements of a facility per square foot of floor space or per cubic foot of occupied volume as appropriate under defined internal and external ambient conditions over an entire seasonal cycle.

(4) "Facility" means a building or other structure, or part of a building or other structure, that includes provision for a heating, refrigeration, ventilation, cooling, lighting, hot water, or other major energy consuming system, component, or equipment.

(5) "Life-cycle cost analysis" means a general approach to economic evaluation that takes into account all dollar costs related to owning, operating, maintaining, and ultimately disposing of a project over the appropriate study period.

(6) "Political subdivision" means a county, township, municipal corporation, board of education of any school district, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(7) "State funded" means funded in whole or in part through appropriation by the general assembly or through the use of any guarantee provided by this state.

~~(6)~~(8) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) There is hereby created within the department of administrative services the office of energy services. The office shall be under the supervision of a manager, who shall be

appointed by the director of administrative services. The director 8690  
shall assign to the office such number of employees and furnish 8691  
such equipment and supplies as are necessary for the performance 8692  
of the office's duties. 8693

The office shall develop energy efficiency and conservation 8694  
programs in each of the following areas: 8695

- (1) New construction design and review; 8696
- (2) Existing building audit and retrofit; 8697
- (3) Energy efficient procurement; 8698
- (4) Alternative fuel vehicles. 8699

The office may accept and administer grants from public and 8700  
private sources for carrying out any of its duties under this 8701  
section. 8702

(C) No state agency, department, division, bureau, office, 8703  
unit, board, commission, authority, quasi-governmental entity, or 8704  
institution, including those agencies otherwise excluded from the 8705  
jurisdiction of the department under division (A)(3) of section 8706  
123.01 of the Revised Code, shall lease, construct, or cause to be 8707  
leased or constructed, within the limits prescribed in this 8708  
section, a state-funded facility, without ~~having secured from the~~ 8709  
~~office~~ a proper life-cycle cost analysis or, in the case of a 8710  
lease, an energy consumption analysis, as computed or prepared by 8711  
a qualified architect or engineer in accordance with the rules 8712  
required by division (D) of this section. 8713

Construction shall proceed only upon the disclosure to the 8714  
office, for the facility chosen, of the life-cycle costs as 8715  
determined in this section and the capitalization of the initial 8716  
construction costs of the building. The results of life-cycle cost 8717  
analysis shall be a primary consideration in the selection of a 8718  
building design. That analysis shall be required only for 8719

construction of buildings with an area of five thousand square feet or greater. An energy consumption analysis for the term of a proposed lease shall be required only for the leasing of an area of twenty thousand square feet or greater within a given building boundary. That analysis shall be a primary consideration in the selection of a facility to be leased.

Nothing in this section shall deprive or limit any state agency that has review authority over design, construction, or leasing plans from requiring a life-cycle cost analysis or energy consumption analysis.

~~Whenever any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution requests release of capital improvement funds for any state-funded facility, it shall submit copies of all pertinent life cycle cost analyses prepared pursuant to this section and in accordance with rules adopted under Chapters 3781. and 4101. of the Revised Code.~~

(D) For the purposes of assisting the department in its responsibility for state-funded facilities pursuant to section 123.01 of the Revised Code and of cost-effectively reducing the energy consumption of those and any other state-funded facilities, thereby promoting fiscal, economic, and environmental benefits to this state, the office shall promulgate rules specifying cost-effective, energy efficiency and conservation standards that may govern the lease, design, construction, operation, and maintenance of all state-funded facilities, except facilities of state institutions of higher education or facilities operated by a political subdivision. The office of energy efficiency in the department of development shall cooperate in providing information and technical expertise to the office of energy services to ensure promulgation of rules of maximum effectiveness. The standards prescribed by rules promulgated under this division may draw from



or incorporate, by reference or otherwise and in whole or in part, 8752  
standards already developed or implemented by any competent, 8753  
public or private standards organization or program. The rules 8754  
also may include any of the following: 8755

(1) Specifications for a life-cycle cost analysis that shall 8756  
determine, for the economic life of such state-funded facility, 8757  
the reasonably expected costs of facility ownership, operation, 8758  
and maintenance including labor and materials. Life-cycle cost may 8759  
be expressed as an annual cost for each year of the facility's 8760  
use. ~~Further, the life cycle cost analysis may demonstrate for~~ 8761  
~~each design how the design contributes to energy efficiency and~~ 8762  
~~conservation with respect to any of the following:~~ 8763

~~(a) The coordination, orientation, and positioning of the~~ 8764  
~~facility on its physical site;~~ 8765

~~(b) The amount and type of glass employed in the facility and~~ 8766  
~~the directions of exposure;~~ 8767

~~(c) Thermal characteristics of materials incorporated into~~ 8768  
~~facility design, including insulation;~~ 8769

~~(d) Architectural features that affect energy consumption,~~ 8770  
~~including the solar absorption and reflection properties of~~ 8771  
~~external surfaces;~~ 8772

~~(e) The variable occupancy and operating conditions of the~~ 8773  
~~facility and portions of the facility, including illumination~~ 8774  
~~levels;~~ 8775

~~(f) Any other pertinent, physical characteristics of the~~ 8776  
~~design.~~ 8777

A life-cycle cost analysis additionally may include an energy 8778  
consumption analysis that conforms to division (D)(2) of this 8779  
section. 8780

(2) Specifications for an energy consumption analysis of the 8781

facility's heating, refrigeration, ventilation, cooling, lighting, 8782  
hot water, and other major energy consuming systems, components, 8783  
and equipment. ~~This analysis shall include both of the following:~~ 8784

~~(a) The comparison of two or more system alternatives, one of 8785  
which may be a system using solar energy;~~ 8786

~~(b) The projection of the annual energy consumption of those 8787  
major energy consuming systems, components, and equipment, for a 8788  
range of operation of the facility over the economic life of the 8789  
facility and considering their operation at other than full or 8790  
rated outputs.~~ 8791

A life-cycle cost analysis and energy consumption analysis 8792  
shall be based on the best currently available methods of 8793  
analysis, such as those of the national ~~bureau~~ institute of 8794  
standards and technology, the United States department of ~~housing~~ 8795  
~~and urban development~~ energy or other federal agencies, 8796  
professional societies, and directions developed by the 8797  
department. 8798

(3) Specifications for energy performance indices, to be used 8799  
to audit and evaluate competing design proposals submitted to the 8800  
state. 8801

(4) A requirement that, not later than two years after ~~the~~ 8802  
~~effective date of this amendment~~ April 6, 2007, each state-funded 8803  
facility, except a facility of a state institution of higher 8804  
education or a facility operated by a political subdivision, is 8805  
managed by at least one building operator certified under the 8806  
building operator certification program or any equivalent program 8807  
or standards as shall be prescribed in the rules and considered 8808  
reasonably equivalent. 8809

(5) An application process by which a ~~project manager, as to~~ 8810  
of a specified state-funded facility, except a facility of a state 8811  
institution of higher education or a facility operated by a 8812

political subdivision, may apply for a waiver of compliance with 8813  
any provision of the rules required by divisions (D)(1) to (4) of 8814  
this section. 8815

(E) The office of energy services shall promulgate rules to 8816  
ensure that energy efficiency and conservation will be considered 8817  
in the purchase of products and equipment, except motor vehicles, 8818  
by any state agency, department, division, bureau, office, unit, 8819  
board, commission, authority, quasi-governmental entity, or 8820  
institution. Minimum energy efficiency standards for purchased 8821  
products and equipment may be required, based on federal testing 8822  
and labeling where available or on standards developed by the 8823  
office. The rules shall apply to the competitive selection of 8824  
energy consuming systems, components, and equipment under Chapter 8825  
125. of the Revised Code where possible. 8826

The office also shall ensure energy efficient and energy 8827  
conserving purchasing practices by doing all of the following: 8828

(1) Cooperatively with the office of energy efficiency, 8829  
identifying available energy efficiency and conservation 8830  
opportunities; 8831

(2) Providing for interchange of information among purchasing 8832  
agencies; 8833

(3) Identifying laws, policies, rules, and procedures that 8834  
need modification; 8835

(4) Monitoring experience with and the cost-effectiveness of 8836  
this state's purchase and use of motor vehicles and of major 8837  
energy-consuming systems, components, equipment, and products 8838  
having a significant impact on energy consumption by government; 8839

(5) Cooperatively with the office of energy efficiency, 8840  
providing technical assistance and training to state employees 8841  
involved in the purchasing process. 8842

The department of development shall make recommendations to 8843  
the office regarding planning and implementation of purchasing 8844  
policies and procedures supportive of energy efficiency and 8845  
conservation. 8846

(F)(1) The office of energy services shall require all state 8847  
agencies, departments, divisions, bureaus, offices, units, 8848  
commissions, boards, authorities, quasi-governmental entities, 8849  
institutions, and state institutions of higher education to 8850  
implement procedures ensuring that all their passenger automobiles 8851  
acquired in each fiscal year, except for those passenger 8852  
automobiles acquired for use in law enforcement or emergency 8853  
rescue work, achieve a fleet average fuel economy of not less than 8854  
the fleet average fuel economy for that fiscal year as shall be 8855  
prescribed by the office by rule. The office shall promulgate the 8856  
rule prior to the beginning of the fiscal year in accordance with 8857  
the average fuel economy standards established pursuant to federal 8858  
law for passenger automobiles manufactured during the model year 8859  
that begins during the fiscal year. 8860

(2) Each state agency, department, division, bureau, office, 8861  
unit, commission, board, authority, quasi-governmental entity, 8862  
institution, and state institution of higher education shall 8863  
determine its fleet average fuel economy by dividing: 8864

(a) The total number of passenger vehicles acquired during 8865  
the fiscal year, except for those passenger vehicles acquired for 8866  
use in law enforcement or emergency rescue work, by 8867

(b) A sum of terms, each of which is a fraction created by 8868  
dividing: 8869

(i) The number of passenger vehicles of a given make, model, 8870  
and year, except for passenger vehicles acquired for use in law 8871  
enforcement or emergency rescue work, acquired during the fiscal 8872  
year, by 8873

(ii) The fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.

As used in division (F)(2) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.

(G) Each state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, institution, and state institution of higher education shall comply with any applicable provision of this section or of a rule promulgated pursuant to division (D) or (F) of this section.

**Sec. 123.10.** (A) The director of administrative services shall regulate the rate of tolls to be collected on the public works of the state, and shall fix all rentals and collect all tolls, rents, fines, commissions, fees, and other revenues arising from any source in the public works, including the sale, construction, purchase, or rental of property, except that the director shall not collect a commission or fee from a real estate broker or the private owner when real property is leased or rented to the state.

(B) There is hereby created in the state treasury the state architect's fund which shall consist of money received by the department of administrative services under division (A) of this section, fees paid under section 123.17 of the Revised Code, transfers of money to the fund authorized by the general assembly, and such amount of the investment earnings of the administrative building fund created in division ~~(C)(F)~~ of ~~this~~ section 154.24 of the Revised Code as the director of budget and management determines to be appropriate and in excess of the amounts required to meet estimated federal arbitrage rebate requirements. Money in

the fund shall be used by the department of administrative 8905  
services for the following purposes: 8906

(1) To pay personnel and other administrative expenses of the 8907  
department; 8908

(2) To pay the cost of conducting evaluations of public 8909  
works; 8910

(3) To pay the cost of building design specifications; 8911

(4) To pay the cost of providing project management services; 8912

(5) To pay the cost of operating the local administration 8913  
competency certification program prescribed by section 123.17 of 8914  
the Revised Code; 8915

(6) Any other purposes that the director of administrative 8916  
services determines to be necessary for the department to execute 8917  
its duties under this chapter. 8918

~~(C) There is hereby created in the state treasury the 8919  
administrative building fund which shall consist of proceeds of 8920  
obligations authorized to pay the cost of capital facilities. 8921  
Except as provided in division (B) of this section, all investment 8922  
earnings of the fund shall be credited to the fund. The fund shall 8923  
be used to pay the cost of capital facilities designated by or 8924  
pursuant to an act of the general assembly. The director of budget 8925  
and management shall approve and provide a voucher for payments of 8926  
amounts from the fund that represent the portion of investment 8927  
earnings to be rebated or to be paid to the federal government in 8928  
order to maintain the exclusion from gross income for federal 8929  
income tax purposes on interest on those obligations pursuant to 8930  
section 148(f) of the Internal Revenue Code. 8931~~

~~As used in this division, "capital facilities" has the same 8932  
meaning as under section 152.09 of the Revised Code. 8933~~

Sec. 123.101. (A) As used in this section: 8934

"Capital facilities project" means the construction, reconstruction, improvement, enlargement, alteration, or repair of a building by a public entity. 8935  
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"Public entity" includes a state agency and a state institution of higher education. 8938  
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"State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 8940  
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(B) Commencing not later than July 1, 2012, and upon completion of a capital facilities project that is funded wholly or in part using state funds, each public entity shall submit a report about the project to the director of administrative services. The report shall be submitted in Ohio administrative knowledge system capital improvement format or in a manner determined by the director and not later than thirty days after the project is complete. The report shall provide the total original contract bid, total cost of change orders, total actual cost of the project, total costs incurred for mediation and litigation services, and any other data requested by the director. The first report submitted pursuant to this division shall include information about any capital facilities project completed on or after July 1, 2011. Any capital facilities project that is funded wholly or in part through appropriations made to the Ohio school facilities commission, the Ohio public works commission, or the Ohio cultural facilities commission, or for which a joint use agreement has been entered into with any public entity, is exempt from the reporting requirement prescribed under this division. 8942  
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(C) Commencing not later than July 1, 2012, and annually thereafter, the attorney general shall report to the director on any mediation and litigation costs associated with capital facilities projects for which a judgment has been rendered. The report shall be submitted in a manner prescribed by the director and shall contain any information requested by the director 8961  
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related to capital facilities project mediation and litigation 8967  
costs. 8968

(D) As soon as practicable after such information is made 8969  
available, the director of administrative services shall 8970  
incorporate the information reported pursuant to divisions (B) and 8971  
(C) of this section into the Ohio administrative knowledge system. 8972

**Sec. 124.09.** The director of administrative services shall do 8973  
all of the following: 8974

(A) Prescribe, amend, and enforce administrative rules for 8975  
the purpose of carrying out the functions, powers, and duties 8976  
vested in and imposed upon the director by this chapter. Except in 8977  
the case of rules adopted pursuant to section 124.14 of the 8978  
Revised Code, the prescription, amendment, and enforcement of 8979  
rules under this division are subject to approval, disapproval, or 8980  
modification by the state personnel board of review. 8981

(B) Keep records of the director's proceedings and records of 8982  
all applications for examinations and all examinations conducted 8983  
by the director or the director's designee. All of those records, 8984  
except examinations, proficiency assessments, and recommendations 8985  
of former employers, shall be open to public inspection under 8986  
reasonable regulations; provided the governor, or any person 8987  
designated by the governor, may, for the purpose of investigation, 8988  
have free access to all of those records, whenever the governor 8989  
has reason to believe that this chapter, or the administrative 8990  
rules of the director prescribed under this chapter, are being 8991  
violated. 8992

(C) Prepare, continue, and keep in the office of the 8993  
department of administrative services a complete roster of all 8994  
persons in the classified civil service of the state who are paid 8995  
directly by warrant of the director of budget and management. This 8996  
roster shall be open to public inspection at all reasonable hours. 8997



It shall show in reference to each of those persons, the person's 8998  
name, address, date of appointment to or employment in the 8999  
classified civil service of the state, and salary or compensation, 9000  
the title of the place or office that the person holds, the nature 9001  
of the duties of that place or office, and, in case of the 9002  
person's removal or resignation, the date of the termination of 9003  
that service. 9004

(D) Approve the establishment of all new positions in the 9005  
civil service of the state and the reestablishment of abolished 9006  
positions; 9007

(E) Require the abolishment of any position in the civil 9008  
service of the state that is not filled after a period of twelve 9009  
months unless it is determined that the position is seasonal in 9010  
nature or that the vacancy is otherwise justified; 9011

(F) Make investigations concerning all matters touching the 9012  
enforcement and effect of this chapter and the administrative 9013  
rules of the director of administrative services prescribed under 9014  
this chapter. In the course of those investigations, the director 9015  
or the director's deputy may administer oaths and affirmations and 9016  
take testimony relative to any matter which the director has 9017  
authority to investigate. 9018

(G) Have the power to subpoena and require the attendance and 9019  
testimony of witnesses and the production of books, papers, public 9020  
records, and other documentary evidence pertinent to the 9021  
investigations, inquiries, or hearings on any matter which the 9022  
director has authority to investigate, inquire into, or hear, and 9023  
to examine them in relation to any matter which the director has 9024  
authority to investigate, inquire into, or hear. Fees and mileage 9025  
shall be allowed to witnesses and, on their certificate, duly 9026  
audited, shall be paid by the treasurer of state or, in the case 9027  
of municipal or civil service township civil service commissions, 9028  
by the county treasurer, for attendance and traveling, as provided 9029

in section 119.094 of the Revised Code. All officers in the civil 9030  
service of the state or any of the political subdivisions of the 9031  
state and their deputies, clerks, and employees shall attend and 9032  
testify when summoned to do so by the director or the state 9033  
personnel board of review. Depositions of witnesses may be taken 9034  
by the director or the board, or any member of the board, in the 9035  
manner prescribed by law for like depositions in civil actions in 9036  
the courts of common pleas. In case any person, in disobedience to 9037  
any subpoena issued by the director or the board, or any member of 9038  
the board, or the chief examiner, fails or refuses to attend and 9039  
testify to any matter regarding which the person may be lawfully 9040  
interrogated, or produce any documentary evidence pertinent to any 9041  
investigation, inquiry, or hearing, the court of common pleas of 9042  
any county, or any judge of the court of common pleas of any 9043  
county, where the disobedience, failure, or refusal occurs, upon 9044  
application of the director or the board, or any member of the 9045  
board, or a municipal or civil service township civil service 9046  
commission, or any commissioner of such a commission, or their 9047  
chief examiner, shall compel obedience by attachment proceedings 9048  
for contempt as in the case of disobedience of the requirements of 9049  
a subpoena issued from the court or a refusal to testify in the 9050  
court. 9051

(H) Make a report to the governor, on or before the first day 9052  
of January of each year, showing the director's actions, the rules 9053  
and all exceptions to the rules in force, and any recommendations 9054  
for the more effectual accomplishment of the purposes of this 9055  
chapter. The director shall also furnish any special reports to 9056  
the governor whenever the governor requests them. The reports 9057  
shall be printed for public distribution under the same 9058  
regulations as are the reports of other state officers, boards, or 9059  
commissions. 9060

**Sec. 124.23.** (A) All applicants for positions and places in 9061

the classified service shall be subject to examination, except for 9062  
applicants for positions as professional or certified service and 9063  
paraprofessional employees of county boards of developmental 9064  
disabilities, who shall be hired in the manner provided in section 9065  
124.241 of the Revised Code. 9066

(B) Any examination administered under this section shall be 9067  
public and be open to all citizens of the United States and those 9068  
persons who have legally declared their intentions of becoming 9069  
United States citizens. For examinations administered for 9070  
positions in the service of the state, the director of 9071  
administrative services or the director's designee may determine 9072  
certain limitations as to citizenship, age, experience, education, 9073  
health, habit, and moral character. 9074

(C) Any person who has completed service in the uniformed 9075  
services, who has been honorably discharged from the uniformed 9076  
services or transferred to the reserve with evidence of 9077  
satisfactory service, and who is a resident of this state and any 9078  
member of the national guard or a reserve component of the armed 9079  
forces of the United States who has completed more than one 9080  
hundred eighty days of active duty service pursuant to an 9081  
executive order of the president of the United States or an act of 9082  
the congress of the United States may file with the director a 9083  
certificate of service or honorable discharge, and, upon this 9084  
filing, the person shall receive additional credit of twenty per 9085  
cent of the person's total grade given in the ~~regular~~ examination 9086  
in which the person receives a passing grade. 9087

As used in this division, "service in the uniformed services" 9088  
and "uniformed services" have the same meanings as in the 9089  
"Uniformed Services Employment and Reemployment Rights Act of 9090  
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 9091

(D) An examination may include an evaluation of such factors 9092  
as education, training, capacity, knowledge, manual dexterity, and 9093

physical or psychological fitness. An examination shall consist of 9094  
one or more tests in any combination. Tests may be written, oral, 9095  
physical, demonstration of skill, or an evaluation of training and 9096  
experiences and shall be designed to fairly test the relative 9097  
capacity of the persons examined to discharge the particular 9098  
duties of the position for which appointment is sought. Tests may 9099  
include structured interviews, assessment centers, work 9100  
simulations, examinations of knowledge, skills, and abilities, and 9101  
any other acceptable testing methods. If minimum or maximum 9102  
requirements are established for any examination, they shall be 9103  
specified in the examination announcement. 9104

(E) Except as otherwise provided in sections 124.01 to 124.64 9105  
of the Revised Code, when a position in the classified service of 9106  
the state is to be filled, an examination shall be administered. 9107  
The director of administrative services shall have control of all 9108  
examinations administered for positions in the service of the 9109  
state and all other examinations the director administers as 9110  
provided in section 124.07 of the Revised Code, except as 9111  
otherwise provided in sections 124.01 to 124.64 of the Revised 9112  
Code. The director shall, by rule adopted under Chapter 119. of 9113  
the Revised Code, prescribe the notification method that is to be 9114  
used by an appointing authority to notify the director that a 9115  
position in the classified service of the state is to be filled. 9116  
In addition to the positions described in section 124.30 of the 9117  
Revised Code, the director may, with sufficient justification from 9118  
the appointing authority, allow the appointing authority to fill 9119  
the position by noncompetitive examination. The director shall 9120  
establish, by rule adopted under Chapter 119. of the Revised Code, 9121  
standards that the director shall use to determine what serves as 9122  
sufficient justification from an appointing authority to fill a 9123  
position by noncompetitive examination. 9124

(F) No questions in any examination shall relate to political 9125

or religious opinions or affiliations. No credit for seniority, 9126  
efficiency, or any other reason shall be added to an applicant's 9127  
examination grade unless the applicant achieves at least the 9128  
minimum passing grade on the examination without counting that 9129  
extra credit. 9130

(G) Except as otherwise provided in sections 124.01 to 124.64 9131  
of the Revised Code, the director of administrative services or 9132  
the director's designee shall give reasonable notice of the time, 9133  
place, and general scope of every competitive examination for 9134  
appointment that the director or the director's designee 9135  
administers for positions in the classified service of the state. 9136  
The director or the director's designee shall ~~send written,~~ 9137  
~~printed, or electronic~~ post notices via electronic media of every 9138  
examination to be conducted for positions in the classified civil 9139  
service of the state ~~to each agency of the type the director of~~ 9140  
~~job and family services specifies and, in the case of a county in~~ 9141  
~~which no such agency is located, to the clerk of the court of~~ 9142  
~~common pleas of that county and to the clerk of each city located~~ 9143  
~~within that county. Those notices shall be posted in conspicuous~~ 9144  
~~public places in the designated agencies or the courthouse, and~~ 9145  
~~city hall of the cities, of the counties in which no designated~~ 9146  
~~agency is located for at least two weeks. The electronic notice~~ 9147  
shall be posted on the director's internet site on the world wide 9148  
web for a minimum of one week preceding any examination involved, 9149  
~~and in a conspicuous place in the office of the director of~~ 9150  
~~administrative services for at least two weeks preceding any~~ 9151  
~~examination involved. In case of examinations limited by the~~ 9152  
~~director to a district, county, city, or department, the director~~ 9153  
~~shall provide by rule for adequate publicity of an examination in~~ 9154  
~~the district, county, city, or department within which competition~~ 9155  
~~is permitted.~~ 9156

**Sec. 124.231.** (A) As used in this section, "legally blind 9157

person" means any person who qualifies as being blind under any 9158  
Ohio or federal statute, or any rule adopted thereunder. As used 9159  
in this section, "legally deaf person" means any person who 9160  
qualifies as being deaf under any Ohio or federal statute, or any 9161  
rule adopted thereunder. 9162

(B) ~~The~~ When an examination is to be administered under 9163  
sections 124.01 to 124.64 of the Revised Code, the director of 9164  
administrative services or the director's designee shall whenever 9165  
practicable arrange for special examinations to be administered to 9166  
legally blind or legally deaf persons applying for ~~original~~ 9167  
~~appointments~~ positions in the classified service to ensure that 9168  
the abilities of such applicants are properly assessed and that 9169  
such applicants are not subject to discrimination because they are 9170  
legally blind or legally deaf persons. 9171

~~(C) The director may administer equitable programs for the~~ 9172  
~~employment of legally blind persons and legally deaf persons in~~ 9173  
~~the classified service.~~ 9174

~~Nothing in this section shall be construed to prohibit the~~ 9175  
~~appointment of a legally blind or legally deaf person to a~~ 9176  
~~position in the classified service under the procedures otherwise~~ 9177  
~~provided in this chapter.~~ 9178

**Sec. 124.24.** (A) Notwithstanding sections 124.01 to 124.64 9179  
and Chapter 145. of the Revised Code, the examinations of 9180  
applicants for the positions of deputy mine inspector, 9181  
superintendent of rescue stations, assistant superintendent of 9182  
rescue stations, electrical inspectors, ~~gas storage well~~ 9183  
~~inspector~~, and mine chemists in the division of mineral resources 9184  
management, department of natural resources, as provided in 9185  
Chapters 1561., 1563., 1565., and 1567. of the Revised Code shall 9186  
be provided for, conducted, and administered by the chief of the 9187  
division of mineral resources management. 9188

From the returns of the examinations the chief shall prepare 9189  
eligible lists of the persons whose general average standing upon 9190  
examinations for such grade or class is not less than the minimum 9191  
fixed by rules adopted under section 1561.05 of the Revised Code 9192  
and who are otherwise eligible. All appointments to a position 9193  
shall be made from ~~such~~ that eligible list in the same manner as 9194  
appointments are made from eligible lists prepared by the director 9195  
of administrative services. Any person upon being appointed to 9196  
fill one of the positions provided for in this ~~section~~ division, 9197  
from any such eligible list, shall have the same standing, rights, 9198  
privileges, and status as other state employees in the classified 9199  
service. 9200

(B) Notwithstanding sections 124.01 to 124.64 and Chapter 9201  
145. of the Revised Code, the examinations of applicants for the 9202  
position of gas storage well inspector in the division of oil and 9203  
gas resources management, department of natural resources, as 9204  
provided in Chapter 1571. of the Revised Code shall be provided 9205  
for, conducted, and administered by the chief of the division of 9206  
oil and gas resources management. 9207

From the returns of the examinations, the chief shall prepare 9208  
an eligible list of the persons whose general average standing 9209  
upon examinations for that position is not less than the minimum 9210  
fixed by rules adopted under section 1571.014 of the Revised Code 9211  
and who are otherwise eligible. An appointment to the position 9212  
shall be made from that eligible list in the same manner as 9213  
appointments are made from eligible lists prepared by the director 9214  
of administrative services. Any person, upon being appointed to 9215  
fill the position provided for in this division from any such 9216  
eligible list, shall have the same standing, rights, privileges, 9217  
and status as other state employees in the classified service. 9218

**Sec. 124.25.** The director of administrative services shall 9219

require persons applying for an examination for original 9220  
appointment to file with the director or the director's designee, 9221  
within reasonable time prior to the examination, a formal 9222  
application, in which the applicant shall state the applicant's 9223  
name, address, and such other information as may reasonably be 9224  
required concerning the applicant's education and experience. No 9225  
inquiry shall be made as to religious or political affiliations or 9226  
as to racial or ethnic origin of the applicant, except as 9227  
necessary to gather equal employment opportunity or other 9228  
statistics that, when compiled, will not identify any specific 9229  
individual. 9230

Blank forms for applications shall be furnished by the 9231  
director or the director's designee without charge to any person 9232  
requesting the same. The director or the director's designee may 9233  
require in connection with such application such certificate of 9234  
persons having knowledge of the applicant as the good of the 9235  
service demands. The director or the director's designee may 9236  
refuse to appoint or examine an applicant, or, after an 9237  
examination, refuse to certify the applicant as eligible, who is 9238  
found to lack any of the established preliminary requirements for 9239  
the examination, who is addicted to the habitual use of 9240  
intoxicating liquors or drugs to excess, who has a pattern of poor 9241  
work habits and performance with previous employers, who has been 9242  
convicted of a felony, who has been guilty of infamous or 9243  
notoriously disgraceful conduct, who has been dismissed from 9244  
either branch of the civil service for delinquency or misconduct, 9245  
or who has made false statements of any material fact, or 9246  
practiced, or attempted to practice, any deception or fraud in the 9247  
application or examination, in establishing eligibility, or 9248  
securing an appointment. 9249

**Sec. 124.26.** From the returns of the examinations, the 9250  
director of administrative services or the director's designee 9251



shall prepare an eligible list of the persons whose general 9252  
average standing upon examinations for the ~~grade or class or~~ 9253  
position is not less than the minimum fixed by the rules of the 9254  
director, and who are otherwise eligible. Those persons shall take 9255  
rank upon the eligible list as candidates in the order of their 9256  
relative excellence as determined by the examination without 9257  
reference to priority of the time of examination. If two or more 9258  
applicants receive the same mark in an open competitive 9259  
examination, priority in the time of filing the application with 9260  
the director or the director's designee shall determine the order 9261  
in which their names shall be placed on the eligible list, except 9262  
that applicants eligible for veteran's preference under section 9263  
124.23 of the Revised Code shall receive priority in rank on the 9264  
eligible list over nonveterans on the list with a rating equal to 9265  
that of the veteran. Ties among veterans shall be decided by 9266  
priority of filing the application. ~~If two or more applicants~~ 9267  
~~receive the same mark on a promotional examination, seniority~~ 9268  
~~shall determine the order in which their names shall be placed on~~ 9269  
~~the eligible list. The term of eligibility of each list shall be~~ 9270  
~~fixed by the director at not less than one or more than two years.~~ 9271

~~When an eligible list is reduced to ten names or less, a new~~ 9272  
~~list may be prepared. The director may consolidate two or more~~ 9273  
~~eligible lists of the same kind by the rearranging of eligibles~~ 9274  
~~named in the lists, according to their grades. An eligible list~~ 9275  
~~expires upon the filling or closing of the position. An expired~~ 9276  
~~eligible list may be used to fill a position of the same~~ 9277  
~~classification within the same appointing authority for which the~~ 9278  
~~list was created. But, in no event shall an expired list be used~~ 9279  
~~more than one year past its expiration date.~~ 9280

**Sec. 124.27.** (A) ~~The head of a department, office, or~~ 9281  
~~institution, in which a position in the classified service is to~~ 9282  
~~be filled, shall notify the director of administrative services of~~ 9283

~~the fact, and the director shall, except as otherwise provided in 9284  
this section and sections 124.30 and 124.31 of the Revised Code, 9285  
certify to the appointing authority the names and addresses of the 9286  
ten candidates standing highest on the eligible list for the class 9287  
or grade to which the position belongs, except that the director 9288  
may certify less than ten names if ten names are not available. 9289  
When less than ten names are certified to an appointing authority, 9290  
appointment from that list shall not be mandatory. When a position 9291  
in the classified service in the department of mental health or 9292  
the department of developmental disabilities is to be filled, the 9293  
director of administrative services shall make such certification 9294  
to the appointing authority within seven working days of the date 9295  
the eligible list is requested. 9296~~

~~(B) The appointing authority shall notify the director of a 9297  
position in the classified service to be filled, and the 9298  
appointing authority shall fill the vacant position by appointment 9299  
of one of the ten persons certified by the director. If more than 9300  
one position is to be filled, the director may certify a group of 9301  
names from the eligible list, and the appointing authority shall 9302  
appoint in the following manner: beginning at the top of the list, 9303  
each time a selection is made, it must be from one of the first 9304  
ten candidates remaining on the list who is willing to accept 9305  
consideration for the position. If an eligible list becomes 9306  
exhausted, and until a new list can be created, or when no 9307  
eligible list for a position exists, names may be certified from 9308  
eligible lists most appropriate for the group or class in which 9309  
the position to be filled is classified. A person who is certified 9310  
from an eligible list more than three times to the same appointing 9311  
authority for the same or similar positions may be omitted from 9312  
future certification to that appointing authority, provided that 9313  
certification for a temporary appointment shall not be counted as 9314  
one of those certifications. Every person who qualifies for 9315  
veteran's preference under section 124.23 of the Revised Code, who 9316~~

~~is a resident of this state, and whose name is on the eligible~~ 9317  
~~list for a position shall be entitled to preference in original~~ 9318  
~~appointments to any such competitive position in the civil service~~ 9319  
~~of the state and its civil divisions over all other persons~~ 9320  
~~eligible for those appointments and standing on the relevant~~ 9321  
~~eligible list with a rating equal to that of the person qualifying~~ 9322  
~~for veteran's preference.~~ Appointments to all positions in the 9323  
classified service, that are not filled by promotion, transfer, or 9324  
reduction, as provided in sections 124.01 to 124.64 of the Revised 9325  
Code and the rules of the director prescribed under those 9326  
sections, shall be made only from those persons whose names ~~are~~ 9327  
~~certified to the appointing authority~~ take rank order on an 9328  
eligible list, and no employment, except as provided in those 9329  
sections, shall be otherwise given in the classified service of 9330  
this state or any political subdivision of the state. The 9331  
appointing authority shall appoint in the following manner: each 9332  
time a selection is made, it shall be from one of the names that 9333  
ranks in the top twenty-five per cent of the eligible list. But, 9334  
in the event that ten or fewer names are on the eligible list, the 9335  
appointing authority may select any of the listed candidates. Each 9336  
person who qualifies for the veteran's preference under section 9337  
124.23 of the Revised Code, who is a resident of this state, and 9338  
whose name is on the eligible list for a position is entitled to 9339  
preference in original appointment to any such competitive 9340  
position in the civil service of the state and its civil divisions 9341  
over all other persons who are eligible for those appointments and 9342  
who are standing on the relevant eligible list with a rating equal 9343  
to that of the person qualifying for the veteran's preference. 9344

~~(C)~~(B) All original and promotional appointments, including 9345  
appointments made pursuant to section 124.30 of the Revised Code, 9346  
but not intermittent appointments, shall be for a probationary 9347  
period, not less than sixty days nor more than one year, to be 9348  
fixed by the rules of the director, except as provided in section 9349

124.231 of the Revised Code, and except for original appointments 9350  
to a police department as a police officer or to a fire department 9351  
as a firefighter which shall be for a probationary period of one 9352  
year. No appointment or promotion is final until the appointee has 9353  
satisfactorily served the probationary period. If the service of 9354  
the probationary employee is unsatisfactory, the employee may be 9355  
removed or reduced at any time during the probationary period. If 9356  
the appointing authority decides to remove a probationary employee 9357  
in the service of the state, the appointing authority shall 9358  
communicate the removal to the director ~~the reason for that~~ 9359  
~~decision~~. A probationary employee duly removed or reduced in 9360  
position for unsatisfactory service does not have the right to 9361  
appeal the removal or reduction under section 124.34 of the 9362  
Revised Code. 9363

**Sec. 124.31.** ~~(A)~~ Vacancies in positions in the classified 9364  
service of the state shall be filled insofar as practicable by 9365  
promotions. The director of administrative services shall provide 9366  
in the director's rules for keeping a record of efficiency for 9367  
each employee in the classified civil service of the state, and 9368  
for making promotions in the classified civil service of the state 9369  
on the basis of merit, ~~to be ascertained insofar as practicable by~~ 9370  
~~promotional examinations,~~ and by conduct and capacity in office, 9371  
and by seniority in service. ~~The director shall provide that~~ 9372  
~~vacancies in positions in the classified civil service of the~~ 9373  
~~state shall be filled by promotion in all cases where, in the~~ 9374  
~~judgment of the director, it is for the best interest of the~~ 9375  
~~service. The director's rules shall authorize each appointing~~ 9376  
~~authority of a county to develop and administer in a manner it~~ 9377  
~~devises, an evaluation system for the employees it appoints.~~ 9378

~~(B) All examinations for promotions shall be competitive and~~ 9379  
~~may be conducted in the same manner as examinations described in~~ 9380  
~~section 124.23 of the Revised Code. In promotional examinations,~~ 9381

~~seniority in service shall be added to the examination grade, but 9382  
no credit for seniority or any other reason shall be added to an 9383  
examination grade unless the applicant achieves at least the 9384  
minimum passing score on the examination without counting that 9385  
extra credit. Credit for seniority shall equal, for the first four 9386  
years of service, one per cent of the total grade attainable in 9387  
the promotion examination, and, for each of the fifth through 9388  
fourteenth years of service, six tenths per cent of the total 9389  
grade attainable. 9390~~

~~In all cases where vacancies are to be filled by promotion, 9391  
the director shall certify to the appointing authority the names 9392  
of the three persons having the highest rating on the eligible 9393  
list. The method of examination for promotions, the manner of 9394  
giving notice of the examination, and the rules governing it shall 9395  
be in general the same as those provided for original 9396  
examinations, except as otherwise provided in sections 124.01 to 9397  
124.64 of the Revised Code. 9398~~

**Sec. 124.34.** (A) The tenure of every officer or employee in 9399  
the classified service of the state and the counties, civil 9400  
service townships, cities, city health districts, general health 9401  
districts, and city school districts of the state, holding a 9402  
position under this chapter, shall be during good behavior and 9403  
efficient service. No officer or employee shall be reduced in pay 9404  
or position, fined, suspended, or removed, or have the officer's 9405  
or employee's longevity reduced or eliminated, except as provided 9406  
in section 124.32 of the Revised Code, and for incompetency, 9407  
inefficiency, dishonesty, drunkenness, immoral conduct, 9408  
insubordination, discourteous treatment of the public, neglect of 9409  
duty, violation of any policy or work rule of the officer's or 9410  
employee's appointing authority, violation of this chapter or the 9411  
rules of the director of administrative services or the 9412  
commission, any other failure of good behavior, any other acts of 9413

misfeasance, malfeasance, or nonfeasance in office, or conviction 9414  
of a felony. The denial of a one-time pay supplement or a bonus to 9415  
an officer or employee is not a reduction in pay for purposes of 9416  
this section. 9417

This section does not apply to any modifications or 9418  
reductions in pay or work week authorized by division (Q) of 9419  
section 124.181 or section 124.392 ~~or~~, 124.393, or 124.394 of the 9420  
Revised Code. 9421

An appointing authority may require an employee who is 9422  
suspended to report to work to serve the suspension. An employee 9423  
serving a suspension in this manner shall continue to be 9424  
compensated at the employee's regular rate of pay for hours 9425  
worked. The disciplinary action shall be recorded in the 9426  
employee's personnel file in the same manner as other disciplinary 9427  
actions and has the same effect as a suspension without pay for 9428  
the purpose of recording disciplinary actions. 9429

A finding by the appropriate ethics commission, based upon a 9430  
preponderance of the evidence, that the facts alleged in a 9431  
complaint under section 102.06 of the Revised Code constitute a 9432  
violation of Chapter 102., section 2921.42, or section 2921.43 of 9433  
the Revised Code may constitute grounds for dismissal. Failure to 9434  
file a statement or falsely filing a statement required by section 9435  
102.02 of the Revised Code may also constitute grounds for 9436  
dismissal. The tenure of an employee in the career professional 9437  
service of the department of transportation is subject to section 9438  
5501.20 of the Revised Code. 9439

Conviction of a felony is a separate basis for reducing in 9440  
pay or position, suspending, or removing an officer or employee, 9441  
even if the officer or employee has already been reduced in pay or 9442  
position, suspended, or removed for the same conduct that is the 9443  
basis of the felony. An officer or employee may not appeal to the 9444  
state personnel board of review or the commission any disciplinary 9445

action taken by an appointing authority as a result of the 9446  
officer's or employee's conviction of a felony. If an officer or 9447  
employee removed under this section is reinstated as a result of 9448  
an appeal of the removal, any conviction of a felony that occurs 9449  
during the pendency of the appeal is a basis for further 9450  
disciplinary action under this section upon the officer's or 9451  
employee's reinstatement. 9452

A person convicted of a felony immediately forfeits the 9453  
person's status as a classified employee in any public employment 9454  
on and after the date of the conviction for the felony. If an 9455  
officer or employee is removed under this section as a result of 9456  
being convicted of a felony or is subsequently convicted of a 9457  
felony that involves the same conduct that was the basis for the 9458  
removal, the officer or employee is barred from receiving any 9459  
compensation after the removal notwithstanding any modification or 9460  
disaffirmance of the removal, unless the conviction for the felony 9461  
is subsequently reversed or annulled. 9462

Any person removed for conviction of a felony is entitled to 9463  
a cash payment for any accrued but unused sick, personal, and 9464  
vacation leave as authorized by law. If subsequently reemployed in 9465  
the public sector, the person shall qualify for and accrue these 9466  
forms of leave in the manner specified by law for a newly 9467  
appointed employee and shall not be credited with prior public 9468  
service for the purpose of receiving these forms of leave. 9469

As used in this division, "felony" means any of the 9470  
following: 9471

(1) A felony that is an offense of violence as defined in 9472  
section 2901.01 of the Revised Code; 9473

(2) A felony that is a felony drug abuse offense as defined 9474  
in section 2925.01 of the Revised Code; 9475

(3) A felony under the laws of this or any other state or the 9476

United States that is a crime of moral turpitude; 9477

(4) A felony involving dishonesty, fraud, or theft; 9478

(5) A felony that is a violation of section 2921.05, 2921.32, 9479  
or 2921.42 of the Revised Code. 9480

(B) In case of a reduction, a suspension of more than forty 9481  
work hours in the case of an employee exempt from the payment of 9482  
overtime compensation, a suspension of more than twenty-four work 9483  
hours in the case of an employee required to be paid overtime 9484  
compensation, a fine of more than forty hours' pay in the case of 9485  
an employee exempt from the payment of overtime compensation, a 9486  
fine of more than twenty-four hours' pay in the case of an 9487  
employee required to be paid overtime compensation, or removal, 9488  
except for the reduction or removal of a probationary employee, 9489  
the appointing authority shall serve the employee with a copy of 9490  
the order of reduction, fine, suspension, or removal, which order 9491  
shall state the reasons for the action. 9492

Within ten days following the date on which the order is 9493  
served or, in the case of an employee in the career professional 9494  
service of the department of transportation, within ten days 9495  
following the filing of a removal order, the employee, except as 9496  
otherwise provided in this section, may file an appeal of the 9497  
order in writing with the state personnel board of review or the 9498  
commission. For purposes of this section, the date on which an 9499  
order is served is the date of hand delivery of the order or the 9500  
date of delivery of the order by certified United States mail, 9501  
whichever occurs first. If an appeal is filed, the board or 9502  
commission shall forthwith notify the appointing authority and 9503  
shall hear, or appoint a trial board to hear, the appeal within 9504  
thirty days from and after its filing with the board or 9505  
commission. The board, commission, or trial board may affirm, 9506  
disaffirm, or modify the judgment of the appointing authority. 9507  
However, in an appeal of a removal order based upon a violation of 9508



a last chance agreement, the board, commission, or trial board may 9509  
only determine if the employee violated the agreement and thus 9510  
affirm or disaffirm the judgment of the appointing authority. 9511

In cases of removal or reduction in pay for disciplinary 9512  
reasons, either the appointing authority or the officer or 9513  
employee may appeal from the decision of the state personnel board 9514  
of review or the commission, and any such appeal shall be to the 9515  
court of common pleas of the county in which the appointing 9516  
authority is located, or to the court of common pleas of Franklin 9517  
county, as provided by section 119.12 of the Revised Code. 9518

(C) In the case of the suspension for any period of time, or 9519  
a fine, demotion, or removal, of a chief of police, a chief of a 9520  
fire department, or any member of the police or fire department of 9521  
a city or civil service township, who is in the classified civil 9522  
service, the appointing authority shall furnish the chief or 9523  
member with a copy of the order of suspension, fine, demotion, or 9524  
removal, which order shall state the reasons for the action. The 9525  
order shall be filed with the municipal or civil service township 9526  
civil service commission. Within ten days following the filing of 9527  
the order, the chief or member may file an appeal, in writing, 9528  
with the commission. If an appeal is filed, the commission shall 9529  
forthwith notify the appointing authority and shall hear, or 9530  
appoint a trial board to hear, the appeal within thirty days from 9531  
and after its filing with the commission, and it may affirm, 9532  
disaffirm, or modify the judgment of the appointing authority. An 9533  
appeal on questions of law and fact may be had from the decision 9534  
of the commission to the court of common pleas in the county in 9535  
which the city or civil service township is situated. The appeal 9536  
shall be taken within thirty days from the finding of the 9537  
commission. 9538

(D) A violation of division (A)(7) of section 2907.03 of the 9539  
Revised Code is grounds for termination of employment of a 9540

nonteaching employee under this section. 9541

(E) As used in this section, "last chance agreement" means an 9542  
agreement signed by both an appointing authority and an officer or 9543  
employee of the appointing authority that describes the type of 9544  
behavior or circumstances that, if it occurs, will automatically 9545  
lead to removal of the officer or employee without the right of 9546  
appeal to the state personnel board of review or the appropriate 9547  
commission. 9548

**Sec. 124.393.** (A) As used in this section: 9549

(1) "~~County exempt~~ Exempt employee" means a permanent 9550  
full-time or permanent part-time county, township, or municipal 9551  
corporation employee who is not subject to a collective bargaining 9552  
agreement between a public employer and an exclusive 9553  
representative. 9554

(2) "Fiscal emergency" means any of the following: 9555

(a) A fiscal emergency declared by the governor under section 9556  
126.05 of the Revised Code. 9557

(b) A fiscal watch or fiscal emergency has been declared or 9558  
determined under section 118.023 or 118.04 of the Revised Code. 9559

(c) Lack of funds as defined in section 124.321 of the 9560  
Revised Code. 9561

~~(e)~~(d) Reasons of economy as described in section 124.321 of 9562  
the Revised Code. 9563

(B)(1) A county, township, or municipal corporation 9564  
appointing authority may establish a mandatory cost savings 9565  
program applicable to its ~~county~~ exempt employees. Each ~~county~~ 9566  
exempt employee shall participate in the program of mandatory cost 9567  
savings for not more than eighty hours, as determined by the 9568  
appointing authority, in each of state fiscal years 2010 ~~and 2011~~ 9569  
to 2013. The program may include, but is not limited to, a loss of 9570

pay or loss of holiday pay. The program may be administered 9571  
differently among employees based on their classifications, 9572  
appointment categories, or other relevant distinctions. 9573

(2) After June 30, ~~2011~~ 2013, a county, township, or 9574  
municipal corporation appointing authority may implement mandatory 9575  
cost savings days as described in division (B)(1) of this section 9576  
that apply to its ~~county~~ exempt employees in the event of a fiscal 9577  
emergency. 9578

(C) A county, township, or municipal corporation appointing 9579  
authority shall issue guidelines concerning how the appointing 9580  
authority will implement the cost savings program. 9581

**Sec. 124.394.** (A) As used in this section: 9582

(1) "Exempt employee" means a permanent full-time or 9583  
permanent part-time county employee , township, or municipal 9584  
corporation who is not subject to a collective bargaining 9585  
agreement between a public employer and an exclusive 9586  
representative. 9587

(2) "Fiscal emergency" means any of the following: 9588

(a) A fiscal emergency declared by the governor under section 9589  
126.05 of the Revised Code. 9590

(b) A fiscal watch or a fiscal emergency declared or 9591  
determined by the auditor of state under section 118.023 or 118.04 9592  
of the Revised Code. 9593

(c) Lack of funds as defined in section 124.321 of the 9594  
Revised Code. 9595

(d) Reasons of economy as described in section 124.321 of the 9596  
Revised Code. 9597

(B) A county, township, or municipal corporation appointing 9598  
authority may establish a modified work week schedule program 9599

applicable to its exempt employees. Each exempt employee shall 9600  
participate in any established modified work week schedule program 9601  
in each of state fiscal years 2012 and 2013. The program may 9602  
provide for a reduction from the usual number of hours worked 9603  
during a week by exempt employees immediately before the 9604  
establishment of the program by the appointing authority. The 9605  
reduction in hours may include any number of hours so long as the 9606  
reduction is not more than fifty per cent of the usual hours 9607  
worked by exempt employees immediately before the establishment of 9608  
the program. The program may be administered differently among 9609  
employees based on classifications, appointment categories, or 9610  
other relevant distinctions. 9611

(C) After June 30, 2013, a county, township, or municipal 9612  
corporation appointing authority may implement a modified work 9613  
week schedule program as described in division (B) of this section 9614  
that applies to its exempt employees in the event of a fiscal 9615  
emergency. 9616

**Sec. 125.021.** (A) Except as to the military department, the 9617  
general assembly, the capitol square review advisory board, the 9618  
bureau of workers' compensation, the industrial commission, and 9619  
institutions administered by boards of trustees, the department of 9620  
administrative services may contract for telephone, other 9621  
telecommunication, and computer services for state agencies. 9622  
Nothing in this division precludes the bureau or the commission 9623  
from contracting with the department to authorize the department 9624  
to contract for those services for the bureau or the commission. 9625

(B)(1) As used in this division: 9626

(a) "Active duty" means active duty pursuant to an executive 9627  
order of the president of the United States, an act of the 9628  
congress of the United States, or section 5919.29 or 5923.21 of 9629  
the Revised Code. 9630

(b) "Immediate family" means a person's spouse residing in 9631  
the person's household, brothers and sisters of the whole or of 9632  
the half blood, children, including adopted children and 9633  
stepchildren, parents, and grandparents. 9634

(2) The department of administrative services may enter into 9635  
a contract to purchase bulk long distance telephone services and 9636  
make them available at cost, or may make bulk long distance 9637  
telephone services available at cost under any existing contract 9638  
the department has entered into, to members of the immediate 9639  
family of persons deployed on active duty so that those family 9640  
members can communicate with the persons so deployed. If the 9641  
department enters into contracts under division (B)(2) of this 9642  
section, it shall do so in accordance with sections 125.01 to 9643  
125.11 of the Revised Code and in a nondiscriminatory manner that 9644  
does not place any potential vendor at a competitive disadvantage. 9645

(3) If the department decides to exercise either option under 9646  
division (B)(2) of this section, it shall adopt, and may amend, 9647  
rules under Chapter 119. of the Revised Code to implement that 9648  
division. 9649

**Sec. 125.15.** All state agencies required to secure any 9650  
equipment, materials, supplies, or services from the department of 9651  
administrative services shall make acquisition in the manner and 9652  
upon forms prescribed by the director of administrative services 9653  
and shall reimburse the department for the equipment, materials, 9654  
supplies, or services, including a reasonable sum to cover the 9655  
department's administrative costs and costs relating to energy 9656  
efficiency and conservation programs, whenever reimbursement is 9657  
required by the department. The money so paid shall be deposited 9658  
in the state treasury to the credit of the general services fund 9659  
~~or~~, the information technology fund, or the information technology 9660  
governance fund, as appropriate. Those funds are hereby created. 9661

Sec. 125.18. (A) There is hereby established the office of 9662  
information technology within the department of administrative 9663  
services. The office shall be under the supervision of a state 9664  
chief information officer to be appointed by the director of 9665  
administrative services and subject to removal at the pleasure of 9666  
the director. The chief information officer is an assistant 9667  
director of administrative services. 9668

(B) Under the direction of the director of administrative 9669  
services, the state chief information officer shall lead, oversee, 9670  
and direct state agency activities related to information 9671  
technology development and use. In that regard, the state chief 9672  
information officer shall do all of the following: 9673

(1) Coordinate and superintend statewide efforts to promote 9674  
common use and development of technology by state agencies. The 9675  
office of information technology shall establish policies and 9676  
standards that govern and direct state agency participation in 9677  
statewide programs and initiatives. 9678

(2) Establish policies and standards for the acquisition and 9679  
use of common information technology by state agencies, including, 9680  
but not limited to, hardware, software, technology services, and 9681  
security, and the extension of the service life of information 9682  
technology systems, with which state agencies shall comply; 9683

(3) Establish criteria and review processes to identify state 9684  
agency information technology projects or purchases that require 9685  
alignment or oversight. As appropriate, the department of 9686  
administrative services shall provide the governor and the 9687  
director of budget and management with notice and advice regarding 9688  
the appropriate allocation of resources for those projects. The 9689  
state chief information officer may require state agencies to 9690  
provide, and may prescribe the form and manner by which they must 9691  
provide, information to fulfill the state chief information 9692

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| officer's alignment and oversight role;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 9693                                                                 |
| (4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;                                                                                                                                                                                                                                                                                                                                                                                                     | 9694<br>9695<br>9696                                                 |
| (5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;                                                                                                                                                                                                                                                           | 9697<br>9698<br>9699<br>9700<br>9701                                 |
| (6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;                                                                                                                                                                                                                                                                         | 9702<br>9703<br>9704<br>9705                                         |
| (7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;                                                                                                                                                                                                                                                                                                                                                                               | 9706<br>9707<br>9708                                                 |
| (8) Establish policies for the reduction of printing and the use of electronic records by state agencies;                                                                                                                                                                                                                                                                                                                                                                                                                              | 9709<br>9710                                                         |
| (9) Establish policies for the reduction of energy consumption by state agencies;                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9711<br>9712                                                         |
| <u>(10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code.</u> | 9713<br>9714<br>9715<br>9716<br>9717<br>9718<br>9719<br>9720<br>9721 |
| (C)(1) The chief information security officer shall assist                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 9722                                                                 |

each state agency with the development of an information 9723  
technology security strategic plan and review that plan, and each 9724  
state agency shall submit that plan to the state chief information 9725  
officer. The chief information security officer may require that 9726  
each state agency update its information technology security 9727  
strategic plan annually as determined by the state chief 9728  
information officer. 9729

(2) Prior to the implementation of any information technology 9730  
data system, a state agency shall prepare or have prepared a 9731  
privacy impact statement for that system. 9732

(D) When a state agency requests a purchase of information 9733  
technology supplies or services under Chapter 125. of the Revised 9734  
Code, the state chief information officer may review and reject 9735  
the requested purchase for noncompliance with information 9736  
technology direction, plans, policies, standards, or 9737  
project-alignment criteria. 9738

(E) The office of information technology may operate 9739  
technology services for state agencies in accordance with this 9740  
chapter. 9741

(F) With the approval of the director of administrative 9742  
services, the office of information technology may establish 9743  
cooperative agreements with federal and local government agencies 9744  
and state agencies that are not under the authority of the 9745  
governor for the provision of technology services and the 9746  
development of technology projects. 9747

(G) The office of information technology may operate a 9748  
program to make information technology purchases. The director of 9749  
administrative services may recover the cost of operating the 9750  
program from all participating government entities by issuing 9751  
intrastate transfer voucher billings for the procured technology 9752  
or through any pass-through billing method agreed to by the 9753



director of administrative services, the director of budget and 9754  
management, and the participating government entities that will 9755  
receive the procured technology. 9756

If the director of administrative services chooses to recover 9757  
the program costs through intrastate transfer voucher billings, 9758  
the participating government entities shall process the intrastate 9759  
transfer vouchers to pay for the cost. Amounts received under this 9760  
section for the information technology purchase program shall be 9761  
deposited to the credit of the information technology governance 9762  
fund created in section 125.15 of the Revised Code. 9763

(H) Upon request from the director of administrative 9764  
services, the director of budget and management may transfer cash 9765  
from the information technology fund created in section 125.15 of 9766  
the Revised Code to the major information technology purchases 9767  
fund in an amount not to exceed the amount computed under division 9768  
(B)(10) of this section. The major information technology 9769  
purchases fund is hereby created in the state treasury. 9770

(I) As used in this section: 9771

(1) "Personal information" has the same meaning as in section 9772  
149.45 of the Revised Code. 9773

(2) "State agency" means every organized body, office, or 9774  
agency established by the laws of the state for the exercise of 9775  
any function of state government, other than any state-supported 9776  
institution of higher education, the office of the auditor of 9777  
state, treasurer of state, secretary of state, or attorney 9778  
general, the adjutant general's department, the bureau of workers' 9779  
compensation, the industrial commission, the public employees 9780  
retirement system, the Ohio police and fire pension fund, the 9781  
state teachers retirement system, the school employees retirement 9782  
system, the state highway patrol retirement system, the general 9783  
assembly or any legislative agency, the capitol square review 9784

advisory board, or the courts or any judicial agency. 9785

Sec. 125.182. The office of information technology, by itself 9786  
or by contract with another entity, shall establish, operate, and 9787  
maintain a state public notice web site. In establishing, 9788  
maintaining, and operating the state public notice web site, the 9789  
office of information technology shall: 9790

(A) Use a domain name for the web site that will be easily 9791  
recognizable and remembered by and understandable to users of the 9792  
web site; 9793

(B) Maintain the web site so that it is fully accessible to 9794  
and searchable by members of the public at all times; 9795

(C) Not charge a fee to a person who accesses, searches, or 9796  
otherwise uses the web site; 9797

(D) Not charge a fee to a state agency or political 9798  
subdivision for publishing a notice on the web site; 9799

(E) Ensure that notices displayed on the web site conform to 9800  
the requirements that would apply to the notices if they were 9801  
being published in a newspaper, as directed in section 7.16 of the 9802  
Revised Code or in the relevant provision of the statute or rule 9803  
that requires the notice; 9804

(F) Ensure that notices continue to be displayed on the web 9805  
site for not less than the length of time required by the relevant 9806  
provision of the statute or rule that requires the notice; 9807

(G) Devise and display on the web site a form that may be 9808  
downloaded and used to request publication of a notice on the web 9809  
site; 9810

(H) Enable responsible parties to submit notices and requests 9811  
for their publication; 9812

(I) Maintain an archive of notices that no longer are 9813

displayed on the web site; 9814

(J) Enable notices, both those currently displayed and those 9815  
archived, to be accessed by key word, by party name, by case 9816  
number, by county, and by other useful identifiers; 9817

(K) Maintain adequate systemic security and backup features, 9818  
and develop and maintain a contingency plan for coping with and 9819  
recovering from power outages, systemic failures, and other 9820  
unforeseeable difficulties; 9821

(L) Maintain the web site in such a manner that it will not 9822  
infringe legally protected interests, so that vulnerability of the 9823  
web site to interruption because of litigation or the threat of 9824  
litigation is reduced; and 9825

(M) Submit a status report to the secretary of state twice 9826  
annually that demonstrates compliance with statutory requirements 9827  
governing publication of notices. 9828

The office of information technology shall bear the expense 9829  
of maintaining the state public notice web site domain name. 9830

**Sec. 125.213.** There is hereby created the state employee 9831  
child support fund. The fund shall be in the custody of the 9832  
treasurer of state, but shall not be part of the state treasury. 9833  
The fund shall consist of all money withheld or deducted from 9834  
salaries and wages of state officials and employees pursuant to a 9835  
withholding or deduction notice described in section 3121.03 of 9836  
the Revised Code for forwarding to the office of child support in 9837  
the department of job and family services pursuant to section 9838  
3121.19 of the Revised Code. All money in the fund, including 9839  
investment earnings thereon, shall be used only for the following 9840  
purposes: 9841

(A) Forwarding to the office of child support money withheld 9842  
or deducted from salaries and wages of state officials and 9843

employees pursuant to a withholding or deduction notice described 9844  
in section 3121.03 of the Revised Code; 9845

(B) Paying any direct or indirect costs associated with 9846  
maintaining the fund. 9847

**Sec. 125.28.** (A)(1) Each state agency that is supported in 9848  
whole or in part by nongeneral revenue fund money and that 9849  
occupies space in the James A. Rhodes or Frank J. Lausche state 9850  
office tower, Toledo government center, Senator Oliver R. Ocasek 9851  
government office building, Vern Riffe center for government and 9852  
the arts, ~~state of Ohio computer center~~, capitol square, or 9853  
governor's mansion shall reimburse the general revenue fund for 9854  
the cost of occupying the space in the ratio that the occupied 9855  
space in each facility attributable to the nongeneral revenue fund 9856  
money bears to the total space occupied by the state agency in the 9857  
facility. 9858

(2) All agencies that occupy space in the old blind school or 9859  
that occupy warehouse space in the general services facility shall 9860  
reimburse the department of administrative services for the cost 9861  
of occupying the space. The director of administrative services 9862  
shall determine the amount of debt service, if any, to be charged 9863  
to building tenants and shall collect reimbursements for it. 9864

(3) Each agency that is supported in whole or in part by 9865  
nongeneral revenue fund money and that occupies space in any other 9866  
facility or facilities owned and maintained by the department of 9867  
administrative services or space in the general services facility 9868  
other than warehouse space shall reimburse the department for the 9869  
cost of occupying the space, including debt service, if any, in 9870  
the ratio that the occupied space in each facility attributable to 9871  
the nongeneral revenue fund money bears to the total space 9872  
occupied by the state agency in the facility. 9873

(B) The director of administrative services may provide 9874

building maintenance services and skilled trades services to any 9875  
state agency occupying space in a facility that is not owned by 9876  
the department of administrative services and may collect 9877  
reimbursements for the cost of providing those services. 9878

(C) All money collected by the department of administrative 9879  
services for operating expenses of facilities owned or maintained 9880  
by the department shall be deposited into the state treasury to 9881  
the credit of the building management fund, which is hereby 9882  
created. All money collected by the department for skilled trades 9883  
services shall be deposited into the state treasury to the credit 9884  
of the skilled trades fund, which is hereby created. All money 9885  
collected for debt service shall be deposited into the general 9886  
revenue fund. 9887

(D) The director of administrative services shall determine 9888  
the reimbursable cost of space in state-owned or state-leased 9889  
facilities and shall collect reimbursements for that cost. 9890

**Sec. 125.89.** Subject to the approval of the governor, the 9891  
department of administrative services may enter into contracts, 9892  
compacts, and cooperative agreements for and on behalf of the 9893  
state of Ohio with the several states or the federal government, 9894  
singularly or severally, in order to provide, with or without 9895  
reimbursement, for the utilization by and exchange between them, 9896  
singularly or severally, of property, facilities, personnel, and 9897  
services of each by the other, and, for the same purpose, to enter 9898  
into contracts and cooperative agreements with eligible public or 9899  
private state or local authorities, institutions, organizations, 9900  
or activities. ~~The department shall make, annually, a report of~~ 9901  
~~its actions under sections 125.84 to 125.90 of the Revised Code,~~ 9902  
~~in accordance with section 149.01 of the Revised Code, and file~~ 9903  
~~such report with the general assembly.~~ 9904

Sec. 126.11. (A)(1) The director of budget and management 9905  
shall, upon consultation with the treasurer of state, coordinate 9906  
and approve the scheduling of initial sales of publicly offered 9907  
securities of the state and of publicly offered fractionalized 9908  
interests in or securitized issues of public obligations of the 9909  
state. The director shall from time to time develop and distribute 9910  
to state issuers an approved sale schedule for each of the 9911  
obligations covered by division (A) or (B) of this section. 9912  
Division (A) of this section applies only to those obligations on 9913  
which the state or a state agency is the direct obligor or obligor 9914  
on any backup security or related credit enhancement facility or 9915  
source of money subject to state appropriations that is intended 9916  
for payment of those obligations. 9917

(2) The issuers of obligations pursuant to section 151.03, 9918  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 152. or 5537. 9919  
of the Revised Code shall submit to the director: 9920

(a) For review and approval: the projected sale date, amount, 9921  
and type of obligations proposed to be sold; their purpose, 9922  
security, and source of payment; the proposed structure and 9923  
maturity schedule; the trust agreement and any supplemental 9924  
agreements; and any credit enhancement facilities or interest rate 9925  
hedges for the obligations; 9926

(b) For review and comment: the authorizing order or 9927  
resolution; preliminary and final offering documents; method of 9928  
sale; preliminary and final pricing information; and any written 9929  
reports or recommendations of financial advisors or consultants 9930  
relating to those obligations; 9931

(c) Promptly after each sale of those obligations: final 9932  
terms, including sale price, maturity schedule and yields, and 9933  
sources and uses; names of the original purchasers or 9934  
underwriters; a copy of the final offering document and of the 9935

transcript of proceedings; and any other pertinent information 9936  
requested by the director. 9937

(3) The issuer of obligations pursuant to section 151.06 or 9938  
151.40 or Chapter 154. of the Revised Code shall submit to the 9939  
director: 9940

(a) For review and mutual agreement: the projected sale date, 9941  
amount, and type of obligations proposed to be sold; their 9942  
purpose, security, and source of payment; the proposed structure 9943  
and maturity schedule; the trust agreement and any supplemental 9944  
agreements; and any credit enhancement facilities or interest rate 9945  
hedges for the obligations; 9946

(b) For review and comment: the authorizing order or 9947  
resolution; preliminary and final offering documents; method of 9948  
sale; preliminary and final pricing information; and any written 9949  
reports or recommendations of financial advisors or consultants 9950  
relating to those obligations; 9951

(c) Promptly after each sale of those obligations: final 9952  
terms, including sale price, maturity schedule and yields, and 9953  
sources and uses; names of the original purchasers or 9954  
underwriters; a copy of the final offering document and of the 9955  
transcript of proceedings; and any other pertinent information 9956  
requested by the director. 9957

(4) The issuers of obligations pursuant to Chapter 166., 9958  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 9959  
shall submit to the director: 9960

(a) For review and comment: the projected sale date, amount, 9961  
and type of obligations proposed to be sold; the purpose, 9962  
security, and source of payment; and preliminary and final 9963  
offering documents; 9964

(b) Promptly after each sale of those obligations: final 9965  
terms, including a maturity schedule; names of the original 9966

purchasers or underwriters; a copy of the complete continuing 9967  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 9968  
rule as from time to time in effect; and any other pertinent 9969  
information requested by the director. 9970

(5) Not later than thirty days after the end of a fiscal 9971  
year, each issuer of obligations subject to divisions (A) and (B) 9972  
of this section shall submit to the director and to the treasurer 9973  
of state a sale plan for the then current fiscal year for each 9974  
type of obligation, projecting the amount and term of each 9975  
issuance, the method of sale, and the month of sale. 9976

(B) Issuers of obligations pursuant to section 3318.085 or 9977  
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 9978  
Code shall submit to the director copies of the preliminary and 9979  
final offering documents upon their availability if not previously 9980  
submitted pursuant to division (A) of this section. 9981

(C) Not later than the first day of January of each year, 9982  
every state agency obligated to make payments on outstanding 9983  
public obligations with respect to which fractionalized interests 9984  
have been publicly issued, such as certificates of participation, 9985  
shall submit a report to the director of the amounts payable from 9986  
state appropriations under those public obligations during the 9987  
then current and next two fiscal years, identifying the 9988  
appropriation or intended appropriation from which payment is 9989  
expected to be made. 9990

(D)(1) Information relating generally to the historic, 9991  
current, or future demographics or economy or financial condition 9992  
or funds or general operations of the state, and descriptions of 9993  
any state contractual obligations relating to public obligations, 9994  
to be contained in any offering document, continuing disclosure 9995  
document, or written presentation prepared, approved, or provided, 9996  
or committed to be provided, by an issuer in connection with the 9997  
original issuance and sale of, or rating, remarketing, or credit 9998



enhancement facilities relating to, public obligations referred to 9999  
in division (A) of this section shall be approved as to format and 10000  
accuracy by the director before being presented, published, or 10001  
disseminated in preliminary, draft, or final form, or publicly 10002  
filed in paper, electronic, or other format. 10003

(2) Except for information described in division (D)(1) of 10004  
this section that is to be contained in an offering document, 10005  
continuing disclosure document, or written presentation, division 10006  
(D)(1) of this section does not inhibit direct communication 10007  
between an issuer and a rating agency, remarketing agent, or 10008  
credit enhancement provider concerning an issuance of public 10009  
obligations referred to in division (A) of this section or matters 10010  
associated with that issuance. 10011

(3) The materials approved and provided pursuant to division 10012  
(D) of this section are the information relating to the particular 10013  
subjects provided by the state or state agencies that are required 10014  
or contemplated by any applicable state or federal securities laws 10015  
and any commitments by the state or state agencies made under 10016  
those laws. Reliance for the purpose should not be placed on any 10017  
other information publicly provided, in any format including 10018  
electronic, by any state agency for other purposes, including 10019  
general information provided to the public or to portions of the 10020  
public. A statement to that effect shall be included in those 10021  
materials so approved or provided. 10022

(E) Issuers of obligations referred to in division (A) of 10023  
this section may take steps, by formal agreement, covenants in the 10024  
proceedings, or otherwise, as may be necessary or appropriate to 10025  
comply or permit compliance with applicable lawful disclosure 10026  
requirements relating to those obligations, and may, subject to 10027  
division (D) of this section, provide, make available, or file 10028  
copies of any required disclosure materials as necessary or 10029  
appropriate. Any such formal agreement or covenant relating to 10030

subjects referred to in division (D) of this section, and any 10031  
description of that agreement or covenant to be contained in any 10032  
offering document, shall be approved by the director before being 10033  
entered into or published or publicly disseminated in preliminary, 10034  
draft, or final form or publicly filed in paper, electronic, or 10035  
other format. The director shall be responsible for making all 10036  
filings in compliance with those requirements relating to direct 10037  
obligations of the state, including fractionalized interests in 10038  
those obligations. 10039

(F) No state agency or official shall, without the approval 10040  
of the director of budget and management and either the general 10041  
assembly or the state controlling board, do either of the 10042  
following: 10043

(1) Enter into or commit to enter into a public obligation 10044  
under which fractionalized interests in the payments are to be 10045  
publicly offered, which payments are anticipated to be made from 10046  
money from any source appropriated or to be appropriated by the 10047  
general assembly or in which the provision stated in section 9.94 10048  
of the Revised Code is not included; 10049

(2) Except as otherwise expressly authorized for the purpose 10050  
by law, agree or commit to provide, from money from any source to 10051  
be appropriated in the future by the general assembly, financial 10052  
assistance to or participation in the costs of capital facilities, 10053  
or the payment of debt charges, directly or by way of a credit 10054  
enhancement facility, a reserve, rental payments, or otherwise, on 10055  
obligations issued to pay costs of capital facilities. 10056

(G) As used in this section, "interest rate hedge" has the 10057  
same meaning as in section 9.98 of the Revised Code; "credit 10058  
enhancement facilities," "debt charges," "fractionalized interests 10059  
in public obligations," "obligor," "public issuer," and 10060  
"securities" have the same meanings as in section 133.01 of the 10061  
Revised Code; "public obligation" has the same meaning as in 10062

division (GG)(2) of section 133.01 of the Revised Code; 10063  
"obligations" means securities or public obligations or 10064  
fractionalized interests in them; "issuers" means issuers of 10065  
securities or state obligors on public obligations; "offering 10066  
document" means an official statement, offering circular, private 10067  
placement memorandum, or prospectus, or similar document; and 10068  
"director" means the director of budget and management or the 10069  
employee of the office of budget and management designated by the 10070  
director for the purpose. 10071

**Sec. 126.12.** (A)(1) The office of budget and management shall 10072  
prepare and administer a statewide indirect cost allocation plan 10073  
that provides for the recovery of statewide indirect costs from 10074  
any fund of the state. The director of budget and management may 10075  
make transfers of statewide indirect costs from the appropriate 10076  
fund of the state to the general revenue fund on an intrastate 10077  
transfer voucher. The director, for reasons of sound financial 10078  
management, also may waive the recovery of statewide indirect 10079  
costs. Prior to making a transfer in accordance with this 10080  
division, the director shall notify the affected agency of the 10081  
amounts to be transferred. 10082

(2) To support development and upgrade costs to the state's 10083  
enterprise resource planning system, the director also may make 10084  
transfers of statewide indirect costs attributable to debt service 10085  
paid for the system to the OAKS support organization fund created 10086  
in section 126.24 of the Revised Code. Transfers may be made from 10087  
either of the following: 10088

(a) The appropriate fund of the state; 10089

(b) The general revenue fund, if the statewide indirect costs 10090  
have been collected under division (A)(1) of this section and 10091  
deposited in the general revenue fund. 10092

(B) As used in this section, "statewide indirect costs" means 10093

operating costs incurred by an agency in providing services to any 10094  
other agency, for which there was no billing to such other agency 10095  
for the services provided, and for which disbursements have been 10096  
made from the general revenue fund or other funds. 10097

(C) Notwithstanding any provision of law to the contrary, in 10098  
order to reduce the payment of adjustments to the federal 10099  
government as determined under the plan prepared under division 10100  
(A)(1) of this section, the director of budget and management 10101  
shall, on or before the first day of September each fiscal year, 10102  
designate such funds of the state as the director considers 10103  
necessary to retain their own interest earnings. 10104

Sec. 126.141. Any request for release of capital 10105  
appropriations by the director of budget and management or the 10106  
controlling board for facilities projects shall contain a 10107  
contingency reserve, the amount of which shall be determined by 10108  
the public authority, for payment of unanticipated project 10109  
expenses. Any amount deducted from the encumbrance for a 10110  
contractor's contract as an assessment for liquidated damages 10111  
shall be added to the encumbrance for the contingency reserve. 10112  
Contingency reserve funds shall be used to pay costs resulting 10113  
from unanticipated job conditions, to comply with rulings 10114  
regarding building and other codes, to pay costs related to 10115  
errors, omissions, or other deficiencies in contract documents, to 10116  
pay costs associated with changes in the scope of work, to pay 10117  
interest due on late payments, and to pay the costs of settlements 10118  
and judgments related to the project. 10119

Any funds remaining upon completion of a project may, upon 10120  
approval of the controlling board, be released for the use of the 10121  
agency or instrumentality to which the appropriation was made for 10122  
other capital facilities projects. 10123

|                                                                     |       |
|---------------------------------------------------------------------|-------|
| <b>Sec. 126.21.</b> (A) The director of budget and management shall | 10124 |
| do all of the following:                                            | 10125 |
| (1) Keep all necessary accounting records;                          | 10126 |
| (2) Prescribe and maintain the accounting system of the state       | 10127 |
| and establish appropriate accounting procedures and charts of       | 10128 |
| accounts;                                                           | 10129 |
| (3) Establish procedures for the use of written, electronic,        | 10130 |
| optical, or other communications media for approving and reviewing  | 10131 |
| payment vouchers;                                                   | 10132 |
| (4) Reconcile, in the case of any variation between the             | 10133 |
| amount of any appropriation and the aggregate amount of items of    | 10134 |
| the appropriation, with the advice and assistance of the state      | 10135 |
| agency affected by it and the legislative service commission,       | 10136 |
| totals so as to correspond in the aggregate with the total          | 10137 |
| appropriation. In the case of a conflict between the item and the   | 10138 |
| total of which it is a part, the item shall be considered the       | 10139 |
| intended appropriation.                                             | 10140 |
| (5) Evaluate on an ongoing basis and, if necessary, recommend       | 10141 |
| improvements to the internal controls used in state agencies;       | 10142 |
| (6) Authorize the establishment of petty cash accounts. The         | 10143 |
| director may withdraw approval for any petty cash account and       | 10144 |
| require the officer in charge to return to the state treasury any   | 10145 |
| unexpended balance shown by the officer's accounts to be on hand.   | 10146 |
| Any officer who is issued a warrant for petty cash shall render a   | 10147 |
| detailed account of the expenditures of the petty cash and shall    | 10148 |
| report when requested the balance of petty cash on hand at any      | 10149 |
| time.                                                               | 10150 |
| (7) Process orders, invoices, vouchers, claims, and payrolls        | 10151 |
| and prepare financial reports and statements;                       | 10152 |
| (8) Perform extensions, reviews, and compliance checks prior        | 10153 |

to or after approving a payment as the director considers 10154  
necessary; 10155

(9) Issue the official comprehensive annual financial report 10156  
of the state. The report shall cover all funds of the state 10157  
reporting entity and shall include basic financial statements and 10158  
required supplementary information prepared in accordance with 10159  
generally accepted accounting principles and other information as 10160  
the director provides. All state agencies, authorities, 10161  
institutions, offices, retirement systems, and other component 10162  
units of the state reporting entity as determined by the director 10163  
shall furnish the director whatever financial statements and other 10164  
information the director requests for the report, in the form, at 10165  
the times, covering the periods, and with the attestation the 10166  
director prescribes. The information for state institutions of 10167  
higher education, as defined in section 3345.011 of the Revised 10168  
Code, shall be submitted to the chancellor by the Ohio board of 10169  
regents. The board shall establish a due date by which each such 10170  
institution shall submit the information to the board, but no such 10171  
date shall be later than one hundred twenty days after the end of 10172  
the state fiscal year unless a later date is approved by the 10173  
director. 10174

(B) In addition to the director's duties under division (A) 10175  
of this section, the director may establish and administer one or 10176  
more state payment card programs that permit or require state 10177  
agencies to use a payment card to purchase equipment, materials, 10178  
supplies, or services in accordance with guidelines issued by the 10179  
director. The chief administrative officer of a state agency that 10180  
uses a payment card for such purposes shall ensure that purchases 10181  
made with the card are made in accordance with the guidelines 10182  
issued by the director and do not exceed the unexpended, 10183  
unencumbered, unobligated balance in the appropriation to be 10184  
charged for the purchase. State agencies may participate in only 10185

those state payment card programs that the director establishes 10186  
pursuant to this section. 10187

(C) In addition to the director's duties under divisions (A) 10188  
and (B) of this section, the director may enter into any contract 10189  
or agreement necessary for and incidental to the performance of 10190  
the director's duties or the duties of the office of budget and 10191  
management. 10192

(D) In consultation with the director of administrative 10193  
services, the director may appoint and fix the compensation of 10194  
employees of the office of budget and management whose primary 10195  
duties include the consolidation of statewide financing functions 10196  
and common transactional processes. 10197

(E) The director may transfer cash between funds other than 10198  
the general revenue fund in order to correct an erroneous payment 10199  
or deposit regardless of the fiscal year during which the 10200  
erroneous payment or deposit occurred. 10201

**Sec. 126.24.** The OAKS support organization fund is hereby 10202  
created in the state treasury for the purpose of paying the 10203  
operating, development, and upgrade expenses of the state's 10204  
enterprise resource planning system. The fund shall consist of 10205  
~~cash transfers from the accounting and budgeting fund and the~~ 10206  
~~human resources services fund, and other~~ received pursuant to 10207  
division (A)(2) of section 126.12 of the Revised Code and agency 10208  
payroll charge revenues that are designated to support the 10209  
operating, development, and upgrade costs of the Ohio 10210  
administrative knowledge system. All investment earnings of the 10211  
fund shall be credited to the fund. 10212

**Sec. 126.45.** (A) As used in sections 126.45 to 126.48 of the 10213  
Revised Code, "state agency" means the administrative departments 10214  
listed in section 121.02 of the Revised Code, the department of 10215

taxation, ~~and~~ the bureau of workers' compensation, and the Ohio 10216  
board of regents. 10217

(B) The office of internal auditing is hereby created in the 10218  
office of budget and management to conduct internal audits of 10219  
state agencies or divisions of state agencies to improve their 10220  
operations in the areas of risk management, internal controls, and 10221  
governance. The director of budget and management, with the 10222  
approval of the governor, shall appoint for the office of internal 10223  
auditing a chief internal auditor who meets the qualifications 10224  
specified in division (C) of this section. The chief internal 10225  
auditor shall serve at the director's pleasure and be responsible 10226  
for the administration of the office of internal auditing 10227  
consistent with sections 126.45 to 126.48 of the Revised Code. 10228

The office of internal auditing shall conduct programs for 10229  
the internal auditing of state agencies. The programs shall 10230  
include an annual internal audit plan, reviewed by the state audit 10231  
committee, that utilizes risk assessment techniques and identifies 10232  
the specific audits to be conducted during the year. The programs 10233  
also shall include periodic audits of each state agency's major 10234  
systems and controls, including those systems and controls 10235  
pertaining to accounting, administration, and electronic data 10236  
processing. Upon the request of the office of internal auditing, 10237  
each state agency shall provide office employees access to all 10238  
records and documents necessary for the performance of an internal 10239  
audit. 10240

The director of budget and management shall assess a charge 10241  
against each state agency for which the office of internal 10242  
auditing conducts internal auditing programs under sections 126.45 10243  
to 126.48 of the Revised Code so that the total amount of these 10244  
charges is sufficient to cover the costs of the operation of the 10245  
office of internal auditing. 10246

(C) The chief internal auditor of the office of internal 10247



auditing shall hold at least a bachelor's degree and be one of the 10248  
following: 10249

(1) A certified internal auditor, a certified government 10250  
auditing professional, or a certified public accountant, who also 10251  
has held a PA registration or a CPA certificate authorized by 10252  
Chapter 4701. of the Revised Code for at least four years and has 10253  
at least six years of auditing experience; 10254

(2) An auditor who has held a PA registration or a CPA 10255  
certificate authorized by Chapter 4701. of the Revised Code for at 10256  
least four years and has at least ten years of auditing 10257  
experience. 10258

(D) The chief internal auditor, subject to the direction and 10259  
control of the director of budget and management, may appoint and 10260  
maintain any staff necessary to carry out the duties assigned by 10261  
sections 126.45 to 126.48 of the Revised Code to the office of 10262  
internal auditing or to the chief internal auditor. 10263

**Sec. 126.46.** (A)(1) There is hereby created the state audit 10264  
committee, consisting of the following five members: one public 10265  
member appointed by the governor; two public members appointed by 10266  
the speaker of the house of representatives, one of which may be a 10267  
person who is recommended by the minority leader of the house of 10268  
representatives; and two public members appointed by the president 10269  
of the senate, one of which may be a person who is recommended by 10270  
the minority leader of the senate. Not more than two of the four 10271  
members appointed by the speaker of the house of representatives 10272  
and the president of the senate shall belong to or be affiliated 10273  
with the same political party. The member appointed by the 10274  
governor shall ~~be a person who is external to the management~~ 10275  
~~structure associated with the preparation of financial statements~~ 10276  
~~of state government and shall~~ have the program and management 10277  
expertise required to perform the duties of the committee's 10278

chairperson. 10279

Each member of the committee shall be external to the 10280  
management structure of state government and shall 10281  
serve a 10281  
three-year term, except for the initial members. With respect to 10282  
the initial appointments of the members, the first member 10283  
appointed by the speaker of the house of representatives shall 10284  
serve a one-year term, the second member appointed by the speaker 10285  
of the house of representatives shall serve a three-year term, the 10286  
initial members appointed by the president of the senate shall 10287  
serve two-year terms, and the initial member appointed by the 10288  
governor shall serve a three-year term. Each term shall commence 10289  
on the first day of July and end on the thirtieth day of June. Any 10290  
member may continue in office subsequent to the expiration date of 10291  
the member's term until the member's successor takes office or 10292  
until a period of ninety days has elapsed, whichever occurs first. 10293  
Members may be reappointed to serve one additional term. 10294

On the effective date of the amendment of this section by 10295  
H.B. 153 of the 129th general assembly, the terms of the members 10296  
shall be altered as follows: 10297

(a) The terms of the members appointed by the president shall 10298  
expire on June 30, 2012. 10299

(b) The term of the member appointed by the speaker scheduled 10300  
to expire on November 17, 2012, shall expire on June 30, 2013. 10301

(c) The term of the other member appointed by the speaker 10302  
shall expire on June 30, 2014. 10303

(d) The term of the member appointed by the governor shall 10304  
expire on June 30, 2014. 10305

The committee shall include one member who is a financial 10306  
expert; one member who is an active, inactive, or retired 10307  
certified public accountant; one member who is familiar with 10308  
governmental financial accounting; and one member who is a 10309

representative of the public. 10310

Any vacancy on the committee shall be filled in the same 10311  
manner as provided in this division, and, when applicable, the 10312  
person appointed to fill a vacancy shall serve the remainder of 10313  
the predecessor's term. 10314

(2) Members of the committee shall receive reimbursement for 10315  
actual and necessary expenses incurred in the discharge of their 10316  
duties. 10317

(3) The member of the committee appointed by the governor 10318  
shall serve as the committee's chairperson. 10319

~~(4) Initial appointments of committee members shall be made 10320  
not later than thirty days after the effective date of this 10321  
section. 10322~~

~~(5) Members of the committee shall be subject to the 10323  
disclosure statement requirements of section 102.02 of the Revised 10324  
Code. 10325~~

(B) The state audit committee shall do all of the following: 10326

(1) Ensure that the internal audits conducted by the office 10327  
of internal auditing in the office of budget and management 10328  
conform to the institute of internal auditors' international 10329  
standards for the professional practice of internal auditing and 10330  
to the institute of internal auditors' code of ethics; 10331

(2) Review and comment on the process used by the office of 10332  
budget and management to prepare its annual budgetary financial 10333  
report and the state's comprehensive annual financial report 10334  
required under division (A)(9) of section 126.21 of the Revised 10335  
Code; 10336

(3) Review and comment on unaudited financial statements 10337  
submitted to the auditor of state and communicate with external 10338  
auditors as required by government auditing standards; 10339

|                                                                                                                                                                                                                                                                                                                                               |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code.                                                                                                                                                                                                                                                   | 10340<br>10341                                     |
| (C) As used in this section, "financial expert" means a person who has all of the following:                                                                                                                                                                                                                                                  | 10342<br>10343                                     |
| (1) An understanding of generally accepted accounting principles and financial statements;                                                                                                                                                                                                                                                    | 10344<br>10345                                     |
| (2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves;                                                                                                                                                                                                    | 10346<br>10347<br>10348                            |
| (3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities; | 10349<br>10350<br>10351<br>10352<br>10353<br>10354 |
| (4) An understanding of internal controls and procedures for financial reporting; and                                                                                                                                                                                                                                                         | 10355<br>10356                                     |
| (5) An understanding of audit committee functions.                                                                                                                                                                                                                                                                                            | 10357                                              |
| <b>Sec. 126.50.</b> As used in sections <del>126.50, 126.501, 126.502,</del> 126.503, 126.504, 126.505, <u>and</u> 126.506, <del>and 126.507</del> of the Revised Code:                                                                                                                                                                       | 10358<br>10359<br>10360                            |
| <del>(A) "Critical services" means a service provided by the state the deferral or cancellation of which would cause at least one of the following:</del>                                                                                                                                                                                     | 10361<br>10362<br>10363                            |
| <del>(1) An immediate risk to the health, safety, or welfare of the citizens of the state;</del>                                                                                                                                                                                                                                              | 10364<br>10365                                     |
| <del>(2) A undermining of activity aimed at creating or retaining jobs in the state;</del>                                                                                                                                                                                                                                                    | 10366<br>10367                                     |
| <del>(3) An interference with the receipt of revenue to the state</del>                                                                                                                                                                                                                                                                       | 10368                                              |

~~or the realization of savings to the state.~~ 10369

~~"Critical services" does not mean a deferral or cancellation  
of a service provided by the state that would result in  
inconvenience, sustainable delay, or other similar compromise to  
the normal provision of state provided services.~~ 10370  
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~~(B), "State state agency" has the same meaning as in section  
1.60 of the Revised Code, but does not include the elected state  
officers, the general assembly or any legislative agency, a court  
or any judicial agency, or a state institution of higher  
education.~~ 10374  
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Sec. 126.60. As used in sections 126.60 to 126.605 of the 10379  
Revised Code: 10380

(A) "Contract" means any purchase and sale agreement, lease,  
service agreement, franchise agreement, concession agreement, or  
other written agreement entered into under sections 126.60 to  
126.605 of the Revised Code with respect to the provision of  
highway services and any project related thereto. 10381  
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(B) "Highway services" means the operation or maintenance of  
any highway in this state, the construction of which was funded by  
proceeds from state revenue bonds that are to be repaid primarily  
from revenues derived from the operation of the highway and any  
related facilities and not primarily from the tax that is subject  
to the limitations of Article XII, Section 5a of the Ohio  
Constitution. 10386  
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(C) "Improvement" means any construction, reconstruction,  
rehabilitation, renovation, installation, improvement,  
enlargement, or extension of property or improvements to property. 10393  
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(D) "Private sector entity" means any corporation, whether  
for profit or not for profit, limited liability company,  
partnership, limited liability partnership, sole proprietorship, 10396  
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business trust, joint venture or other entity, but shall not mean 10399  
the state, a political subdivision of the state, or a public or 10400  
governmental entity, agency, or instrumentality of the state. 10401

(E) "Project" means real or personal property, or both, and 10402  
improvements thereto or in support thereof, including undivided 10403  
and other interests therein, used for or in the provision of 10404  
highway services. 10405

(F) "Proposer" means a private sector entity, local or 10406  
regional public entity or agency, or any group or combination 10407  
thereof, in collaboration or cooperation with other private sector 10408  
entities, local or regional public entities, submitting 10409  
qualifications or a proposal for providing highway services. 10410

**Sec. 126.601.** Notwithstanding any provision of the Revised 10411  
Code to the contrary, the director of budget and management and 10412  
the director of transportation may, in accordance with sections 10413  
126.60 to 126.605 of the Revised Code, take any action and execute 10414  
any contract for the provision of highway services in order to 10415  
more efficiently and effectively provide those services, including 10416  
by generating additional resources in support of those services 10417  
and related projects. Any such contract may contain the terms and 10418  
conditions established by the director of budget and management 10419  
and the director of transportation to carry out and effect the 10420  
purposes of sections 126.60 to 126.605 of the Revised Code. The 10421  
director of budget and management is hereby authorized to receive 10422  
and deposit, consistent with section 126.603 of the Revised Code, 10423  
any money received under the contract. Any such contract shall be 10424  
sufficient to effect its purpose, notwithstanding any provision of 10425  
the Revised Code to the contrary, including other laws governing 10426  
the sale, lease or other disposition of property or interests 10427  
therein, service contracts, or financial transactions by or for 10428  
the state. The director of transportation may exercise all powers 10429

of the Ohio turnpike commission for purposes of sections 126.60 to 10430  
126.605 of the Revised Code, and may take any action and, with the 10431  
director of budget and management, execute any contract necessary 10432  
to effect the purposes of sections 126.60 to 126.605 of the 10433  
Revised Code, notwithstanding any provision of Chapter 5537. of 10434  
the Revised Code to the contrary. 10435

Sec. 126.602. (A)(1) Before releasing any invitation for 10436  
qualifications or for proposals, the director of budget and 10437  
management shall submit the material terms and conditions of that 10438  
invitation to the general assembly, which shall include a draft of 10439  
the invitation document. If within ninety days of the receipt of 10440  
the director's submission the general assembly acts by concurrent 10441  
resolution to approve the invitation, the director of budget and 10442  
management may proceed to release the invitation. 10443

(2) Before entering into a contract for the provision of 10444  
highway services, the director of budget and management shall 10445  
publish notice of its intent to enter into a contract for the 10446  
highway services and any related project. The notice shall notify 10447  
interested parties of the opportunity to submit their 10448  
qualifications or proposals, or both, for consideration and shall 10449  
be published at least thirty days prior to the deadline for 10450  
submitting those qualifications or proposals. The director also 10451  
may advertise the information contained in the notice in 10452  
appropriate trade journals and otherwise notify parties believed 10453  
to be interested in providing the highway services and in any 10454  
related project. The notice shall include a general description of 10455  
the highway services to be provided and any related project and of 10456  
the qualifications or proposals being sought and instructions for 10457  
obtaining the invitation. 10458

(B) After inviting qualifications, the director of budget and 10459  
management, in consultation with the department of transportation, 10460

shall evaluate the qualifications submitted and may hold 10461  
discussions with proposers to further explore their 10462  
qualifications. Following this evaluation, the director, in 10463  
consultation with the department, may determine a list of 10464  
qualified proposers based on criteria in the invitation and invite 10465  
only those proposers to submit a proposal for the provision of the 10466  
highway services and any related project. 10467

(C) After inviting proposals, the director of budget and 10468  
management, in consultation with the department of transportation, 10469  
shall evaluate the proposals submitted and may hold discussions 10470  
with proposers to further explore their proposals, the scope and 10471  
nature of the highway services they would provide, and the various 10472  
technical approaches they may take regarding the highway services 10473  
and any related project. Following this evaluation, the director, 10474  
in consultation with the department, shall: 10475

(1) Select and rank no fewer than three proposers that the 10476  
director considers to be the most qualified to enter into the 10477  
contract, except when the director determines that fewer than 10478  
three qualified proposers are available, in which case the 10479  
director shall select and rank them; 10480

(2) Negotiate a contract with the proposer ranked most 10481  
qualified to provide the highway services at a compensation 10482  
determined in writing to be fair and reasonable, and to purchase, 10483  
lease or otherwise take a legal interest in the project. 10484

(D)(1) Upon failure to negotiate a contract with the proposer 10485  
ranked most qualified, the director shall inform the proposer in 10486  
writing of the termination of negotiations and may enter into 10487  
negotiations with the proposer ranked next most qualified. If 10488  
negotiations again fail, the same procedure may be followed with 10489  
each next most qualified proposer selected and ranked, in order of 10490  
ranking, until a contract is negotiated. 10491



(2) If the director, in consultation with the department, 10492  
fails to negotiate a contract with any of the ranked proposers, 10493  
the director, in consultation with the department, may terminate 10494  
the process or select and rank additional proposers, based on 10495  
their qualifications or proposals, and negotiations shall continue 10496  
as with the proposers selected and ranked initially until a 10497  
contract is negotiated. 10498

(E) Any contract entered into under this section may contain 10499  
terms, as deemed appropriate by the director, in consultation with 10500  
the department, including the duration of the contract, which 10501  
shall not exceed seventy-five years, rates or fees for the highway 10502  
services to be provided or methods or procedures for the 10503  
determination of such rates or fees, standards for the highway 10504  
services to be provided, responsibilities and standards for 10505  
operation and maintenance of any related project, required 10506  
financial assurances, financial and other data reporting 10507  
requirements, bases and procedures for termination of the contract 10508  
and retaking of possession or title to the project, and events of 10509  
default and remedies upon default, including mandamus, a suit in 10510  
equity, an action at law, or any combination of those remedial 10511  
actions. 10512

(F) Chapter 4117. of the Revised Code shall not apply to any 10513  
employees working at or on a project to provide highway services. 10514

(G) The director of budget and management may reject any and 10515  
all submissions of qualifications or proposals. 10516

(H) The director may provide compensation for the preparation 10517  
of a responsive proposal from unsuccessful bidders for a proposal 10518  
to lease the turnpike under sections 126.60 to 126.605 of the 10519  
Revised Code. The director may establish policies or procedures 10520  
necessary to determine the amount of compensation to be provided 10521  
for each project and the method of evaluating the value of the 10522  
preliminary proposal submitted, but in no instance may the 10523

compensation exceed the value of such proposal. 10524

Sec. 126.603. All money received by the director of budget 10525  
and management under a contract executed pursuant to sections 10526  
126.60 to 126.605 of the Revised Code shall be deposited into the 10527  
state treasury to the credit of the highway services fund, which 10528  
is hereby created. Any interest earned on money in the fund shall 10529  
be credited to the fund. Any transfer of money or appropriations 10530  
necessary to support highway services is subject to the approval 10531  
of the controlling board. 10532

Sec. 126.604. The exercise of the powers granted by sections 10533  
126.60 to 126.605 of the Revised Code will be for the benefit of 10534  
the people of the state and shall be liberally construed to effect 10535  
the purposes thereof. Any project or part thereof owned by the 10536  
state and used for performing any highway services pursuant to a 10537  
contract entered into under sections 126.60 to 126.605 of the 10538  
Revised Code that would be exempt from real property taxes or 10539  
assessments in the absence of such contract shall remain exempt 10540  
from real property taxes and assessments levied by the state and 10541  
its subdivisions to the same extent as if not subject to that 10542  
contract. The gross receipts and income of a successful proposer 10543  
derived from providing highway services under a contract through a 10544  
project owned by the state shall be exempt from gross receipts and 10545  
income taxes levied by the state and its subdivisions, including 10546  
the tax levied pursuant to Chapter 5751. of the Revised Code. Any 10547  
transfer or lease between a successful proposer and the state of a 10548  
project or part thereof, or item included or to be included in the 10549  
project, shall be exempt from the taxes levied pursuant to 10550  
Chapters 5739. and 5741. of the Revised Code if the state is 10551  
retaining ownership of the project or part thereof that is being 10552  
transferred or leased. 10553

Sec. 126.605. The director of budget and management, in 10554  
consultation with the department of transportation, may retain or 10555  
contract for the services of commercial appraisers, engineers, 10556  
investment bankers, financial advisers, accounting experts, and 10557  
other consultants, independent contractors or providers of 10558  
professional services as are necessary in the judgment of the 10559  
director to carry out the director's powers and duties under 10560  
sections 126.60 to 126.605 of the Revised Code, including the 10561  
identification of highway services and any related projects to be 10562  
subject to invitations for qualifications or proposals under 10563  
sections 126.60 to 126.605 of the Revised Code, the development of 10564  
those invitations and related evaluation criteria, the evaluation 10565  
of those invitations, and negotiation of any contract under 10566  
sections 126.60 to 126.605 of the Revised Code. 10567

**Sec. 127.14.** The controlling board may, at the request of any 10568  
state agency or the director of budget and management, authorize, 10569  
with respect to the provisions of any appropriation act: 10570

(A) Transfers of all or part of an appropriation within but 10572  
not between state agencies, except such transfers as the director 10573  
of budget and management is authorized by law to make, provided 10574  
that no transfer shall be made by the director for the purpose of 10575  
effecting new or changed levels of program service not authorized 10576  
by the general assembly; 10577

(B) Transfers of all or part of an appropriation from one 10578  
fiscal year to another; 10579

(C) Transfers of all or part of an appropriation within or 10580  
between state agencies made necessary by administrative 10581  
reorganization or by the abolition of an agency or part of an 10582  
agency; 10583

(D) Transfers of all or part of cash balances in excess of 10584  
needs from any fund of the state to the general revenue fund or to 10585  
such other fund of the state to which the money would have been 10586  
credited in the absence of the fund from which the transfers are 10587  
authorized to be made, except that the controlling board may not 10588  
authorize such transfers from the accrued leave liability fund, 10589  
auto registration distribution fund, budget stabilization fund, 10590  
development bond retirement fund, facilities establishment fund, 10591  
gasoline excise tax fund, general revenue fund, higher education 10592  
improvement fund, highway improvement bond retirement fund, 10593  
highway obligations bond retirement fund, highway capital 10594  
improvement fund, highway operating fund, horse racing tax fund, 10595  
improvements bond retirement fund, public library fund, liquor 10596  
control fund, local government fund, local transportation 10597  
improvement program fund, mental health facilities improvement 10598  
fund, Ohio fairs fund, parks and recreation improvement fund, 10599  
public improvements bond retirement fund, school district income 10600  
tax fund, state agency facilities improvement fund, state and 10601  
local government highway distribution fund, state highway safety 10602  
fund, state lottery fund, undivided liquor permit fund, Vietnam 10603  
conflict compensation bond retirement fund, volunteer fire 10604  
fighters' dependents fund, waterways safety fund, wildlife fund, 10605  
workers' compensation fund, ~~workers' compensation council~~ 10606  
~~remuneration fund~~, or any fund not specified in this division that 10607  
the director of budget and management determines to be a bond fund 10608  
or bond retirement fund; 10609

(E) Transfers of all or part of those appropriations included 10610  
in the emergency purposes account of the controlling board; 10611

(F) Temporary transfers of all or part of an appropriation or 10612  
other moneys into and between existing funds, or new funds, as may 10613  
be established by law when needed for capital outlays for which 10614  
notes or bonds will be issued; 10615

(G) Transfer or release of all or part of an appropriation to 10616  
a state agency requiring controlling board approval of such 10617  
transfer or release as provided by law; 10618

(H) Temporary transfer of funds included in the emergency 10619  
purposes appropriation of the controlling board. Such temporary 10620  
transfers may be made subject to conditions specified by the 10621  
controlling board at the time temporary transfers are authorized. 10622  
No transfers shall be made under this division for the purpose of 10623  
effecting new or changed levels of program service not authorized 10624  
by the general assembly. 10625

As used in this section, "request" means an application by a 10626  
state agency or the director of budget and management seeking some 10627  
action by the controlling board. 10628

When authorizing the transfer of all or part of an 10629  
appropriation under this section, the controlling board may 10630  
authorize the transfer to an existing appropriation item and the 10631  
creation of and transfer to a new appropriation item. 10632

Whenever there is a transfer of all or part of funds included 10633  
in the emergency purposes appropriation by the controlling board, 10634  
pursuant to division (E) of this section, the state agency or the 10635  
director of budget and management receiving such transfer shall 10636  
keep a detailed record of the use of the transferred funds. At the 10637  
earliest scheduled meeting of the controlling board following the 10638  
accomplishment of the purposes specified in the request originally 10639  
seeking the transfer, or following the total expenditure of the 10640  
transferred funds for the specified purposes, the state agency or 10641  
the director of budget and management shall submit a report on the 10642  
expenditure of such funds to the board. The portion of any 10643  
appropriation so transferred which is not required to accomplish 10644  
the purposes designated in the original request to the controlling 10645  
board shall be returned to the proper appropriation of the 10646  
controlling board at this time. 10647

Notwithstanding any provisions of law providing for the 10648  
deposit of revenues received by a state agency to the credit of a 10649  
particular fund in the state treasury, whenever there is a 10650  
temporary transfer of funds included in the emergency purposes 10651  
appropriation of the controlling board pursuant to division (H) of 10652  
this section, revenues received by any state agency receiving such 10653  
a temporary transfer of funds shall, as directed by the 10654  
controlling board, be transferred back to the emergency purposes 10655  
appropriation. 10656

The board may delegate to the director of budget and 10657  
management authority to approve transfers among items of 10658  
appropriation under division (A) of this section. 10659

**Sec. 127.16.** (A) Upon the request of either a state agency or 10660  
the director of budget and management and after the controlling 10661  
board determines that an emergency or a sufficient economic reason 10662  
exists, the controlling board may approve the making of a purchase 10663  
without competitive selection as provided in division (B) of this 10664  
section. 10665

(B) Except as otherwise provided in this section, no state 10666  
agency, using money that has been appropriated to it directly, 10667  
shall: 10668

(1) Make any purchase from a particular supplier, that would 10669  
amount to fifty thousand dollars or more when combined with both 10670  
the amount of all disbursements to the supplier during the fiscal 10671  
year for purchases made by the agency and the amount of all 10672  
outstanding encumbrances for purchases made by the agency from the 10673  
supplier, unless the purchase is made by competitive selection or 10674  
with the approval of the controlling board; 10675

(2) Lease real estate from a particular supplier, if the 10676  
lease would amount to seventy-five thousand dollars or more when 10677  
combined with both the amount of all disbursements to the supplier 10678

during the fiscal year for real estate leases made by the agency 10679  
and the amount of all outstanding encumbrances for real estate 10680  
leases made by the agency from the supplier, unless the lease is 10681  
made by competitive selection or with the approval of the 10682  
controlling board. 10683

(C) Any person who authorizes a purchase in violation of 10684  
division (B) of this section shall be liable to the state for any 10685  
state funds spent on the purchase, and the attorney general shall 10686  
collect the amount from the person. 10687

(D) Nothing in division (B) of this section shall be 10688  
construed as: 10689

(1) A limitation upon the authority of the director of 10690  
transportation as granted in sections 5501.17, 5517.02, and 10691  
5525.14 of the Revised Code; 10692

(2) Applying to medicaid provider agreements under Chapter 10693  
5111. of the Revised Code; 10694

(3) Applying to the purchase of examinations from a sole 10695  
supplier by a state licensing board under Title XLVII of the 10696  
Revised Code; 10697

(4) Applying to entertainment contracts for the Ohio state 10698  
fair entered into by the Ohio expositions commission, provided 10699  
that the controlling board has given its approval to the 10700  
commission to enter into such contracts and has approved a total 10701  
budget amount for such contracts as agreed upon by commission 10702  
action, and that the commission causes to be kept itemized records 10703  
of the amounts of money spent under each contract and annually 10704  
files those records with the clerk of the house of representatives 10705  
and the clerk of the senate following the close of the fair; 10706

(5) Limiting the authority of the chief of the division of 10707  
mineral resources management to contract for reclamation work with 10708  
an operator mining adjacent land as provided in section 1513.27 of 10709

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 10710                                                                |
| (6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate. | 10711<br>10712<br>10713<br>10714<br>10715<br>10716<br>10717<br>10718 |
| (7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                    | 10719<br>10720<br>10721                                              |
| (8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;                                                                                                                                                                | 10722<br>10723<br>10724<br>10725<br>10726<br>10727                   |
| (9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;                                                                                                                                                                                                                                                                                         | 10728<br>10729<br>10730<br>10731                                     |
| (10) Applying to any agency of the legislative branch of the state government;                                                                                                                                                                                                                                                                                                                                                                                                                     | 10732<br>10733                                                       |
| (11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                          | 10734<br>10735<br>10736                                              |
| (12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;                                                                                                                                                                                                                                                                                                   | 10737<br>10738<br>10739<br>10740                                     |



|                                                                                                                                                                                                      |       |
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| (13) Applying to dues or fees paid for membership in an organization or association;                                                                                                                 | 10741 |
|                                                                                                                                                                                                      | 10742 |
| (14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;                                                                                                         | 10743 |
|                                                                                                                                                                                                      | 10744 |
| (15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles; | 10745 |
|                                                                                                                                                                                                      | 10746 |
|                                                                                                                                                                                                      | 10747 |
|                                                                                                                                                                                                      | 10748 |
| (16) Applying to purchases of tickets for passenger air transportation;                                                                                                                              | 10749 |
|                                                                                                                                                                                                      | 10750 |
| (17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;                                                                    | 10751 |
|                                                                                                                                                                                                      | 10752 |
|                                                                                                                                                                                                      | 10753 |
| (18) Applying to the judicial branch of state government;                                                                                                                                            | 10754 |
| (19) Applying to purchases of liquor for resale by the division of liquor control;                                                                                                                   | 10755 |
|                                                                                                                                                                                                      | 10756 |
| (20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;                                                                | 10757 |
|                                                                                                                                                                                                      | 10758 |
|                                                                                                                                                                                                      | 10759 |
| (21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;       | 10760 |
|                                                                                                                                                                                                      | 10761 |
|                                                                                                                                                                                                      | 10762 |
|                                                                                                                                                                                                      | 10763 |
| (22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;                                                                   | 10764 |
|                                                                                                                                                                                                      | 10765 |
|                                                                                                                                                                                                      | 10766 |
| (23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;                                                                                     | 10767 |
|                                                                                                                                                                                                      | 10768 |
| (24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section                                                                        | 10769 |
|                                                                                                                                                                                                      | 10770 |

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| 3745.14 of the Revised Code to conduct compliance reviews, as      | 10771 |
| defined in division (A) of that section;                           | 10772 |
| (25) Applying to purchases from a qualified nonprofit agency       | 10773 |
| pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of   | 10774 |
| the Revised Code;                                                  | 10775 |
| (26) Applying to payments by the department of job and family      | 10776 |
| services to the United States department of health and human       | 10777 |
| services for printing and mailing notices pertaining to the tax    | 10778 |
| refund offset program of the internal revenue service of the       | 10779 |
| United States department of the treasury;                          | 10780 |
| (27) Applying to contracts entered into by the department of       | 10781 |
| developmental disabilities under section 5123.18 of the Revised    | 10782 |
| Code;                                                              | 10783 |
| (28) Applying to payments made by the department of mental         | 10784 |
| health under a physician recruitment program authorized by section | 10785 |
| 5119.101 of the Revised Code;                                      | 10786 |
| (29) Applying to contracts entered into with persons by the        | 10787 |
| director of commerce for unclaimed funds collection and remittance | 10788 |
| efforts as provided in division (F) of section 169.03 of the       | 10789 |
| Revised Code. The director shall keep an itemized accounting of    | 10790 |
| unclaimed funds collected by those persons and amounts paid to     | 10791 |
| them for their services.                                           | 10792 |
| (30) Applying to purchases made by a state institution of          | 10793 |
| higher education in accordance with the terms of a contract        | 10794 |
| between the vendor and an inter-university purchasing group        | 10795 |
| comprised of purchasing officers of state institutions of higher   | 10796 |
| education;                                                         | 10797 |
| (31) Applying to the department of job and family services'        | 10798 |
| purchases of health assistance services under the children's       | 10799 |
| health insurance program part I provided for under section 5101.50 | 10800 |
| of the Revised Code, the children's health insurance program part  | 10801 |

II provided for under section 5101.51 of the Revised Code, or the 10802  
children's health insurance program part III provided for under 10803  
section 5101.52 of the Revised Code, ~~or the children's buy-in~~ 10804  
~~program provided for under sections 5101.5211 to 5101.5216 of the~~ 10805  
~~Revised Code;~~ 10806

(32) Applying to payments by the attorney general from the 10807  
reparations fund to hospitals and other emergency medical 10808  
facilities for performing medical examinations to collect physical 10809  
evidence pursuant to section 2907.28 of the Revised Code; 10810

(33) Applying to contracts with a contracting authority or 10811  
administrative receiver under division (B) of section 5126.056 of 10812  
the Revised Code; 10813

(34) Applying to purchases of goods and services by the 10814  
department of veterans services in accordance with the terms of 10815  
contracts entered into by the United States department of veterans 10816  
affairs; 10817

(35) Applying to payments by the superintendent of the bureau 10818  
of criminal identification and investigation to the federal bureau 10819  
of investigation for criminal records checks pursuant to section 10820  
109.572 of the Revised Code; 10821

(36) Applying to contracts entered into by the department of 10822  
job and family services under section 5111.054 of the Revised 10823  
Code. 10824

(E) When determining whether a state agency has reached the 10825  
cumulative purchase thresholds established in divisions (B)(1) and 10826  
(2) of this section, all of the following purchases by such agency 10827  
shall not be considered: 10828

(1) Purchases made through competitive selection or with 10829  
controlling board approval; 10830

(2) Purchases listed in division (D) of this section; 10831

(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate. 10832  
10833

(F) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code. 10834  
10835  
10836

Sec. 127.162. (A) Upon the request of a state agency or the director of budget and management, the controlling board may approve the making of a purchase if the agency seeking to make the purchase has met both of the following requirements: 10837  
10838  
10839  
10840

(1) The agency has utilized one of the following competitive selection or evaluation and selection processes: 10841  
10842

(a) The requirements for competitive sealed bidding under section 125.07 of the Revised Code; 10843  
10844

(b) The requirements for competitive sealed proposals under section 125.071 of the Revised Code; 10845  
10846

(c) The requirements for reverse auctions under section 125.072 of the Revised Code; 10847  
10848

(d) The evaluation and selection requirements for professional design services under section 153.69 of the Revised Code; 10849  
10850  
10851

(e) Agency released competitive opportunity that demonstrates a competitive process involving a request for proposals, request for qualifications, or request for information. 10852  
10853  
10854

(2) The agency has provided in its request to the board a detailed explanation of the competitive selection or evaluation and selection process it utilized. 10855  
10856  
10857

(B) The controlling board, by a majority vote, may disapprove or defer a request submitted under this section or request that the agency resubmit the request pursuant to section 127.16 of the 10858  
10859  
10860

Revised Code if the agency fails to demonstrate it utilized one of 10861  
the competitive selection or evaluation and selection requirements 10862  
described in division (A)(1) of this section. 10863

(C) Nothing in this section shall be construed to modify the 10864  
cumulative purchasing thresholds established in divisions (B) and 10865  
(E) of section 127.16 of the Revised Code. 10866

**Sec. 127.19.** There is hereby created in the state treasury 10867  
the controlling board emergency purposes fund, consisting of 10868  
transfers from the general revenue fund and any other funds 10869  
appropriated by the general assembly. Moneys in the fund may be 10870  
used by the controlling board at the request of a state agency or 10871  
the director of budget and management for the purpose of providing 10872  
disaster and emergency aid to state agencies and political 10873  
subdivisions or for other purposes approved by the controlling 10874  
board. 10875

**Sec. 131.02.** (A) Except as otherwise provided in section 10876  
4123.37 and division (K) of section 4123.511 of the Revised Code, 10877  
whenever any amount is payable to the state, the officer, 10878  
employee, or agent responsible for administering the law under 10879  
which the amount is payable shall immediately proceed to collect 10880  
the amount or cause the amount to be collected and shall pay the 10881  
amount into the state treasury or into the appropriate custodial 10882  
fund in the manner set forth pursuant to section 113.08 of the 10883  
Revised Code. Except as otherwise provided in this division, if 10884  
the amount is not paid within forty-five days after payment is 10885  
due, the officer, employee, or agent shall certify the amount due 10886  
to the attorney general, in the form and manner prescribed by the 10887  
attorney general, and notify the director of budget and management 10888  
thereof. In the case of an amount payable by a student enrolled in 10889  
a state institution of higher education, the amount shall be 10890  
certified within the later of forty-five days after the amount is 10891

due or the tenth day after the beginning of the next academic 10892  
semester, quarter, or other session following the session for 10893  
which the payment is payable. The attorney general may assess the 10894  
collection cost to the amount certified in such manner and amount 10895  
as prescribed by the attorney general. If an amount payable to a 10896  
political subdivision is past due, the political subdivision may,  
with the approval of the attorney general, certify the amount to 10897  
the attorney general pursuant to this section. 10898  
10899

For the purposes of this section, the attorney general and 10900  
the officer, employee, or agent responsible for administering the 10901  
law under which the amount is payable shall agree on the time a 10902  
payment is due, and that agreed upon time shall be one of the 10903  
following times: 10904

(1) If a law, including an administrative rule, of this state 10905  
prescribes the time a payment is required to be made or reported, 10906  
when the payment is required by that law to be paid or reported. 10907

(2) If the payment is for services rendered, when the 10908  
rendering of the services is completed. 10909

(3) If the payment is reimbursement for a loss, when the loss 10910  
is incurred. 10911

(4) In the case of a fine or penalty for which a law or 10912  
administrative rule does not prescribe a time for payment, when 10913  
the fine or penalty is first assessed. 10914

(5) If the payment arises from a legal finding, judgment, or 10915  
adjudication order, when the finding, judgment, or order is 10916  
rendered or issued. 10917

(6) If the payment arises from an overpayment of money by the 10918  
state to another person, when the overpayment is discovered. 10919

(7) The date on which the amount for which an individual is 10920  
personally liable under section 5735.35, section 5739.33, or 10921

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| division (G) of section 5747.07 of the Revised Code is determined. | 10922 |
| (8) Upon proof of claim being filed in a bankruptcy case.          | 10923 |
| (9) Any other appropriate time determined by the attorney          | 10924 |
| general and the officer, employee, or agent responsible for        | 10925 |
| administering the law under which the amount is payable on the     | 10926 |
| basis of statutory requirements or ordinary business processes of  | 10927 |
| the state agency to which the payment is owed.                     | 10928 |
| (B)(1) The attorney general shall give immediate notice by         | 10929 |
| mail or otherwise to the party indebted of the nature and amount   | 10930 |
| of the indebtedness.                                               | 10931 |
| (2) If the amount payable to this state arises from a tax          | 10932 |
| levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the   | 10933 |
| Revised Code, the notice also shall specify all of the following:  | 10934 |
| (a) The assessment or case number;                                 | 10935 |
| (b) The tax pursuant to which the assessment is made;              | 10936 |
| (c) The reason for the liability, including, if applicable,        | 10937 |
| that a penalty or interest is due;                                 | 10938 |
| (d) An explanation of how and when interest will be added to       | 10939 |
| the amount assessed;                                               | 10940 |
| (e) That the attorney general and tax commissioner, acting         | 10941 |
| together, have the authority, but are not required, to compromise  | 10942 |
| the claim and accept payment over a reasonable time, if such       | 10943 |
| actions are in the best interest of the state.                     | 10944 |
| (C) The attorney general shall collect the claim or secure a       | 10945 |
| judgment and issue an execution for its collection.                | 10946 |
| (D) Each claim shall bear interest, from the day on which the      | 10947 |
| claim became due, at the rate per annum required by section        | 10948 |
| 5703.47 of the Revised Code.                                       | 10949 |
| (E) The attorney general and the chief officer of the agency       | 10950 |

reporting a claim, acting together, may do any of the following if 10951  
such action is in the best interests of the state: 10952

(1) Compromise the claim; 10953

(2) Extend for a reasonable period the time for payment of 10954  
the claim by agreeing to accept monthly or other periodic 10955  
payments. The agreement may require security for payment of the 10956  
claim. 10957

(3) Add fees to recover the cost of processing checks or 10958  
other draft instruments returned for insufficient funds and the 10959  
cost of providing electronic payment options. 10960

(F)(1) Except as provided in division (F)(2) of this section, 10961  
if the attorney general finds, after investigation, that any claim 10962  
due and owing to the state is uncollectible, the attorney general, 10963  
with the consent of the chief officer of the agency reporting the 10964  
claim, may do the following: 10965

(a) Sell, convey, or otherwise transfer the claim to one or 10966  
more private entities for collection; 10967

(b) Cancel the claim or cause it to be canceled. 10968

(2) The attorney general shall cancel or cause to be canceled 10969  
an unsatisfied claim on the date that is forty years after the 10970  
date the claim is certified. 10971

(3) No initial action shall be commenced to collect any tax 10972  
payable to the state that is administered by the tax commissioner, 10973  
whether or not such tax is subject to division (B) of this 10974  
section, or any penalty, interest, or additional charge on such 10975  
tax, after the expiration of the period ending on the later of the 10976  
dates specified in divisions (F)(3)(a) and (b) of this section, 10977  
provided that such period shall be extended by the period of any 10978  
stay to such collection or by any other period to which the 10979  
parties mutually agree. If the initial action in aid of execution 10980



is commenced before the later of the dates specified in divisions 10981  
(F)(3)(a) and (b) of this section, any and all subsequent actions 10982  
may be pursued in aid of execution of judgment for as long as the 10983  
debt exists. 10984

(a) Seven years after the assessment of the tax, penalty, 10985  
interest, or additional charge is issued. 10986

(b) Four years after the assessment of the tax, penalty, 10987  
interest, or additional charge becomes final. For the purposes of 10988  
division (F)(3)(b) of this section, the assessment becomes final 10989  
at the latest of the following: upon expiration of the period to 10990  
petition for reassessment, or if applicable, to appeal a final 10991  
determination of the commissioner or decision of the board of tax 10992  
appeals or a court, or, if applicable, upon decision of the United 10993  
States supreme court. 10994

For the purposes of division (F)(3) of this section, an 10995  
initial action to collect a tax debt is commenced at the time when 10996  
any action, including any action in aid of execution on a 10997  
judgment, commences after a certified copy of the tax 10998  
commissioner's entry making an assessment final has been filed in 10999  
the office of the clerk of court of common pleas in the county in 11000  
which the taxpayer resides or has its principal place of business 11001  
in this state, or in the office of the clerk of court of common 11002  
pleas of Franklin county, as provided in section 5739.13, 5741.14, 11003  
5747.13, or 5751.09 of the Revised Code or in any other applicable 11004  
law requiring such a filing. If an assessment has not been issued 11005  
and there is no time limitation on the issuance of an assessment 11006  
under applicable law, an action to collect a tax debt commences 11007  
when the action is filed in the courts of this state to collect 11008  
the liability. 11009

(4) If information contained in a claim that is sold, 11010  
conveyed, or transferred to a private entity pursuant to this 11011  
section is confidential pursuant to federal law or a section of 11012

the Revised Code that implements a federal law governing 11013  
confidentiality, such information remains subject to that law 11014  
during and following the sale, conveyance, or transfer. 11015

Sec. 131.024. (A) The attorney general may, not later than 11016  
the first day of February of each year, send to the director of 11017  
commerce a request containing the name, address, and social 11018  
security number of any person who owes a claim that has been 11019  
certified to the attorney general under section 131.02 of the 11020  
Revised Code and request that the director provide information to 11021  
the attorney general as required in division (B) of this section. 11022  
If the information the director provides identifies or results in 11023  
identifying unclaimed funds held by the state for an obligor in 11024  
default, the attorney general may file a claim under section 11025  
169.08 of the Revised Code to recover the unclaimed funds. If the 11026  
director allows the claim, the director shall pay the claim 11027  
directly to the attorney general. The director shall not disallow 11028  
a claim made by the attorney general because the attorney general 11029  
is not the owner of the unclaimed funds according to the report 11030  
made under section 169.03 of the Revised Code. 11031

(B) The director of commerce shall provide the attorney 11032  
general, not later than the first day of March of each year, the 11033  
name, address, social security number, if the social security 11034  
number is available, and any other identifying information for any 11035  
individual included in a request sent by the attorney general 11036  
pursuant to division (A) of this section who has unclaimed funds 11037  
delivered or reported to the state under Chapter 169. of the 11038  
Revised Code. 11039

(C) The attorney general, in consultation with the department 11040  
of commerce, may adopt rules under Chapter 119. of the Revised 11041  
Code to aid in the implementation of this section. 11042

**Sec. 131.23.** The various political subdivisions of this state 11043  
may issue bonds, and any indebtedness created by that issuance 11044  
shall not be subject to the limitations or included in the 11045  
calculation of indebtedness prescribed by sections 133.05, 133.06, 11046  
133.07, and 133.09 of the Revised Code, but the bonds may be 11047  
issued only under the following conditions: 11048

(A) The subdivision desiring to issue the bonds shall obtain 11049  
from the county auditor a certificate showing the total amount of 11050  
delinquent taxes due and unpayable to the subdivision at the last 11051  
semiannual tax settlement. 11052

(B) The fiscal officer of that subdivision shall prepare a 11053  
statement, from the books of the subdivision, verified by the 11054  
fiscal officer under oath, which shall contain the following facts 11055  
of the subdivision: 11056

(1) The total bonded indebtedness; 11057

(2) The aggregate amount of notes payable or outstanding 11058  
accounts of the subdivision, incurred prior to the commencement of 11059  
the current fiscal year, which shall include all evidences of 11060  
indebtedness issued by the subdivision except notes issued in 11061  
anticipation of bond issues and the indebtedness of any 11062  
nontax-supported public utility; 11063

(3) Except in the case of school districts, the aggregate 11064  
current year's requirement for disability financial assistance 11065  
provided under Chapter 5115. of the Revised Code that the 11066  
subdivision is unable to finance except by the issue of bonds; 11067

(4) The indebtedness outstanding through the issuance of any 11068  
bonds or notes pledged or obligated to be paid by any delinquent 11069  
taxes; 11070

(5) The total of any other indebtedness; 11071

(6) The net amount of delinquent taxes unpledged to pay any 11072

bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid; 11073  
11074

(7) The budget requirements for the fiscal year for bond and note retirement; 11075  
11076

(8) The estimated revenue for the fiscal year. 11077

(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of the subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to the subdivision, as set forth in division (B)(6) of this section. 11078  
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(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance as shown by division (B)(3) of this section. 11085  
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(E) The tax commissioner shall grant to the subdivision authority requested by the subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public. 11091  
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(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of the subdivision by forwarding a copy of the grant of authority and of the statement provided for in division (B) of this section. 11097  
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(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the 11102  
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commissioner, and authorized by the taxing authority, provided the 11104  
taxing authority of that subdivision may submit, by resolution, to 11105  
the electors of that subdivision the question of issuing the 11106  
bonds. The resolution shall make the declarations and statements 11107  
required by section 133.18 of the Revised Code. The county auditor 11108  
and taxing authority shall thereupon proceed as set forth in 11109  
divisions (C) and (D) of that section. The election on the 11110  
question of issuing the bonds shall be held under divisions (E), 11111  
(F), and (G) of that section, except that publication of the 11112  
notice of the election shall be made on two separate days prior to 11113  
the election in ~~one or more newspapers~~ a newspaper of general 11114  
circulation in the subdivision, ~~and, if~~ or as provided in section 11115  
7.16 of the Revised Code. If the board of elections operates and 11116  
maintains a web site, notice of the election also shall be posted 11117  
on that web site for thirty days prior to the election. The bonds 11118  
may be exchanged at their face value with creditors of the 11119  
subdivision in liquidating the indebtedness described and 11120  
enumerated in division (B)(2) of this section or may be sold as 11121  
provided in Chapter 133. of the Revised Code, and in either event 11122  
shall be uncontestable. 11123

(H) The per cent of delinquent taxes and assessments 11124  
collected for and to the credit of the subdivision after the 11125  
exchange or sale of bonds as certified by the commissioner shall 11126  
be paid to the authority having charge of the sinking fund of the 11127  
subdivision, which money shall be placed in a separate fund for 11128  
the purpose of retiring the bonds so issued. The proper authority 11129  
of the subdivisions shall provide for the levying of a tax 11130  
sufficient in amount to pay the debt charges on all such bonds 11131  
issued under this section. 11132

(I) This section is for the sole purpose of assisting the 11133  
various subdivisions in paying their unsecured indebtedness, and 11134  
providing funds for disability financial assistance. The bonds 11135

issued under authority of this section shall not be used for any 11136  
other purpose, and any exchange for other purposes, or the use of 11137  
the money derived from the sale of the bonds by the subdivision 11138  
for any other purpose, is misapplication of funds. 11139

(J) The bonds authorized by this section shall be redeemable 11140  
or payable in not to exceed ten years from date of issue and shall 11141  
not be subject to or considered in calculating the net 11142  
indebtedness of the subdivision. The budget commission of the 11143  
county in which the subdivision is located shall annually allocate 11144  
such portion of the then delinquent levy due the subdivision which 11145  
is unpledged for other purposes to the payment of debt charges on 11146  
the bonds issued under authority of this section. 11147

(K) The issue of bonds under this section shall be governed 11148  
by Chapter 133. of the Revised Code, respecting the terms used, 11149  
forms, manner of sale, and redemption except as otherwise provided 11150  
in this section. 11151

The board of county commissioners of any county may issue 11152  
bonds authorized by this section and distribute the proceeds of 11153  
the bond issues to any or all of the cities and townships of the 11154  
county, according to their relative needs for disability financial 11155  
assistance as determined by the county. 11156

All sections of the Revised Code inconsistent with or 11157  
prohibiting the exercise of the authority conferred by this 11158  
section are inoperative respecting bonds issued under this 11159  
section. 11160

**Sec. 131.44.** (A) As used in this section: 11161

(1) "Surplus revenue" means the excess, if any, of the total 11162  
fund balance over the required year-end balance. 11163

(2) "Total fund balance" means the sum of the unencumbered 11164  
balance in the general revenue fund on the last day of the 11165

|                                                                                                                                                                                                                                                                                                                                                         |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| preceding fiscal year plus the balance in the budget stabilization fund.                                                                                                                                                                                                                                                                                | 11166<br>11167                                     |
| (3) "Required year-end balance" means the sum of the following:                                                                                                                                                                                                                                                                                         | 11168<br>11169                                     |
| (a) Five per cent of the general revenue fund revenues for the preceding fiscal year;                                                                                                                                                                                                                                                                   | 11170<br>11171                                     |
| (b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;                                                                                                                                                                                                                         | 11172<br>11173<br>11174                            |
| (c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;                                                              | 11175<br>11176<br>11177<br>11178<br>11179          |
| (d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed;                                                                                                            | 11180<br>11181<br>11182<br>11183                   |
| (e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code. | 11184<br>11185<br>11186<br>11187<br>11188<br>11189 |
| (4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:                                                                                                                                | 11190<br>11191<br>11192<br>11193                   |
| (a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in                                                                                                                                                                                                                         | 11194<br>11195                                     |

provisions of acts of the general assembly signed by the governor 11196  
but not yet effective; 11197

(b) Transfers of ~~appropriation~~ appropriations from the first 11198  
fiscal year to the second fiscal year of the biennium approved by 11199  
the controlling board. 11200

(5) "Estimated general revenue fund revenue" means the most 11201  
recent such estimate available to the director of budget and 11202  
management. 11203

(B)(1) Not later than the thirty-first day of July each year, 11204  
the director of budget and management shall determine the surplus 11205  
revenue that existed on the preceding thirtieth day of June and 11206  
transfer from the general revenue fund, to the extent of the 11207  
unobligated, unencumbered balance on the preceding thirtieth day 11208  
of June in excess of one-half of one per cent of the general 11209  
revenue fund revenues in the preceding fiscal year, the following: 11210

(a) First, to the budget stabilization fund, any amount 11211  
necessary for the balance of the budget stabilization fund to 11212  
equal five per cent of the general revenue fund revenues of the 11213  
preceding fiscal year; 11214

(b) Then, to the income tax reduction fund, which is hereby 11215  
created in the state treasury, an amount equal to the surplus 11216  
revenue. 11217

(2) Not later than the thirty-first day of July each year, 11218  
the director shall determine the percentage that the balance in 11219  
the income tax reduction fund is of the amount of revenue that the 11220  
director estimates will be received from the tax levied under 11221  
section 5747.02 of the Revised Code in the current fiscal year 11222  
without regard to any reduction under division (B) of that 11223  
section. If that percentage exceeds thirty-five one hundredths of 11224  
one per cent, the director shall certify the percentage to the tax 11225  
commissioner not later than the thirty-first day of July. 11226



(C) The director of budget and management shall transfer 11227  
money in the income tax reduction fund to the general revenue 11228  
fund, the local government fund, and the public library fund as 11229  
necessary to offset revenue reductions resulting from the 11230  
reductions in taxes required under division (B) of section 5747.02 11231  
of the Revised Code in the respective amounts and percentages 11232  
prescribed by division (A) of section 5747.03 and divisions ~~(A)~~(B) 11233  
and ~~(B)~~(C) of section 131.51 of the Revised Code as if the amount 11234  
transferred had been collected as taxes under Chapter 5747. of the 11235  
Revised Code. If no reductions in taxes are made under that 11236  
division that affect revenue received in the current fiscal year, 11237  
the director shall not transfer money from the income tax 11238  
reduction fund to the general revenue fund, the local government 11239  
fund, and the public library fund. 11240

**Sec. 131.51.** (A) ~~Beginning January 2008, on~~ On or before July 11241  
5, 2013, the tax commissioner shall compute the following amounts 11242  
and certify those amounts to the director of budget and 11243  
management: 11244

(1) A percentage calculated by multiplying one hundred by the 11245  
quotient obtained by dividing the total amount credited to the 11246  
local government fund in fiscal year 2013 by the total amount of 11247  
tax revenue credited to the general revenue fund in fiscal year 11248  
2013. The percentage shall be rounded to the nearest one-hundredth 11249  
of one per cent. 11250

(2) A percentage calculated by multiplying one hundred by the 11251  
quotient obtained by dividing the total amount credited to the 11252  
public library fund in fiscal year 2013 by the total amount of tax 11253  
revenue credited to the general revenue fund in fiscal year 2013. 11254  
The percentage shall be rounded to the nearest one-hundredth of 11255  
one per cent. 11256

(B) On or before the ~~fifth~~ seventh day of each month, the 11257

director of budget and management shall credit to the local 11258  
government fund ~~three and sixty eight one hundredths per cent of~~ 11259  
an amount equal to the product obtained by multiplying the 11260  
percentage calculated under division (A)(1) of this section by the 11261  
total tax revenue credited to the general revenue fund during the 11262  
preceding month. ~~In determining the total tax revenue credited to~~ 11263  
~~the general revenue fund during the preceding month, the director~~ 11264  
~~shall include amounts transferred from that fund during the~~ 11265  
~~preceding month pursuant to divisions (A) and (B) of this section.~~ 11266  
Money shall be distributed from the local government fund as 11267  
required under section 5747.50 of the Revised Code during the same 11268  
month in which it is credited to the fund. 11269

~~(B) Beginning January 2008, on~~ (C) or before the fifth 11270  
seventh day of each month, the director of budget and management 11271  
shall credit to the public library fund, ~~two and twenty two one~~ 11272  
~~hundredths per cent of~~ an amount equal to the product obtained by 11273  
multiplying the percentage calculated under division (A)(2) of 11274  
this section by the total tax revenue credited to the general 11275  
revenue fund during the preceding month. ~~In determining the total~~ 11276  
~~tax revenue credited to the general revenue fund during the~~ 11277  
~~preceding month, the director shall include amounts transferred~~ 11278  
~~from that fund during the preceding month pursuant to divisions~~ 11279  
~~(A) and (B) of this section.~~ Money shall be distributed from the 11280  
public library fund as required under section 5747.47 of the 11281  
Revised Code during the same month in which it is credited to the 11282  
fund. 11283

~~(C)~~(D) The director of budget and management shall develop a 11284  
schedule identifying the specific tax revenue sources to be used 11285  
to make the monthly transfers required under divisions ~~(A)~~(B) and 11286  
~~(B)~~(C) of this section. The director may, from time to time, 11287  
revise the schedule as the director considers necessary. 11288

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 11289  
and 2151.655 of the Revised Code, in other sections of the Revised 11290  
Code that make reference to this chapter unless the context does 11291  
not permit, and in related proceedings, unless otherwise expressly 11292  
provided: 11293

(A) "Acquisition" as applied to real or personal property 11294  
includes, among other forms of acquisition, acquisition by 11295  
exercise of a purchase option, and acquisition of interests in 11296  
property, including, without limitation, easements and 11297  
rights-of-way, and leasehold and other lease interests initially 11298  
extending or extendable for a period of at least sixty months. 11299

(B) "Anticipatory securities" means securities, including 11300  
notes, issued in anticipation of the issuance of other securities. 11301

(C) "Board of elections" means the county board of elections 11302  
of the county in which the subdivision is located. If the 11303  
subdivision is located in more than one county, "board of 11304  
elections" means the county board of elections of the county that 11305  
contains the largest portion of the population of the subdivision 11306  
or that otherwise has jurisdiction in practice over and 11307  
customarily handles election matters relating to the subdivision. 11308

(D) "Bond retirement fund" means the bond retirement fund 11309  
provided for in section 5705.09 of the Revised Code, and also 11310  
means a sinking fund or any other special fund, regardless of the 11311  
name applied to it, established by or pursuant to law or the 11312  
proceedings for the payment of debt charges. Provision may be made 11313  
in the applicable proceedings for the establishment in a bond 11314  
retirement fund of separate accounts relating to debt charges on 11315  
particular securities, or on securities payable from the same or 11316  
common sources, and for the application of moneys in those 11317  
accounts only to specified debt charges on specified securities or 11318  
categories of securities. Subject to law and any provisions in the 11319

applicable proceedings, moneys in a bond retirement fund or 11320  
separate account in a bond retirement fund may be transferred to 11321  
other funds and accounts. 11322

(E) "Capitalized interest" means all or a portion of the 11323  
interest payable on securities from their date to a date stated or 11324  
provided for in the applicable legislation, which interest is to 11325  
be paid from the proceeds of the securities. 11326

(F) "Chapter 133. securities" means securities authorized by 11327  
or issued pursuant to or in accordance with this chapter. 11328

(G) "County auditor" means the county auditor of the county 11329  
in which the subdivision is located. If the subdivision is located 11330  
in more than one county, "county auditor" means the county auditor 11331  
of the county that contains the highest amount of the tax 11332  
valuation of the subdivision or that otherwise has jurisdiction in 11333  
practice over and customarily handles property tax matters 11334  
relating to the subdivision. In the case of a county that has 11335  
adopted a charter, "county auditor" means the officer who 11336  
generally has the duties and functions provided in the Revised 11337  
Code for a county auditor. 11338

(H) "Credit enhancement facilities" means letters of credit, 11339  
lines of credit, stand-by, contingent, or firm securities purchase 11340  
agreements, insurance, or surety arrangements, guarantees, and 11341  
other arrangements that provide for direct or contingent payment 11342  
of debt charges, for security or additional security in the event 11343  
of nonpayment or default in respect of securities, or for making 11344  
payment of debt charges to and at the option and on demand of 11345  
securities holders or at the option of the issuer or upon certain 11346  
conditions occurring under put or similar arrangements, or for 11347  
otherwise supporting the credit or liquidity of the securities, 11348  
and includes credit, reimbursement, marketing, remarketing, 11349  
indexing, carrying, interest rate hedge, and subrogation 11350  
agreements, and other agreements and arrangements for payment and 11351

reimbursement of the person providing the credit enhancement 11352  
facility and the security for that payment and reimbursement. 11353

(I) "Current operating expenses" or "current expenses" means 11354  
the lawful expenditures of a subdivision, except those for 11355  
permanent improvements and for payments of debt charges of the 11356  
subdivision. 11357

(J) "Debt charges" means the principal, including any 11358  
mandatory sinking fund deposits and mandatory redemption payments, 11359  
interest, and any redemption premium, payable on securities as 11360  
those payments come due and are payable. The use of "debt charges" 11361  
for this purpose does not imply that any particular securities 11362  
constitute debt within the meaning of the Ohio Constitution or 11363  
other laws. 11364

(K) "Financing costs" means all costs and expenses relating 11365  
to the authorization, including any required election, issuance, 11366  
sale, delivery, authentication, deposit, custody, clearing, 11367  
registration, transfer, exchange, fractionalization, replacement, 11368  
payment, and servicing of securities, including, without 11369  
limitation, costs and expenses for or relating to publication and 11370  
printing, postage, delivery, preliminary and final official 11371  
statements, offering circulars, and informational statements, 11372  
travel and transportation, underwriters, placement agents, 11373  
investment bankers, paying agents, registrars, authenticating 11374  
agents, remarketing agents, custodians, clearing agencies or 11375  
corporations, securities depositories, financial advisory 11376  
services, certifications, audits, federal or state regulatory 11377  
agencies, accounting and computation services, legal services and 11378  
obtaining approving legal opinions and other legal opinions, 11379  
credit ratings, redemption premiums, and credit enhancement 11380  
facilities. Financing costs may be paid from any moneys available 11381  
for the purpose, including, unless otherwise provided in the 11382  
proceedings, from the proceeds of the securities to which they 11383

relate and, as to future financing costs, from the same sources 11384  
from which debt charges on the securities are paid and as though 11385  
debt charges. 11386

(L) "Fiscal officer" means the following, or, in the case of 11387  
absence or vacancy in the office, a deputy or assistant authorized 11388  
by law or charter to act in the place of the named officer, or if 11389  
there is no such authorization then the deputy or assistant 11390  
authorized by legislation to act in the place of the named officer 11391  
for purposes of this chapter, in the case of the following 11392  
subdivisions: 11393

(1) A county, the county auditor; 11394

(2) A municipal corporation, the city auditor or village 11395  
clerk or clerk-treasurer, or the officer who, by virtue of a 11396  
charter, has the duties and functions provided in the Revised Code 11397  
for the city auditor or village clerk or clerk-treasurer; 11398

(3) A school district, the treasurer of the board of 11399  
education; 11400

(4) A regional water and sewer district, the secretary of the 11401  
board of trustees; 11402

(5) A joint township hospital district, the treasurer of the 11403  
district; 11404

(6) A joint ambulance district, the clerk of the board of 11405  
trustees; 11406

(7) A joint recreation district, the person designated 11407  
pursuant to section 755.15 of the Revised Code; 11408

(8) A detention facility district or a district organized 11409  
under section 2151.65 of the Revised Code or a combined district 11410  
organized under sections 2152.41 and 2151.65 of the Revised Code, 11411  
the county auditor of the county designated by law to act as the 11412  
auditor of the district; 11413

|                                                                                   |       |
|-----------------------------------------------------------------------------------|-------|
| (9) A township, a fire district organized under division (C)                      | 11414 |
| of section 505.37 of the Revised Code, or a township police                       | 11415 |
| district, the fiscal officer of the township;                                     | 11416 |
| (10) A joint fire district, the clerk of the board of                             | 11417 |
| trustees of that district;                                                        | 11418 |
| (11) A regional or county library district, the person                            | 11419 |
| responsible for the financial affairs of that district;                           | 11420 |
| (12) A joint solid waste management district, the fiscal                          | 11421 |
| officer appointed by the board of directors of the district under                 | 11422 |
| section 343.01 of the Revised Code;                                               | 11423 |
| (13) A joint emergency medical services district, the person                      | 11424 |
| appointed as fiscal officer pursuant to division (D) of section                   | 11425 |
| 307.053 of the Revised Code;                                                      | 11426 |
| (14) A fire and ambulance district, the person appointed as                       | 11427 |
| fiscal officer under division (B) of section 505.375 of the                       | 11428 |
| Revised Code;                                                                     | 11429 |
| (15) A subdivision described in division (MM) <del>(17)</del> <u>(18)</u> of this | 11430 |
| section, the officer who is designated by law as or performs the                  | 11431 |
| functions of its chief fiscal officer;                                            | 11432 |
| <u>(16) A joint police district, the treasurer of the district.</u>               | 11433 |
| (M) "Fiscal year" has the same meaning as in section 9.34 of                      | 11434 |
| the Revised Code.                                                                 | 11435 |
| (N) "Fractionalized interests in public obligations" means                        | 11436 |
| participations, certificates of participation, shares, or other                   | 11437 |
| instruments or agreements, separate from the public obligations                   | 11438 |
| themselves, evidencing ownership of interests in public                           | 11439 |
| obligations or of rights to receive payments of, or on account of,                | 11440 |
| principal or interest or their equivalents payable by or on behalf                | 11441 |
| of an obligor pursuant to public obligations.                                     | 11442 |
| (O) "Fully registered securities" means securities in                             | 11443 |

certificated or uncertificated form, registered as to both 11444  
principal and interest in the name of the owner. 11445

(P) "Fund" means to provide for the payment of debt charges 11446  
and expenses related to that payment at or prior to retirement by 11447  
purchase, call for redemption, payment at maturity, or otherwise. 11448

(Q) "General obligation" means securities to the payment of 11449  
debt charges on which the full faith and credit and the general 11450  
property taxing power, including taxes within the tax limitation 11451  
if available to the subdivision, of the subdivision are pledged. 11452

(R) "Interest" or "interest equivalent" means those payments 11453  
or portions of payments, however denominated, that constitute or 11454  
represent consideration for forbearing the collection of money, or 11455  
for deferring the receipt of payment of money to a future time. 11456

(S) "Internal Revenue Code" means the "Internal Revenue Code 11457  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 11458  
includes any laws of the United States providing for application 11459  
of that code. 11460

(T) "Issuer" means any public issuer and any nonprofit 11461  
corporation authorized to issue securities for or on behalf of any 11462  
public issuer. 11463

(U) "Legislation" means an ordinance or resolution passed by 11464  
a majority affirmative vote of the then members of the taxing 11465  
authority unless a different vote is required by charter 11466  
provisions governing the passage of the particular legislation by 11467  
the taxing authority. 11468

(V) "Mandatory sinking fund redemption requirements" means 11469  
amounts required by proceedings to be deposited in a bond 11470  
retirement fund for the purpose of paying in any year or fiscal 11471  
year by mandatory redemption prior to stated maturity the 11472  
principal of securities that is due and payable, except for 11473  
mandatory prior redemption requirements as provided in those 11474



|                                                                    |       |
|--------------------------------------------------------------------|-------|
| proceedings, in a subsequent year or fiscal year.                  | 11475 |
| (W) "Mandatory sinking fund requirements" means amounts            | 11476 |
| required by proceedings to be deposited in a year or fiscal year   | 11477 |
| in a bond retirement fund for the purpose of paying the principal  | 11478 |
| of securities that is due and payable in a subsequent year or      | 11479 |
| fiscal year.                                                       | 11480 |
| (X) "Net indebtedness" has the same meaning as in division         | 11481 |
| (A) of section 133.04 of the Revised Code.                         | 11482 |
| (Y) "Obligor," in the case of securities or fractionalized         | 11483 |
| interests in public obligations issued by another person the debt  | 11484 |
| charges or their equivalents on which are payable from payments    | 11485 |
| made by a public issuer, means that public issuer.                 | 11486 |
| (Z) "One purpose" relating to permanent improvements means         | 11487 |
| any one permanent improvement or group or category of permanent    | 11488 |
| improvements for the same utility, enterprise, system, or project, | 11489 |
| development or redevelopment project, or for or devoted to the     | 11490 |
| same general purpose, function, or use or for which                | 11491 |
| self-supporting securities, based on the same or different sources | 11492 |
| of revenues, may be issued or for which special assessments may be | 11493 |
| levied by a single ordinance or resolution. "One purpose"          | 11494 |
| includes, but is not limited to, in any case any off-street        | 11495 |
| parking facilities relating to another permanent improvement, and: | 11496 |
| (1) Any number of roads, highways, streets, bridges,               | 11497 |
| sidewalks, and viaducts;                                           | 11498 |
| (2) Any number of off-street parking facilities;                   | 11499 |
| (3) In the case of a county, any number of permanent               | 11500 |
| improvements for courthouse, jail, county offices, and other       | 11501 |
| county buildings, and related facilities;                          | 11502 |
| (4) In the case of a school district, any number of                | 11503 |
| facilities and buildings for school district purposes, and related | 11504 |

facilities. 11505

(AA) "Outstanding," referring to securities, means securities 11506  
that have been issued, delivered, and paid for, except any of the 11507  
following: 11508

(1) Securities canceled upon surrender, exchange, or 11509  
transfer, or upon payment or redemption; 11510

(2) Securities in replacement of which or in exchange for 11511  
which other securities have been issued; 11512

(3) Securities for the payment, or redemption or purchase for 11513  
cancellation prior to maturity, of which sufficient moneys or 11514  
investments, in accordance with the applicable legislation or 11515  
other proceedings or any applicable law, by mandatory sinking fund 11516  
redemption requirements, mandatory sinking fund requirements, or 11517  
otherwise, have been deposited, and credited for the purpose in a 11518  
bond retirement fund or with a trustee or paying or escrow agent, 11519  
whether at or prior to their maturity or redemption, and, in the 11520  
case of securities to be redeemed prior to their stated maturity, 11521  
notice of redemption has been given or satisfactory arrangements 11522  
have been made for giving notice of that redemption, or waiver of 11523  
that notice by or on behalf of the affected security holders has 11524  
been filed with the subdivision or its agent for the purpose. 11525

(BB) "Paying agent" means the one or more banks, trust 11526  
companies, or other financial institutions or qualified persons, 11527  
including an appropriate office or officer of the subdivision, 11528  
designated as a paying agent or place of payment of debt charges 11529  
on the particular securities. 11530

(CC) "Permanent improvement" or "improvement" means any 11531  
property, asset, or improvement certified by the fiscal officer, 11532  
which certification is conclusive, as having an estimated life or 11533  
period of usefulness of five years or more, and includes, but is 11534  
not limited to, real estate, buildings, and personal property and 11535

interests in real estate, buildings, and personal property, 11536  
equipment, furnishings, and site improvements, and reconstruction, 11537  
rehabilitation, renovation, installation, improvement, 11538  
enlargement, and extension of property, assets, or improvements so 11539  
certified as having an estimated life or period of usefulness of 11540  
five years or more. The acquisition of all the stock ownership of 11541  
a corporation is the acquisition of a permanent improvement to the 11542  
extent that the value of that stock is represented by permanent 11543  
improvements. A permanent improvement for parking, highway, road, 11544  
and street purposes includes resurfacing, but does not include 11545  
ordinary repair. 11546

(DD) "Person" has the same meaning as in section 1.59 of the 11547  
Revised Code and also includes any federal, state, interstate, 11548  
regional, or local governmental agency, any subdivision, and any 11549  
combination of those persons. 11550

(EE) "Proceedings" means the legislation, certifications, 11551  
notices, orders, sale proceedings, trust agreement or indenture, 11552  
mortgage, lease, lease-purchase agreement, assignment, credit 11553  
enhancement facility agreements, and other agreements, 11554  
instruments, and documents, as amended and supplemented, and any 11555  
election proceedings, authorizing, or providing for the terms and 11556  
conditions applicable to, or providing for the security or sale or 11557  
award of, public obligations, and includes the provisions set 11558  
forth or incorporated in those public obligations and proceedings. 11559

(FF) "Public issuer" means any of the following that is 11560  
authorized by law to issue securities or enter into public 11561  
obligations: 11562

(1) The state, including an agency, commission, officer, 11563  
institution, board, authority, or other instrumentality of the 11564  
state; 11565

(2) A taxing authority, subdivision, district, or other local 11566

public or governmental entity, and any combination or consortium, 11567  
or public division, district, commission, authority, department, 11568  
board, officer, or institution, thereof; 11569

(3) Any other body corporate and politic, or other public 11570  
entity. 11571

(GG) "Public obligations" means both of the following: 11572

(1) Securities; 11573

(2) Obligations of a public issuer to make payments under 11574  
installment sale, lease, lease purchase, or similar agreements, 11575  
which obligations may bear interest or interest equivalent. 11576

(HH) "Refund" means to fund and retire outstanding 11577  
securities, including advance refunding with or without payment or 11578  
redemption prior to maturity. 11579

(II) "Register" means the books kept and maintained by the 11580  
registrar for registration, exchange, and transfer of registered 11581  
securities. 11582

(JJ) "Registrar" means the person responsible for keeping the 11583  
register for the particular registered securities, designated by 11584  
or pursuant to the proceedings. 11585

(KK) "Securities" means bonds, notes, certificates of 11586  
indebtedness, commercial paper, and other instruments in writing, 11587  
including, unless the context does not admit, anticipatory 11588  
securities, issued by an issuer to evidence its obligation to 11589  
repay money borrowed, or to pay interest, by, or to pay at any 11590  
future time other money obligations of, the issuer of the 11591  
securities, but not including public obligations described in 11592  
division (GG)(2) of this section. 11593

(LL) "Self-supporting securities" means securities or 11594  
portions of securities issued for the purpose of paying costs of 11595  
permanent improvements to the extent that receipts of the 11596

subdivision, other than the proceeds of taxes levied by that 11597  
subdivision, derived from or with respect to the improvements or 11598  
the operation of the improvements being financed, or the 11599  
enterprise, system, project, or category of improvements of which 11600  
the improvements being financed are part, are estimated by the 11601  
fiscal officer to be sufficient to pay the current expenses of 11602  
that operation or of those improvements or enterprise, system, 11603  
project, or categories of improvements and the debt charges 11604  
payable from those receipts on securities issued for the purpose. 11605  
Until such time as the improvements or increases in rates and 11606  
charges have been in operation or effect for a period of at least 11607  
six months, the receipts therefrom, for purposes of this 11608  
definition, shall be those estimated by the fiscal officer, except 11609  
that those receipts may include, without limitation, payments made 11610  
and to be made to the subdivision under leases or agreements in 11611  
effect at the time the estimate is made. In the case of an 11612  
operation, improvements, or enterprise, system, project, or 11613  
category of improvements without at least a six-month history of 11614  
receipts, the estimate of receipts by the fiscal officer, other 11615  
than those to be derived under leases and agreements then in 11616  
effect, shall be confirmed by the taxing authority. 11617

(MM) "Subdivision" means any of the following: 11618

(1) A county, including a county that has adopted a charter 11619  
under Article X, Ohio Constitution; 11620

(2) A municipal corporation, including a municipal 11621  
corporation that has adopted a charter under Article XVIII, Ohio 11622  
Constitution; 11623

(3) A school district; 11624

(4) A regional water and sewer district organized under 11625  
Chapter 6119. of the Revised Code; 11626

(5) A joint township hospital district organized under 11627

|                                                                                                                                                                                                         |                                  |
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| section 513.07 of the Revised Code;                                                                                                                                                                     | 11628                            |
| (6) A joint ambulance district organized under section 505.71 of the Revised Code;                                                                                                                      | 11629<br>11630                   |
| (7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;                                                                                                     | 11631<br>11632                   |
| (8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code; | 11633<br>11634<br>11635<br>11636 |
| (9) A township police district organized under section 505.48 of the Revised Code;                                                                                                                      | 11637<br>11638                   |
| (10) A township;                                                                                                                                                                                        | 11639                            |
| (11) A joint fire district organized under section 505.371 of the Revised Code;                                                                                                                         | 11640<br>11641                   |
| (12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;                                                          | 11642<br>11643<br>11644          |
| (13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;                                                                                             | 11645<br>11646                   |
| (14) A joint emergency medical services district organized under section 307.052 of the Revised Code;                                                                                                   | 11647<br>11648                   |
| (15) A fire and ambulance district organized under section 505.375 of the Revised Code;                                                                                                                 | 11649<br>11650                   |
| (16) A fire district organized under division (C) of section 505.37 of the Revised Code;                                                                                                                | 11651<br>11652                   |
| (17) <u>A joint police district organized under section 505.482 of the Revised Code;</u>                                                                                                                | 11653<br>11654                   |
| <u>(18)</u> Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or                                                                       | 11655<br>11656                   |

other laws to issue Chapter 133. securities. 11657

(NN) "Taxing authority" means in the case of the following 11658  
subdivisions: 11659

(1) A county, a county library district, or a regional 11660  
library district, the board or boards of county commissioners, or 11661  
other legislative authority of a county that has adopted a charter 11662  
under Article X, Ohio Constitution, but with respect to such a 11663  
library district acting solely as agent for the board of trustees 11664  
of that district; 11665

(2) A municipal corporation, the legislative authority; 11666

(3) A school district, the board of education; 11667

(4) A regional water and sewer district, a joint ambulance 11668  
district, a joint recreation district, a fire and ambulance 11669  
district, or a joint fire district, the board of trustees of the 11670  
district; 11671

(5) A joint township hospital district, the joint township 11672  
hospital board; 11673

(6) A detention facility district or a district organized 11674  
under section 2151.65 of the Revised Code, a combined district 11675  
organized under sections 2152.41 and 2151.65 of the Revised Code, 11676  
or a joint emergency medical services district, the joint board of 11677  
county commissioners; 11678

(7) A township, a fire district organized under division (C) 11679  
of section 505.37 of the Revised Code, or a township police 11680  
district, the board of township trustees; 11681

(8) A joint solid waste management district organized under 11682  
section 343.01 or 343.012 of the Revised Code, the board of 11683  
directors of the district; 11684

(9) A subdivision described in division (MM)~~(17)~~(18) of this 11685  
section, the legislative or governing body or official; 11686

(10) A joint police district, the joint police district 11687  
board. 11688

(OO) "Tax limitation" means the "ten-mill limitation" as 11689  
defined in section 5705.02 of the Revised Code without diminution 11690  
by reason of section 5705.313 of the Revised Code or otherwise, 11691  
or, in the case of a municipal corporation or county with a 11692  
different charter limitation on property taxes levied to pay debt 11693  
charges on unvoted securities, that charter limitation. Those 11694  
limitations shall be respectively referred to as the "ten-mill 11695  
limitation" and the "charter tax limitation." 11696

(PP) "Tax valuation" means the aggregate of the valuations of 11697  
property subject to ad valorem property taxation by the 11698  
subdivision on the real property, personal property, and public 11699  
utility property tax lists and duplicates most recently certified 11700  
for collection, and shall be calculated without deductions of the 11701  
valuations of otherwise taxable property exempt in whole or in 11702  
part from taxation by reason of exemptions of certain amounts of 11703  
taxable value under division (C) of section 5709.01, tax 11704  
reductions under section 323.152 of the Revised Code, or similar 11705  
laws now or in the future in effect. 11706

For purposes of section 133.06 of the Revised Code, "tax 11707  
valuation" shall not include the valuation of tangible personal 11708  
property used in business, telephone or telegraph property, 11709  
interexchange telecommunications company property, or personal 11710  
property owned or leased by a railroad company and used in 11711  
railroad operations listed under or described in section 5711.22, 11712  
division (B) or (F) of section 5727.111, or section 5727.12 of the 11713  
Revised Code. 11714

(QQ) "Year" means the calendar year. 11715

(RR) "Administrative agent," "agent," "commercial paper," 11716  
"floating rate interest structure," "indexing agent," "interest 11717



rate hedge," "interest rate period," "put arrangement," and 11718  
"remarketing agent" have the same meanings as in section 9.98 of 11719  
the Revised Code. 11720

(SS) "Sales tax supported" means obligations to the payment 11721  
of debt charges on which an additional sales tax or additional 11722  
sales taxes have been pledged by the taxing authority of a county 11723  
pursuant to section 133.081 of the Revised Code. 11724

**Sec. 133.06.** (A) A school district shall not incur, without a 11725  
vote of the electors, net indebtedness that exceeds an amount 11726  
equal to one-tenth of one per cent of its tax valuation, except as 11727  
provided in divisions (G) and (H) of this section and in division 11728  
(C) of section 3313.372 of the Revised Code, or as prescribed in 11729  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 11730  
division (J) of this section. 11731

(B) Except as provided in divisions (E), (F), and (I) of this 11732  
section, a school district shall not incur net indebtedness that 11733  
exceeds an amount equal to nine per cent of its tax valuation. 11734

(C) A school district shall not submit to a vote of the 11735  
electors the question of the issuance of securities in an amount 11736  
that will make the district's net indebtedness after the issuance 11737  
of the securities exceed an amount equal to four per cent of its 11738  
tax valuation, unless the superintendent of public instruction, 11739  
acting under policies adopted by the state board of education, and 11740  
the tax commissioner, acting under written policies of the 11741  
commissioner, consent to the submission. A request for the 11742  
consents shall be made at least one hundred twenty days prior to 11743  
the election at which the question is to be submitted. 11744

The superintendent of public instruction shall certify to the 11745  
district the superintendent's and the tax commissioner's decisions 11746  
within thirty days after receipt of the request for consents. 11747

If the electors do not approve the issuance of securities at 11748  
the election for which the superintendent of public instruction 11749  
and tax commissioner consented to the submission of the question, 11750  
the school district may submit the same question to the electors 11751  
on the date that the next special election may be held under 11752  
section 3501.01 of the Revised Code without submitting a new 11753  
request for consent. If the school district seeks to submit the 11754  
same question at any other subsequent election, the district shall 11755  
first submit a new request for consent in accordance with this 11756  
division. 11757

(D) In calculating the net indebtedness of a school district, 11758  
none of the following shall be considered: 11759

(1) Securities issued to acquire school buses and other 11760  
equipment used in transporting pupils or issued pursuant to 11761  
division (D) of section 133.10 of the Revised Code; 11762

(2) Securities issued under division (F) of this section, 11763  
under section 133.301 of the Revised Code, and, to the extent in 11764  
excess of the limitation stated in division (B) of this section, 11765  
under division (E) of this section; 11766

(3) Indebtedness resulting from the dissolution of a joint 11767  
vocational school district under section 3311.217 of the Revised 11768  
Code, evidenced by outstanding securities of that joint vocational 11769  
school district; 11770

(4) Loans, evidenced by any securities, received under 11771  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 11772  
Revised Code; 11773

(5) Debt incurred under section 3313.374 of the Revised Code; 11774

(6) Debt incurred pursuant to division (B)(5) of section 11775  
3313.37 of the Revised Code to acquire computers and related 11776  
hardware; 11777

|                                                                                                                                                                                                                                |                                  |
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| (7) Debt incurred under section 3318.042 of the Revised Code.                                                                                                                                                                  | 11778                            |
| (E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.                                                                                                | 11779<br>11780                   |
| (1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:                                                                                  | 11781<br>11782<br>11783          |
| (a) The student population is not being adequately serviced by the existing permanent improvements of the district.                                                                                                            | 11784<br>11785                   |
| (b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs. | 11786<br>11787<br>11788<br>11789 |
| (2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:                                                         | 11790<br>11791<br>11792          |
| (a) <del>A history of and a projection of the growth of the student population;</del>                                                                                                                                          | 11793<br>11794                   |
| <del>(b)</del> The history of and a projection of the growth of the tax valuation;                                                                                                                                             | 11795<br>11796                   |
| <del>(c)</del> <u>(b)</u> The projected needs;                                                                                                                                                                                 | 11797                            |
| <del>(d)</del> <u>(c)</u> The estimated cost of permanent improvements proposed to meet such projected needs.                                                                                                                  | 11798<br>11799                   |
| (3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:                                                               | 11800<br>11801<br>11802          |
| (a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.                                                                                                | 11803<br>11804<br>11805          |
| (b) The projection of the potential average growth of tax                                                                                                                                                                      | 11806                            |

valuation during the next five years, according to the information 11807  
certified to the superintendent and any other information the 11808  
superintendent obtains, indicates a likelihood of potential 11809  
average growth of tax valuation of the district during the next 11810  
five years of an average of not less than ~~three~~ one and one-half 11811  
per cent per year. The findings and certification of the 11812  
superintendent shall be conclusive. 11813

(4) An approved special needs district may incur net 11814  
indebtedness by the issuance of securities in accordance with the 11815  
provisions of this chapter in an amount that does not exceed an 11816  
amount equal to the greater of the following: 11817

(a) ~~Nine~~ Twelve per cent of the sum of its tax valuation plus 11818  
an amount that is the product of multiplying that tax valuation by 11819  
the percentage by which the tax valuation has increased over the 11820  
tax valuation on the first day of the sixtieth month preceding the 11821  
month in which its board determines to submit to the electors the 11822  
question of issuing the proposed securities; 11823

(b) ~~Nine~~ Twelve per cent of the sum of its tax valuation plus 11824  
an amount that is the product of multiplying that tax valuation by 11825  
the percentage, determined by the superintendent of public 11826  
instruction, by which that tax valuation is projected to increase 11827  
during the next ten years. 11828

(F) A school district may issue securities for emergency 11829  
purposes, in a principal amount that does not exceed an amount 11830  
equal to three per cent of its tax valuation, as provided in this 11831  
division. 11832

(1) A board of education, by resolution, may declare an 11833  
emergency if it determines both of the following: 11834

(a) School buildings or other necessary school facilities in 11835  
the district have been wholly or partially destroyed, or condemned 11836  
by a constituted public authority, or that such buildings or 11837

facilities are partially constructed, or so constructed or planned 11838  
as to require additions and improvements to them before the 11839  
buildings or facilities are usable for their intended purpose, or 11840  
that corrections to permanent improvements are necessary to remove 11841  
or prevent health or safety hazards. 11842

(b) Existing fiscal and net indebtedness limitations make 11843  
adequate replacement, additions, or improvements impossible. 11844

(2) Upon the declaration of an emergency, the board of 11845  
education may, by resolution, submit to the electors of the 11846  
district pursuant to section 133.18 of the Revised Code the 11847  
question of issuing securities for the purpose of paying the cost, 11848  
in excess of any insurance or condemnation proceeds received by 11849  
the district, of permanent improvements to respond to the 11850  
emergency need. 11851

(3) The procedures for the election shall be as provided in 11852  
section 133.18 of the Revised Code, except that: 11853

(a) The form of the ballot shall describe the emergency 11854  
existing, refer to this division as the authority under which the 11855  
emergency is declared, and state that the amount of the proposed 11856  
securities exceeds the limitations prescribed by division (B) of 11857  
this section; 11858

(b) The resolution required by division (B) of section 133.18 11859  
of the Revised Code shall be certified to the county auditor and 11860  
the board of elections at least one hundred days prior to the 11861  
election; 11862

(c) The county auditor shall advise and, not later than 11863  
ninety-five days before the election, confirm that advice by 11864  
certification to, the board of education of the information 11865  
required by division (C) of section 133.18 of the Revised Code; 11866

(d) The board of education shall then certify its resolution 11867  
and the information required by division (D) of section 133.18 of 11868

the Revised Code to the board of elections not less than ninety 11869  
days prior to the election. 11870

(4) Notwithstanding division (B) of section 133.21 of the 11871  
Revised Code, the first principal payment of securities issued 11872  
under this division may be set at any date not later than sixty 11873  
months after the earliest possible principal payment otherwise 11874  
provided for in that division. 11875

(G) The board of education may contract with an architect, 11876  
professional engineer, or other person experienced in the design 11877  
and implementation of energy conservation measures for an analysis 11878  
and recommendations pertaining to installations, modifications of 11879  
installations, or remodeling that would significantly reduce 11880  
energy consumption in buildings owned by the district. The report 11881  
shall include estimates of all costs of such installations, 11882  
modifications, or remodeling, including costs of design, 11883  
engineering, installation, maintenance, repairs, and debt service, 11884  
forgone residual value of materials or equipment replaced by the 11885  
energy conservation measure, as defined by the Ohio school 11886  
facilities commission, a baseline analysis of actual energy 11887  
consumption data for the preceding five years, and estimates of 11888  
the amounts by which energy consumption and resultant operational 11889  
and maintenance costs, as defined by the ~~Ohio school facilities~~ 11890  
commission, would be reduced. 11891

If the board finds after receiving the report that the amount 11892  
of money the district would spend on such installations, 11893  
modifications, or remodeling is not likely to exceed the amount of 11894  
money it would save in energy and resultant operational and 11895  
maintenance costs over the ensuing fifteen years, the board may 11896  
submit to the commission a copy of its findings and a request for 11897  
approval to incur indebtedness to finance the making or 11898  
modification of installations or the remodeling of buildings for 11899  
the purpose of significantly reducing energy consumption. 11900

If the commission determines that the board's findings are 11901  
reasonable, it shall approve the board's request. Upon receipt of 11902  
the commission's approval, the district may issue securities 11903  
without a vote of the electors in a principal amount not to exceed 11904  
nine-tenths of one per cent of its tax valuation for the purpose 11905  
of making such installations, modifications, or remodeling, but 11906  
the total net indebtedness of the district without a vote of the 11907  
electors incurred under this and all other sections of the Revised 11908  
Code, except section 3318.052 of the Revised Code, shall not 11909  
exceed one per cent of the district's tax valuation. 11910

So long as any securities issued under division (G) of this 11911  
section remain outstanding, the board of education shall monitor 11912  
the energy consumption and resultant operational and maintenance 11913  
costs of buildings in which installations or modifications have 11914  
been made or remodeling has been done pursuant to division (G) of 11915  
this section and shall maintain and annually update a report 11916  
documenting the reductions in energy consumption and resultant 11917  
operational and maintenance cost savings attributable to such 11918  
installations, modifications, or remodeling. The report shall be 11919  
certified by an architect or engineer independent of any person 11920  
that provided goods or services to the board in connection with 11921  
the energy conservation measures that are the subject of the 11922  
report. The resultant operational and maintenance cost savings 11923  
shall be certified by the school district treasurer. The report 11924  
shall be ~~made available~~ submitted annually to the commission ~~upon~~ 11925  
~~request~~. 11926

(H) With the consent of the superintendent of public 11927  
instruction, a school district may incur without a vote of the 11928  
electors net indebtedness that exceeds the amounts stated in 11929  
divisions (A) and (G) of this section for the purpose of paying 11930  
costs of permanent improvements, if and to the extent that both of 11931  
the following conditions are satisfied: 11932

(1) The fiscal officer of the school district estimates that 11933  
receipts of the school district from payments made under or 11934  
pursuant to agreements entered into pursuant to section 725.02, 11935  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 11936  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 11937  
Code, or distributions under division (C) of section 5709.43 of 11938  
the Revised Code, or any combination thereof, are, after 11939  
accounting for any appropriate coverage requirements, sufficient 11940  
in time and amount, and are committed by the proceedings, to pay 11941  
the debt charges on the securities issued to evidence that 11942  
indebtedness and payable from those receipts, and the taxing 11943  
authority of the district confirms the fiscal officer's estimate, 11944  
which confirmation is approved by the superintendent of public 11945  
instruction; 11946

(2) The fiscal officer of the school district certifies, and 11947  
the taxing authority of the district confirms, that the district, 11948  
at the time of the certification and confirmation, reasonably 11949  
expects to have sufficient revenue available for the purpose of 11950  
operating such permanent improvements for their intended purpose 11951  
upon acquisition or completion thereof, and the superintendent of 11952  
public instruction approves the taxing authority's confirmation. 11953

The maximum maturity of securities issued under division (H) 11954  
of this section shall be the lesser of twenty years or the maximum 11955  
maturity calculated under section 133.20 of the Revised Code. 11956

(I) A school district may incur net indebtedness by the 11957  
issuance of securities in accordance with the provisions of this 11958  
chapter in excess of the limit specified in division (B) or (C) of 11959  
this section when necessary to raise the school district portion 11960  
of the basic project cost and any additional funds necessary to 11961  
participate in a project under Chapter 3318. of the Revised Code, 11962  
including the cost of items designated by the Ohio school 11963  
facilities commission as required locally funded initiatives, the 11964



cost of other locally funded initiatives in an amount that does 11965  
not exceed fifty per cent of the district's portion of the basic 11966  
project cost, and the cost for site acquisition. The school 11967  
facilities commission shall notify the superintendent of public 11968  
instruction whenever a school district will exceed either limit 11969  
pursuant to this division. 11970

(J) A school district whose portion of the basic project cost 11971  
of its classroom facilities project under sections 3318.01 to 11972  
3318.20 of the Revised Code is greater than or equal to one 11973  
hundred million dollars may incur without a vote of the electors 11974  
net indebtedness in an amount up to two per cent of its tax 11975  
valuation through the issuance of general obligation securities in 11976  
order to generate all or part of the amount of its portion of the 11977  
basic project cost if the controlling board has approved the 11978  
school facilities commission's conditional approval of the project 11979  
under section 3318.04 of the Revised Code. The school district 11980  
board and the Ohio school facilities commission shall include the 11981  
dedication of the proceeds of such securities in the agreement 11982  
entered into under section 3318.08 of the Revised Code. No state 11983  
moneys shall be released for a project to which this section 11984  
applies until the proceeds of any bonds issued under this section 11985  
that are dedicated for the payment of the school district portion 11986  
of the project are first deposited into the school district's 11987  
project construction fund. 11988

**Sec. 133.09.** (A) Unless it is a township that has adopted a 11989  
limited home rule government under Chapter 504. of the Revised 11990  
Code, a township shall not incur net indebtedness that exceeds an 11991  
amount equal to five per cent of its tax valuation and, except as 11992  
specifically authorized by section 505.262 of the Revised Code or 11993  
other laws, shall not incur any net indebtedness unless authorized 11994  
by vote of the electors. 11995

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (B) A township that has adopted a limited home rule government under Chapter 504. of the Revised Code shall not incur net indebtedness that exceeds an amount equal to ten and one-half per cent of its tax valuation, or incur without a vote of the electors net indebtedness that exceeds an amount equal to five and one-half per cent of that tax valuation. In calculating the net indebtedness of a township that has adopted a limited home rule government, none of the following securities shall be considered:                                         | 11996<br>11997<br>11998<br>11999<br>12000<br>12001<br>12002<br>12003          |
| (1) Self-supporting securities issued for any purpose;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 12004                                                                         |
| (2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the township amounts equivalent to debt charges on the securities;                                                                                                                                                         | 12005<br>12006<br>12007<br>12008<br>12009<br>12010<br>12011                   |
| (3) Securities that are not general obligations of the township;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12012<br>12013                                                                |
| (4) Voted securities issued for the purposes of redevelopment to the extent that their principal amount does not exceed an amount equal to two per cent of the tax valuation of the township;                                                                                                                                                                                                                                                                                                                                                                      | 12014<br>12015<br>12016                                                       |
| (5) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, or for the purpose of acquiring or making other highway permanent improvements, to the extent that the resolution of the board of township trustees authorizing the issuance of the securities includes a covenant to appropriate from money distributed to the township under Chapter 4501., 4503., 4504., or 5735. of the Revised Code a sufficient amount to cover debt charges on and financing costs relating to the securities as they become due; | 12017<br>12018<br>12019<br>12020<br>12021<br>12022<br>12023<br>12024<br>12025 |
| (6) Securities issued for energy conservation measures under                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12026                                                                         |

section 505.264 of the Revised Code. 12027

(C) In calculating the net indebtedness of any township, no 12028  
obligation incurred under division (B) of section 513.17 or under 12029  
section 505.261, 505.264, 505.265, 505.267, or 505.37 of the 12030  
Revised Code, or in connection with a project undertaken pursuant 12031  
to Section 515.03 of H.B. 66 of the 126th general assembly ~~or~~ 12032  
Section 555.10 of H.B. 67 of the 127th general assembly, or 12033  
Section 755.20 of H.B. 153 of the 129th general assembly shall be 12034  
considered. 12035

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 12036  
legislation submit to the electors of the subdivision the question 12037  
of issuing any general obligation bonds, for one purpose, that the 12038  
subdivision has power or authority to issue. 12039

(B) When the taxing authority of a subdivision desires or is 12040  
required by law to submit the question of a bond issue to the 12041  
electors, it shall pass legislation that does all of the 12042  
following: 12043

(1) Declares the necessity and purpose of the bond issue; 12044

(2) States the date of the authorized election at which the 12045  
question shall be submitted to the electors; 12046

(3) States the amount, approximate date, estimated net 12047  
average rate of interest, and maximum number of years over which 12048  
the principal of the bonds may be paid; 12049

(4) Declares the necessity of levying a tax outside the tax 12050  
limitation to pay the debt charges on the bonds and any 12051  
anticipatory securities. 12052

The estimated net average interest rate shall be determined 12053  
by the taxing authority based on, among other factors, then 12054  
existing market conditions, and may reflect adjustments for any 12055  
anticipated direct payments expected to be received by the taxing 12056

authority from the government of the United States relating to the 12057  
bonds and the effect of any federal tax credits anticipated to be 12058  
available to owners of all or a portion of the bonds. The 12059  
estimated net average rate of interest, and any statutory or 12060  
charter limit on interest rates that may then be in effect and 12061  
that is subsequently amended, shall not be a limitation on the 12062  
actual interest rate or rates on the securities when issued. 12063

(C)(1) The taxing authority shall certify a copy of the 12064  
legislation passed under division (B) of this section to the 12065  
county auditor. The county auditor shall promptly calculate and 12066  
advise and, not later than seventy-five days before the election, 12067  
confirm that advice by certification to, the taxing authority the 12068  
estimated average annual property tax levy, expressed in cents or 12069  
dollars and cents for each one hundred dollars of tax valuation 12070  
and in mills for each one dollar of tax valuation, that the county 12071  
auditor estimates to be required throughout the stated maturity of 12072  
the bonds to pay the debt charges on the bonds. In calculating the 12073  
estimated average annual property tax levy for this purpose, the 12074  
county auditor shall assume that the bonds are issued in one 12075  
series bearing interest and maturing in substantially equal 12076  
principal amounts in each year over the maximum number of years 12077  
over which the principal of the bonds may be paid as stated in 12078  
that legislation, and that the amount of the tax valuation of the 12079  
subdivision for the current year remains the same throughout the 12080  
maturity of the bonds, except as otherwise provided in division 12081  
(C)(2) of this section. If the tax valuation for the current year 12082  
is not determined, the county auditor shall base the calculation 12083  
on the estimated amount of the tax valuation submitted by the 12084  
county auditor to the county budget commission. If the subdivision 12085  
is located in more than one county, the county auditor shall 12086  
obtain the assistance of the county auditors of the other 12087  
counties, and those county auditors shall provide assistance, in 12088  
establishing the tax valuation of the subdivision for purposes of 12089

certifying the estimated average annual property tax levy. 12090

(2) When considering the tangible personal property component 12091  
of the tax valuation of the subdivision, the county auditor shall 12092  
take into account the assessment percentages prescribed in section 12093  
5711.22 of the Revised Code. The tax commissioner may issue rules, 12094  
orders, or instructions directing how the assessment percentages 12095  
must be utilized. 12096

(D) After receiving the county auditor's advice under 12097  
division (C) of this section, the taxing authority by legislation 12098  
may determine to proceed with submitting the question of the issue 12099  
of securities, and shall, not later than the seventy-fifth day 12100  
before the day of the election, file the following with the board 12101  
of elections: 12102

(1) Copies of the legislation provided for in divisions (B) 12103  
and (D) of this section; 12104

(2) The amount of the estimated average annual property tax 12105  
levy, expressed in cents or dollars and cents for each one hundred 12106  
dollars of tax valuation and in mills for each one dollar of tax 12107  
valuation, as estimated and certified to the taxing authority by 12108  
the county auditor. 12109

(E)(1) The board of elections shall prepare the ballots and 12110  
make other necessary arrangements for the submission of the 12111  
question to the electors of the subdivision. If the subdivision is 12112  
located in more than one county, the board shall inform the boards 12113  
of elections of the other counties of the filings with it, and 12114  
those other boards shall if appropriate make the other necessary 12115  
arrangements for the election in their counties. The election 12116  
shall be conducted, canvassed, and certified in the manner 12117  
provided in Title XXXV of the Revised Code. 12118

(2) The election shall be held at the regular places for 12119  
voting in the subdivision. If the electors of only a part of a 12120

precinct are qualified to vote at the election the board of 12121  
elections may assign the electors in that part to an adjoining 12122  
precinct, including an adjoining precinct in another county if the 12123  
board of elections of the other county consents to and approves 12124  
the assignment. Each elector so assigned shall be notified of that 12125  
fact prior to the election by notice mailed by the board of 12126  
elections, in such manner as it determines, prior to the election. 12127

(3) The board of elections shall publish a notice of the 12128  
election, ~~once in one or more newspapers~~ a newspaper of general 12129  
circulation in the subdivision, ~~at least once~~ no later than ten 12130  
days prior to the election. The notice shall state all of the 12131  
following: 12132

(a) The principal amount of the proposed bond issue; 12133

(b) The stated purpose for which the bonds are to be issued; 12134

(c) The maximum number of years over which the principal of 12135  
the bonds may be paid; 12136

(d) The estimated additional average annual property tax 12137  
levy, expressed in cents or dollars and cents for each one hundred 12138  
dollars of tax valuation and in mills for each one dollar of tax 12139  
valuation, to be levied outside the tax limitation, as estimated 12140  
and certified to the taxing authority by the county auditor; 12141

(e) The first calendar year in which the tax is expected to 12142  
be due. 12143

(F)(1) The form of the ballot to be used at the election 12144  
shall be substantially either of the following, as applicable: 12145

(a) "Shall bonds be issued by the ..... (name of 12146  
subdivision) for the purpose of ..... (purpose of the bond 12147  
issue) in the principal amount of ..... (principal amount of 12148  
the bond issue), to be repaid annually over a maximum period of 12149  
..... (the maximum number of years over which the principal 12150

of the bonds may be paid) years, and an annual levy of property 12151  
taxes be made outside the ..... (as applicable, "ten-mill" or 12152  
"...charter tax") limitation, estimated by the county auditor to 12153  
average over the repayment period of the bond issue ..... 12154  
(number of mills) mills for each one dollar of tax valuation, 12155  
which amounts to ..... (rate expressed in cents or dollars 12156  
and cents, such as "36 cents" or "\$1.41") for each one hundred 12157  
dollars of tax valuation, commencing in ..... (first year the 12158  
tax will be levied), first due in calendar year ..... (first 12159  
calendar year in which the tax shall be due), to pay the annual 12160  
debt charges on the bonds, and to pay debt charges on any notes 12161  
issued in anticipation of those bonds? 12162

|  |                        |
|--|------------------------|
|  | For the bond issue     |
|  | Against the bond issue |

"

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12164  
12165  
12166  
(b) In the case of an election held pursuant to legislation 12167  
adopted under section 3375.43 or 3375.431 of the Revised Code: 12168  
"Shall bonds be issued for ..... (name of library) for 12169  
the purpose of ..... (purpose of the bond issue), in the 12170  
principal amount of ..... (amount of the bond issue) by 12171  
..... (the name of the subdivision that is to issue the bonds 12172  
and levy the tax) as the issuer of the bonds, to be repaid 12173  
annually over a maximum period of ..... (the maximum number 12174  
of years over which the principal of the bonds may be paid) years, 12175  
and an annual levy of property taxes be made outside the ten-mill 12176  
limitation, estimated by the county auditor to average over the 12177  
repayment period of the bond issue ..... (number of mills) 12178  
mills for each one dollar of tax valuation, which amounts to 12179  
..... (rate expressed in cents or dollars and cents, such as 12180  
"36 cents" or "\$1.41") for each one hundred dollars of tax 12181  
valuation, commencing in ..... (first year the tax will be 12182

levied), first due in calendar year ..... (first calendar 12183  
year in which the tax shall be due), to pay the annual debt 12184  
charges on the bonds, and to pay debt charges on any notes issued 12185  
in anticipation of those bonds? 12186

|  |                        |
|--|------------------------|
|  | For the bond issue     |
|  | Against the bond issue |

"

12187  
12188  
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(2) The purpose for which the bonds are to be issued shall be 12191  
printed in the space indicated, in boldface type. 12192

(G) The board of elections shall promptly certify the results 12193  
of the election to the tax commissioner, the county auditor of 12194  
each county in which any part of the subdivision is located, and 12195  
the fiscal officer of the subdivision. The election, including the 12196  
proceedings for and result of the election, is incontestable other 12197  
than in a contest filed under section 3515.09 of the Revised Code 12198  
in which the plaintiff prevails. 12199

(H) If a majority of the electors voting upon the question 12200  
vote for it, the taxing authority of the subdivision may proceed 12201  
under sections 133.21 to 133.33 of the Revised Code with the 12202  
issuance of the securities and with the levy and collection of a 12203  
property tax outside the tax limitation during the period the 12204  
securities are outstanding sufficient in amount to pay the debt 12205  
charges on the securities, including debt charges on any 12206  
anticipatory securities required to be paid from that tax. If 12207  
legislation passed under section 133.22 or 133.23 of the Revised 12208  
Code authorizing those securities is filed with the county auditor 12209  
on or before the last day of November, the amount of the voted 12210  
property tax levy required to pay debt charges or estimated debt 12211  
charges on the securities payable in the following year shall if 12212  
requested by the taxing authority be included in the taxes levied 12213



for collection in the following year under section 319.30 of the Revised Code. 12214  
12215

(I)(1) If, before any securities authorized at an election under this section are issued, the net indebtedness of the subdivision exceeds that applicable to that subdivision or those securities, then and so long as that is the case none of the securities may be issued. 12216  
12217  
12218  
12219  
12220

(2) No securities authorized at an election under this section may be initially issued after the first day of the sixth January following the election, but this period of limitation shall not run for any time during which any part of the permanent improvement for which the securities have been authorized, or the issuing or validity of any part of the securities issued or to be issued, or the related proceedings, is involved or questioned before a court or a commission or other tribunal, administrative agency, or board. 12221  
12222  
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(3) Securities representing a portion of the amount authorized at an election that are issued within the applicable limitation on net indebtedness are valid and in no manner affected by the fact that the balance of the securities authorized cannot be issued by reason of the net indebtedness limitation or lapse of time. 12230  
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12232  
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(4) Nothing in this division (I) shall be interpreted or applied to prevent the issuance of securities in an amount to fund or refund anticipatory securities lawfully issued. 12236  
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(5) The limitations of divisions (I)(1) and (2) of this section do not apply to any securities authorized at an election under this section if at least ten per cent of the principal amount of the securities, including anticipatory securities, authorized has theretofore been issued, or if the securities are to be issued for the purpose of participating in any federally or 12239  
12240  
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state-assisted program. 12245

(6) The certificate of the fiscal officer of the subdivision 12246  
is conclusive proof of the facts referred to in this division. 12247

**Sec. 133.20.** (A) This section applies to bonds that are 12248  
general obligation Chapter 133. securities. If the bonds are 12249  
payable as to principal by provision for annual installments, the 12250  
period of limitations on their last maturity, referred to as their 12251  
maximum maturity, shall be measured from a date twelve months 12252  
prior to the first date on which provision for payment of 12253  
principal is made. If the bonds are payable as to principal by 12254  
provision for semiannual installments, the period of limitations 12255  
on their last maturity shall be measured from a date six months 12256  
prior to the first date on which provision for payment of 12257  
principal is made. 12258

(B) Bonds issued for the following permanent improvements or 12259  
for permanent improvements for the following purposes shall have 12260  
maximum maturities not exceeding the number of years stated: 12261

(1) Fifty years: 12262

(a) The clearance and preparation of real property for 12263  
redevelopment as an urban redevelopment project; 12264

(b) Acquiring, constructing, widening, relocating, enlarging, 12265  
extending, and improving a publicly owned railroad or line of 12266  
railway or a light or heavy rail rapid transit system, including 12267  
related bridges, overpasses, underpasses, and tunnels, but not 12268  
including rolling stock or equipment; 12269

(c) Pursuant to section 307.675 of the Revised Code, 12270  
constructing or repairing a bridge using long life expectancy 12271  
material for the bridge deck, and purchasing, installing, and 12272  
maintaining any performance equipment to monitor the physical 12273  
condition of a bridge so constructed or repaired. Additionally, 12274

|                                                                  |       |
|------------------------------------------------------------------|-------|
| the average maturity of the bonds shall not exceed the expected  | 12275 |
| useful life of the bridge deck as determined by the county       | 12276 |
| engineer under that section.                                     | 12277 |
| (2) Forty years:                                                 | 12278 |
| (a) General waterworks or water system permanent                 | 12279 |
| improvements, including buildings, water mains, or other         | 12280 |
| structures and facilities in connection therewith;               | 12281 |
| (b) Sewers or sewage treatment or disposal works or              | 12282 |
| facilities, including fireproof buildings or other structures in | 12283 |
| connection therewith;                                            | 12284 |
| (c) Storm water drainage, surface water, and flood prevention    | 12285 |
| facilities.                                                      | 12286 |
| (3) Thirty-five years:                                           | 12287 |
| (a) An arena, a convention center, or a combination of an        | 12288 |
| arena and convention center under section 307.695 of the Revised | 12289 |
| Code;                                                            | 12290 |
| (b) Sports facilities.                                           | 12291 |
| (4) Thirty years:                                                | 12292 |
| (a) Municipal recreation, excluding recreational equipment;      | 12293 |
| (b) Urban redevelopment projects;                                | 12294 |
| (c) Acquisition of real property, except as provided in          | 12295 |
| division (F) of this section;                                    | 12296 |
| (d) Street or alley lighting purposes or relocating overhead     | 12297 |
| wires, cables, and appurtenant equipment underground.            | 12298 |
| (5) Twenty years: constructing, reconstructing, widening,        | 12299 |
| opening, improving, grading, draining, paving, extending, or     | 12300 |
| changing the line of roads, highways, expressways, freeways,     | 12301 |
| streets, sidewalks, alleys, or curbs and gutters, and related    | 12302 |
| bridges, viaducts, overpasses, underpasses, grade crossing       | 12303 |

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| eliminations, service and access highways, and tunnels.                                                                                                                                                                                                                                                                                                                                                           | 12304                                              |
| (6) Fifteen years:                                                                                                                                                                                                                                                                                                                                                                                                | 12305                                              |
| (a) Resurfacing roads, highways, streets, or alleys;                                                                                                                                                                                                                                                                                                                                                              | 12306                                              |
| (b) Alarm, telegraph, or other communications systems for<br>police or fire departments or other emergency services;                                                                                                                                                                                                                                                                                              | 12307<br>12308                                     |
| (c) Passenger buses used for mass transportation;                                                                                                                                                                                                                                                                                                                                                                 | 12309                                              |
| (d) Energy conservation measures as authorized by section<br>133.06 of the Revised Code.                                                                                                                                                                                                                                                                                                                          | 12310<br>12311                                     |
| (7) Ten years:                                                                                                                                                                                                                                                                                                                                                                                                    | 12312                                              |
| (a) Water meters;                                                                                                                                                                                                                                                                                                                                                                                                 | 12313                                              |
| (b) Fire department apparatus and equipment;                                                                                                                                                                                                                                                                                                                                                                      | 12314                                              |
| (c) Road rollers and other road construction and servicing<br>vehicles;                                                                                                                                                                                                                                                                                                                                           | 12315<br>12316                                     |
| (d) Furniture, equipment, and furnishings;                                                                                                                                                                                                                                                                                                                                                                        | 12317                                              |
| (e) Landscape planting and other site improvements;                                                                                                                                                                                                                                                                                                                                                               | 12318                                              |
| (f) Playground, athletic, and recreational equipment and<br>apparatus;                                                                                                                                                                                                                                                                                                                                            | 12319<br>12320                                     |
| (g) Energy conservation measures as authorized by section<br>505.264 of the Revised Code.                                                                                                                                                                                                                                                                                                                         | 12321<br>12322                                     |
| (8) Five years: New motor vehicles other than those described<br>in any other division of this section and those for which<br>provision is made in other provisions of the Revised Code.                                                                                                                                                                                                                          | 12323<br>12324<br>12325                            |
| (C) Bonds issued for any permanent improvements not within<br>the categories set forth in division (B) of this section shall<br>have maximum maturities of from five to thirty years as the fiscal<br>officer estimates is the estimated life or period of usefulness of<br>those permanent improvements. Bonds issued under section 133.51 of<br>the Revised Code for purposes other than permanent improvements | 12326<br>12327<br>12328<br>12329<br>12330<br>12331 |

shall have the maturities, not to exceed forty years, that the 12332  
taxing authority shall specify. Bonds issued for energy 12333  
conservation measures under section 307.041 of the Revised Code 12334  
shall have maximum maturities not exceeding the lesser of the 12335  
average life of the energy conservation measures as detailed in 12336  
the energy conservation report prepared under that section or 12337  
thirty years. 12338

(D) Securities issued under section 505.265 of the Revised 12339  
Code shall mature not later than December 31, 2035. 12340

(E) A securities issue for one purpose may include permanent 12341  
improvements within two or more categories under divisions (B) and 12342  
(C) of this section. The maximum maturity of such a bond issue 12343  
shall not exceed the average number of years of life or period of 12344  
usefulness of the permanent improvements as measured by the 12345  
weighted average of the amounts expended or proposed to be 12346  
expended for the categories of permanent improvements. 12347

(F) Securities issued by a school district or county to 12348  
acquire or construct real property shall have a maximum maturity 12349  
longer than thirty years, but not longer than forty years, if the 12350  
~~school district's~~ fiscal officer of the school district or county 12351  
estimates the real property's useful life to be longer than thirty 12352  
years, and certifies that estimate to the board of education or 12353  
board of county commissioners, respectively. 12354

**Sec. 133.55.** Before adopting any reassessment provided for in 12355  
section 133.54 of the Revised Code, the fiscal officer shall 12356  
prepare and file for public inspection a list containing the names 12357  
of the owners, a tax duplicate description of each parcel of land 12358  
on which the reassessment will be levied, and the total amount to 12359  
be reassessed, separately stated as to each parcel, and the taxing 12360  
authority shall publish notice for two consecutive weeks in a 12361  
newspaper of general circulation in the political subdivision, or 12362

as provided in section 7.16 of the Revised Code, that such 12363  
reassessment has been prepared by the fiscal officer and that it 12364  
is on file in ~~his~~ the fiscal officer's office for the inspection 12365  
and examination of the persons interested therein. Sections 12366  
727.13, 727.15, and 727.16 of the Revised Code do not apply to any 12367  
such assessments, but any person may file objections in writing 12368  
with the fiscal officer within one week after the expiration of 12369  
such notice and the taxing authority shall hear and determine any 12370  
such objections at its next meeting. Such objections shall be 12371  
limited solely to matters of description of parcels and owners and 12372  
of computations of amounts, and no matters concluded by any 12373  
proceedings on the original assessments shall form the basis for 12374  
any such objections. When the reassessment list is confirmed by 12375  
the taxing authority, it shall be complete and final and shall be 12376  
recorded in the office of the fiscal officer. 12377

**Sec. 135.05.** Each governing board shall, at least three weeks 12378  
prior to the date when it is required by section 135.12 of the 12379  
Revised Code to designate public depositories, by resolution, 12380  
estimate the aggregate maximum amount of public moneys subject to 12381  
its control to be awarded and be on deposit as inactive deposits. 12382  
The state board of deposit shall cause a copy of such resolution, 12383  
together with a notice of the date on which the meeting of the 12384  
board for the designation of such depositories will be held and 12385  
the period for which such inactive deposits will be awarded, to be 12386  
published once a week for two consecutive weeks in two newspapers 12387  
of general circulation in each of the three most populous 12388  
counties. The governing board of each subdivision shall cause a 12389  
copy of such resolution, together with a notice of the date on 12390  
which the meeting of the board for the designation of such 12391  
depositories will be held and the period for which such inactive 12392  
deposits will be awarded, to be published once a week for two 12393  
consecutive weeks in ~~two newspapers~~ a newspaper of ~~opposite~~ 12394

~~politics and of~~ general circulation in the county or as provided 12395  
in section 7.16 of the Revised Code. If a subdivision is located 12396  
in more than one county, such publication shall be made in 12397  
~~newspapers published~~ a newspaper of general circulation in the 12398  
county in which the major part of such subdivision is located, and 12399  
of general circulation in the subdivision. A written notice 12400  
stating the aggregate maximum amount to be awarded as inactive 12401  
deposits of the subdivision shall be given to each eligible 12402  
depository by the governing board at the time the first 12403  
publication is made in the ~~newspapers~~ newspaper. 12404

All deposits of the public moneys of the state or any 12405  
subdivision made during the period covered by the designation in 12406  
excess of the aggregate amount so estimated shall be active 12407  
deposits or interim deposits. Inactive, interim, and active 12408  
deposits shall be separately awarded, made, and administered as 12409  
provided by sections 135.01 to 135.21, ~~inclusive~~, of the Revised 12410  
Code. 12411

**Sec. 135.61.** As used in sections 135.61 to 135.67 of the 12412  
Revised Code: 12413

(A) "Eligible small business" means any person, including, 12414  
but not limited to a person engaged in agriculture, that has all 12415  
of the following characteristics: 12416

(1) Is headquartered in this state; 12417

(2) Maintains offices and operating facilities exclusively in 12418  
this state and transacts business in this state; 12419

(3) Employs fewer than one hundred fifty employees, the 12420  
majority of whom are residents of this state; 12421

(4) Is organized for profit. 12422

(B) "Eligible lending institution" means a financial 12423  
institution that is eligible to make commercial loans, is a public 12424

depository of state funds under section 135.03 of the Revised Code, and agrees to participate in the linked deposit program.

(C) "Linked deposit" means a certificate of deposit or other financial institution instrument placed by the treasurer of state with an eligible lending institution at a rate below current market rates, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in division (C) of section 135.65 of the Revised Code, to eligible small businesses at a rate that reflects an equal percentage rate reduction below the present borrowing rate applicable to each specific business at the time of the deposit of state funds in the institution.

(D) "Other financial institution instrument" has the same meaning as in section 135.81 of the Revised Code.

**Sec. 135.65.** (A) The treasurer of state may accept or reject a linked deposit loan package or any portion thereof, based on the treasurer's evaluation of the eligible small businesses included in the package and the amount of state funds to be deposited. When evaluating the eligible small businesses, the treasurer shall give priority to the economic needs of the area where the business is located and the ratio of state funds to be deposited to jobs sustained or created and shall also consider any reports, statements, or plans applicable to the business, the overall financial need of the business, and such other factors as the treasurer considers appropriate.

(B) Upon acceptance of the linked deposit loan package or any portion thereof, the treasurer of state may place certificates of deposit or other financial institution instruments with the eligible lending institution at a rate below current market rates, as determined and calculated by the treasurer of state. When



necessary, the treasurer may place certificates of deposit or 12456  
other financial institution instruments prior to acceptance of a 12457  
linked deposit loan package. 12458

(C) The eligible lending institution shall enter into a 12459  
deposit agreement with the treasurer of state, which shall include 12460  
requirements necessary to carry out the purposes of sections 12461  
135.61 to 135.67 of the Revised Code. Such requirements shall 12462  
reflect the market conditions prevailing in the eligible lending 12463  
institution's lending area. The agreement may include a 12464  
specification of the period of time in which the lending 12465  
institution is to lend funds upon the placement of a linked 12466  
deposit, and shall include provisions for the certificates of 12467  
deposit or other financial institution instruments to be placed 12468  
for any maturity considered appropriate by the treasurer of state 12469  
not to exceed two years, and may be renewed for up to an 12470  
additional two years at the option of the treasurer. Interest 12471  
shall be paid at the times determined by the treasurer of state. 12472

(D) Eligible lending institutions shall comply fully with 12473  
Chapter 135. of the Revised Code. 12474

**Sec. 135.66.** (A) Upon the placement of a linked deposit with 12475  
an eligible lending institution, such institution is required to 12476  
lend such funds to each approved eligible small business listed in 12477  
the linked deposit loan package required by division (D) of 12478  
section 135.64 of the Revised Code and in accordance with the 12479  
deposit agreement required by division (C) of section 135.65 of 12480  
the Revised Code. The loan shall be at a rate that reflects a 12481  
percentage rate reduction below the present borrowing rate 12482  
applicable to each business that is equal to the percentage rate 12483  
reduction below market rates at which the ~~certificate~~ certificates 12484  
of ~~deposits~~ deposit or other financial institution instruments 12485  
that constitute the linked deposit were placed. A certification of 12486

compliance with this section in the form and manner as prescribed 12487  
by the treasurer of state shall be required of the eligible 12488  
lending institution. 12489

(B) The treasurer of state shall take any and all steps 12490  
necessary to implement the linked deposit program and monitor 12491  
compliance of eligible lending institutions and eligible small 12492  
businesses, including the development of guidelines as necessary. 12493  
The treasurer of state and the department of development shall 12494  
notify each other at least quarterly of the names of the 12495  
businesses receiving financial assistance from their respective 12496  
programs. 12497

Annually, by the first day of February, the treasurer of 12498  
state shall report on the linked deposits program for the 12499  
preceding calendar year to the governor, the speaker of the house 12500  
of representatives, and the president of the senate. The speaker 12501  
of the house shall transmit copies of this report to the 12502  
chairpersons of the standing committees in the house which 12503  
customarily consider legislation regarding agriculture and small 12504  
business, and the president of the senate shall transmit copies of 12505  
this report to the chairpersons of the standing committees in the 12506  
senate which customarily consider legislation regarding 12507  
agriculture and small business. The report shall set forth the 12508  
linked deposits made by the treasurer of state under the program 12509  
during the year and shall include information regarding the 12510  
nature, terms, and amounts of the loans upon which the linked 12511  
deposits were based and the eligible small businesses to which the 12512  
loans were made. 12513

**Sec. 145.27.** (A)(1) As used in this division, "personal 12514  
history record" means information maintained by the public 12515  
employees retirement board on an individual who is a member, 12516  
former member, contributor, former contributor, retirant, or 12517

beneficiary that includes the address, telephone number, social security number, record of contributions, correspondence with the public employees retirement system, or other information the board determines to be confidential.

(2) The records of the board shall be open to public inspection, except that the following shall be excluded, except with the written authorization of the individual concerned:

(a) The individual's statement of previous service and other information as provided for in section 145.16 of the Revised Code;

(b) The amount of a monthly allowance or benefit paid to the individual;

(c) The individual's personal history record.

(B) All medical reports and recommendations required by this chapter are privileged, except as follows:

(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician.

(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.

(C) Any person who is a member or contributor of the system shall be furnished with a statement of the amount to the credit of the individual's account upon written request. The board is not required to answer more than one such request of a person in any one year. The board may issue annual statements of accounts to members and contributors.

(D) Notwithstanding the exceptions to public inspection in

division (A)(2) of this section, the board may furnish the 12548  
following information: 12549

(1) If a member, former member, contributor, former 12550  
contributor, or retirant is subject to an order issued under 12551  
section 2907.15 of the Revised Code or an order issued under 12552  
division (A) or (B) of section 2929.192 of the Revised Code or is 12553  
convicted of or pleads guilty to a violation of section 2921.41 of 12554  
the Revised Code, on written request of a prosecutor as defined in 12555  
section 2935.01 of the Revised Code, the board shall furnish to 12556  
the prosecutor the information requested from the individual's 12557  
personal history record. 12558

(2) Pursuant to a court or administrative order issued 12559  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 12560  
Code, the board shall furnish to a court or child support 12561  
enforcement agency the information required under that section. 12562

(3) At the written request of any person, the board shall 12563  
provide to the person a list of the names and addresses of 12564  
members, former members, contributors, former contributors, 12565  
retirants, or beneficiaries. The costs of compiling, copying, and 12566  
mailing the list shall be paid by such person. 12567

(4) Within fourteen days after receiving from the director of 12568  
job and family services a list of the names and social security 12569  
numbers of recipients of public assistance pursuant to section 12570  
5101.181 of the Revised Code, the board shall inform the auditor 12571  
of state of the name, current or most recent employer address, and 12572  
social security number of each member whose name and social 12573  
security number are the same as that of a person whose name or 12574  
social security number was submitted by the director. The board 12575  
and its employees shall, except for purposes of furnishing the 12576  
auditor of state with information required by this section, 12577  
preserve the confidentiality of recipients of public assistance in 12578  
compliance with ~~division (A) of~~ section 5101.181 of the Revised 12579

Code. 12580

(5) The system shall comply with orders issued under section 12581  
3105.87 of the Revised Code. 12582

On the written request of an alternate payee, as defined in 12583  
section 3105.80 of the Revised Code, the system shall furnish to 12584  
the alternate payee information on the amount and status of any 12585  
amounts payable to the alternate payee under an order issued under 12586  
section 3105.171 or 3105.65 of the Revised Code. 12587

(6) At the request of any person, the board shall make 12588  
available to the person copies of all documents, including 12589  
resumes, in the board's possession regarding filling a vacancy of 12590  
an employee member or retirant member of the board. The person who 12591  
made the request shall pay the cost of compiling, copying, and 12592  
mailing the documents. The information described in division 12593  
(D)(6) of this section is a public record. 12594

(7) The system shall provide the notice required by section 12595  
145.573 of the Revised Code to the prosecutor assigned to the 12596  
case. 12597

(E) A statement that contains information obtained from the 12598  
system's records that is signed by the executive director or an 12599  
officer of the system and to which the system's official seal is 12600  
affixed, or copies of the system's records to which the signature 12601  
and seal are attached, shall be received as true copies of the 12602  
system's records in any court or before any officer of this state. 12603

**Sec. 145.56.** The right of an individual to a pension, an 12604  
annuity, or a retirement allowance itself, the right of an 12605  
individual to any optional benefit, any other right accrued or 12606  
accruing to any individual, under this chapter, or under any 12607  
municipal retirement system established subject to this chapter 12608  
under the laws of this state or any charter, the various funds 12609

created by this chapter, or under such municipal retirement 12610  
system, and all moneys, investments, and income from moneys or 12611  
investments are exempt from any state tax, except the tax imposed 12612  
by section 5747.02 of the Revised Code, and are exempt from any 12613  
county, municipal, or other local tax, except income taxes imposed 12614  
pursuant to section 5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised 12615  
Code, and, except as provided in sections 145.57, 145.572, 12616  
145.573, 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 12617  
3123., and 3125. of the Revised Code, shall not be subject to 12618  
execution, garnishment, attachment, the operation of bankruptcy or 12619  
insolvency laws, or other process of law whatsoever, and shall be 12620  
unassignable except as specifically provided in this chapter and 12621  
sections 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 12622  
3123., and 3125. of the Revised Code. 12623

**Sec. 149.01.** Each elective state officer, the adjutant 12624  
general, the adult parole authority, the department of 12625  
agriculture, the director of administrative services, the public 12626  
utilities commission, the superintendent of insurance, the 12627  
superintendent of financial institutions, the superintendent of 12628  
purchases and printing, the state commissioner of soldiers' 12629  
claims, the fire marshal, the industrial commission, the 12630  
administrator of workers' compensation, the state department of 12631  
transportation, the department of health, the state medical board, 12632  
the state dental board, the board of embalmers and funeral 12633  
directors, the Ohio commission for the blind, the accountancy 12634  
board of Ohio, the state council of uniform state laws, the board 12635  
of commissioners of the sinking fund, the department of taxation, 12636  
the board of tax appeals, ~~the clerk of the supreme court,~~ the 12637  
division of liquor control, the director of state armories, the 12638  
trustees of the Ohio state university, and every private or 12639  
quasi-public institution, association, board, or corporation 12640  
receiving state money for its use and purpose shall make annually, 12641

at the end of each fiscal year, in quadruplicate, a report of the 12642  
transactions and proceedings of that office or department for that 12643  
fiscal year, excepting receipts and disbursements unless otherwise 12644  
specifically required by law. The report shall contain a summary 12645  
of the official acts of the officer, board, council, commission, 12646  
institution, association, or corporation and any suggestions and 12647  
recommendations that are proper. On the first day of August of 12648  
each year, one of the reports shall be filed with the governor, 12649  
one with the secretary of state, and one with the state library, 12650  
and one shall be kept on file in the office of the officer, board, 12651  
council, commission, institution, association, or corporation. 12652

**Sec. 149.091.** (A) ~~Except as otherwise provided in division~~ 12653  
~~(C) of this section, the~~ The secretary of state shall compile, 12654  
publish, and distribute the session laws either annually or 12655  
biennially in a paper or electronic format ~~a maximum of nine~~ 12656  
~~hundred copies of the session laws.~~ The annual or biennial 12657  
publication shall contain all enrolled acts and joint resolutions. 12658  
~~The secretary of state shall cause to be printed with each~~ 12659  
~~compilation of enrolled acts and joint resolutions distributed,~~ a 12660  
subject index, a table indicating Revised Code sections affected, 12661  
and the secretary of state's certificate that the laws, as 12662  
compiled and distributed, are true copies of the original enrolled 12663  
acts or joint resolutions in the secretary of state's office. 12664

(B)(1) The secretary of state ~~shall~~ may distribute the 12665  
~~compilations~~ paper or electronic format of the session laws ~~in~~ 12666  
free of charge to the following ~~manner~~ persons or entities: 12667

~~(1) One shall be forwarded to each~~ (a) Each county auditor. 12668

~~(2) One shall be forwarded to each~~ (b) Each county law 12669  
library. 12670

~~(3) Two hundred may be distributed, free of charge, to~~ (c) 12671  
Other public officials upon request of the public official. 12672

~~(4) Remaining compilations may be sold by the secretary of state at a price that shall not exceed the actual cost of publication and distribution.~~ 12673  
12674  
12675

~~(B) Notwithstanding division (C) of this section, the secretary of state shall compile, publish, and distribute, either annually or biennially, in permanently bound volumes, a minimum of twenty five copies of the session laws. The annual or biennial volumes shall contain copies of all enrolled acts and joint resolutions. The secretary of state shall cause to be printed with each volume of enrolled acts and joint resolutions distributed a subject index, a table indicating Revised Code sections affected, and the secretary of state's certificate that the laws so assembled are true copies of the original enrolled acts or joint resolutions in the secretary of state's office.~~ 12676  
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~~(2) The secretary of state shall distribute the permanently bound volumes paper or electronic format of the session laws in free of charge to the following manner persons or entities:~~ 12687  
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~~(1) Five copies shall be forwarded to the (a) The clerk of the house of representatives.~~ 12690  
12691

~~(2) Five copies shall be forwarded to the (b) The clerk of the senate.~~ 12692  
12693

~~(3) Five copies shall be forwarded to the (c) The legislative service commission.~~ 12694  
12695

~~(4) Two copies shall be forwarded to the (d) The Ohio supreme court.~~ 12696  
12697

~~(5) Two copies shall be forwarded to the (e) The document division of the library of congress.~~ 12698  
12699

~~(6) Two copies shall be forwarded to the (f) The state library.~~ 12700  
12701

~~(7) Two copies shall be forwarded to the (g) The Ohio~~ 12702



historical society. 12703

~~(8) Two copies shall be retained by the~~ The secretary of 12704  
state shall retain a paper or electronic format of the session 12705  
laws. 12706

~~(C) The secretary of state annually or biennially may~~ 12707  
~~compile, publish, and distribute the session laws in an electronic~~ 12708  
~~format instead of compiling and publishing the session laws as~~ 12709  
~~provided in division (A) of this section. If the secretary of~~ 12710  
~~state compiles and publishes the session laws in an electronic~~ 12711  
~~format, the following apply:~~ 12712

~~(1) The session laws in electronic format shall include~~ 12713  
~~copies of all enrolled acts and joint resolutions and shall~~ 12714  
~~contain a subject index and a table indicating Revised Code~~ 12715  
~~sections affected.~~ 12716

~~(2) Each compilation of the session laws in electronic format~~ 12717  
~~shall include the secretary of state's certificate that the laws~~ 12718  
~~so compiled and published are true copies of the original enrolled~~ 12719  
~~acts and joint resolutions in the secretary of state's office.~~ 12720

~~(3) The session laws may be distributed in an electronic~~ 12721  
~~format to public officials free of charge.~~ 12722

~~(4) The session laws may be sold in an~~ a paper or electronic 12723  
format to individuals or entities not specified in division ~~(A)~~ or 12724  
~~(B)~~ of this section. The price shall not exceed the actual cost of 12725  
producing and distributing the session laws in ~~an~~ a paper or 12726  
electronic format. 12727

**Sec. 149.11.** Any department, division, bureau, board, or 12728  
commission of the state government issuing a report, pamphlet, 12729  
document, or other publication intended for general public use and 12730  
distribution, which publication is reproduced by duplicating 12731  
processes such as mimeograph, multigraph, planograph, rotaprint, 12732

or multilith, or printed internally or through a contract awarded 12733  
to any person, company, or the state printing division of the 12734  
department of administrative services, shall cause to be delivered 12735  
to the state library one hundred copies of the publication, 12736  
subject to the provisions of section 125.42 of the Revised Code. 12737

The state library board shall distribute the publications so 12738  
received as follows: 12739

(A) Retain two copies in the state library; 12740

(B) Send two copies to the document division of the library 12741  
of congress; 12742

(C) Send one copy to the Ohio historical society and to each 12743  
public or college library in the state designated by the state 12744  
library board to be a depository for state publications. In 12745  
designating which libraries shall be depositories, the board shall 12746  
select those libraries that can best preserve those publications 12747  
and that are so located geographically as will make the 12748  
publications conveniently accessible to residents in all areas of 12749  
the state. 12750

(D) Send one copy to each state in exchange for like 12751  
publications of that state. 12752

The provisions of this section ~~shall~~ do not apply to any 12753  
publication of the general assembly or to the publications 12754  
described in sections 149.07, 149.08, 149.091, and 149.17 of the 12755  
Revised Code, except that the secretary of state shall forward to 12756  
the document division of the library of congress two copies of all 12757  
journals, two copies of the session laws ~~in bound form~~ as provided 12758  
for in section 149.091 of the Revised Code, and two copies of all 12759  
appropriation laws in separate form. 12760

Sec. 149.308. There is hereby created in the state treasury 12761  
the Ohio historical society income tax contribution fund, which 12762

shall consist of money contributed to it under section 5747.113 of 12763  
the Revised Code for taxable years beginning on or after January 12764  
1, 2011, and of contributions made directly to it. Any person may 12765  
contribute directly to the fund in addition to or independently of 12766  
the income tax refund contribution system established in section 12767  
5747.113 of the Revised Code. 12768

The Ohio historical society shall use money credited to the 12769  
fund in furtherance of the public functions with which the society 12770  
is charged under section 149.30 of the Revised Code. 12771

**Sec. 149.311.** (A) As used in this section: 12772

(1) "Historic building" means a building, including its 12773  
structural components, that is located in this state and that is 12774  
either individually listed on the national register of historic 12775  
places under 16 U.S.C. 470a, located in a registered historic 12776  
district, and certified by the state historic preservation officer 12777  
as being of historic significance to the district, or is 12778  
individually listed as a historic landmark designated by a local 12779  
government certified under 16 U.S.C. 470a(c). 12780

(2) "Qualified rehabilitation expenditures" means 12781  
expenditures paid or incurred during the rehabilitation period, 12782  
and before and after that period as determined under 26 U.S.C. 47, 12783  
by an owner of a historic building to rehabilitate the building. 12784  
"Qualified rehabilitation expenditures" includes architectural or 12785  
engineering fees paid or incurred in connection with the 12786  
rehabilitation, and expenses incurred in the preparation of 12787  
nomination forms for listing on the national register of historic 12788  
places. "Qualified rehabilitation expenditures" does not include 12789  
any of the following: 12790

(a) The cost of acquiring, expanding, or enlarging a historic 12791  
building; 12792

|                                                                                                                                                                                                                                                                                                                 |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;                                                                                                                                                                             | 12793<br>12794<br>12795                   |
| (c) New building construction costs.                                                                                                                                                                                                                                                                            | 12796                                     |
| (3) "Owner" of a historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.                                                                           | 12797<br>12798<br>12799<br>12800          |
| (4) "Certificate owner" means the owner of a historic building to which a rehabilitation tax credit certificate was issued under this section.                                                                                                                                                                  | 12801<br>12802<br>12803                   |
| (5) "Registered historic district" means a historic district listed in the national register of historic places under 16 U.S.C. 470a, a historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.             | 12804<br>12805<br>12806<br>12807<br>12808 |
| (6) "Rehabilitation" means the process of repairing or altering a historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.          | 12809<br>12810<br>12811<br>12812<br>12813 |
| (7) "Rehabilitation period" means one of the following:                                                                                                                                                                                                                                                         | 12814                                     |
| (a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner not to exceed twenty-four months during which rehabilitation occurs;                                                                                                                                | 12815<br>12816<br>12817                   |
| (b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner not to exceed sixty months during which rehabilitation occurs. <u>Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section.</u> | 12818<br>12819<br>12820<br>12821<br>12822 |

(8) "State historic preservation officer" or "officer" means 12823  
the state historic preservation officer appointed by the governor 12824  
under 16 U.S.C. 470a. 12825

~~(9) "Application period" means any of the following time 12826  
periods for which an application for a rehabilitation tax credit 12827  
certificate may be filed under this section: 12828~~

~~(a) July 1, 2007, through June 30, 2008; 12829~~

~~(b) July 1, 2009, through June 30, 2010; 12830~~

~~(c) July 1, 2010, through June 30, 2011. 12831~~

(B) ~~For any application period, the~~ The owner of a historic 12832  
building may apply to the ~~state historic preservation officer~~ 12833  
director of development for a rehabilitation tax credit 12834  
certificate for qualified rehabilitation expenditures paid or 12835  
incurred after April 4, 2007, for rehabilitation of a historic 12836  
building. The form and manner of filing such applications shall be 12837  
prescribed by rule of the director of development, ~~and, except as~~ 12838  
~~otherwise provided in division (D) of this section, applications~~ 12839  
~~expire at the end of each application period.~~ Each application 12840  
shall state the amount of qualified rehabilitation expenditures 12841  
the applicant estimates will be paid or incurred. The director may 12842  
require applicants to furnish documentation of such estimates. 12843

The director, after consultation with the tax commissioner 12844  
and in accordance with Chapter 119. of the Revised Code, shall 12845  
adopt rules that establish all of the following: 12846

(1) Forms and procedures by which applicants may apply for 12847  
rehabilitation tax credit certificates; 12848

(2) Criteria for reviewing, evaluating, and approving 12849  
applications for certificates within the limitations under 12850  
division (D) of this section, criteria for assuring that the 12851  
certificates issued encompass a mixture of high and low qualified 12852

|                                                                              |       |
|------------------------------------------------------------------------------|-------|
| rehabilitation expenditures, and criteria for issuing certificates           | 12853 |
| under division (C)(3)(b) of this section;                                    | 12854 |
| (3) Eligibility requirements for obtaining a certificate                     | 12855 |
| under this section;                                                          | 12856 |
| (4) The form of rehabilitation tax credit certificates;                      | 12857 |
| (5) Reporting requirements and monitoring procedures;                        | 12858 |
| (6) <u>Procedures and criteria for conducting cost-benefit</u>               | 12859 |
| <u>analyses of historic buildings that are the subjects of</u>               | 12860 |
| <u>applications filed under this section. The purpose of a</u>               | 12861 |
| <u>cost-benefit analysis shall be to determine whether rehabilitation</u>    | 12862 |
| <u>of the historic building will result in a net revenue gain in</u>         | 12863 |
| <u>state and local taxes once the building is used.</u>                      | 12864 |
| <u>(7)</u> Any other rules necessary to implement and administer             | 12865 |
| this section.                                                                | 12866 |
| (C) The <del>state historic preservation officer shall accept</del>          | 12867 |
| <del>applications and forward them to the director of development, who</del> | 12868 |
| shall review the applications <u>with the assistance of the state</u>        | 12869 |
| <u>historic preservation officer</u> and determine whether all of the        | 12870 |
| following criteria are met:                                                  | 12871 |
| (1) That the building that is the subject of the application                 | 12872 |
| is a historic building and the applicant is the owner of the                 | 12873 |
| building;                                                                    | 12874 |
| (2) That the rehabilitation will satisfy standards prescribed                | 12875 |
| by the United States secretary of the interior under 16 U.S.C.               | 12876 |
| 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to               | 12877 |
| that section;                                                                | 12878 |
| (3) That receiving a rehabilitation tax credit certificate                   | 12879 |
| under this section is a major factor in:                                     | 12880 |
| (a) The applicant's decision to rehabilitate the historic                    | 12881 |
| building; or                                                                 | 12882 |

(b) To increase the level of investment in such rehabilitation. 12883  
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An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director of development that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building. 12885  
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(D)(1) ~~The director of development may approve an application and issue a rehabilitation tax credit certificate to an applicant only if the director determines that the criteria in divisions (C)(1), (2), and (3) of this section are met~~ If the director of development determines that an application meets the criteria in divisions (C)(1), (2), and (3) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director may approve an application only after completion of the cost-benefit analysis. 12890  
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(2) A rehabilitation tax credit certificate shall not be issued ~~before rehabilitation of a historic building is completed~~ ~~or~~ for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of sixty million dollars of rehabilitation tax credits ~~for an application period~~ per fiscal year but the director may reallocate unused tax credits from a prior fiscal year for new applicants and such reallocated credits shall not apply toward the dollar limit 12906  
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of this division. 12915

~~(3) Of the sixty million dollars approved for application 12916  
periods July 1, 2009, through June 30, 2010, and July 1, 2010, 12917  
through June 30, 2011, forty five million dollars shall be 12918  
reserved in each application period for the award of 12919  
rehabilitation tax credit certificates to applicants who, as of 12920  
March 1, 2008, had filed completed applications that met the 12921  
criteria described in divisions (C)(1), (2), and (3) of this 12922  
section, who have not withdrawn the application, and who have not 12923  
yet been approved to receive a certificate. If the total amount of 12924  
credits awarded for such applications is less than forty five 12925  
million dollars in an application period, the remainder shall be 12926  
made available for other qualifying applications for that 12927  
application period. 12928~~

For rehabilitations with a rehabilitation period not 12929  
exceeding twenty-four months as provided in division (A)(7)(a) of 12930  
this section, a rehabilitation tax credit certificate shall not be 12931  
issued before the rehabilitation of the historic building is 12932  
completed. 12933

~~(4) For rehabilitations with a rehabilitation period not 12934  
exceeding sixty months as provided in division (A)(7)(b) of this 12935  
section, a rehabilitation tax credit certificate shall not be 12936  
issued before a stage of rehabilitation is completed. After all 12937  
stages of rehabilitation are completed, if the director cannot 12938  
determine that the criteria in division (C) of this section are 12939  
satisfied for all stages of rehabilitations, the director shall 12940  
certify this finding to the tax commissioner, and any 12941  
rehabilitation tax credits received by the applicant shall be 12942  
repaid by the applicant and may be collected by assessment as 12943  
unpaid tax by the commissioner. 12944~~

(5) The director of development shall require the applicant 12945  
to provide a third-party cost certification by a certified public 12946



accountant of the actual costs attributed to the rehabilitation of 12947  
the historic building when qualified rehabilitation expenditures 12948  
exceed two hundred thousand dollars. 12949

If an applicant whose application is approved for receipt of 12950  
a rehabilitation tax credit certificate fails to provide to the 12951  
director of development sufficient evidence of reviewable 12952  
progress, including a viable financial plan, copies of final 12953  
construction drawings, and evidence that the applicant has 12954  
obtained all historic approvals within twelve months after the 12955  
date the applicant received notification of approval, ~~or~~ and if 12956  
the applicant fails to provide evidence to the director of 12957  
development that the applicant has secured and closed on financing 12958  
for the rehabilitation within eighteen months after receiving 12959  
notification of approval, the director may rescind the approval of 12960  
the application. The director shall notify the applicant ~~that~~ if 12961  
the approval has been rescinded. Credits that would have been 12962  
available to an applicant whose approval was rescinded shall be 12963  
available for other qualified applicants. Nothing in this division 12964  
prohibits an applicant whose approval has been rescinded from 12965  
submitting a new application for a rehabilitation tax credit 12966  
certificate. 12967

(E) Issuance of a certificate represents a finding by the 12968  
director of development of the matters described in divisions 12969  
(C)(1), (2), and (3) of this section only; issuance of a 12970  
certificate does not represent a verification or certification by 12971  
the director of the amount of qualified rehabilitation 12972  
expenditures for which a tax credit may be claimed under section 12973  
5725.151, 5725.34, 5729.17, 5733.47, or 5747.76 of the Revised 12974  
Code. The amount of qualified rehabilitation expenditures for 12975  
which a tax credit may be claimed is subject to inspection and 12976  
examination by the tax commissioner or employees of the 12977  
commissioner under section 5703.19 of the Revised Code and any 12978

other applicable law. Upon the issuance of a certificate, the 12979  
director shall certify to the tax commissioner, in the form and 12980  
manner requested by the tax commissioner, the name of the 12981  
applicant, the amount of qualified rehabilitation expenditures 12982  
shown on the certificate, and any other information required by 12983  
the rules adopted under this section. 12984

(F)(1) On or before the first day of ~~December in 2007, 2008,~~ 12985  
~~2009, 2010, and 2011~~ April each year, the director of development 12986  
and tax commissioner jointly shall submit to the president of the 12987  
senate and the speaker of the house of representatives a report on 12988  
the tax credit program established under this section and sections 12989  
5725.151, 5725.34, 5729.17, 5733.47, and 5747.76 of the Revised 12990  
Code. The report shall present an overview of the program and 12991  
shall include information on the number of rehabilitation tax 12992  
credit certificates issued under this section during ~~an~~ 12993  
~~application period~~ the preceding fiscal year, an update on the 12994  
status of each historic building for which an application was 12995  
approved under this section, the dollar amount of the tax credits 12996  
granted under sections 5725.151, 5725.34, 5729.17, 5733.47, and 12997  
5747.76 of the Revised Code, and any other information the 12998  
director and commissioner consider relevant to the topics 12999  
addressed in the report. 13000

(2) On or before December 1, ~~2012~~ 2015, the director of 13001  
development and tax commissioner jointly shall submit to the 13002  
president of the senate and the speaker of the house of 13003  
representatives a comprehensive report that includes the 13004  
information required by division (F)(1) of this section and a 13005  
detailed analysis of the effectiveness of issuing tax credits for 13006  
rehabilitating historic buildings. The report shall be prepared 13007  
with the assistance of an economic research organization jointly 13008  
chosen by the director and commissioner. 13009

(G) There is hereby created in the state treasury the 13010

historic rehabilitation tax credit operating fund. The director of 13011  
development is authorized to charge reasonable application and 13012  
other fees in connection with the administration of tax credits 13013  
authorized by this section and sections 5725.151, 5725.34, 13014  
5729.17, 5733.44, and 5747.76 of the Revised Code. Any such fees 13015  
collected shall be credited to the fund and used to pay reasonable 13016  
costs incurred by the department of development in administering 13017  
this section and sections 5725.151, 5725.34, 5729.17, 5733.44, and 13018  
5747.76 of the Revised Code. 13019

The Ohio historic preservation office is authorized to charge 13020  
reasonable fees in connection with its review and approval of 13021  
applications under this section. Any such fees collected shall be 13022  
credited to the fund and used to pay administrative costs incurred 13023  
by the Ohio historic preservation office pursuant to this section. 13024

**Sec. 149.351.** (A) All records are the property of the public 13025  
office concerned and shall not be removed, destroyed, mutilated, 13026  
transferred, or otherwise damaged or disposed of, in whole or in 13027  
part, except as provided by law or under the rules adopted by the 13028  
records commissions provided for under sections 149.38 to 149.42 13029  
of the Revised Code or under the records programs established by 13030  
the boards of trustees of state-supported institutions of higher 13031  
education under section 149.33 of the Revised Code. ~~Such~~ Those 13032  
records shall be delivered by outgoing officials and employees to 13033  
their successors and shall not be otherwise removed, destroyed, 13034  
mutilated, or transferred, ~~or destroyed~~ unlawfully. 13035

(B) Any person who is aggrieved by the removal, destruction, 13036  
mutilation, or transfer of, or by other damage to or disposition 13037  
of a record in violation of division (A) of this section, or by 13038  
threat of such removal, destruction, mutilation, transfer, or 13039  
other damage to or disposition of such a record, may commence 13040  
either or both of the following in the court of common pleas of 13041

the county in which division (A) of this section allegedly was 13042  
violated or is threatened to be violated: 13043

(1) A civil action for injunctive relief to compel compliance 13044  
with division (A) of this section, and to obtain an award of the 13045  
reasonable attorney's fees incurred by the person in the civil 13046  
action; 13047

(2) A civil action to recover a forfeiture in the amount of 13048  
one thousand dollars for each violation, but not to exceed a 13049  
cumulative total of ten thousand dollars, regardless of the number 13050  
of violations, and to obtain an award of the reasonable attorney's 13051  
fees incurred by the person in the civil action not to exceed the 13052  
forfeiture amount recovered. 13053

(C)(1) A person is not aggrieved by a violation of division 13054  
(A) of this section if clear and convincing evidence shows that 13055  
the request for a record was contrived as a pretext to create 13056  
potential liability under this section. The commencement of a 13057  
civil action under division (B) of this section waives any right 13058  
under this chapter to decline to divulge the purpose for 13059  
requesting the record, but only to the extent needed to evaluate 13060  
whether the request was contrived as a pretext to create potential 13061  
liability under this section. 13062

(2) In a civil action under division (B) of this section, if 13063  
clear and convincing evidence shows that the request for a record 13064  
was a pretext to create potential liability under this section, 13065  
the court may award reasonable attorney's fees to any defendant or 13066  
defendants in the action. 13067

(D) Once a person recovers a forfeiture in a civil action 13068  
commenced under division (B)(2) of this section, no other person 13069  
may recover a forfeiture under that division for a violation of 13070  
division (A) of this section involving the same record, regardless 13071  
of the number of persons aggrieved by a violation of division (A) 13072

of this section or the number of civil actions commenced under 13073  
this section. 13074

(E) A civil action for injunctive relief under division 13075  
(B)(1) of this section or a civil action to recover a forfeiture 13076  
under division (B)(2) of this section shall be commenced within 13077  
five years after the day in which division (A) of this section was 13078  
allegedly violated or was threatened to be violated. 13079

**Sec. 149.38.** (A) ~~There~~ Except as otherwise provided in 13080  
section 307.847 of the Revised Code, there is hereby created in 13081  
each county a county records commission, composed of a member of 13082  
the board of county commissioners as chairperson, the prosecuting 13083  
attorney, the auditor, the recorder, and the clerk of the court of 13084  
common pleas. The commission shall appoint a secretary, who may or 13085  
may not be a member of the commission and who shall serve at the 13086  
pleasure of the commission. The commission may employ an archivist 13087  
or records manager to serve under its direction. The commission 13088  
shall meet at least once every six months and upon the call of the 13089  
chairperson. 13090

(B) The functions of the county records commission shall be 13091  
to provide rules for retention and disposal of records of the 13092  
county, and to review applications for one-time disposal of 13093  
obsolete records and schedules of records retention and 13094  
disposition submitted by county offices. The commission may 13095  
dispose of records pursuant to the procedure outlined in this 13096  
section. The commission, at any time, may review any schedule it 13097  
has previously approved and, for good cause shown, may revise that 13098  
schedule, subject to division (D) of this section. 13099

(C)(1) When the county records commission has approved any 13100  
county application for one-time disposal of obsolete records or 13101  
any schedule of records retention and disposition, the commission 13102  
shall send that application or schedule to the Ohio historical 13103

society for its review. The Ohio historical society shall review 13104  
the application or schedule within a period of not more than sixty 13105  
days after its receipt of it. ~~Upon~~ During the sixty-day review 13106  
period, the Ohio historical society may select for its custody 13107  
from the application for one-time disposal of obsolete records any 13108  
records it considers to be of continuing historical value, and 13109  
shall denote upon any schedule of records retention and 13110  
disposition any records for which the Ohio historical society will 13111  
require a certificate of records disposal prior to their disposal. 13112

(2) Upon completion of its review, the Ohio historical 13113  
society shall forward the application for one-time disposal of 13114  
obsolete records or the schedule of records retention and 13115  
disposition to the auditor of state for the auditor's approval or 13116  
disapproval. The auditor of state shall approve or disapprove the 13117  
application or schedule within a period of not more than sixty 13118  
days after receipt of it. ~~Before~~ 13119

(3) Before public records are to be disposed of pursuant to 13120  
an approved schedule of records retention and disposition, the 13121  
county records commission shall inform the Ohio historical society 13122  
of the disposal through the submission of a certificate of records 13123  
disposal for only the records required by the schedule to be 13124  
disposed of and shall give the society the opportunity for a 13125  
period of fifteen business days to select for its custody those 13126  
records, from the certificate submitted, that it considers to be 13127  
of continuing historical value. Upon the expiration of the 13128  
fifteen-business-day period, the county records commission also 13129  
shall notify the public libraries, county historical society, 13130  
state universities, and other public or quasi-public institutions, 13131  
agencies, or corporations in the county that have provided the 13132  
commission with their name and address for these notification 13133  
purposes, that the commission has informed the Ohio historical 13134  
society of the records disposal and that the notified entities, 13135

upon written agreement with the Ohio historical society pursuant 13136  
to section 149.31 of the Revised Code, may select records of 13137  
continuing historical value, including records that may be 13138  
distributed to any of the notified entities under section 149.31 13139  
of the Revised Code. Any notified entity that notifies the county 13140  
records commission of its intent to review and select records of 13141  
continuing historical value from certificates of records disposal 13142  
is responsible for the cost of any notice given and for the 13143  
transportation of those records. 13144

(D) The rules of the county records commission shall include 13145  
a rule that requires any receipts, checks, vouchers, or other 13146  
similar records pertaining to expenditures from the delinquent tax 13147  
and assessment collection fund created in section 321.261 of the 13148  
Revised Code, from the real estate assessment fund created in 13149  
section 325.31 of the Revised Code, or from amounts allocated for 13150  
the furtherance of justice to the county sheriff under section 13151  
325.071 of the Revised Code or to the prosecuting attorney under 13152  
section 325.12 of the Revised Code to be retained for at least 13153  
four years. 13154

(E) No person shall knowingly violate the rule adopted under 13155  
division (D) of this section. Whoever violates that rule is guilty 13156  
of a misdemeanor of the first degree. 13157

**Sec. 149.381.** (A) As used in this section, "records 13158  
commission" means a records commission created under section 13159  
149.39 of the Revised Code, a school district records commission 13160  
and an educational service center records commission created under 13161  
section 149.41 of the Revised Code, a library records commission 13162  
created under section 149.411 of the Revised Code, a special 13163  
taxing district records commission created under section 149.412 13164  
of the Revised Code, and a township records commission created 13165  
under section 149.42 of the Revised Code. 13166

(B) When a records commission has approved an application for one-time disposal of obsolete records or any schedule of records retention and disposition, the records commission shall send that application or schedule to the Ohio historical society for its review. The Ohio historical society shall review the application or schedule within a period of not more than sixty days after its receipt of it. During the sixty-day review period, the Ohio historical society may select for its custody from the application for one-time disposal of obsolete records any records it considers to be of continuing historical value, and shall denote upon any schedule of records retention and disposition the records for which the Ohio historical society will require a certificate of records disposal prior to their disposal.

(C) Upon completion of its review, the Ohio historical society shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the auditor of state for the auditor of state's approval or disapproval. The auditor of state shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.

(D) Before public records are to be disposed of pursuant to an approved schedule of records retention and disposition, the records commission shall inform the Ohio historical society of the disposal through the submission of a certificate of records disposal for only the records required by the schedule to be disposed of, and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records, from the certificate submitted, that it considers to be of continuing historical value.

(E) The Ohio historical society may not review or select for its custody any of the following:

(1) Records the release of which is prohibited by section



|                                                                                      |       |
|--------------------------------------------------------------------------------------|-------|
| <u>149.432 of the Revised Code.</u>                                                  | 13199 |
| <u>(2) Records containing personally identifiable information</u>                    | 13200 |
| <u>concerning any pupil attending a public school other than</u>                     | 13201 |
| <u>directory information, as defined in section 3319.321 of the</u>                  | 13202 |
| <u>Revised Code, without the written consent of the parent, guardian,</u>            | 13203 |
| <u>or custodian of each such pupil who is less than eighteen years of</u>            | 13204 |
| <u>age, or without the written consent of each pupil who is eighteen</u>             | 13205 |
| <u>years of age or older.</u>                                                        | 13206 |
| <u>(3) Records the release of which would, according to the</u>                      | 13207 |
| <u>"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571,</u>            | 13208 |
| <u>20 U.S.C. 1232g, disqualify a school or other educational</u>                     | 13209 |
| <u>institution from receiving federal funds.</u>                                     | 13210 |
| <b>Sec. 149.39.</b> There is hereby created in each municipal                        | 13211 |
| corporation a records commission composed of the chief executive                     | 13212 |
| or the chief executive's appointed representative, as chairperson,                   | 13213 |
| and the chief fiscal officer, the chief legal officer, and a                         | 13214 |
| citizen appointed by the chief executive. The commission shall                       | 13215 |
| appoint a secretary, who may or may not be a member of the                           | 13216 |
| commission and who shall serve at the pleasure of the commission.                    | 13217 |
| The commission may employ an archivist or records manager to serve                   | 13218 |
| under its direction. The commission shall meet at least once every                   | 13219 |
| six months and upon <u>the</u> call of the chairperson.                              | 13220 |
| The functions of the commission shall be to provide rules for                        | 13221 |
| retention and disposal of records of the municipal corporation,                      | 13222 |
| and to review applications for one-time disposal of obsolete                         | 13223 |
| records and schedules of records retention and disposition                           | 13224 |
| submitted by municipal offices. The commission may dispose of                        | 13225 |
| records pursuant to the procedure outlined in <del>this</del> section <u>149.381</u> | 13226 |
| <u>of the Revised Code</u> . The commission, at any time, may review any             | 13227 |
| schedule it has previously approved and, for good cause shown, may                   | 13228 |
| revise that schedule <u>under the procedure outlined in that section.</u>            | 13229 |

~~When the municipal records commission has approved any application for one time disposal of obsolete records or any schedule of records retention and disposition, the commission shall send that application or schedule to the Ohio historical society for its review. The Ohio historical society shall review the application or schedule within a period of not more than sixty days after its receipt of it. Upon completion of its review, the Ohio historical society shall forward the application for one time disposal of obsolete records or the schedule of records retention and disposition to the auditor of state for the auditor's approval or disapproval. The auditor shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it. Before public records are to be disposed of, the commission shall inform the Ohio historical society of the disposal through the submission of a certificate of records disposal and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records that it considers to be of continuing historical value.~~

**Sec. 149.41.** There is hereby created in each city, local, joint vocational, and exempted village school district a school district records commission, and in each educational service center an educational service center records commission. Each records commission shall be composed of the president, the treasurer of the board of education or governing board of the educational service center, and the superintendent of schools in each such district or educational service center. The commission shall meet at least once every twelve months.

The function of the commission shall be to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by any employee of the school district or educational service center. The commission may dispose of records pursuant to the procedure

outlined in ~~this~~ section 149.381 of the Revised Code. The 13262  
commission, at any time, may review any schedule it has previously 13263  
approved and, for good cause shown, may revise that schedule under 13264  
the procedure outlined in that section. 13265

~~When the school district records commission or the 13266  
educational service center records commission has approved any 13267  
application for one-time disposal of obsolete records or any 13268  
schedule of records retention and disposition, the appropriate 13269  
commission shall send that application or schedule to the Ohio 13270  
historical society for its review. The Ohio historical society 13271  
shall review the application or schedule within a period of not 13272  
more than sixty days after its receipt of it. Upon completion of 13273  
its review, the Ohio historical society shall forward the 13274  
application for one-time disposal of obsolete records or the 13275  
schedule of records retention and disposition to the auditor of 13276  
state for the auditor's approval or disapproval. The auditor shall 13277  
approve or disapprove the application or schedule within a period 13278  
of not more than sixty days after receipt of it. Before public 13279  
records are to be disposed of, the appropriate commission shall 13280  
inform the Ohio historical society of the disposal through the 13281  
submission of a certificate of records disposal and shall give the 13282  
society the opportunity for a period of fifteen business days to 13283  
select for its custody those public records that it considers to 13284  
be of continuing historical value. The society may not review or 13285  
select for its custody either of the following:~~ 13286

~~(A) Records containing personally identifiable information 13287  
concerning any pupil attending a public school other than 13288  
directory information, as defined in section 3319.321 of the 13289  
Revised Code, without the written consent of the parent, guardian, 13290  
or custodian of each such pupil who is less than eighteen years of 13291  
age, or without the written consent of each such pupil who is 13292  
eighteen years of age or older;~~ 13293

~~(B) Records the release of which would, according to the 13294  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 13295  
20 U.S.C.A. 1232g, disqualify a school or other educational 13296  
institution from receiving federal funds. 13297~~

**Sec. 149.411.** There is hereby created in each county free 13298  
public library, municipal free public library, township free 13299  
public library, school district free public library as described 13300  
in section 3375.15 of the Revised Code, county library district, 13301  
and regional library district a library records commission 13302  
composed of the members and the fiscal officer of the board of 13303  
library trustees of the appropriate public library or library 13304  
district. The commission shall meet at least once every twelve 13305  
months. 13306

The functions of the commission shall be to review 13307  
applications for one-time disposal of obsolete records and 13308  
schedules of records retention and disposition submitted by any 13309  
employee of the library. The commission may dispose of records 13310  
pursuant to the procedure outlined in ~~this~~ section 149.381 of the 13311  
Revised Code. The commission, at any time, may review any schedule 13312  
it has previously approved and, for good cause shown, may revise 13313  
that schedule under the procedure outlined in that section. 13314

~~When the appropriate library records commission has approved 13315  
any library application for one time disposal of obsolete records 13316  
or any schedule of records retention and disposition, the 13317  
commission shall send that application or schedule to the Ohio 13318  
historical society for its review. The Ohio historical society 13319  
shall review the application or schedule within a period of not 13320  
more than sixty days after its receipt of it. Upon completion of 13321  
its review, the Ohio historical society shall forward the 13322  
application for one-time disposal of obsolete records or the 13323  
schedule of records retention and disposition to the auditor of 13324~~

~~state for the auditor's approval or disapproval. The auditor shall 13325  
approve or disapprove the application or schedule within a period 13326  
of not more than sixty days after receipt of it. Before public 13327  
records are to be disposed of, the commission shall inform the 13328  
Ohio historical society of the disposal through the submission of 13329  
a certificate of records disposal and shall give the society the 13330  
opportunity for a period of fifteen business days to select for 13331  
its custody those public records that it considers to be of 13332  
continuing historical value. The Ohio historical society may not 13333  
review or select for its custody any records pursuant to section 13334  
149.432 of the Revised Code. 13335~~

**Sec. 149.412.** There is hereby created in each special taxing 13336  
district that is a public office as defined in section 149.011 of 13337  
the Revised Code and that is not specifically designated in 13338  
section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised 13339  
Code a special taxing district records commission composed of, at 13340  
a minimum, the chairperson, a fiscal representative, and a legal 13341  
representative of the governing board of the special taxing 13342  
district. The commission shall meet at least once every twelve 13343  
months and upon the call of the chairperson. 13344

The functions of the commission shall be to review 13345  
applications for one-time disposal of obsolete records and 13346  
schedules of records retention and disposition submitted by any 13347  
employee of the special taxing district. The commission may 13348  
dispose of records pursuant to the procedure outlined in ~~this~~ 13349  
section 149.381 of the Revised Code. The commission, at any time, 13350  
may review any schedule it has previously approved and, for good 13351  
cause shown, may revise that schedule under the procedure outlined 13352  
in that section. 13353

~~When the special taxing district records commission has 13354  
approved any special taxing district application for one-time 13355~~

~~disposal of obsolete records or any schedule of records retention 13356  
and disposition, the commission shall send that application or 13357  
schedule to the Ohio historical society for its review. The Ohio 13358  
historical society shall review the application or schedule within 13359  
a period of not more than sixty days after its receipt of it. Upon 13360  
completion of its review, the Ohio historical society shall 13361  
forward the application for one-time disposal of obsolete records 13362  
or the schedule of records retention and disposition to the 13363  
auditor of state for the auditor's approval or disapproval. The 13364  
auditor shall approve or disapprove the application or schedule 13365  
within a period of not more than sixty days after receipt of it. 13366  
Before public records are to be disposed of, the commission shall 13367  
inform the Ohio historical society of the disposal through the 13368  
submission of a certificate of records disposal and shall give the 13369  
society the opportunity for a period of fifteen business days to 13370  
select for its custody those public records that it considers to 13371  
be of continuing historical value. 13372~~

**Sec. 149.42.** There is hereby created in each township a 13373  
township records commission, composed of the chairperson of the 13374  
board of township trustees and the fiscal officer of the township. 13375  
The commission shall meet at least once every twelve months and 13376  
upon the call of the chairperson. 13377

The function of the commission shall be to review 13378  
applications for one-time disposal of obsolete records and 13379  
schedules of records retention and disposition submitted by 13380  
township offices. The commission may dispose of records pursuant 13381  
to the procedure outlined in ~~this~~ section 149.381 of the Revised 13382  
Code. The commission, at any time, may review any schedule it has 13383  
previously approved and, for good cause shown, may revise that 13384  
schedule under the procedure outlined in that section. 13385

~~When the township records commission has approved any 13386~~

~~township application for one-time disposal of obsolete records or 13387  
any schedule of records retention and disposition, the commission 13388  
shall send that application or schedule to the Ohio historical 13389  
society for its review. The Ohio historical society shall review 13390  
the application or schedule within a period of not more than sixty 13391  
days after its receipt of it. Upon completion of its review, the 13392  
Ohio historical society shall forward the application for one-time 13393  
disposal of obsolete records or the schedule of records retention 13394  
and disposition to the auditor of state for the auditor's approval 13395  
or disapproval. The auditor shall approve or disapprove the 13396  
application or schedule within a period of not more than sixty 13397  
days after receipt of it. Before public records are to be disposed 13398  
of, the commission shall inform the Ohio historical society of the 13399  
disposal through the submission of a certificate of records 13400  
disposal and shall give the society the opportunity for a period 13401  
of fifteen business days to select for its custody those public 13402  
records that it considers to be of continuing historical value. 13403~~

**Sec. 149.43.** (A) As used in this section: 13404

(1) "Public record" means records kept by any public office, 13405  
including, but not limited to, state, county, city, village, 13406  
township, and school district units, and records pertaining to the 13407  
delivery of educational services by an alternative school in this 13408  
state kept by the nonprofit or for-profit entity operating the 13409  
alternative school pursuant to section 3313.533 of the Revised 13410  
Code. "Public record" does not mean any of the following: 13411

(a) Medical records; 13412

(b) Records pertaining to probation and parole proceedings or 13413  
to proceedings related to the imposition of community control 13414  
sanctions and post-release control sanctions; 13415

(c) Records pertaining to actions under section 2151.85 and 13416  
division (C) of section 2919.121 of the Revised Code and to 13417

|                                                                                                                                                                                                                                                                                                                                                                 |                                                    |
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| appeals of actions arising under those sections;                                                                                                                                                                                                                                                                                                                | 13418                                              |
| (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;                                                                                                                                                                                    | 13419<br>13420<br>13421                            |
| (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency; | 13422<br>13423<br>13424<br>13425<br>13426<br>13427 |
| (f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;                                                                                                                                                                                                                  | 13428<br>13429<br>13430                            |
| (g) Trial preparation records;                                                                                                                                                                                                                                                                                                                                  | 13431                                              |
| (h) Confidential law enforcement investigatory records;                                                                                                                                                                                                                                                                                                         | 13432                                              |
| (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;                                                                                                                                                                                                                                                   | 13433<br>13434                                     |
| (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;                                                                                                                                                                                                                                                                     | 13435<br>13436                                     |
| (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;                                                                                                                                                        | 13437<br>13438<br>13439<br>13440                   |
| (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;                                                                                                               | 13441<br>13442<br>13443<br>13444                   |
| (m) Intellectual property records;                                                                                                                                                                                                                                                                                                                              | 13445                                              |
| (n) Donor profile records;                                                                                                                                                                                                                                                                                                                                      | 13446                                              |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;                                                                                                                                                                                                                                                                                                                                        | 13447<br>13448                                                       |
| (p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;                                                                                                                                                                                  | 13449<br>13450<br>13451<br>13452<br>13453                            |
| (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;                                                                                                                                                                                    | 13454<br>13455<br>13456<br>13457<br>13458                            |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen;                                                                                                                                                                                                                                                                                                                                                             | 13459<br>13460                                                       |
| (s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code; | 13461<br>13462<br>13463<br>13464<br>13465<br>13466<br>13467<br>13468 |
| (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;                                                                                                                                                                                                         | 13469<br>13470<br>13471<br>13472                                     |
| (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;                                                                                                                               | 13473<br>13474<br>13475<br>13476<br>13477                            |

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| (v) Records the release of which is prohibited by state or federal law;                                                                                                                                                                                                                                                                                            | 13478<br>13479                                     |
| (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;                                                                                                                                                                                  | 13480<br>13481<br>13482                            |
| (x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;                                                                                                                                                                                                                                                               | 13483<br>13484                                     |
| (y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency; | 13485<br>13486<br>13487<br>13488<br>13489<br>13490 |
| (z) Records listed in section 5101.29 of the Revised Code;                                                                                                                                                                                                                                                                                                         | 13491                                              |
| (aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;                                                                                                                                                                                                                         | 13492<br>13493<br>13494                            |
| <u>(bb) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility.</u>                                                                                                                                                                                                    | 13495<br>13496<br>13497                            |
| (2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:                                                    | 13498<br>13499<br>13500<br>13501<br>13502          |
| (a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;                                                                                                                                                                 | 13503<br>13504<br>13505<br>13506                   |
| (b) Information provided by an information source or witness                                                                                                                                                                                                                                                                                                       | 13507                                              |

to whom confidentiality has been reasonably promised, which 13508  
information would reasonably tend to disclose the source's or 13509  
witness's identity; 13510

(c) Specific confidential investigatory techniques or 13511  
procedures or specific investigatory work product; 13512

(d) Information that would endanger the life or physical 13513  
safety of law enforcement personnel, a crime victim, a witness, or 13514  
a confidential information source. 13515

(3) "Medical record" means any document or combination of 13516  
documents, except births, deaths, and the fact of admission to or 13517  
discharge from a hospital, that pertains to the medical history, 13518  
diagnosis, prognosis, or medical condition of a patient and that 13519  
is generated and maintained in the process of medical treatment. 13520

(4) "Trial preparation record" means any record that contains 13521  
information that is specifically compiled in reasonable 13522  
anticipation of, or in defense of, a civil or criminal action or 13523  
proceeding, including the independent thought processes and 13524  
personal trial preparation of an attorney. 13525

(5) "Intellectual property record" means a record, other than 13526  
a financial or administrative record, that is produced or 13527  
collected by or for faculty or staff of a state institution of 13528  
higher learning in the conduct of or as a result of study or 13529  
research on an educational, commercial, scientific, artistic, 13530  
technical, or scholarly issue, regardless of whether the study or 13531  
research was sponsored by the institution alone or in conjunction 13532  
with a governmental body or private concern, and that has not been 13533  
publicly released, published, or patented. 13534

(6) "Donor profile record" means all records about donors or 13535  
potential donors to a public institution of higher education 13536  
except the names and reported addresses of the actual donors and 13537  
the date, amount, and conditions of the actual donation. 13538

(7) "Peace officer, parole officer, prosecuting attorney, 13539  
assistant prosecuting attorney, correctional employee, youth 13540  
services employee, firefighter, EMT, or investigator of the bureau 13541  
of criminal identification and investigation residential and 13542  
familial information" means any information that discloses any of 13543  
the following about a peace officer, parole officer, prosecuting 13544  
attorney, assistant prosecuting attorney, correctional employee, 13545  
youth services employee, firefighter, EMT, or investigator of the 13546  
bureau of criminal identification and investigation: 13547

(a) The address of the actual personal residence of a peace 13548  
officer, parole officer, assistant prosecuting attorney, 13549  
correctional employee, youth services employee, firefighter, EMT, 13550  
or an investigator of the bureau of criminal identification and 13551  
investigation, except for the state or political subdivision in 13552  
which the peace officer, parole officer, assistant prosecuting 13553  
attorney, correctional employee, youth services employee, 13554  
firefighter, EMT, or investigator of the bureau of criminal 13555  
identification and investigation resides; 13556

(b) Information compiled from referral to or participation in 13557  
an employee assistance program; 13558

(c) The social security number, the residential telephone 13559  
number, any bank account, debit card, charge card, or credit card 13560  
number, or the emergency telephone number of, or any medical 13561  
information pertaining to, a peace officer, parole officer, 13562  
prosecuting attorney, assistant prosecuting attorney, correctional 13563  
employee, youth services employee, firefighter, EMT, or 13564  
investigator of the bureau of criminal identification and 13565  
investigation; 13566

(d) The name of any beneficiary of employment benefits, 13567  
including, but not limited to, life insurance benefits, provided 13568  
to a peace officer, parole officer, prosecuting attorney, 13569  
assistant prosecuting attorney, correctional employee, youth 13570

services employee, firefighter, EMT, or investigator of the bureau 13571  
of criminal identification and investigation by the peace 13572  
officer's, parole officer's, prosecuting attorney's, assistant 13573  
prosecuting attorney's, correctional employee's, youth services 13574  
employee's, firefighter's, EMT's, or investigator of the bureau of 13575  
criminal identification and investigation's employer; 13576

(e) The identity and amount of any charitable or employment 13577  
benefit deduction made by the peace officer's, parole officer's, 13578  
prosecuting attorney's, assistant prosecuting attorney's, 13579  
correctional employee's, youth services employee's, firefighter's, 13580  
EMT's, or investigator of the bureau of criminal identification 13581  
and investigation's employer from the peace officer's, parole 13582  
officer's, prosecuting attorney's, assistant prosecuting 13583  
attorney's, correctional employee's, youth services employee's, 13584  
firefighter's, EMT's, or investigator of the bureau of criminal 13585  
identification and investigation's compensation unless the amount 13586  
of the deduction is required by state or federal law; 13587

(f) The name, the residential address, the name of the 13588  
employer, the address of the employer, the social security number, 13589  
the residential telephone number, any bank account, debit card, 13590  
charge card, or credit card number, or the emergency telephone 13591  
number of the spouse, a former spouse, or any child of a peace 13592  
officer, parole officer, prosecuting attorney, assistant 13593  
prosecuting attorney, correctional employee, youth services 13594  
employee, firefighter, EMT, or investigator of the bureau of 13595  
criminal identification and investigation; 13596

(g) A photograph of a peace officer who holds a position or 13597  
has an assignment that may include undercover or plain clothes 13598  
positions or assignments as determined by the peace officer's 13599  
appointing authority. 13600

As used in divisions (A)(7) and (B)(9) of this section, 13601  
"peace officer" has the same meaning as in section 109.71 of the 13602

Revised Code and also includes the superintendent and troopers of 13603  
the state highway patrol; it does not include the sheriff of a 13604  
county or a supervisory employee who, in the absence of the 13605  
sheriff, is authorized to stand in for, exercise the authority of, 13606  
and perform the duties of the sheriff. 13607

As used in divisions (A)(7) and (B)(5) of this section, 13608  
"correctional employee" means any employee of the department of 13609  
rehabilitation and correction who in the course of performing the 13610  
employee's job duties has or has had contact with inmates and 13611  
persons under supervision. 13612

As used in divisions (A)(7) and (B)(5) of this section, 13613  
"youth services employee" means any employee of the department of 13614  
youth services who in the course of performing the employee's job 13615  
duties has or has had contact with children committed to the 13616  
custody of the department of youth services. 13617

As used in divisions (A)(7) and (B)(9) of this section, 13618  
"firefighter" means any regular, paid or volunteer, member of a 13619  
lawfully constituted fire department of a municipal corporation, 13620  
township, fire district, or village. 13621

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 13622  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 13623  
medical services for a public emergency medical service 13624  
organization. "Emergency medical service organization," 13625  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 13626  
section 4765.01 of the Revised Code. 13627

As used in divisions (A)(7) and (B)(9) of this section, 13628  
"investigator of the bureau of criminal identification and 13629  
investigation" has the meaning defined in section 2903.11 of the 13630  
Revised Code. 13631

(8) "Information pertaining to the recreational activities of 13632  
a person under the age of eighteen" means information that is kept 13633

in the ordinary course of business by a public office, that 13634  
pertains to the recreational activities of a person under the age 13635  
of eighteen years, and that discloses any of the following: 13636

(a) The address or telephone number of a person under the age 13637  
of eighteen or the address or telephone number of that person's 13638  
parent, guardian, custodian, or emergency contact person; 13639

(b) The social security number, birth date, or photographic 13640  
image of a person under the age of eighteen; 13641

(c) Any medical record, history, or information pertaining to 13642  
a person under the age of eighteen; 13643

(d) Any additional information sought or required about a 13644  
person under the age of eighteen for the purpose of allowing that 13645  
person to participate in any recreational activity conducted or 13646  
sponsored by a public office or to use or obtain admission 13647  
privileges to any recreational facility owned or operated by a 13648  
public office. 13649

(9) "Community control sanction" has the same meaning as in 13650  
section 2929.01 of the Revised Code. 13651

(10) "Post-release control sanction" has the same meaning as 13652  
in section 2967.01 of the Revised Code. 13653

(11) "Redaction" means obscuring or deleting any information 13654  
that is exempt from the duty to permit public inspection or 13655  
copying from an item that otherwise meets the definition of a 13656  
"record" in section 149.011 of the Revised Code. 13657

(12) "Designee" and "elected official" have the same meanings 13658  
as in section 109.43 of the Revised Code. 13659

(B)(1) Upon request and subject to division (B)(8) of this 13660  
section, all public records responsive to the request shall be 13661  
promptly prepared and made available for inspection to any person 13662  
at all reasonable times during regular business hours. Subject to 13663

division (B)(8) of this section, upon request, a public office or 13664  
person responsible for public records shall make copies of the 13665  
requested public record available at cost and within a reasonable 13666  
period of time. If a public record contains information that is 13667  
exempt from the duty to permit public inspection or to copy the 13668  
public record, the public office or the person responsible for the 13669  
public record shall make available all of the information within 13670  
the public record that is not exempt. When making that public 13671  
record available for public inspection or copying that public 13672  
record, the public office or the person responsible for the public 13673  
record shall notify the requester of any redaction or make the 13674  
redaction plainly visible. A redaction shall be deemed a denial of 13675  
a request to inspect or copy the redacted information, except if 13676  
federal or state law authorizes or requires a public office to 13677  
make the redaction. 13678

(2) To facilitate broader access to public records, a public 13679  
office or the person responsible for public records shall organize 13680  
and maintain public records in a manner that they can be made 13681  
available for inspection or copying in accordance with division 13682  
(B) of this section. A public office also shall have available a 13683  
copy of its current records retention schedule at a location 13684  
readily available to the public. If a requester makes an ambiguous 13685  
or overly broad request or has difficulty in making a request for 13686  
copies or inspection of public records under this section such 13687  
that the public office or the person responsible for the requested 13688  
public record cannot reasonably identify what public records are 13689  
being requested, the public office or the person responsible for 13690  
the requested public record may deny the request but shall provide 13691  
the requester with an opportunity to revise the request by 13692  
informing the requester of the manner in which records are 13693  
maintained by the public office and accessed in the ordinary 13694  
course of the public office's or person's duties. 13695



(3) If a request is ultimately denied, in part or in whole, 13696  
the public office or the person responsible for the requested 13697  
public record shall provide the requester with an explanation, 13698  
including legal authority, setting forth why the request was 13699  
denied. If the initial request was provided in writing, the 13700  
explanation also shall be provided to the requester in writing. 13701  
The explanation shall not preclude the public office or the person 13702  
responsible for the requested public record from relying upon 13703  
additional reasons or legal authority in defending an action 13704  
commenced under division (C) of this section. 13705

(4) Unless specifically required or authorized by state or 13706  
federal law or in accordance with division (B) of this section, no 13707  
public office or person responsible for public records may limit 13708  
or condition the availability of public records by requiring 13709  
disclosure of the requester's identity or the intended use of the 13710  
requested public record. Any requirement that the requester 13711  
disclose the requestor's identity or the intended use of the 13712  
requested public record constitutes a denial of the request. 13713

(5) A public office or person responsible for public records 13714  
may ask a requester to make the request in writing, may ask for 13715  
the requester's identity, and may inquire about the intended use 13716  
of the information requested, but may do so only after disclosing 13717  
to the requester that a written request is not mandatory and that 13718  
the requester may decline to reveal the requester's identity or 13719  
the intended use and when a written request or disclosure of the 13720  
identity or intended use would benefit the requester by enhancing 13721  
the ability of the public office or person responsible for public 13722  
records to identify, locate, or deliver the public records sought 13723  
by the requester. 13724

(6) If any person chooses to obtain a copy of a public record 13725  
in accordance with division (B) of this section, the public office 13726  
or person responsible for the public record may require that 13727

person to pay in advance the cost involved in providing the copy 13728  
of the public record in accordance with the choice made by the 13729  
person seeking the copy under this division. The public office or 13730  
the person responsible for the public record shall permit that 13731  
person to choose to have the public record duplicated upon paper, 13732  
upon the same medium upon which the public office or person 13733  
responsible for the public record keeps it, or upon any other 13734  
medium upon which the public office or person responsible for the 13735  
public record determines that it reasonably can be duplicated as 13736  
an integral part of the normal operations of the public office or 13737  
person responsible for the public record. When the person seeking 13738  
the copy makes a choice under this division, the public office or 13739  
person responsible for the public record shall provide a copy of 13740  
it in accordance with the choice made by the person seeking the 13741  
copy. Nothing in this section requires a public office or person 13742  
responsible for the public record to allow the person seeking a 13743  
copy of the public record to make the copies of the public record. 13744

(7) Upon a request made in accordance with division (B) of 13745  
this section and subject to division (B)(6) of this section, a 13746  
public office or person responsible for public records shall 13747  
transmit a copy of a public record to any person by United States 13748  
mail or by any other means of delivery or transmission within a 13749  
reasonable period of time after receiving the request for the 13750  
copy. The public office or person responsible for the public 13751  
record may require the person making the request to pay in advance 13752  
the cost of postage if the copy is transmitted by United States 13753  
mail or the cost of delivery if the copy is transmitted other than 13754  
by United States mail, and to pay in advance the costs incurred 13755  
for other supplies used in the mailing, delivery, or transmission. 13756

Any public office may adopt a policy and procedures that it 13757  
will follow in transmitting, within a reasonable period of time 13758  
after receiving a request, copies of public records by United 13759

States mail or by any other means of delivery or transmission 13760  
pursuant to this division. A public office that adopts a policy 13761  
and procedures under this division shall comply with them in 13762  
performing its duties under this division. 13763

In any policy and procedures adopted under this division, a 13764  
public office may limit the number of records requested by a 13765  
person that the office will transmit by United States mail to ten 13766  
per month, unless the person certifies to the office in writing 13767  
that the person does not intend to use or forward the requested 13768  
records, or the information contained in them, for commercial 13769  
purposes. For purposes of this division, "commercial" shall be 13770  
narrowly construed and does not include reporting or gathering 13771  
news, reporting or gathering information to assist citizen 13772  
oversight or understanding of the operation or activities of 13773  
government, or nonprofit educational research. 13774

(8) A public office or person responsible for public records 13775  
is not required to permit a person who is incarcerated pursuant to 13776  
a criminal conviction or a juvenile adjudication to inspect or to 13777  
obtain a copy of any public record concerning a criminal 13778  
investigation or prosecution or concerning what would be a 13779  
criminal investigation or prosecution if the subject of the 13780  
investigation or prosecution were an adult, unless the request to 13781  
inspect or to obtain a copy of the record is for the purpose of 13782  
acquiring information that is subject to release as a public 13783  
record under this section and the judge who imposed the sentence 13784  
or made the adjudication with respect to the person, or the 13785  
judge's successor in office, finds that the information sought in 13786  
the public record is necessary to support what appears to be a 13787  
justiciable claim of the person. 13788

(9)(a) Upon written request made and signed by a journalist 13789  
on or after December 16, 1999, a public office, or person 13790  
responsible for public records, having custody of the records of 13791

the agency employing a specified peace officer, parole officer, 13792  
prosecuting attorney, assistant prosecuting attorney, correctional 13793  
employee, youth services employee, firefighter, EMT, or 13794  
investigator of the bureau of criminal identification and 13795  
investigation shall disclose to the journalist the address of the 13796  
actual personal residence of the peace officer, parole officer, 13797  
prosecuting attorney, assistant prosecuting attorney, correctional 13798  
employee, youth services employee, firefighter, EMT, or 13799  
investigator of the bureau of criminal identification and 13800  
investigation and, if the peace officer's, parole officer's, 13801  
prosecuting attorney's, assistant prosecuting attorney's, 13802  
correctional employee's, youth services employee's, firefighter's, 13803  
EMT's, or investigator of the bureau of criminal identification 13804  
and investigation's spouse, former spouse, or child is employed by 13805  
a public office, the name and address of the employer of the peace 13806  
officer's, parole officer's, prosecuting attorney's, assistant 13807  
prosecuting attorney's, correctional employee's, youth services 13808  
employee's, firefighter's, EMT's, or investigator of the bureau of 13809  
criminal identification and investigation's spouse, former spouse, 13810  
or child. The request shall include the journalist's name and 13811  
title and the name and address of the journalist's employer and 13812  
shall state that disclosure of the information sought would be in 13813  
the public interest. 13814

(b) Division (B)(9)(a) of this section also applies to 13815  
journalist requests for customer information maintained by a 13816  
municipally owned or operated public utility, other than social 13817  
security numbers and any private financial information such as 13818  
credit reports, payment methods, credit card numbers, and bank 13819  
account information. 13820

(c) As used in ~~this~~ division (B)(9) of this section, 13821  
"journalist" means a person engaged in, connected with, or 13822  
employed by any news medium, including a newspaper, magazine, 13823

press association, news agency, or wire service, a radio or 13824  
television station, or a similar medium, for the purpose of 13825  
gathering, processing, transmitting, compiling, editing, or 13826  
disseminating information for the general public. 13827

(C)(1) If a person allegedly is aggrieved by the failure of a 13828  
public office or the person responsible for public records to 13829  
promptly prepare a public record and to make it available to the 13830  
person for inspection in accordance with division (B) of this 13831  
section or by any other failure of a public office or the person 13832  
responsible for public records to comply with an obligation in 13833  
accordance with division (B) of this section, the person allegedly 13834  
aggrieved may commence a mandamus action to obtain a judgment that 13835  
orders the public office or the person responsible for the public 13836  
record to comply with division (B) of this section, that awards 13837  
court costs and reasonable attorney's fees to the person that 13838  
instituted the mandamus action, and, if applicable, that includes 13839  
an order fixing statutory damages under division (C)(1) of this 13840  
section. The mandamus action may be commenced in the court of 13841  
common pleas of the county in which division (B) of this section 13842  
allegedly was not complied with, in the supreme court pursuant to 13843  
its original jurisdiction under Section 2 of Article IV, Ohio 13844  
Constitution, or in the court of appeals for the appellate 13845  
district in which division (B) of this section allegedly was not 13846  
complied with pursuant to its original jurisdiction under Section 13847  
3 of Article IV, Ohio Constitution. 13848

If a requestor transmits a written request by hand delivery 13849  
or certified mail to inspect or receive copies of any public 13850  
record in a manner that fairly describes the public record or 13851  
class of public records to the public office or person responsible 13852  
for the requested public records, except as otherwise provided in 13853  
this section, the requestor shall be entitled to recover the 13854  
amount of statutory damages set forth in this division if a court 13855

determines that the public office or the person responsible for 13856  
public records failed to comply with an obligation in accordance 13857  
with division (B) of this section. 13858

The amount of statutory damages shall be fixed at one hundred 13859  
dollars for each business day during which the public office or 13860  
person responsible for the requested public records failed to 13861  
comply with an obligation in accordance with division (B) of this 13862  
section, beginning with the day on which the requester files a 13863  
mandamus action to recover statutory damages, up to a maximum of 13864  
one thousand dollars. The award of statutory damages shall not be 13865  
construed as a penalty, but as compensation for injury arising 13866  
from lost use of the requested information. The existence of this 13867  
injury shall be conclusively presumed. The award of statutory 13868  
damages shall be in addition to all other remedies authorized by 13869  
this section. 13870

The court may reduce an award of statutory damages or not 13871  
award statutory damages if the court determines both of the 13872  
following: 13873

(a) That, based on the ordinary application of statutory law 13874  
and case law as it existed at the time of the conduct or 13875  
threatened conduct of the public office or person responsible for 13876  
the requested public records that allegedly constitutes a failure 13877  
to comply with an obligation in accordance with division (B) of 13878  
this section and that was the basis of the mandamus action, a 13879  
well-informed public office or person responsible for the 13880  
requested public records reasonably would believe that the conduct 13881  
or threatened conduct of the public office or person responsible 13882  
for the requested public records did not constitute a failure to 13883  
comply with an obligation in accordance with division (B) of this 13884  
section; 13885

(b) That a well-informed public office or person responsible 13886  
for the requested public records reasonably would believe that the 13887

conduct or threatened conduct of the public office or person 13888  
responsible for the requested public records would serve the 13889  
public policy that underlies the authority that is asserted as 13890  
permitting that conduct or threatened conduct. 13891

(2)(a) If the court issues a writ of mandamus that orders the 13892  
public office or the person responsible for the public record to 13893  
comply with division (B) of this section and determines that the 13894  
circumstances described in division (C)(1) of this section exist, 13895  
the court shall determine and award to the relator all court 13896  
costs. 13897

(b) If the court renders a judgment that orders the public 13898  
office or the person responsible for the public record to comply 13899  
with division (B) of this section, the court may award reasonable 13900  
attorney's fees subject to reduction as described in division 13901  
(C)(2)(c) of this section. The court shall award reasonable 13902  
attorney's fees, subject to reduction as described in division 13903  
(C)(2)(c) of this section when either of the following applies: 13904

(i) The public office or the person responsible for the 13905  
public records failed to respond affirmatively or negatively to 13906  
the public records request in accordance with the time allowed 13907  
under division (B) of this section. 13908

(ii) The public office or the person responsible for the 13909  
public records promised to permit the relator to inspect or 13910  
receive copies of the public records requested within a specified 13911  
period of time but failed to fulfill that promise within that 13912  
specified period of time. 13913

(c) Court costs and reasonable attorney's fees awarded under 13914  
this section shall be construed as remedial and not punitive. 13915  
Reasonable attorney's fees shall include reasonable fees incurred 13916  
to produce proof of the reasonableness and amount of the fees and 13917  
to otherwise litigate entitlement to the fees. The court may 13918

reduce an award of attorney's fees to the relator or not award 13919  
attorney's fees to the relator if the court determines both of the 13920  
following: 13921

(i) That, based on the ordinary application of statutory law 13922  
and case law as it existed at the time of the conduct or 13923  
threatened conduct of the public office or person responsible for 13924  
the requested public records that allegedly constitutes a failure 13925  
to comply with an obligation in accordance with division (B) of 13926  
this section and that was the basis of the mandamus action, a 13927  
well-informed public office or person responsible for the 13928  
requested public records reasonably would believe that the conduct 13929  
or threatened conduct of the public office or person responsible 13930  
for the requested public records did not constitute a failure to 13931  
comply with an obligation in accordance with division (B) of this 13932  
section; 13933

(ii) That a well-informed public office or person responsible 13934  
for the requested public records reasonably would believe that the 13935  
conduct or threatened conduct of the public office or person 13936  
responsible for the requested public records as described in 13937  
division (C)(2)(c)(i) of this section would serve the public 13938  
policy that underlies the authority that is asserted as permitting 13939  
that conduct or threatened conduct. 13940

(D) Chapter 1347. of the Revised Code does not limit the 13941  
provisions of this section. 13942

(E)(1) To ensure that all employees of public offices are 13943  
appropriately educated about a public office's obligations under 13944  
division (B) of this section, all elected officials or their 13945  
appropriate designees shall attend training approved by the 13946  
attorney general as provided in section 109.43 of the Revised 13947  
Code. In addition, all public offices shall adopt a public records 13948  
policy in compliance with this section for responding to public 13949  
records requests. In adopting a public records policy under this 13950



division, a public office may obtain guidance from the model 13951  
public records policy developed and provided to the public office 13952  
by the attorney general under section 109.43 of the Revised Code. 13953  
Except as otherwise provided in this section, the policy may not 13954  
limit the number of public records that the public office will 13955  
make available to a single person, may not limit the number of 13956  
public records that it will make available during a fixed period 13957  
of time, and may not establish a fixed period of time before it 13958  
will respond to a request for inspection or copying of public 13959  
records, unless that period is less than eight hours. 13960

(2) The public office shall distribute the public records 13961  
policy adopted by the public office under division (E)(1) of this 13962  
section to the employee of the public office who is the records 13963  
custodian or records manager or otherwise has custody of the 13964  
records of that office. The public office shall require that 13965  
employee to acknowledge receipt of the copy of the public records 13966  
policy. The public office shall create a poster that describes its 13967  
public records policy and shall post the poster in a conspicuous 13968  
place in the public office and in all locations where the public 13969  
office has branch offices. The public office may post its public 13970  
records policy on the internet web site of the public office if 13971  
the public office maintains an internet web site. A public office 13972  
that has established a manual or handbook of its general policies 13973  
and procedures for all employees of the public office shall 13974  
include the public records policy of the public office in the 13975  
manual or handbook. 13976

(F)(1) The bureau of motor vehicles may adopt rules pursuant 13977  
to Chapter 119. of the Revised Code to reasonably limit the number 13978  
of bulk commercial special extraction requests made by a person 13979  
for the same records or for updated records during a calendar 13980  
year. The rules may include provisions for charges to be made for 13981  
bulk commercial special extraction requests for the actual cost of 13982

the bureau, plus special extraction costs, plus ten per cent. The 13983  
bureau may charge for expenses for redacting information, the 13984  
release of which is prohibited by law. 13985

(2) As used in division (F)(1) of this section: 13986

(a) "Actual cost" means the cost of depleted supplies, 13987  
records storage media costs, actual mailing and alternative 13988  
delivery costs, or other transmitting costs, and any direct 13989  
equipment operating and maintenance costs, including actual costs 13990  
paid to private contractors for copying services. 13991

(b) "Bulk commercial special extraction request" means a 13992  
request for copies of a record for information in a format other 13993  
than the format already available, or information that cannot be 13994  
extracted without examination of all items in a records series, 13995  
class of records, or data base by a person who intends to use or 13996  
forward the copies for surveys, marketing, solicitation, or resale 13997  
for commercial purposes. "Bulk commercial special extraction 13998  
request" does not include a request by a person who gives 13999  
assurance to the bureau that the person making the request does 14000  
not intend to use or forward the requested copies for surveys, 14001  
marketing, solicitation, or resale for commercial purposes. 14002

(c) "Commercial" means profit-seeking production, buying, or 14003  
selling of any good, service, or other product. 14004

(d) "Special extraction costs" means the cost of the time 14005  
spent by the lowest paid employee competent to perform the task, 14006  
the actual amount paid to outside private contractors employed by 14007  
the bureau, or the actual cost incurred to create computer 14008  
programs to make the special extraction. "Special extraction 14009  
costs" include any charges paid to a public agency for computer or 14010  
records services. 14011

(3) For purposes of divisions (F)(1) and (2) of this section, 14012  
"surveys, marketing, solicitation, or resale for commercial 14013

purposes" shall be narrowly construed and does not include 14014  
reporting or gathering news, reporting or gathering information to 14015  
assist citizen oversight or understanding of the operation or 14016  
activities of government, or nonprofit educational research. 14017

**Sec. 153.01.** (A) Whenever any building or structure for the 14018  
use of the state or any institution supported in whole or in part 14019  
by the state or in or upon the public works of the state that is 14020  
administered by the director of administrative services or by any 14021  
other state officer or state agency authorized by law to 14022  
administer a project, including an educational institution listed 14023  
in section 3345.50 of the Revised Code, is to be erected or 14024  
constructed, whenever additions, alterations, or structural or 14025  
other improvements are to be made, or whenever heating, cooling, 14026  
or ventilating plants or other equipment is to be installed or 14027  
material supplied therefor, the ~~aggregate~~ estimated cost of which 14028  
amounts to ~~fifty two hundred~~ thousand dollars or more, or the 14029  
amount determined pursuant to section 153.53 of the Revised Code 14030  
or more, each officer, board, or other authority upon which 14031  
devolves the duty of constructing, erecting, altering, or 14032  
installing the same, referred to in sections 153.01 to 153.60 of 14033  
the Revised Code as the ~~owner~~ public authority, shall cause to be 14034  
made, by an architect or engineer whose contract of employment 14035  
shall be prepared and approved by the attorney general, the 14036  
following: 14037

~~(A)(1)~~ Full and accurate plans, suitable for the use of 14038  
mechanics and other builders in the construction, improvement, 14039  
addition, alteration, or installation; 14040

~~(B)(2)~~ Details to scale and full-sized, so drawn and 14041  
represented as to be easily understood; 14042

~~(C) Accurate bills showing the exact quantity of different~~ 14043  
~~kinds of material necessary to the construction;~~ 14044

~~(D)~~(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

~~(E)~~(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

~~(F)~~(5) A life-cycle cost analysis;

~~(G)~~(6) Further data as may be required by the department of administrative services.

(B) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.

**Sec. 153.02.** (A) The director of administrative services, on the director's own initiative or upon request of the Ohio school facilities commission, may debar a contractor from contract awards for public improvements as referred to in section 153.01 of the Revised Code or for projects as defined in section 3318.01 of the Revised Code, upon proof that the contractor has done any of the following:

(1) Defaulted on a contract requiring the execution of a takeover agreement as set forth in division (B) of section 153.17 of the Revised Code;

(2) Knowingly failed during the course of a contract to maintain the coverage required by the bureau of workers' compensation;

(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required

by the contract; 14075

(4) Knowingly failed during the course of a contract to 14076  
maintain insurance required by the contract or otherwise by law, 14077  
resulting in a substantial loss to the owner, as owner is referred 14078  
to in section 153.01 of the Revised Code, or to the commission and 14079  
school district board, as provided in division (F) of section 14080  
3318.08 of the Revised Code; 14081

(5) Misrepresented the firm's qualifications in the selection 14082  
process set forth in sections 153.65 to 153.71 or section 3318.10 14083  
of the Revised Code; 14084

(6) Been convicted of a criminal offense related to the 14085  
application for or performance of any public or private contract, 14086  
including, but not limited to, embezzlement, theft, forgery, 14087  
bribery, falsification or destruction of records, receiving stolen 14088  
property, and any other offense that directly reflects on the 14089  
contractor's business integrity; 14090

(7) Been convicted of a criminal offense under state or 14091  
federal antitrust laws; 14092

(8) Deliberately or willfully submitted false or misleading 14093  
information in connection with the application for or performance 14094  
of a public contract; 14095

(9) Been debarred from bidding on or participating in a 14096  
contract with any state or federal agency. 14097

(B) When the director reasonably believes that grounds for 14098  
debarment exist, the director shall send the contractor a notice 14099  
of proposed debarment indicating the grounds for the proposed 14100  
debarment and the procedure for requesting a hearing on the 14101  
proposed debarment. The hearing shall be conducted in accordance 14102  
with Chapter 119. of the Revised Code. If the contractor does not 14103  
respond with a request for a hearing in the manner specified in 14104  
Chapter 119. of the Revised Code, the director shall issue the 14105

debarment decision without a hearing and shall notify the 14106  
contractor of the decision by certified mail, return receipt 14107  
requested. 14108

(C) The director shall determine the length of the debarment 14109  
period and may rescind the debarment at any time upon notification 14110  
to the contractor. During the period of debarment, the contractor 14111  
is not eligible to bid for or participate in any contract for a 14112  
public improvement as referred to in section 153.01 of the Revised 14113  
Code or for a project as defined in section 3318.01 of the Revised 14114  
Code. After the debarment period expires, the contractor shall be 14115  
eligible to bid for and participate in such contracts ~~for a public~~ 14116  
~~improvement as referred to in section 153.01 of the Revised Code.~~ 14117

(D) The director, through the office of the state architect, 14118  
shall maintain a list of all contractors currently debarred under 14119  
this section. Any governmental entity awarding a contract for 14120  
construction of a public improvement or project may use a 14121  
contractor's presence on the debarment list to determine whether a 14122  
contractor is responsible or best under section 9.312 or any other 14123  
section of the Revised Code in the award of a contract. 14124

**Sec. 153.03.** (A) As used in this section: 14125

(1) "Contracting authority" means any state agency or other 14126  
state instrumentality that is authorized to award a public 14127  
improvement contract. 14128

(2) "Bidder" means a person who submits a bid to a 14129  
contracting authority to perform work under a public improvement 14130  
contract. 14131

(3) "Contractor" means any person with whom a contracting 14132  
authority has entered into a public improvement contract to 14133  
provide labor for a public improvement and includes a construction 14134  
manager at risk and a design-build firm. 14135

(4) "Subcontractor" means any person who undertakes to provide any part of the labor on the site of a public improvement under a contract with any person other than the contracting authority, including all such persons in any tier.

(5) ~~"Construction manager" means a person with substantial discretion and authority to plan, coordinate, manage, and direct all phases of a project for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement~~ has the same meaning as in section 9.33 of the Revised Code.

(6) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code.

(7) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.

(8) "Labor" means any activity performed by a person that contributes to the direct installation of a product, component, or system, or that contributes to the direct removal of a product, component, or system.

~~(7)~~(9) "Public improvement contract" means any contract that is financed in whole or in part with money appropriated by the general assembly, or that is financed in any manner by a contracting authority, and that is awarded by a contracting authority for the construction, alteration, or repair of any public building, public highway, or other public improvement.

~~(8)~~(10) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government.

(B) A contracting authority shall not award a public improvement contract to a bidder, and a construction manager at risk or design-build firm shall not award a subcontract, unless the contract or subcontract contains both of the following:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (1) The statements described in division (E) of this section;                                                                                                                                                                                                                                                                                                                                                                                       | 14167                                                       |
| (2) Terms that require the contractor <u>or subcontractor</u> to be enrolled in and be in good standing in the drug-free workplace program of the bureau of workers' compensation or a comparable program approved by the bureau that requires an employer to do all of the following:                                                                                                                                                              | 14168<br>14169<br>14170<br>14171<br>14172                   |
| (a) Develop, implement, and provide to all employees a written substance use policy that conveys full and fair disclosure of the employer's expectations that no employee be at work with alcohol or drugs in the employee's system, and specifies the consequences for violating the policy.                                                                                                                                                       | 14173<br>14174<br>14175<br>14176<br>14177                   |
| (b) Conduct drug and alcohol tests on employees in accordance with division (B)(2)(c) of this section and under the following conditions:                                                                                                                                                                                                                                                                                                           | 14178<br>14179<br>14180                                     |
| (i) Prior to an individual's employment or during an employee's probationary period for employment, which shall not exceed one hundred twenty days after the probationary period begins;                                                                                                                                                                                                                                                            | 14181<br>14182<br>14183<br>14184                            |
| (ii) At random intervals while an employee provides labor or <del>onsite</del> <u>on-site</u> supervision of labor for a public improvement contract. The employer shall use the neutral selection procedures required by the United States department of transportation to determine which employees to test and when to test those employees.                                                                                                     | 14185<br>14186<br>14187<br>14188<br>14189<br>14190          |
| (iii) After an accident at the site where labor is being performed pursuant to a public improvement contract. For purposes of this division, "accident" has the meaning established in rules the administrator of workers' compensation adopts pursuant to Chapters 4121. and 4123. of the Revised Code for the bureau's drug-free workplace program, as those rules exist on <del>the effective date of this section</del> <u>March 30, 2007</u> . | 14191<br>14192<br>14193<br>14194<br>14195<br>14196<br>14197 |



(iv) When the employer ~~or a~~ construction manager, 14198  
construction manager at risk, or design-build firm has reasonable 14199  
suspicion that prior to an accident an employee may be in 14200  
violation of the employer's written substance use policy. For 14201  
purposes of this division, "reasonable suspicion" has the meaning 14202  
established in rules the administrator adopts pursuant to Chapters 14203  
4121. and 4123. of the Revised Code for the bureau's drug-free 14204  
workplace program, as those rules exist on ~~the effective date of~~ 14205  
~~this section~~ March 30, 2007. 14206

(v) Prior to an employee returning to a work site to provide 14207  
labor for a public improvement contract after the employee tested 14208  
positive for drugs or alcohol, and again after the employee 14209  
returns to that site to provide labor under that contract, as 14210  
required by either the employer, ~~the~~ construction manager, 14211  
construction manager at risk, design-build firm, or conditions in 14212  
the contract. 14213

(c) Use the following types of tests when conducting a test 14214  
on an employee under the conditions described in division 14215  
(B)(2)(b) of this section: 14216

(i) Drug and alcohol testing that uses the federal testing 14217  
model that the administrator has incorporated into the bureau's 14218  
drug-free workplace program; 14219

(ii) Testing to determine whether the concentration of 14220  
alcohol on an employee's breath is equal to or in excess of the 14221  
level specified in division (A)(1)(d) or (h) of section 4511.19 of 14222  
the Revised Code, which is obtained through an evidentiary breath 14223  
test conducted by a breath alcohol technician using breath testing 14224  
equipment that meets standards established by the United States 14225  
department of transportation, or, if such technician and equipment 14226  
are unavailable, a blood test may be used to determine whether the 14227  
concentration of alcohol in an employee's blood is equal to or in 14228  
excess of the level specified in division (A)(1)(b) or (f) of 14229

section 4511.19 of the Revised Code. 14230

(d) Require all employees to receive at least one hour of 14231  
training that increases awareness of and attempts to deter 14232  
substance abuse and supplies information about employee assistance 14233  
to deal with substance abuse problems, and require all supervisors 14234  
to receive one additional hour of training in skill building to 14235  
teach a supervisor how to observe and document employee behavior 14236  
and intervene when reasonable suspicion exists of substance use; 14237

(e) Require all supervisors and employees to receive the 14238  
training described in division (B)(2)(d) of this section before 14239  
work for a public improvement contract commences or during the 14240  
term of a public improvement contract; 14241

(f) Require that the training described in division (B)(2)(d) 14242  
of this section be provided using material prepared by an 14243  
individual who has credentials or experience in substance abuse 14244  
training; 14245

(g) Assist employees by providing, at a minimum, a list of 14246  
community resources from which an employee may obtain help with 14247  
substance abuse problems, except that this requirement does not 14248  
preclude an employer from having a policy that allows an employer 14249  
to terminate an employee's employment the first time the employee 14250  
tests positive for drugs or alcohol or if an employee refuses to 14251  
be tested for drugs, alcohol, or both. 14252

(C) Any time the United States department of health and human 14253  
services changes the federal testing model that the administrator 14254  
has incorporated into the bureau's drug-free workplace program in 14255  
a manner that allows additional or new products, protocols, 14256  
procedures, and standards in the model, the administrator may 14257  
adopt rules establishing standards to allow employers to use those 14258  
additional or new products, protocols, procedures, or standards to 14259  
satisfy the requirements of division (B)(2)(c) of this section, 14260

and the bureau may approve an employer's drug-free workplace 14261  
program that meets the administrator's standards and the other 14262  
requirements specified in division (B)(2) of this section. 14263

(D) A contracting authority shall ensure that money 14264  
appropriated by the general assembly for the contracting 14265  
authority's public improvement contract or, in the case of a state 14266  
institution of higher education, the institution's financing for 14267  
the public improvement contract, is not expended unless the 14268  
contractor for that contract is enrolled in and in good standing 14269  
in a drug-free workplace program described in division (B) of this 14270  
section. Prior to awarding a contract to a bidder, a contracting 14271  
authority shall verify that the bidder is enrolled in and in good 14272  
standing in such a program. 14273

(E) A contracting authority shall include all of the 14274  
following statements in the public improvement contract entered 14275  
into between the contracting authority and a contractor for the 14276  
public improvement: 14277

(1) "Each contractor shall require all subcontractors with 14278  
whom the contractor is in contract for the public improvement to 14279  
be enrolled in and be in good standing in the Bureau of Workers' 14280  
Compensation's Drug-Free Workplace Program or a comparable program 14281  
approved by the Bureau that meets the requirements specified in 14282  
section 153.03 of the Revised Code prior to a subcontractor 14283  
providing labor at the project site of the public improvement." 14284

(2) "Each subcontractor shall require all lower-tier 14285  
subcontractors with whom the subcontractor is in contract for the 14286  
public improvement to be enrolled in and be in good standing in 14287  
the Bureau of Workers' Compensation's Drug-Free Workplace Program 14288  
or a comparable program approved by the Bureau that meets the 14289  
requirements specified in section 153.03 of the Revised Code prior 14290  
to a lower-tier subcontractor providing labor at the project site 14291  
of the public improvement." 14292

(3) "Failure of a contractor to require a subcontractor to be 14293  
enrolled in and be in good standing in the Bureau of Workers' 14294  
Compensation's Drug-Free Workplace Program or a comparable program 14295  
approved by the Bureau that meets the requirements specified in 14296  
section 153.03 of the Revised Code prior to the time that the 14297  
subcontractor provides labor at the project site will result in 14298  
the contractor being found in breach of the contract and that 14299  
breach shall be used in the responsibility analysis of that 14300  
contractor or the subcontractor who was not enrolled in a program 14301  
for future contracts with the state for five years after the date 14302  
of the breach." 14303

(4) "Failure of a subcontractor to require a lower-tier 14304  
subcontractor to be enrolled in and be in good standing in the 14305  
Bureau of Workers' Compensation's Drug-Free Workplace Program or a 14306  
comparable program approved by the Bureau that meets the 14307  
requirements specified in section 153.03 of the Revised Code prior 14308  
to the time that the lower-tier subcontractor provides labor at 14309  
the project site will result in the subcontractor being found in 14310  
breach of the contract and that breach shall be used in the 14311  
responsibility analysis of that subcontractor or the lower-tier 14312  
subcontractor who was not enrolled in a program for future 14313  
contracts with the state for five years after the date of the 14314  
breach." 14315

(F) In the event a construction manager, construction manager 14316  
at risk, or design-build firm intends and is authorized to provide 14317  
labor for a public improvement contract, a contracting authority 14318  
shall verify, prior to awarding a contract for construction 14319  
management services or design-build services, that the 14320  
construction manager, construction manager at risk, or 14321  
design-build firm was enrolled in and in good standing in a 14322  
drug-free workplace program described in division (B) of this 14323  
section prior to entering into the public improvement contract. 14324

The contracting authority shall not award a contract for 14325  
construction manager services ~~to a construction manager or~~ 14326  
design-build services if the construction manager, construction 14327  
manager at risk, or design-build firm is not enrolled in or in 14328  
good standing in such a program. 14329

**Sec. 153.07.** The notice provided for in section 153.06 of the 14330  
Revised Code shall be published once each week for three 14331  
consecutive weeks in a newspaper of general circulation, or as 14332  
provided in section 7.16 of the Revised Code, in the county where 14333  
the activity for which bids are submitted is to occur and in such 14334  
other newspapers as ordered by the department of administrative 14335  
services, the last publication to be at least eight days preceding 14336  
the day for opening the bids, and in such form and with such 14337  
phraseology as the department orders. Copies of the plans, 14338  
details, ~~bills of material,~~ estimates of cost, and specifications 14339  
shall be open to public inspection at all business hours between 14340  
the day of the first publication and the day for opening the bids, 14341  
at the office of the department where the bids are received, and 14342  
such other place as may be designated in such notice. 14343

**Sec. 153.08.** On the day and at the place named in the notice 14344  
provided for in section 153.06 of the Revised Code, the owner 14345  
referred to in section 153.01 of the Revised Code shall open the 14346  
bids and shall publicly, with the assistance of the architect or 14347  
engineer, immediately proceed to tabulate the bids upon duplicate 14348  
sheets. The public bid opening may be broadcast by electronic 14349  
means pursuant to rules established by the director of 14350  
administrative services. A bid shall be invalid and not considered 14351  
unless a bid guaranty meeting the requirements of section 153.54 14352  
of the Revised Code and in the form approved by the department of 14353  
administrative services is filed with such bid ~~and unless such,~~ 14354  
For a bid that is not filed electronically, the bid and bid 14355

guaranty ~~are~~ shall be filed in one sealed envelope. If the bid and 14356  
bid guaranty are filed electronically, they must be received 14357  
electronically before the deadline published pursuant to section 14358  
153.06 of the Revised Code. For all bids filed electronically, the 14359  
original, unaltered bid guaranty shall be made available to the 14360  
public authority after the public bid opening. After 14361  
investigation, which shall be completed within thirty days, the 14362  
contract shall be awarded by such owner to the lowest responsive 14363  
and responsible bidder in accordance with section 9.312 of the 14364  
Revised Code. 14365

No contract shall be entered into until the industrial 14366  
commission has certified that the person so awarded the contract 14367  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 14368  
until, if the bidder so awarded the contract is a foreign 14369  
corporation, the secretary of state has certified that such 14370  
corporation is authorized to do business in this state, until, if 14371  
the bidder so awarded the contract is a person nonresident of this 14372  
state, such person has filed with the secretary of state a power 14373  
of attorney designating the secretary of state as its agent for 14374  
the purpose of accepting service of summons in any action brought 14375  
under section 153.05 of the Revised Code or under sections 4123.01 14376  
to 4123.94 of the Revised Code, and until the contract and bond, 14377  
if any, are submitted to the attorney general and the attorney 14378  
general's approval certified thereon. 14379

No contract shall be entered into unless the bidder possesses 14380  
a valid certificate of compliance with affirmative action programs 14381  
issued pursuant to section 9.47 of the Revised Code and dated no 14382  
earlier than one hundred eighty days prior to the date fixed for 14383  
the opening of bids for a particular project. 14384

**Sec. 153.50.** (A) ~~An~~ As used in sections 153.50 to 153.52 of 14385  
the Revised Code: 14386

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <u>(1) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 14387<br>14388                                                                                                             |
| <u>(2) "Design-assist services" means monitoring and assisting in the completion of the plans and specifications.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 14389<br>14390                                                                                                             |
| <u>(3) "Design-assist firm" means a person capable of providing design-assist services.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 14391<br>14392                                                                                                             |
| <u>(4) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 14393<br>14394                                                                                                             |
| <u>(5) "General contracting" means constructing and managing an entire public improvement project, including the branches or classes of work specified in division (B) of this section, under the award of a single aggregate lump sum contract.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 14395<br>14396<br>14397<br>14398                                                                                           |
| <u>(6) "General contracting firm" means a person capable of performing general contracting.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 14399<br>14400                                                                                                             |
| <u>(B) Except for contracts made with a construction manager at risk, with a design-build firm, or with a general contracting firm, an officer, board, or other authority of the state, a county, township, municipal corporation, or school district, or of any public institution belonging thereto, authorized to contract for the erection, repair, alteration, or rebuilding of a public building, institution, bridge, culvert, or improvement and required by law to advertise and receive bids for furnishing of materials and doing the work necessary for the erection thereof, shall require separate and distinct bids to be made for furnishing such materials or doing such work, or both, in their discretion, for each of the following branches or classes of work to be performed, and all work kindred thereto, entering into the improvement:</u> | 14401<br>14402<br>14403<br>14404<br>14405<br>14406<br>14407<br>14408<br>14409<br>14410<br>14411<br>14412<br>14413<br>14414 |
| (1) Plumbing and gas fitting;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 14415                                                                                                                      |
| (2) Steam and hot-water heating, ventilating apparatus, and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 14416                                                                                                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| steam-power plant;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 14417                                                                         |
| (3) Electrical equipment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 14418                                                                         |
| <del>(B) A public authority is not required to solicit separate bids for a branch or class of work specified in division (A) of this section for an improvement if the estimated cost for that branch or class of work is less than five thousand dollars.</del>                                                                                                                                                                                                                                                                                                                     | 14419<br>14420<br>14421<br>14422                                              |
| <u>Sec. 153.501. (A) A public authority may accept a subcontract awarded by a construction manager at risk, a design-build firm, or a general contracting firm, or may reject any such subcontract if the public authority determines that the bidder is not responsible.</u>                                                                                                                                                                                                                                                                                                        | 14423<br>14424<br>14425<br>14426<br>14427                                     |
| <u>(B) A public authority may authorize a construction manager at risk or design-build firm to utilize a design-assist firm on any public improvement project without transferring any design liability to the design-assist firm.</u>                                                                                                                                                                                                                                                                                                                                               | 14428<br>14429<br>14430<br>14431                                              |
| <u>(C) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-perform a portion of the work to be performed, the construction manager at risk or design-build firm shall submit a sealed bid for the portion of the work prior to accepting and opening any bids for the same work.</u>                                                                                                                                                                                                                                   | 14432<br>14433<br>14434<br>14435<br>14436<br>14437                            |
| <u>Sec. 153.502. (A) Each construction manager at risk and design-build firm shall establish criteria by which it will prequalify prospective bidders on subcontracts awarded for work to be performed under the construction management or design-build contract. The criteria established by a construction manager at risk or design-build firm shall be subject to the approval of the public authority involved in the project and shall be consistent with the rules adopted by the department of administrative services pursuant to section 153.503 of the Revised Code.</u> | 14438<br>14439<br>14440<br>14441<br>14442<br>14443<br>14444<br>14445<br>14446 |



(B) For each subcontract to be awarded, the construction manager at risk or design-build firm shall identify at least three prospective bidders that are prequalified to bid on that subcontract, except that the construction manager at risk or design-build firm shall identify fewer than three if the construction manager at risk or design-build firm establishes to the satisfaction of the public authority that fewer than three prequalified bidders are available. The public authority shall verify that each prospective bidder meets the prequalification criteria and may eliminate any bidder it determines is not qualified.

(C) Once the prospective bidders are prequalified and found acceptable by the public authority, the construction manager at risk or design-build firm shall solicit proposals from each of those bidders. The solicitation and selection of a subcontractor shall be conducted under an open book pricing method. As used in this division, "open book pricing method" has the same meaning as in section 9.33 of the Revised Code, in the case of a construction manager at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm.

(D) A construction manager at risk or design-build firm shall not be required to award a subcontract to a low bidder.

**Sec. 153.503.** The department of administrative services, pursuant to Chapter 119. of the Revised Code and not later than June 30, 2012, shall adopt rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk or design-build firm;

(B) In consultation with the state architect's office, set forth standards to be followed by construction managers at risk and design-build firms when establishing prequalification criteria

pursuant to section 153.502 of the Revised Code; 14478

(C) Prescribe the form for the contract documents to be used 14479  
by a construction manager at risk, design-build firm, or general 14480  
contractor when entering into a subcontract; 14481

(D) Prescribe the form for the contract documents to be used 14482  
by a public authority when entering into a contract with a 14483  
construction manager at risk or design-build firm. 14484

**Sec. 153.51.** (A) ~~When more than one branch or class of work~~ 14485  
~~specified in division (A) of~~ If separate and distinct bids are 14486  
required pursuant to section 153.50 of the Revised Code is 14487  
~~required,~~ no contract for the entire job, or for a greater portion 14488  
thereof than is embraced in one such branch or class of work ~~shall~~ 14489  
may be awarded, unless the separate bids do not cover all the work 14490  
and materials required or the bids for the whole or for two or 14491  
more kinds of work or materials are lower than the separate bids 14492  
in the aggregate. 14493

(B)(1) ~~The~~ If the public authority ~~referred to in section~~ 14494  
~~153.50 of the Revised Code also may award~~ awards a single, 14495  
aggregate contract for the entire project pursuant to division (A) 14496  
of this section. ~~This,~~ the award shall be made to the bidder who 14497  
is the lowest responsive and responsible bidder or the lowest and 14498  
best bidder, as applicable, as specified in section 153.52 of the 14499  
Revised Code. 14500

(2) The public authority ~~referred to in section 153.50 of the~~ 14501  
~~Revised Code~~ may assign all or any portion of its interest in the 14502  
contract of the lowest responsive and responsible bidder or the 14503  
lowest and best bidder, as applicable, to another successful 14504  
bidder as an agreed condition for an award of the contract for the 14505  
amount of its respective bid. Such assignment may include, but is 14506  
not limited to, the duty to schedule, coordinate, and administer 14507  
the contracts. 14508

~~(C) A public authority referred to in division (A) of section 14509  
153.50 of the Revised Code is not required to award separate 14510  
contracts for a branch or class of work specified in division (A) 14511  
of section 153.50 of the Revised Code entering into an improvement 14512  
if the estimated cost for that branch or class of work is less 14513  
than five thousand dollars. 14514~~

**Sec. 153.52.** ~~The~~ A contract for general contracting or for 14515  
doing the work belonging to each separate branch or class of work 14516  
specified in division ~~(A)~~(B) of section 153.50 of the Revised 14517  
Code, or for the furnishing of materials therefor, ~~or both,~~ shall 14518  
be awarded by the public authority referred to in section 153.50 14519  
of the Revised Code, in its discretion, to the lowest responsive 14520  
and responsible separate bidder therefor, in accordance with 14521  
section 9.312 of the Revised Code in the case of any public 14522  
authority of the state or any public institution belonging 14523  
thereto, and to the lowest and best separate bidder in the case of 14524  
a county, township, or municipal corporation, ~~or school district,~~ 14525  
or any public institution belonging thereto, and to the lowest 14526  
responsive and responsible bidder in the case of a school 14527  
district, and shall be made directly with the bidder in the manner 14528  
and upon the terms, conditions, and limitations as to giving bond 14529  
or bid guaranties as prescribed by law, ~~unless it is let as a~~ 14530  
~~whole, or to bidders for more than one kind of work or materials.~~ 14531  
~~Sections 153.50 to 153.52 of the Revised Code do not apply to the~~ 14532  
~~erection of buildings and other structures which cost less than~~ 14533  
~~fifty thousand dollars.~~ 14534

**Sec. 153.53.** (A) As used in this section, "rate of inflation" 14535  
has the same meaning as in section 107.032 of the Revised Code. 14536

(B) Five years after the effective date of this section and 14538  
every five years thereafter, the director of administrative 14539

services shall evaluate the monetary threshold specified in 14540  
section 153.01 of the Revised Code and adopt rules adjusting that 14541  
amount based on the average rate of inflation during each of the 14542  
previous five years immediately preceding such adjustment. 14543

**Sec. 153.54.** (A) ~~Each~~ Except with respect to a contract 14544  
described in section 9.334 or 153.693 of the Revised Code, each 14545  
person bidding for a contract with the state or any political 14546  
subdivision, district, institution, or other agency thereof, 14547  
excluding therefrom the department of transportation, for any 14548  
public improvement shall file with the bid, a bid guaranty in the 14549  
form of either: 14550

(1) A bond in accordance with division (B) of this section 14551  
for the full amount of the bid; 14552

(2) A certified check, cashier's check, or letter of credit 14553  
pursuant to Chapter 1305. of the Revised Code, in accordance with 14554  
division (C) of this section. Any such letter of credit is 14555  
revocable only at the option of the beneficiary state, political 14556  
subdivision, district, institution, or agency. The amount of the 14557  
certified check, cashier's check, or letter of credit shall be 14558  
equal to ten per cent of the bid. 14559

(B) A bid guaranty filed pursuant to division (A)(1) of this 14560  
section shall be conditioned to: 14561

(1) Provide that, if the bid is accepted, the bidder, after 14562  
the awarding or the recommendation for the award of the contract, 14563  
whichever the contracting authority designates, will enter into a 14564  
proper contract in accordance with the bid, plans, details, and 14565  
~~specifications, and bills of material.~~ If for any reason, other 14566  
than as authorized by section 9.31 of the Revised Code or division 14567  
(G) of this section, the bidder fails to enter into the contract, 14568  
and the contracting authority awards the contract to the next 14569  
lowest bidder, the bidder and the surety on the bidder's bond are 14570

liable to the state, political subdivision, district, institution, 14571  
or agency for the difference between the bid and that of the next 14572  
lowest bidder, or for a penal sum not to exceed ten per cent of 14573  
the amount of the bond, whichever is less. If the state, political 14574  
subdivision, district, institution, or agency does not award the 14575  
contract to the next lowest bidder but resubmits the project for 14576  
bidding, the bidder failing to enter into the contract and the 14577  
surety on the bidder's bond, except as provided in division (G) of 14578  
this section, are liable to the state, political subdivision, 14579  
district, institution, or agency for a penal sum not to exceed ten 14580  
per cent of the amount of the bid or the costs in connection with 14581  
the resubmission of printing new contract documents, required 14582  
advertising, and printing and mailing notices to prospective 14583  
bidders, whichever is less. 14584

(2) Indemnify the state, political subdivision, district, 14585  
institution, or agency against all damage suffered by failure to 14586  
perform the contract according to its provisions and in accordance 14587  
with the plans, details, and specifications, ~~and bills of material~~ 14588  
therefor and to pay all lawful claims of subcontractors, material 14589  
suppliers, and laborers for labor performed or material furnished 14590  
in carrying forward, performing, or completing the contract; and 14591  
agree and assent that this undertaking is for the benefit of any 14592  
subcontractor, material supplier, or laborer having a just claim, 14593  
as well as for the state, political subdivision, district, 14594  
institution, or agency. 14595

(C)(1) A bid guaranty filed pursuant to division (A)(2) of 14596  
this section shall be conditioned to provide that if the bid is 14597  
accepted, the bidder, after the awarding or the recommendation for 14598  
the award of the contract, whichever the contracting authority 14599  
designates, will enter into a proper contract in accordance with 14600  
the bid, plans, details, specifications, and bills of material. If 14601  
for any reason, other than as authorized by section 9.31 of the 14602

Revised Code or division (G) of this section, the bidder fails to 14603  
enter into the contract, and the contracting authority awards the 14604  
contract to the next lowest bidder, the bidder is liable to the 14605  
state, political subdivision, district, institution, or agency for 14606  
the difference between the bidder's bid and that of the next 14607  
lowest bidder, or for a penal sum not to exceed ten per cent of 14608  
the amount of the bid, whichever is less. If the state, political 14609  
subdivision, district, institution, or agency does not award the 14610  
contract to the next lowest bidder but resubmits the project for 14611  
bidding, the bidder failing to enter into the contract, except as 14612  
provided in division (G) of this section, is liable to the state, 14613  
political subdivision, district, institution, or agency for a 14614  
penal sum not to exceed ten per cent of the amount of the bid or 14615  
the costs in connection with the resubmission, of printing new 14616  
contract documents, required advertising, and printing and mailing 14617  
notices to prospective bidders, whichever is less. 14618

If the bidder enters into the contract, the bidder, at the 14619  
time the contract is entered to, shall file a bond for the amount 14620  
of the contract to indemnify the state, political subdivision, 14621  
district, institution, or agency against all damage suffered by 14622  
failure to perform the contract according to its provisions and in 14623  
accordance with the plans, details, and specifications, ~~and bills~~ 14624  
~~of material therefor~~ and to pay all lawful claims of 14625  
subcontractors, material suppliers, and laborers for labor 14626  
performed or material furnished in carrying forward, performing, 14627  
or completing the contract; and agree and assent that this 14628  
undertaking is for the benefit of any subcontractor, material 14629  
supplier, or laborer having a just claim, as well as for the 14630  
state, political subdivision, district, institution, or agency. 14631

(2) A construction manager who enters into a contract 14632  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 14633  
required by the public ~~owner~~ authority at the time the 14634

construction manager enters into the contract, shall file a letter 14635  
of credit pursuant to Chapter 1305. of the Revised Code, bond, 14636  
certified check, or cashier's check, for the value of the 14637  
construction management contract to indemnify the state, political 14638  
subdivision, district, institution, or agency against all damage 14639  
suffered by the construction manager's failure to perform the 14640  
contract according to its provisions, and shall agree and assent 14641  
that this undertaking is for the benefit of the state, political 14642  
subdivision, district, institution, or agency. A letter of credit 14643  
provided by the construction manager is revocable only at the 14644  
option of the beneficiary state, political subdivision, district, 14645  
institution, or agency. 14646

(D) Where the state, political subdivision, district, 14647  
institution, or agency accepts a bid but the bidder fails or 14648  
refuses to enter into a proper contract in accordance with the 14649  
bid, plans, details, and specifications, ~~and bills of material~~ 14650  
within ten days after the awarding of the contract, the bidder and 14651  
the surety on any bond, except as provided in division (G) of this 14652  
section, are liable for the amount of the difference between the 14653  
bidder's bid and that of the next lowest bidder, but not in excess 14654  
of the liability specified in division (B)(1) or (C) of this 14655  
section. Where the state, political subdivision, district, 14656  
institution, or agency then awards the bid to such next lowest 14657  
bidder and such next lowest bidder also fails or refuses to enter 14658  
into a proper contract in accordance with the bid, plans, details, 14659  
and specifications, ~~and bills of material~~ within ten days after 14660  
the awarding of the contract, the liability of such next lowest 14661  
bidder, except as provided in division (G) of this section, is the 14662  
amount of the difference between the bids of such next lowest 14663  
bidder and the third lowest bidder, but not in excess of the 14664  
liability specified in division (B)(1) or (C) of this section. 14665  
Liability on account of an award to any lowest bidder beyond the 14666  
third lowest bidder shall be determined in like manner. 14667

(E) Notwithstanding division (C) of this section, where the state, political subdivision, district, institution, or agency resubmits the project for bidding, each bidder whose bid was accepted but who failed or refused to enter into a proper contract, except as provided in division (G) of this section, is liable for an equal share of a penal sum in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, but no bidder's liability shall exceed the amount of the bidder's bid guaranty.

(F) All bid guaranties filed pursuant to this section shall be payable to the state, political subdivision, district, institution, or agency, be for the benefit of the state, political subdivision, district, institution, or agency or any person having a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state, political subdivision, district, institution, or agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than



one-half million dollars, and if the surety certifies in good 14700  
faith that the bidder is unable to perform the subsequent contract 14701  
because to do so would exceed the bidder's bonding capacity. If a 14702  
bid is withdrawn under authority of this division, the contracting 14703  
authority may award the contract to the next lowest bidder or 14704  
reject all bids and resubmit the project for bidding, and neither 14705  
the bidder nor the surety on the bidder's bond are liable for the 14706  
difference between the bidder's bid and that of the next lowest 14707  
bidder, for a penal sum, or for the costs of printing new contract 14708  
documents, required advertising, and printing and mailing notices 14709  
to prospective bidders. 14710

(H) Bid guaranties filed pursuant to division (A) of this 14711  
section shall be returned to all unsuccessful bidders immediately 14712  
after the contract is executed. The bid guaranty filed pursuant to 14713  
division (A)(2) of this section shall be returned to the 14714  
successful bidder upon filing of the bond required in division (C) 14715  
of this section. 14716

(I) For the purposes of this section, "next lowest bidder" 14717  
means, in the case of a political subdivision that has adopted the 14718  
model Ohio and United States preference requirements promulgated 14719  
pursuant to division (E) of section 125.11 of the Revised Code, 14720  
the next lowest bidder that qualifies under those preference 14721  
requirements. 14722

(J) For the purposes of this section and sections 153.56, 14723  
153.57, and 153.571 of the Revised Code, "public improvement," 14724  
"subcontractor," "material supplier," "laborer," and "materials" 14725  
have the same meanings as in section 1311.25 of the Revised Code. 14726

Sec. 153.55. (A) For purposes of calculating the amount of a 14727  
public improvement project to determine whether it is subject to 14728  
section 153.01 of the Revised Code, no officer, board, or other 14729  
authority of the state or any institution supported by the state 14730

shall subdivide a public improvement project into component parts 14731  
or separate projects in order to avoid the threshold of that 14732  
section, unless the component parts or separate projects thus 14733  
created are conceptually separate and unrelated to each other, or 14734  
encompass independent or unrelated needs. 14735

(B) In calculating the project amount for purposes of the 14736  
threshold in section 153.01 of the Revised Code, the following 14737  
expenses shall be included as costs of the project: 14738

(1) Professional fees and expenses for services associated 14739  
with the preparation of plans; 14740

(2) Permit costs, testing costs, and other fees associated 14741  
with the work; 14742

(3) Project construction costs; 14743

(4) A contingency reserve fund. 14744

**Sec. 153.56.** (A) Any person to whom any money is due for 14745  
labor or work performed or materials furnished in a public 14746  
improvement as provided in section 153.54 of the Revised Code, at 14747  
any time after performing the labor or work or furnishing the 14748  
materials, but not later than ninety days after the completion of 14749  
the contract by the principal contractor or design-build firm and 14750  
the acceptance of the public improvement for which the bond was 14751  
provided by the duly authorized board or officer, shall furnish 14752  
the sureties on the bond, a statement of the amount due to the 14753  
person. 14754

(B) A suit shall not be brought against sureties on the bond 14755  
until after sixty days after the furnishing of the statement 14756  
described in division (A) of this section. If the indebtedness is 14757  
not paid in full at the expiration of that sixty days, and if the 14758  
person complies with division (C) of this section, the person may 14759  
bring an action in the person's own name upon the bond, as 14760

provided in sections 2307.06 and 2307.07 of the Revised Code, that 14761  
action to be commenced, notwithstanding section 2305.12 of the 14762  
Revised Code, not later than one year from the date of acceptance 14763  
of the public improvement for which the bond was provided. 14764

(C) To exercise rights under this section, a subcontractor or 14765  
materials supplier supplying labor or materials that cost more 14766  
than thirty thousand dollars, who is not in direct privity of 14767  
contract with the principal contractor or design-build firm for 14768  
the public improvement, shall serve a notice of furnishing upon 14769  
the principal contractor or design-build firm in the form provided 14770  
in section 1311.261 of the Revised Code. 14771

(D) A subcontractor or materials supplier who serves a notice 14772  
of furnishing under division (C) of this section as required to 14773  
exercise rights under this section has the right of recovery only 14774  
as to amounts owed for labor and work performed and materials 14775  
furnished during and after the twenty-one days immediately 14776  
preceding service of the notice of furnishing. 14777

(E) For purposes of this section, ~~"principal:~~ 14778

(1) "Design-build firm" has the same meaning as in section 14779  
153.65 of the Revised Code. 14780

(2) "Principal contractor" has the same meaning as in section 14781  
1311.25 of the Revised Code, and may include a "construction 14782  
manager" and a "construction manager at risk" as defined in 14783  
section 9.33 of the Revised Code. 14784

**Sec. 153.581.** As used in sections 153.581 and 153.591 of the 14785  
Revised Code: 14786

(A) "Public works contract" means any contract awarded by a 14787  
contracting authority for the construction, engineering, 14788  
alteration, or repair of any public building, public highway, or 14789  
other public work. 14790

(B) "Contracting authority" means the state, any township, county, municipal corporation, school board, or other governmental entity empowered to award a public works contract, and any construction manager at risk as defined in section 9.33 of the Revised Code or design-build firm as defined in section 153.65 of the Revised Code awarding a subcontract.

(C) "Contractor" means any person, partnership, corporation, or association that has been awarded a public works contract.

**Sec. 153.65.** As used in sections 153.65 to ~~153.71~~ 153.73 of the Revised Code:

(A)(1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a ~~county, township, municipal corporation, school district, or other~~ political subdivision.

(2) "Public authority" does not include the Ohio turnpike commission.

(B) "Professional design firm" means any person legally engaged in rendering professional design services.

(C) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.

(D) "Qualifications" means all of the following:

(1) ~~Competence of the~~ (a) For a professional design firm, competence to perform the required professional design services as indicated by the technical training, education, and experience of

the firm's personnel, especially the technical training, 14821  
education, and experience of the employees within the firm who 14822  
would be assigned to perform the services; 14823

(b) For a design-build firm, competence to perform the 14824  
required design-build services as indicated by the technical 14825  
training, education, and experience of the design-build firm's 14826  
personnel and key consultants, especially the technical training, 14827  
education, and experience of the employees and consultants of the 14828  
design-build firm who would be assigned to perform the services, 14829  
including the proposed architect or engineer of record. 14830

(2) Ability of the firm in terms of its workload and the 14831  
availability of qualified personnel, equipment, and facilities to 14832  
perform the required professional design services or design-build 14833  
services competently and expeditiously; 14834

(3) Past performance of the firm as reflected by the 14835  
evaluations of previous clients with respect to such factors as 14836  
control of costs, quality of work, and meeting of deadlines; 14837

(4) Any other relevant factors as determined by the public 14838  
authority; 14839

(5) With respect to a design-build firm, compliance with 14840  
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 14841  
including the use of a licensed design professional for all design 14842  
services. 14843

(E) "Design-build contract" means a contract between a public 14844  
authority and another person that obligates the person to provide 14845  
design-build services. 14846

(F) "Design-build firm" means a person capable of providing 14847  
design-build services. 14848

(G) "Design-build services" means services that form an 14849  
integrated delivery system for which a person is responsible to a 14850

public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement. 14851  
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(H) "Architect or engineer of record" means the architect or engineer that serves as the final signatory on the plans and specifications for the design-build project. 14853  
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(I) "Criteria architect or engineer" means the architect or engineer retained by a public authority to prepare conceptual plans and specifications, to assist the public authority in connection with the establishment of the design criteria for a design-build project, and, if requested by the public authority, to serve as the representative of the public authority and provide, during the design-build project, other design and construction administration services on behalf of the public authority, including but not limited to, confirming that the design prepared by the design-build firm reflects the original design intent established in the design criteria package. 14856  
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(J) "Open book pricing method" means a method in which a design-build firm provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build services awarded to the design-build firm. 14867  
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**Sec. 153.66.** (A) Each public authority planning to contract for professional design services or design-build services shall encourage professional design firms and design-build firms to submit a statement of qualifications and update the statements at regular intervals. 14873  
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(B) Notwithstanding any contrary requirements in sections 153.65 to 153.70 of the Revised Code, for every design-build contract, each public authority planning to contract for design-build services shall evaluate the statements of 14878  
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14881

qualifications submitted by design-build firms for the project, 14882  
including the qualifications of the design-build firm's proposed 14883  
architect or engineer of record, in consultation with the criteria 14884  
architect or engineer before selecting a design-build firm 14885  
pursuant to section 153.693 of the Revised Code. 14886

**Sec. 153.67.** Each public authority planning to contract for 14887  
professional design services or design-build services shall 14888  
publicly announce all contracts available from it for such 14889  
services. The announcements shall: 14890

(A) Be made in a uniform and consistent manner and shall be 14891  
made sufficiently in advance of the time that responses must be 14892  
received from qualified professional design firms or design-build 14893  
firms for the firms to have an adequate opportunity to submit a 14894  
statement of interest in the project; 14895

(B) Include a general description of the project, a statement 14896  
of the specific professional design services or design-build 14897  
services required, and a description of the qualifications 14898  
required for the project; 14899

(C) Indicate how qualified professional design firms or 14900  
design-build firms may submit statements of qualifications in 14901  
order to be considered for a contract to design or design-build 14902  
the project; 14903

(D) Be sent to ~~either~~ any of the following that the public 14904  
authority considers appropriate: 14905

(1) ~~Each professional design firm that has a current~~ 14906  
~~statement of qualifications on file with the public authority and~~ 14907  
~~is qualified to perform the required professional design services~~ 14908  
Design-build firms, including contractors or other entities that 14909  
seek to perform the work as a design-build firm; 14910

(2) Architect, landscape architect, engineer, and surveyor 14911

|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| trade associations, <del>the</del>                                            | 14912 |
| (3) <u>The news media, and any</u>                                            | 14913 |
| (4) <u>Any publications or other public media that the public</u>             | 14914 |
| <u>authority considers appropriate, including electronic media.</u>           | 14915 |
| <b>Sec. 153.69.</b> For every professional design services contract,          | 14916 |
| each public authority planning to contract for professional design            | 14917 |
| services shall evaluate the statements of qualifications of                   | 14918 |
| <del>professional design firms currently on file, together with those</del>   | 14919 |
| <del>that are</del> submitted by other professional design firms specifically | 14920 |
| regarding the project, and may hold discussions with individual               | 14921 |
| firms to explore further the firms' statements of qualifications,             | 14922 |
| the scope and nature of the services the firms would provide, and             | 14923 |
| the various technical approaches the firms may take toward the                | 14924 |
| project. Following this evaluation, the public authority shall:               | 14925 |
|                                                                               | 14926 |
| (A) Select and rank no fewer than three firms which it                        | 14927 |
| considers to be the most qualified to provide the required                    | 14928 |
| professional design services, except when the public authority                | 14929 |
| determines in writing that fewer than three qualified firms are               | 14930 |
| available in which case the public authority shall select and rank            | 14931 |
| those firms;                                                                  | 14932 |
| (B) Negotiate a contract with the firm ranked most qualified                  | 14933 |
| to perform the required services at a compensation determined in              | 14934 |
| writing to be fair and reasonable to the public authority.                    | 14935 |
| Contract negotiations shall be directed toward:                               | 14936 |
| (1) Ensuring that the professional design firm and the agency                 | 14937 |
| have a mutual understanding of the essential requirements involved            | 14938 |
| in providing the required services;                                           | 14939 |
| (2) Determining that the firm will make available the                         | 14940 |
| necessary personnel, equipment, and facilities to perform the                 | 14941 |



services within the required time; 14942

(3) Agreeing upon compensation which is fair and reasonable, 14943  
taking into account the estimated value, scope, complexity, and 14944  
nature of the services. 14945

(C) If a contract is negotiated with the firm ranked to 14946  
perform the required services most qualified, the public authority 14947  
shall, if applicable under section 127.16 of the Revised Code, 14948  
request approval of the board to make expenditures under the 14949  
contract. 14950

(D) Upon failure to negotiate a contract with the firm ranked 14951  
most qualified, the public authority shall inform the firm in 14952  
writing of the termination of negotiations and may enter into 14953  
negotiations with the firm ranked next most qualified. If 14954  
negotiations again fail, the same procedure ~~shall~~ may be followed 14955  
with each next most qualified firm selected and ranked pursuant to 14956  
division (A) of this section, in order of ranking, until a 14957  
contract is negotiated. 14958

(E) Should the public authority fail to negotiate a contract 14959  
with any of the firms selected pursuant to division (A) of this 14960  
section, the public authority ~~shall~~ may select and rank additional 14961  
firms, based on their qualifications, and negotiations ~~shall~~ may 14962  
continue as with the firms selected and ranked initially until a 14963  
contract is negotiated. 14964

(F) Nothing in this section affects a public authority's 14965  
right to accept or reject any or all proposals in whole or in 14966  
part. 14967

**Sec. 153.692.** For every design-build contract, the public 14968  
authority planning to contract for design-build services shall 14969  
first obtain the services of a criteria architect or engineer by 14970  
doing either of the following: 14971

|                                                                                    |       |
|------------------------------------------------------------------------------------|-------|
| <u>(A) Contracting for the services consistent with sections</u>                   | 14972 |
| <u>153.65 to 153.70 of the Revised Code;</u>                                       | 14973 |
| <u>(B) Obtaining the services through an architect or engineer</u>                 | 14974 |
| <u>who is an employee of the public authority and notifying the</u>                | 14975 |
| <u>department of administrative services before the services are</u>               | 14976 |
| <u>performed.</u>                                                                  | 14977 |
| <br>                                                                               |       |
| <b><u>Sec. 153.693.</u></b> <u>(A) For every design-build contract, the public</u> | 14978 |
| <u>authority planning to contract for design-build services, in</u>                | 14979 |
| <u>consultation with the criteria architect or engineer, shall</u>                 | 14980 |
| <u>evaluate the statements of qualifications submitted by</u>                      | 14981 |
| <u>design-build firms specifically regarding the project, including</u>            | 14982 |
| <u>the design-build firm's proposed architect or engineer of record.</u>           | 14983 |
| <u>Following this evaluation, the public authority shall:</u>                      | 14984 |
| <br>                                                                               |       |
| <u>(1) Select and rank not fewer than three firms which it</u>                     | 14985 |
| <u>considers to be the most qualified to provide the required</u>                  | 14986 |
| <u>design-build services, except that the public authority shall</u>               | 14987 |
| <u>select and rank fewer than three firms when the public authority</u>            | 14988 |
| <u>determines in writing that fewer than three qualified firms are</u>             | 14989 |
| <u>available;</u>                                                                  | 14990 |
| <br>                                                                               |       |
| <u>(2) Provide each selected design-build firm with all of the</u>                 | 14991 |
| <u>following:</u>                                                                  | 14992 |
| <br>                                                                               |       |
| <u>(a) A description of the project and project delivery;</u>                      | 14993 |
| <br>                                                                               |       |
| <u>(b) The design criteria produced by the criteria architect or</u>               | 14994 |
| <u>engineer under section 153.692 of the Revised Code;</u>                         | 14995 |
| <br>                                                                               |       |
| <u>(c) A preliminary project schedule;</u>                                         | 14996 |
| <br>                                                                               |       |
| <u>(d) A description of any preconstruction services;</u>                          | 14997 |
| <br>                                                                               |       |
| <u>(e) A description of the proposed design services;</u>                          | 14998 |
| <br>                                                                               |       |
| <u>(f) A description of a guaranteed maximum price, including</u>                  | 14999 |
| <u>the estimated level of design on which such guaranteed maximum</u>              | 15000 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>price is based;</u>                                                    | 15001 |
| <u>(g) The form of the design-build services contract;</u>                | 15002 |
| <u>(h) A request for a pricing proposal that shall be divided</u>         | 15003 |
| <u>into a design services fee and a preconstruction and design-build</u>  | 15004 |
| <u>services fee. The pricing proposal of each design-build firm shall</u> | 15005 |
| <u>include at least all of the following:</u>                             | 15006 |
| <u>(i) A list of key personnel and consultants for the project;</u>       | 15007 |
| <u>(ii) Design concepts adhering to the design criteria produced</u>      | 15008 |
| <u>by the criteria architect or engineer under section 153.692 of the</u> | 15009 |
| <u>Revised Code;</u>                                                      | 15010 |
| <u>(iii) The design-build firm's statement of general conditions</u>      | 15011 |
| <u>and estimated contingency requirements;</u>                            | 15012 |
| <u>(iv) A preliminary project schedule.</u>                               | 15013 |
| <u>(3) Evaluate the pricing proposal submitted by each selected</u>       | 15014 |
| <u>firm and, at its discretion, hold discussions with each firm to</u>    | 15015 |
| <u>further investigate its pricing proposal, including the scope and</u>  | 15016 |
| <u>nature of the firm's proposed services and potential technical</u>     | 15017 |
| <u>approaches;</u>                                                        | 15018 |
| <u>(4) Rank the selected firms based on the public authority's</u>        | 15019 |
| <u>evaluation of the value of each firm's pricing proposal, with such</u> | 15020 |
| <u>evaluation considering each firm's proposed costs and</u>              | 15021 |
| <u>qualifications;</u>                                                    | 15022 |
| <u>(5) Enter into contract negotiations for design-build</u>              | 15023 |
| <u>services with the design-build firm whose pricing proposal the</u>     | 15024 |
| <u>public authority determines to be the best value under this</u>        | 15025 |
| <u>section.</u>                                                           | 15026 |
| <u>(B) In complying with division (A)(5) of this section,</u>             | 15027 |
| <u>contract negotiations shall be directed toward:</u>                    | 15028 |
| <u>(1) Ensuring that the design-build firm and the public</u>             | 15029 |
| <u>authority mutually understand the essential requirements involved</u>  | 15030 |

in providing the required design-build services, the provisions 15031  
for the use of contingency funds, and the terms of the contract, 15032  
including terms related to the possible distribution of savings in 15033  
the final costs of the project; 15034

(2) Ensuring that the design-build firm shall be able to 15035  
provide the necessary personnel, equipment, and facilities to 15036  
perform the design-build services within the time required by the 15037  
design-build construction contract; 15038

(3) Agreeing upon a procedure and schedule for determining a 15039  
guaranteed maximum price using an open book pricing method that 15040  
shall represent the total maximum amount to be paid by the public 15041  
authority to the design-build firm for the project and that shall 15042  
include the costs of all work, the cost of its general conditions, 15043  
the contingency, and the fee payable to the design-build firm. 15044

(C) If the public authority fails to negotiate a contract 15045  
with the design-build firm whose pricing proposal the public 15046  
authority determines to be the best value as determined under this 15047  
section, the public authority shall inform the design-build firm 15048  
in writing of the termination of negotiations. The public 15049  
authority may then do the following: 15050

(1) Negotiate a contract with a design-build firm ranked next 15051  
highest under this section following the negotiation procedure 15052  
described in this section; 15053

(2) If negotiations fail with the design-build firm under 15054  
division (C)(1) of this section, negotiate a contract with the 15055  
design-build firm ranked next highest under this section following 15056  
the negotiation procedure described in this section and continue 15057  
negotiating with the design-build firms selected under this 15058  
section in the order of their ranking until a contract is 15059  
negotiated. 15060

(D) If the public authority fails to negotiate a contract 15061

with a design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, it may select additional design-build firms to provide pricing proposals to the public authority pursuant to this section or may select an alternative delivery method for the project.

(E) The public authority may provide a stipend for pricing proposals received from design-build firms.

(F) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 153.694.** If a professional design firm selected as the criteria architect or engineer creates the preliminary criteria and design criteria for a project and provides professional design services to a public authority to assist that public authority in evaluating the design-build requirements provided to the public authority by a design-build firm pursuant to section 153.692 of the Revised Code, that professional design firm shall not provide any design-build services pursuant to the design-build contract under section 153.693 of the Revised Code for the project for which the professional design firm was selected as the criteria architect or engineer.

**Sec. 153.70.** (A) Except for any person providing professional design services of a research or training nature, any person rendering professional design services to a public authority or to a design-build firm, including a criteria architect or engineer and person performing architect or engineer of record services, shall have and maintain, or be covered by, during the period the services are rendered, a professional liability insurance policy or policies with a company or companies that are authorized to do business in this state and that afford professional liability

coverage for the professional design services rendered. The 15092  
insurance shall be in amount considered sufficient by the public 15093  
authority. At the public authority's discretion, the design-build 15094  
firm shall carry contractor's professional liability insurance and 15095  
any other insurance the public authority considers appropriate. 15096  
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(B) The requirement for professional liability insurance set 15098  
forth in division (A) of this section may be waived by the public 15099  
authority for good cause, or the public authority may allow the 15100  
person providing the professional design services to provide other 15101  
assurances of financial responsibility. 15102

(C) Before construction begins pursuant to a contract for 15103  
design-build services with a design-build firm, the design-build 15104  
firm shall provide a surety bond to the public authority in 15105  
accordance with rules adopted by the director of administrative 15106  
services under Chapter 119. of the Revised Code. 15107

**Sec. 153.71.** Any public authority planning to contract for 15108  
professional design services or design-build services may adopt, 15109  
amend, or rescind rules, in accordance with Chapter 119. of the 15110  
Revised Code, to implement sections 153.66 to 153.70 of the 15111  
Revised Code. Sections 153.66 to 153.70 of the Revised Code do not 15112  
apply to ~~any~~ either of the following: 15113

(A) Any project with an estimated professional design fee of 15114  
less than ~~twenty-five~~ fifty thousand dollars+ if both of the 15115  
following requirements are met: 15116

(1) The public authority selects a single design professional 15117  
or firm from among those that have submitted a current statement 15118  
of qualifications within the immediately preceding year, as 15119  
provided under section 153.68 of the Revised Code, based on the 15120  
public authority's determination that the selected design 15121  
professional or firm is the most qualified to provide the required 15122

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| <u>professional design services;</u>                                                | 15123 |
| <u>(2) The public authority and the selected design professional</u>                | 15124 |
| <u>or firm comply with division (B) of section 153.69 of the Revised</u>            | 15125 |
| <u>Code with respect to the negotiation of a contract.</u>                          | 15126 |
| (B) Any project determined in writing by the public authority                       | 15127 |
| head to be an emergency requiring immediate action including, but                   | 15128 |
| not limited to, any projects requiring multiple contracts let as                    | 15129 |
| part of a program requiring a large number of professional design                   | 15130 |
| firms of the same type+                                                             | 15131 |
| <del>(C) Any public authority that is not empowered by law to</del>                 | 15132 |
| <del>contract for professional design services.</del>                               | 15133 |
| <b><u>Sec. 153.72.</u></b> A design-build firm contracted for design-build          | 15134 |
| <u>services by a public authority may do either of the following:</u>               | 15135 |
| <u>(A) Perform design, construction, demolition, alteration,</u>                    | 15136 |
| <u>repair, or reconstruction work pursuant to such contract;</u>                    | 15137 |
| <u>(B) Perform professional design services when contracted by a</u>                | 15138 |
| <u>public authority for design-build services even if the</u>                       | 15139 |
| <u>design-build firm is not a professional design firm.</u>                         | 15140 |
| <b><u>Sec. 153.73.</u></b> The requirements set forth in sections 153.65 to         | 15141 |
| <u>153.72 of the Revised Code for the bidding, selection, and award</u>             | 15142 |
| <u>of a contract for professional design services or design-build</u>               | 15143 |
| <u>services by a public authority prevail in the event of any</u>                   | 15144 |
| <u>conflict with any other provision of this chapter.</u>                           | 15145 |
| <b>Sec. 153.80.</b> (A) A contract for the construction, demolition,                | 15146 |
| alteration, repair, or reconstruction of a public improvement                       | 15147 |
| entered into on or after <del>the effective date of this section</del> <u>April</u> | 15148 |
| <u>16, 1993,</u> shall be deemed to include the provisions contained in             | 15149 |
| division (B) of this section.                                                       | 15150 |

(B)(1) In regard to any bond filed by the contractor for the work contracted, the contracting authority, in its sole discretion, may reduce the bond required by twenty-five per cent of the total amount of the bond after at least fifty per cent of the work contracted for has been completed and by fifty per cent after at least seventy-five per cent of the work contracted for has been completed provided that all of the following conditions are met:

(a) The contracting authority determines that the percentage of the work that has been completed at the time of determination has been satisfactorily performed and meets the terms of the contract, including a provision in regard to the time when the whole or any specified portion of work contemplated in the contract must be completed;

(b) The contracting authority determines that no disputed claim caused by the contractor exists or remains unresolved;

(c) The successful bid upon which the contract is based was not more than ten per cent below the next lowest bid or not more than ten per cent below a cost estimate for the work as published by the contracting authority.

(2) In regard to the amount of any funds retained, the contracting authority, in its sole discretion, may reduce the amount of funds retained pursuant to ~~section~~ sections 153.12 and 153.14 of the Revised Code for the faithful performance of work by fifty per cent of the amount of funds required to be retained pursuant to those sections, provided that the surety on the bond remains liable for all of the following that are caused due to default by the contractor:

(a) Completion of the job;

(b) All delay claims;

(c) All liquidated damages;



(d) All additional expenses incurred by the contracting authority. 15182  
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(C) As used in this section: 15184

(1) "Contracting authority" means an officer, board, or other authority of the state, a county, township, municipal corporation, or school district, or of any other political subdivision of the state, authorized to contract for the construction, demolition, alteration, repair, or reconstruction of a public improvement, and any construction manager at risk as defined in section 9.33 of the Revised Code or design-build firm as defined in section 153.65 of the Revised Code awarding a subcontract, but does not include an officer, board, or other authority of the department of transportation. 15185  
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(2) "Delay claim" means a claim that arises due to default on provisions in a contract in regard to the time when the whole or any specified portion of work contemplated in the contract must be completed. 15195  
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**Sec. 154.02.** (A) Pursuant to the provisions of Chapter 154. of the Revised Code, the issuing authority may issue obligations as from time to time authorized by or pursuant to act or resolution of the general assembly, consistent with such limitations thereon, subject to section 154.12 of the Revised Code, as the general assembly may thereby prescribe as to principal amount, bond service charges, or otherwise, and shall cause the proceeds thereof to be applied to those capital facilities designated by or pursuant to act of the general assembly for any of the following: 15199  
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(1) Mental hygiene and retardation, including housing for mental hygiene and retardation patients under Section 16 of Article VIII, Ohio Constitution; 15209  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (2) State supported and assisted institutions of higher education, including <u>community or technical education colleges;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 15212<br>15213                                                                                                                                                                                              |
| (3) Parks and recreation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 15214                                                                                                                                                                                                       |
| (4) Ohio cultural facilities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 15215                                                                                                                                                                                                       |
| (5) Ohio sports facilities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 15216                                                                                                                                                                                                       |
| <u>(6) Housing of branches and agencies of state government.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15217                                                                                                                                                                                                       |
| (B) The authority provided by Chapter 154. of the Revised Code is in addition to any other authority provided by law for the same or similar purposes, except as may otherwise specifically be provided in Chapter 154. of the Revised Code. In case any section or provision of Chapter 154. of the Revised Code or in case any covenant, stipulation, obligation, resolution, trust agreement, indenture, lease agreement, act, or action, or part thereof, made, assumed, entered into, or taken under Chapter 154. of the Revised Code, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision of Chapter 154. of the Revised Code or any other covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under such chapter, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity or any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law. | 15218<br>15219<br>15220<br>15221<br>15222<br>15223<br>15224<br>15225<br>15226<br>15227<br>15228<br>15229<br>15230<br>15231<br>15232<br>15233<br>15234<br>15235<br>15236<br>15237<br>15238<br>15239<br>15240 |
| <b>Sec. 154.07.</b> For the respective purposes provided in sections                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 15241                                                                                                                                                                                                       |

154.20, 154.21, 154.22, ~~and 154.23, 154.24, and 154.25~~ of the 15242  
Revised Code, the issuing authority may issue obligations of the 15243  
state of Ohio as provided in Chapter 154. of the Revised Code, 15244  
provided that the holders or owners of obligations shall have no 15245  
right to have excises or taxes levied by the general assembly for 15246  
the payment of the bond service charges. The right of holders and 15247  
owners to payment of bond service charges shall be limited to the 15248  
revenues or receipts and funds pledged thereto in accordance with 15249  
Chapter 154. of the Revised Code, and each obligation shall bear 15250  
on its face a statement to that effect. Chapter 154. of the 15251  
Revised Code does not permit, and no provision of that chapter 15252  
shall be applied to authorize or grant, a pledge of charges for 15253  
the treatment or care of mental hygiene and retardation patients 15254  
to bond service charges on obligations other than those issued for 15255  
capital facilities for mental hygiene and retardation, or a pledge 15256  
of any receipts of or on behalf of state supported or state 15257  
assisted institutions of higher education to bond service charges 15258  
on obligations other than those issued for capital facilities for 15259  
state supported or state assisted institutions of higher 15260  
education, or a pledge of receipts with respect to parks and 15261  
recreation to bond service charges on obligations other than those 15262  
issued for capital facilities for parks and recreation, or a 15263  
pledge of revenues or receipts received by or on behalf of any 15264  
state agency to bond service charges on obligations other than 15265  
those issued for capital facilities which are in whole or in part 15266  
useful to, constructed by, or financed by the state agency that 15267  
receives the revenues or receipts so pledged. 15268

**Sec. 154.11.** The issuing authority may authorize and issue 15269  
obligations for the refunding, including funding and retirement, 15270  
of any obligations previously issued under this chapter and any 15271  
bonds or notes previously issued under Chapter 152. of the Revised 15272  
Code ~~to pay costs of capital facilities leased to the Ohio~~ 15273

~~cultural facilities commission, formerly known as the Ohio arts and sports facilities commission.~~ Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this section to be applied to bond service charges on the prior obligations shall be credited to the bond service fund for those prior obligations. Obligations authorized under this section shall be deemed to be issued for those purposes for which those prior obligations were issued and are subject to the provisions of Chapter 154. of the Revised Code pertaining to other obligations, except as otherwise indicated by this section and except for division (A) of section 154.02 of the Revised Code, provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to that division with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this section to refund, fund, or retire those prior obligations.

Sec. 154.24. (A) In addition to the definitions provided in section 154.01 of the Revised Code:

(1) "Capital facilities" includes, for purposes of this section, storage and parking facilities related to such capital facilities.

(2) "Costs of capital facilities" includes, for purposes of

this section, the costs of assessing, planning, and altering capital facilities, and the financing thereof, all related direct administrative expenses and allocable portions of direct costs of lessee state agencies, and all other expenses necessary or incident to the assessment, planning, alteration, maintenance, equipment, or furnishing of capital facilities and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses. 15305  
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(3) "Governmental agency" includes, for purposes of this section, any state of the United States or any department, division, or agency of any state. 15313  
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(4) "State agency" includes, for purposes of this section, branches, authorities, courts, the general assembly, counties, municipal corporations, and any other governmental entities of this state that enter into leases with the commission pursuant to this section or that are designated by law as state agencies for the purpose of performing a state function that is to be housed by a capital facility for which the issuing authority is authorized to issue revenue obligations pursuant to this section. 15316  
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(B) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the issuing authority may issue obligations pursuant to this chapter to pay costs of capital facilities for housing branches and agencies of state government, including capital facilities for the purpose of housing personnel, equipment, or functions, or any combination thereof that a state agency is responsible for housing, including obligations to pay the costs of capital facilities described in section 307.021 of the Revised Code, and the costs of capital facilities in which one or more state agencies are participating with the federal government, municipal corporations, counties, or other governmental entities, or any one or more of them, and in which that portion of the facility allocated to the participating state 15324  
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agencies is to be used for the purpose of housing branches and 15337  
agencies of state government including housing personnel, 15338  
equipment, or functions, or any combination thereof. Such 15339  
participation may be by grants, loans, or contributions to other 15340  
participating governmental agencies for any of those capital 15341  
facilities. 15342

(C) The commission may lease any capital facilities for 15343  
housing branches and agencies of state government to, and make or 15344  
provide for other agreements with respect to the use or purchase 15345  
of such capital facilities with, any state agency or governmental 15346  
agency having authority under law to operate such capital 15347  
facilities. 15348

(D)(1) For purposes of this division, "available receipts" 15349  
means fees, charges, revenues, grants, subsidies, income from the 15350  
investment of moneys, proceeds from the sale of goods or services, 15351  
and all other revenues or receipts derived from the operation, 15352  
leasing, or other disposition of capital facilities financed with 15353  
obligations issued under this section or received by or on behalf 15354  
of any state agency for which capital facilities are financed with 15355  
obligations issued under this section or any state agency 15356  
participating in or by which the capital facilities are 15357  
constructed or financed; the proceeds of obligations issued under 15358  
this section and sections 154.11 or 154.12 of the Revised Code; 15359  
and any moneys appropriated by a governmental agency, and gifts, 15360  
grants, donations, and pledges, and receipts therefrom, available 15361  
for the payment of bond service charges on such obligations. 15362

(2) The issuing authority may pledge all, or such portion as 15363  
it determines, of the available receipts to the payment of bond 15364  
service charges on obligations issued under this section and 15365  
section 154.11 or 154.12 of the Revised Code and for the 15366  
establishment and maintenance of any reserves, as provided in the 15367  
bond proceedings, and make other provisions therein with respect 15368

to such available receipts as authorized by this chapter, which 15369  
provisions shall be controlling notwithstanding any other 15370  
provision of law pertaining thereto. 15371

(E) There are hereby created in the custody of the treasurer 15372  
of state, but separate and apart from and not a part of the state 15373  
treasury, the administrative facilities bond service trust fund, 15374  
the adult correctional facilities bond service trust fund, the 15375  
juvenile correctional facilities bond service trust fund, and the 15376  
public safety bond service trust fund. All money received by or on 15377  
account of the issuing authority or the commission and required by 15378  
the applicable bond proceedings to be deposited, transferred, or 15379  
credited to any of these funds, and all other money transferred or 15380  
allocated to or received for the purposes of any of these funds, 15381  
shall be deposited with the treasurer of state and credited to 15382  
such fund, subject to applicable provisions of the bond 15383  
proceedings, but without necessity for any act or appropriation. 15384  
These bond service funds are trust funds and are hereby pledged to 15385  
the payment of bond service charges on the applicable obligations 15386  
issued pursuant to this section and section 154.11 or 154.12 of 15387  
the Revised Code to the extent provided in the applicable bond 15388  
proceedings, and payment thereof from such funds shall be made or 15389  
provided for by the treasurer of state in accordance with such 15390  
bond proceedings without necessity for any act or appropriation. 15391

(F) There are hereby created in the state treasury the 15392  
administrative building fund, the adult correctional building 15393  
fund, the juvenile correctional building fund, and the public 15394  
safety building fund. Subject to the bond proceedings therefor, 15395  
the proceeds of the sale of obligations pursuant to this section 15396  
shall be credited to the appropriate fund, except that any accrued 15397  
interest shall be credited to the appropriate bond service trust 15398  
fund created pursuant to this section. These funds may also 15399  
consist of gifts, grants, appropriated money, and other sums and 15400

securities received to the credit of such fund. All investment 15401  
earnings of each fund shall be credited to the fund. The funds 15402  
shall be applied to pay the costs of capital facilities as defined 15403  
in this section and set forth in the bond proceedings. 15404

(G) This section is to be applied with other applicable 15405  
provisions of this chapter. 15406

**Sec. 154.25. (A) As used in this section:** 15407

(1) "Available community or technical college receipts" means 15408  
all money received by a community or technical college or 15409  
community or technical college district, including income, 15410  
revenues, and receipts from the operation, ownership, or control 15411  
of facilities, grants, gifts, donations, and pledges and receipts 15412  
therefrom, receipts from fees and charges, the allocated state 15413  
share of instruction as defined in section 3333.90 of the Revised 15414  
Code, and the proceeds of the sale of obligations, including 15415  
proceeds of obligations issued to refund obligations previously 15416  
issued, but excluding any special fee, and receipts therefrom, 15417  
charged pursuant to division (D) of section 154.21 of the Revised 15418  
Code. 15419

(2) "Community or technical college," "college," "community 15420  
or technical college district," and "district" have the same 15421  
meanings as in section 3333.90 of the Revised Code. 15422

(3) "Community or technical college capital facilities" means 15423  
auxiliary facilities, education facilities, and housing and dining 15424  
facilities, as those terms are defined in section 3345.12 of the 15425  
Revised Code, to the extent permitted to be financed by the 15426  
issuance of obligations under division (A)(2) of section 3357.112 15427  
of the Revised Code, that are authorized by sections 3354.121, 15428  
3357.112, and 3358.10 of the Revised Code to be financed by 15429  
obligations issued by a community or technical college district, 15430  
and for which the issuing authority is authorized to issue 15431



obligations pursuant to this section, and includes any one, part 15432  
of, or any combination of the foregoing, and further includes site 15433  
improvements, utilities, machinery, furnishings, and any separate 15434  
or connected buildings, structures, improvements, sites, open 15435  
space and green space areas, utilities, or equipment to be used 15436  
in, or in connection with the operation or maintenance of, or 15437  
supplementing or otherwise related to the services or facilities 15438  
to be provided by, such facilities. 15439

(4) "Cost of community or technical college capital 15440  
facilities" means the costs of acquiring, constructing, 15441  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 15442  
improving, equipping, or furnishing community or technical college 15443  
capital facilities, and the financing thereof, including the cost 15444  
of clearance and preparation of the site and of any land to be 15445  
used in connection with community or technical college capital 15446  
facilities, the cost of any indemnity and surety bonds and 15447  
premiums on insurance, all related direct administrative expenses 15448  
and allocable portions of direct costs of the commission and the 15449  
issuing authority, community or technical college or community or 15450  
technical college district, cost of engineering, architectural 15451  
services, design, plans, specifications and surveys, estimates of 15452  
cost, legal fees, fees and expenses of trustees, depositories, 15453  
bond registrars, and paying agents for obligations, cost of 15454  
issuance of obligations and financing costs and fees and expenses 15455  
of financial advisers and consultants in connection therewith, 15456  
interest on obligations from the date thereof to the time when 15457  
interest is to be covered by available receipts or other sources 15458  
other than proceeds of those obligations, amounts necessary to 15459  
establish reserves as required by the bond proceedings, costs of 15460  
audits, the reimbursements of all moneys advanced or applied by or 15461  
borrowed from the community or technical college, community or 15462  
technical college district, or others, from whatever source 15463  
provided, including any temporary advances from state 15464

appropriations, for the payment of any item or items of cost of 15465  
community or technical college facilities, and all other expenses 15466  
necessary or incident to planning or determining feasibility or 15467  
practicability with respect to such facilities, and such other 15468  
expenses as may be necessary or incident to the acquisition, 15469  
construction, reconstruction, rehabilitation, remodeling, 15470  
renovation, enlargement, improvement, equipment, and furnishing of 15471  
community or technical college capital facilities, the financing 15472  
thereof and the placing of them in use and operation, including 15473  
any one, part of, or combination of such classes of costs and 15474  
expenses. 15475

(5) "Capital facilities" includes community or technical 15476  
college capital facilities. 15477

(6) "Obligations" has the same meaning as in section 154.01 15478  
or 3345.12 of the Revised Code, as the context requires. 15479

(B) The issuing authority is authorized to issue revenue 15480  
obligations under Section 2i of Article VIII, Ohio Constitution, 15481  
on behalf of a community or technical college district and shall 15482  
cause the net proceeds thereof, after any deposits of accrued 15483  
interest for the payment of bond service charges and after any 15484  
deposit of all or such lesser portion as the issuing authority may 15485  
direct of the premium received upon the sale of those obligations 15486  
for the payment of the bond service charges, to be applied to the 15487  
cost of community or technical college capital facilities, 15488  
provided that the issuance of such obligations is subject to the 15489  
execution of a written agreement in accordance with division (C) 15490  
of section 3333.90 of the Revised Code for the withholding and 15491  
depositing of funds otherwise due the district, or the college it 15492  
operates, in respect of its allocated state share of instruction. 15493

(C) The bond service charges and all other payments required 15494  
to be made by the trust agreement or indenture securing the 15495  
obligations shall be payable solely from available community or 15496

technical college receipts pledged thereto as provided in the 15497  
resolution. The available community or technical college receipts 15498  
pledged and thereafter received by the commission are immediately 15499  
subject to the lien of such pledge without any physical delivery 15500  
thereof or further act, and the lien of any such pledge is valid 15501  
and binding against all parties having claims of any kind against 15502  
the authority, irrespective of whether those parties have notice 15503  
thereof, and creates a perfected security interest for all 15504  
purposes of Chapter 1309. of the Revised Code and a perfected lien 15505  
for purposes of any real property interest, all without the 15506  
necessity for separation or delivery of funds or for the filing or 15507  
recording of the resolution, trust agreement, indenture, or other 15508  
agreement by which such pledge is created or any certificate, 15509  
statement, or other document with respect thereto; and the pledge 15510  
of such available community or technical college receipts is 15511  
effective and the money therefrom and thereof may be applied to 15512  
the purposes for which pledged. Every pledge, and every covenant 15513  
and agreement made with respect to the pledge, made in the 15514  
resolution may therein be extended to the benefit of the owners 15515  
and holders of obligations authorized by this section, and to any 15516  
trustee therefor, for the further securing of the payment of the 15517  
bond service charges, and all or any rights under any agreement or 15518  
lease made under this section may be assigned for such purpose. 15519

(D) This section is to be applied with other applicable 15520  
provisions of this chapter. 15521

**Sec. 166.02.** (A) The general assembly finds that many local 15522  
areas throughout the state are experiencing economic stagnation or 15523  
decline, and that the economic development programs provided for 15524  
in this chapter will constitute deserved, necessary reinvestment 15525  
by the state in those areas, materially contribute to their 15526  
economic revitalization, and result in improving the economic 15527  
welfare of all the people of the state. Accordingly, it is 15528

declared to be the public policy of the state, through the 15529  
operations of this chapter and other applicable laws adopted 15530  
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 15531  
and other authority vested in the general assembly, to assist in 15532  
and facilitate the establishment or development of eligible 15533  
projects or assist and cooperate with any governmental agency in 15534  
achieving such purpose. 15535

(B) In furtherance of such public policy and to implement 15536  
such purpose, the director of development may: 15537

(1) After consultation with appropriate governmental 15538  
agencies, enter into agreements with persons engaged in industry, 15539  
commerce, distribution, or research and with governmental agencies 15540  
to induce such persons to acquire, construct, reconstruct, 15541  
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 15542  
otherwise develop, eligible projects and make provision therein 15543  
for project facilities and governmental actions, as authorized by 15544  
this chapter and other applicable laws, subject to any required 15545  
actions by the general assembly or the controlling board and 15546  
subject to applicable local government laws and regulations; 15547

(2) Provide for the guarantees and loans as provided for in 15548  
sections 166.06 and 166.07 of the Revised Code; 15549

(3) Subject to release of such moneys by the controlling 15550  
board, contract for labor and materials needed for, or contract 15551  
with others, including governmental agencies, to provide, project 15552  
facilities the allowable costs of which are to be paid for or 15553  
reimbursed from moneys in the facilities establishment fund, and 15554  
contract for the operation of such project facilities; 15555

(4) Subject to release thereof by the controlling board, from 15556  
moneys in the facilities establishment fund acquire or contract to 15557  
acquire by gift, exchange, or purchase, including the obtaining 15558  
and exercise of purchase options, property, and convey or 15559

otherwise dispose of, or provide for the conveyance or disposition 15560  
of, property so acquired or contracted to be acquired by sale, 15561  
exchange, lease, lease purchase, conditional or installment sale, 15562  
transfer, or other disposition, including the grant of an option 15563  
to purchase, to any governmental agency or to any other person 15564  
without necessity for competitive bidding and upon such terms and 15565  
conditions and manner of consideration pursuant to and as the 15566  
director determines to be appropriate to satisfy the objectives of 15567  
sections 166.01 to 166.11 of the Revised Code; 15568

(5) Retain the services of or employ financial consultants, 15569  
appraisers, consulting engineers, superintendents, managers, 15570  
construction and accounting experts, attorneys, and employees, 15571  
agents, and independent contractors as are necessary in the 15572  
director's judgment and fix the compensation for their services; 15573

(6) Receive and accept from any person grants, gifts, and 15574  
contributions of money, property, labor, and other things of 15575  
value, to be held, used and applied only for the purpose for which 15576  
such grants, gifts, and contributions are made; 15577

(7) Enter into appropriate arrangements and agreements with 15578  
any governmental agency for the taking or provision by that 15579  
governmental agency of any governmental action; 15580

(8) Do all other acts and enter into contracts and execute 15581  
all instruments necessary or appropriate to carry out the 15582  
provisions of this chapter; 15583

(9) Adopt rules to implement any of the provisions of this 15584  
chapter applicable to the director. 15585

(C) The determinations by the director that facilities 15586  
constitute eligible projects, that facilities are project 15587  
facilities, that costs of such facilities are allowable costs, and 15588  
all other determinations relevant thereto or to an action taken or 15589  
agreement entered into shall be conclusive for purposes of the 15590

validity and enforceability of rights of parties arising from 15591  
actions taken and agreements entered into under this chapter. 15592

(D) Except as otherwise prescribed in this chapter, all 15593  
expenses and obligations incurred by the director in carrying out 15594  
the director's powers and in exercising the director's duties 15595  
under this chapter, shall be payable solely from, as appropriate, 15596  
moneys in the facilities establishment fund, the loan guarantee 15597  
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 15598  
loan fund, the research and development loan fund, the logistics 15599  
and distribution infrastructure fund, the logistics and 15600  
distribution infrastructure taxable bond fund, or moneys 15601  
appropriated for such purpose by the general assembly. This 15602  
chapter does not authorize the director or the issuing authority 15603  
under section 166.08 of the Revised Code to incur bonded 15604  
indebtedness of the state or any political subdivision thereof, or 15605  
to obligate or pledge moneys raised by taxation for the payment of 15606  
any bonds or notes issued or guarantees made pursuant to this 15607  
chapter. 15608

~~(E) No financial assistance for project facilities shall be 15609  
provided under this chapter unless the provisions of the agreement 15610  
providing for such assistance specify that all wages paid to 15611  
laborers and mechanics employed on such project facilities for 15612  
which the assistance is granted shall be paid at the prevailing 15613  
rates of wages of laborers and mechanics for the class of work 15614  
called for by such project facilities, which wages shall be 15615  
determined in accordance with the requirements of Chapter 4115. of 15616  
the Revised Code for determination of prevailing wage rates, 15617  
provided that the requirements of this division do not apply where 15618  
the federal government or any of its agencies provides financing 15619  
assistance as to all or any part of the funds used in connection 15620  
with such project facilities and prescribes predetermined minimum 15621  
wages to be paid to such laborers and mechanics; and provided 15622~~

~~further that should a nonpublic user beneficiary of the eligible project undertake, as part of the eligible project, construction to be performed by its regular bargaining unit employees who are covered under a collective bargaining agreement which was in existence prior to the date of the document authorizing such assistance then, in that event, the rate of pay provided under the collective bargaining agreement may be paid to such employees.~~

(F) Any governmental agency may enter into an agreement with the director, any other governmental agency, or a person to be assisted under this chapter, to take or provide for the purposes of this chapter any governmental action it is authorized to take or provide, and to undertake on behalf and at the request of the director any action which the director is authorized to undertake pursuant to divisions (B)(3), (4), and (5) of this section or divisions (B)(3), (4), and (5) of section 166.12 of the Revised Code. Governmental agencies of the state shall cooperate with and provide assistance to the director of development and the controlling board in the exercise of their respective functions under this chapter.

Sec. 167.081. A regional council may enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded pursuant to a competitive bidding procedure of a county, municipal corporation, or township or a special district, school district, or other political subdivision that is a council member; a statewide consortium of which the council is a member; or a multistate consortium of which the council is a member.

A public notice requirement pertaining to the contract shall be considered as having been met if the public notice is given

once a week for at least two consecutive weeks in a newspaper of 15654  
general circulation within a county in this state in which the 15655  
council has members and if the notice is posted on the council's 15656  
internet web site for at least two consecutive weeks before the 15657  
date specified for receiving bids. 15658

A county, municipal corporation, or township and a special 15659  
district, school district, or other political subdivision that is 15660  
a council member may participate in a contract entered into under 15661  
this section. Purchases under a contract entered into under this 15662  
section are exempt from any competitive selection or bidding 15663  
requirements otherwise required by law. A county, municipal 15664  
corporation, or township or a special district, school district, 15665  
or other political subdivision that is a member of the council is 15666  
not entitled to participate in a contract entered into under this 15667  
section if it has received bids for the same work under another 15668  
contract, unless participation in a contract under this section 15669  
will enable the member to obtain the same work, upon the same 15670  
terms, conditions, and specifications, at a lower price. 15671

**Sec. 173.14.** As used in sections 173.14 to 173.27 of the 15672  
Revised Code: 15673

(A)(1) Except as otherwise provided in division (A)(2) of 15674  
this section, "long-term care facility" includes any residential 15675  
facility that provides personal care services for more than 15676  
twenty-four hours for two or more unrelated adults, including all 15677  
of the following: 15678

(a) A "nursing home," "residential care facility," or "home 15679  
for the aging" as defined in section 3721.01 of the Revised Code; 15680

(b) A facility authorized to provide extended care services 15681  
under Title XVIII of the "Social Security Act," 49 Stat. 620 15682  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 15683  
care hospital that provides medical and rehabilitative care to 15684



|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>patients who require an average length of stay greater than</u>        | 15685 |
| <u>twenty-five days and is classified by the centers for medicare and</u> | 15686 |
| <u>medicaid services as a long-term care hospital pursuant to 42</u>      | 15687 |
| <u>C.F.R. 412.23(e);</u>                                                  | 15688 |
| (c) A county home or district home operated pursuant to                   | 15689 |
| Chapter 5155. of the Revised Code;                                        | 15690 |
| (d) An "adult care facility" as defined in section <del>3722.01</del>     | 15691 |
| <u>5119.70</u> of the Revised Code;                                       | 15692 |
| (e) A facility approved by the veterans administration under              | 15693 |
| section 104(a) of the "Veterans Health Care Amendments of 1983,"          | 15694 |
| 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for         | 15695 |
| the placement and care of veterans;                                       | 15696 |
| (f) An adult foster home certified under section <del>173.36</del>        | 15697 |
| <u>5119.692</u> of the Revised Code.                                      | 15698 |
| (2) "Long-term care facility" does not include a "residential             | 15699 |
| facility" as defined in section 5119.22 of the Revised Code or a          | 15700 |
| "residential facility" as defined in section 5123.19 of the               | 15701 |
| Revised Code.                                                             | 15702 |
| (B) "Resident" means a resident of a long-term care facility              | 15703 |
| and, where appropriate, includes a prospective, previous, or              | 15704 |
| deceased resident of a long-term care facility.                           | 15705 |
| (C) "Community-based long-term care services" means health                | 15706 |
| and social services provided to persons in their own homes or in          | 15707 |
| community care settings, and includes any of the following:               | 15708 |
| (1) Case management;                                                      | 15709 |
| (2) Home health care;                                                     | 15710 |
| (3) Homemaker services;                                                   | 15711 |
| (4) Chore services;                                                       | 15712 |
| (5) Respite care;                                                         | 15713 |

|                                                                                                                                                                                                                                                                                        |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (6) Adult day care;                                                                                                                                                                                                                                                                    | 15714                                     |
| (7) Home-delivered meals;                                                                                                                                                                                                                                                              | 15715                                     |
| (8) Personal care;                                                                                                                                                                                                                                                                     | 15716                                     |
| (9) Physical, occupational, and speech therapy;                                                                                                                                                                                                                                        | 15717                                     |
| (10) Transportation;                                                                                                                                                                                                                                                                   | 15718                                     |
| (11) Any other health and social services provided to persons<br>that allow them to retain their independence in their own homes or<br>in community care settings.                                                                                                                     | 15719<br>15720<br>15721                   |
| (D) "Recipient" means a recipient of community-based<br>long-term care services and, where appropriate, includes a<br>prospective, previous, or deceased recipient of community-based<br>long-term care services.                                                                      | 15722<br>15723<br>15724<br>15725          |
| (E) "Sponsor" means an adult relative, friend, or guardian<br>who has an interest in or responsibility for the welfare of a<br>resident or a recipient.                                                                                                                                | 15726<br>15727<br>15728                   |
| (F) "Personal care services" has the same meaning as in<br>section 3721.01 of the Revised Code.                                                                                                                                                                                        | 15729<br>15730                            |
| (G) "Regional long-term care ombudsperson program" means an<br>entity, either public or private and nonprofit, designated as a<br>regional long-term care ombudsperson program by the state<br>long-term care ombudsperson.                                                            | 15731<br>15732<br>15733<br>15734          |
| (H) "Representative of the office of the state long-term care<br>ombudsperson program" means the state long-term care ombudsperson<br>or a member of the ombudsperson's staff, or a person certified as<br>a representative of the office under section 173.21 of the Revised<br>Code. | 15735<br>15736<br>15737<br>15738<br>15739 |
| (I) "Area agency on aging" means an area agency on aging<br>established under the "Older Americans Act of 1965," 79 Stat. 219,<br>42 U.S.C.A. 3001, as amended.                                                                                                                        | 15740<br>15741<br>15742                   |

Sec. 173.21. (A) The office of the state long-term care 15743  
~~ombudsman~~ ombudsperson program, through the state long-term care 15744  
~~ombudsman~~ ombudsperson and the regional long-term care ~~ombudsman~~ 15745  
ombudsperson programs, shall require each representative of the 15746  
office to complete a training and certification program in 15747  
accordance with this section and to meet the continuing education 15748  
requirements established under this section. 15749

(B) The department of aging shall adopt rules under Chapter 15750  
119. of the Revised Code specifying the content of training 15751  
programs for representatives of the office of the state long-term 15752  
care ~~ombudsman~~ ombudsperson program. Training for representatives 15753  
other than those who are volunteers providing services through 15754  
regional long-term care ~~ombudsman~~ ombudsperson programs shall 15755  
include instruction regarding federal, state, and local laws, 15756  
rules, and policies on long-term care facilities and 15757  
community-based long-term care services; investigative techniques; 15758  
and other topics considered relevant by the department and shall 15759  
consist of the following: 15760

(1) A minimum of forty clock hours of basic instruction, 15761  
which shall be completed before the trainee is permitted to handle 15762  
complaints without the supervision of a representative of the 15763  
office certified under this section; 15764

(2) An additional sixty clock hours of instruction, which 15765  
shall be completed within the first fifteen months of employment; 15766

(3) An internship of twenty clock hours, which shall be 15767  
completed within the first twenty-four months of employment, 15768  
including instruction in, and observation of, basic nursing care 15769  
and long-term care provider operations and procedures. The 15770  
internship shall be performed at a site that has been approved as 15771  
an internship site by the state long-term care ~~ombudsman~~ 15772  
ombudsperson. 15773

(4) One of the following, which shall be completed within the first twenty-four months of employment: 15774  
15775

(a) Observation of a survey conducted by the director of health to certify a facility to receive funds under sections 5111.20 to 5111.32 of the Revised Code; 15776  
15777  
15778

(b) Observation of an inspection conducted by the director of mental health to license an adult care facility under section ~~3722.04~~ 5119.73 of the Revised Code. 15779  
15780  
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(5) Any other training considered appropriate by the department. 15782  
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(C) Persons who for a period of at least six months prior to June 11, 1990, served as ombudsmen through the long-term care ~~ombudsman~~ ombudsperson program established by the department of aging under division (M) of section 173.01 of the Revised Code shall not be required to complete a training program. These persons and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom ~~he~~ the representative deals while performing ~~his~~ the representative's duties and which ~~he~~ shall ~~surrender~~ be surrendered at the time ~~he~~ the representative separates from the office. 15784  
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(D) The state ~~ombudsman~~ ombudsperson and each regional program shall conduct training programs for volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs may be conducted that train volunteers to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its 15798  
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representatives who are volunteers. On completion of a training 15805  
program, the representative shall take an examination administered 15806  
by the department of aging. On attainment of a passing score, ~~he a~~ 15807  
volunteer shall be certified by the department as a representative 15808  
authorized to perform services specified in the certification. The 15809  
department shall issue an identification card, which the 15810  
representative shall show at the request of any person with whom 15811  
~~he the representative~~ deals while performing ~~his the~~ 15812  
representative's duties and which ~~he shall surrender be~~ 15813  
surrendered at the time ~~he the representative~~ separates from the 15814  
office. Except as a supervised part of a training program, no 15815  
volunteer shall perform any duty unless he is certified as a 15816  
representative having received appropriate training for that duty. 15817

(E) The state ~~ombudsman~~ ombudsperson shall provide technical 15818  
assistance to regional programs conducting training programs for 15819  
volunteers and shall monitor the training programs. 15820

(F) Prior to scheduling an observation of a certification 15821  
survey or licensing inspection for purposes of division (B)(4) of 15822  
this section, the state ~~ombudsman~~ ombudsperson shall obtain 15823  
permission to have the survey or inspection observed from both the 15824  
director of health and the long-term care facility at which the 15825  
survey or inspection is to take place. 15826

(G) The department of aging shall establish continuing 15827  
education requirements for representatives of the office. 15828

**Sec. 173.26.** (A) Each of the following facilities shall 15829  
annually pay to the department of aging six dollars for each bed 15830  
maintained by the facility for use by a resident during any part 15831  
of the previous year: 15832

(1) Nursing homes, residential care facilities, and homes for 15833  
the aging as defined in section 3721.01 of the Revised Code; 15834

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| (2) Facilities authorized to provide extended care services               | 15835 |
| under Title XVIII of the "Social Security Act," 49 Stat. 620              | 15836 |
| (1935), 42 U.S.C. 301, as amended, <u>including a long-term acute</u>     | 15837 |
| <u>care hospital that provides medical and rehabilitative care to</u>     | 15838 |
| <u>patients who require an average length of stay greater than</u>        | 15839 |
| <u>twenty-five days and is classified by the centers for medicare and</u> | 15840 |
| <u>medicaid services as a long-term care hospital pursuant to 42</u>      | 15841 |
| <u>C.F.R. 412.23(e);</u>                                                  | 15842 |
| (3) County homes and district homes operated pursuant to                  | 15843 |
| Chapter 5155. of the Revised Code;                                        | 15844 |
| (4) Adult care facilities as defined in section <del>3722.01</del>        | 15845 |
| <u>5119.70</u> of the Revised Code;                                       | 15846 |
| (5) Facilities approved by the Veterans Administration under              | 15847 |
| Section 104(a) of the "Veterans Health Care Amendments of 1983,"          | 15848 |
| 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for         | 15849 |
| the placement and care of veterans.                                       | 15850 |
| The department shall, by rule adopted in accordance with                  | 15851 |
| Chapter 119. of the Revised Code, establish deadlines for payments        | 15852 |
| required by this section. A facility that fails, within ninety            | 15853 |
| days after the established deadline, to pay a payment required by         | 15854 |
| this section shall be assessed at two times the original invoiced         | 15855 |
| payment.                                                                  | 15856 |
| (B) All money collected under this section shall be deposited             | 15857 |
| in the state treasury to the credit of the office of the state            | 15858 |
| long-term care ombudsperson program fund, which is hereby created.        | 15859 |
| Money credited to the fund shall be used solely to pay the costs          | 15860 |
| of operating the regional long-term care ombudsperson programs.           | 15861 |
| (C) The state long-term care ombudsperson and the regional                | 15862 |
| programs may solicit and receive contributions to support the             | 15863 |
| operation of the office or a regional program, except that no             | 15864 |
| contribution shall be solicited or accepted that would interfere          | 15865 |

with the independence or objectivity of the office or program. 15866

**Sec. 173.391.** (A) The department of aging or its designee 15867  
shall do all of the following in accordance with Chapter 119. of 15868  
the Revised Code: 15869

(1) Certify a person or government entity to provide 15870  
community-based long-term care services under a program the 15871  
department administers if the person or government entity 15872  
satisfies the requirements for certification established by rules 15873  
adopted under division (B) of this section and pays the fee, if 15874  
any, established by rules adopted under division (G) of this 15875  
section; 15876

(2) When required to do so by rules adopted under division 15877  
(B) of this section, take one or more of the following 15878  
disciplinary actions against a person or government entity ~~issued~~ 15879  
~~a certificate~~ certified under division (A)(1) of this section: 15880

(a) Issue a written warning; 15881

(b) Require the submission of a plan of correction or 15882  
evidence of compliance with requirements identified by the 15883  
department; 15884

(c) Suspend referrals; 15885

(d) Remove clients; 15886

(e) Impose a fiscal sanction such as a civil monetary penalty 15887  
or an order that unearned funds be repaid; 15888

(f) Suspend the certification; 15889

(g) Revoke the ~~certificate~~ certification; 15890

~~(g)~~(h) Impose another sanction. 15891

(3) ~~Hold~~ Except as provided in division (E) of this section, 15892  
hold hearings when there is a dispute between the department or 15893  
its designee and a person or government entity concerning actions 15894

the department or its designee takes ~~or does not take~~ regarding a 15895  
decision not to certify the person or government entity under 15896  
division (A)(1) of this section or a disciplinary action under 15897  
division (A)~~(1)~~ ~~or~~ (2)~~(e)~~(e) to ~~(g)~~(h) of this section. 15898

(B) The director of aging shall adopt rules in accordance 15899  
with Chapter 119. of the Revised Code establishing certification 15900  
requirements and standards for determining which type of 15901  
disciplinary action to take under division (A)(2) of this section 15902  
in individual situations. The rules shall establish procedures for 15903  
all of the following: 15904

(1) Ensuring that community-based long-term care agencies 15905  
comply with section 173.394 of the Revised Code; 15906

(2) Evaluating the services provided by the agencies to 15907  
ensure that ~~they~~ the services are provided in a quality manner 15908  
advantageous to the individual receiving the services; 15909

(3) Determining when to take disciplinary action under 15910  
division (A)(2) of this section and which disciplinary action to 15911  
take; 15912

(4) Determining what constitutes another sanction for 15913  
purposes of division (A)(2)(h) of this section. 15914

(C) The procedures established in rules adopted under 15915  
division (B)(2) of this section shall require that all of the 15916  
following be considered as part of an evaluation described in 15917  
division (B)(2) of this section: 15918

(1) The ~~service provider's~~ community-based long-term care 15919  
agency's experience and financial responsibility; 15920

(2) The ~~service provider's~~ agency's ability to comply with 15921  
standards for the community-based long-term care services that the 15922  
~~provider~~ agency provides under a program the department 15923  
administers; 15924



|                                                                                 |       |
|---------------------------------------------------------------------------------|-------|
| (3) The <del>service provider's</del> <u>agency's</u> ability to meet the needs | 15925 |
| of the individuals served;                                                      | 15926 |
| (4) Any other factor the director considers relevant.                           | 15927 |
| (D) The rules adopted under division (B)(3) of this section                     | 15928 |
| shall specify that the reasons disciplinary action may be taken                 | 15929 |
| under division (A)(2) of this section include good cause,                       | 15930 |
| including misfeasance, malfeasance, nonfeasance, confirmed abuse                | 15931 |
| or neglect, financial irresponsibility, or other conduct the                    | 15932 |
| director determines is injurious, <u>or poses a threat,</u> to the health       | 15933 |
| or safety of individuals being served.                                          | 15934 |
| <u>(E) Subject to division (F) of this section, the department</u>              | 15935 |
| <u>is not required to hold hearings under division (A)(3) of this</u>           | 15936 |
| <u>section if any of the following conditions apply:</u>                        | 15937 |
| <u>(1) Rules adopted by the director of aging pursuant to this</u>              | 15938 |
| <u>chapter require the community-based long-term care agency to be a</u>        | 15939 |
| <u>party to a provider agreement; hold a license, certificate, or</u>           | 15940 |
| <u>permit; or maintain a certification, any of which is required or</u>         | 15941 |
| <u>issued by a state or federal government entity other than the</u>            | 15942 |
| <u>department of aging, and either of the following is the case:</u>            | 15943 |
| <u>(a) The provider agreement has not been entered into or the</u>              | 15944 |
| <u>license, certificate, permit, or certification has not been</u>              | 15945 |
| <u>obtained or maintained.</u>                                                  | 15946 |
| <u>(b) The provider agreement, license, certificate, permit, or</u>             | 15947 |
| <u>certification has been denied, revoked, not renewed, or suspended</u>        | 15948 |
| <u>or has been otherwise restricted.</u>                                        | 15949 |
| <u>(2) The agency's certification under this section has been</u>               | 15950 |
| <u>denied, suspended, or revoked for any of the following reasons:</u>          | 15951 |
| <u>(a) A government entity of this state, other than the</u>                    | 15952 |
| <u>department of aging, has terminated or refused to renew any of the</u>       | 15953 |
| <u>following held by, or has denied any of the following sought by, a</u>       | 15954 |

community-based long-term care agency: a provider agreement, 15955  
license, certificate, permit, or certification. Division (E)(2)(a) 15956  
of this section applies regardless of whether the agency has 15957  
entered into a provider agreement in, or holds a license, 15958  
certificate, permit, or certification issued by, another state. 15959

(b) The agency or a principal owner or manager of the agency 15960  
who provides direct care has entered a guilty plea for, or has 15961  
been convicted of, an offense materially related to the medicaid 15962  
program. 15963

(c) The agency or a principal owner or manager of the agency 15964  
who provides direct care has entered a guilty plea for, or been 15965  
convicted of, an offense listed in division (C)(1)(a) of section 15966  
173.394 of the Revised Code, but only if none of the personal 15967  
character standards established by the department in rules adopted 15968  
under division (F) of section 173.394 of the Revised Code apply. 15969

(d) The United States department of health and human services 15970  
has taken adverse action against the agency and that action 15971  
impacts the agency's participation in the medicaid program. 15972

(e) The agency has failed to enter into or renew a provider 15973  
agreement with the PASSPORT administrative agency, as that term is 15974  
defined in section 173.42 of the Revised Code, that administers 15975  
programs on behalf of the department of aging in the region of the 15976  
state in which the agency is certified to provide services. 15977

(f) The agency has not billed or otherwise submitted a claim 15978  
to the department for payment under the medicaid program in at 15979  
least two years. 15980

(g) The agency denied or failed to provide the department or 15981  
its designee access to the agency's facilities during the agency's 15982  
normal business hours for purposes of conducting an audit or 15983  
structural compliance review. 15984

(h) The agency has ceased doing business. 15985

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <u>(i) The agency has voluntarily relinquished its certification for any reason.</u>                                                                                                                                                                                                                                                                                                                                                                                                                        | 15986<br>15987                                                       |
| <u>(3) The agency's provider agreement with the department of job and family services has been suspended under division (C) of section 5111.031 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                    | 15988<br>15989<br>15990                                              |
| <u>(4) The agency's provider agreement with the department of job and family services is denied or revoked because the agency or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5111.031 of the Revised Code.</u>                                                                                                                                                                  | 15991<br>15992<br>15993<br>15994<br>15995<br>15996                   |
| <u>(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the agency describing a decision not to certify the agency under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the agency's address that is on record with the department and may be sent by regular mail.</u>          | 15997<br>15998<br>15999<br>16000<br>16001<br>16002<br>16003<br>16004 |
| <u>(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section.</u>                                                                                                                                                                                                                                                                               | 16005<br>16006<br>16007<br>16008                                     |
| <u>All fees collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with community-based long-term care agency certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide.</u> | 16009<br>16010<br>16011<br>16012<br>16013<br>16014<br>16015<br>16016 |

Sec. 173.40. (A) As used in sections 173.40 to 173.402 of the Revised Code, "PASSPORT":

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

"PASSPORT program" means the program created under this section.

"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.

(B) There is hereby created the preadmission screening system providing options and resources today program, or PASSPORT. The PASSPORT program shall provide home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled medicaid recipients and meet the program's applicable eligibility requirements. ~~The Subject to~~ division (C) of this section, the program shall have a medicaid-funded component and a state-funded component.

(C)(1) Unless the medicaid-funded component of the PASSPORT program is terminated under division (C)(2) of this section, all of the following apply:

(a) The department of aging shall administer the medicaid-funded component through a contract entered into with the department of job and family services under section 5111.91 of the Revised Code.

(b) The medicaid-funded component shall be operated as a separate medicaid waiver component, as defined in section 5111.85 of the Revised Code, until the United States secretary of health

~~and human services approves the consolidated federal medicaid  
waiver sought under section 5111.861 of the Revised Code. The  
program shall be part of the consolidated federal medicaid waiver  
sought under that section if the United States secretary approves  
the waiver. The department of aging shall administer the program  
through a contract entered into with the department of job and  
family services under section 5111.91 of the Revised Code. The~~

(c) For an individual to be eligible for the medicaid-funded  
component, the individual must be a medicaid recipient and meet  
the additional eligibility requirements applicable to the  
individual established in rules adopted under division (C)(1)(d)  
of this section.

(d) The director of job and family services shall adopt rules  
under section 5111.85 of the Revised Code and the director of  
aging shall adopt rules in accordance with Chapter 119. of the  
Revised Code to implement the ~~program~~ medicaid-funded component.

(2) If the unified long-term services and support medicaid  
waiver component is created, the departments of aging and job and  
family services shall work together to determine whether the  
medicaid-funded component of the PASSPORT program should continue  
to operate as a separate medicaid waiver component or be  
terminated. If the departments determine that the medicaid-funded  
component of the PASSPORT program should be terminated, the  
medicaid-funded component shall cease to exist on a date the  
departments shall specify.

(D)(1) The department of aging shall administer the  
state-funded component of the PASSPORT program. The state-funded  
component shall not be administered as part of the medicaid  
program.

(2) For an individual to be eligible for the state-funded  
component, the individual must meet one of the following

requirements and meet the additional eligibility requirements 16078  
applicable to the individual established in rules adopted under 16079  
division (D)(4) of this section: 16080

(a) The individual must have been enrolled in the 16081  
state-funded component on September 1, 1991, (as the state-funded 16082  
component was authorized by uncodified law in effect at that time) 16083  
and have had one or more applications for enrollment in the 16084  
medicaid-funded component (or, if the medicaid-funded component is 16085  
terminated under division (C)(2) of this section, the unified 16086  
long-term services and support medicaid waiver component) denied. 16087

(b) The individual must have had the individual's enrollment 16088  
in the medicaid-funded component (or, if the medicaid-funded 16089  
component is terminated under division (C)(2) of this section, the 16090  
unified long-term services and support medicaid waiver component) 16091  
terminated and the individual must still need the home and 16092  
community-based services provided under the PASSPORT program to 16093  
protect the individual's health and safety. 16094

(c) The individual must have an application for the 16095  
medicaid-funded component (or, if the medicaid-funded component is 16096  
terminated under division (C)(2) of this section, the unified 16097  
long-term services and support medicaid waiver component) pending 16098  
and the department or the department's designee must have 16099  
determined that the individual meets the nonfinancial eligibility 16100  
requirements of the medicaid-funded component (or, if the 16101  
medicaid-funded component is terminated under division (C)(2) of 16102  
this section, the unified long-term services and support medicaid 16103  
waiver component) and not have reason to doubt that the individual 16104  
meets the financial eligibility requirements of the 16105  
medicaid-funded component (or, if the medicaid-funded component is 16106  
terminated under division (C)(2) of this section, the unified 16107  
long-term services and support medicaid waiver component). 16108

(3) An individual who is eligible for the state-funded 16109

component because the individual meets the requirement of division (D)(2)(c) of this section may participate in the component for not more than three months. 16110  
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(4) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component. The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (D)(2)(a), (b), and (c) of this section. 16113  
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**Sec. 173.401.** (A) As used in this section: 16119

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 16120  
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"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 16122  
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 16125  
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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 16130  
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~~"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the PASSPORT program.~~ 16132  
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(B) The Subject to division (C)(2) of section 173.40 of the Revised Code, the department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An individual is eligible 16135  
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for the PASSPORT program's home first component if ~~all~~ both of the 16140  
following apply: 16141

(1) The individual ~~is~~ has been determined to be eligible for 16142  
the medicaid-funded component of the PASSPORT program. 16143

(2) ~~The individual is on the unified waiting list established~~ 16144  
~~under section 173.404 of the Revised Code.~~ 16145

~~(3)~~ At least one of the following applies: 16146

(a) The individual has been admitted to a nursing facility. 16147

(b) A physician has determined and documented in writing that 16148  
the individual has a medical condition that, unless the individual 16149  
is enrolled in home and community-based services such as the 16150  
PASSPORT program, will require the individual to be admitted to a 16151  
nursing facility within thirty days of the physician's 16152  
determination. 16153

(c) The individual has been hospitalized and a physician has 16154  
determined and documented in writing that, unless the individual 16155  
is enrolled in home and community-based services such as the 16156  
PASSPORT program, the individual is to be transported directly 16157  
from the hospital to a nursing facility and admitted. 16158

(d) Both of the following apply: 16159

(i) The individual is the subject of a report made under 16160  
section 5101.61 of the Revised Code regarding abuse, neglect, or 16161  
exploitation or such a report referred to a county department of 16162  
job and family services under section 5126.31 of the Revised Code 16163  
or has made a request to a county department for protective 16164  
services as defined in section 5101.60 of the Revised Code. 16165

(ii) A county department of job and family services and an 16166  
area agency on aging have jointly documented in writing that, 16167  
unless the individual is enrolled in home and community-based 16168  
services such as the PASSPORT program, the individual should be 16169



admitted to a nursing facility. 16170

(C) Each month, each area agency on aging shall identify 16171  
individuals residing in the area that the agency serves who are 16172  
eligible for the home first component of the PASSPORT program. 16173  
When an area agency on aging identifies such an individual, the 16174  
agency shall notify the long-term care consultation program 16175  
administrator serving the area in which the individual resides. 16176  
The administrator shall determine whether the PASSPORT program is 16177  
appropriate for the individual and whether the individual would 16178  
rather participate in the PASSPORT program than continue or begin 16179  
to reside in a nursing facility. If the administrator determines 16180  
that the PASSPORT program is appropriate for the individual and 16181  
the individual would rather participate in the PASSPORT program 16182  
than continue or begin to reside in a nursing facility, the 16183  
administrator shall so notify the department of aging. On receipt 16184  
of the notice from the administrator, the department shall approve 16185  
the individual's enrollment in the medicaid-funded component of 16186  
the PASSPORT program regardless of the unified waiting list 16187  
established under section 173.404 of the Revised Code, unless the 16188  
enrollment would cause the ~~PASSPORT program~~ component to exceed 16189  
any limit on the number of individuals who may be enrolled in the 16190  
~~program~~ component as set by the United States secretary of health 16191  
and human services in the PASSPORT waiver. 16192

~~(D) Each quarter, the department of aging shall certify to 16193  
the director of budget and management the estimated increase in 16194  
costs of the PASSPORT program resulting from enrollment of 16195  
individuals in the PASSPORT program pursuant to this section. 16196~~

**Sec. 173.403. "Choices (A) As used in this section:** 16197

"Choices program" means the program created under this 16198  
section. 16199

There "Medicaid waiver component" has the same meaning as in 16200

section 5111.85 of the Revised Code. 16201

"Unified long-term services and support medicaid waiver 16202

component" means the medicaid waiver component authorized by 16203

section 5111.864 of the Revised Code. 16204

(B) Subject to division (C) of this section, there is hereby 16205

created the choices program. The program shall provide home and 16206

community-based services. ~~The choices program shall be operated as~~ 16207

~~a separate medicaid waiver component, as defined in section~~ 16208

~~5111.85 of the Revised Code, until the United States secretary of~~ 16209

~~health and human services approves the consolidated federal~~ 16210

~~medicaid waiver sought under section 5111.861 of the Revised Code.~~ 16211

The program shall be part of the consolidated federal medicaid 16212

waiver sought under that section if the United States secretary 16213

approves the waiver. The department of aging shall administer the 16214

program through a contract entered into with the department of job 16215

and family services under section 5111.91 of the Revised Code. 16216

Subject to federal approval, the program shall be available 16217

statewide. 16218

(C) If the unified long-term services and support medicaid 16219

waiver component is created, the departments of aging and job and 16220

family services shall work together to determine whether the 16221

choices program should continue to operate as a separate medicaid 16222

waiver component or be terminated. If the departments determine 16223

that the choices program should be terminated, the program shall 16224

cease to exist on a date the departments shall specify. 16225

**Sec. 173.404.** (A) As used in this section: 16226

(1) "Department of aging-administered medicaid waiver 16227

component" means each of the following: 16228

(a) The medicaid-funded component of the PASSPORT program 16229

created under section 173.40 of the Revised Code; 16230

(b) The choices program created under section 173.403 of the Revised Code; 16231  
16232

(c) The medicaid-funded component of the assisted living program created under section 5111.89 of the Revised Code. 16233  
16234

(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code. 16235  
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(B) ~~The~~ If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department of aging shall establish a unified waiting list for department of aging-administered medicaid waiver the components and the PACE program. Only individuals eligible for a department of aging-administered medicaid waiver component or the PACE program may be placed on the unified waiting list. An individual who may be enrolled in a department of aging-administered medicaid waiver component or the PACE program through a home first component established under section 173.401, 173.501, or 5111.894 of the Revised Code may be so enrolled without being placed on the unified waiting list. 16238  
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**Sec. 173.41.** (A) The department of aging shall promote the development of a statewide aging and disabilities resource network through which older adults, adults with disabilities, and their caregivers are provided with both of the following: 16252  
16253  
16254  
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(1) Information on any long-term care service options available to the individuals; 16256  
16257

(2) Streamlined access to long-term care services, both publicly funded services and services available through private payment. 16258  
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16260

(B) Area agencies on aging shall establish the network 16261  
throughout the state. In doing so, the agencies shall collaborate 16262  
with centers for independent living and other locally funded 16263  
organizations to establish a cost-effective and consumer-friendly 16264  
network that builds on existing, local infrastructures of services 16265  
that support consumers in their communities. 16266

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 16267  
Revised Code: 16268

(1) "Area agency on aging" means a public or private 16269  
nonprofit entity designated under section 173.011 of the Revised 16270  
Code to administer programs on behalf of the department of aging. 16271

(2) "Department of aging-administered medicaid waiver 16272  
component" means each of the following: 16273

(a) The medicaid-funded component of the PASSPORT program 16274  
created under section 173.40 of the Revised Code; 16275

(b) The choices program created under section 173.403 of the 16276  
Revised Code; 16277

(c) The medicaid-funded component of the assisted living 16278  
program created under section 5111.89 of the Revised Code; 16279

(d) Any other medicaid waiver component, as defined in 16280  
section 5111.85 of the Revised Code, that the department of aging 16281  
administers pursuant to an interagency agreement with the 16282  
department of job and family services under section 5111.91 of the 16283  
Revised Code. 16284

(3) "Home and community-based services covered by medicaid 16285  
components the department of aging administers" means all of the 16286  
following: 16287

(a) Medicaid waiver services available to a participant in a 16288  
department of aging-administered medicaid waiver component; 16289

|                                                                                                                                                                                                                                               |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code:                            | 16290<br>16291<br>16292<br>16293 |
| (i) Home health services;                                                                                                                                                                                                                     | 16294                            |
| (ii) Private duty nursing services;                                                                                                                                                                                                           | 16295                            |
| (iii) Durable medical equipment;                                                                                                                                                                                                              | 16296                            |
| (iv) Services of a clinical nurse specialist;                                                                                                                                                                                                 | 16297                            |
| (v) Services of a certified nurse practitioner.                                                                                                                                                                                               | 16298                            |
| (c) Services available to a participant of the PACE program.                                                                                                                                                                                  | 16299                            |
| (4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section. | 16300<br>16301<br>16302<br>16303 |
| (5) "Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.                                                                                                                                      | 16304<br>16305                   |
| (6) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.                                                                                                                                                        | 16306<br>16307                   |
| (7) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.                                                                                            | 16308<br>16309<br>16310          |
| (8) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.                                                                           | 16311<br>16312<br>16313          |
| (9) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract.                 | 16314<br>16315<br>16316<br>16317 |
| (10) "Representative" means a person acting on behalf of an                                                                                                                                                                                   | 16318                            |

individual specified in division (G) of this section. A 16319  
representative may be a family member, attorney, hospital social 16320  
worker, or any other person chosen to act on behalf of the 16321  
individual. 16322

(B) The department of aging shall develop a long-term care 16323  
consultation program whereby individuals or their representatives 16324  
are provided with long-term care consultations and receive through 16325  
these professional consultations information about options 16326  
available to meet long-term care needs and information about 16327  
factors to consider in making long-term care decisions. The 16328  
long-term care consultations provided under the program may be 16329  
provided at any appropriate time, as permitted or required under 16330  
this section and the rules adopted under it, including either 16331  
prior to or after the individual who is the subject of a 16332  
consultation has been admitted to a nursing facility or granted 16333  
assistance in receiving home and community-based services covered 16334  
by medicaid components the department of aging administers. 16335

(C) The long-term care consultation program shall be 16336  
administered by the department of aging, except that the 16337  
department may have the program administered on a regional basis 16338  
by one or more program administrators. The department and each 16339  
program administrator shall administer the program in such a 16340  
manner that all of the following are included: 16341

(1) Coordination and collaboration with respect to all 16342  
available funding sources for long-term care services; 16343

(2) Assessments of individuals regarding their long-term care 16344  
service needs; 16345

(3) Assessments of individuals regarding their on-going 16346  
eligibility for long-term care services; 16347

(4) Procedures for assisting individuals in obtaining access 16348  
to, and coordination of, health and supportive services, including 16349

department of aging-administered medicaid waiver components; 16350

(5) Priorities for using available resources efficiently and 16351  
effectively. 16352

(D) The program's long-term care consultations shall be 16353  
provided by individuals certified by the department under section 16354  
173.422 of the Revised Code. 16355

(E) The information provided through a long-term care 16356  
consultation shall be appropriate to the individual's needs and 16357  
situation and shall address all of the following: 16358

(1) The availability of any long-term care options open to 16359  
the individual; 16360

(2) Sources and methods of both public and private payment 16361  
for long-term care services; 16362

(3) Factors to consider when choosing among the available 16363  
programs, services, and benefits; 16364

(4) Opportunities and methods for maximizing independence and 16365  
self-reliance, including support services provided by the 16366  
individual's family, friends, and community. 16367

(F) An individual's long-term care consultation may include 16368  
an assessment of the individual's functional capabilities. The 16369  
consultation may incorporate portions of the determinations 16370  
required under sections 5111.202, 5119.061, and 5123.021 of the 16371  
Revised Code and may be provided concurrently with the assessment 16372  
required under section 5111.204 of the Revised Code. 16373

(G)(1) Unless an exemption specified in division (I) of this 16374  
section is applicable, each of the following shall be provided 16375  
with a long-term care consultation: 16376

(a) An individual who applies or indicates an intention to 16377  
apply for admission to a nursing facility, regardless of the 16378  
source of payment to be used for the individual's care in a 16379

nursing facility; 16380

(b) An individual who requests a long-term care consultation; 16381

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation. 16382  
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(2) In addition to the individuals specified in division (G)(1) of this section, a long-term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility. 16385  
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(H)(1) Except as provided in division (H)(2) or (3) of this section, a long-term care consultation provided pursuant to division (G) of this section shall be provided as follows: 16390  
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(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5111.204 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified in that section for providing a level of care determination based on the assessment. 16393  
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(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or program administrator receives notice of the reason for which the consultation is to be provided pursuant to division (G) of this section. 16400  
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(2) An individual or the individual's representative may request that a long-term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section. 16405  
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16407  
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(3) If a long-term care consultation cannot be completed 16409



within the number of days required by division (H)(1) or (2) of 16410  
this section, the department or program administrator may do any 16411  
of the following: 16412

(a) In the case of an individual specified in division (G)(1) 16413  
of this section, exempt the individual from the consultation 16414  
pursuant to rules that may be adopted under division (L) of this 16415  
section; 16416

(b) In the case of an applicant for admission to a nursing 16417  
facility, provide the consultation after the individual is 16418  
admitted to the nursing facility; 16419

(c) In the case of a resident of a nursing facility, provide 16420  
the consultation as soon as practicable. 16421

(I) An individual is not required to be provided a long-term 16422  
care consultation under division (G)(1) of this section if any of 16423  
the following apply: 16424

(1) The department or program administrator has attempted to 16425  
provide the consultation, but the individual or the individual's 16426  
representative refuses to cooperate; 16427

(2) The individual is to receive care in a nursing facility 16428  
under a contract for continuing care as defined in section 173.13 16429  
of the Revised Code; 16430

(3) The individual has a contractual right to admission to a 16431  
nursing facility operated as part of a system of continuing care 16432  
in conjunction with one or more facilities that provide a less 16433  
intensive level of services, including a residential care facility 16434  
licensed under Chapter 3721. of the Revised Code, an adult care 16435  
facility licensed under ~~Chapter 3722.~~ sections 5119.70 to 5119.88 16436  
of the Revised Code, or an independent living arrangement; 16437

(4) The individual is to receive continual care in a home for 16438  
the aged exempt from taxation under section 5701.13 of the Revised 16439

Code; 16440

(5) The individual is seeking admission to a facility that is 16441  
not a nursing facility with a provider agreement under section 16442  
5111.22, 5111.671, or 5111.672 of the Revised Code; 16443

(6) The individual is exempted from the long-term care 16444  
consultation requirement by the department or the program 16445  
administrator pursuant to rules that may be adopted under division 16446  
(L) of this section. 16447

(J) As part of the long-term care consultation program, the 16448  
department or program administrator shall assist an individual or 16449  
individual's representative in accessing all sources of care and 16450  
services that are appropriate for the individual and for which the 16451  
individual is eligible, including all available home and 16452  
community-based services covered by medicaid components the 16453  
department of aging administers. The assistance shall include 16454  
providing for the conduct of assessments or other evaluations and 16455  
the development of individualized plans of care or services under 16456  
section 173.424 of the Revised Code. 16457

(K) No nursing facility for which an operator has a provider 16458  
agreement under section 5111.22, 5111.671, or 5111.672 of the 16459  
Revised Code shall admit any individual as a resident, unless the 16460  
nursing facility has received evidence that a long-term care 16461  
consultation has been completed for the individual or division (I) 16462  
of this section is applicable to the individual. 16463

(L) The director of aging may adopt any rules the director 16464  
considers necessary for the implementation and administration of 16465  
this section. The rules shall be adopted in accordance with 16466  
Chapter 119. of the Revised Code and may specify any or all of the 16467  
following: 16468

(1) Procedures for providing long-term care consultations 16469  
pursuant to this section; 16470

|                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (2) Information to be provided through long-term care consultations regarding long-term care services that are available;                                                                                                                                                                                                                                                                                                                          | 16471<br>16472<br>16473                                     |
| (3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;                                                                                                                                                                                                                                                                                            | 16474<br>16475<br>16476                                     |
| (4) Criteria for exempting individuals from the long-term care consultation requirement;                                                                                                                                                                                                                                                                                                                                                           | 16477<br>16478                                              |
| (5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;                                                                                                                                                                                                                                                    | 16479<br>16480<br>16481<br>16482                            |
| (6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;                                                                                                                                                                                                                                                                                                                     | 16483<br>16484                                              |
| (7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;                                                                                                                                                                                                                                                         | 16485<br>16486<br>16487                                     |
| (8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;                                                                                                                                                                                                   | 16488<br>16489<br>16490<br>16491                            |
| (9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.                                                                                                                                                                                                                                                                                                                                           | 16492<br>16493                                              |
| (M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code for purposes of the medicaid program. | 16494<br>16495<br>16496<br>16497<br>16498<br>16499<br>16500 |

Except when prohibited by state or federal law, the department of 16501  
health, department of job and family services, or nursing facility 16502  
holding the data shall grant access to the data on receipt of the 16503  
request from the department of aging or program administrator. 16504

(N)(1) The director of aging, after providing notice and an 16505  
opportunity for a hearing, may fine a nursing facility an amount 16506  
determined by rules the director shall adopt in accordance with 16507  
Chapter 119. of the Revised Code for any of the following reasons: 16508

(a) The nursing facility admits an individual, without 16509  
evidence that a long-term care consultation has been provided, as 16510  
required by this section; 16511

(b) The nursing facility denies a person attempting to 16512  
provide a long-term care consultation access to the facility or a 16513  
resident of the facility; 16514

(c) The nursing facility denies the department of aging or 16515  
program administrator access to the facility or a resident of the 16516  
facility, as the department or administrator considers necessary 16517  
to administer the program. 16518

(2) In accordance with section 5111.62 of the Revised Code, 16519  
all fines collected under division (N)(1) of this section shall be 16520  
deposited into the state treasury to the credit of the residents 16521  
protection fund. 16522

**Sec. 173.45.** As used in this section and in sections 173.46 16523  
to 173.49 of the Revised Code: 16524

(A) "Adult care facility" has the same meaning as in section 16525  
5119.70 of the Revised Code. 16526

(B) "Community-based long-term care services" has the same 16527  
meaning as in section 173.14 of the Revised Code. 16528

(C) "Long-term care facility" means a nursing home or 16529  
residential care facility. 16530

~~(B)~~(D) "Nursing home" and "residential care facility" have 16531  
the same meanings as in section 3721.01 of the Revised Code. 16532

~~(C)~~(E) "Nursing facility" has the same meaning as in section 16533  
5111.20 of the Revised Code. 16534

**Sec. 173.46.** (A) The department of aging shall develop and 16535  
publish a guide to long-term care facilities for use by 16536  
individuals considering long-term care facility admission and 16537  
their families, friends, and advisors. The guide, which shall be 16538  
titled the Ohio long-term care consumer guide, may be published in 16539  
printed form or in electronic form for distribution over the 16540  
internet. The guide may be developed as a continuation or 16541  
modification of the guide published by the department prior to ~~the~~ 16542  
~~effective date of this section~~ September 29, 2005, under rules 16543  
adopted under section 173.02 of the Revised Code. 16544

(B) The Ohio long-term care consumer guide shall include 16545  
information on each long-term care facility in this state. For 16546  
each facility, the guide shall include the following information, 16547  
as applicable to the facility: 16548

(1) Information regarding the facility's compliance with 16549  
state statutes and rules and federal statutes and regulations; 16550

(2) Information generated by the centers for medicare and 16551  
medicaid services of the United States department of health and 16552  
human services from the quality measures developed as part of its 16553  
nursing home quality initiative; 16554

(3) Results of the customer satisfaction surveys conducted 16555  
under section 173.47 of the Revised Code; 16556

(4) Any other information the department specifies in rules 16557  
adopted under section 173.49 of the Revised Code. 16558

(C) The Ohio long-term care consumer guide may include 16559  
information on adult care facilities and providers of 16560

community-based long-term care services. The department may adopt 16561  
rules under section 173.49 of the Revised Code to specify the 16562  
information to be included in the guide pursuant to this division. 16563

**Sec. 173.47.** (A) For purposes of publishing the Ohio 16564  
long-term care consumer guide, the department of aging shall 16565  
conduct or provide for the conduct of an annual customer 16566  
satisfaction survey of each long-term care facility. The results 16567  
of the surveys may include information obtained from long-term 16568  
care facility residents, their families, or both. 16569

~~(B)(1) The department may charge fees for the conduct of~~ 16570  
~~annual customer satisfaction surveys. The department may contract~~ 16571  
~~with any person or government entity to collect the fees on its~~ 16572  
~~behalf. All fees collected under this section shall be deposited~~ 16573  
~~in accordance with section 173.48 of the Revised Code.~~ 16574

~~(2) The fees charged under this section shall not exceed the~~ 16575  
~~following amounts:~~ 16576

~~(a) Four hundred dollars for the customer satisfaction survey~~ 16577  
~~of a long term care facility that is a nursing home;~~ 16578

~~(b) Three hundred dollars for the customer satisfaction~~ 16579  
~~survey pertaining to a long term care facility that is a~~ 16580  
~~residential care facility.~~ 16581

~~(3) Fees paid by a long term care facility that is a nursing~~ 16582  
~~facility shall be reimbursed through the medicaid program operated~~ 16583  
~~under Chapter 5111. of the Revised Code.~~ 16584

~~(C) Each long-term care facility shall cooperate in the~~ 16585  
~~conduct of its annual customer satisfaction survey.~~ 16586

**Sec. 173.48.** (A)(1) The department of aging may charge annual 16587  
fees to long-term care facilities for the publication of the Ohio 16588  
long-term care consumer guide. The department may contract with 16589

any person or government entity to collect the fees on its behalf. 16590  
All fees collected under this section shall be deposited in 16591  
accordance with division (B) of this section. 16592

(2) The annual fees charged under this section shall not 16593  
exceed the following amounts: 16594

(a) Six hundred fifty dollars for each long-term care 16595  
facility that is a nursing home; 16596

(b) Three hundred dollars for each long-term care facility 16597  
that is a residential care facility. 16598

(3) Fees paid by a long-term care facility that is a nursing 16599  
facility shall be reimbursed through the medicaid program operated 16600  
under Chapter 5111. of the Revised Code. 16601

(B) There is hereby created in the state treasury the 16602  
long-term care consumer guide fund. Money collected from the fees 16603  
charged for the ~~conduct of customer satisfaction surveys~~ 16604  
publication of the Ohio long-term care consumer guide under 16605  
division (A) of this section ~~173.47 of the Revised Code~~ shall be 16606  
credited to the fund. The department of ~~aging~~ shall use money in 16607  
the fund for costs associated with publishing the Ohio long-term 16608  
care consumer guide, including, but not limited to, costs incurred 16609  
in conducting or providing for the conduct of customer 16610  
satisfaction surveys. 16611

**Sec. 173.501.** (A) As used in this section: 16612

"Nursing facility" has the same meaning as in section 5111.20 16613  
of the Revised Code. 16614

"PACE provider" has the same meaning as in 42 U.S.C. 16615  
1396u-4(a)(3). 16616

(B) The department of aging shall establish a home first 16617  
component of the PACE program under which eligible individuals may 16618

be enrolled in the PACE program in accordance with this section. 16619  
An individual is eligible for the PACE program's home first 16620  
component if ~~all~~ both of the following apply: 16621

(1) The individual ~~is~~ has been determined to be eligible for 16622  
the PACE program. 16623

(2) ~~The individual is on the unified waiting list established~~ 16624  
~~under section 173.404 of the Revised Code.~~ 16625

~~(3)~~ At least one of the following applies: 16626

(a) The individual has been admitted to a nursing facility. 16627

(b) A physician has determined and documented in writing that 16628  
the individual has a medical condition that, unless the individual 16629  
is enrolled in home and community-based services such as the PACE 16630  
program, will require the individual to be admitted to a nursing 16631  
facility within thirty days of the physician's determination. 16632

(c) The individual has been hospitalized and a physician has 16633  
determined and documented in writing that, unless the individual 16634  
is enrolled in home and community-based services such as the PACE 16635  
program, the individual is to be transported directly from the 16636  
hospital to a nursing facility and admitted. 16637

(d) Both of the following apply: 16638

(i) The individual is the subject of a report made under 16639  
section 5101.61 of the Revised Code regarding abuse, neglect, or 16640  
exploitation or such a report referred to a county department of 16641  
job and family services under section 5126.31 of the Revised Code 16642  
or has made a request to a county department for protective 16643  
services as defined in section 5101.60 of the Revised Code. 16644

(ii) A county department of job and family services and an 16645  
area agency on aging have jointly documented in writing that, 16646  
unless the individual is enrolled in home and community-based 16647  
services such as the PACE program, the individual should be 16648



admitted to a nursing facility. 16649

(C) Each month, the department of aging shall identify 16650  
individuals who are eligible for the home first component of the 16651  
PACE program. When the department identifies such an individual, 16652  
the department shall notify the PACE provider serving the area in 16653  
which the individual resides. The PACE provider shall determine 16654  
whether the PACE program is appropriate for the individual and 16655  
whether the individual would rather participate in the PACE 16656  
program than continue or begin to reside in a nursing facility. If 16657  
the PACE provider determines that the PACE program is appropriate 16658  
for the individual and the individual would rather participate in 16659  
the PACE program than continue or begin to reside in a nursing 16660  
facility, the PACE provider shall so notify the department of 16661  
aging. On receipt of the notice from the PACE provider, the 16662  
department of aging shall approve the individual's enrollment in 16663  
the PACE program in accordance with priorities established in 16664  
rules adopted under section 173.50 of the Revised Code. 16665

~~(D) Each quarter, the department of aging shall certify to 16666  
the director of budget and management the estimated increase in 16667  
costs of the PACE program resulting from enrollment of individuals 16668  
in the PACE program pursuant to this section. 16669~~

**Sec. 183.30.** ~~(A) Except as provided in division (C) of this 16670  
section, no more than five per cent of the total disbursements, 16671  
encumbrances, and obligations of the southern Ohio agricultural 16672  
and community development foundation in a fiscal year shall be for 16673  
administrative expenses of the foundation in the same fiscal year. 16674~~

~~(B) Except as provided in division (C) of this section, no 16675  
more than five per cent of the total disbursements, encumbrances, 16676  
and obligations of the biomedical research and technology transfer 16677  
trust fund in a fiscal year shall be for expenses relating to the 16678  
administration of the trust fund by the third frontier commission 16679~~

~~in the same fiscal year.~~ 16680

~~(C) This section's five per cent limitation on administrative 16681  
expenses does not apply to any fiscal year for which the 16682  
controlling board approves a spending plan that the foundation or 16683  
commission submits to the board. 16684~~

Payments may be made from the biomedical research and 16685  
technology transfer trust fund for third frontier commission 16686  
expenses related to the administration of awards made from the 16687  
fund prior to the effective date of this section. No such payments 16688  
shall be made after June 30, 2013. 16689

**Sec. 183.51.** (A) As used in this section and in the 16690  
applicable bond proceedings unless otherwise provided: 16691

(1) "Bond proceedings" means the resolutions, orders, 16692  
indentures, purchase and sale and trust and other agreements 16693  
including any amendments or supplements to them, and credit 16694  
enhancement facilities, and amendments and supplements to them, or 16695  
any one or more or combination of them, authorizing, awarding, or 16696  
providing for the terms and conditions applicable to or providing 16697  
for the security or liquidity of, the particular obligations, and 16698  
the provisions contained in those obligations. 16699

(2) "Bond service fund" means the bond service fund created 16700  
in the bond proceedings for the obligations. 16701

(3) "Capital facilities" means, as applicable, capital 16702  
facilities or projects as referred to in section 151.03 or 151.04 16703  
of the Revised Code. 16704

(4) "Consent decree" means the consent decree and final 16705  
judgment entered November 25, 1998, in the court of common pleas 16706  
of Franklin county, Ohio, as the same may be amended or 16707  
supplemented from time to time. 16708

(5) "Cost of capital facilities" has the same meaning as in 16709

section 151.01 of the Revised Code, as applicable. 16710

(6) "Credit enhancement facilities," "financing costs," and 16711  
"interest" or "interest equivalent" have the same meanings as in 16712  
section 133.01 of the Revised Code. 16713

(7) "Debt service" means principal, including any mandatory 16714  
sinking fund or redemption requirements for retirement of 16715  
obligations, interest and other accreted amounts, interest 16716  
equivalent, and any redemption premium, payable on obligations. If 16717  
not prohibited by the applicable bond proceedings, "debt service" 16718  
may include costs relating to credit enhancement facilities that 16719  
are related to and represent, or are intended to provide a source 16720  
of payment of or limitation on, other debt service. 16721

(8) "Improvement fund" means, as applicable, the school 16722  
building program assistance fund created in section 3318.25 of the 16723  
Revised Code and the higher education improvement fund created in 16724  
section 154.21 of the Revised Code. 16725

(9) "Issuing authority" means the buckeye tobacco settlement 16726  
financing authority created in section 183.52 of the Revised Code. 16727

(10) "Net proceeds" means amounts received from the sale of 16728  
obligations, excluding amounts used to refund or retire 16729  
outstanding obligations, amounts required to be deposited into 16730  
special funds pursuant to the applicable bond proceedings, and 16731  
amounts to be used to pay financing costs. 16732

(11) "Obligations" means bonds, notes, or other evidences of 16733  
obligation of the issuing authority, including any appertaining 16734  
interest coupons, issued by the issuing authority under this 16735  
section and Section 2i of Article VIII, Ohio Constitution, for the 16736  
purpose of providing funds to the state, in exchange for the 16737  
assignment and sale described in division (B) of this section, for 16738  
the purpose of paying costs of capital facilities for: (a) housing 16739  
branches and agencies of state government limited to facilities 16740

for a system of common schools throughout the state and (b) 16741  
state-supported or state-assisted institutions of higher 16742  
education. 16743

(12) "Pledged receipts" means, as and to the extent provided 16744  
for in the applicable bond proceedings: 16745

(a) Pledged tobacco settlement receipts; 16746

(b) Accrued interest received from the sale of obligations; 16747

(c) Income from the investment of the special funds; 16748

(d) Additional or any other specific revenues or receipts 16749  
lawfully available to be pledged, and pledged, pursuant to the 16750  
bond proceedings, including but not limited to amounts received 16751  
under credit enhancement facilities, to the payment of debt 16752  
service. 16753

(13) "Pledged tobacco settlement receipts" means all amounts 16754  
received by the issuing authority pursuant to division (B) of this 16755  
section. 16756

(14) "Principal amount" means the aggregate of the amount as 16757  
stated or provided for in the applicable bond proceedings as the 16758  
amount on which interest or interest equivalent on particular 16759  
obligations is initially calculated. "Principal amount" does not 16760  
include any premium paid to the issuing authority by the initial 16761  
purchaser of the obligations. "Principal amount" of a capital 16762  
appreciation bond, as defined in division (C) of section 3334.01 16763  
of the Revised Code, means its original face amount and not its 16764  
accreted value, and "principal amount" of a zero coupon bond, as 16765  
defined in division (J) of section 3334.01 of the Revised Code, 16766  
means the discounted offering price at which the bond is initially 16767  
sold to the public, disregarding any purchase price discount to 16768  
the original purchaser, if provided in or for pursuant to the bond 16769  
proceedings. 16770

(15) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. "Special funds" does not include any improvement fund or investment earnings on amounts in any improvement fund, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

(B) The state may assign and sell to the issuing authority, and the issuing authority may accept and purchase, all or a portion of the amounts to be received by the state under the tobacco master settlement agreement for a purchase price payable by the issuing authority to the state consisting of the net proceeds of obligations and any residual interest, if any. Any such assignment and sale shall be irrevocable in accordance with its terms during the period any obligations secured by amounts so assigned and sold are outstanding under the applicable bond proceedings, and shall constitute a contractual obligation to the holders or owners of those obligations. Any such assignment and sale shall also be treated as an absolute transfer and true sale for all purposes, and not as a pledge or other security interest. The characterization of any such assignment and sale as a true sale and absolute transfer shall not be negated or adversely affected by only a portion of the amounts to be received under the tobacco master settlement agreement being transferred, the acquisition or retention by the state of a residual interest, the participation of any state officer or employee as a member or officer of, or providing staff support to, the issuing authority, any responsibility of an officer or employee of the state for collecting the amounts to be received under the tobacco master settlement agreement or otherwise enforcing that agreement or

retaining any legal title to or interest in any portion of the 16804  
amounts to be received under that agreement for the purpose of 16805  
these collection activities, any characterization of the issuing 16806  
authority or its obligations for purposes of accounting, taxation, 16807  
or securities regulation, or by any other factors whatsoever. A 16808  
true sale shall exist under this section regardless of whether the 16809  
issuing authority has any recourse against the state or any other 16810  
term of the bond proceedings or the treatment or characterization 16811  
of the transfer as a financing for any purpose. Upon and following 16812  
the assignment and sale, the state shall not have any right, 16813  
title, or interest in the portion of the receipts under the 16814  
tobacco master settlement agreement so assigned and sold, other 16815  
than any residual interest that may be described in the applicable 16816  
bond proceedings for those obligations, and that portion, if any, 16817  
shall be the property of the issuing authority and not of the 16818  
state, and shall be paid directly to the issuing authority, and 16819  
shall be owned, received, held, and disbursed by the issuing 16820  
authority and not by the state. 16821

The state may covenant, pledge, and agree in the bond 16822  
proceedings, with and for the benefit of the issuing authority, 16823  
the holders and owners of obligations, and providers of any credit 16824  
enhancement facilities, that it shall: (1) maintain statutory 16825  
authority for, and cause to be collected and paid directly to the 16826  
issuing authority or its assignee, the pledged receipts, (2) 16827  
enforce the rights of the issuing authority to receive the 16828  
receipts under the tobacco master settlement agreement assigned 16829  
and sold to the issuing authority, (3) not materially impair the 16830  
rights of the issuing authority to fulfill the terms of its 16831  
agreements with the holders or owners of outstanding obligations 16832  
under the bond proceedings, (4) not materially impair the rights 16833  
and remedies of the holders or owners of outstanding obligations 16834  
or materially impair the security for those outstanding 16835  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 16836

the tobacco master settlement agreement, and the consent decree to 16837  
effectuate the collection of the pledged tobacco settlement 16838  
receipts. The bond proceedings may provide or authorize the manner 16839  
for determining material impairment of the security for any 16840  
outstanding obligations, including by assessing and evaluating the 16841  
pledged receipts in the aggregate. 16842

As further provided for in division (H) of this section, the 16843  
bond proceedings may also include such other covenants, pledges, 16844  
and agreements by the state to protect and safeguard the security 16845  
and rights of the holders and owners of the obligations, and of 16846  
the providers of any credit enhancement facilities, including, 16847  
without limiting the generality of the foregoing, any covenant, 16848  
pledge, or agreement customary in transactions involving the 16849  
issuance of securities the debt service on which is payable from 16850  
or secured by amounts received under the tobacco master settlement 16851  
agreement. Notwithstanding any other provision of law, any 16852  
covenant, pledge, and agreement of the state, if and when made in 16853  
the bond proceedings, shall be controlling and binding upon, and 16854  
enforceable against the state in accordance with its terms for so 16855  
long as any obligations are outstanding under the applicable bond 16856  
proceedings. The bond proceedings may also include limitations on 16857  
the remedies available to the issuing authority, the holders and 16858  
owners of the obligations, and the providers of any credit 16859  
enhancement facilities, including, without limiting the generality 16860  
of the foregoing, a provision that those remedies may be limited 16861  
to injunctive relief in circumstances where there has been no 16862  
prior determination by a court of competent jurisdiction that the 16863  
state has not enforced Chapter 1346. of the Revised Code, the 16864  
tobacco master settlement agreement, or the consent decree as may 16865  
have been covenanted or agreed in the bond proceedings under 16866  
division (B)(5) of this section. 16867

Nothing in this section or the bond proceedings shall 16868

preclude or limit, or be construed to preclude or limit, the state 16869  
from regulating or authorizing or permitting the regulation of 16870  
smoking or from taxing and regulating the sale of cigarettes or 16871  
other tobacco products, or from defending or prosecuting cases or 16872  
other actions relating to the sale or use of cigarettes or other 16873  
tobacco products. Except as otherwise may be agreed in writing by 16874  
the attorney general, nothing in this section or the bond 16875  
proceedings shall modify or limit, or be construed to modify or 16876  
limit, the responsibility, power, judgment, and discretion of the 16877  
attorney general to protect and discharge the duties, rights, and 16878  
obligations of the state under the tobacco master settlement 16879  
agreement, the consent decree, or Chapter 1346. of the Revised 16880  
Code. 16881

The governor and the director of budget and management, in 16882  
consultation with the attorney general, on behalf of the state, 16883  
and any member or officer of the issuing authority as authorized 16884  
by that issuing authority, on behalf of the issuing authority, may 16885  
take any action and execute any documents, including any purchase 16886  
and sale agreements, necessary to effect the assignment and sale 16887  
and the acceptance of the assignment and title to the receipts 16888  
including, providing irrevocable direction to the escrow agent 16889  
acting under the tobacco master settlement agreement to transfer 16890  
directly to the issuing authority the amounts to be received under 16891  
that agreement that are subject to such assignment and sale. Any 16892  
purchase and sale agreement or other bond proceedings may contain 16893  
the terms and conditions established by the state and the issuing 16894  
authority to carry out and effectuate the purposes of this 16895  
section, including, without limitation, covenants binding the 16896  
state in favor of the issuing authority and its assignees and the 16897  
owners of the obligations. Any such purchase and sale agreement 16898  
shall be sufficient to effectuate such purchase and sale without 16899  
regard to any other laws governing other property sales or 16900  
financial transactions by the state. 16901



Not later than two years following the date on which there 16902  
are no longer any obligations outstanding under the bond 16903  
proceedings, all assets of the issuing authority shall vest in the 16904  
state, the issuing authority shall execute any necessary 16905  
assignments or instruments, including any assignment of any right, 16906  
title, or ownership to the state for receipt of amounts under the 16907  
tobacco master settlement agreement, and the issuing authority 16908  
shall be dissolved. 16909

(C) The issuing authority is authorized to issue and to sell 16910  
obligations as provided in this section. The aggregate principal 16911  
amount of obligations issued under this section shall not exceed 16912  
six billion dollars, exclusive of obligations issued under 16913  
division (M)(1) of this section to refund, renew, or advance 16914  
refund other obligations issued or incurred. At least seventy-five 16915  
per cent of the aggregate net proceeds of the obligations issued 16916  
under the authority of this section, exclusive of obligations 16917  
issued to refund, renew, or advance refund other obligations, 16918  
shall be paid to the state for deposit into the school building 16919  
program assistance fund created in section 3318.25 of the Revised 16920  
Code. 16921

(D) Each issue of obligations shall be authorized by 16922  
resolution or order of the issuing authority. The bond proceedings 16923  
shall provide for or authorize the manner for determining the 16924  
principal amount or maximum principal amount of obligations of an 16925  
issue, the principal maturity or maturities, the interest rate or 16926  
rates, the date of and the dates of payment of interest on the 16927  
obligations, their denominations, and the place or places of 16928  
payment of debt service which may be within or outside the state. 16929  
Unless otherwise provided by law, the latest principal maturity 16930  
may not be later than the earlier of the thirty-first day of 16931  
December of the fiftieth calendar year after the year of issuance 16932  
of the particular obligations or of the fiftieth calendar year 16933

after the year in which the original obligation to pay was issued 16934  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 16935  
the Revised Code apply to the obligations. 16936

The purpose of the obligations may be stated in the bond 16937  
proceedings in general terms, such as, as applicable, "paying 16938  
costs of capital facilities for a system of common schools" and 16939  
"paying costs of facilities for state-supported and state-assisted 16940  
institutions of higher education." Unless otherwise provided in 16941  
the bond proceedings or in division (C) of this section, the net 16942  
proceeds from the issuance of the obligations shall be paid to the 16943  
state for deposit into the applicable improvement fund. In 16944  
addition to the investments authorized in Chapter 135. of the 16945  
Revised Code, the net proceeds held in an improvement fund may be 16946  
invested by the treasurer of state in guaranteed investment 16947  
contracts with providers rated at the time of any investment in 16948  
the three highest rating categories by two nationally recognized 16949  
rating agencies, all subject to the terms and conditions set forth 16950  
in those agreements or the bond proceedings. Notwithstanding 16951  
~~division (B)(4) of section 3318.38~~ anything to the contrary in 16952  
Chapter 3318. of the Revised Code, net proceeds of obligations 16953  
deposited into the school building program assistance fund created 16954  
in section 3318.25 of the Revised Code may be used to pay basic 16955  
project costs under ~~section 3318.38 of the Revised Code~~ that 16956  
chapter at the times determined by the Ohio school facilities 16957  
commission without regard to whether those expenditures are in 16958  
proportion to the state's and the school district's respective 16959  
shares of that basic project cost; provided that this shall not 16960  
result in any change in the state or school district shares of the 16961  
basic project costs ~~provided under Chapter 3318. of the Revised~~ 16962  
~~Code~~ as determined under that chapter. As used in the preceding 16963  
sentence, "Ohio school facilities commission" and "basic project 16964  
costs" have the same meanings as in section 3318.01 of the Revised 16965  
Code. 16966

(E) The issuing authority may, without need for any other approval, appoint or provide for the appointment of paying agents, bond registrars, securities depositories, credit enhancement providers or counterparties, clearing corporations, and transfer agents, and retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out the issuing authority's functions under this section and section 183.52 of the Revised Code. The attorney general as counsel to the issuing authority shall represent the authority in the execution of its powers and duties, and shall institute and prosecute all actions on its behalf. The issuing authority, in consultation with the attorney general, shall select counsel, and the attorney general shall appoint the counsel selected, for the purposes of carrying out the functions under this section and related sections of the Revised Code. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose, including as to future financing costs, from the pledged receipts.

(F) The issuing authority may irrevocably pledge and assign all, or such portion as the issuing authority determines, of the pledged receipts to the payment of the debt service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions in the bond proceedings with respect to pledged receipts as authorized by this section, which provisions are controlling notwithstanding any other provisions of law pertaining to them. Any and all pledged receipts received by the issuing authority and required by the bond proceedings, consistent with this section, to be deposited,

transferred, or credited to the bond service fund, and all other 17000  
money transferred or allocated to or received for the purposes of 17001  
that fund, shall be deposited and credited to the bond service 17002  
fund created in the bond proceedings for the obligations, subject 17003  
to any applicable provisions of those bond proceedings, but 17004  
without necessity for any act of appropriation. Those pledged 17005  
receipts shall immediately be subject to the lien of that pledge 17006  
without any physical delivery thereof or further act, and shall 17007  
not be subject to other court judgments. The lien of the pledge of 17008  
those pledged receipts shall be valid and binding against all 17009  
parties having claims of any kind against the issuing authority, 17010  
irrespective of whether those parties have notice thereof. The 17011  
pledge shall create a perfected security interest for all purposes 17012  
of Chapter 1309. of the Revised Code and a perfected lien for 17013  
purposes of any other interest, all without the necessity for 17014  
separation or delivery of funds or for the filing or recording of 17015  
the applicable bond proceedings by which that pledge is created or 17016  
any certificate, statement, or other document with respect 17017  
thereto. The pledge of the pledged receipts shall be effective and 17018  
the money therefrom and thereof may be applied to the purposes for 17019  
which pledged. 17020

(G) Obligations may be further secured, as determined by the 17021  
issuing authority, by an indenture or a trust agreement between 17022  
the issuing authority and a corporate trustee, which may be any 17023  
trust company or bank having a place of business within the state. 17024  
Any indenture or trust agreement may contain the resolution or 17025  
order authorizing the issuance of the obligations, any provisions 17026  
that may be contained in any bond proceedings, and other 17027  
provisions that are customary or appropriate in an agreement of 17028  
that type, including, but not limited to: 17029

(1) Maintenance of each pledge, indenture, trust agreement, 17030  
or other instrument comprising part of the bond proceedings until 17031

the issuing authority has fully paid or provided for the payment 17032  
of debt service on the obligations secured by it; 17033

(2) In the event of default in any payments required to be 17034  
made by the bond proceedings, enforcement of those payments or 17035  
agreements by mandamus, the appointment of a receiver, suit in 17036  
equity, action at law, or any combination of them; 17037

(3) The rights and remedies of the holders or owners of 17038  
obligations and of the trustee and provisions for protecting and 17039  
enforcing them, including limitations on rights of individual 17040  
holders and owners. 17041

(H) The bond proceedings may contain additional provisions 17042  
customary or appropriate to the financing or to the obligations or 17043  
to particular obligations including, but not limited to, 17044  
provisions for: 17045

(1) The redemption of obligations prior to maturity at the 17046  
option of the issuing authority or of the holder or upon the 17047  
occurrence of certain conditions, and at a particular price or 17048  
prices and under particular terms and conditions; 17049

(2) The form of and other terms of the obligations; 17050

(3) The establishment, deposit, investment, and application 17051  
of special funds, and the safeguarding of moneys on hand or on 17052  
deposit, in lieu of the applicability of provisions of Chapter 17053  
131. or 135. of the Revised Code, but subject to any special 17054  
provisions of this section with respect to the application of 17055  
particular funds or moneys. Any financial institution that acts as 17056  
a depository of any moneys in special funds or other funds under 17057  
the bond proceedings may furnish indemnifying bonds or pledge 17058  
securities as required by the issuing authority. 17059

(4) Any or every provision of the bond proceedings being 17060  
binding upon the issuing authority and upon such governmental 17061  
agency or entity, officer, board, authority, agency, department, 17062

institution, district, or other person or body as may from time to 17063  
time be authorized to take actions as may be necessary to perform 17064  
all or any part of the duty required by the provision; 17065

(5) The maintenance of each pledge or instrument comprising 17066  
part of the bond proceedings until the issuing authority has fully 17067  
paid or provided for the payment of the debt service on the 17068  
obligations or met other stated conditions; 17069

(6) In the event of default in any payments required to be 17070  
made by the bond proceedings, or by any other agreement of the 17071  
issuing authority made as part of a contract under which the 17072  
obligations were issued or secured, including a credit enhancement 17073  
facility, the enforcement of those payments by mandamus, a suit in 17074  
equity, an action at law, or any combination of those remedial 17075  
actions; 17076

(7) The rights and remedies of the holders or owners of 17077  
obligations or of book-entry interests in them, and of third 17078  
parties under any credit enhancement facility, and provisions for 17079  
protecting and enforcing those rights and remedies, including 17080  
limitations on rights of individual holders or owners; 17081

(8) The replacement of mutilated, destroyed, lost, or stolen 17082  
obligations; 17083

(9) The funding, refunding, or advance refunding, or other 17084  
provision for payment, of obligations that will then no longer be 17085  
outstanding for purposes of this section or of the applicable bond 17086  
proceedings; 17087

(10) Amendment of the bond proceedings; 17088

(11) Any other or additional agreements with the owners of 17089  
obligations, and such other provisions as the issuing authority 17090  
determines, including limitations, conditions, or qualifications, 17091  
relating to any of the foregoing or the activities of the issuing 17092  
authority in connection therewith. 17093

The bond proceedings shall make provision for the payment of 17094  
the expenses of the enforcement activity of the attorney general 17095  
referred to in division (B) of this section from the amounts from 17096  
the tobacco master settlement agreement assigned and sold to the 17097  
issuing authority under that division or from the proceeds of 17098  
obligations, or a combination thereof, which may include provision 17099  
for both annual payments and a special fund providing reserve 17100  
amounts for the payment of those expenses. 17101

The issuing authority shall not, and shall covenant in the 17102  
bond proceedings that it shall not, be authorized to and shall not 17103  
file a voluntary petition under the United States Bankruptcy Code, 17104  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 17105  
similar bankruptcy proceeding under state law including, without 17106  
limitation, consenting to the appointment of a receiver or trustee 17107  
or making a general or specific assignment for the benefit of 17108  
creditors, and neither any public officer or any organization, 17109  
entity, or other person shall authorize the issuing authority to 17110  
be or become a debtor under the United States Bankruptcy Code or 17111  
take any of those actions under the United States Bankruptcy Code 17112  
or state law. The state hereby covenants, and the issuing 17113  
authority shall covenant, with the holders or owners of the 17114  
obligations, that the state shall not permit the issuing authority 17115  
to file a voluntary petition under the United States Bankruptcy 17116  
Code or take any of those actions under the United States 17117  
Bankruptcy Code or state law during the period obligations are 17118  
outstanding and for any additional period for which the issuing 17119  
authority covenants in the bond proceedings, which additional 17120  
period may, but need not, be a period of three hundred sixty-seven 17121  
days or more. 17122

(I) The obligations requiring execution by or for the issuing 17123  
authority shall be signed as provided in the bond proceedings, and 17124  
may bear the official seal of the issuing authority or a facsimile 17125

thereof. Any obligation may be signed by the individual who, on 17126  
the date of execution, is the authorized signer even though, on 17127  
the date of the obligations, that individual is not an authorized 17128  
signer. In case the individual whose signature or facsimile 17129  
signature appears on any obligation ceases to be an authorized 17130  
signer before delivery of the obligation, that signature or 17131  
facsimile is nevertheless valid and sufficient for all purposes as 17132  
if that individual had remained the authorized signer until 17133  
delivery. 17134

(J) Obligations are investment securities under Chapter 1308. 17135  
of the Revised Code. Obligations may be issued in bearer or in 17136  
registered form, registrable as to principal alone or as to both 17137  
principal and interest, or both, or in certificated or 17138  
uncertificated form, as the issuing authority determines. 17139  
Provision may be made for the exchange, conversion, or transfer of 17140  
obligations and for reasonable charges for registration, exchange, 17141  
conversion, and transfer. Pending preparation of final 17142  
obligations, the issuing authority may provide for the issuance of 17143  
interim instruments to be exchanged for the final obligations. 17144

(K) Obligations may be sold at public sale or at private 17145  
sale, in such manner, and at such price at, above, or below par, 17146  
all as determined by and provided by the issuing authority in the 17147  
bond proceedings. 17148

(L) Except to the extent that rights are restricted by the 17149  
bond proceedings, any owner of obligations or provider of or 17150  
counterparty to a credit enhancement facility may by any suitable 17151  
form of legal proceedings protect and enforce any rights relating 17152  
to obligations or that facility under the laws of this state or 17153  
granted by the bond proceedings. Those rights include the right to 17154  
compel the performance of all applicable duties of the issuing 17155  
authority and the state. Each duty of the issuing authority and 17156  
that issuing authority's officers, staff, and employees, and of 17157



each state entity or agency, or using district or using 17158  
institution, and its officers, members, staff, or employees, 17159  
undertaken pursuant to the bond proceedings, is hereby established 17160  
as a duty of the entity or individual having authority to perform 17161  
that duty, specifically enjoined by law and resulting from an 17162  
office, trust, or station within the meaning of section 2731.01 of 17163  
the Revised Code. The individuals who are from time to time 17164  
members of the issuing authority, or their designees acting 17165  
pursuant to section 183.52 of the Revised Code, or the issuing 17166  
authority's officers, staff, agents, or employees, when acting 17167  
within the scope of their employment or agency, shall not be 17168  
liable in their personal capacities on any obligations or 17169  
otherwise under the bond proceedings, or for otherwise exercising 17170  
or carrying out any purposes or powers of the issuing authority. 17171

(M)(1) Subject to any applicable limitations in division (C) 17172  
of this section, the issuing authority may also authorize and 17173  
provide for the issuance of: 17174

(a) Obligations in the form of bond anticipation notes, and 17175  
may authorize and provide for the renewal of those notes from time 17176  
to time by the issuance of new notes. The holders of notes or 17177  
appertaining interest coupons have the right to have debt service 17178  
on those notes paid solely from the moneys and special funds, and 17179  
all or any portion of the pledged receipts, that are or may be 17180  
pledged to that payment, including the proceeds of bonds or 17181  
renewal notes or both, as the issuing authority provides in the 17182  
bond proceedings authorizing the notes. Notes may be additionally 17183  
secured by covenants of the issuing authority to the effect that 17184  
the issuing authority will do all things necessary for the 17185  
issuance of bonds or renewal notes in such principal amount and 17186  
upon such terms as may be necessary to provide moneys to pay when 17187  
due the debt service on the notes, and apply their proceeds to the 17188  
extent necessary, to make full and timely payment of debt service 17189

on the notes as provided in the applicable bond proceedings. In 17190  
the bond proceedings authorizing the issuance of bond anticipation 17191  
notes the issuing authority shall set forth for the bonds 17192  
anticipated an estimated schedule of annual principal payments the 17193  
latest of which shall be no later than provided in division (D) of 17194  
this section. While the notes are outstanding there shall be 17195  
deposited, as shall be provided in the bond proceedings for those 17196  
notes, from the sources authorized for payment of debt service on 17197  
the bonds, amounts sufficient to pay the principal of the bonds 17198  
anticipated as set forth in that estimated schedule during the 17199  
time the notes are outstanding, which amounts shall be used solely 17200  
to pay the principal of those notes or of the bonds anticipated. 17201

(b) Obligations for the refunding, including funding and 17202  
retirement, and advance refunding, with or without payment or 17203  
redemption prior to maturity, of any obligations previously issued 17204  
under this section and any bonds or notes previously issued for 17205  
the purpose of paying costs of capital facilities for: (i) 17206  
state-supported or state-assisted institutions of higher education 17207  
as authorized by sections 151.01 and 151.04 of the Revised Code, 17208  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 17209  
and (ii) housing branches and agencies of state government limited 17210  
to facilities for a system of common schools throughout the state 17211  
as authorized by sections 151.01 and 151.03 of the Revised Code, 17212  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 17213  
Refunding obligations may be issued in amounts sufficient to pay 17214  
or to provide for repayment of the principal amount, including 17215  
principal amounts maturing prior to the redemption of the 17216  
remaining prior obligations or bonds or notes, any redemption 17217  
premium, and interest accrued or to accrue to the maturity or 17218  
redemption date or dates, payable on the prior obligations or 17219  
bonds or notes, and related financing costs and any expenses 17220  
incurred or to be incurred in connection with that issuance and 17221  
refunding. Subject to the applicable bond proceedings, the portion 17222

of the proceeds of the sale of refunding obligations issued under 17223  
division (M)(1)(b) of this section to be applied to debt service 17224  
on the prior obligations or bonds or notes shall be credited to an 17225  
appropriate separate account in the bond service fund and held in 17226  
trust for the purpose by the issuing authority or by a corporate 17227  
trustee, and may be invested as provided in the bond proceedings. 17228  
Obligations authorized under this division shall be considered to 17229  
be issued for those purposes for which the prior obligations or 17230  
bonds or notes were issued. 17231

(2) The principal amount of refunding, advance refunding, or 17232  
renewal obligations issued pursuant to division (M) of this 17233  
section shall be in addition to the amount authorized in division 17234  
(C) of this section. 17235

(N) Obligations are lawful investments for banks, savings and 17236  
loan associations, credit union share guaranty corporations, trust 17237  
companies, trustees, fiduciaries, insurance companies, including 17238  
domestic for life and domestic not for life, trustees or other 17239  
officers having charge of sinking and bond retirement or other 17240  
special funds of the state and political subdivisions and taxing 17241  
districts of this state, notwithstanding any other provisions of 17242  
the Revised Code or rules adopted pursuant to those provisions by 17243  
any state agency with respect to investments by them, and are also 17244  
acceptable as security for the repayment of the deposit of public 17245  
moneys. The exemptions from taxation in Ohio as provided for in 17246  
particular sections of the Ohio Constitution and section 5709.76 17247  
of the Revised Code apply to the obligations. 17248

(O)(1) Unless otherwise provided or provided for in any 17249  
applicable bond proceedings, moneys to the credit of or in a 17250  
special fund shall be disbursed on the order of the issuing 17251  
authority. No such order is required for the payment, from the 17252  
bond service fund or other special fund, when due of debt service 17253  
or required payments under credit enhancement facilities. 17254

(2) Payments received by the issuing authority under interest rate hedges entered into as credit enhancement facilities under this section shall be deposited as provided in the applicable bond proceedings.

(P) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them or to any guarantee of the payment of that debt service. The holders or owners of the obligations shall have no right to have any moneys obligated or pledged for the payment of debt service except as provided in this section and in the applicable bond proceedings. The rights of the holders and owners to payment of debt service are limited to all or that portion of the pledged receipts, and those special funds, pledged to the payment of debt service pursuant to the bond proceedings in accordance with this section, and each obligation shall bear on its face a statement to that effect.

(Q) Each bond service fund is a trust fund and is hereby pledged to the payment of debt service on the applicable obligations. Payment of that debt service shall be made or provided for by the issuing authority in accordance with the bond proceedings without necessity for any act of appropriation. The bond proceedings may provide for the establishment of separate accounts in the bond service fund and for the application of those accounts only to debt service on specific obligations, and for other accounts in the bond service fund within the general purposes of that fund.

(R) Subject to the bond proceedings pertaining to any obligations then outstanding in accordance with their terms, the issuing authority may in the bond proceedings pledge all, or such portion as the issuing authority determines, of the moneys in the bond service fund to the payment of debt service on particular

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| obligations, and for the establishment and maintenance of any      | 17287 |
| reserves for payment of particular debt service.                   | 17288 |
| (S)(1) Unless otherwise provided in any applicable bond            | 17289 |
| proceedings, moneys to the credit of special funds may be invested | 17290 |
| by or on behalf of the issuing authority only in one or more of    | 17291 |
| the following:                                                     | 17292 |
| (a) Notes, bonds, or other direct obligations of the United        | 17293 |
| States or of any agency or instrumentality of the United States,   | 17294 |
| or in no-front-end-load money market mutual funds consisting       | 17295 |
| exclusively of those obligations, or in repurchase agreements,     | 17296 |
| including those issued by any fiduciary, secured by those          | 17297 |
| obligations, or in collective investment funds consisting          | 17298 |
| exclusively of those obligations;                                  | 17299 |
| (b) Obligations of this state or any political subdivision of      | 17300 |
| this state;                                                        | 17301 |
| (c) Certificates of deposit of any national bank located in        | 17302 |
| this state and any bank, as defined in section 1101.01 of the      | 17303 |
| Revised Code, subject to inspection by the superintendent of       | 17304 |
| financial institutions;                                            | 17305 |
| (d) The treasurer of state's pooled investment program under       | 17306 |
| section 135.45 of the Revised Code;                                | 17307 |
| (e) Other investment agreements or repurchase agreements that      | 17308 |
| are consistent with the ratings on the obligations.                | 17309 |
| (2) The income from investments referred to in division            | 17310 |
| (S)(1) of this section shall be credited to special funds or       | 17311 |
| otherwise as the issuing authority determines in the bond          | 17312 |
| proceedings. Those investments may be sold or exchanged at times   | 17313 |
| as the issuing authority determines, provides for, or authorizes.  | 17314 |
| (T) The treasurer of state shall have responsibility for           | 17315 |
| keeping records, making reports, and making payments, relating to  | 17316 |

any arbitrage rebate requirements under the applicable bond 17317  
proceedings. 17318

(U) The issuing authority shall make quarterly reports to the 17319  
general assembly of the amounts in, and activities of, each 17320  
improvement fund, including amounts and activities on the subfund 17321  
level. Each report shall include a detailed description and 17322  
analysis of the amount of proceeds remaining in each fund from the 17323  
sale of obligations pursuant to this section, and any other 17324  
deposits, credits, interest earnings, disbursements, expenses, 17325  
transfers, or activities of each fund. 17326

(V) The costs of the annual audit of the authority conducted 17327  
pursuant to section 117.112 of the Revised Code are payable, as 17328  
may be provided in the bond proceedings, from the proceeds of the 17329  
obligations, from special funds, or from other moneys available 17330  
for the purpose, including as to future financing costs, from the 17331  
pledged receipts. 17332

**Sec. 185.01.** As used in this chapter: 17333

(A) "Advanced practice nurse" has the same meaning as in 17334  
section 4723.01 of the Revised Code. 17335

(B) "Collaboration" has the same meaning as in section 17336  
4723.01 of the Revised Code. 17337

(C) ~~"Health care coverage and quality council" means the~~ 17338  
~~entity established under section 3923.90 of the Revised Code.~~ 17339

~~(D)~~ "Patient centered medical home education advisory group" 17340  
means the entity established under section 185.03 of the Revised 17341  
Code to implement and administer the patient centered medical home 17342  
education pilot project. 17343

~~(E)~~(D) "Patient centered medical home education pilot 17344  
project" means the pilot project established under section 185.02 17345  
of the Revised Code. 17346

Sec. 185.03. (A) The patient centered medical home education 17347  
advisory group is hereby created for the purpose of implementing 17348  
and administering the patient centered medical home pilot project. 17349  
The advisory group shall develop a set of expected outcomes for 17350  
the pilot project. 17351

(B) The advisory group shall consist of the following voting 17352  
members: 17353

(1) One individual with expertise in the training and 17354  
education of primary care physicians who is appointed by the dean 17355  
of the university of Toledo college of medicine; 17356

(2) One individual with expertise in the training and 17357  
education of primary care physicians who is appointed by the dean 17358  
of the Boonshoft school of medicine at Wright state university; 17359

(3) One individual with expertise in the training and 17360  
education of primary care physicians who is appointed by the 17361  
president and dean of the northeast Ohio medical university; 17362

(4) One individual with expertise in the training and 17363  
education of primary care physicians who is appointed by the dean 17364  
of the Ohio university college of osteopathic medicine; 17365

(5) Two individuals appointed by the governing board of the 17366  
Ohio academy of family physicians; 17367

(6) One individual appointed by the governing board of the 17368  
Ohio chapter of the American college of physicians; 17369

(7) One individual appointed by the governing board of the 17370  
American academy of pediatrics; 17371

(8) One individual appointed by the governing board of the 17372  
Ohio osteopathic association; 17373

(9) One individual with expertise in the training and 17374  
education of advanced practice nurses who is appointed by the 17375

|                                                                                    |       |
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| governing board of the Ohio council of deans and directors of                      | 17376 |
| baccalaureate and higher degree programs in nursing;                               | 17377 |
| (10) One individual appointed by the governing board of the                        | 17378 |
| Ohio nurses association;                                                           | 17379 |
| (11) One individual appointed by the governing board of the                        | 17380 |
| Ohio association of advanced practice nurses;                                      | 17381 |
| (12) <del>A member of the health care coverage and quality</del>                   | 17382 |
| <del>council, other than the advisory group member specified in</del>              | 17383 |
| <del>division (C)(2) of this section, <u>One individual appointed by the</u></del> | 17384 |
| <del><u>governing board of the Ohio council for home care and hospice;</u></del>   | 17385 |
| <u>(13) One individual</u> appointed by the superintendent of                      | 17386 |
| insurance.                                                                         | 17387 |
| (C) The advisory group shall consist of the following                              | 17388 |
| nonvoting, ex officio members:                                                     | 17389 |
| (1) The executive director of the state medical board, or the                      | 17390 |
| director's designee;                                                               | 17391 |
| (2) The executive director of the board of nursing or the                          | 17392 |
| director's designee;                                                               | 17393 |
| (3) The chancellor of the Ohio board of regents, or the                            | 17394 |
| chancellor's designee;                                                             | 17395 |
| (4) The individual within the department of job and family                         | 17396 |
| services who serves as the director of medicaid, or the director's                 | 17397 |
| designee;                                                                          | 17398 |
| (5) The director of health or the director's designee.                             | 17399 |
| (D) Advisory group members who are appointed shall serve at                        | 17400 |
| the pleasure of their appointing authorities. Terms of office of                   | 17401 |
| appointed members shall be three years, except that a member's                     | 17402 |
| term ends if the pilot project ceases operation during the                         | 17403 |
| member's term.                                                                     | 17404 |



Vacancies shall be filled in the manner provided for original 17405  
appointments. 17406

Members shall serve without compensation, except to the 17407  
extent that serving on the advisory group is considered part of 17408  
their regular employment duties. 17409

(E) The advisory group shall select from among its members a 17410  
chairperson and vice-chairperson. The advisory group may select 17411  
any other officers it considers necessary to conduct its business. 17412

A majority of the members of the advisory group constitutes a 17413  
quorum for the transaction of official business. A majority of a 17414  
quorum is necessary for the advisory group to take any action, 17415  
except that when one or more members of a quorum are required to 17416  
abstain from voting as provided in division (C)(1)(d) or (C)(2)(c) 17417  
of section 185.05 of the Revised Code, the number of members 17418  
necessary for a majority of a quorum shall be reduced accordingly. 17419

The advisory group shall meet as necessary to fulfill its 17420  
duties. The times and places for the meetings shall be selected by 17421  
the chairperson. 17422

(F) Sections 101.82 to 101.87 of the Revised Code do not 17423  
apply to the advisory group. 17424

**Sec. 185.06.** (A) To be eligible for inclusion in the patient 17425  
centered medical home education pilot project, a physician 17426  
practice shall meet all of the following requirements: 17427

(1) Consist of physicians who are board-certified in family 17428  
medicine, general pediatrics, or internal medicine, as those 17429  
designations are issued by a medical specialty certifying board 17430  
recognized by the American board of medical specialties or 17431  
American osteopathic association; 17432

(2) Be capable of adapting the practice during the period in 17433  
which the practice receives funding from the patient centered 17434

medical home education advisory group in such a manner that the 17435  
practice is fully compliant with the minimum standards for 17436  
operation of a patient centered medical home, as those standards 17437  
are established by the advisory group; 17438

~~(3) Comply with any reporting requirements recommended by the 17439  
health care coverage and quality council under division (A)(12) of 17440  
section 3923.91 of the Revised Code; 17441~~

~~(4) Meet any other criteria established by the advisory group 17442  
as part of the selection process. 17443~~

(B) To be eligible for inclusion in the pilot project, an 17444  
advanced practice nurse primary care practice shall meet all of 17445  
the following requirements: 17446

(1) Consist of advanced practice nurses who meet all of the 17447  
following requirements: 17448

(a) Hold a certificate to prescribe issued under section 17449  
4723.48 of the Revised Code; 17450

(b) Are board-certified as a family nurse practitioner or 17451  
adult nurse practitioner by the American academy of nurse 17452  
practitioners or American nurses credentialing center, 17453  
board-certified as a geriatric nurse practitioner or women's 17454  
health nurse practitioner by the American nurses credentialing 17455  
center, or is board-certified as a pediatric nurse practitioner by 17456  
the American nurses credentialing center or pediatric nursing 17457  
certification board; 17458

(c) Has a collaboration agreement with a physician with board 17459  
certification as specified in division (A)(1) of this section and 17460  
who is an active participant on the health care team. 17461

(2) Be capable of adapting the primary care practice during 17462  
the period in which the practice receives funding from the 17463  
advisory group in such a manner that the practice is fully 17464

compliant with the minimum standards for operation of a patient 17465  
centered medical home, as those standards are established by the 17466  
advisory group; 17467

~~(3) Comply with any reporting requirements recommended by the 17468  
health care coverage and quality council under division (A)(12) of 17469  
section 3923.91 of the Revised Code; 17470~~

~~(4) Meet any other criteria established by the advisory group 17471  
as part of the selection process. 17472~~

**Sec. 185.10.** The patient centered medical home education 17473  
advisory group shall seek funding sources for the patient centered 17474  
medical home education pilot project. In doing so, the advisory 17475  
group may apply for grants, seek federal funds, seek private 17476  
donations, or seek any other type of funding that may be available 17477  
for the pilot project. ~~To ensure that appropriate sources of and 17478  
opportunities for funding are identified and pursued, the advisory 17479  
group may ask for assistance from the health care coverage and 17480  
quality council. 17481~~

**Sec. 187.01.** As used in this chapter, "JobsOhio" means the 17482  
nonprofit corporation formed under this section, and includes any 17483  
subsidiary of that corporation. In any section of law that refers 17484  
to the nonprofit corporation formed under this section, reference 17485  
to the corporation includes reference to any such subsidiary 17486  
unless otherwise specified or clearly appearing from the context. 17487

The governor is hereby authorized to form a nonprofit 17488  
corporation, to be named "JobsOhio," with the purposes of 17489  
promoting economic development, job creation, job retention, job 17490  
training, and the recruitment of business to this state. Except as 17491  
otherwise provided in this chapter, the corporation shall be 17492  
organized and operated in accordance with Chapter 1702. of the 17493  
Revised Code. The governor shall sign and file articles of 17494

incorporation for the corporation with the secretary of state. The 17495  
legal existence of the corporation shall begin upon the filing of 17496  
the articles. 17497

~~The~~ In addition to meeting the requirements for articles of 17498  
incorporation in Chapter 1702. of the Revised Code, the articles 17499  
of incorporation for the nonprofit corporation shall set forth the 17500  
following: 17501

(A) The designation of the name of the corporation as 17502  
JobsOhio; 17503

(B) The creation of a board of directors consisting of ~~the~~ 17504  
~~governor and eight~~ nine directors, to be appointed by the 17505  
governor, who satisfy the qualifications prescribed by section 17506  
187.02 of the Revised Code; 17507

(C) A requirement that the governor make initial appointments 17508  
to the board within sixty days after the filing of the articles of 17509  
incorporation. Of the initial appointments made to the board, two 17510  
shall be for a term ending one year after the date the articles 17511  
were filed, two shall be for a term ending two years after the 17512  
date the articles were filed, and ~~four~~ five shall be for a term 17513  
ending four years after the date the articles were filed. The 17514  
articles shall state that, following the initial appointments, the 17515  
governor shall appoint directors to terms of office of four years, 17516  
with each term of office ending on the same day of the same month 17517  
as did the term that it succeeds. If any director dies, resigns, 17518  
or the director's status changes such that any of the requirements 17519  
of division (C) of section 187.02 of the Revised Code are no 17520  
longer met, that director's seat on the board shall become 17521  
immediately vacant. The governor shall forthwith fill the vacancy 17522  
by appointment for the remainder of the term of office of the 17523  
vacated seat. 17524

(D) ~~The designation of~~ A requirement that the governor as ~~the~~ 17525

appoint one director to be chairperson of the board and procedures 17526  
for electing directors to serve as officers of the corporation and 17527  
members of an executive committee; 17528

(E) A provision for the appointment of a chief investment 17529  
officer of the corporation by the recommendation of the board and 17530  
approval of the governor. The chief investment officer shall serve 17531  
at the pleasure of the ~~governor~~ board and shall have the power to 17532  
execute contracts, spend corporation funds, and hire employees on 17533  
behalf of the corporation. If the position of chief investment 17534  
officer becomes vacant for any reason, the vacancy shall be filled 17535  
in the same manner as provided in this division. 17536

(F) Provisions requiring the board to do all of the 17537  
following: 17538

(1) Adopt one or more resolutions providing for compensation 17539  
of the chief investment officer; 17540

(2) Approve an employee compensation plan recommended by the 17541  
chief investment officer; 17542

(3) Approve a contract with the director of development for 17543  
the corporation to assist the director and the department of 17544  
development with providing services or otherwise carrying out the 17545  
functions or duties of the department, including the operation and 17546  
management of programs, offices, divisions, or boards, as may be 17547  
determined by the director of development in consultation with the 17548  
governor; 17549

(4) Approve all major contracts for services recommended by 17550  
the chief investment officer; 17551

(5) Establish an annual strategic plan and standards of 17552  
measure to be used in evaluating the corporation's success in 17553  
executing the plan; 17554

(6) Establish a conflicts of interest policy that, at a 17555

minimum, complies with section 187.06 of the Revised Code; 17556

(7) Hold a minimum of four board of directors meetings per 17557  
year at which a quorum of the board is physically present, and 17558  
such other meetings, at which directors' physical presence is not 17559  
required, as may be necessary. Meetings at which a quorum of the 17560  
board is required to be physically present are subject to 17561  
divisions (C), (D), and (E) of section 187.03 of the Revised Code. 17562

(8) Establish a records retention policy and present the 17563  
policy, and any subsequent changes to the policy, at a meeting of 17564  
the board of directors at which a quorum of the board is required 17565  
to be physically present pursuant to division (F)(7) of this 17566  
section; 17567

(9) Adopt standards of conduct for the directors. 17568

(G) A statement that directors shall not receive any 17569  
compensation from the corporation, except that ~~governor appointed~~ 17570  
directors may be reimbursed for actual and necessary expenses 17571  
incurred in connection with services performed for the 17572  
corporation; 17573

(H) A provision authorizing the board to amend provisions of 17574  
the corporation's articles of incorporation or regulations, except 17575  
provisions required by this chapter; 17576

(I) Procedures by which the corporation would be dissolved 17577  
and by which all corporation rights, ~~liabilities,~~ and assets would 17578  
be distributed to the state or to another corporation organized 17579  
under this chapter. These procedures shall incorporate any 17580  
separate procedures subsequently set forth in this chapter for the 17581  
dissolution of the corporation. The articles shall state that no 17582  
dissolution shall take effect until the corporation has made 17583  
adequate provision for the payment of any outstanding bonds, 17584  
notes, or other obligations. 17585

(J) A provision establishing an audit committee to be 17586

comprised of directors. The articles shall require that the audit committee hire an independent certified public accountant to perform a financial audit of the corporation at least once every year.

(K) A provision authorizing ~~the governor, as chairperson of the board,~~ a majority of the disinterested directors to remove a director for misconduct, as that term may be defined in the articles or regulations of the corporation. The removal of a director under this division creates a vacancy on the board that the governor shall fill by appointment for the remainder of the term of office of the vacated seat.

**Sec. 187.02.** (A) To qualify for appointment to the board of directors of JobsOhio, an individual must satisfy all of the following:

(1) Has an understanding of generally accepted accounting principles and financial statements;

(2) Possesses the ability to assess the general application of such principles in connection with the accounting for estimates, accruals, and reserves;

(3) Has experience preparing, auditing, analyzing, or evaluating financial statements that present a breadth and level of complexity of accounting issues that are generally comparable to the breadth and complexity of issues that can reasonably be expected to be presented by the JobsOhio corporation's financial statements, or experience actively supervising one or more persons engaged in such activities;

(4) Has an understanding of internal controls and the procedures for financial reporting;

(5) Has an understanding of audit committee functions.

(B) Specific experience demonstrating the qualifications

required by division (A) of this section may be evidenced by any 17617  
of the following: 17618

(1) Education and experience as a principal financial 17619  
officer, principal accounting officer, controller, public 17620  
accountant or auditor, or experience in one or more positions that 17621  
involve the performance of similar functions; 17622

(2) Experience actively supervising a principal financial 17623  
officer, principal accounting officer, controller, public 17624  
accountant, auditor, or person performing similar functions; 17625

(3) Experience overseeing or assessing the performance of 17626  
companies or public accountants with respect to the preparation, 17627  
auditing, or evaluation of financial statements; 17628

~~(4) Other experience considered relevant by the governor 17629  
consistent with division (A) of this section. 17630~~

(C) Each individual appointed to the board of directors shall 17631  
be a citizen of the United States. At least six of the individuals 17632  
appointed to the board shall be residents of or domiciled in this 17633  
state. 17634

**Sec. 187.03.** (A) JobsOhio may perform such functions as 17635  
permitted and shall perform such duties as prescribed by law, but 17636  
shall not be considered a state or public department, agency, 17637  
office, body, institution, or instrumentality for purposes of 17638  
section 1.60 or Chapter 102., 121., 125., or 149. of the Revised 17639  
Code. JobsOhio and its board of directors are not subject to the 17640  
following sections of Chapter 1702. of the Revised Code: sections 17641  
1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 17642  
1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 17643  
1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 17644  
1702.60, 1702.80, and 1702.99. Nothing in this division shall be 17645  
construed to impair the powers and duties of the Ohio ethics 17646



commission described in section 102.06 of the Revised Code to 17647  
investigate and enforce section 102.02 of the Revised Code with 17648  
regard to individuals required to file statements under division 17649  
(B)(2) of this section. 17650

(B)(1) ~~With the exception of the governor, directors~~ 17651  
Directors and employees of JobsOhio are not employees or officials 17652  
of the state and, except as provided in division (B)(2) of this 17653  
section, are not subject to Chapter 102., 124., 145., or 4117. of 17654  
the Revised Code. 17655

(2) The chief investment officer, any other officer or 17656  
employee with significant administrative, supervisory, 17657  
contracting, or investment authority, and any ~~governor-appointed~~ 17658  
director of JobsOhio shall file, with the Ohio ethics commission, 17659  
a financial disclosure statement pursuant to section 102.02 of the 17660  
Revised Code that includes, in place of the information required 17661  
by divisions (A)(2), (7), (8), and (9) of that section, the 17662  
information required by divisions (A) and (B) of section 102.022 17663  
of the Revised Code. The governor shall comply with all applicable 17664  
requirements of section 102.02 of the Revised Code. 17665

(3) Actual or in-kind expenditures for the travel, meals, or 17666  
lodging of the governor or of any public official or employee 17667  
designated by the governor for the purpose of this division shall 17668  
not be considered a violation of section 102.03 of the Revised 17669  
Code if the expenditures are made by the corporation, or on behalf 17670  
of the corporation by any person, in connection with the 17671  
governor's performance of official duties ~~as chairperson of the~~ 17672  
~~board of directors of~~ related to JobsOhio. The governor may 17673  
designate any person, including a person who is a public official 17674  
or employee as defined in section 102.01 of the Revised Code, for 17675  
the purpose of this division if such expenditures are made on 17676  
behalf of the person in connection with the governor's performance 17677

of official duties as ~~chairperson~~ related to JobsOhio. A public 17678  
official or employee so designated by the governor shall comply 17679  
with all applicable requirements of section 102.02 of the Revised 17680  
Code. 17681

At the times and frequency agreed to under division (B)(2)(b) 17682  
of section 187.04 of the Revised Code, beginning in 2012, the 17683  
corporation shall file with the department of development a 17684  
written report of all such expenditures paid or incurred during 17685  
the preceding calendar year. The report shall state the dollar 17686  
value and purpose of each expenditure, the date of each 17687  
expenditure, the name of the person that paid or incurred each 17688  
expenditure, and the location, if any, where services or benefits 17689  
of an expenditure were received, provided that any such 17690  
information that may disclose proprietary information as defined 17691  
in division (C) of this section shall not be included in the 17692  
report. 17693

(4) The prohibition applicable to former public officials or 17694  
employees in division (A)(1) of section 102.03 of the Revised Code 17695  
does not apply to any person appointed to be a director or hired 17696  
as an employee of JobsOhio. 17697

(5) Notwithstanding division (A)(2) of section 145.01 of the 17698  
Revised Code, any person who is a former state employee shall no 17699  
longer be considered a public employee for purposes of Chapter 17700  
145. of the Revised Code upon commencement of employment with 17701  
JobsOhio. 17702

(6) Any director, officer, or employee of JobsOhio may 17703  
request an advisory opinion from the Ohio ethics commission with 17704  
regard to questions concerning the provisions of sections 102.02 17705  
and 102.022 of the Revised Code to which the person is subject. 17706

(C) Meetings of the board of directors at which a quorum of 17707  
the board is required to be physically present pursuant to 17708

division (F) of section 187.01 of the Revised Code shall be open 17709  
to the public except, by a majority vote of the directors present 17710  
at the meeting, such a meeting may be closed to the public only 17711  
for one or more of the following purposes: 17712

(1) To consider business strategy of the corporation; 17713

(2) To consider proprietary information belonging to 17714  
potential applicants or potential recipients of business 17715  
recruitment, retention, or creation incentives. For the purposes 17716  
of this division, "proprietary information" means marketing plans, 17717  
specific business strategy, production techniques and trade 17718  
secrets, financial projections, or personal financial statements 17719  
of applicants or members of the applicants' immediate family, 17720  
including, but not limited to, tax records or other similar 17721  
information not open to the public inspection. 17722

(3) To consider legal matters, including litigation, in which 17723  
the corporation is or may be involved; 17724

(4) To consider personnel matters related to an individual 17725  
employee of the corporation. 17726

(D) The board of directors shall establish a reasonable 17727  
method whereby any person may obtain the time and place of all 17728  
public meetings described in division (C) of this section. The 17729  
method shall provide that any person, upon request and payment of 17730  
a reasonable fee, may obtain reasonable advance notification of 17731  
all such meetings. 17732

(E) The board of directors shall promptly prepare, file, and 17733  
maintain minutes of all public meetings described in division (C) 17734  
of this section. 17735

(F) Not later than March 1, 2012, and the first day of March 17736  
of each year thereafter, the chief investment officer of JobsOhio 17737  
shall prepare and submit a report of the corporation's activities 17738  
for the preceding year to the governor, the speaker and minority 17739

leader of the house of representatives, and the president and 17740  
minority leader of the senate. The annual report shall include the 17741  
following: 17742

(1) An analysis of the state's economy; 17743

(2) A description of the structure, operation, and financial 17744  
status of the corporation; 17745

(3) A description of the corporation's strategy to improve 17746  
the state economy and the standards of measure used to evaluate 17747  
its progress; 17748

(4) An evaluation of the performance of current strategies 17749  
and major initiatives; 17750

(5) An analysis of any statutory or administrative barriers 17751  
to successful economic development, business recruitment, and job 17752  
growth in the state identified by JobsOhio during the preceding 17753  
year. 17754

**Sec. 187.09.** (A) Any action brought by or on behalf of 17755  
JobsOhio against a director or former director in that 17756  
individual's capacity as a director shall be brought in the court 17757  
of common pleas of Franklin county. 17758

(B) Except as provided in division (D) of this section, any 17759  
claim asserting that any one or more sections of the Revised Code 17760  
amended or enacted by H.B. 1 of the 129th general assembly, any 17761  
section of Chapter 4313. of the Revised Code enacted by H.B. 153 17762  
of the 129th general assembly, or any portion of one or more of 17763  
those sections, violates any provision of the Ohio Constitution 17764  
shall be brought in the court of common pleas of Franklin county 17765  
within ninety days after the effective date of the amendment of 17766  
this section by H.B. 153 of the 129th general assembly. 17767

(C) Except as provided in division (D) of this section, any 17768  
claim asserting that any action taken by JobsOhio violates any 17769

provision of the Ohio Constitution shall be brought in the court 17770  
of common pleas of Franklin county within sixty days after the 17771  
action is taken. 17772

(D) Divisions (B) and (C) of this section shall not apply to 17773  
any claim within the original jurisdiction of the supreme court or 17774  
a court of appeals pursuant to Article IV of the Ohio 17775  
Constitution. 17776

(E) The court of common pleas of Franklin county shall give 17777  
any claim filed pursuant to division (B) or (C) of this section 17778  
priority over all other civil cases before the court, irrespective 17779  
of position on the court's calendar, and shall make a 17780  
determination on the claim expeditiously. A court of appeals shall 17781  
give any appeal from a final order issued in a case brought 17782  
pursuant to division (B) or (C) of this section priority over all 17783  
other civil cases before the court, irrespective of position on 17784  
the court's calendar, and shall make a determination on the appeal 17785  
expeditiously. 17786

**Sec. 187.13.** (A) No person, except the nonprofit corporation 17787  
formed under section 187.01 of the Revised Code or its designees, 17788  
may use the name "JobsOhio" or "Jobs Ohio," or words of a similar 17789  
meaning in another language, as any part of a designation or name 17790  
under which the person conducts or may conduct business in this 17791  
state, unless the person receives the written consent of JobsOhio. 17792  
As used in this section, "person" has the same meaning as in 17793  
section 1702.01 of the Revised Code. 17794

(B) The name of any subsidiary of JobsOhio shall include the 17795  
name "JobsOhio" and an additional designation that differentiates 17796  
the subsidiary from other JobsOhio corporations formed under 17797  
section 187.01 of the Revised Code. 17798

**Sec. 189.01.** As used in sections 189.01 to 189.09 of the 17799

Revised Code, "political subdivision" means a municipal 17800  
corporation, township, county, school district, or other body 17801  
corporate and politic responsible for governmental activities in a 17802  
geographic area smaller than that of the state. "Political 17803  
subdivision" includes a county hospital commission appointed under 17804  
section 339.14 of the Revised Code, board of hospital 17805  
commissioners appointed for a municipal hospital under section 17806  
749.04 of the Revised Code, board of hospital trustees appointed 17807  
for a municipal hospital under section 749.22 of the Revised Code, 17808  
regional planning commission created pursuant to section 713.21 of 17809  
the Revised Code, county planning commission created pursuant to 17810  
section 713.22 of the Revised Code, joint planning council created 17811  
pursuant to section 713.231 of the Revised Code, interstate 17812  
regional planning commission created pursuant to section 713.30 of 17813  
the Revised Code, port authority created pursuant to section 17814  
4582.02 or 4582.26 of the Revised Code or in existence on December 17815  
16, 1964, regional council established by political subdivisions 17816  
pursuant to Chapter 167. of the Revised Code, emergency planning 17817  
district and joint emergency planning district designated under 17818  
section 3750.03 of the Revised Code, joint emergency medical 17819  
services district created pursuant to section 307.052 of the 17820  
Revised Code, fire and ambulance district created pursuant to 17821  
section 505.375 of the Revised Code, joint interstate emergency 17822  
planning district established by an agreement entered into under 17823  
section 3750.03 of the Revised Code, county solid waste management 17824  
district and joint solid waste management district established 17825  
under section 343.01 or 343.012 of the Revised Code, community 17826  
school established under Chapter 3314. of the Revised Code, the 17827  
county or counties served by a community-based correctional 17828  
facility and program or district community-based correctional 17829  
facility and program established and operated under sections 17830  
2301.51 to 2301.58 of the Revised Code, a community-based 17831

correctional facility and program or district community-based 17832  
correctional facility and program that is so established and 17833  
operated, and the facility governing board of a community-based 17834  
correctional facility and program or district community-based 17835  
correctional facility and program that is so established and 17836  
operated. 17837

Sec. 189.02. There is hereby created the local government 17838  
innovation program to be administered by the department of 17839  
development and the local government innovation council 17840  
established in section 189.03 of the Revised Code. The program 17841  
shall provide loans and grants for local government innovation 17842  
projects in accordance with this chapter. 17843

Sec. 189.03. (A) There is hereby created the local government 17844  
innovation council to establish criteria for and make loans and 17845  
awards to political subdivisions for local government innovation 17846  
projects and take such other actions, in consultation with the 17847  
department of development, as necessary to implement the local 17848  
government innovation program established in section 189.02 of the 17849  
Revised Code. 17850

(B) The council shall consist of the following members: 17851

(1) The director of development, or the director's designee; 17852

(2) The director of budget and management, or the director's 17853  
designee; 17854

(3) The auditor of state, or the auditor's designee; 17855

(4) Two members of the senate, one member appointed by the 17856  
president of the senate and one member appointed by the minority 17857  
leader of the senate; 17858

(5) Two members of the house of representatives, one member 17859  
appointed by the speaker of the house of representatives and one 17860

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>member appointed by the minority leader of the house of</u>            | 17861 |
| <u>representatives;</u>                                                   | 17862 |
| <u>(6) One member recommended by the Ohio municipal league,</u>           | 17863 |
| <u>appointed by the governor;</u>                                         | 17864 |
| <u>(7) One member recommended by the county commissioners</u>             | 17865 |
| <u>association of Ohio, appointed by the governor;</u>                    | 17866 |
| <u>(8) One member recommended by the Ohio township association,</u>       | 17867 |
| <u>appointed by the governor;</u>                                         | 17868 |
| <u>(9) One member recommended by the Ohio chamber of commerce,</u>        | 17869 |
| <u>appointed by the governor;</u>                                         | 17870 |
| <u>(10) One member recommended by the Ohio school boards</u>              | 17871 |
| <u>association, appointed by the governor;</u>                            | 17872 |
| <u>(11) One member, appointed by the governor, who is</u>                 | 17873 |
| <u>recommended by an Ohio-based advocacy group selected by the</u>        | 17874 |
| <u>governor;</u>                                                          | 17875 |
| <u>(12) One member, appointed by the governor, who is</u>                 | 17876 |
| <u>recommended by an Ohio-based foundation selected by the governor;</u>  | 17877 |
| <u>(13) One member with expertise in local government issues</u>          | 17878 |
| <u>appointed by the chancellor of the board of regents.</u>               | 17879 |
| <u>(C) Initial appointments to the council shall be made not</u>          | 17880 |
| <u>later than September 30, 2011. Of the governor's initial</u>           | 17881 |
| <u>appointees, three shall serve an initial term of one year, two</u>     | 17882 |
| <u>shall serve an initial term of two years, and two shall serve an</u>   | 17883 |
| <u>initial term of three years. Thereafter, each member appointed by</u>  | 17884 |
| <u>the governor shall serve a four-year term, or a term ending when</u>   | 17885 |
| <u>the council ceases to exist, whichever occurs first. The remaining</u> | 17886 |
| <u>members of the council shall be appointed for four-year terms, or</u>  | 17887 |
| <u>terms ending when the council ceases to exist, whichever occurs</u>    | 17888 |
| <u>first. Members may be reappointed to the council.</u>                  | 17889 |
| <u>Vacancies on the council shall be filled in the same manner</u>        | 17890 |



as the original appointments. 17891

(D) At its first meeting, the council shall select a 17892  
chairperson from among its members. After the first meeting, the 17893  
council shall meet at the call of the chairperson or upon the 17894  
request of a majority of the council's members. A majority of the 17895  
council constitutes a quorum. 17896

(E) The department of development shall provide 17897  
administrative assistance to the council. 17898

(F) Council members shall receive no compensation but shall 17899  
be reimbursed for actual and necessary expenses incurred in the 17900  
performance of council duties. 17901

**Sec. 189.04.** (A) The local government innovation council 17902  
shall award loans to a qualified political subdivision or a 17903  
qualified group of political subdivisions to be used for the 17904  
purchase of equipment, facilities, or systems or for 17905  
implementation costs. 17906

Loans made under division (A) of this section shall be repaid 17907  
by recipients using savings achieved from the innovation project. 17908

(B) Up to twenty per cent of the funds in the local 17909  
government innovation fund, established in section 189.05 of the 17910  
Revised Code, may be awarded by the council as grants to political 17911  
subdivisions for use in process improvement or implementation of 17912  
innovation project awards. 17913

(C) The council shall award, in total grants and loans, not 17914  
more than one hundred thousand dollars to an individual political 17915  
subdivision and not more than five hundred thousand dollars per 17916  
innovation project under this section. 17917

**Sec. 189.05.** Funds for awards made by the local government 17918  
innovation council shall be made from the local government 17919

innovation fund, which is hereby created in the state treasury. 17920  
The fund shall consist of moneys appropriated to it and any grants 17921  
or donations received from nonpublic entities. Interest earned on 17922  
the money in the fund shall be credited to the fund. 17923

**Sec. 189.06.** (A) All political subdivisions of the state are 17924  
eligible to apply for awards under the local government innovation 17925  
program. The local government innovation council shall award loans 17926  
and grants under the program in accordance with a competitive 17927  
process to be developed by the council. 17928

(B) Not later than December 31, 2011, the council shall 17929  
establish criteria for evaluating proposals and making awards to 17930  
political subdivisions. The criteria shall be developed in 17931  
consultation with nonpublic entities involved in local government 17932  
issues, state institutions of higher education, and the department 17933  
of development, as determined by the council. The criteria shall 17934  
include a requirement that at least one of the political 17935  
subdivisions that is a party to the proposal provide matching 17936  
funds. The matching funds may be provided by a nonpublic entity. 17937  
The criteria for evaluating proposals may include the following 17938  
provisions: 17939

(1) The expected return on investment, based on the ratio of 17940  
expected savings; 17941

(2) The number of participating entities in the proposal; 17942

(3) The probability of the proposal's success; 17943

(4) The percentage of local matching funds available; 17944

(5) The ability to replicate the proposal in other political 17945  
subdivisions; 17946

(6) Whether the proposal is part of a larger consolidation 17947  
effort by the applicant or applicants; 17948

|                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(7) Whether the proposal is to implement performance audit recommendations under section 117.462 of the Revised Code;</u>                                                                                                                                                                                                                                                                                              | 17949 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17950 |
| <u>(8) Whether the applicant has successfully completed an innovation project in the past.</u>                                                                                                                                                                                                                                                                                                                            | 17951 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17952 |
| <u>Sec. 189.07. A political subdivision seeking an award under the local government innovation program shall submit a proposal to the subdivision's district public works integrating committee. The committee shall submit the proposal to the department of development, with advisory comments. The department shall provide the proposal to the local government innovation council for evaluation and selection.</u> | 17953 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17954 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17959 |
| <u>Sec. 189.08. (A) Starting not later than March 1, 2012, the local government innovation council shall begin evaluating proposals received from the department of development for awards to political subdivisions. Not later than July 1, 2012, the council shall make its first round of awards to the political subdivisions.</u>                                                                                    | 17960 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17961 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17962 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17964 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17965 |
| <u>(B) After making the first round of awards, the council shall evaluate proposals and make awards on a quarterly basis, or on another schedule determined by the council, with the council determining the funding levels for each round of awards.</u>                                                                                                                                                                 | 17966 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17967 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17968 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17969 |
| <u>(C) When making awards from the local government innovation fund created in section 189.05 of the Revised Code, the funds available for each round of awards shall be divided into the following tiers:</u>                                                                                                                                                                                                            | 17970 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17971 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17972 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17973 |
| <u>(1) At least thirty per cent to political subdivisions that are not counties and have a population of less than 50,000 residents as determined in the decennial census conducted in 2010 or counties with a population of less than 130,000 residents as determined in the decennial census conducted in 2010;</u>                                                                                                     | 17974 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17975 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17976 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17977 |
|                                                                                                                                                                                                                                                                                                                                                                                                                           | 17978 |

(2) At least thirty per cent to political subdivisions that 17979  
are not counties and have a population of 50,000 residents or more 17980  
as determined in the decennial census conducted in 2010 or 17981  
counties with a population of 130,000 residents or more as 17982  
determined in the decennial census conducted in 2010. 17983

If a proposal includes participants from both division (C)(1) 17984  
and (2) of this section, the award may be drawn from either or 17985  
both tiers in the local government innovation fund. 17986

**Sec. 189.09.** Not later than January 31, 2013, the local 17987  
government innovation council shall submit a report to the 17988  
governor, president and minority leader of the senate, and speaker 17989  
and minority leader of the house of representatives outlining the 17990  
council's activities for the preceding year, including a listing 17991  
of recipients of grants and loans, if any, made to political 17992  
subdivisions, the amount of such grants and loans, and any other 17993  
information about the local government innovation program that the 17994  
council determines necessary to include in the report. 17995

**Sec. 189.10.** The local government innovation council shall 17996  
cease to exist on December 31, 2015. 17997

**Sec. 301.02.** Previous to the presentation of a petition to 17998  
the general assembly praying that a new county be erected, or for 17999  
the location or relocation of a county seat, notice of the 18000  
intention to present such petition shall be given, at least thirty 18001  
days before the ensuing session of the general assembly, by 18002  
advertisement in a newspaper ~~published~~ of general circulation in 18003  
each county from which such new county is intended to be taken. If 18004  
no ~~paper~~ newspaper is ~~printed~~ of general circulation within the 18005  
county, notice shall be given by advertisement affixed to the door 18006  
of the house where courts are held for such county, for such 18007  
period of thirty days. The notice shall set forth the boundary 18008

lines of the new county, or the place where it is proposed to 18009  
locate such county seat. 18010

**Sec. 301.15.** Within sixty days after their appointment, the 18011  
commissioners provided for by section 301.14 of the Revised Code, 18012  
or any two of them, shall assemble at some convenient place in the 18013  
new county. Twenty days' notice of the time, place, and purpose of 18014  
such meeting shall be given by publication in a newspaper 18015  
~~published in and circulated~~ of general circulation in ~~such the~~ 18016  
county, or by being posted in three of the most public places in 18017  
such county. When assembled, after having taken the oath of office 18018  
prescribed by sections 3.22 and 3.23 of the Revised Code, such 18019  
commissioners shall proceed to examine and select the most proper 18020  
place as a seat of justice, as near the center of the county as 18021  
possible, having regard to the situation, extent of population, 18022  
quality of land, and the convenience and interest of the 18023  
inhabitants. 18024

**Sec. 301.28.** (A) As used in this section: 18025

(1) "Financial transaction device" includes a credit card, 18026  
debit card, charge card, or prepaid or stored value card, or 18027  
automated clearinghouse network credit, debit, or e-check entry 18028  
that includes, but is not limited to, accounts receivable and 18029  
internet-initiated, point of purchase, and telephone-initiated 18030  
applications or any other device or method for making an 18031  
electronic payment or transfer of funds. 18032

(2) "County expenses" includes fees, costs, taxes, 18033  
assessments, fines, penalties, payments, or any other expense a 18034  
person owes to a county office under the authority of a county 18035  
official other than dog registration and kennel fees required to 18036  
be paid under Chapter 955. of the Revised Code. 18037

(3) "County official" includes the county auditor, county 18038

treasurer, county engineer, county recorder, county prosecuting 18039  
attorney, county sheriff, county coroner, county park district and 18040  
board of county commissioners, the clerk of the probate court, the 18041  
clerk of the juvenile court, the clerks of court for all divisions 18042  
of the courts of common pleas, and the clerk of the court of 18043  
common pleas, the clerk of a county-operated municipal court, and 18044  
the clerk of a county court. 18045

The term "county expenses" includes county expenses owed to 18046  
the board of health of the general health district or a combined 18047  
health district in the county. If the board of county 18048  
commissioners authorizes county expenses to be paid by financial 18049  
transaction devices under this section, then the board of health 18050  
and the general health district and the combined health district 18051  
may accept payments by financial transaction devices under this 18052  
section as if the board were a "county official" and the district 18053  
were a county office. However, in the case of a general health 18054  
district formed by unification of general health districts under 18055  
section 3709.10 of the Revised Code, this entitlement applies only 18056  
if all the boards of county commissioners of all counties in the 18057  
district have authorized payments to be accepted by financial 18058  
transaction devices. 18059

(B) Notwithstanding any other section of the Revised Code and 18060  
except as provided in division (D) of this section, a board of 18061  
county commissioners may adopt a resolution authorizing the 18062  
acceptance of payments by financial transaction devices for county 18063  
expenses. The resolution shall include the following: 18064

(1) A specification of those county officials who, and of the 18065  
county offices under those county officials that, are authorized 18066  
to accept payments by financial transaction devices; 18067

(2) A list of county expenses that may be paid for through 18068  
the use of a financial transaction device; 18069

(3) Specific identification of financial transaction devices 18070  
that the board authorizes as acceptable means of payment for 18071  
county expenses. Uniform acceptance of financial transaction 18072  
devices among different types of county expenses is not required. 18073

(4) The amount, if any, authorized as a surcharge or 18074  
convenience fee under division (E) of this section for persons 18075  
using a financial transaction device. Uniform application of 18076  
surcharges or convenience fees among different types of county 18077  
expenses is not required. 18078

(5) A specific provision as provided in division (G) of this 18079  
section requiring the payment of a penalty if a payment made by 18080  
means of a financial transaction device is returned or dishonored 18081  
for any reason. 18082

The board's resolution shall also designate the county 18083  
treasurer as an administrative agent to solicit proposals, within 18084  
guidelines established by the board in the resolution and in 18085  
compliance with the procedures provided in division (C) of this 18086  
section, from financial institutions, issuers of financial 18087  
transaction devices, and processors of financial transaction 18088  
devices, to make recommendations about those proposals to the 18089  
board, and to assist county offices in implementing the county's 18090  
financial transaction devices program. The county treasurer may 18091  
decline this responsibility within thirty days after receiving a 18092  
copy of the board's resolution by notifying the board in writing 18093  
within that period. If the treasurer so notifies the board, the 18094  
board shall perform the duties of the administrative agent. 18095

If the county treasurer is the administrative agent and fails 18096  
to administer the county financial transaction devices program in 18097  
accordance with the guidelines in the board's resolution, the 18098  
board shall notify the treasurer in writing of the board's 18099  
findings, explain the failures, and give the treasurer six months 18100  
to correct the failures. If the treasurer fails to make the 18101

appropriate corrections within that six-month period, the board 18102  
may pass a resolution declaring the board to be the administrative 18103  
agent. The board may later rescind that resolution at its 18104  
discretion. 18105

(C) The county shall follow the procedures provided in this 18106  
division whenever it plans to contract with financial 18107  
institutions, issuers of financial transaction devices, or 18108  
processors of financial transaction devices for the purposes of 18109  
this section. The administrative agent shall request proposals 18110  
from at least three financial institutions, issuers of financial 18111  
transaction devices, or processors of financial transaction 18112  
devices, as appropriate in accordance with the resolution adopted 18113  
under division (B) of this section. Prior to sending any financial 18114  
institution, issuer, or processor a copy of any such request, the 18115  
county shall advertise its intent to request proposals in a 18116  
newspaper of general circulation in the county once a week for two 18117  
consecutive weeks or as provided in section 7.16 of the Revised 18118  
Code. The notice shall state that the county intends to request 18119  
proposals; specify the purpose of the request; indicate the date, 18120  
which shall be at least ten days after the second publication, on 18121  
which the request for proposals will be mailed to financial 18122  
institutions, issuers, or processors; and require that any 18123  
financial institution, issuer, or processor, whichever is 18124  
appropriate, interested in receiving the request for proposals 18125  
submit written notice of this interest to the county not later 18126  
than noon of the day on which the request for proposals will be 18127  
mailed. 18128

Upon receiving the proposals, the administrative agent shall 18129  
review them and make a recommendation to the board of county 18130  
commissioners on which proposals to accept. The board of county 18131  
commissioners shall consider the agent's recommendation and review 18132  
all proposals submitted, and then may choose to contract with any 18133



or all of the entities submitting proposals, as appropriate. The 18134  
board shall provide any financial institution, issuer, or 18135  
processor that submitted a proposal, but with which the board does 18136  
not enter into a contract, notice that its proposal is rejected. 18137  
The notice shall state the reasons for the rejection, indicate 18138  
whose proposals were accepted, and provide a copy of the terms and 18139  
conditions of the successful bids. 18140

(D) A board of county commissioners adopting a resolution 18141  
under this section shall send a copy of the resolution to each 18142  
county official in the county who is authorized by the resolution 18143  
to accept payments by financial transaction devices. After 18144  
receiving the resolution and before accepting payments by 18145  
financial transaction devices, a county official shall provide 18146  
written notification to the board of county commissioners of the 18147  
official's intent to implement the resolution within the 18148  
official's office. Each county office subject to the board's 18149  
resolution adopted under division (B) of this section may use only 18150  
the financial institutions, issuers of financial transaction 18151  
devices, and processors of financial transaction devices with 18152  
which the board of county commissioners contracts, and each such 18153  
office is subject to the terms of those contracts. 18154

If a county office under the authority of a county official 18155  
is directly responsible for collecting one or more county expenses 18156  
and the county official determines not to accept payments by 18157  
financial transaction devices for one or more of those expenses, 18158  
the office shall not be required to accept payments by financial 18159  
transaction devices, notwithstanding the adoption of a resolution 18160  
by the board of county commissioners under this section. 18161

Any office of a clerk of the court of common pleas that 18162  
accepts financial transaction devices on or before July 1, 1999, 18163  
and any other county office that accepted such devices before 18164  
January 1, 1998, may continue to accept such devices without being 18165

subject to any resolution passed by the board of county 18166  
commissioners under division (B) of this section, or any other 18167  
oversight by the board of the office's financial transaction 18168  
devices program. Any such office may use surcharges or convenience 18169  
fees in any manner the county official in charge of the office 18170  
determines to be appropriate, and, if the county treasurer 18171  
consents, may appoint the county treasurer to be the office's 18172  
administrative agent for purposes of accepting financial 18173  
transaction devices. In order not to be subject to the resolution 18174  
of the board of county commissioners adopted under division (B) of 18175  
this section, a county office shall notify the board in writing 18176  
within thirty days after March 30, 1999, that it accepted 18177  
financial transaction devices prior to January 1, 1998, or, in the 18178  
case of the office of a clerk of the court of common pleas, the 18179  
clerk has accepted or will accept such devices on or before July 18180  
1, 1999. Each such notification shall explain how processing costs 18181  
associated with financial transaction devices are being paid and 18182  
shall indicate whether surcharge or convenience fees are being 18183  
passed on to consumers. 18184

(E) A board of county commissioners may establish a surcharge 18185  
or convenience fee that may be imposed upon a person making 18186  
payment by a financial transaction device. The surcharge or 18187  
convenience fee shall not be imposed unless authorized or 18188  
otherwise permitted by the rules prescribed by an agreement 18189  
governing the use and acceptance of the financial transaction 18190  
device. 18191

If a surcharge or convenience fee is imposed, every county 18192  
office accepting payment by a financial transaction device, 18193  
regardless of whether that office is subject to a resolution 18194  
adopted by a board of county commissioners, shall clearly post a 18195  
notice in that office and shall notify each person making a 18196  
payment by such a device about the surcharge or fee. Notice to 18197

each person making a payment shall be provided regardless of the 18198  
medium used to make the payment and in a manner appropriate to 18199  
that medium. Each notice shall include all of the following: 18200

(1) A statement that there is a surcharge or convenience fee 18201  
for using a financial transaction device; 18202

(2) The total amount of the charge or fee expressed in 18203  
dollars and cents for each transaction, or the rate of the charge 18204  
or fee expressed as a percentage of the total amount of the 18205  
transaction, whichever is applicable; 18206

(3) A clear statement that the surcharge or convenience fee 18207  
is nonrefundable. 18208

(F) If a person elects to make a payment to the county by a 18209  
financial transaction device and a surcharge or convenience fee is 18210  
imposed, the payment of the surcharge or fee shall be considered 18211  
voluntary and the surcharge or fee is not refundable. 18212

(G) If a person makes payment by financial transaction device 18213  
and the payment is returned or dishonored for any reason, the 18214  
person is liable to the county for payment of a penalty over and 18215  
above the amount of the expense due. The board of county 18216  
commissioners shall determine the amount of the penalty, which may 18217  
be either a fee not to exceed twenty dollars or payment of the 18218  
amount necessary to reimburse the county for banking charges, 18219  
legal fees, or other expenses incurred by the county in collecting 18220  
the returned or dishonored payment. The remedies and procedures 18221  
provided in this section are in addition to any other available 18222  
civil or criminal remedies provided by law. 18223

(H) No person making any payment by financial transaction 18224  
device to a county office shall be relieved from liability for the 18225  
underlying obligation except to the extent that the county 18226  
realizes final payment of the underlying obligation in cash or its 18227  
equivalent. If final payment is not made by the financial 18228

transaction device issuer or other guarantor of payment in the 18229  
transaction, the underlying obligation shall survive and the 18230  
county shall retain all remedies for enforcement that would have 18231  
applied if the transaction had not occurred. 18232

(I) A county official or employee who accepts a financial 18233  
transaction device payment in accordance with this section and any 18234  
applicable state or local policies or rules is immune from 18235  
personal liability for the final collection of such payments. 18236

Sec. 305.171. The following applies until the department of 18237  
administrative services implements for counties the health care 18238  
plans under section 9.901 of the Revised Code. If those plans do 18239  
not include or address any benefits listed in division (A) of this 18240  
section, the following provisions continue in effect for those 18241  
benefits. 18242

(A) The board of county commissioners of any county may 18243  
contract for, purchase, or otherwise procure and pay all or any 18244  
part of the cost of group insurance policies that may provide 18245  
benefits including, but not limited to, hospitalization, surgical 18246  
care, major medical care, disability, dental care, eye care, 18247  
medical care, hearing aids, or prescription drugs, and that may 18248  
provide sickness and accident insurance, group legal services, or 18249  
group life insurance, or a combination of any of the foregoing 18250  
types of insurance or coverage, for county officers and employees 18251  
and their immediate dependents from the funds or budgets from 18252  
which the county officers or employees are compensated for 18253  
services, issued by an insurance company. 18254

(B) The board of county commissioners also may negotiate and 18255  
contract for any plan or plans of health care services with health 18256  
insuring corporations holding a certificate of authority under 18257  
Chapter 1751. of the Revised Code, provided that each county 18258  
officer or employee shall be permitted to do both of the 18259

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                     |
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| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 18260                                                                                                                               |
| (1) Exercise an option between a plan offered by an insurance company and a plan or plans offered by health insuring corporations under this division, on the condition that the county officer or employee shall pay any amount by which the cost of the plan chosen by the county officer or employee pursuant to this division exceeds the cost of the plan offered under division (A) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 18261<br>18262<br>18263<br>18264<br>18265<br>18266<br>18267                                                                         |
| (2) Change from one of the plans to another at a time each year as determined by the board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 18268<br>18269                                                                                                                      |
| (C) Section 307.86 of the Revised Code does not apply to the purchase of benefits for county officers or employees under divisions (A) and (B) of this section when those benefits are provided through a jointly administered health and welfare trust fund in which the county or contracting authority and a collective bargaining representative of the county employees or contracting authority agree to participate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 18270<br>18271<br>18272<br>18273<br>18274<br>18275<br>18276                                                                         |
| (D) The board of trustees of a jointly administered trust fund that receives contributions pursuant to collective bargaining agreements entered into between the board of county commissioners of any county and a collective bargaining representative of the employees of the county may provide for self-insurance of all risk in the provision of fringe benefits, and may provide through the self-insurance method specific fringe benefits as authorized by the rules of the board of trustees of the jointly administered trust fund. The fringe benefits may include, but are not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination of any of the foregoing types of insurance or coverage, for county employees and their dependents. | 18277<br>18278<br>18279<br>18280<br>18281<br>18282<br>18283<br>18284<br>18285<br>18286<br>18287<br>18288<br>18289<br>18290<br>18291 |

(E) The board of county commissioners may provide the 18292  
benefits described in divisions (A) to (D) of this section through 18293  
an individual self-insurance program or a joint self-insurance 18294  
program as provided in section 9.833 of the Revised Code. 18295

(F) When a board of county commissioners offers health 18296  
benefits authorized under this section to a county officer or 18297  
employee, the board may offer the benefits through a cafeteria 18298  
plan meeting the requirements of section 125 of the "Internal 18299  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125, as 18300  
amended, and, as part of that plan, may offer the county officer 18301  
or employee the option of receiving a cash payment in any form 18302  
permissible under such cafeteria plans. A cash payment made to a 18303  
county officer or employee under this division shall not exceed 18304  
twenty-five per cent of the cost of premiums or payments that 18305  
otherwise would be paid by the board for benefits for the county 18306  
officer or employee under a policy or plan. 18307

(G) The board of county commissioners may establish a policy 18308  
authorizing any county appointing authority to make a cash payment 18309  
to any county officer or employee in lieu of providing a benefit 18310  
authorized under this section if the county officer or employee 18311  
elects to take the cash payment instead of the offered benefit. A 18312  
cash payment made to a county officer or employee under this 18313  
division shall not exceed twenty-five per cent of the cost of 18314  
premiums or payments that otherwise would be paid by the board for 18315  
benefits for the county officer or employee under an offered 18316  
policy or plan. 18317

(H) No cash payment in lieu of a health benefit shall be made 18318  
to a county officer or employee under division (F) or (G) of this 18319  
section unless the county officer or employee signs a statement 18320  
affirming that the county officer or employee is covered under 18321  
another health insurance or health care policy, contract, or plan, 18322  
and setting forth the name of the employer, if any, that sponsors 18323

the coverage, the name of the carrier that provides the coverage, 18324  
and the identifying number of the policy, contract, or plan. 18325

(I) The legislative authority of a county-operated municipal 18326  
court, after consultation with the judges, or the clerk and deputy 18327  
clerks, of the municipal court, shall negotiate and contract for, 18328  
purchase, or otherwise procure, and pay the costs, premiums, or 18329  
charges for, group health care coverage for the judges, and group 18330  
health care coverage for the clerk and deputy clerks, in 18331  
accordance with section 1901.111 or 1901.312 of the Revised Code. 18332

(J) As used in this section: 18333

(1) "County officer or employee" includes, but is not limited 18334  
to, a member or employee of the county board of elections. 18335

(2) "County-operated municipal court" and "legislative 18336  
authority" have the same meanings as in section 1901.03 of the 18337  
Revised Code. 18338

(3) "Health care coverage" has the same meaning as in section 18339  
1901.111 of the Revised Code. 18340

**Sec. 305.23.** (A) As used in this section: 18341

(1) "County office" means the offices of the county 18342  
commissioner, county auditor, county treasurer, county engineer, 18343  
county recorder, county prosecuting attorney, county sheriff, 18344  
county coroner, county park district, veterans service commission, 18345  
clerk of the juvenile court, clerks of court for all divisions of 18346  
the courts of common pleas, including the clerk of the court of 18347  
common pleas, clerk of a county-operated municipal court, and 18348  
clerk of a county court, and any agency, department, or division 18349  
under the authority of, or receiving funding in whole or in part 18350  
from, any of those county offices. 18351

(2) "Human resources" means any and all functions relating to 18352  
human resource management, including civil service, employee 18353

benefits administration, collective bargaining, labor relations, 18354  
risk management, workers' compensation, unemployment compensation, 18355  
and any human resource management function required by state or 18356  
federal law, but "human resources" does not authorize a board of 18357  
county commissioners to adopt a resolution establishing a 18358  
centralized human resource service that requires any county office 18359  
to conform to any classification and compensation plan, position 18360  
descriptions, or organizational structure; to determine the rate 18361  
of compensation of any employee appointed by the appointing 18362  
authority of a county office or the salary ranges for positions of 18363  
a county office within the aggregate limits set in the 18364  
appropriation resolution of the board of county commissioners; to 18365  
determine the number of or the terms of employment of any employee 18366  
appointed by the appointing authority of a county office within 18367  
the aggregate limits set in the board's appropriation resolution; 18368  
or to exercise powers relating to the hiring, qualifications, 18369  
evaluation, suspension, demotion, disciplinary action, layoff, 18370  
furloughing, establishment of a modified work-week schedule, or 18371  
the termination of any employee appointed by the appointing 18372  
authority of any county office. 18373

(B) Subject to division (C) of this section, a board of 18374  
county commissioners may adopt a resolution establishing 18375  
centralized purchasing, printing, transportation, vehicle 18376  
maintenance, human resources, revenue collection, and mail 18377  
operation services for a county office. Before adopting a 18378  
resolution under this section, the board of county commissioners, 18379  
in a written notice, shall inform any other county office that 18380  
will be impacted by the resolution of the board's desire to 18381  
establish a centralized service or services. The written notice 18382  
shall include a statement that provides the rationale and the 18383  
estimated savings anticipated for centralizing a service or 18384  
services. In addition, the board may request any other county 18385  
office to serve as the agent and responsible party for 18386



administering a centralized service or services. That county 18387  
office may enter into an agreement with the board of county 18388  
commissioners to administer the centralized service or services 18389  
under such terms and conditions as are included in the agreement, 18390  
but nothing in this section authorizes the board of county 18391  
commissioners to require a county office to serve as the agent and 18392  
responsible party for administering a centralized service or 18393  
services at the board's request. 18394

A resolution establishing a centralized service or services 18395  
shall specify all of the following: 18396

(1) The name of the county office that will be the agent and 18397  
responsible party for administering a centralized service or 18398  
services, and if the agent and responsible party is not the board 18399  
of county commissioners, the designation of the county office that 18400  
has entered into an agreement under division (B) of this section 18401  
with the board to be the agent and responsible party; 18402

(2) Which county offices are required to use the centralized 18403  
services; 18404

(3) If not all of the centralized services, which centralized 18405  
service each county office must use; 18406

(4) A list of rates and charges the county office shall pay 18407  
for the centralized services; 18408

(5) The date upon which each county office specified in the 18409  
resolution shall begin using the centralized services. 18410

Not later than ten days after a resolution is adopted under 18411  
this section, the clerk of the board of county commissioners shall 18412  
send a copy of the resolution to each county office that is 18413  
specified in the resolution. 18414

(C) A board of county commissioners shall not adopt a 18415  
resolution that establishes a centralized service or services 18416

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| <u>regarding any of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 18417                                                                         |
| <u>(1) Purchases made for contract services with moneys from the special fund designated as "general fund moneys to supplement the equipment needs of the county recorder" under section 317.321 of the Revised Code, from the real estate assessment fund established under section 325.31 of the Revised Code, or from the funds that are paid out of the general fund of the county under sections 325.071 and 325.12 of the Revised Code;</u>                                                                                                                   | 18418<br>18419<br>18420<br>18421<br>18422<br>18423<br>18424                   |
| <u>(2) Purchases of financial software used by the county auditor;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 18425<br>18426                                                                |
| <u>(3) The printing of county property tax bills;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 18427                                                                         |
| <u>(4) The collection of any taxes, assessments, and fees the county treasurer is required by law to collect;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 18428<br>18429                                                                |
| <u>(5) Purchases of software used by the county recorder.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 18430                                                                         |
| <u>(D) Nothing in this section authorizes the board of county commissioners to have control or authority over funds that are received directly by a county office under another section of the Revised Code, or to control, or have authority regarding, the expenditure or use of such funds.</u>                                                                                                                                                                                                                                                                  | 18431<br>18432<br>18433<br>18434<br>18435                                     |
| <b><u>Sec. 306.322.</u></b> (A) <u>For any regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, the procedures of this section apply until November 5, 2013, and are in addition to and an alternative to those established in sections 306.32 and 306.321 for joining to the regional transit authority additional counties, municipal corporations, or townships.</u> | 18436<br>18437<br>18438<br>18439<br>18440<br>18441<br>18442<br>18443<br>18444 |
| <u>(B) Any municipal corporation or township may adopt a resolution or ordinance proposing to join a regional transit</u>                                                                                                                                                                                                                                                                                                                                                                                                                                           | 18445<br>18446                                                                |

authority described in division (A) of this section. In its 18447  
resolution or ordinance, the political subdivision may propose 18448  
joining the regional transit authority for a limited period of 18449  
three years or without a time limit. 18450

(C) The political subdivision proposing to join the regional 18451  
transit authority shall submit a copy of its resolution or 18452  
ordinance to the legislative authority of each municipal 18453  
corporation and the board of trustees of each township comprising 18454  
the regional transit authority. Within thirty days of receiving 18455  
the resolution or ordinance for inclusion in the regional transit 18456  
authority, the legislative authority of each municipal corporation 18457  
and the board of trustees of each township shall consider the 18458  
question of whether to include the additional subdivision in the 18459  
regional transit authority, shall adopt a resolution or ordinance 18460  
approving or rejecting the inclusion of the additional 18461  
subdivision, and shall present its resolution or ordinance to the 18462  
board of trustees of the regional transit authority. 18463

(D) If a majority of the political subdivisions comprising 18464  
the regional transit authority approve the inclusion of the 18465  
additional political subdivision, the board of trustees of the 18466  
regional transit authority, not later than the tenth day following 18467  
the day on which the last ordinance or resolution is presented, 18468  
shall notify the subdivision proposing to join the regional 18469  
transit authority that it may certify the proposal to the board of 18470  
elections for the purpose of having the proposal placed on the 18471  
ballot at the next general election or at a special election 18472  
conducted on the day of the next primary election that occurs not 18473  
less than ninety days after the resolution or ordinance is 18474  
certified to the board of elections. 18475

(E) Upon certification of a proposal to the board of 18476  
elections pursuant to this section, the board of elections shall 18477  
make the necessary arrangements for the submission of the question 18478

to the electors of the territory to be included in the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to join the regional transit authority, except that, if the resolution proposed the inclusion without a time limitation the question appearing on the ballot shall read: 18479  
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"Shall the territory within the ..... (Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" and shall a(n) ..... (here insert type of tax or taxes) at a rate of taxation not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes?" 18486  
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If the resolution proposed the inclusion with a three-year time limitation, the question appearing on the ballot shall read: 18492  
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"Shall the territory within the ..... (Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" for three years and shall a(n) ..... (here insert type of tax or taxes) at a rate of taxation not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes for three years?" 18494  
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(F) If the question is approved by at least a majority of the electors voting on the question, the addition of the new territory is effective six months from the date of the certification of its passage, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory that was added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional transit authority may amend its budget and resolution adopted pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the 18501  
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current tax list and duplicate and collected as other taxes are 18511  
collected from all taxable property within the territorial 18512  
boundaries of the regional transit authority, including the 18513  
territory within the political subdivision added as a result of 18514  
the election. If the budget of the regional transit authority is 18515  
amended pursuant to this paragraph, the county auditor shall 18516  
prepare and deliver an amended certificate of estimated resources 18517  
to reflect the change in anticipated revenues of the regional 18518  
transit authority. 18519

(G) If the question is approved by at least a majority of the 18520  
electors voting on the question, the board of trustees of the 18521  
regional transit authority immediately shall amend the resolution 18522  
or ordinance creating the regional transit authority to include 18523  
the additional political subdivision. 18524

(H) If the question approved by a majority of the electors 18525  
voting on the question added the subdivision for three years, the 18526  
territory of the additional municipal corporation or township in 18527  
the regional transit authority shall be removed from the territory 18528  
of the regional transit authority three years after the date the 18529  
territory was added, as determined in the effective date of the 18530  
election, and shall no longer be a part of that authority without 18531  
any further action by either the political subdivisions that were 18532  
included in the authority prior to submitting the question to the 18533  
electors or of the political subdivision added to the authority as 18534  
a result of the election. The regional transit authority reduced 18535  
to its territory as it existed prior to the inclusion of the 18536  
additional municipal corporation or township shall be entitled to 18537  
levy and collect any property taxes that it was authorized to levy 18538  
and collect prior to the enlargement of its territory and for 18539  
which authorization has not expired, as if the enlargement had not 18540  
occurred. 18541

Sec. 306.35. Upon the creation of a regional transit 18542  
authority as provided by section 306.32 of the Revised Code, and 18543  
upon the qualifying of its board of trustees and the election of a 18544  
president and a vice-president, the authority shall exercise in 18545  
its own name all the rights, powers, and duties vested in and 18546  
conferred upon it by sections 306.30 to 306.53 of the Revised 18547  
Code. Subject to any reservations, limitations, and qualifications 18548  
that are set forth in those sections, the regional transit 18549  
authority: 18550

(A) May sue or be sued in its corporate name; 18551

(B) May make contracts in the exercise of the rights, powers, 18552  
and duties conferred upon it; 18553

(C) May adopt and at will alter a seal and use such seal by 18554  
causing it to be impressed, affixed, reproduced, or otherwise 18555  
used, but failure to affix the seal shall not affect the validity 18556  
of any instrument; 18557

(D)(1) May adopt, amend, and repeal bylaws for the 18558  
administration of its affairs and rules for the control of the 18559  
administration and operation of transit facilities under its 18560  
jurisdiction, and for the exercise of all of its rights of 18561  
ownership in those transit facilities; 18562

(2) The regional transit authority also may adopt bylaws and 18563  
rules for the following purposes: 18564

(a) To prohibit selling, giving away, or using any beer or 18565  
intoxicating liquor on transit vehicles or transit property; 18566

(b) For the preservation of good order within or on transit 18567  
vehicles or transit property; 18568

(c) To provide for the protection and preservation of all 18569  
property and life within or on transit vehicles or transit 18570  
property; 18571

(d) To regulate and enforce the collection of fares. 18572

(3) Before a bylaw or rule adopted under division (D)(2) of 18573  
this section takes effect, the regional transit authority shall 18574  
provide for a notice of its adoption to be published once a week 18575  
for two consecutive weeks in a newspaper of general circulation 18576  
within the territorial boundaries of the regional transit 18577  
authority, or as provided in section 7.16 of the Revised Code. 18578

(4) No person shall violate any bylaw or rule of a regional 18579  
transit authority adopted under division (D)(2) of this section. 18580

(E) May fix, alter, and collect fares, rates, and rentals and 18581  
other charges for the use of transit facilities under its 18582  
jurisdiction to be determined exclusively by it for the purpose of 18583  
providing for the payment of the expenses of the regional transit 18584  
authority, the acquisition, construction, improvement, extension, 18585  
repair, maintenance, and operation of transit facilities under its 18586  
jurisdiction, the payment of principal and interest on its 18587  
obligations, and to fulfill the terms of any agreements made with 18588  
purchasers or holders of any such obligations, or with any person 18589  
or political subdivision; 18590

(F) Shall have jurisdiction, control, possession, and 18591  
supervision of all property, rights, easements, licenses, moneys, 18592  
contracts, accounts, liens, books, records, maps, or other 18593  
property rights and interests conveyed, delivered, transferred, or 18594  
assigned to it; 18595

(G) ~~May~~ (1) Except as provided in division (G)(2) of this 18596  
section, may acquire, construct, improve, extend, repair, lease, 18597  
operate, maintain, or manage transit facilities within or without 18598  
its territorial boundaries, considered necessary to accomplish the 18599  
purposes of its organization and make charges for the use of 18600  
transit facilities; . 18601

(2) Beginning on July 1, 2011, a regional transit authority 18602

shall not extend its service or facilities into a political 18603  
subdivision outside the territorial boundaries of the authority 18604  
without giving prior notice to the legislative authority of the 18605  
political subdivision. The legislative authority shall have thirty 18606  
days after receiving the notice to comment on the proposal. 18607

(H) May levy and collect taxes as provided in sections 306.40 18608  
and 306.49 of the Revised Code; 18609

(I) May issue bonds secured by its general credit as provided 18610  
in section 306.40 of the Revised Code; 18611

(J) May hold, encumber, control, acquire by donation, by 18612  
purchase for cash or by installment payments, by lease-purchase 18613  
agreement, by lease with option to purchase, or by condemnation, 18614  
and may construct, own, lease as lessee or lessor, use, and sell, 18615  
real and personal property, or any interest or right in real and 18616  
personal property, within or without its territorial boundaries, 18617  
for the location or protection of transit facilities and 18618  
improvements and access to transit facilities and improvements, 18619  
the relocation of buildings, structures, and improvements situated 18620  
on lands acquired by the regional transit authority, or for any 18621  
other necessary purpose, or for obtaining or storing materials to 18622  
be used in constructing, maintaining, and improving transit 18623  
facilities under its jurisdiction; 18624

(K) May exercise the power of eminent domain to acquire 18625  
property or any interest in property, within or without its 18626  
territorial boundaries, that is necessary or proper for the 18627  
construction or efficient operation of any transit facility or 18628  
access to any transit facility under its jurisdiction in 18629  
accordance with section 306.36 of the Revised Code; 18630

(L) May provide by agreement with any county, including the 18631  
counties within its territorial boundaries, or any municipal 18632  
corporation or any combination of counties or municipal 18633



corporations for the making of necessary surveys, appraisals, and 18634  
examinations preliminary to the acquisition or construction of any 18635  
transit facility and the amount of the expense for the surveys, 18636  
appraisals, and examinations to be paid by each such county or 18637  
municipal corporation; 18638

(M) May provide by agreement with any county, including the 18639  
counties within its territorial boundaries, or any municipal 18640  
corporation or any combination of those counties or municipal 18641  
corporations for the acquisition, construction, improvement, 18642  
extension, maintenance, or operation of any transit facility owned 18643  
or to be owned and operated by it or owned or to be owned and 18644  
operated by any such county or municipal corporation and the terms 18645  
on which it shall be acquired, leased, constructed, maintained, or 18646  
operated, and the amount of the cost and expense of the 18647  
acquisition, lease, construction, maintenance, or operation to be 18648  
paid by each such county or municipal corporation; 18649

(N) May issue revenue bonds for the purpose of acquiring, 18650  
replacing, improving, extending, enlarging, or constructing any 18651  
facility or permanent improvement that it is authorized to 18652  
acquire, replace, improve, extend, enlarge, or construct, 18653  
including all costs in connection with and incidental to the 18654  
acquisition, replacement, improvement, extension, enlargement, or 18655  
construction, and their financing, as provided by section 306.37 18656  
of the Revised Code; 18657

(O) May enter into and supervise franchise agreements for the 18658  
operation of a transit system; 18659

(P) May accept the assignment of and supervise an existing 18660  
franchise agreement for the operation of a transit system; 18661

(Q) May exercise a right to purchase a transit system in 18662  
accordance with the acquisition terms of an existing franchise 18663  
agreement; and in connection with the purchase the regional 18664

transit authority may issue revenue bonds as provided by section 18665  
306.37 of the Revised Code or issue bonds secured by its general 18666  
credit as provided in section 306.40 of the Revised Code; 18667

(R) May apply for and accept grants or loans from the United 18668  
States, the state, or any other public body for the purpose of 18669  
providing for the development or improvement of transit 18670  
facilities, mass transportation facilities, equipment, techniques, 18671  
methods, or services, and grants or loans needed to exercise a 18672  
right to purchase a transit system pursuant to agreement with the 18673  
owner of those transit facilities, or for providing lawful 18674  
financial assistance to existing transit systems; and may provide 18675  
any consideration that may be required in order to obtain those 18676  
grants or loans from the United States, the state, or other public 18677  
body, either of which grants or loans may be evidenced by the 18678  
issuance of revenue bonds as provided by section 306.37 of the 18679  
Revised Code or general obligation bonds as provided by section 18680  
306.40 of the Revised Code; 18681

(S) May employ and fix the compensation of consulting 18682  
engineers, superintendents, managers, and such other engineering, 18683  
construction, accounting and financial experts, attorneys, and 18684  
other employees and agents necessary for the accomplishment of its 18685  
purposes; 18686

(T) May procure insurance against loss to it by reason of 18687  
damages to its properties resulting from fire, theft, accident, or 18688  
other casualties or by reason of its liability for any damages to 18689  
persons or property occurring in the construction or operation of 18690  
transit facilities under its jurisdiction or the conduct of its 18691  
activities; 18692

(U) May maintain funds that it considers necessary for the 18693  
efficient performance of its duties; 18694

(V) May direct its agents or employees, when properly 18695

identified in writing, after at least five days' written notice, 18696  
to enter upon lands within or without its territorial boundaries 18697  
in order to make surveys and examinations preliminary to the 18698  
location and construction of transit facilities, without liability 18699  
to it or its agents or employees except for actual damage done; 18700

(W) On its own motion, may request the appropriate zoning 18701  
board, as defined in section 4563.03 of the Revised Code, to 18702  
establish and enforce zoning regulations pertaining to any transit 18703  
facility under its jurisdiction in the manner prescribed by 18704  
sections 4563.01 to 4563.21 of the Revised Code; 18705

(X) If it acquires any existing transit system, shall assume 18706  
all the employer's obligations under any existing labor contract 18707  
between the employees and management of the system. If the board 18708  
acquires, constructs, controls, or operates any such facilities, 18709  
it shall negotiate arrangements to protect the interests of 18710  
employees affected by the acquisition, construction, control, or 18711  
operation. The arrangements shall include, but are not limited to: 18712

(1) The preservation of rights, privileges, and benefits 18713  
under existing collective bargaining agreements or otherwise, the 18714  
preservation of rights and benefits under any existing pension 18715  
plans covering prior service, and continued participation in 18716  
social security in addition to participation in the public 18717  
employees retirement system as required in Chapter 145. of the 18718  
Revised Code; 18719

(2) The continuation of collective bargaining rights; 18720

(3) The protection of individual employees against a 18721  
worsening of their positions with respect to their employment; 18722

(4) Assurances of employment to employees of those transit 18723  
systems and priority reemployment of employees terminated or laid 18724  
off; 18725

(5) Paid training or retraining programs; 18726

(6) Signed written labor agreements. 18727

The arrangements may include provisions for the submission of 18728  
labor disputes to final and binding arbitration. 18729

(Y) May provide for and maintain security operations, 18730  
including a transit police department, subject to section 306.352 18731  
of the Revised Code. Regional transit authority police officers 18732  
shall have the power and duty to act as peace officers within 18733  
transit facilities owned, operated, or leased by the transit 18734  
authority to protect the transit authority's property and the 18735  
person and property of passengers, to preserve the peace, and to 18736  
enforce all laws of the state and ordinances and regulations of 18737  
political subdivisions in which the transit authority operates. 18738  
Regional transit authority police officers also shall have the 18739  
power and duty to act as peace officers when they render emergency 18740  
assistance outside their jurisdiction to any other peace officer 18741  
who is not a regional transit authority police officer and who has 18742  
arrest authority under section 2935.03 of the Revised Code. 18743  
Regional transit authority police officers may render emergency 18744  
assistance if there is a threat of imminent physical danger to the 18745  
peace officer, a threat of physical harm to another person, or any 18746  
other serious emergency situation and if either the peace officer 18747  
who is assisted requests emergency assistance or it appears that 18748  
the peace officer who is assisted is unable to request emergency 18749  
assistance and the circumstances observed by the regional transit 18750  
authority police officer reasonably indicate that emergency 18751  
assistance is appropriate. 18752

Before exercising powers of arrest and the other powers and 18753  
duties of a peace officer, each regional transit authority police 18754  
officer shall take an oath and give bond to the state in a sum 18755  
that the board of trustees prescribes for the proper performance 18756  
of the officer's duties. 18757

Persons employed as regional transit authority police 18758

officers shall complete training for the position to which they 18759  
have been appointed as required by the Ohio peace officer training 18760  
commission as authorized in section 109.77 of the Revised Code, or 18761  
be otherwise qualified. The cost of the training shall be provided 18762  
by the regional transit authority. 18763

(Z) May procure a policy or policies insuring members of its 18764  
board of trustees against liability on account of damages or 18765  
injury to persons and property resulting from any act or omission 18766  
of a member in the member's official capacity as a member of the 18767  
board or resulting solely out of the member's membership on the 18768  
board; 18769

(AA) May enter into any agreement for the sale and leaseback 18770  
or lease and leaseback of transit facilities, which agreement may 18771  
contain all necessary covenants for the security and protection of 18772  
any lessor or the regional transit authority including, but not 18773  
limited to, indemnification of the lessor against the loss of 18774  
anticipated tax benefits arising from acts, omissions, or 18775  
misrepresentations of the regional transit authority. In 18776  
connection with that transaction, the regional transit authority 18777  
may contract for insurance and letters of credit and pay any 18778  
premiums or other charges for the insurance and letters of credit. 18779  
The fiscal officer shall not be required to furnish any 18780  
certificate under section 5705.41 of the Revised Code in 18781  
connection with the execution of any such agreement. 18782

(BB) In regard to any contract entered into on or after March 18783  
19, 1993, for the rendering of services or the supplying of 18784  
materials or for the construction, demolition, alteration, repair, 18785  
or reconstruction of transit facilities in which a bond is 18786  
required for the faithful performance of the contract, may permit 18787  
the person awarded the contract to utilize a letter of credit 18788  
issued by a bank or other financial institution in lieu of the 18789  
bond; 18790

(CC) May enter into agreements with municipal corporations 18791  
located within the territorial jurisdiction of the regional 18792  
transit authority permitting regional transit authority police 18793  
officers employed under division (Y) of this section to exercise 18794  
full arrest powers, as provided in section 2935.03 of the Revised 18795  
Code, for the purpose of preserving the peace and enforcing all 18796  
laws of the state and ordinances and regulations of the municipal 18797  
corporation within the areas that may be agreed to by the regional 18798  
transit authority and the municipal corporation. 18799

**Sec. 306.43.** (A) The board of trustees of a regional transit 18800  
authority or any officer or employee designated by such board may 18801  
make any contract for the purchase of goods or services, the cost 18802  
of which does not exceed one hundred thousand dollars. When an 18803  
expenditure, other than for the acquisition of real estate, the 18804  
discharge of claims, or the acquisition of goods or services under 18805  
the circumstances described in division (H) of this section, is 18806  
expected to exceed one hundred thousand dollars, such expenditure 18807  
shall be made through full and open competition by the use of 18808  
competitive procedures. The regional transit authority shall use 18809  
the competitive procedure, as set forth in divisions (B), (C), 18810  
(D), and (E) of this section, that is most appropriate under the 18811  
circumstances of the procurement. 18812

(B) Competitive sealed bidding is the preferred method of 18813  
procurement and a regional transit authority shall use that method 18814  
if all of the following conditions exist: 18815

(1) A clear, complete and adequate description of the goods, 18816  
services, or work is available; 18817

(2) Time permits the solicitation, submission, and evaluation 18818  
of sealed bids; 18819

(3) The award will be made on the basis of price and other 18820  
price-related factors; 18821

(4) It is not necessary to conduct discussions with responding offerors about their bids;

(5) There is a reasonable expectation of receiving more than one sealed bid.

A regional transit authority shall publish a notice calling for bids once a week for no less than two consecutive weeks in ~~at least one~~ a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. A regional transit authority may require that a bidder for any contract other than a construction contract provide a bid guaranty in the form, quality, and amount considered appropriate by the regional transit authority. The board may let the contract to the lowest responsive and responsible bidder. Where fewer than two responsive bids are received, a regional transit authority may negotiate price with the sole responsive bidder or may rescind the solicitation and procure under division (H)(2) of this section.

(C) A regional transit authority may use two-step competitive bidding, consisting of a technical proposal and a separate, subsequent sealed price bid from those submitting acceptable technical proposals, if both of the following conditions exist:

(1) A clear, complete, and adequate description of the goods, services, or work is not available, but definite criteria exist for the evaluation of technical proposals;

(2) It is necessary to conduct discussions with responding offerors.

A regional transit authority shall publish a notice calling for technical proposals once a week for no less than two consecutive weeks in ~~at least one~~ a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised

Code. A regional transit authority may require a bid guaranty in 18853  
the form, quality, and amount the regional transit authority 18854  
considers appropriate. The board may let the contract to the 18855  
lowest responsive and responsible bidder. Where fewer than two 18856  
responsive and responsible bids are received, a regional transit 18857  
authority may negotiate price with the sole responsive and 18858  
responsible bidder or may rescind the solicitation and procure 18859  
under division (H)(2) of this section. 18860

(D) A regional transit authority shall make a procurement by 18861  
competitive proposals if competitive sealed bidding or two-step 18862  
competitive bidding is not appropriate. 18863

A regional transit authority shall publish a notice calling 18864  
for proposals once a week for no less than two consecutive weeks 18865  
in ~~at least one~~ a newspaper of general circulation within the 18866  
territorial boundaries of the regional transit authority, or as 18867  
provided in section 7.16 of the Revised Code. A regional transit 18868  
authority may require a proposal guaranty in the form, quality, 18869  
and amount considered appropriate by the regional transit 18870  
authority. The board may let the contract to the proposer making 18871  
the offer considered most advantageous to the authority. Where 18872  
fewer than two competent proposals are received, a regional 18873  
transit authority may negotiate price and terms with the sole 18874  
proposer or may rescind the solicitation and procure under 18875  
division (H)(2) of this section. 18876

(E)(1) A regional transit authority shall procure the 18877  
services of an architect or engineer in the manner prescribed by 18878  
the "Federal Mass Transportation Act of 1987," Public Law No. 18879  
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 18880  
and the services of a construction manager in the manner 18881  
prescribed by sections 9.33 to 9.332 of the Revised Code. 18882

(2) A regional transit authority may procure revenue rolling 18883  
stock in the manner prescribed by division (B), (C), or (D) of 18884



this section. 18885

(3) All contracts for construction in excess of one hundred 18886  
thousand dollars shall be made only after the regional transit 18887  
authority has published a notice calling for bids once a week for 18888  
two consecutive weeks in ~~at least one~~ a newspaper of general 18889  
circulation within the territorial boundaries of the regional 18890  
transit authority, or as provided in section 7.16 of the Revised 18891  
Code. The board may award a contract to the lowest responsive and 18892  
responsible bidder. Where only one responsive and responsible bid 18893  
is received, the regional transit authority may negotiate price 18894  
with the sole responsive bidder or may rescind the solicitation. 18895  
The regional transit authority shall award construction contracts 18896  
in accordance with sections 153.12 to 153.14 and 153.54 of the 18897  
Revised Code. Divisions (B) and (C) of this section shall not 18898  
apply to the award of contracts for construction. 18899

(F) All contracts involving expenditures in excess of one 18900  
hundred thousand dollars shall be in writing and shall be 18901  
accompanied by or shall refer to plans and specifications for the 18902  
work to be done. The plans and specifications shall at all times 18903  
be made and considered part of the contract. For all contracts 18904  
other than construction contracts, a regional transit authority 18905  
may require performance, payment, or maintenance guaranties or any 18906  
combination of such guaranties in the form, quality, and amount it 18907  
considers appropriate. The contract shall be approved by the board 18908  
and signed on behalf of the regional transit authority and by the 18909  
contractor. 18910

(G) In making a contract, a regional transit authority may 18911  
give preference to goods produced in the United States in 18912  
accordance with the Buy America requirements in the "Surface 18913  
Transportation Assistance Act of 1982," Public Law No. 97-424, 18914  
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and 18915  
the rules adopted thereunder. The regional transit authority also 18916

may give preference to providers of goods produced in and services 18917  
provided in labor surplus areas as defined by the United States 18918  
department of labor in 41 U.S.C.A. 401 note, Executive Order No. 18919  
12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 18920

(H) Competitive procedures under this section are not 18921  
required in any of the following circumstances: 18922

(1) The board of trustees of a regional transit authority, by 18923  
a two-thirds affirmative vote of its members, determines that a 18924  
real and present emergency exists under any of the following 18925  
conditions, and the board enters its determination and the reasons 18926  
for it in its proceedings: 18927

(a) Affecting safety, welfare, or the ability to deliver 18928  
transportation services; 18929

(b) Arising out of an interruption of contracts essential to 18930  
the provision of daily transit services; 18931

(c) Involving actual physical damage to structures, supplies, 18932  
equipment, or property. 18933

(2) The purchase consists of goods or services, or any 18934  
combination thereof, and after reasonable inquiry the board or any 18935  
officer or employee the board designates finds that only one 18936  
source of supply is reasonably available. 18937

(3) The expenditure is for a renewal or renegotiation of a 18938  
lease or license for telecommunications or electronic data 18939  
processing equipment, services, or systems, or for the upgrade of 18940  
such equipment, services, or systems, or for the maintenance 18941  
thereof as supplied by the original source or its successors or 18942  
assigns. 18943

(4) The purchase of goods or services is made from another 18944  
political subdivision, public agency, public transit system, 18945  
regional transit authority, the state, or the federal government, 18946

or as a third-party beneficiary under a state or federal 18947  
procurement contract, or as a participant in a department of 18948  
administrative services contract under division (B) of section 18949  
125.04 of the Revised Code. 18950

(5) The sale and leaseback or lease and leaseback of transit 18951  
facilities is made as provided in division (AA) of section 306.35 18952  
of the Revised Code. 18953

(6) The purchase substantially involves services of a 18954  
personal, professional, highly technical, or scientific nature, 18955  
including but not limited to the services of an attorney, 18956  
physician, surveyor, appraiser, investigator, court reporter, 18957  
adjuster, advertising consultant, or licensed broker, or involves 18958  
the special skills or proprietary knowledge required for the 18959  
servicing of specialized equipment owned by the regional transit 18960  
authority. 18961

(7) Services or supplies are available from a qualified 18962  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 18963  
Revised Code. 18964

(8) The purchase consists of the product or services of a 18965  
public utility. 18966

(9) The purchase is for the services of individuals with 18967  
disabilities to work in the authority's commissaries or 18968  
cafeterias, and those individuals are supplied by a nonprofit 18969  
corporation or association whose purpose is to assist individuals 18970  
with disabilities, whether or not that corporation or association 18971  
is funded entirely or in part by the federal government, or the 18972  
purchase is for services provided by a nonprofit corporation or 18973  
association whose purpose is to assist individuals with 18974  
disabilities, whether or not that corporation or association is 18975  
funded entirely or in part by the federal government. For purposes 18976  
of division (H)(9) of this section, "disability" has the same 18977

meaning as in section 4112.01 of the Revised Code. 18978

(I) A regional transit authority may enter into blanket 18979  
purchase agreements for purchases of maintenance, operating, or 18980  
repair goods or services where the item cost does not exceed five 18981  
hundred dollars and the annual expenditure does not exceed one 18982  
hundred thousand dollars. 18983

(J) Nothing contained in this section prohibits a regional 18984  
transit authority from participating in intergovernmental 18985  
cooperative purchasing arrangements. 18986

(K) Except as otherwise provided in this chapter, a regional 18987  
transit authority shall make a sale or other disposition of 18988  
property through full and open competition. Except as provided in 18989  
division (L) of this section, all dispositions of personal 18990  
property and all grants of real property for terms exceeding five 18991  
years shall be made by public auction or competitive procedure. 18992

(L) The competitive procedures required by division (K) of 18993  
this section are not required in any of the following 18994  
circumstances: 18995

(1) The grant is a component of a joint development between 18996  
public and private entities and is intended to enhance or benefit 18997  
public transit. 18998

(2) The grant of a limited use or of a license affecting land 18999  
is made to an owner of abutting real property. 19000

(3) The grant of a limited use is made to a public utility. 19001

(4) The grant or disposition is to a department of the 19002  
federal or state government, to a political subdivision of the 19003  
state, or to any other governmental entity. 19004

(5) Used equipment is traded on the purchase of equipment and 19005  
the value of the used equipment is a price-related factor in the 19006  
basis for award for the purchase. 19007

(6) The value of the personal property is such that 19008  
competitive procedures are not appropriate and the property either 19009  
is sold at its fair market value or is disposed of by gift to a 19010  
nonprofit entity having the general welfare or education of the 19011  
public as one of its principal objects. 19012

(M) The board of trustees of a regional transit authority, 19013  
when making a contract funded exclusively by state or local moneys 19014  
or any combination thereof, shall make a good faith effort to use 19015  
disadvantaged business enterprise participation to the same extent 19016  
required under Section 105(f) of the "Surface Transportation 19017  
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 19018  
Section 106(c) of the "Surface Transportation and Uniform 19019  
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 19020  
Stat. 145, and the rules adopted thereunder. 19021

(N) As used in this section: 19022

(1) "Goods" means all things, including specially 19023  
manufactured goods, that are movable at the time of identification 19024  
to the contract for sale other than the money in which the price 19025  
is to be paid, investment securities, and things in action. 19026  
"Goods" also includes other identified things attached to realty 19027  
as described in section 1302.03 of the Revised Code. 19028

(2) "Services" means the furnishing of labor, time, or effort 19029  
by a contractor, not involving the delivery of goods or reports 19030  
other than goods or reports that are merely incidental to the 19031  
required performance, including but not limited to insurance, 19032  
bonding, or routine operation, routine repair, or routine 19033  
maintenance of existing structures, buildings, real property, or 19034  
equipment, but does not include employment agreements, collective 19035  
bargaining agreements, or personal services. 19036

(3) "Construction" means the process of building, altering, 19037  
repairing, improving, painting, decorating, or demolishing any 19038

structure or building, or other improvements of any kind to any 19039  
real property owned or leased by a regional transit authority. 19040

(4) "Full and open competition" has the same meaning as in 19041  
the "Office of Federal Procurement Policy Act," Public Law No. 19042  
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 19043

(5) A bidder is "responsive" if, applying the criteria of 19044  
division (A) of section 9.312 of the Revised Code, the bidder is 19045  
"responsive" as described in that section. 19046

(6) A bidder is "responsible" if, applying the criteria of 19047  
division ~~(A)~~(B) of section 9.312 of the Revised Code and of the 19048  
"Office of Federal Procurement Policy Act," Public Law No. 98-369, 19049  
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is 19050  
"responsible" as described in those sections. 19051

Sec. 306.55. Beginning July 1, 2011 and until November 5, 19052  
2013, any municipal corporation or township that has created or 19053  
joined a regional transit authority that levies a property tax and 19054  
that includes in its membership political subdivisions that are 19055  
located in a county having a population of at least four hundred 19056  
thousand according to the most recent federal census, may withdraw 19057  
from the regional transit authority in the manner provided in this 19058  
section. The legislative authority of the municipal corporation or 19059  
board of township trustees of the township proposing to withdraw 19060  
shall adopt a resolution to submit the question of withdrawing 19061  
from the regional transit authority to the electors of the 19062  
territory to be withdrawn and shall certify the proposal to the 19063  
board of elections for the purpose of having the proposal placed 19064  
on the ballot at the next general election or at a special 19065  
election conducted on the day of the next primary election that 19066  
occurs not less than ninety days after the resolution is certified 19067  
to the board of elections. 19068

Upon certification of a proposal to the board of elections 19069

pursuant to this section, the board of elections shall make the 19070  
necessary arrangements for the submission of the question to the 19071  
electors of the territory to be withdrawn from the regional 19072  
transit authority qualified to vote on the question, and the 19073  
election shall be held, canvassed, and certified in the same 19074  
manner as regular elections for the election of officers of the 19075  
subdivision proposing to withdraw from the regional transit 19076  
authority, except that the question appearing on the ballot shall 19077  
read: 19078

"Shall the territory within the ..... 19079  
(Name of political subdivision to be withdrawn) be withdrawn from 19080  
..... (Name) regional transit 19081  
authority?" 19082

If the question is approved by at least a majority of the 19083  
electors voting on the question, the withdrawal is effective six 19084  
months from the date of the certification of its passage. 19085

The board of elections to which the resolution was certified 19086  
shall certify the results of the election to the board or 19087  
legislative authority of the subdivision that submitted the 19088  
resolution to withdraw and to the board of trustees of the 19089  
regional transit authority from which the subdivision proposed to 19090  
withdraw. 19091

If the question of withdrawing from the regional transit 19092  
authority is approved, the power of the regional transit authority 19093  
to levy a tax on taxable property in the withdrawing subdivision 19094  
terminates. 19095

**Sec. 306.551.** Any municipal corporation or township that 19096  
withdraws from a regional transit authority under section 306.55 19097  
of the Revised Code may enter into a contract with a regional 19098  
transit authority or other provider of transit services to provide 19099  
transportation service for handicapped, disabled, or elderly 19100

persons and for any other service the legislative authority of the 19101  
municipal corporation or township may determine to be appropriate. 19102

**Sec. 306.70.** A tax proposed to be levied by a board of county 19103  
commissioners or by the board of trustees of a regional transit 19104  
authority pursuant to sections 5739.023 and 5741.022 of the 19105  
Revised Code shall not become effective until it is submitted to 19106  
the electors residing within the county or within the territorial 19107  
boundaries of the regional transit authority and approved by a 19108  
majority of the electors voting on it. Such question shall be 19109  
submitted at a general election or at a special election on a day 19110  
specified in the resolution levying the tax and occurring not less 19111  
than ninety days after such resolution is certified to the board 19112  
of elections, in accordance with section 3505.071 of the Revised 19113  
Code. 19114

The board of elections of the county or of each county in 19115  
which any territory of the regional transit authority is located 19116  
shall make the necessary arrangements for the submission of such 19117  
question to the electors of the county or regional transit 19118  
authority, and the election shall be held, canvassed, and 19119  
certified in the same manner as regular elections for the election 19120  
of county officers. Notice of the election shall be published in 19121  
~~one or more newspapers which in the aggregate are a newspaper~~ of 19122  
general circulation in the territory of the county or of the 19123  
regional transit authority once a week for two consecutive weeks 19124  
prior to the election ~~and, if~~ or as provided in section 7.16 of 19125  
the Revised Code. If the board of elections operates and maintains 19126  
a web site, notice of the election also shall be posted on that 19127  
web site for thirty days prior to the election. The notice shall 19128  
state the type, rate, and purpose of the tax to be levied, the 19129  
length of time during which the tax will be in effect, and the 19130  
time and place of the election. 19131



More than one such question may be submitted at the same 19132  
election. The form of the ballots cast at such election shall be: 19133

"Shall a(n) ..... (sales and use) ..... 19134  
tax be levied for all transit purposes of the ..... 19135  
(here insert name of the county or regional transit authority) at 19136  
a rate not exceeding ..... (here insert percentage) 19137  
per cent for ..... (here insert number of years the tax 19138  
is to be in effect, or that it is to be in effect for a continuing 19139  
period of time)?" 19140

If the tax proposed to be levied is a continuation of an 19141  
existing tax, whether at the same rate or at an increased or 19142  
reduced rate, or an increase in the rate of an existing tax, the 19143  
notice and ballot form shall so state. 19144

The board of elections to which the resolution was certified 19145  
shall certify the results of the election to the county auditor of 19146  
the county or secretary-treasurer of the regional transit 19147  
authority levying the tax and to the tax commissioner of the 19148  
state. 19149

**Sec. 307.022.** (A) The board of county commissioners of any 19150  
county may do both of the following without following the 19151  
competitive bidding requirements of section 307.86 of the Revised 19152  
Code: 19153

(1) Enter into a lease, including a lease with an option to 19154  
purchase, of correctional facilities for a term not in excess of 19155  
forty years. Before entering into the lease, the board shall 19156  
publish, once a week for three consecutive weeks in a newspaper of 19157  
general circulation in the county or as provided in section 7.16 19158  
of the Revised Code, a notice that the board is accepting 19159  
proposals for a lease pursuant to this division. The notice shall 19160  
state the date before which the proposals are required to be 19161  
submitted in order to be considered by the board. 19162

(2) Subject to compliance with this section, grant leases, easements, and licenses with respect to, or sell, real property owned by the county if the real property is to be leased back by the county for use as correctional facilities.

The lease under division (A)(1) of this section shall require the county to contract, in accordance with Chapter 153., sections 307.86 to 307.92, and Chapter 4115. of the Revised Code, for the construction, improvement, furnishing, and equipping of correctional facilities to be leased pursuant to this section. Prior to the board's execution of the lease, it may require the lessor under the lease to cause sufficient money to be made available to the county to enable the county to comply with the certification requirements of division (D) of section 5705.41 of the Revised Code.

A lease entered into pursuant to division (A)(1) of this section by a board may provide for the county to maintain and repair the correctional facility during the term of the leasehold, may provide for the county to make rental payments prior to or after occupation of the correctional facilities by the county, and may provide for the board to obtain and maintain any insurance that the lessor may require, including, but not limited to, public liability, casualty, builder's risk, and business interruption insurance. The obligations incurred under a lease entered into pursuant to division (A)(1) of this section shall not be considered to be within the debt limitations of section 133.07 of the Revised Code.

(B) The correctional facilities leased under division (A)(1) of this section may include any or all of the following:

(1) Facilities in which one or more other governmental entities are participating or in which other facilities of the county are included;

|                                                                                                                                                                                                                                                                          |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (2) Facilities acquired, constructed, renovated, or financed by the Ohio building authority and leased to the county pursuant to section 307.021 of the Revised Code;                                                                                                    | 19194<br>19195<br>19196                   |
| (3) Correctional facilities that are under construction or have been completed and for which no permanent financing has been arranged.                                                                                                                                   | 19197<br>19198<br>19199                   |
| (C) As used in this section:                                                                                                                                                                                                                                             | 19200                                     |
| (1) "Correctional facilities" includes, but is not limited to, jails, detention facilities, workhouses, community-based correctional facilities, and family court centers.                                                                                               | 19201<br>19202<br>19203                   |
| (2) "Construction" has the same meaning as in division (B) of section 4115.03 of the Revised Code.                                                                                                                                                                       | 19204<br>19205                            |
| <b>Sec. 307.041.</b> (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, an existing building, to reduce energy consumption. "Energy conservation measure" includes the following: | 19206<br>19207<br>19208<br>19209<br>19210 |
| (1) Insulation of the building structure and of systems within the building;                                                                                                                                                                                             | 19211<br>19212                            |
| (2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;    | 19213<br>19214<br>19215<br>19216<br>19217 |
| (3) Automatic energy control systems;                                                                                                                                                                                                                                    | 19218                                     |
| (4) Heating, ventilating, or air conditioning system modifications or replacements;                                                                                                                                                                                      | 19219<br>19220                            |
| (5) Caulking and weatherstripping;                                                                                                                                                                                                                                       | 19221                                     |
| (6) Replacement or modification of lighting fixtures to                                                                                                                                                                                                                  | 19222                                     |

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| increase the energy efficiency of the system without increasing    | 19223 |
| the overall illumination of a facility, unless such an increase in | 19224 |
| illumination is necessary to conform to the applicable state or    | 19225 |
| local building code for the proposed lighting system;              | 19226 |
| (7) Energy recovery systems;                                       | 19227 |
| (8) Cogeneration systems that produce steam or forms of            | 19228 |
| energy such as heat, as well as electricity, for use primarily     | 19229 |
| within a building or complex of buildings;                         | 19230 |
| (9) Acquiring, constructing, furnishing, equipping, improving      | 19231 |
| the site of, and otherwise improving a central utility plant to    | 19232 |
| provide heating and cooling services to a building or buildings    | 19233 |
| together with distribution piping and ancillary distribution       | 19234 |
| controls, equipment, and related facilities from the central       | 19235 |
| utility plant to the building or buildings;                        | 19236 |
| (10) Any other modification, installation, or remodeling           | 19237 |
| approved by the board of county commissioners as an energy         | 19238 |
| conservation measure.                                              | 19239 |
| (B) For the purpose of evaluating county buildings for energy      | 19240 |
| conservation measures, a county may contract with an architect,    | 19241 |
| professional engineer, energy services company, contractor, or     | 19242 |
| other person experienced in the design and implementation of       | 19243 |
| energy conservation measures for an energy conservation report.    | 19244 |
| The report shall include all of the following:                     | 19245 |
| (1) Analyses of the buildings' energy needs and                    | 19246 |
| recommendations for building installations, modifications of       | 19247 |
| existing installations, or building remodeling that would          | 19248 |
| significantly reduce energy consumption in the buildings owned by  | 19249 |
| that county;                                                       | 19250 |
| (2) Estimates of all costs of those installations, those           | 19251 |
| modifications, or that remodeling, including costs of design,      | 19252 |
| engineering, installation, maintenance, and repairs;               | 19253 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| (3) Estimates of the amounts by which energy consumption could be reduced;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 19254<br>19255                                                                                           |
| (4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 19256<br>19257                                                                                           |
| (5) The average system life of the energy conservation measures;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 19258<br>19259                                                                                           |
| (6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measure, including the methods used to estimate the savings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 19260<br>19261<br>19262<br>19263                                                                         |
| (7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 19264<br>19265<br>19266                                                                                  |
| (C)(1) A county desiring to implement energy conservation measures may proceed under either of the following methods:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 19267<br>19268                                                                                           |
| (a) Using a report or any part of an energy conservation report prepared under division (B) of this section, advertise for bids and, except as otherwise provided in this section, comply with sections 307.86 to 307.92 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 19269<br>19270<br>19271<br>19272                                                                         |
| (b) Notwithstanding sections 307.86 to 307.92 of the Revised Code, request proposals from at least three vendors for the implementation of energy conservation measures. A request for proposals shall require the installer that is awarded a contract under division (C)(2)(b) of this section to prepare an energy conservation report in accordance with division (B) of this section. Prior to sending any installer of energy conservation measures a copy of any request for proposals, the county shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the county once a week for two consecutive weeks <u>or as provided in section 7.16 of the Revised Code</u> . The notice shall state that | 19273<br>19274<br>19275<br>19276<br>19277<br>19278<br>19279<br>19280<br>19281<br>19282<br>19283<br>19284 |

the county intends to request proposals for the installation of 19285  
energy conservation measures; indicate the date, which shall be at 19286  
least ten days after the second publication, on which the request 19287  
for proposals will be mailed to installers of energy conservation 19288  
measures; and state that any installer of energy conservation 19289  
measures interested in receiving the request for proposals shall 19290  
submit written notice to the county not later than noon of the day 19291  
on which the request for proposals will be mailed. 19292

19293

(2)(a) Upon receiving bids under division (C)(1)(a) of this 19294  
section, the county shall analyze them and select the lowest and 19295  
best bid or bids most likely to result in the greatest energy 19296  
savings considering the cost of the project and the county's 19297  
ability to pay for the improvements with current revenues or by 19298  
financing the improvements. 19299

(b) Upon receiving proposals under division (C)(1)(b) of this 19300  
section, the county shall analyze the proposals and the 19301  
installers' qualifications and select the most qualified installer 19302  
to prepare an energy conservation report in accordance with 19303  
division (B) of this section. After receipt and review of the 19304  
energy conservation report, the county may award a contract to the 19305  
selected installer to install the energy conservation measures 19306  
that are most likely to result in the greatest energy savings 19307  
considering the cost of the project and the county's ability to 19308  
pay for the improvements with current revenues or by financing the 19309  
improvements. 19310

(c) The awarding of a contract to install energy conservation 19311  
measures under division (C)(2)(a) or (b) of this section shall be 19312  
conditioned upon a finding by the contracting authority that the 19313  
amount of money spent on the energy conservation measures is not 19314  
likely to exceed the amount of money the county would save in 19315  
energy, operating, maintenance, and avoided capital costs over the 19316

average system life of the energy conservation measures as 19317  
specified in the energy conservation report. In making such a 19318  
finding, the contracting authority may take into account increased 19319  
costs due to inflation as shown in the energy conservation report. 19320  
Nothing in this division prohibits a county from rejecting all 19321  
bids or proposals under division (C)(1)(a) or (b) of this section 19322  
or from selecting more than one bid or proposal. 19323

(D) A board of county commissioners may enter into an 19324  
installment payment contract for the purchase and installation of 19325  
energy conservation measures. Provisions of installment payment 19326  
contracts that deal with interest charges and financing terms 19327  
shall not be subject to the competitive bidding requirements of 19328  
section 307.86 of the Revised Code, and shall be on the following 19329  
terms: 19330

(1) Not less than a specified percentage, as determined and 19331  
approved by the board of county commissioners, of the costs of the 19332  
contract shall be paid within two years from the date of purchase. 19333

(2) The remaining balance of the costs of the contract shall 19334  
be paid within the lesser of the average system life of the energy 19335  
conservation measures as specified in the energy conservation 19336  
report or thirty years. 19337

(E) The board of county commissioners may issue the notes of 19338  
the county specifying the terms of a purchase of energy 19339  
conservation measures under this section and securing any deferred 19340  
payments provided for in division (D) of this section. The notes 19341  
shall be payable at the times provided and bear interest at a rate 19342  
not exceeding the rate determined as provided in section 9.95 of 19343  
the Revised Code. The notes may contain an option for prepayment 19344  
and shall not be subject to Chapter 133. of the Revised Code. 19345  
Revenues derived from local taxes or otherwise for the purpose of 19346  
conserving energy or for defraying the current operating expenses 19347  
of the county may be pledged and applied to the payment of 19348

interest and the retirement of the notes. The notes may be sold at 19349  
private sale or given to the contractor under an installment 19350  
payment contract authorized by division (D) of this section. 19351

(F) Debt incurred under this section shall not be included in 19352  
the calculation of the net indebtedness of a county under section 19353  
133.07 of the Revised Code. 19354

**Sec. 307.10.** (A) No sale of real property, or lease of real 19355  
property used or to be used for the purpose of airports, landing 19356  
fields, or air navigational facilities, or parts thereof, as 19357  
provided by section 307.09 of the Revised Code shall be made 19358  
unless it is authorized by a resolution adopted by a majority of 19359  
the board of county commissioners. When a sale of real property as 19360  
provided by section 307.09 of the Revised Code is authorized, the 19361  
board may either deed the property to the highest responsible 19362  
bidder, after advertisement once a week for four consecutive weeks 19363  
in a newspaper of general circulation in the county or as provided 19364  
in section 7.16 of the Revised Code, or offer the real property 19365  
for sale at a public auction, after giving at least thirty days' 19366  
notice of the auction by publication in a newspaper of general 19367  
circulation in the county. The board may reject any and all bids. 19368  
The board may, as it considers best, sell real property pursuant 19369  
to this section as an entire tract or in parcels. The board, by 19370  
resolution adopted by a majority of the board, may lease real 19371  
property, in accordance with division (A) of section 307.09 of the 19372  
Revised Code, without advertising for bids. 19373

(B) The board, by resolution, may transfer real property in 19374  
fee simple belonging to the county and not needed for public use 19375  
to the United States government, to the state or any department or 19376  
agency thereof, to municipal corporations or other political 19377  
subdivisions of the state, to the county board of developmental 19378  
disabilities, or to a county land reutilization corporation 19379



organized under Chapter 1724. of the Revised Code for public 19380  
purposes upon the terms and in the manner that it may determine to 19381  
be in the best interests of the county, without advertising for 19382  
bids. The board shall execute a deed or other proper instrument 19383  
when such a transfer is approved. 19384

(C) The board, by resolution adopted by a majority of the 19385  
board, may grant leases, rights, or easements to the United States 19386  
government, to the state or any department or agency thereof, or 19387  
to municipal corporations and other political subdivisions of the 19388  
state, or to privately owned electric light and power companies, 19389  
natural gas companies, or telephone or telegraph companies for 19390  
purposes of rendering their several public utilities services, in 19391  
accordance with division (B) of section 307.09 of the Revised 19392  
Code, without advertising for bids. When such grant of lease, 19393  
right, or easement is authorized, a deed or other proper 19394  
instrument therefor shall be executed by the board. 19395

**Sec. 307.12.** (A) Except as otherwise provided in divisions 19396  
(D), (E), and (G) of this section, when the board of county 19397  
commissioners finds, by resolution, that the county has personal 19398  
property, including motor vehicles acquired for the use of county 19399  
officers and departments, and road machinery, equipment, tools, or 19400  
supplies, that is not needed for public use, is obsolete, or is 19401  
unfit for the use for which it was acquired, and when the fair 19402  
market value of the property to be sold or donated under this 19403  
division is, in the opinion of the board, in excess of two 19404  
thousand five hundred dollars, the board may do either of the 19405  
following: 19406

(1) Sell the property at public auction or by sealed bid to 19407  
the highest bidder. Notice of the time, place, and manner of the 19408  
sale shall be published in a newspaper of general circulation in 19409  
the county at least ten days prior to the sale, and a typewritten 19410

or printed notice of the time, place, and manner of the sale shall 19411  
be posted at least ten days before the sale in the offices of the 19412  
county auditor and the board of county commissioners. 19413

If a board conducts a sale of property by sealed bid, the 19414  
form of the bid shall be as prescribed by the board, and each bid 19415  
shall contain the name of the person submitting it. Bids received 19416  
shall be opened and tabulated at the time stated in the notice. 19417  
The property shall be sold to the highest bidder, except that the 19418  
board may reject all bids and hold another sale, by public auction 19419  
or sealed bid, in the manner prescribed by this section. 19420

(2) Donate any motor vehicle that does not exceed four 19421  
thousand five hundred dollars in value to a nonprofit organization 19422  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 19423  
and (c)(3) for the purpose of meeting the transportation needs of 19424  
participants in the Ohio works first program established under 19425  
Chapter 5107. of the Revised Code and participants in the 19426  
prevention, retention, and contingency program established under 19427  
Chapter 5108. of the Revised Code. 19428

(B) When the board of county commissioners finds, by 19429  
resolution, that the county has personal property, including motor 19430  
vehicles acquired for the use of county officers and departments, 19431  
and road machinery, equipment, tools, or supplies, that is not 19432  
needed for public use, is obsolete, or is unfit for the use for 19433  
which it was acquired, and when the fair market value of the 19434  
property to be sold or donated under this division is, in the 19435  
opinion of the board, two thousand five hundred dollars or less, 19436  
the board may do either of the following: 19437

(1) Sell the property by private sale, without advertisement 19438  
or public notification; 19439

(2) Donate the property to an eligible nonprofit organization 19440  
that is located in this state and is exempt from federal income 19441

taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 19442  
any property under this division, the board shall adopt a 19443  
resolution expressing its intent to make unneeded, obsolete, or 19444  
unfit-for-use county personal property available to these 19445  
organizations. The resolution shall include guidelines and 19446  
procedures the board considers necessary to implement a donation 19447  
program under this division and shall indicate whether the county 19448  
will conduct the donation program or the board will contract with 19449  
a representative to conduct it. If a representative is known when 19450  
the resolution is adopted, the resolution shall provide contact 19451  
information such as the representative's name, address, and 19452  
telephone number. 19453

The resolution shall include within its procedures a 19454  
requirement that any nonprofit organization desiring to obtain 19455  
donated property under this division shall submit a written notice 19456  
to the board or its representative. The written notice shall 19457  
include evidence that the organization is a nonprofit organization 19458  
that is located in this state and is exempt from federal income 19459  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 19460  
the organization's primary purpose; a description of the type or 19461  
types of property the organization needs; and the name, address, 19462  
and telephone number of a person designated by the organization's 19463  
governing board to receive donated property and to serve as its 19464  
agent. 19465

After adoption of the resolution, the board shall publish, in 19466  
a newspaper of general circulation in the county, notice of its 19467  
intent to donate unneeded, obsolete, or unfit-for-use county 19468  
personal property to eligible nonprofit organizations. The notice 19469  
shall include a summary of the information provided in the 19470  
resolution and shall be published ~~at least~~ twice or as provided in 19471  
section 7.16 of the Revised Code. The second and any subsequent 19472  
notice shall be published not less than ten nor more than twenty 19473

days after the previous notice. A similar notice also shall be 19474  
posted continually in a conspicuous place in the offices of the 19475  
county auditor and the board of county commissioners, ~~and, if.~~ If 19476  
the county maintains a web site on the internet, the notice shall 19477  
be posted continually at that web site. 19478

The board or its representative shall maintain a list of all 19479  
nonprofit organizations that notify the board or its 19480  
representative of their desire to obtain donated property under 19481  
this division and that the board or its representative determines 19482  
to be eligible, in accordance with the requirements set forth in 19483  
this section and in the donation program's guidelines and 19484  
procedures, to receive donated property. 19485

The board or its representatives also shall maintain a list 19486  
of all county personal property the board finds to be unneeded, 19487  
obsolete, or unfit for use and to be available for donation under 19488  
this division. The list shall be posted continually in a 19489  
conspicuous location in the offices of the county auditor and the 19490  
board of county commissioners, and, if the county maintains a web 19491  
site on the internet, the list shall be posted continually at that 19492  
web site. An item of property on the list shall be donated to the 19493  
eligible nonprofit organization that first declares to the board 19494  
or its representative its desire to obtain the item unless the 19495  
board previously has established, by resolution, a list of 19496  
eligible nonprofit organizations that shall be given priority with 19497  
respect to the item's donation. Priority may be given on the basis 19498  
that the purposes of a nonprofit organization have a direct 19499  
relationship to specific public purposes of programs provided or 19500  
administered by the board. A resolution giving priority to certain 19501  
nonprofit organizations with respect to the donation of an item of 19502  
property shall specify the reasons why the organizations are given 19503  
that priority. 19504

(C) Members of the board of county commissioners shall 19505

consult with the Ohio ethics commission, and comply with the 19506  
provisions of Chapters 102. and 2921. of the Revised Code, with 19507  
respect to any sale or donation under division (A) or (B) of this 19508  
section to a nonprofit organization of which a county 19509  
commissioner, any member of the county commissioner's family, or 19510  
any business associate of the county commissioner is a trustee, 19511  
officer, board member, or employee. 19512

(D) Notwithstanding anything to the contrary in division (A), 19513  
(B), or (E) of this section and regardless of the property's 19514  
value, the board of county commissioners may sell or donate county 19515  
personal property, including motor vehicles, to the federal 19516  
government, the state, any political subdivision of the state, or 19517  
a county land reutilization corporation without advertisement or 19518  
public notification. 19519

(E) Notwithstanding anything to the contrary in division (A), 19520  
(B), or (G) of this section and regardless of the property's 19521  
value, the board of county commissioners may sell personal 19522  
property, including motor vehicles acquired for the use of county 19523  
officers and departments, and road machinery, equipment, tools, or 19524  
supplies, that is not needed for public use, is obsolete, or is 19525  
unfit for the use for which it was acquired, by internet auction. 19526  
The board shall adopt, during each calendar year, a resolution 19527  
expressing its intent to sell that property by internet auction. 19528  
The resolution shall include a description of how the auctions 19529  
will be conducted and shall specify the number of days for bidding 19530  
on the property, which shall be no less than ten days, including 19531  
Saturdays, Sundays, and legal holidays. The resolution shall 19532  
indicate whether the county will conduct the auction or the board 19533  
will contract with a representative to conduct the auction and 19534  
shall establish the general terms and conditions of sale. If a 19535  
representative is known when the resolution is adopted, the 19536  
resolution shall provide contact information such as the 19537

representative's name, address, and telephone number. 19538

After adoption of the resolution, the board shall publish, in 19539  
a newspaper of general circulation in the county, notice of its 19540  
intent to sell unneeded, obsolete, or unfit-for-use county 19541  
personal property by internet auction. The notice shall include a 19542  
summary of the information provided in the resolution and shall be 19543  
published ~~at least~~ twice or as provided in section 7.16 of the 19544  
Revised Code. The second and any subsequent notice shall be 19545  
published not less than ten nor more than twenty days after the 19546  
previous notice. A similar notice also shall be posted continually 19547  
throughout the calendar year in a conspicuous place in the offices 19548  
of the county auditor and the board of county commissioners, ~~and,~~ 19549  
~~if.~~ If the county maintains a web site on the internet, the notice 19550  
shall be posted continually throughout the calendar year at that 19551  
web site. 19552

When property is to be sold by internet auction, the board or 19553  
its representative may establish a minimum price that will be 19554  
accepted for specific items and may establish any other terms and 19555  
conditions for the particular sale, including requirements for 19556  
pick-up or delivery, method of payment, and sales tax. This type 19557  
of information shall be provided on the internet at the time of 19558  
the auction and may be provided before that time upon request 19559  
after the terms and conditions have been determined by the board 19560  
or its representative. 19561

(F) When a county officer or department head determines that 19562  
county-owned personal property under the jurisdiction of the 19563  
officer or department head, including motor vehicles, road 19564  
machinery, equipment, tools, or supplies, is not of immediate 19565  
need, the county officer or department head may notify the board 19566  
of county commissioners, and the board may lease that personal 19567  
property to any municipal corporation, township, other political 19568  
subdivision of the state, or to a county land reutilization 19569

corporation. The lease shall require the county to be reimbursed 19570  
under terms, conditions, and fees established by the board, or 19571  
under contracts executed by the board. 19572

(G) If the board of county commissioners finds, by 19573  
resolution, that the county has vehicles, equipment, or machinery 19574  
that is not needed, or is unfit for public use, and the board 19575  
desires to sell the vehicles, equipment, or machinery to the 19576  
person or firm from which it proposes to purchase other vehicles, 19577  
equipment, or machinery, the board may offer to sell the vehicles, 19578  
equipment, or machinery to that person or firm, and to have the 19579  
selling price credited to the person or firm against the purchase 19580  
price of other vehicles, equipment, or machinery. 19581

(H) If the board of county commissioners advertises for bids 19582  
for the sale of new vehicles, equipment, or machinery to the 19583  
county, it may include in the same advertisement a notice of the 19584  
willingness of the board to accept bids for the purchase of 19585  
county-owned vehicles, equipment, or machinery that is obsolete or 19586  
not needed for public use, and to have the amount of those bids 19587  
subtracted from the selling price of the other vehicles, 19588  
equipment, or machinery as a means of determining the lowest 19589  
responsible bidder. 19590

(I) If a board of county commissioners determines that county 19591  
personal property is not needed for public use, or is obsolete or 19592  
unfit for the use for which it was acquired, and that the property 19593  
has no value, the board may discard or salvage that property. 19594

(J) A county engineer, in the engineer's discretion, may 19595  
dispose of scrap construction materials on such terms as the 19596  
engineer determines reasonable, including disposal without 19597  
recovery of costs, if the total value of the materials does not 19598  
exceed twenty-five thousand dollars. The engineer shall maintain 19599  
records of all dispositions made under this division, including 19600  
identification of the origin of the materials, the final 19601

disposition, and copies of all receipts resulting from the 19602  
dispositions. 19603

As used in division (I) of this section, "scrap construction 19604  
materials" means construction materials that result from a road or 19605  
bridge improvement, remain after the improvement is completed, and 19606  
are not reusable. Construction material that is metal and that 19607  
results from a road or bridge improvement and remains after the 19608  
improvement is completed is scrap construction material only if it 19609  
cannot be used in any other road or bridge improvement or other 19610  
project in its current state. 19611

**Sec. 307.676.** (A) As used in this section: 19612

(1) "Food and beverages" means any raw, cooked, or processed 19613  
edible substance used or intended for use in whole or in part for 19614  
human consumption, including ice, water, spirituous liquors, wine, 19615  
mixed beverages, beer, soft drinks, soda, and other beverages. 19616

(2) "Convention facilities authority" has the same meaning as 19617  
in section 351.01 of the Revised Code. 19618

(3) "Convention center" has the same meaning as in section 19619  
307.695 of the Revised Code. 19620

(B) The legislative authority of a county with a population 19621  
of one million or more according to the most recent federal 19622  
decennial census may, by resolution adopted on or before August 19623  
30, 2004, by a majority of the members of the legislative 19624  
authority and with the subsequent approval of a majority of the 19625  
electors of the county voting upon it, levy a tax of not more than 19626  
two per cent on every retail sale in the county of food and 19627  
beverages to be consumed on the premises where sold to pay the 19628  
expenses of administering the tax and to provide revenues for the 19629  
county general fund. Such resolution shall direct the board of 19630  
elections to submit the question of levying the tax to the 19631



electors of the county at the next primary or general election in 19632  
the county occurring not less than ninety days after the 19633  
resolution is certified to the board of elections, and such 19634  
resolution may further direct the board of elections to include 19635  
upon the ballot submitted to the electors any specific purposes 19636  
for which the tax will be used. The legislative authority shall 19637  
establish all regulations necessary to provide for the 19638  
administration and allocation of the tax. The regulations may 19639  
prescribe the time for payment of the tax and may provide for 19640  
imposition of a penalty, interest, or both for late payments, 19641  
provided that any such penalty may not exceed ten per cent of the 19642  
amount of tax due and the rate at which interest accrues may not 19643  
exceed the rate per annum required under section 5703.47 of the 19644  
Revised Code. 19645

(C) A tax levied under this section shall remain in effect 19646  
for the period of time specified in the resolution or ordinance 19647  
levying the tax, but in no case for a longer period than forty 19648  
years. 19649

(D) A tax levied under this section is in addition to any 19650  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 19651  
or any other chapter of the Revised Code. "Price," as defined in 19652  
sections 5739.01 and 5741.01 of the Revised Code, does not include 19653  
any tax levied under this section and any tax levied under this 19654  
section does not include any tax imposed under Chapter 5739. or 19655  
5741. of the Revised Code. 19656

(E)(1) No amount collected from a tax levied under this 19657  
section shall be contributed to a convention facilities authority, 19658  
corporation, or other entity created after July 1, 2003, for the 19659  
principal purpose of constructing, improving, expanding, 19660  
equipping, financing, or operating a convention center unless the 19661  
mayor of the municipal corporation in which the convention center 19662  
is to be operated by that convention facilities authority, 19663

corporation, or other entity has consented to the creation of that 19664  
convention facilities authority, corporation, or entity. 19665  
Notwithstanding any contrary provision of section 351.04 of the 19666  
Revised Code, if a tax is levied by a county under this section, 19667  
the board of county commissioners of that county may determine the 19668  
manner of selection, the qualifications, the number, and terms of 19669  
office of the members of the board of directors of any convention 19670  
facilities authority, corporation, or other entity described in 19671  
division (E)(1) of this section. 19672

(2)(a) No amount collected from a tax levied under this 19673  
section may be used for any purpose other than paying the direct 19674  
and indirect costs of constructing, improving, expanding, 19675  
equipping, financing, or operating a convention center and for the 19676  
real and actual costs of administering the tax, unless, prior to 19677  
the adoption of the resolution of the legislative authority of the 19678  
county directing the board of elections to submit the question of 19679  
the levy, extension, or increase to the electors of the county, 19680  
the county and the mayor of the most populous municipal 19681  
corporation in that county have entered into an agreement as to 19682  
the use of such amounts, provided that such agreement has been 19683  
approved by a majority of the mayors of the other municipal 19684  
corporations in that county. The agreement shall provide that the 19685  
amounts to be used for purposes other than paying the convention 19686  
center or administrative costs described in division (E)(2)(a) of 19687  
this section be used only for the direct and indirect costs of 19688  
capital improvements in accordance with the agreement, including 19689  
the financing of capital improvements. Immediately following the 19690  
execution of the agreement, the county shall: 19691

(i) In accordance with section 7.12 of the Revised Code, 19692  
cause the agreement to be published ~~at least~~ once in a newspaper 19693  
of general circulation in that county; or 19694

(ii) Post the agreement in at least five public places in the 19695

county, as determined by the legislative authority, for a period 19696  
not less than fifteen days. 19697

(b) If the county in which the tax is levied has an 19698  
association of mayors and city managers, the approval of that 19699  
association of an agreement described in division (E)(2)(a) of 19700  
this section shall be considered to be the approval of the 19701  
majority of the mayors of the other municipal corporations for 19702  
purposes of that division. 19703

(F) Each year, the auditor of state shall conduct an audit of 19704  
the uses of any amounts collected from taxes levied under this 19705  
section and shall prepare a report of the auditor of state's 19706  
findings. The auditor of state shall submit the report to the 19707  
legislative authority of the county that has levied the tax, the 19708  
speaker of the house of representatives, the president of the 19709  
senate, and the leaders of the minority parties of the house of 19710  
representatives and the senate. 19711

(G) The levy of any taxes under Chapter 5739. of the Revised 19712  
Code on the same transactions subject to a tax under this section 19713  
does not prevent the levy of a tax under this section. 19714

**Sec. 307.70.** In any county electing a county charter 19715  
commission, the board of county commissioners shall appropriate 19716  
money for the expenses of such commission in the preparation of a 19717  
county charter, or charter amendment, and the study of problems 19718  
involved. No appropriation shall be made for the compensation of 19719  
members of the commission for their services. The board shall 19720  
appropriate money for the printing and mailing or otherwise 19721  
distributing to each elector in the county, as far as may be 19722  
reasonably possible, a copy of a charter submitted to the electors 19723  
of the county by a charter commission or by the board pursuant to 19724  
petition as provided by Section 4 of Article X, Ohio Constitution. 19725  
The copy of the charter shall be mailed or otherwise distributed 19726

at least thirty days prior to the election. The board shall 19727  
appropriate money for the printing and distribution or publication 19728  
of proposed amendments to a charter submitted by a charter 19729  
commission pursuant to Section 4 of Article X, Ohio Constitution. 19730  
Notice of amendments to a county charter shall be given by mailing 19731  
or otherwise distributing a copy of each proposed amendment to 19732  
each elector in the county, as far as may be reasonably possible, 19733  
at least thirty days prior to the election or, if the board so 19734  
determines, by publishing the full text of the proposed amendments 19735  
once a week for at least two consecutive weeks in a newspaper 19736  
~~published in the county. If no newspaper is published in the~~ 19737  
~~county or the board is unable to obtain publication in a newspaper~~ 19738  
~~published in the county, the proposed amendments may be published~~ 19739  
~~in a newspaper~~ of general circulation within the county, or as 19740  
provided in section 7.16 of the Revised Code. No public officer is 19741  
precluded, because of being a public officer, from also holding 19742  
office as a member of a county charter commission, except that not 19743  
more than four officeholders may be elected to a county charter 19744  
commission at the same time. No member of a county charter 19745  
commission, because of charter commission membership, is precluded 19746  
from seeking or holding other public office. 19747

**Sec. 307.79.** (A) The board of county commissioners may adopt, 19748  
amend, and rescind rules establishing technically feasible and 19749  
economically reasonable standards to achieve a level of management 19750  
and conservation practices that will abate wind or water erosion 19751  
of the soil or abate the degradation of the waters of the state by 19752  
soil sediment in conjunction with land grading, excavating, 19753  
filling, or other soil disturbing activities on land used or being 19754  
developed for nonfarm commercial, industrial, residential, or 19755  
other nonfarm purposes, and establish criteria for determination 19756  
of the acceptability of those management and conservation 19757  
practices. The rules shall be designed to implement the applicable 19758

areawide waste treatment management plan prepared under section 19759  
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 19760  
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 19761  
the storm water program of the national pollutant discharge 19762  
elimination system established in 40 C.F.R. Part 122. The rules to 19763  
implement phase II of the storm water program of the national 19764  
pollutant discharge elimination system shall not be inconsistent 19765  
with, more stringent than, or broader in scope than the rules or 19766  
regulations adopted by the environmental protection agency under 19767  
40 C.F.R. Part 122. The rules adopted under this section shall not 19768  
apply inside the limits of municipal corporations or the limits of 19769  
townships with a limited home rule government that have adopted 19770  
rules under section 504.21 of the Revised Code, to lands being 19771  
used in a strip mine operation as defined in section 1513.01 of 19772  
the Revised Code, or to land being used in a surface mine 19773  
operation as defined in section 1514.01 of the Revised Code. 19774

19775  
The rules adopted under this section may require persons to 19776  
file plans governing erosion control, sediment control, and water 19777  
management before clearing, grading, excavating, filling, or 19778  
otherwise wholly or partially disturbing one or more contiguous 19779  
acres of land owned by one person or operated as one development 19780  
unit for the construction of nonfarm buildings, structures, 19781  
utilities, recreational areas, or other similar nonfarm uses. If 19782  
the rules require plans to be filed, the rules shall do all of the 19783  
following: 19784

(1) Designate the board itself, its employees, or another 19785  
agency or official to review and approve or disapprove the plans; 19786

(2) Establish procedures and criteria for the review and 19787  
approval or disapproval of the plans; 19788

(3) Require the designated entity to issue a permit to a 19789  
person for the clearing, grading, excavating, filling, or other 19790

project for which plans are approved and to deny a permit to a person whose plans have been disapproved; 19791  
19792

(4) Establish procedures for the issuance of the permits; 19793

(5) Establish procedures under which a person may appeal the denial of a permit. 19794  
19795

Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections. 19796  
19797  
19798  
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19800

No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water resources in the department of natural resources. 19801  
19802  
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(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings, or as provided in section 7.16 of the Revised Code. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the thirty-first day following the date of their adoption. 19808  
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(C) The board of county commissioners may employ personnel to assist in the administration of this section and the rules adopted under it. The board also, if the action does not conflict with the 19819  
19820  
19821

rules, may delegate duties to review sediment control and water 19822  
management plans to its employees, and may enter into agreements 19823  
with one or more political subdivisions, other county officials, 19824  
or other government agencies, in any combination, in order to 19825  
obtain reviews and comments on plans governing erosion control, 19826  
sediment control, and water management or to obtain other services 19827  
for the administration of the rules adopted under this section. 19828

(D) The board of county commissioners or any duly authorized 19829  
representative of the board may, upon identification to the owner 19830  
or person in charge, enter any land upon obtaining agreement with 19831  
the owner, tenant, or manager of the land in order to determine 19832  
whether there is compliance with the rules adopted under this 19833  
section. If the board or its duly authorized representative is 19834  
unable to obtain such an agreement, the board or representative 19835  
may apply for, and a judge of the court of common pleas for the 19836  
county where the land is located may issue, an appropriate 19837  
inspection warrant as necessary to achieve the purposes of this 19838  
chapter. 19839

(E)(1) If the board of county commissioners or its duly 19840  
authorized representative determines that a violation of the rules 19841  
adopted under this section exists, the board or representative may 19842  
issue an immediate stop work order if the violator failed to 19843  
obtain any federal, state, or local permit necessary for sediment 19844  
and erosion control, earth movement, clearing, or cut and fill 19845  
activity. In addition, if the board or representative determines 19846  
such a rule violation exists, regardless of whether or not the 19847  
violator has obtained the proper permits, the board or 19848  
representative may authorize the issuance of a notice of 19849  
violation. If, after a period of not less than thirty days has 19850  
elapsed following the issuance of the notice of violation, the 19851  
violation continues, the board or its duly authorized 19852  
representative shall issue a second notice of violation. Except as 19853

provided in division (E)(3) of this section, if, after a period of 19854  
not less than fifteen days has elapsed following the issuance of 19855  
the second notice of violation, the violation continues, the board 19856  
or its duly authorized representative may issue a stop work order 19857  
after first obtaining the written approval of the prosecuting 19858  
attorney of the county if, in the opinion of the prosecuting 19859  
attorney, the violation is egregious. 19860

Once a stop work order is issued, the board or its duly 19861  
authorize representative shall request, in writing, the 19862  
prosecuting attorney of the county to seek an injunction or other 19863  
appropriate relief in the court of common pleas to abate excessive 19864  
erosion or sedimentation and secure compliance with the rules 19865  
adopted under this section. If the prosecuting attorney seeks an 19866  
injunction or other appropriate relief, then, in granting relief, 19867  
the court of common pleas may order the construction of sediment 19868  
control improvements or implementation of other control measures 19869  
and may assess a civil fine of not less than one hundred or more 19870  
than five hundred dollars. Each day of violation of a rule or stop 19871  
work order issued under this section shall be considered a 19872  
separate violation subject to a civil fine. 19873

(2) The person to whom a stop work order is issued under this 19874  
section may appeal the order to the court of common pleas of the 19875  
county in which it was issued, seeking any equitable or other 19876  
appropriate relief from that order. 19877

(3) No stop work order shall be issued under this section 19878  
against any public highway, transportation, or drainage 19879  
improvement or maintenance project undertaken by a government 19880  
agency or political subdivision in accordance with a statement of 19881  
its standard sediment control policies that is approved by the 19882  
board or the chief of the division of soil and water resources in 19883  
the department of natural resources. 19884

(F) No person shall violate any rule adopted or order issued 19885



under this section. Notwithstanding division (E) of this section, 19886  
if the board of county commissioners determines that a violation 19887  
of any rule adopted or administrative order issued under this 19888  
section exists, the board may request, in writing, the prosecuting 19889  
attorney of the county to seek an injunction or other appropriate 19890  
relief in the court of common pleas to abate excessive erosion or 19891  
sedimentation and secure compliance with the rules or order. In 19892  
granting relief, the court of common pleas may order the 19893  
construction of sediment control improvements or implementation of 19894  
other control measures and may assess a civil fine of not less 19895  
than one hundred or more than five hundred dollars. Each day of 19896  
violation of a rule adopted or administrative order issued under 19897  
this section shall be considered a separate violation subject to a 19898  
civil fine. 19899

**Sec. 307.791.** The question of repeal of a county sediment 19900  
control rule adopted under section 307.79 of the Revised Code may 19901  
be initiated by filing with the board of elections of the county 19902  
not less than ninety days before the general or primary election 19903  
in any year a petition requesting that an election be held on such 19904  
question. Such petition shall be signed by qualified electors 19905  
residing in the county equal in number to ten per cent of those 19906  
voting for governor at the most recent gubernatorial election in 19907  
the county. 19908

After determination by it that such petition is valid, the 19909  
board of elections shall submit the question to the electors of 19910  
the county at the next general or primary election. The election 19911  
shall be conducted, canvassed, and certified in the same manner as 19912  
regular elections for county offices in the county. Notice of the 19913  
election shall be published in a newspaper of general circulation 19914  
in the county once a week for two consecutive weeks prior to the 19915  
election ~~and, if or as provided in section 7.16 of the Revised~~ 19916  
Code. If the board of elections operates and maintains a web site, 19917

notice of the election also shall be posted on that web site for 19918  
thirty days prior to the election. The notice shall state the 19919  
purpose, time, and place of the election and ~~the complete text a~~ 19920  
succinct summary of each rule sought to be repealed. The form of 19921  
the ballot cast at such election shall be prescribed by the 19922  
secretary of state. The question covered by such petition shall be 19923  
submitted as a separate proposition, but it may be printed on the 19924  
same ballot with any other proposition submitted at the same 19925  
election other than the election of officers. If a majority of the 19926  
qualified electors voting on the question of repeal approve the 19927  
repeal, the result of the election shall be certified immediately 19928  
after the canvass by the board of elections to the board of county 19929  
commissioners, who shall thereupon rescind the rule. 19930

**Sec. 307.80.** The board of county commissioners of any county 19931  
may, by resolution, establish a county microfilming board. The 19932  
county microfilming board shall consist of the county treasurer or 19933  
~~his~~ the treasurer's representative, the county auditor or ~~his~~ the 19934  
auditor's representative, the clerk of the court of common pleas 19935  
or ~~his~~ the clerk's representative, a member or representative of 19936  
the board of county commissioners chosen by the board of county 19937  
commissioners, and the county recorder or ~~his~~ the recorder's 19938  
representative who shall serve as secretary. 19939

After the initial meeting of the county microfilming board, 19940  
no county office shall purchase, lease, operate, or contract for 19941  
the use of any microfilming or other image processing equipment, 19942  
software, or services without prior approval of the board. 19943

As used in sections 307.80 to 307.806 of the Revised Code, 19944  
"county office" means any officer, department, board, commission, 19945  
agency, court, or other office of the county and the court of 19946  
common pleas. The county hospital shall not be considered a 19947  
"county office" when the county hospital uses microfilming to 19948

record and store for future access physical and psychiatric 19949  
examinations or treatment records of its patients. The county 19950  
hospital shall participate, at the request of the county 19951  
microfilming board, in purchasing film and equipment and in 19952  
entering into contracts for services for microfilming. 19953

**Sec. 307.801.** Within ninety days after a county microfilming 19954  
board has been established, it shall hold its initial meeting at 19955  
such time as the secretary of the board determines. Thereafter, 19956  
the board shall meet annually on the ~~third~~ second Monday in 19957  
January and at such other times and places as the secretary 19958  
determines. The secretary shall, within five days after receiving 19959  
a written request from any other member of the board, call the 19960  
board together for a meeting. A majority of the board constitutes 19961  
a quorum at any regular or special meeting. 19962

The board may, by unanimous consent, adopt such rules as it 19963  
considers necessary for its operation, but no rule of the board 19964  
shall derogate the authority or responsibility of any elected 19965  
official. 19966

**Sec. 307.802.** The county microfilming board shall coordinate 19967  
the use of all microfilming or image processing equipment, 19968  
software, or services in use throughout the county offices at the 19969  
time the board is established. 19970

The board may, in writing, authorize any county office to 19971  
contract for microfilming or image processing services, or operate 19972  
or acquire microfilming or image processing equipment or software, 19973  
where the board determines such action is desirable. The 19974  
authorization shall be signed by a majority of the members of the 19975  
board and shall be filed in the office of the board of county 19976  
commissioners. 19977

The county microfilming board may establish a microfilming 19978

center which shall provide a centralized system for the use of 19979  
microfilming or image processing equipment, software, or services 19980  
for all county offices. 19981

**Sec. 307.803.** The board of county commissioners may purchase, 19982  
lease, or otherwise acquire any microfilming or image processing 19983  
equipment, software, or services that the board determines is 19984  
necessary, or that the county microfilming board or county board 19985  
of information services and records management authorizes, from 19986  
funds budgeted and appropriated by the board of county 19987  
commissioners for such purposes. 19988

**Sec. 307.806.** The county microfilming board may enter into a 19989  
contract with the legislative authorities of any municipal 19990  
corporation, township, port authority, water or sewer district, 19991  
school district, library district, county law library association, 19992  
health district, park district, soil and water conservation 19993  
district, conservancy district, other taxing district, regional 19994  
council established pursuant to Chapter 167. of the Revised Code, 19995  
or otherwise, county land reutilization corporation organized 19996  
under Chapter 1724. of the Revised Code, or with the board of 19997  
county commissioners or the microfilming board of any other 19998  
county, or with any other federal or state governmental agency, 19999  
and such authorities may enter into contracts with the county 20000  
microfilming board, to provide microfilming or image processing 20001  
services to any of them. The board shall establish a schedule of 20002  
charges upon which the cost of providing such services shall be 20003  
based. All moneys collected by the board for services rendered 20004  
pursuant to contracts entered into under this section shall be 20005  
deposited in the county general fund; however, such moneys may be 20006  
segregated into a special fund in the county treasury until the 20007  
end of the calendar year. County offices may also be charged for 20008  
such services and the appropriation so charged and the 20009

appropriation of the board so credited. 20010

**Sec. 307.81.** (A) Where lands have been dedicated to or for 20011  
the use of the public for parks or park lands, and where such 20012  
lands have remained unimproved and unused by the public and there 20013  
appears to be little or no possibility that such lands will be 20014  
improved and used by the public, the board of county commissioners 20015  
of the county in which the lands are located may, by resolution, 20016  
declare such parks or park lands vacated upon the petition of a 20017  
majority of the abutting freeholders. No such parks or park lands 20018  
shall be vacated unless notice of the pendency and prayer of the 20019  
petition is given in a newspaper of general circulation in the 20020  
county in which such lands are situated for three consecutive 20021  
weeks preceding action on such petition or as provided in section 20022  
7.16 of the Revised Code. No such lands shall be vacated prior to 20023  
a public hearing had thereon. 20024

(B) Before the board of county commissioners may act on a 20025  
petition to vacate unimproved and unused parks or park lands under 20026  
division (A) of this section, the board shall offer such parks or 20027  
park lands to all political subdivisions described in division (C) 20028  
of this section. The board shall give notice to those political 20029  
subdivisions by first class mail that the parks or park lands may 20030  
be declared vacated unless the board of county commissioners 20031  
accepts an offer from another political subdivision to buy or 20032  
lease the lands. The failure of delivery of any such notice does 20033  
not invalidate any proceedings for the disposition of parks or 20034  
park lands under this division. Any such political subdivision 20035  
that wishes to buy or lease the parks or park lands shall make an 20036  
offer for the lands to the board in writing not later than ninety 20037  
days after receiving the notice. The board may reject any offer, 20038  
except that if it receives an offer in which the political 20039  
subdivision agrees to use the lands for park purposes and in which 20040  
the board finds all of the other terms acceptable, the board shall 20041

accept that offer. No offer shall be accepted until notice of the 20042  
offer is published for three consecutive weeks in a newspaper of 20043  
general circulation in the county in which the lands are situated 20044  
or as provided in section 7.16 of the Revised Code, and a public 20045  
hearing is held. Proceeds from the sale or lease of the lands 20046  
shall be placed in the general fund of the county and be disbursed 20047  
as prescribed in section 307.82 of the Revised Code. Any deed 20048  
conveying the lands shall be executed as provided in that section. 20049

(C) In order to receive a notice or to make an offer 20050  
regarding parks or park lands under division (B) of this section, 20051  
a political subdivision must meet both of the following 20052  
conditions: 20053

(1) Have the authority to acquire, develop, and maintain 20054  
public parks or recreation areas; 20055

(2) Contain the parks or park lands in question within its 20056  
boundaries, or adjoin a political subdivision that contains those 20057  
parks or park lands within its boundaries. 20058

**Sec. 307.82.** Upon the vacation of parks or park lands, the 20059  
board of county commissioners shall offer such lands for sale at a 20060  
public auction at the courthouse of the county in which such lands 20061  
are situated. No lands shall be sold until the board gives notice 20062  
of intention to sell such lands. Such notice shall be published 20063  
once a week for four consecutive weeks in a newspaper of general 20064  
circulation in the county in which sale is to be had or as 20065  
provided in section 7.16 of the Revised Code. The board shall sell 20066  
such lands to the highest and best bidder, provided, the board may 20067  
reject any and all bids made hereunder. 20068

When such sale is made, the auditor of the county in which 20069  
sale is had and in which such lands are located, shall enter into 20070  
a deed, conveying said lands to the purchaser thereof. At the time 20071  
of sale, the auditor shall place the lands sold hereunder on the 20072

tax duplicate of the county at a value to be established by ~~him~~ 20073  
the auditor as in cases where ~~he~~ the auditor re-enters property 20074  
which has been tax exempt on the taxable list of the county. 20075

The proceeds from the sale of lands sold pursuant to this 20076  
section shall be placed in the general fund of the county in which 20077  
such lands are located and may be disbursed as other general fund 20078  
moneys. 20079

**Sec. 307.83.** When real estate which has been dedicated to or 20080  
for the use of the public for parks or park lands is vacated by 20081  
the board of county commissioners pursuant to division (A) of 20082  
section 307.81 of the Revised Code or is to be sold or leased for 20083  
nonpark use under division (B) of that section, and where 20084  
reversionary interests have been set up in the event of the 20085  
non-use of such lands for the dedicated purpose, such reversionary 20086  
interests shall accelerate and vest in the holders thereof upon 20087  
such vacation, or prior to the acceptance of an offer to buy or 20088  
lease the land. Thereupon the auditor of the county shall place 20089  
the lands on the tax duplicate of the county in the names of such 20090  
reversioners as are known to the board of county commissioners. If 20091  
the board is unable to establish the names of such reversioners, 20092  
it shall fix a date on or before which claims to such real estate 20093  
may be asserted and after which such real estate shall be sold or 20094  
leased. The board shall give notice of such date and of the sale 20095  
or lease to be held thereafter, once each week for four 20096  
consecutive weeks in a newspaper of general circulation in the 20097  
county wherein such lands are located or as provided in section 20098  
7.16 of the Revised Code. In the event that no claims to such 20099  
lands are asserted or found to be valid, the lands shall be sold 20100  
pursuant to section 307.82 of the Revised Code in the case of a 20101  
vacation of the lands pursuant to division (A) of section 307.81 20102  
of the Revised Code, or be sold or leased pursuant to division (B) 20103  
of section 307.81 of the Revised Code if an agreement with a 20104

political subdivision is entered into under that division, and the 20105  
title of any holders of reversionary interests shall be 20106  
extinguished. 20107

**Sec. 307.84.** The board of county commissioners of any county 20108  
may, by resolution, establish a county automatic data processing 20109  
board. The board shall consist of the county treasurer or the 20110  
county treasurer's representative, the county recorder or the 20111  
county recorder's representative, the clerk of the court of common 20112  
pleas or the clerk's representative, a member or representative of 20113  
the board of county commissioners chosen by the board, two members 20114  
or representatives of the board of elections chosen by the board 20115  
of elections one of whom shall be a member of the political party 20116  
receiving the greatest number of votes at the most recent general 20117  
election for the office of governor and one of whom shall be a 20118  
member of the political party receiving the second greatest number 20119  
of votes at such an election, if the board of elections desires to 20120  
participate, and the county auditor or the county auditor's 20121  
representative who shall serve as secretary. The members of the 20122  
county automatic data processing board may by majority vote add to 20123  
the board any additional members whose officers use the facilities 20124  
of the board. 20125

After the initial meeting of the county automatic data 20126  
processing board, no county office shall purchase, lease, operate, 20127  
or contract for the use of any automatic or electronic data 20128  
processing or record-keeping equipment, software, or services 20129  
without prior approval of the board. 20130

As used in sections 307.84 to 307.846 of the Revised Code, 20131  
"county office" means any officer, department, board, commission, 20132  
agency, court, or other office of the county, other than a board 20133  
of county hospital trustees. 20134



**Sec. 307.842.** The county automatic data processing board 20135  
shall coordinate the use of all automatic or electronic data 20136  
processing or record-keeping equipment, software, or services in 20137  
use throughout the county offices at the time the board is 20138  
established. 20139

The board may, in writing, authorize any county office to 20140  
contract for automatic or electronic data processing or 20141  
record-keeping services, or operate or acquire automatic or 20142  
electronic data processing or record-keeping equipment, where the 20143  
board determines such action is desirable. The authorization shall 20144  
be signed by a majority of the members of the board and shall be 20145  
filed in the office of the board of county commissioners. 20146

The county automatic data processing board may establish an 20147  
automatic data processing center which shall provide a centralized 20148  
system for the use of automatic or electronic data processing or 20149  
record-keeping equipment, software, or services for all county 20150  
offices. 20151

**Sec. 307.843.** The board of county commissioners may purchase, 20152  
lease, or otherwise acquire any automatic or electronic data 20153  
processing or record-keeping equipment, software, or services that 20154  
the board determines is necessary, or that the county automatic 20155  
data processing board recommends, from funds budgeted and 20156  
appropriated by the board of county commissioners for such 20157  
purposes. 20158

**Sec. 307.846.** The county automatic data processing board may 20159  
enter into a contract with the legislative authorities of any 20160  
municipal corporation, township, port authority, water or sewer 20161  
district, school district, library district, county law library 20162  
association, health district, park district, soil and water 20163  
conservation district, conservancy district, other taxing 20164

district, regional council established pursuant to Chapter 167. of 20165  
the Revised Code, county land reutilization corporation organized 20166  
under Chapter 1724. of the Revised Code, or otherwise or with the 20167  
board of county commissioners or the automatic data processing 20168  
board of any other county, or with any other federal or state 20169  
governmental agency, and such authorities or entities may enter 20170  
into contracts with the county automatic data processing board, to 20171  
provide automatic or electronic data processing or record-keeping 20172  
services to any of them. The board shall establish a schedule of 20173  
charges upon which the cost of providing such services shall be 20174  
based. All moneys collected by the board for services rendered 20175  
pursuant to contracts entered into under this section shall be 20176  
deposited in the county general fund; however, such moneys may be 20177  
segregated into a special fund in the county treasury until the 20178  
end of the calendar year. County offices may also be charged for 20179  
such services and the appropriation so charged and the 20180  
appropriation of the board so credited. 20181

Sec. 307.847. (A) In lieu of having a county records 20182  
commission and a county microfilming board, a board of county 20183  
commissioners may, by resolution, require the county automatic 20184  
data processing board established under section 307.84 of the 20185  
Revised Code to coordinate the management of information resources 20186  
of the county, the records and information management operations 20187  
of all county offices, and the various records and information 20188  
technologies acquired and operated by county offices. The 20189  
resolution requiring the board to assume these duties shall 20190  
specify the date on which the county records commission and the 20191  
county microfilming board no longer exist. If the duties of the 20192  
county automatic data processing board are expanded under this 20193  
section, the prosecuting attorney, county engineer, county 20194  
coroner, sheriff, and a judge of the court of common pleas 20195  
selected by a majority vote of all judges of the court shall be 20196

added to the membership of the board. Any of these additional 20197  
members may designate a representative to serve on that member's 20198  
behalf. 20199

After a resolution is adopted under this section, no county 20200  
office shall purchase, lease, operate, or contract for the use of 20201  
any automatic data processing equipment, software, or services; 20202  
microfilming equipment or services; records center or archives 20203  
facilities; or any other image processing or electronic data 20204  
processing or record-keeping equipment, software, or services 20205  
without prior approval of the board. The board may adopt such 20206  
rules as it considers necessary for its operation, but no rule 20207  
shall derogate the authority or responsibility of any county 20208  
elected official. The board's rules may include any regulations or 20209  
standards the board wishes to impose. For purposes of this 20210  
section, "county office" means any officer, department, board, 20211  
commission, agency, court, or other office of the county and the 20212  
court of common pleas, except that in the case of microfilming 20213  
equipment, "county office" does not include the county hospital 20214  
when the county hospital uses microfilming to record and store for 20215  
future access physical and psychiatric examinations or treatment 20216  
records of its patients. The county hospital shall participate, at 20217  
the request of the county automatic data processing board, in 20218  
purchasing film and equipment and in entering into contracts for 20219  
services for microfilming. 20220

(B) In the resolution expanding the duties of the county 20221  
automatic data processing board adopted under this section, the 20222  
board of county commissioners shall designate the date on which 20223  
all equipment, records, files, effects, and other personal 20224  
property; contractual obligations; and assets and liabilities of 20225  
the county records commission and the county microfilming board 20226  
shall be transferred to the county automatic data processing 20227  
board. 20228

For purposes of succession of the functions, powers, duties, and obligations of the county records commission and the county microfilming board transferred and assigned to, devolved upon, and assumed by the county automatic data processing board under this section, the county automatic data processing board shall be deemed to constitute the continuation of the county records commission and the county microfilming board, as applicable.

Any business, proceeding, or other matter undertaken or commenced by the county records commission or the county microfilming board pertaining to or connected with the functions, powers, duties, and obligations transferred or assigned and pending on the date of the transfer of duties to the county automatic data processing board shall be conducted, prosecuted or defended, and completed by the county automatic data processing board in the same manner and with the same effect as if conducted by the county records commission or the county microfilming board. In all such actions and proceedings, the county automatic data processing board shall be substituted as a party.

All rules, acts, determinations, approvals, and decisions of the county records commission or the county microfilming board pertaining to the functions transferred and assigned under this section to the county automatic data processing board in force at the time of the transfer, assignment, assumption, or devolution shall continue in force as rules, acts, determinations, approvals, and decisions of the county automatic data processing board until duly modified or repealed by the board.

Wherever the functions, powers, duties, and obligations of the county records commission or the county microfilming board are referred to or designated in any law, contract, or other document pertaining to those functions, powers, duties, and obligations, the reference or designation shall be deemed to refer to the county automatic data processing board, as appropriate.

No existing right or remedy of any character shall be lost, impaired, or affected by reason of the transfer of duties to the county automatic data processing board, except insofar as those rights and remedies are administered by the county automatic data processing board. 20261  
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(C) Except for provisions regarding the microfilming, the county automatic data processing board shall have the powers, duties, and functions of the county records commission as provided in section 149.38 of the Revised Code and the county microfilming board as provided in section 307.802 of the Revised Code. 20266  
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(D) The county automatic data processing board may establish an automatic data processing center, microfilming center, records center, archives, and any other centralized or decentralized facilities it considers necessary to fulfill its duties. Any such centralized facilities shall be used by all county offices. The establishment of either centralized or decentralized facilities shall be contingent on the appropriation of funds by the board of county commissioners. 20271  
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The county auditor shall be the chief administrator of either centralized or decentralized facilities, as provided under section 307.844 of the Revised Code. 20279  
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The county auditor shall prepare an annual estimate of the revenues and expenditures of the county automatic data processing board for the ensuing fiscal year and submit it to the board of county commissioners as provided in section 5705.28 of the Revised Code. The estimate shall be sufficient to take care of all the needs of the county automatic data processing board, including, but not limited to, salaries, rental, and purchase of equipment. The board's funds shall be disbursed by the county auditor's warrant drawn on the county treasury five days after receipt of a voucher approved by a majority of that board and by a majority of the board of county commissioners. 20282  
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On the first Monday in April of each year the county auditor shall file with the county automatic data processing board and the board of county commissioners a report of the operations of each center and a statement of each center's receipts and expenditures during the preceding calendar year.

(E) With the approval of the board of county commissioners, the county automatic data processing board may enter into a contract with the legislative authority of any municipal corporation, township, port authority, water or sewer district, school district, library district, county law library association, health district, park district, soil and water conservation district, conservancy district, other taxing district, or regional council established under Chapter 167. of the Revised Code, or with the board of county commissioners or the automatic data processing board or microfilming board of any other county, or with any other federal or state governmental agency, and such authorities may enter into contracts with the county automatic data processing board to provide microfilming, automatic data processing, or other image processing or electronic data processing or record-keeping services to any of them. The board shall establish a schedule of charges upon which the cost of providing such services shall be based. All moneys collected by the board for services rendered pursuant to contracts entered into under this section shall be deposited in the county general fund, although these moneys may be segregated into a special fund in the county treasury until the end of the calendar year. County offices also may be charged for such services and the appropriations of those offices so charged and the appropriation of the county automatic data processing board so credited.

**Sec. 307.86.** Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction,

reconstruction, improvement, maintenance, repair, or service, 20325  
except the services of an accountant, architect, attorney at law, 20326  
physician, professional engineer, construction project manager, 20327  
consultant, surveyor, or appraiser, by or on behalf of the county 20328  
or contracting authority, as defined in section 307.92 of the 20329  
Revised Code, at a cost in excess of twenty-five thousand dollars, 20330  
except as otherwise provided in division (D) of section 713.23 and 20331  
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 20332  
307.861, 339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 20333  
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall 20334  
be obtained through competitive bidding. However, competitive 20335  
bidding is not required when any of the following applies: 20336

(A) The board of county commissioners, by a unanimous vote of 20337  
its members, makes a determination that a real and present 20338  
emergency exists, and that determination and the reasons for it 20339  
are entered in the minutes of the proceedings of the board, when 20340  
either of the following applies: 20341

(1) The estimated cost is less than fifty thousand dollars. 20342

(2) There is actual physical disaster to structures, radio 20343  
communications equipment, or computers. 20344

For purposes of this division, "unanimous vote" means all 20345  
three members of a board of county commissioners when all three 20346  
members are present, or two members of the board if only two 20347  
members, constituting a quorum, are present. 20348

Whenever a contract of purchase, lease, or construction is 20349  
exempted from competitive bidding under division (A)(1) of this 20350  
section because the estimated cost is less than fifty thousand 20351  
dollars, but the estimated cost is twenty-five thousand dollars or 20352  
more, the county or contracting authority shall solicit informal 20353  
estimates from no fewer than three persons who could perform the 20354  
contract, before awarding the contract. With regard to each such 20355

contract, the county or contracting authority shall maintain a 20356  
record of such estimates, including the name of each person from 20357  
whom an estimate is solicited. The county or contracting authority 20358  
shall maintain the record for the longer of at least one year 20359  
after the contract is awarded or the amount of time the federal 20360  
government requires. 20361

(B)(1) The purchase consists of supplies or a replacement or 20362  
supplemental part or parts for a product or equipment owned or 20363  
leased by the county, and the only source of supply for the 20364  
supplies, part, or parts is limited to a single supplier. 20365

(2) The purchase consists of services related to information 20366  
technology, such as programming services, that are proprietary or 20367  
limited to a single source. 20368

(C) The purchase is from the federal government, the state, 20369  
another county or contracting authority of another county, or a 20370  
board of education, educational service center, township, or 20371  
municipal corporation. 20372

(D) The purchase is made by a county department of job and 20373  
family services under section 329.04 of the Revised Code and 20374  
consists of family services duties or workforce development 20375  
activities or is made by a county board of developmental 20376  
disabilities under section 5126.05 of the Revised Code and 20377  
consists of program services, such as direct and ancillary client 20378  
services, child care, case management services, residential 20379  
services, and family resource services. 20380

(E) The purchase consists of criminal justice services, 20381  
social services programs, family services, or workforce 20382  
development activities by the board of county commissioners from 20383  
nonprofit corporations or associations under programs funded by 20384  
the federal government or by state grants. 20385

(F) The purchase consists of any form of an insurance policy 20386



or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, plans, or services that the contracting authority is authorized to purchase, and the contracting authority does all of the following:

(1) Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of the purchase;

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property.

(b) The contracting authority develops requests for proposals

for leasing the property, specifying the criteria that will be 20417  
considered prior to leasing the property, including the desired 20418  
size and geographic location of the property. 20419

(c) The contracting authority receives responses from 20420  
prospective lessors with property meeting the criteria specified 20421  
in the requests for proposals by giving notice in a manner 20422  
substantially similar to the procedures established for giving 20423  
notice under section 307.87 of the Revised Code. 20424

(d) The contracting authority negotiates with the prospective 20425  
lessors to obtain a lease at the best and lowest price reasonably 20426  
possible considering the fair market value of the property and any 20427  
relocation and operational costs that may be incurred during the 20428  
period the lease is in effect. 20429

(2) The contracting authority may use the services of a real 20430  
estate appraiser to obtain advice, consultations, or other 20431  
recommendations regarding the lease of property under this 20432  
division. 20433

(J) The purchase is made pursuant to section 5139.34 or 20434  
sections 5139.41 to 5139.46 of the Revised Code and is of programs 20435  
or services that provide case management, treatment, or prevention 20436  
services to any felony or misdemeanor delinquent, unruly youth, 20437  
or status offender under the supervision of the juvenile court, 20438  
including, but not limited to, community residential care, day 20439  
treatment, services to children in their home, or electronic 20440  
monitoring. 20441

(K) The purchase is made by a public children services agency 20442  
pursuant to section 307.92 or 5153.16 of the Revised Code and 20443  
consists of family services, programs, or ancillary services that 20444  
provide case management, prevention, or treatment services for 20445  
children at risk of being or alleged to be abused, neglected, or 20446  
dependent children. 20447

(L) The purchase is to obtain the services of emergency 20448  
medical service organizations under a contract made by the board 20449  
of county commissioners pursuant to section 307.05 of the Revised 20450  
Code with a joint emergency medical services district. 20451

(M) The county contracting authority determines that the use 20452  
of competitive sealed proposals would be advantageous to the 20453  
county and the contracting authority complies with section 307.862 20454  
of the Revised Code. 20455

Any issuer of policies, contracts, plans, or services listed 20456  
in division (F) of this section and any prospective lessor under 20457  
division (I) of this section may have the issuer's or prospective 20458  
lessor's name and address, or the name and address of an agent, 20459  
placed on a special notification list to be kept by the 20460  
contracting authority, by sending the contracting authority that 20461  
name and address. The contracting authority shall send notice to 20462  
all persons listed on the special notification list. Notices shall 20463  
state the deadline and place for submitting proposals. The 20464  
contracting authority shall mail the notices at least six weeks 20465  
prior to the deadline set by the contracting authority for 20466  
submitting proposals. Every five years the contracting authority 20467  
may review this list and remove any person from the list after 20468  
mailing the person notification of that action. 20469

Any contracting authority that negotiates a contract under 20470  
division (F) of this section shall request proposals and negotiate 20471  
with issuers in accordance with that division at least every three 20472  
years from the date of the signing of such a contract, unless the 20473  
parties agree upon terms for extensions or renewals of the 20474  
contract. Such extension or renewal periods shall not exceed six 20475  
years from the date the initial contract is signed. 20476

Any real estate appraiser employed pursuant to division (I) 20477  
of this section shall disclose any fees or compensation received 20478  
from any source in connection with that employment. 20479

Sec. 308.13. (A) The board of trustees of a regional airport 20480  
authority or any officer or employee designated by such board may 20481  
make any contract for the purchase of supplies or material or for 20482  
labor for any work, under the supervision of the board, the cost 20483  
of which shall not exceed fifteen thousand dollars. Except where 20484  
the contract is for equipment, materials, or supplies available 20485  
from a qualified nonprofit agency pursuant to sections 4115.31 to 20486  
4115.35 of the Revised Code, when an expenditure, other than for 20487  
the acquisition of real estate, the discharge of noncontractual 20488  
claims, personal services, or for the product or services of 20489  
public utilities, exceeds fifteen thousand dollars, such 20490  
expenditure shall be made only after a notice calling for bids has 20491  
been published once a week for three consecutive weeks in ~~at least~~ 20492  
~~one~~ a newspaper of general circulation within the territorial 20493  
boundaries of the regional airport authority, or as provided in 20494  
section 7.16 of the Revised Code. If the bid is for a contract for 20495  
the construction, demolition, alteration, repair, or 20496  
reconstruction of an improvement, it shall meet the requirements 20497  
of section 153.54 of the Revised Code. If the bid is for any other 20498  
contract authorized by this section, it shall be accompanied by a 20499  
good and approved bond with ample security conditioned on the 20500  
carrying out of the contract. The board may let the contract to 20501  
the lowest and best bidder. Such contract shall be in writing and 20502  
shall be accompanied by or shall refer to plans and specifications 20503  
for the work to be done, approved by the board. The plans and 20504  
specifications shall at all times be made and considered part of 20505  
the contract. Said contract shall be approved by the board and 20506  
signed by its chief executive officer and by the contractor, and 20507  
shall be executed in duplicate. 20508

(B) Whenever a board of trustees of a regional airport 20509  
authority or any officer or employee designated by the board makes 20510  
a contract for the purchase of supplies or material or for labor 20511

for any work, the cost of which is greater than one thousand 20512  
dollars but no more than fifteen thousand dollars, the board or 20513  
designated officer or employee shall solicit informal estimates 20514  
from no fewer than three potential suppliers before awarding the 20515  
contract. With regard to each such contract, the board shall 20516  
maintain a record of such estimates, including the name of each 20517  
person from whom an estimate is solicited, for no less than one 20518  
year after the contract is awarded. 20519

**Sec. 311.29.** (A) As used in this section, "Chautauqua 20520  
assembly" has the same meaning as in section 4511.90 of the 20521  
Revised Code. 20522

(B) The sheriff may, from time to time, enter into contracts 20523  
with any municipal corporation, township, township police 20524  
district, joint police district, metropolitan housing authority, 20525  
port authority, water or sewer district, school district, library 20526  
district, health district, park district created pursuant to 20527  
section 511.18 or 1545.01 of the Revised Code, soil and water 20528  
conservation district, water conservancy district, or other taxing 20529  
district or with the board of county commissioners of any 20530  
contiguous county with the concurrence of the sheriff of the other 20531  
county, and such subdivisions, authorities, and counties may enter 20532  
into agreements with the sheriff pursuant to which the sheriff 20533  
undertakes and is authorized by the contracting subdivision, 20534  
authority, or county to perform any police function, exercise any 20535  
police power, or render any police service in behalf of the 20536  
contracting subdivision, authority, or county, or its legislative 20537  
authority, that the subdivision, authority, or county, or its 20538  
legislative authority, may perform, exercise, or render. 20539

Upon the execution of an agreement under this division and 20540  
within the limitations prescribed by it, the sheriff may exercise 20541  
the same powers as the contracting subdivision, authority, or 20542

county possesses with respect to such policing that by the 20543  
agreement the sheriff undertakes to perform or render, and all 20544  
powers necessary or incidental thereto, as amply as such powers 20545  
are possessed and exercised by the contracting subdivision, 20546  
authority, or county directly. 20547

Any agreement authorized by division (A), (B), or (C) of this 20548  
section shall not suspend the possession by a contracting 20549  
subdivision, authority, or county of any police power performed or 20550  
exercised or police service rendered in pursuance to the agreement 20551  
nor limit the authority of the sheriff. 20552

(C) The sheriff may enter into contracts with any Chautauqua 20553  
assembly that has grounds located within the county, and the 20554  
Chautauqua assembly may enter into agreements with the sheriff 20555  
pursuant to which the sheriff undertakes to perform any police 20556  
function, exercise any police power, or render any police service 20557  
upon the grounds of the Chautauqua assembly that the sheriff is 20558  
authorized by law to perform, exercise, or render in any other 20559  
part of the county within the sheriff's territorial jurisdiction. 20560  
Upon the execution of an agreement under this division, the 20561  
sheriff may, within the limitations prescribed by the agreement, 20562  
exercise such powers with respect to such policing upon the 20563  
grounds of the Chautauqua assembly, provided that any limitation 20564  
contained in the agreement shall not be construed to limit the 20565  
authority of the sheriff. 20566

(D) Contracts entered into under division (A), (B), or (C) of 20567  
this section shall provide for the reimbursement of the county for 20568  
the costs incurred by the sheriff for such policing including, but 20569  
not limited to, the salaries of deputy sheriffs assigned to such 20570  
policing, the current costs of funding retirement pensions and of 20571  
providing workers' compensation, the cost of training, and the 20572  
cost of equipment and supplies used in such policing, to the 20573  
extent that such equipment and supplies are not directly furnished 20574

by the contracting subdivision, authority, county, or Chautauqua 20575  
assembly. Each such contract shall provide for the ascertainment 20576  
of such costs and shall be of any duration, not in excess of four 20577  
years, and may contain any other terms that may be agreed upon. 20578  
All payments pursuant to any such contract in reimbursement of the 20579  
costs of such policing shall be made to the treasurer of the 20580  
county to be credited to a special fund to be known as the 20581  
"sheriff's policing revolving fund," hereby created. Any moneys 20582  
coming into the fund shall be used for the purposes provided in 20583  
divisions (A) to (D) of this section and paid out on vouchers by 20584  
the county commissioners as other funds coming into their 20585  
possession. Any moneys credited to the fund and not obligated at 20586  
the termination of the contract shall be credited to the county 20587  
general fund. 20588

The sheriff shall assign the number of deputies as may be 20589  
provided for in any contract made pursuant to division (A), (B), 20590  
or (C) of this section. The number of deputies regularly assigned 20591  
to such policing shall be in addition to and an enlargement of the 20592  
sheriff's regular number of deputies. Nothing in divisions (A) to 20593  
(D) of this section shall preclude the sheriff from temporarily 20594  
increasing or decreasing the deputies so assigned as emergencies 20595  
indicate a need for shifting assignments to the extent provided by 20596  
the contracts. 20597

All such deputies shall have the same powers and duties, the 20598  
same qualifications, and be appointed and paid and receive the 20599  
same benefits and provisions and be governed by the same laws as 20600  
all other deputy sheriffs. 20601

Contracts under division (A), (B), or (C) of this section may 20602  
be entered into jointly with the board of county commissioners, 20603  
and sections 307.14 to 307.19 of the Revised Code apply to this 20604  
section insofar as they may be applicable. 20605

(E)(1) As used in division (E) of this section: 20606

(a) "Ohio prisoner" has the same meaning as in section 20607  
5120.64 of the Revised Code. 20608

(b) "Out-of-state prisoner" and "private contractor" have the 20609  
same meanings as in section 9.07 of the Revised Code. 20610

(2) The sheriff may enter into a contract with a private 20611  
person or entity for the return of Ohio prisoners who are the 20612  
responsibility of the sheriff from outside of this state to a 20613  
location in this state specified by the sheriff, if there are 20614  
adequate funds appropriated by the board of county commissioners 20615  
and there is a certification pursuant to division (D) of section 20616  
5705.41 of the Revised Code that the funds are available for this 20617  
purpose. A contract entered into under this division is within the 20618  
coverage of section 325.07 of the Revised Code. If a sheriff 20619  
enters into a contract as described in this division, subject to 20620  
division (E)(3) of this section, the private person or entity in 20621  
accordance with the contract may return Ohio prisoners from 20622  
outside of this state to locations in this state specified by the 20623  
sheriff. A contract entered into under this division shall include 20624  
all of the following: 20625

(a) Specific provisions that assign the responsibility for 20626  
costs related to medical care of prisoners while they are being 20627  
returned that is not covered by insurance of the private person or 20628  
entity; 20629

(b) Specific provisions that set forth the number of days, 20630  
not exceeding ten, within which the private person or entity, 20631  
after it receives the prisoner in the other state, must deliver 20632  
the prisoner to the location in this state specified by the 20633  
sheriff, subject to the exceptions adopted as described in 20634  
division (E)(2)(c) of this section; 20635

(c) Any exceptions to the specified number of days for 20636  
delivery specified as described in division (E)(2)(b) of this 20637



section; 20638

(d) A requirement that the private person or entity 20639  
immediately report all escapes of prisoners who are being returned 20640  
to this state, and the apprehension of all prisoners who are being 20641  
returned and who have escaped, to the sheriff and to the local law 20642  
enforcement agency of this state or another state that has 20643  
jurisdiction over the place at which the escape occurs; 20644

(e) A schedule of fines that the sheriff shall impose upon 20645  
the private person or entity if the private person or entity fails 20646  
to perform its contractual duties, and a requirement that, if the 20647  
private person or entity fails to perform its contractual duties, 20648  
the sheriff shall impose a fine on the private person or entity 20649  
from the schedule of fines and, in addition, may exercise any 20650  
other rights the sheriff has under the contract. 20651

(f) If the contract is entered into on or after the effective 20652  
date of the rules adopted by the department of rehabilitation and 20653  
correction under section 5120.64 of the Revised Code, specific 20654  
provisions that comport with all applicable standards that are 20655  
contained in those rules. 20656

(3) If the private person or entity that enters into the 20657  
contract fails to perform its contractual duties, the sheriff 20658  
shall impose upon the private person or entity a fine from the 20659  
schedule, the money paid in satisfaction of the fine shall be paid 20660  
into the county treasury, and the sheriff may exercise any other 20661  
rights the sheriff has under the contract. If a fine is imposed 20662  
under this division, the sheriff may reduce the payment owed to 20663  
the private person or entity pursuant to any invoice in the amount 20664  
of the fine. 20665

(4) Upon the effective date of the rules adopted by the 20666  
department of rehabilitation and correction under section 5120.64 20667  
of the Revised Code, notwithstanding the existence of a contract 20668

entered into under division (E)(2) of this section, in no case 20669  
shall the private person or entity that is a party to the contract 20670  
return Ohio prisoners from outside of this state into this state 20671  
for a sheriff unless the private person or entity complies with 20672  
all applicable standards that are contained in the rules. 20673

(5) Divisions (E)(1) to (4) of this section do not apply 20674  
regarding any out-of-state prisoner who is brought into this state 20675  
to be housed pursuant to section 9.07 of the Revised Code in a 20676  
correctional facility in this state that is managed and operated 20677  
by a private contractor. 20678

**Sec. 311.31.** (A) The board of county commissioners of a 20679  
county may establish, by resolution, a voluntary motor vehicle 20680  
decal registration program to be controlled and conducted by the 20681  
sheriff within the unincorporated areas of the county. The board 20682  
may establish a fee for participation in the program in an amount 20683  
sufficient to cover the cost of administering the program and the 20684  
cost of the decals. The board shall coordinate its program with 20685  
any pre-existing program established by a township located within 20686  
the county under section 505.67 of the Revised Code. 20687

(B) Any resident of the county may enroll a motor vehicle 20688  
that ~~he~~ the resident owns in the program by signing a consent 20689  
form, displaying the decal issued under this section, and paying 20690  
the prescribed fee. The motor vehicle owner shall remove the decal 20691  
to withdraw from the program and also prior to the sale or 20692  
transfer of ownership of the vehicle. Any law enforcement officer 20693  
may conduct, at any place within this state at which the officer 20694  
would be permitted to arrest the person operating the vehicle, an 20695  
investigatory stop of any motor vehicle displaying a decal issued 20696  
under this section when the vehicle is being driven between the 20697  
hours of one a.m. and five a.m. A law enforcement officer may 20698  
conduct an investigatory stop under this division regardless of 20699

whether the officer observes a violation of law involving the 20700  
vehicle or whether ~~he~~ the officer has probable cause to believe 20701  
that any violation of law involving the vehicle has occurred. 20702

(C) The consent form required under division (B) of this 20703  
section shall: 20704

(1) Describe the conditions for participation in the program, 20705  
including a description of an investigatory stop and a statement 20706  
that any law enforcement officer may conduct, at any place within 20707  
this state at which the officer would be permitted to arrest the 20708  
person operating the vehicle, an investigatory stop of the motor 20709  
vehicle when it is being driven between the hours of one a.m. and 20710  
five a.m. 20711

(2) Contain other information identifying the vehicle and 20712  
owner as the sheriff considers necessary. 20713

(D) The state director of public safety, in accordance with 20714  
Chapter 119. of the Revised Code, shall adopt rules governing the 20715  
color, size, and design of decals issued under this section and 20716  
the location where the decals shall be displayed on vehicles that 20717  
are enrolled in the program. 20718

(E) Divisions (A) to (D) of this section do not require a law 20719  
enforcement officer to conduct an investigatory stop of a vehicle 20720  
displaying a decal issued under this section. 20721

(F) As used in this section: 20722

(1) "Investigatory stop" means a temporary stop of a motor 20723  
vehicle and its operator and occupants for purposes of determining 20724  
the identity of the person who is operating the vehicle and, if 20725  
the person who is operating it is not its owner, whether any 20726  
violation of law has occurred or is occurring. An "investigatory 20727  
stop" is not an arrest, but, if an officer who conducts an 20728  
investigatory stop determines that illegal conduct has occurred or 20729  
is ~~occurring~~ occurring, an "investigatory stop" may be the basis 20730

for an arrest. 20731

(2) "Law enforcement officer" means a sheriff, deputy 20732  
sheriff, constable, police officer of a township or joint ~~township~~ 20733  
police district, marshal, deputy marshal, municipal police 20734  
officer, or state highway patrol trooper. 20735

Sec. 317.06. (A) Each county recorder who is newly elected to 20736  
a full term of office shall attend and successfully complete at 20737  
least fifteen hours of continuing education courses during the 20738  
first year of the recorder's term of office and complete at least 20739  
another eight hours of such courses each year of the remaining 20740  
term. Each county recorder who is elected to a subsequent term of 20741  
office shall attend and successfully complete at least eight hours 20742  
of such courses in each year of any subsequent term of office. To 20743  
be counted toward the continuing education hours required by this 20744  
section, a course must be approved by the Ohio recorders' 20745  
association. Any county recorder who teaches an approved course 20746  
shall be entitled to credit for the course in the same manner as 20747  
if the county recorder had attended the course. 20748

The Ohio recorders' association shall record and, upon 20749  
request, verify the completion of required course work for each 20750  
county recorder and issue a statement to each county recorder of 20751  
the number of hours of continuing education the county recorder 20752  
has successfully completed. Each year the association shall send a 20753  
list of the continuing education courses, and the number of hours 20754  
each county recorder has successfully completed, to the auditor of 20755  
state and shall provide a copy of this list to any other 20756  
individual who requests it. 20757

The association shall issue a "failure to complete notice" to 20758  
any county recorder required to complete continuing education 20759  
courses under this section who fails to successfully complete at 20760  
least fifteen hours of continuing education courses during the 20761

first year of the county recorder's first term of office or to 20762  
complete a total of at least thirty-nine hours of such courses, 20763  
including the fifteen hours completed in the first year of the 20764  
first term, by the end of that term. The association shall issue a 20765  
"failure to complete notice" to any county recorder required to 20766  
complete continuing education courses under this section who fails 20767  
to successfully complete at least eight hours of continuing 20768  
education courses each year of any subsequent term of office or to 20769  
complete a total of at least thirty-two hours of such courses, by 20770  
the end of that subsequent term. The notice is for informational 20771  
purposes only and does not affect any individual's ability to hold 20772  
the office of county recorder. 20773

(B) Each board of county commissioners shall approve, from 20774  
money appropriated to the county recorder, a reasonable amount 20775  
requested by the county recorder of its county to cover the costs 20776  
the county recorder must incur to meet the requirements of 20777  
division (A) of this section, including registration fees, lodging 20778  
and meal expenses, and travel expenses. 20779

**Sec. 317.20.** (A) When, in the opinion of the board of county 20780  
commissioners, sectional indexes are needed and it so directs, in 20781  
addition to the alphabetical indexes provided for in section 20782  
317.18 of the Revised Code, the board may provide for making, in 20783  
books prepared for that purpose, sectional indexes to the records 20784  
of all real estate in the county beginning with some designated 20785  
year and continuing through the period of years that the board 20786  
specifies. The sectional indexes shall place under the heads of 20787  
the original surveyed sections or surveys, parts of a section or 20788  
survey, squares, subdivisions, permanent parcel numbers provided 20789  
for under section 319.28 of the Revised Code, or lots, on the 20790  
left-hand page or on the upper portion of that page of the index 20791  
book, the name of the grantor, then the name of the grantee, then 20792  
the number and page of the record in which the instrument is found 20793

recorded, then the character of the instrument, and then a 20794  
pertinent description of the interest in property conveyed by the 20795  
deed, lease, or assignment of lease and shall place under similar 20796  
headings on the right-hand page or on the lower portion of that 20797  
page of the index book, beginning at the bottom, all the 20798  
mortgages, liens, notices provided for in sections 5301.51, 20799  
5301.52, and 5301.56 of the Revised Code, or other encumbrances 20800  
affecting the real estate. 20801

(B) The compensation for the services rendered under this 20802  
section shall be paid from the general revenue fund of the county, 20803  
and no additional levy shall be made in consequence of the 20804  
services. 20805

(C) If the board of county commissioners decides to have 20806  
sectional indexes made, it shall advertise for three consecutive 20807  
weeks in one newspaper of general circulation in the county or as 20808  
provided in section 7.16 of the Revised Code for sealed proposals 20809  
to do the work provided for in this section, shall contract with 20810  
the lowest and best bidder, and shall require the successful 20811  
bidder to give a bond for the faithful performance of the contract 20812  
in the sum that the board fixes. The work shall be done to the 20813  
acceptance of the auditor of state upon allowance by the board. 20814  
The board may reject any and all bids for the work, provided that 20815  
no more than five cents shall be paid for each entry of each tract 20816  
or lot of land. 20817

(D) When the sectional indexes are brought up and completed, 20818  
the county recorder shall maintain the indexes and comply with 20819  
division (E) of this section in connection with registered land. 20820

(E)(1) As used in division (E) of this section, "housing 20821  
accommodations" and "restrictive covenant" have the same meanings 20822  
as in section 4112.01 of the Revised Code. 20823

(2) In connection with any transfer of registered land that 20824

occurs on and after ~~the effective date of this amendment~~ March 30, 20825  
1999, in accordance with Chapters 5309. and 5310. of the Revised 20826  
Code, the county recorder shall delete from the sectional indexes 20827  
maintained under this section all references to any restrictive 20828  
covenant that appears to apply to the transferred registered land, 20829  
if any inclusion of the restrictive covenant in a transfer, 20830  
rental, or lease of housing accommodations, any honoring or 20831  
exercising of the restrictive covenant, or any attempt to honor or 20832  
exercise the restrictive covenant constitutes an unlawful 20833  
discriminatory practice under division (H)(9) of section 4112.02 20834  
of the Revised Code. 20835

**Sec. 319.11.** The county auditor shall, on or before ninety 20836  
days after the close of the fiscal year, prepare a financial 20837  
report of the county for the preceding fiscal year in such form as 20838  
prescribed by the auditor of state. Upon completing the report, 20839  
the county auditor shall publish notice that the report has been 20840  
completed and is available for public inspection at the office of 20841  
the county auditor. The notice shall be published once in ~~two~~ 20842  
~~newspapers~~ a newspaper of general circulation ~~published~~ in the 20843  
county, ~~except that if only one newspaper is published in the~~ 20844  
~~county, then publication in only one newspaper is required, and~~ 20845  
~~if.~~ If there are is no newspapers newspaper of general circulation 20846  
in the county, then publication is required in the newspaper of 20847  
general circulation in an adjoining county that has the largest 20848  
circulation in ~~the~~ that adjoining county. The report shall contain 20849  
at least the information required by section 117.38 of the Revised 20850  
Code, and a copy shall be filed with the auditor of state. 20851

No county auditor shall fail or neglect to prepare the report 20852  
or publish notice of completion of the report as required by this 20853  
section. 20854

**Sec. 319.301.** (A) The reductions required by division (D) of 20855

this section do not apply to any of the following: 20856

(1) Taxes levied at whatever rate is required to produce a 20857  
specified amount of tax money, including a tax levied under 20858  
section 5705.199 ~~or~~, 5705.211, or 5748.09 of the Revised Code, or 20859  
an amount to pay debt charges; 20860

(2) Taxes levied within the one per cent limitation imposed 20861  
by Section 2 of Article XII, Ohio Constitution; 20862

(3) Taxes provided for by the charter of a municipal 20863  
corporation. 20864

(B) As used in this section: 20865

(1) "Real property" includes real property owned by a 20866  
railroad. 20867

(2) "Carryover property" means all real property on the 20868  
current year's tax list except: 20869

(a) Land and improvements that were not taxed by the district 20870  
in both the preceding year and the current year; 20871

(b) Land and improvements that were not in the same class in 20872  
both the preceding year and the current year. 20873

(3) "Effective tax rate" means with respect to each class of 20874  
property: 20875

(a) The sum of the total taxes that would have been charged 20876  
and payable for current expenses against real property in that 20877  
class if each of the district's taxes were reduced for the current 20878  
year under division (D)(1) of this section without regard to the 20879  
application of division (E)(3) of this section divided by 20880

(b) The taxable value of all real property in that class. 20881

(4) "Taxes charged and payable" means the taxes charged and 20882  
payable prior to any reduction required by section 319.302 of the 20883  
Revised Code. 20884



(C) The tax commissioner shall make the determinations 20885  
required by this section each year, without regard to whether a 20886  
taxing district has territory in a county to which section 5715.24 20887  
of the Revised Code applies for that year. Separate determinations 20888  
shall be made for each of the two classes established pursuant to 20889  
section 5713.041 of the Revised Code. 20890

(D) With respect to each tax authorized to be levied by each 20891  
taxing district, the tax commissioner, annually, shall do both of 20892  
the following: 20893

(1) Determine by what percentage, if any, the sums levied by 20894  
such tax against the carryover property in each class would have 20895  
to be reduced for the tax to levy the same number of dollars 20896  
against such property in that class in the current year as were 20897  
charged against such property by such tax in the preceding year 20898  
subsequent to the reduction made under this section but before the 20899  
reduction made under section 319.302 of the Revised Code. In the 20900  
case of a tax levied for the first time that is not a renewal of 20901  
an existing tax, the commissioner shall determine by what 20902  
percentage the sums that would otherwise be levied by such tax 20903  
against carryover property in each class would have to be reduced 20904  
to equal the amount that would have been levied if the full rate 20905  
thereof had been imposed against the total taxable value of such 20906  
property in the preceding tax year. A tax or portion of a tax that 20907  
is designated a replacement levy under section 5705.192 of the 20908  
Revised Code is not a renewal of an existing tax for purposes of 20909  
this division. 20910

(2) Certify each percentage determined in division (D)(1) of 20911  
this section, as adjusted under division (E) of this section, and 20912  
the class of property to which that percentage applies to the 20913  
auditor of each county in which the district has territory. The 20914  
auditor, after complying with section 319.30 of the Revised Code, 20915  
shall reduce the sum to be levied by such tax against each parcel 20916

of real property in the district by the percentage so certified 20917  
for its class. Certification shall be made by the first day of 20918  
September except in the case of a tax levied for the first time, 20919  
in which case certification shall be made within fifteen days of 20920  
the date the county auditor submits the information necessary to 20921  
make the required determination. 20922

(E)(1) As used in division (E)(2) of this section, "pre-1982 20923  
joint vocational taxes" means, with respect to a class of 20924  
property, the difference between the following amounts: 20925

(a) The taxes charged and payable in tax year 1981 against 20926  
the property in that class for the current expenses of the joint 20927  
vocational school district of which the school district is a part 20928  
after making all reductions under this section; 20929

(b) The following percentage of the taxable value of all real 20930  
property in that class: 20931

(i) In 1987, five one-hundredths of one per cent; 20932

(ii) In 1988, one-tenth of one per cent; 20933

(iii) In 1989, fifteen one-hundredths of one per cent; 20934

(iv) In 1990 and each subsequent year, two-tenths of one per 20935  
cent. 20936

If the amount in division (E)(1)(b) of this section exceeds 20937  
the amount in division (E)(1)(a) of this section, the pre-1982 20938  
joint vocational taxes shall be zero. 20939

As used in divisions (E)(2) and (3) of this section, "taxes 20940  
charged and payable" has the same meaning as in division (B)(4) of 20941  
this section and excludes any tax charged and payable in 1985 or 20942  
thereafter under sections 5705.194 to 5705.197 or section 20943  
5705.199, 5705.213, ~~or~~ 5705.219, or 5748.09 of the Revised Code. 20944

(2) If in the case of a school district other than a joint 20945  
vocational or cooperative education school district any percentage 20946

required to be used in division (D)(2) of this section for either 20947  
class of property could cause the total taxes charged and payable 20948  
for current expenses to be less than two per cent of the taxable 20949  
value of all real property in that class that is subject to 20950  
taxation by the district, the commissioner shall determine what 20951  
percentages would cause the district's total taxes charged and 20952  
payable for current expenses against that class, after all 20953  
reductions that would otherwise be made under this section, to 20954  
equal, when combined with the pre-1982 joint vocational taxes 20955  
against that class, the lesser of the following: 20956

(a) The sum of the rates at which those taxes are authorized 20957  
to be levied; 20958

(b) Two per cent of the taxable value of the property in that 20959  
class. The auditor shall use such percentages in making the 20960  
reduction required by this section for that class. 20961

(3)(a) If in the case of a joint vocational school district 20962  
any percentage required to be used in division (D)(2) of this 20963  
section for either class of property could cause the total taxes 20964  
charged and payable for current expenses for that class to be less 20965  
than the designated amount, the commissioner shall determine what 20966  
percentages would cause the district's total taxes charged and 20967  
payable for current expenses for that class, after all reductions 20968  
that would otherwise be made under this section, to equal the 20969  
designated amount. The auditor shall use such percentages in 20970  
making the reductions required by this section for that class. 20971

(b) As used in division (E)(3)(a) of this section, the 20972  
designated amount shall equal the taxable value of all real 20973  
property in the class that is subject to taxation by the district 20974  
times the lesser of the following: 20975

(i) Two-tenths of one per cent; 20976

(ii) The district's effective rate plus the following 20977

|                                                                                 |                   |       |
|---------------------------------------------------------------------------------|-------------------|-------|
| percentage for the year indicated:                                              | 20978             |       |
| WHEN COMPUTING THE                                                              | ADD THE FOLLOWING | 20979 |
| TAXES CHARGED FOR                                                               | PERCENTAGE:       | 20980 |
| 1987                                                                            | 0.025%            | 20981 |
| 1988                                                                            | 0.05%             | 20982 |
| 1989                                                                            | 0.075%            | 20983 |
| 1990                                                                            | 0.1%              | 20984 |
| 1991                                                                            | 0.125%            | 20985 |
| 1992                                                                            | 0.15%             | 20986 |
| 1993                                                                            | 0.175%            | 20987 |
| 1994 and thereafter                                                             | 0.2%              | 20988 |
| (F) No reduction shall be made under this section in the rate                   | 20989             |       |
| at which any tax is levied.                                                     | 20990             |       |
| (G) The commissioner may order a county auditor to furnish                      | 20991             |       |
| any information the commissioner needs to make the determinations               | 20992             |       |
| required under division (D) or (E) of this section, and the                     | 20993             |       |
| auditor shall supply the information in the form and by the date                | 20994             |       |
| specified in the order. If the auditor fails to comply with an                  | 20995             |       |
| order issued under this division, except for good cause as                      | 20996             |       |
| determined by the commissioner, the commissioner shall withhold                 | 20997             |       |
| from such county or taxing district therein fifty per cent of                   | 20998             |       |
| state revenues to local governments pursuant to section 5747.50 of              | 20999             |       |
| the Revised Code or shall direct the department of education to                 | 21000             |       |
| withhold therefrom fifty per cent of state revenues to school                   | 21001             |       |
| districts pursuant to <del>Chapters 3306.</del> and <u>Chapter</u> 3317. of the | 21002             |       |
| Revised Code. The commissioner shall withhold the distribution of               | 21003             |       |
| such revenues until the county auditor has complied with this                   | 21004             |       |
| division, and the department shall withhold the distribution of                 | 21005             |       |
| such revenues until the commissioner has notified the department                | 21006             |       |
| that the county auditor has complied with this division.                        | 21007             |       |
| (H) If the commissioner is unable to certify a tax reduction                    | 21008             |       |
| factor for either class of property in a taxing district located                | 21009             |       |

in more than one county by the last day of November because 21010  
information required under division (G) of this section is 21011  
unavailable, the commissioner may compute and certify an estimated 21012  
tax reduction factor for that district for that class. The 21013  
estimated factor shall be based upon an estimate of the 21014  
unavailable information. Upon receipt of the actual information 21015  
for a taxing district that received an estimated tax reduction 21016  
factor, the commissioner shall compute the actual tax reduction 21017  
factor and use that factor to compute the taxes that should have 21018  
been charged and payable against each parcel of property for the 21019  
year for which the estimated reduction factor was used. The amount 21020  
by which the estimated factor resulted in an overpayment or 21021  
underpayment in taxes on any parcel shall be added to or 21022  
subtracted from the amount due on that parcel in the ensuing tax 21023  
year. 21024

A percentage or a tax reduction factor determined or computed 21025  
by the commissioner under this section shall be used solely for 21026  
the purpose of reducing the sums to be levied by the tax to which 21027  
it applies for the year for which it was determined or computed. 21028  
It shall not be used in making any tax computations for any 21029  
ensuing tax year. 21030

(I) In making the determinations under division (D)(1) of 21031  
this section, the tax commissioner shall take account of changes 21032  
in the taxable value of carryover property resulting from 21033  
complaints filed under section 5715.19 of the Revised Code for 21034  
determinations made for the tax year in which such changes are 21035  
reported to the commissioner. Such changes shall be reported to 21036  
the commissioner on the first abstract of real property filed with 21037  
the commissioner under section 5715.23 of the Revised Code 21038  
following the date on which the complaint is finally determined by 21039  
the board of revision or by a court or other authority with 21040  
jurisdiction on appeal. The tax commissioner shall account for 21041

such changes in making the determinations only for the tax year in 21042  
which the change in valuation is reported. Such a valuation change 21043  
shall not be used to recompute the percentages determined under 21044  
division (D)(1) of this section for any prior tax year. 21045

**Sec. 319.54.** (A) On all moneys collected by the county 21046  
treasurer on any tax duplicate of the county, other than estate 21047  
tax duplicates, and on all moneys received as advance payments of 21048  
personal property and classified property taxes, the county 21049  
auditor, on settlement with the treasurer and tax commissioner, on 21050  
or before the date prescribed by law for such settlement or any 21051  
lawful extension of such date, shall be allowed as compensation 21052  
for the county auditor's services the following percentages: 21053

(1) On the first one hundred thousand dollars, two and 21054  
one-half per cent; 21055

(2) On the next two million dollars, eight thousand three 21056  
hundred eighteen ten-thousandths of one per cent; 21057

(3) On the next two million dollars, six thousand six hundred 21058  
fifty-five ten-thousandths of one per cent; 21059

(4) On all further sums, one thousand six hundred sixty-three 21060  
ten-thousandths of one per cent. 21061

If any settlement is not made on or before the date 21062  
prescribed by law for such settlement or any lawful extension of 21063  
such date, the aggregate compensation allowed to the auditor shall 21064  
be reduced one per cent for each day such settlement is delayed 21065  
after the prescribed date. No penalty shall apply if the auditor 21066  
and treasurer grant all requests for advances up to ninety per 21067  
cent of the settlement pursuant to section 321.34 of the Revised 21068  
Code. The compensation allowed in accordance with this section on 21069  
settlements made before the dates prescribed by law, or the 21070  
reduced compensation allowed in accordance with this section on 21071

settlements made after the date prescribed by law or any lawful 21072  
extension of such date, shall be apportioned ratably by the 21073  
auditor and deducted from the shares or portions of the revenue 21074  
payable to the state as well as to the county, townships, 21075  
municipal corporations, and school districts. 21076

(B) For the purpose of reimbursing county auditors for the 21077  
expenses associated with the increased number of applications for 21078  
reductions in real property taxes under sections 323.152 and 21079  
4503.065 of the Revised Code that result from the amendment of 21080  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 21081  
there shall be paid from the state's general revenue fund to the 21082  
county treasury, to the credit of the real estate assessment fund 21083  
created by section 325.31 of the Revised Code, an amount equal to 21084  
one per cent of the total annual amount of property tax relief 21085  
reimbursement paid to that county under sections 323.156 and 21086  
4503.068 of the Revised Code for the preceding tax year. Payments 21087  
made under this division shall be made at the same times and in 21088  
the same manner as payments made under section 323.156 of the 21089  
Revised Code. 21090

(C) From all moneys collected by the county treasurer on any 21091  
tax duplicate of the county, other than estate tax duplicates, and 21092  
on all moneys received as advance payments of personal property 21093  
and classified property taxes, there shall be paid into the county 21094  
treasury to the credit of the real estate assessment fund created 21095  
by section 325.31 of the Revised Code, an amount to be determined 21096  
by the county auditor, which shall not exceed the percentages 21097  
prescribed in divisions (C)(1) and (2) of this section. 21098

(1) For payments made after June 30, 2007, and before 2011, 21099  
the following percentages: 21100

(a) On the first five hundred thousand dollars, four per 21101  
cent; 21102

|                                                                                                                                                                                                                                                                            |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (b) On the next five million dollars, two per cent;                                                                                                                                                                                                                        | 21103                                     |
| (c) On the next five million dollars, one per cent;                                                                                                                                                                                                                        | 21104                                     |
| (d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;                                                                                                                                                                   | 21105<br>21106                            |
| (e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.                                                                                                                                                          | 21107<br>21108                            |
| (2) For payments made in or after 2011, the following percentages:                                                                                                                                                                                                         | 21109<br>21110                            |
| (a) On the first five hundred thousand dollars, four per cent;                                                                                                                                                                                                             | 21111<br>21112                            |
| (b) On the next ten million dollars, two per cent;                                                                                                                                                                                                                         | 21113                                     |
| (c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.                                                                                                                                                                         | 21114<br>21115                            |
| Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.                                              | 21116<br>21117<br>21118<br>21119          |
| (D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.                                                                           | 21120<br>21121<br>21122<br>21123          |
| (E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages: | 21124<br>21125<br>21126<br>21127<br>21128 |
| (1) Four per cent on the first one hundred thousand dollars;                                                                                                                                                                                                               | 21129                                     |
| (2) One-half of one per cent on all additional sums.                                                                                                                                                                                                                       | 21130                                     |
| Such percentages shall be computed upon the amount collected                                                                                                                                                                                                               | 21131                                     |



and reported at each semiannual settlement, and shall be for the 21132  
use of the general fund of the county. 21133

(F) On all cigarette license moneys collected by the county 21134  
treasurer, the county auditor, on settlement semiannually with the 21135  
treasurer, shall be allowed as compensation for the auditor's 21136  
services in the issuing of such licenses one-half of one per cent 21137  
of such moneys, to be apportioned ratably and deducted from the 21138  
shares of the revenue payable to the county and subdivisions, for 21139  
the use of the general fund of the county. 21140

(G) The county auditor shall charge and receive fees as 21141  
follows: 21142

(1) For deeds of land sold for taxes to be paid by the 21143  
purchaser, five dollars; 21144

(2) For the transfer or entry of land, lot, or part of lot, 21145  
or the transfer or entry on or after January 1, 2000, of a used 21146  
manufactured home or mobile home as defined in section 5739.0210 21147  
of the Revised Code, fifty cents for each transfer or entry, to be 21148  
paid by the person requiring it; 21149

(3) For receiving statements of value and administering 21150  
section 319.202 of the Revised Code, one dollar, or ten cents for 21151  
each one hundred dollars or fraction of one hundred dollars, 21152  
whichever is greater, of the value of the real property 21153  
transferred or, for sales occurring on or after January 1, 2000, 21154  
the value of the used manufactured home or used mobile home, as 21155  
defined in section 5739.0210 of the Revised Code, transferred, 21156  
except no fee shall be charged when the transfer is made: 21157

(a) To or from the United States, this state, or any 21158  
instrumentality, agency, or political subdivision of the United 21159  
States or this state; 21160

(b) Solely in order to provide or release security for a debt 21161  
or obligation; 21162

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (c) To confirm or correct a deed previously executed and           | 21163 |
| recorded or when a current owner on any record made available to   | 21164 |
| the general public on the internet or a publicly accessible        | 21165 |
| database and the general tax list of real and public utility       | 21166 |
| property and the general duplicate of real and public utility      | 21167 |
| property is a peace officer, parole officer, prosecuting attorney, | 21168 |
| assistant prosecuting attorney, correctional employee, youth       | 21169 |
| services employee, firefighter, EMT, or investigator of the bureau | 21170 |
| of criminal identification and investigation and is changing the   | 21171 |
| current owner name listed on any record made available to the      | 21172 |
| general public on the internet or a publicly accessible database   | 21173 |
| and the general tax list of real and public utility property and   | 21174 |
| the general duplicate of real and public utility property to the   | 21175 |
| initials of the current owner as prescribed in division (B)(1) of  | 21176 |
| section 319.28 of the Revised Code;                                | 21177 |
| (d) To evidence a gift, in trust or otherwise and whether          | 21178 |
| revocable or irrevocable, between husband and wife, or parent and  | 21179 |
| child or the spouse of either;                                     | 21180 |
| (e) On sale for delinquent taxes or assessments;                   | 21181 |
| (f) Pursuant to court order, to the extent that such transfer      | 21182 |
| is not the result of a sale effected or completed pursuant to such | 21183 |
| order;                                                             | 21184 |
| (g) Pursuant to a reorganization of corporations or                | 21185 |
| unincorporated associations or pursuant to the dissolution of a    | 21186 |
| corporation, to the extent that the corporation conveys the        | 21187 |
| property to a stockholder as a distribution in kind of the         | 21188 |
| corporation's assets in exchange for the stockholder's shares in   | 21189 |
| the dissolved corporation;                                         | 21190 |
| (h) By a subsidiary corporation to its parent corporation for      | 21191 |
| no consideration, nominal consideration, or in sole consideration  | 21192 |
| of the cancellation or surrender of the subsidiary's stock;        | 21193 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;                                                                                                                                                                                                                                                                                                                                                                                                    | 21194<br>21195                                                       |
| (j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;                                                                                                                                                                                                                                                                                                                                                                       | 21196<br>21197<br>21198                                              |
| (k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;                                                                                                                                                                                                              | 21199<br>21200<br>21201<br>21202<br>21203<br>21204                   |
| (l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;                                                                                                                                                                                                                                                                                                               | 21205<br>21206<br>21207<br>21208                                     |
| (m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;                                                                                                                                                                                                                                                                                                       | 21209<br>21210<br>21211<br>21212                                     |
| (n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; | 21213<br>21214<br>21215<br>21216<br>21217<br>21218<br>21219<br>21220 |
| (o) To a trustee acting on behalf of minor children of the deceased;                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 21221<br>21222                                                       |
| (p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;                                                                                                                                                                                                                                                                                                                                                                                                                    | 21223<br>21224                                                       |

|                                                                                                                                                                                                                                                                                                                |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;                                                                                                                                                                                                                    | 21225<br>21226                            |
| (r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization; | 21227<br>21228<br>21229<br>21230<br>21231 |
| (s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;                                                                                                         | 21232<br>21233<br>21234<br>21235          |
| (t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;                                                                                                                                                                                                | 21236<br>21237                            |
| (u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;                                                                                                             | 21238<br>21239<br>21240<br>21241          |
| (v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;                                                                             | 21242<br>21243<br>21244<br>21245          |
| (w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;                                                                                                                                                                                     | 21246<br>21247                            |
| (x) Between persons pursuant to section 5302.18 of the Revised Code;                                                                                                                                                                                                                                           | 21248<br>21249                            |
| (y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code to a third party.                                                                                                                                                                                           | 21250<br>21251                            |
| <u>(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to</u>                                                                                                         | 21252<br>21253<br>21254                   |

be charged to the owner of a home on the delinquent manufactured 21255  
home tax list or the property owner of land on the delinquent tax 21256  
list or the delinquent vacant land tax list. 21257

The auditor shall compute and collect the fee. The auditor 21258  
shall maintain a numbered receipt system, as prescribed by the tax 21259  
commissioner, and use such receipt system to provide a receipt to 21260  
each person paying a fee. The auditor shall deposit the receipts 21261  
of the fees on conveyances in the county treasury daily to the 21262  
credit of the general fund of the county, except that fees charged 21263  
and received under division (G)(3) of this section for a transfer 21264  
of real property to a county land reutilization corporation shall 21265  
be credited to the county land reutilization corporation fund 21266  
established under section 321.263 of the Revised Code. 21267

The real property transfer fee provided for in division 21268  
(G)(3) of this section shall be applicable to any conveyance of 21269  
real property presented to the auditor on or after January 1, 21270  
1968, regardless of its time of execution or delivery. 21271

The transfer fee for a used manufactured home or used mobile 21272  
home shall be computed by and paid to the county auditor of the 21273  
county in which the home is located immediately prior to the 21274  
transfer. 21275

**Sec. 321.18.** As soon as sufficient funds are in the county 21276  
treasury to redeem the warrants drawn on the treasury, and on 21277  
which interest is accruing, the county treasurer shall give notice 21278  
in a newspaper ~~published in and circulating~~ of general circulation 21279  
in ~~his~~ the county that ~~he~~ the treasurer is ready to redeem such 21280  
warrants, and from the date of the notice the interest on such 21281  
warrants shall cease. 21282

**Sec. 321.261.** (A) ~~Five~~ In each county treasury there shall be 21283  
created the treasurer's delinquent tax and assessment collection 21284

fund and the prosecuting attorney's delinquent tax and assessment 21285  
collection fund. Except as otherwise provided in this division, 21286  
two and one-half per cent of all delinquent real property, 21287  
personal property, and manufactured and mobile home taxes and 21288  
assessments collected by the county treasurer shall be deposited 21289  
in the treasurer's delinquent tax and assessment collection fund, 21290  
~~which shall be created in the county treasury. Except as otherwise~~ 21291  
~~provided in division (D) of this section, the moneys in the fund,~~ 21292  
~~one half of which shall be appropriated by the board of county~~ 21293  
~~commissioners to the treasurer and one half of which shall be~~ 21294  
~~appropriated to the county prosecuting attorney, and two and~~ 21295  
one-half per cent of such delinquent taxes and assessments shall 21296  
be deposited in the prosecuting attorney's delinquent tax and 21297  
assessment collection fund. The board of county commissioners 21298  
shall appropriate to the county treasurer from the treasurer's 21299  
delinquent tax and assessment collection fund, and shall 21300  
appropriate to the prosecuting attorney from the prosecuting 21301  
attorney's delinquent tax and assessment collection fund, money to 21302  
the credit of the respective fund, and except as provided in 21303  
division (D) of this section, the appropriation shall be used only 21304  
for the following purposes: 21305

(1) By the county treasurer ~~and~~ or the county prosecuting 21306  
attorney in connection with the collection of delinquent real 21307  
property, personal property, and manufactured and mobile home 21308  
taxes and assessments, including proceedings related to 21309  
foreclosure of the state's lien for such taxes against such 21310  
property; 21311

(2) With respect to any portion of the amount appropriated ~~to~~ 21312  
~~the county treasurer~~ from the treasurer's delinquent tax and 21313  
assessment collection fund for the benefit of ~~the~~ a county land 21314  
reutilization corporation organized under Chapter 1724. of the 21315  
Revised Code, ~~whether by transfer to or other application on~~ 21316

~~behalf of,~~ the county land reutilization corporation. Upon the 21317  
deposit of amounts in the treasurer's delinquent tax and 21318  
assessment collection fund ~~of the county,~~ any amounts allocated at 21319  
the direction of the treasurer to the support of the county land 21320  
reutilization corporation shall be paid out of such fund to the 21321  
corporation upon a warrant of the county auditor. 21322

If the balance in the treasurer's or prosecuting attorney's 21323  
delinquent tax and assessment collection fund exceeds three times 21324  
the amount deposited into the fund in the preceding year, the 21325  
treasurer or prosecuting attorney, on or before the twentieth day 21326  
of October of the current year, may direct the county auditor to 21327  
forgo the allocation of delinquent taxes and assessments to that 21328  
officer's respective fund in the ensuing year. If the county 21329  
auditor receives such direction, the auditor shall cause the 21330  
portion of taxes and assessments that otherwise would be credited 21331  
to the fund under this section in that ensuing year to be 21332  
allocated and distributed among taxing units' funds as otherwise 21333  
provided in this chapter and other applicable law. 21334

(B) During the period of time that a county land 21335  
reutilization corporation is functioning as such on behalf of a 21336  
county, the board of county commissioners, upon the request of the 21337  
county treasurer, may designate by resolution that an additional 21338  
amount, not exceeding five per cent of all collections of 21339  
delinquent real property, personal property, and manufactured and 21340  
mobile home taxes and assessments, shall be deposited in the 21341  
treasurer's delinquent tax and assessment collection fund and be 21342  
available for appropriation by the board for the use of the 21343  
corporation. Any such amounts so deposited and appropriated under 21344  
this division shall be paid out of the treasurer's delinquent tax 21345  
and assessment collection fund to the corporation upon a warrant 21346  
of the county auditor. 21347

(C) Annually by the first day of December, the county 21348

treasurer and the prosecuting attorney each shall submit a report 21349  
to the board of county commissioners regarding the use of the 21350  
moneys appropriated ~~to~~ from their respective ~~offices from the~~ 21351  
delinquent tax and assessment collection ~~fund funds~~. Each report 21352  
shall specify the amount appropriated ~~to the office~~ from the fund 21353  
during the current calendar year, an estimate of the amount so 21354  
appropriated that will be expended by the end of the year, a 21355  
summary of how the amount appropriated has been expended in 21356  
connection with delinquent tax collection activities or land 21357  
reutilization, and an estimate of the amount that will be credited 21358  
to the fund during the ensuing calendar year. 21359

The annual report of a county land reutilization corporation 21360  
required by section 1724.05 of the Revised Code shall include 21361  
information regarding the amount and use of the moneys that the 21362  
corporation received from the treasurer's delinquent tax and 21363  
assessment collection fund ~~of the county~~. 21364

(D)(1) In any county, if the county treasurer or prosecuting 21365  
attorney determines that the ~~amount appropriated to the office~~ 21366  
~~from the county's~~ balance to the credit of that officer's 21367  
corresponding delinquent tax and assessment collection fund ~~under~~ 21368  
~~division (A) of this section~~ exceeds the amount required to be 21369  
used as prescribed by ~~that~~ division (A) of this section, the 21370  
county treasurer or prosecuting attorney may expend the excess to 21371  
prevent residential mortgage foreclosures in the county and to 21372  
address problems associated with other foreclosed real property. 21373  
The amount used for that purpose in any year may not exceed the 21374  
amount that would cause the fund to have a reserve of less than 21375  
twenty per cent of the amount expended in the preceding year for 21376  
the purposes of division (A) of this section. The county treasurer 21377  
or prosecuting attorney may not expend any money from the 21378  
officer's fund for the purpose of land reutilization unless the 21379  
county treasurer or prosecuting attorney obtains the approval of 21380



the county investment advisory committee established under section 21381  
135.341 of the Revised Code. 21382

Money authorized to be expended under division (D)(1) of this 21383  
section shall be used to provide financial assistance in the form 21384  
of loans to borrowers in default on their home mortgages, 21385  
including for the payment of late fees, to clear arrearage 21386  
balances, and to augment moneys used in the county's foreclosure 21387  
prevention program. The money also may be used to assist municipal 21388  
corporations or townships in the county, upon their application to 21389  
the county treasurer, prosecuting attorney, or the county 21390  
department of development, in the nuisance abatement of 21391  
deteriorated residential buildings in foreclosure, or vacant, 21392  
abandoned, tax-delinquent, or blighted real property, including 21393  
paying the costs of boarding up such buildings, lot maintenance, 21394  
and demolition. 21395

(2) In a county having a population of more than one hundred 21396  
thousand according to the department of development's 2006 census 21397  
estimate, if the county treasurer or prosecuting attorney 21398  
determines that the ~~amount appropriated to the office from the~~ 21399  
~~county's~~ balance to the credit of that officer's corresponding 21400  
~~delinquent tax and assessment collection fund under division (A)~~ 21401  
~~of this section~~ exceeds the amount required to be used as 21402  
prescribed by ~~that~~ division (A) of this section, the county 21403  
treasurer or prosecuting attorney may expend the excess to assist 21404  
townships or municipal corporations located in the county as 21405  
provided in division (D)(2) of this section, provided that the 21406  
combined amount so expended each year in a county shall not exceed 21407  
three million dollars. Upon application for the funds by a 21408  
township or municipal corporation, the county treasurer ~~and~~ or 21409  
prosecuting attorney may assist the township or municipal 21410  
corporation in abating foreclosed residential nuisances, including 21411  
paying the costs of securing such buildings, lot maintenance, and 21412

demolition. At the prosecuting attorney's discretion, the 21413  
prosecuting attorney also may apply the funds to costs of 21414  
prosecuting alleged violations of criminal and civil laws 21415  
governing real estate and related transactions, including fraud 21416  
and abuse. 21417

**Sec. 322.02.** (A) For the purpose of paying the costs of 21418  
enforcing and administering the tax and providing additional 21419  
general revenue for the county, any county may levy and collect a 21420  
tax to be known as the real property transfer tax on each deed 21421  
conveying real property or any interest in real property located 21422  
wholly or partially within the boundaries of the county at a rate 21423  
not to exceed thirty cents per hundred dollars for each one 21424  
hundred dollars or fraction thereof of the value of the real 21425  
property or interest in real property located within the 21426  
boundaries of the county granted, assigned, transferred, or 21427  
otherwise conveyed by the deed. The tax shall be levied pursuant 21428  
to a resolution adopted by the board of county commissioners of 21429  
the county and, except as provided in division (A) of section 21430  
322.07 of the Revised Code, shall be levied at a uniform rate upon 21431  
all deeds as defined in division (D) of section 322.01 of the 21432  
Revised Code. Prior to the adoption of any such resolution, the 21433  
board of county commissioners shall conduct two public hearings 21434  
thereon, the second hearing to be not less than three nor more 21435  
than ten days after the first. Notice of the date, time, and place 21436  
of the hearings shall be given by publication in a newspaper of 21437  
general circulation in the county once a week on the same day of 21438  
the week for two consecutive weeks, ~~the~~ or as provided in section 21439  
7.16 of the Revised Code. The second publication ~~being~~ shall be 21440  
not less than ten nor more than thirty days prior to the first 21441  
hearing. The tax shall be levied upon the grantor named in the 21442  
deed and shall be paid by the grantor for the use of the county to 21443  
the county auditor at the time of the delivery of the deed as 21444

provided in section 319.202 of the Revised Code and prior to the 21445  
presentation of the deed to the recorder of the county for 21446  
recording. 21447

(B) No resolution levying a real property transfer tax 21448  
pursuant to this section or a manufactured home transfer tax 21449  
pursuant to section 322.06 of the Revised Code shall be effective 21450  
sooner than thirty days following its adoption. Such a resolution 21451  
is subject to a referendum as provided in sections 305.31 to 21452  
305.41 of the Revised Code, unless the resolution is adopted as an 21453  
emergency measure necessary for the immediate preservation of the 21454  
public peace, health, or safety, in which case it shall go into 21455  
immediate effect. An emergency measure must receive an affirmative 21456  
vote of all of the members of the board of commissioners, and 21457  
shall state the reasons for the necessity. A resolution may direct 21458  
the board of elections to submit the question of levying the tax 21459  
to the electors of the county at the next primary or general 21460  
election in the county occurring not less than ninety days after 21461  
the resolution is certified to the board. No such resolution shall 21462  
go into effect unless approved by a majority of those voting upon 21463  
it. 21464

**Sec. 322.021.** The question of a repeal of a county permissive 21465  
tax adopted as an emergency measure pursuant to division (B) of 21466  
section 322.02 of the Revised Code may be initiated by filing with 21467  
the board of elections of the county not less than ninety days 21468  
before the general election in any year a petition requesting that 21469  
an election be held on such question. Such petition shall be 21470  
signed by qualified electors residing in the county equal in 21471  
number to ten per cent of those voting for governor at the most 21472  
recent gubernatorial election. 21473

After determination by it that such petition is valid, the 21474  
board of elections shall submit the question to the electors of 21475

the county at the next general election. The election shall be 21476  
conducted, canvassed, and certified in the same manner as regular 21477  
elections for county offices in the county. Notice of the election 21478  
shall be published in a newspaper of general circulation in the 21479  
district once a week for two consecutive weeks prior to the 21480  
election ~~and, if or as provided in section 7.16 of the Revised~~ 21481  
Code. If the board of elections operates and maintains a web site, 21482  
notice of the election also shall be posted on that web site for 21483  
thirty days prior to the election. The notice shall state the 21484  
purpose, time, and place of the election. The form of the ballot 21485  
cast at such election shall be prescribed by the secretary of 21486  
state. The question covered by such petition shall be submitted as 21487  
a separate proposition, but it may be printed on the same ballot 21488  
with any other proposition submitted at the same election other 21489  
than the election of officers. If a majority of the qualified 21490  
electors voting on the question of repeal approve the repeal, the 21491  
result of the election shall be certified immediately after the 21492  
canvass by the board of elections to the board of county 21493  
commissioners, who shall thereupon, after the current year, cease 21494  
to levy the tax. 21495

**Sec. 323.08.** After certifying the tax list and duplicate 21496  
pursuant to section 319.28 of the Revised Code, the county auditor 21497  
shall deliver a list of the tax rates, tax reduction factors, and 21498  
effective tax rates assessed and applied against each of the two 21499  
classes of property of the county to the county treasurer, who 21500  
shall immediately cause a schedule of such tax rates and effective 21501  
rates to be published in a newspaper of ~~the type described in~~ 21502  
~~section 5721.01 of the Revised Code having~~ general circulation in 21503  
the county or, in lieu of such publication, the county treasurer 21504  
may insert a copy of such schedule with each tax bill mailed. Such 21505  
schedule shall specify particularly the rates and effective rates 21506  
of taxation levied for all purposes on the tax list and duplicate 21507

for the support of the various taxing units within the county, 21508  
expressed in dollars and cents for each one thousand dollars of 21509  
valuation. The effective tax rates shall be printed in boldface 21510  
type. 21511

The county treasurer shall publish notice of the date of the 21512  
last date for payment of each installment of taxes once a week for 21513  
two successive weeks prior to such date in ~~two newspapers a~~ 21514  
newspaper of general circulation within the county or as provided 21515  
in section 7.16 of the Revised Code. ~~If only one such newspaper~~ 21516  
~~exists, the notice shall be published in it.~~ The notice shall be 21517  
inserted in a conspicuous place in ~~each~~ the newspaper and shall 21518  
also contain notice that any taxes paid after such date will 21519  
accrue a penalty and interest and that failure to receive a tax 21520  
bill will not avoid such penalty and interest. The notice shall 21521  
contain a telephone number that may be called by taxpayers who 21522  
have not received tax bills. 21523

As used in this section and section 323.131 of the Revised 21524  
Code, "effective tax rate" means the effective rate after making 21525  
the reduction required by section 319.301, but before making the 21526  
reduction required by section 319.302 of the Revised Code. 21527

**Sec. 323.73.** (A) Except as provided in division (G) of this 21528  
section or section 323.78 of the Revised Code, a parcel of 21529  
abandoned land that is to be disposed of under this section shall 21530  
be disposed of at a public auction scheduled and conducted as 21531  
described in this section. At least twenty-one days prior to the 21532  
date of the public auction, the clerk of court or sheriff of the 21533  
county shall advertise the public auction in a newspaper of 21534  
general circulation that meets the requirements of section 7.12 of 21535  
the Revised Code in the county in which the land is located. The 21536  
advertisement shall include the date, time, and place of the 21537  
auction, the permanent parcel number of the land if a permanent 21538

parcel number system is in effect in the county as provided in 21539  
section 319.28 of the Revised Code or, if a permanent parcel 21540  
number system is not in effect, any other means of identifying the 21541  
parcel, and a notice stating that the abandoned land is to be sold 21542  
subject to the terms of sections 323.65 to 323.79 of the Revised 21543  
Code. 21544

(B) The sheriff of the county or a designee of the sheriff 21545  
shall conduct the public auction at which the abandoned land will 21546  
be offered for sale. To qualify as a bidder, a person shall file 21547  
with the sheriff on a form provided by the sheriff a written 21548  
acknowledgment that the abandoned land being offered for sale is 21549  
to be conveyed in fee simple to the successful bidder. At the 21550  
auction, the sheriff of the county or a designee of the sheriff 21551  
shall begin the bidding at an amount equal to the total of the 21552  
impositions against the abandoned land, plus the costs apportioned 21553  
to the land under section 323.75 of the Revised Code. The 21554  
abandoned land shall be sold to the highest bidder. The county 21555  
sheriff or designee may reject any and all bids not meeting the 21556  
minimum bid requirements specified in this division. 21557

(C) Except as otherwise permitted under section 323.74 of the 21558  
Revised Code, the successful bidder at a public auction conducted 21559  
under this section shall pay the sheriff of the county or a 21560  
designee of the sheriff a deposit of at least ten per cent of the 21561  
purchase price in cash, or by bank draft or official bank check, 21562  
at the time of the public auction, and shall pay the balance of 21563  
the purchase price within thirty days after the day on which the 21564  
auction was held. Notwithstanding section 321.261 of the Revised 21565  
Code, with respect to any proceedings initiated pursuant to 21566  
sections 323.65 to 323.79 of the Revised Code, from the total 21567  
proceeds arising from the sale, transfer, or redemption of 21568  
abandoned land, twenty per cent of such proceeds shall be 21569  
deposited to the credit of the county treasurer's delinquent tax 21570

and assessment collection fund to reimburse the fund for costs 21571  
paid from the fund for the transfer, redemption, or sale of 21572  
abandoned land at public auction. Not more than one-half of the 21573  
twenty per cent may be used by the treasurer for community 21574  
development, nuisance abatement, foreclosure prevention, 21575  
demolition, and related services or distributed by the treasurer 21576  
to a land reutilization corporation. The balance of the proceeds, 21577  
if any, shall be distributed to the appropriate political 21578  
subdivisions and other taxing units in proportion to their 21579  
respective claims for taxes, assessments, interest, and penalties 21580  
on the land. Upon the sale of foreclosed lands, the clerk of court 21581  
shall hold any surplus proceeds in excess of the impositions until 21582  
the clerk receives an order of priority and amount of distribution 21583  
of the surplus that are adjudicated by a court of competent 21584  
jurisdiction or receives a certified copy of an agreement between 21585  
the parties entitled to a share of the surplus providing for the 21586  
priority and distribution of the surplus. Any party to the action 21587  
claiming a right to distribution of surplus shall have a separate 21588  
cause of action in the county or municipal court of the 21589  
jurisdiction in which the land reposes, provided the board 21590  
confirms the transfer or regularity of the sale. Any dispute over 21591  
the distribution of the surplus shall not affect or revive the 21592  
equity of redemption after the board confirms the transfer or 21593  
sale. 21594

(D) Upon the sale or transfer of abandoned land pursuant to 21595  
this section, the owner's fee simple interest in the land shall be 21596  
conveyed to the purchaser. A conveyance under this division is 21597  
free and clear of any liens and encumbrances of the parties named 21598  
in the complaint for foreclosure attaching before the sale or 21599  
transfer, and free and clear of any liens for taxes, except for 21600  
federal tax liens and covenants and easements of record attaching 21601  
before the sale. 21602

(E) The county board of revision shall reject the sale of abandoned land to any person if it is shown by a preponderance of the evidence that the person is delinquent in the payment of taxes levied by or pursuant to Chapter 307., 322., 324., 5737., 5739., 5741., or 5743. of the Revised Code or any real property taxing provision of the Revised Code. The board also shall reject the sale of abandoned land to any person if it is shown by a preponderance of the evidence that the person is delinquent in the payment of property taxes on any parcel in the county, or to a member of any of the following classes of parties connected to that person:

(1) A member of that person's immediate family;

(2) Any other person with a power of attorney appointed by that person;

(3) A sole proprietorship owned by that person or a member of that person's immediate family;

(4) A partnership, trust, business trust, corporation, association, or other entity in which that person or a member of that person's immediate family owns or controls directly or indirectly any beneficial or legal interest.

(F) If the purchase of abandoned land sold pursuant to this section or section 323.74 of the Revised Code is for less than the sum of the impositions against the abandoned land and the costs apportioned to the land under division (A) of section 323.75 of the Revised Code, then, upon the sale or transfer, all liens for taxes due at the time the deed of the property is conveyed to the purchaser following the sale or transfer, and liens subordinate to liens for taxes, shall be deemed satisfied and discharged.

(G) If the county board of revision finds that the total of the impositions against the abandoned land are greater than the fair market value of the abandoned land as determined by the



auditor's then-current valuation of that land, the board, at any 21634  
final hearing under section 323.70 of the Revised Code, may order 21635  
the property foreclosed and, without an appraisal or public 21636  
auction, order the sheriff to execute a deed to the certificate 21637  
holder or county land reutilization corporation that filed a 21638  
complaint under section 323.69 of the Revised Code, or to a 21639  
community development organization, school district, municipal 21640  
corporation, county, or township, whichever is applicable, as 21641  
provided in section 323.74 of the Revised Code. Upon a transfer 21642  
under this division, all liens for taxes due at the time the deed 21643  
of the property is transferred to the certificate holder, 21644  
community development organization, school district, municipal 21645  
corporation, county, or township following the conveyance, and 21646  
liens subordinate to liens for taxes, shall be deemed satisfied 21647  
and discharged. 21648

**Sec. 323.75.** (A) The county treasurer or county prosecuting 21649  
attorney shall apportion the costs of the proceedings with respect 21650  
to abandoned lands offered for sale at a public auction held 21651  
pursuant to section 323.73 or 323.74 of the Revised Code among 21652  
those lands according to actual identified costs, equally, or in 21653  
proportion to the fair market values of the lands. The costs of 21654  
the proceedings include the costs of conducting the title search, 21655  
notifying record owners or other persons required to be notified 21656  
of the pending sale, advertising the sale, and any other costs 21657  
incurred by the county board of revision, county treasurer, county 21658  
auditor, clerk of court, prosecuting attorney, or county sheriff 21659  
in performing their duties under sections 323.65 to 323.79 of the 21660  
Revised Code. 21661

(B) All costs assessed in connection with proceedings under 21662  
sections 323.65 to 323.79 of the Revised Code may be paid after 21663  
they are incurred, as follows: 21664

(1) If the abandoned land in question is purchased at public auction, from the purchaser of the abandoned land; 21665  
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(2) In the case of abandoned land transferred to a community development organization, school district, municipal corporation, county, or township under section 323.74 of the Revised Code, from either of the following: 21667  
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(a) At the discretion of the county treasurer, in whole or in part from the delinquent tax and assessment collection ~~fund~~ funds created under section 321.261 of the Revised Code, ~~in which case the amount shall be a prior charge to the fund before its equal allocation between~~ allocated equally among the respective funds of the county treasurer and of the prosecuting attorney; 21671  
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(b) From the community development organization, school district, municipal corporation, county, or township, whichever is applicable. 21677  
21678  
21679

(3) If the abandoned land in question is transferred to a certificate holder, from the certificate holder. 21680  
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(C) If a parcel of abandoned land is sold or otherwise transferred pursuant to sections 323.65 to 323.79 of the Revised Code, the officer who conducted the sale or made the transfer, the prosecuting attorney, or the county treasurer may collect a recording fee from the purchaser or transferee of the parcel at the time of the sale or transfer and shall prepare the deed conveying title to the parcel or execute the deed prepared by the board for that purpose. That officer or the prosecuting attorney or treasurer is authorized to record on behalf of that purchaser or transferee the deed conveying title to the parcel, notwithstanding that the deed may not actually have been delivered to the purchaser or transferee prior to the recording of the deed. Receiving title to a parcel under sections 323.65 to 323.79 of the Revised Code constitutes the transferee's consent to an officer, 21682  
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prosecuting attorney, or county treasurer to file the deed to the 21696  
parcel for recording. Nothing in this division shall be construed 21697  
to require an officer, prosecuting attorney, or treasurer to file 21698  
a deed or to relieve a transferee's obligation to file a deed. 21699  
Upon confirmation of that sale or transfer, the deed shall be 21700  
deemed delivered to the purchaser or transferee of the parcel. 21701

**Sec. 324.02.** For the purpose of providing additional general 21702  
revenues for the county and paying the expense of administering 21703  
such levy, any county may levy a county excise tax to be known as 21704  
the utilities service tax on the charge for every utility service 21705  
to customers within the county at a rate not to exceed two per 21706  
cent of such charge. On utility service to customers engaged in 21707  
business, the tax shall be imposed at a rate of one hundred fifty 21708  
per cent of the rate imposed upon all other consumers within the 21709  
county. The tax shall be levied pursuant to a resolution adopted 21710  
by the board of county commissioners of the county and shall be 21711  
levied at uniform rates required by this section upon all charges 21712  
for utility service except as provided in section 324.03 of the 21713  
Revised Code. The tax shall be levied upon the customer and shall 21714  
be paid by the customer to the utility supplying the service at 21715  
the time the customer pays the utility for the service. If the 21716  
charge for utility service is billed to a person other than the 21717  
customer at the request of such person, the tax commissioner of 21718  
the state may, in accordance with section 324.04 of the Revised 21719  
Code, provide for the levy of the tax against and the payment of 21720  
the tax by such other person. Each utility furnishing a utility 21721  
service the charge for which is subject to the tax shall set forth 21722  
the tax as a separate item on each bill or statement rendered to 21723  
the customer. 21724

Prior to the adoption of any resolution levying a utilities 21725  
service tax the board of county commissioners shall conduct two 21726  
public hearings thereon, the second hearing to be not less than 21727

three nor more than ten days after the first. Notice of the date, 21728  
time, and place of such hearings shall be given by publication in 21729  
a newspaper of general circulation in the county once a week on 21730  
the same day of the week for two consecutive weeks, ~~the~~ or as 21731  
provided in section 7.16 of the Revised Code. The second 21732  
publication ~~being~~ shall be not less than ten nor more than thirty 21733  
days prior to the first hearing. No resolution levying a utilities 21734  
service tax pursuant to this section of the Revised Code shall be 21735  
effective sooner than thirty days following its adoption and such 21736  
resolution is subject to a referendum as provided in sections 21737  
305.31 to 305.41 of the Revised Code, unless such resolution is 21738  
adopted as an emergency measure necessary for the immediate 21739  
preservation of the public peace, health, or safety, in which case 21740  
it shall go into immediate effect. Such emergency measure must 21741  
receive an affirmative vote of all of the members of the board of 21742  
commissioners, and shall state the reasons for such necessity. A 21743  
resolution may direct the board of elections to submit the 21744  
question of levying the tax to the electors of the county at the 21745  
next primary or general election in the county occurring not less 21746  
than ninety days after such resolution is certified to the board. 21747  
No such resolution shall go into effect unless approved by a 21748  
majority of those voting upon it. The tax levied by such 21749  
resolution shall apply to all bills rendered subsequent to the 21750  
sixtieth day after the effective date of the resolution. No bills 21751  
shall be rendered out of the ordinary course of business to avoid 21752  
payment of the tax. 21753

**Sec. 324.021.** The question of repeal of a county permissive 21754  
tax adopted as an emergency measure pursuant to section 324.02 of 21755  
the Revised Code may be initiated by filing with the board of 21756  
elections of the county not less than ninety days before the 21757  
general election in any year a petition requesting that an 21758  
election be held on such question. Such petition shall be signed 21759

by qualified electors residing in the county equal in number to 21760  
ten per cent of those voting for governor at the most recent 21761  
gubernatorial election. 21762

After determination by it that such petition is valid, the 21763  
board of elections shall submit the question to the electors of 21764  
the county at the next general election. The election shall be 21765  
conducted, canvassed, and certified in the same manner as regular 21766  
elections for county offices in the county. Notice of the election 21767  
shall be published in a newspaper of general circulation in the 21768  
district once a week for two consecutive weeks prior to the 21769  
election ~~and, if~~ or as provided in section 7.16 of the Revised 21770  
Code. If the board of elections operates and maintains a web site, 21771  
notice of the election also shall be posted on that web site for 21772  
thirty days prior to the election. The notice shall state the 21773  
purpose, time, and place of the election. The form of the ballot 21774  
cast at such election shall be prescribed by the secretary of 21775  
state. The question covered by such petition shall be submitted as 21776  
a separate proposition, but it may be printed on the same ballot 21777  
with any other proposition submitted at the same election other 21778  
than the election of officers. If a majority of the qualified 21779  
electors voting on the question of repeal approve the repeal, the 21780  
result of the election shall be certified immediately after the 21781  
canvass by the board of elections to the board of county 21782  
commissioners, who shall thereupon, after the current year, cease 21783  
to levy the tax. 21784

**Sec. 325.20.** (A) Except as otherwise provided by law, no 21785  
elected county officer and no deputy or employee of the county 21786  
shall attend, at county expense, any association meeting, 21787  
convention, or training sessions conducted pursuant to section 21788  
901.10 of the Revised Code, unless authorized by the board of 21789  
county commissioners. Before such allowance may be made, the head 21790  
of the county office desiring it shall apply to the board in 21791

writing showing the necessity of such attendance and the probable 21792  
costs to the county. If a majority of the members of the board 21793  
approves the application, such expenses shall be paid from the 21794  
moneys appropriated to such office for traveling expenses. 21795

(B) The board of county commissioners shall approve or 21796  
disapprove any travel outside this state if the travel expenses 21797  
will or may be in excess of one hundred dollars and will or may be 21798  
paid for from funds in either of the delinquent tax and assessment 21799  
collection ~~fund~~ funds created in section 321.261 of the Revised 21800  
Code or the real estate assessment fund created in section 325.31 21801  
of the Revised Code. The head of the county office seeking 21802  
approval shall apply to the board in writing showing the necessity 21803  
of the travel and the probable costs to the county from either ~~the~~ 21804  
delinquent tax and assessment collection fund or from the real 21805  
estate assessment fund. If the travel is requested by a county 21806  
auditor, and the board does not approve the travel, the auditor 21807  
may not apply to the tax commissioner pursuant to section 5713.01 21808  
of the Revised Code for an additional allowance for such travel. 21809

**Sec. 340.02.** As used in this section, "mental health 21810  
professional" means a person who is qualified to work with 21811  
mentally ill persons, pursuant to standards established by the 21812  
director of mental health under section 5119.611 of the Revised 21813  
Code. 21814

For each alcohol, drug addiction, and mental health service 21815  
district, there shall be appointed a board of alcohol, drug 21816  
addiction, and mental health services of eighteen members. Nine 21817  
members shall be interested in mental health programs and 21818  
facilities and nine other members shall be interested in alcohol 21819  
or drug addiction programs. All members shall be residents of the 21820  
service district. The membership shall, as nearly as possible, 21821  
reflect the composition of the population of the service district 21822

as to race and sex. 21823

The director of mental health shall appoint four members of 21824  
the board, the director of alcohol and drug addiction services 21825  
shall appoint four members, and the board of county commissioners 21826  
shall appoint ten members. In a joint-county district, the county 21827  
commissioners of each participating county shall appoint members 21828  
in as nearly as possible the same proportion as that county's 21829  
population bears to the total population of the district, except 21830  
that at least one member shall be appointed from each 21831  
participating county. 21832

The director of mental health shall ensure that at least one 21833  
member of the board is a psychiatrist and one member of the board 21834  
is a mental health professional. If the appointment of a 21835  
psychiatrist is not possible, as determined under rules adopted by 21836  
the director, a licensed physician may be appointed in place of 21837  
the psychiatrist. If the appointment of a licensed physician is 21838  
not possible, the director of mental health may waive the 21839  
requirement that the psychiatrist or licensed physician be a 21840  
resident of the service district and appoint a psychiatrist or 21841  
licensed physician from a contiguous county. The director of 21842  
mental health shall ensure that at least one member of the board 21843  
is a person who has received or is receiving mental health 21844  
services paid for by public funds and at least one member is a 21845  
parent or other relative of such a person. 21846

The director of alcohol and drug addiction services shall 21847  
ensure that at least one member of the board is a professional in 21848  
the field of alcohol or drug addiction services and one member of 21849  
the board is an advocate for persons receiving treatment for 21850  
alcohol or drug addiction. Of the members appointed by the 21851  
director of alcohol and drug addiction services, at least one 21852  
shall be a person who has received or is receiving services for 21853  
alcohol or drug addiction, and at least one shall be a parent or 21854

other relative of such a person. 21855

No member or employee of a board of alcohol, drug addiction, 21856  
and mental health services shall serve as a member of the board of 21857  
any agency with which the board of alcohol, drug addiction, and 21858  
mental health services has entered into a contract for the 21859  
provision of services or facilities. No member of a board of 21860  
alcohol, drug addiction, and mental health services shall be an 21861  
employee of any agency with which the board has entered into a 21862  
contract for the provision of services or facilities, unless the 21863  
board member's employment duties with the agency consist of 21864  
providing, only outside the district the board serves, services 21865  
for which the medicaid program pays. No person shall be an 21866  
employee of a board and such an agency unless the board and agency 21867  
both agree in writing. 21868

No person shall serve as a member of the board of alcohol, 21869  
drug addiction, and mental health services whose spouse, child, 21870  
parent, brother, sister, grandchild, stepparent, stepchild, 21871  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 21872  
daughter-in-law, brother-in-law, or sister-in-law serves as a 21873  
member of the board of any agency with which the board of alcohol, 21874  
drug addiction, and mental health services has entered into a 21875  
contract for the provision of services or facilities. No person 21876  
shall serve as a member or employee of the board whose spouse, 21877  
child, parent, brother, sister, stepparent, stepchild, 21878  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 21879  
daughter-in-law, brother-in-law, or sister-in-law serves as a 21880  
county commissioner of a county or counties in the alcohol, drug 21881  
addiction, and mental health service district. 21882

Each year each board member shall attend at least one 21883  
inservice training session provided or approved by the department 21884  
of mental health or the department of alcohol and drug addiction 21885  
services. Such training sessions shall not be considered to be 21886



regularly scheduled meetings of the board. 21887

Each member shall be appointed for a term of four years, 21888  
commencing the first day of July, except that one-third of initial 21889  
appointments to a newly established board, and to the extent 21890  
possible to expanded boards, shall be for terms of two years, 21891  
one-third of initial appointments shall be for terms of three 21892  
years, and one-third of initial appointments shall be for terms of 21893  
four years. No member shall serve more than two consecutive 21894  
four-year terms. A member may serve for three consecutive terms 21895  
only if one of the terms is for less than two years. A member who 21896  
has served two consecutive four-year terms or three consecutive 21897  
terms totaling less than ten years is eligible for reappointment 21898  
one year following the end of the second or third term, 21899  
respectively. 21900

When a vacancy occurs, appointment for the expired or 21901  
unexpired term shall be made in the same manner as an original 21902  
appointment. The appointing authority shall be notified by 21903  
certified mail of any vacancy and shall fill the vacancy within 21904  
sixty days following that notice. 21905

Any member of the board may be removed from office by the 21906  
appointing authority for neglect of duty, misconduct, or 21907  
malfeasance in office, and shall be removed by the appointing 21908  
authority if the ~~member's spouse, child, parent, brother, sister,~~ 21909  
~~stepparent, stepchild, stepbrother, stepsister, father in law,~~ 21910  
~~mother in law, son in law, daughter in law, brother in law, or~~ 21911  
~~sister in law serves as a county commissioner of a county or~~ 21912  
~~counties in the service district or serves as a member or employee~~ 21913  
~~of the board of an agency with which the board of alcohol, drug~~ 21914  
~~addiction, and mental health services has entered a contract for~~ 21915  
~~the provision of services or facilities~~ member is barred by this 21916  
section from serving as a board member. The member shall be 21917  
informed in writing of the charges and afforded an opportunity for 21918

a hearing. Upon the absence of a member within one year from 21919  
either four board meetings or from two board meetings without 21920  
prior notice, the board shall notify the appointing authority, 21921  
which may vacate the appointment and appoint another person to 21922  
complete the member's term. 21923

Members of the board shall serve without compensation, but 21924  
shall be reimbursed for actual and necessary expenses incurred in 21925  
the performance of their official duties, as defined by rules of 21926  
the departments of mental health and alcohol and drug addiction 21927  
services. 21928

**Sec. 340.03.** (A) Subject to rules issued by the director of 21929  
mental health after consultation with relevant constituencies as 21930  
required by division ~~(A)(11)~~(L) of section 5119.06 of the Revised 21931  
Code, with regard to mental health services, the board of alcohol, 21932  
drug addiction, and mental health services shall: 21933

(1) Serve as the community mental health planning agency for 21934  
the county or counties under its jurisdiction, and in so doing it 21935  
shall: 21936

(a) Evaluate the need for facilities and community mental 21937  
health services; 21938

(b) In cooperation with other local and regional planning and 21939  
funding bodies and with relevant ethnic organizations, assess the 21940  
community mental health needs, set priorities, and develop plans 21941  
for the operation of facilities and community mental health 21942  
services; 21943

(c) In accordance with guidelines issued by the director of 21944  
mental health after consultation with board representatives, 21945  
annually develop and submit to the department of mental health, ~~no~~ 21946  
~~later than six months prior to the conclusion of the fiscal year~~ 21947  
~~in which the board's current plan is scheduled to expire, a~~ 21948

community mental health plan listing community mental health 21949  
needs, including the needs of all residents of the district now 21950  
residing in state mental institutions and severely mentally 21951  
disabled adults, children, and adolescents; all children subject 21952  
to a determination made pursuant to section 121.38 of the Revised 21953  
Code; and all the facilities and community mental health services 21954  
that are or will be in operation or provided during the period for 21955  
which the plan will be in operation in the service district to 21956  
meet such needs. 21957

The plan shall include, but not be limited to, a statement of 21958  
which of the services listed in section 340.09 of the Revised Code 21959  
the board intends to make available. The board must include crisis 21960  
intervention services for individuals in an emergency situation in 21961  
the plan and explain how the board intends to make such services 21962  
available. The plan must also include ~~an explanation of how the~~ 21963  
~~board intends to make any payments that it may be required to pay~~ 21964  
~~under section 5119.62 of the Revised Code,~~ a statement of the 21965  
inpatient and community-based services the board proposes that the 21966  
department operate, an assessment of the number and types of 21967  
residential facilities needed, such other information as the 21968  
department requests, and a budget for moneys the board expects to 21969  
receive. The ~~board shall also submit an allocation request for~~ 21970  
~~state and federal funds. Within sixty days after the department's~~ 21971  
~~determination that the plan and allocation request are complete,~~ 21972  
the department shall approve or disapprove the plan ~~and request,~~ 21973  
in whole or in part, according to the criteria developed pursuant 21974  
to section 5119.61 of the Revised Code. The department's statement 21975  
of approval or disapproval shall specify the inpatient and the 21976  
community-based services that the department will operate for the 21977  
board. Eligibility for state and federal funding shall be 21978  
contingent upon an approved plan or relevant part of a plan. 21979

~~If the director disapproves all or part of any plan, the~~ 21980

~~director shall inform the board of the reasons for the disapproval 21981  
and of the criteria that must be met before the plan may be 21982  
approved. The director shall provide the board an opportunity to 21983  
present its case on behalf of the plan. The director shall give 21984  
the board a reasonable time in which to meet the criteria, and 21985  
shall offer the board technical assistance to help it meet the 21986  
criteria. 21987~~

~~If the approval of a plan remains in dispute thirty days 21988  
prior to the conclusion of the fiscal year in which the board's 21989  
current plan is scheduled to expire, the board or the director may 21990  
request that the dispute be submitted to a mutually agreed upon 21991  
third party mediator with the cost to be shared by the board and 21992  
the department. The mediator shall issue to the board and the 21993  
department recommendations for resolution of the dispute. Prior to 21994  
the conclusion of the fiscal year in which the current plan is 21995  
scheduled to expire, the director, taking into consideration the 21996  
recommendations of the mediator, shall make a final determination 21997  
and approve or disapprove the plan, in whole or in part. 21998~~

~~If a board determines that it is necessary to amend a plan or 21999  
an allocation request that has been approved under division 22000  
(A)(1)(c) of this section, the board shall submit a proposed 22001  
amendment to the director. The director may approve or disapprove 22002  
all or part of the amendment. If the director does not approve all 22003  
or part of the amendment within thirty days after it is submitted, 22004  
the amendment or part of it shall be considered to have been 22005  
approved. The director shall inform the board of the reasons for 22006  
disapproval of all or part of an amendment and of the criteria 22007  
that must be met before the amendment may be approved. The 22008  
director shall provide the board an opportunity to present its 22009  
case on behalf of the amendment. The director shall give the board 22010  
a reasonable time in which to meet the criteria, and shall offer 22011  
the board technical assistance to help it meet the criteria. 22012~~

The board shall implement the plan approved by the department. 22013  
22014

~~(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;~~ 22015  
22016

~~(e)~~ Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies. 22017  
22018  
22019

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community mental health agency as defined in section 5122.01 of the Revised Code, or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department. 22020  
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(3) For the purpose of section 5119.611 of the Revised Code, cooperate with the director of mental health in visiting and evaluating whether the services of a community mental health agency satisfy the certification standards established by rules adopted under that section; 22030  
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(4) In accordance with criteria established under division ~~(G)~~(E) of section 5119.61 of the Revised Code, review and evaluate the quality, effectiveness, and efficiency of services provided through its community mental health plan and submit its findings and recommendations to the department of mental health; 22035  
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(5) In accordance with section 5119.22 of the Revised Code, review applications for residential facility licenses and recommend to the department of mental health approval or disapproval of applications; 22040  
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22042  
22043

(6) Audit, in accordance with rules adopted by the auditor of 22044  
state pursuant to section 117.20 of the Revised Code, at least 22045  
annually all programs and services provided under contract with 22046  
the board. In so doing, the board may contract for or employ the 22047  
services of private auditors. A copy of the fiscal audit report 22048  
shall be provided to the director of mental health, the auditor of 22049  
state, and the county auditor of each county in the board's 22050  
district. 22051

(7) Recruit and promote local financial support for mental 22052  
health programs from private and public sources; 22053

(8)(a) Enter into contracts with public and private 22054  
facilities for the operation of facility services included in the 22055  
board's community mental health plan and enter into contracts with 22056  
public and private community mental health agencies for the 22057  
provision of community mental health services that are listed in 22058  
section 340.09 of the Revised Code and included in the board's 22059  
community mental health plan. The board may not contract with a 22060  
community mental health agency to provide community mental health 22061  
services included in the board's community mental health plan 22062  
unless the services are certified by the director of mental health 22063  
under section 5119.611 of the Revised Code. Section 307.86 of the 22064  
Revised Code does not apply to contracts entered into under this 22065  
division. In contracting with a community mental health agency, a 22066  
board shall consider the cost effectiveness of services provided 22067  
by that agency and the quality and continuity of care, and may 22068  
review cost elements, including salary costs, of the services to 22069  
be provided. A utilization review process shall be established as 22070  
part of the contract for services entered into between a board and 22071  
a community mental health agency. The board may establish this 22072  
process in a way that is most effective and efficient in meeting 22073  
local needs. ~~In the case of~~ Until July 1, 2012, a contract with a 22074  
community mental health agency or facility, as defined in section 22075

5111.023 of the Revised Code, to provide services listed in 22076  
division (B) of that section, ~~the contract~~ shall provide for the 22077  
agency or facility to be paid in accordance with the contract 22078  
entered into between the departments of job and family services 22079  
and mental health under section 5111.91 of the Revised Code and 22080  
any rules adopted under division (A) of section 5119.61 of the 22081  
Revised Code. 22082

If either the board or a facility or community mental health 22083  
agency with which the board contracts under division (A)(8)(a) of 22084  
this section proposes not to renew the contract or proposes 22085  
substantial changes in contract terms, the other party shall be 22086  
given written notice at least one hundred twenty days before the 22087  
expiration date of the contract. During the first sixty days of 22088  
this one hundred twenty-day period, both parties shall attempt to 22089  
resolve any dispute through good faith collaboration and 22090  
negotiation in order to continue to provide services to persons in 22091  
need. If the dispute has not been resolved sixty days before the 22092  
expiration date of the contract, either party may ~~notify the~~ 22093  
~~department of mental health of the unresolved dispute. The~~ 22094  
~~director may require~~ request that both parties ~~to~~ submit the 22095  
dispute to a third party with the cost to be shared by the board 22096  
and the facility or community mental health agency. The third 22097  
party shall issue to the board, ~~the~~ and facility or agency, ~~and~~ 22098  
~~the department~~ recommendations on how the dispute may be resolved 22099  
twenty days prior to the expiration date of the contract, unless 22100  
both parties agree to a time extension. ~~The director shall adopt~~ 22101  
~~rules establishing the procedures of this dispute resolution~~ 22102  
~~process.~~ 22103

(b) With the prior approval of the director of mental health, 22104  
a board may operate a facility or provide a community mental 22105  
health service as follows, if there is no other qualified private 22106  
or public facility or community mental health agency that is 22107

immediately available and willing to operate such a facility or 22108  
provide the service: 22109

(i) In an emergency situation, any board may operate a 22110  
facility or provide a community mental health service in order to 22111  
provide essential services for the duration of the emergency; 22112

(ii) In a service district with a population of at least one 22113  
hundred thousand but less than five hundred thousand, a board may 22114  
operate a facility or provide a community mental health service 22115  
for no longer than one year; 22116

(iii) In a service district with a population of less than 22117  
one hundred thousand, a board may operate a facility or provide a 22118  
community mental health service for no longer than one year, 22119  
except that such a board may operate a facility or provide a 22120  
community mental health service for more than one year with the 22121  
prior approval of the director and the prior approval of the board 22122  
of county commissioners, or of a majority of the boards of county 22123  
commissioners if the district is a joint-county district. 22124

The director shall not give a board approval to operate a 22125  
facility or provide a community mental health service under 22126  
division (A)(8)(b)(ii) or (iii) of this section unless the 22127  
director determines that it is not feasible to have the department 22128  
operate the facility or provide the service. 22129

The director shall not give a board approval to operate a 22130  
facility or provide a community mental health service under 22131  
division (A)(8)(b)(iii) of this section unless the director 22132  
determines that the board will provide greater administrative 22133  
efficiency and more or better services than would be available if 22134  
the board contracted with a private or public facility or 22135  
community mental health agency. 22136

The director shall not give a board approval to operate a 22137  
facility previously operated by a person or other government 22138



entity unless the board has established to the director's 22139  
satisfaction that the person or other government entity cannot 22140  
effectively operate the facility or that the person or other 22141  
government entity has requested the board to take over operation 22142  
of the facility. The director shall not give a board approval to 22143  
provide a community mental health service previously provided by a 22144  
community mental health agency unless the board has established to 22145  
the director's satisfaction that the agency cannot effectively 22146  
provide the service or that the agency has requested the board 22147  
take over providing the service. 22148

The director shall review and evaluate a board's operation of 22149  
a facility and provision of community mental health service under 22150  
division (A)(8)(b) of this section. 22151

Nothing in division (A)(8)(b) of this section authorizes a 22152  
board to administer or direct the daily operation of any facility 22153  
or community mental health agency, but a facility or agency may 22154  
contract with a board to receive administrative services or staff 22155  
direction from the board under the direction of the governing body 22156  
of the facility or agency. 22157

(9) Approve fee schedules and related charges or adopt a unit 22158  
cost schedule or other methods of payment for contract services 22159  
provided by community mental health agencies in accordance with 22160  
guidelines issued by the department as necessary to comply with 22161  
state and federal laws pertaining to financial assistance; 22162

(10) Submit to the director and the county commissioners of 22163  
the county or counties served by the board, and make available to 22164  
the public, an annual report of the programs under the 22165  
jurisdiction of the board, including a fiscal accounting; 22166

(11) Establish, to the extent resources are available, a 22167  
community support system, which provides for treatment, support, 22168  
and rehabilitation services and opportunities. The essential 22169

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| elements of the system include, but are not limited to, the        | 22170 |
| following components in accordance with section 5119.06 of the     | 22171 |
| Revised Code:                                                      | 22172 |
| (a) To locate persons in need of mental health services to         | 22173 |
| inform them of available services and benefits mechanisms;         | 22174 |
| (b) Assistance for clients to obtain services necessary to         | 22175 |
| meet basic human needs for food, clothing, shelter, medical care,  | 22176 |
| personal safety, and income;                                       | 22177 |
| (c) Mental health care, including, but not limited to,             | 22178 |
| outpatient, partial hospitalization, and, where appropriate,       | 22179 |
| inpatient care;                                                    | 22180 |
| (d) Emergency services and crisis intervention;                    | 22181 |
| (e) Assistance for clients to obtain vocational services and       | 22182 |
| opportunities for jobs;                                            | 22183 |
| (f) The provision of services designed to develop social,          | 22184 |
| community, and personal living skills;                             | 22185 |
| (g) Access to a wide range of housing and the provision of         | 22186 |
| residential treatment and support;                                 | 22187 |
| (h) Support, assistance, consultation, and education for           | 22188 |
| families, friends, consumers of mental health services, and        | 22189 |
| others;                                                            | 22190 |
| (i) Recognition and encouragement of families, friends,            | 22191 |
| neighborhood networks, especially networks that include racial and | 22192 |
| ethnic minorities, churches, community organizations, and          | 22193 |
| meaningful employment as natural supports for consumers of mental  | 22194 |
| health services;                                                   | 22195 |
| (j) Grievance procedures and protection of the rights of           | 22196 |
| consumers of mental health services;                               | 22197 |
| (k) Case management, which includes continual individualized       | 22198 |
| assistance and advocacy to ensure that needed services are offered | 22199 |

and procured. 22200

(12) Designate the treatment program, agency, or facility for 22201  
each person involuntarily committed to the board pursuant to 22202  
Chapter 5122. of the Revised Code and authorize payment for such 22203  
treatment. The board shall provide the least restrictive and most 22204  
appropriate alternative that is available for any person 22205  
involuntarily committed to it and shall assure that the services 22206  
listed in section 340.09 of the Revised Code are available to 22207  
severely mentally disabled persons residing within its service 22208  
district. The board shall establish the procedure for authorizing 22209  
payment for services, which may include prior authorization in 22210  
appropriate circumstances. The board may provide for services 22211  
directly to a severely mentally disabled person when life or 22212  
safety is endangered and when no community mental health agency is 22213  
available to provide the service. 22214

(13) Establish a method for evaluating referrals for 22215  
involuntary commitment and affidavits filed pursuant to section 22216  
5122.11 of the Revised Code in order to assist the probate 22217  
division of the court of common pleas in determining whether there 22218  
is probable cause that a respondent is subject to involuntary 22219  
hospitalization and what alternative treatment is available and 22220  
appropriate, if any; 22221

(14) Ensure that apartments or rooms built, subsidized, 22222  
renovated, rented, owned, or leased by the board or a community 22223  
mental health agency have been approved as meeting minimum fire 22224  
safety standards and that persons residing in the rooms or 22225  
apartments are receiving appropriate and necessary services, 22226  
including culturally relevant services, from a community mental 22227  
health agency. This division does not apply to residential 22228  
facilities licensed pursuant to section 5119.22 of the Revised 22229  
Code. 22230

(15) Establish a mechanism for involvement of consumer 22231

recommendation and advice on matters pertaining to mental health 22232  
services in the alcohol, drug addiction, and mental health service 22233  
district; 22234

(16) Perform the duties under section ~~3722.18~~ 5119.88 of the 22235  
Revised Code required by rules adopted under section 5119.61 of 22236  
the Revised Code regarding referrals by the board or mental health 22237  
agencies under contract with the board of individuals with mental 22238  
illness or severe mental disability to adult care facilities and 22239  
effective arrangements for ongoing mental health services for the 22240  
individuals. The board is accountable in the manner specified in 22241  
the rules for ensuring that the ongoing mental health services are 22242  
effectively arranged for the individuals. 22243

(B) The board shall establish such rules, operating 22244  
procedures, standards, and bylaws, and perform such other duties 22245  
as may be necessary or proper to carry out the purposes of this 22246  
chapter. 22247

(C) A board of alcohol, drug addiction, and mental health 22248  
services may receive by gift, grant, devise, or bequest any 22249  
moneys, lands, or property for the benefit of the purposes for 22250  
which the board is established, and may hold and apply it 22251  
according to the terms of the gift, grant, or bequest. All money 22252  
received, including accrued interest, by gift, grant, or bequest 22253  
shall be deposited in the treasury of the county, the treasurer of 22254  
which is custodian of the alcohol, drug addiction, and mental 22255  
health services funds to the credit of the board and shall be 22256  
available for use by the board for purposes stated by the donor or 22257  
grantor. 22258

(D) No board member or employee of a board of alcohol, drug 22259  
addiction, and mental health services shall be liable for injury 22260  
or damages caused by any action or inaction taken within the scope 22261  
of the board member's official duties or the employee's 22262  
employment, whether or not such action or inaction is expressly 22263

authorized by this section, section 340.033, or any other section 22264  
of the Revised Code, unless such action or inaction constitutes 22265  
willful or wanton misconduct. Chapter 2744. of the Revised Code 22266  
applies to any action or inaction by a board member or employee of 22267  
a board taken within the scope of the board member's official 22268  
duties or employee's employment. For the purposes of this 22269  
division, the conduct of a board member or employee shall not be 22270  
considered willful or wanton misconduct if the board member or 22271  
employee acted in good faith and in a manner that the board member 22272  
or employee reasonably believed was in or was not opposed to the 22273  
best interests of the board and, with respect to any criminal 22274  
action or proceeding, had no reasonable cause to believe the 22275  
conduct was unlawful. 22276

(E) The meetings held by any committee established by a board 22277  
of alcohol, drug addiction, and mental health services shall be 22278  
considered to be meetings of a public body subject to section 22279  
121.22 of the Revised Code. 22280

**Sec. 340.05.** A community mental health agency that receives a 22281  
complaint under section ~~3722.17~~ 5119.87 of the Revised Code 22282  
alleging abuse or neglect of an individual with mental illness or 22283  
severe mental disability who resides in an adult care facility 22284  
shall report the complaint to the board of alcohol, drug 22285  
addiction, and mental health services serving the alcohol, drug 22286  
addiction, and mental health service district in which the adult 22287  
care facility is located. A board of alcohol, drug addiction, and 22288  
mental health services that receives such a complaint or a report 22289  
from a community mental health agency of such a complaint shall 22290  
report the complaint to the director of mental health for the 22291  
purpose of the director conducting an investigation under section 22292  
~~3722.17~~ 5119.87 of the Revised Code. The board may enter the adult 22293  
care facility with or without the director and, if the health and 22294  
safety of a resident is in immediate danger, take any necessary 22295

action to protect the resident. The board's action shall not 22296  
violate any resident's rights under section ~~3722.12~~ 5119.81 of the 22297  
Revised Code and rules adopted by the ~~public health council~~ 22298  
department of mental health under ~~that chapter~~ sections 5119.70 to 22299  
5119.88 of the Revised Code. The board shall immediately report to 22300  
the director regarding the board's actions under this section. 22301

**Sec. 340.091.** Each board of alcohol, drug addiction, and 22302  
mental health services shall contract with a community mental 22303  
health agency under division (A)~~(8)~~(7)(a) of section 340.03 of the 22304  
Revised Code for the agency to do all of the following in 22305  
accordance with rules adopted under section 5119.61 of the Revised 22306  
Code for an individual referred to the agency under division 22307  
(C)(2) of section ~~173.35~~ 5119.69 of the Revised Code: 22308

(A) Assess the individual to determine whether to recommend 22309  
that a ~~PASSPORT~~ residential state supplement administrative agency 22310  
designated under section 5119.69 of the Revised Code determine 22311  
that the environment in which the individual will be living while 22312  
receiving residential state supplement payments is appropriate for 22313  
the individual's needs and, if it determines the environment is 22314  
appropriate, issue the recommendation to the ~~PASSPORT~~ residential 22315  
state supplement administrative agency; 22316

(B) Provide ongoing monitoring to ensure that services 22317  
provided under section 340.09 of the Revised Code are available to 22318  
the individual; 22319

(C) Provide discharge planning to ensure the individual's 22320  
earliest possible transition to a less restrictive environment. 22321

**Sec. 340.11.** ~~(A)~~ A board of alcohol, drug addiction, and 22322  
mental health services may procure a policy or policies of 22323  
insurance insuring board members or employees of the board or 22324  
agencies with which the board contracts against liability arising 22325

from the performance of their official duties. If the liability 22326  
insurance is unavailable or the amount a board has procured or is 22327  
able to procure is insufficient to cover the amount of a claim, 22328  
the board may indemnify a board member or employee as follows: 22329

~~(1)~~(A) For any action or inaction in ~~his~~ the capacity ~~as a~~ of 22330  
board member or employee or at the request of the board, whether 22331  
or not the action or inaction is expressly authorized by this or 22332  
any other section of the Revised Code, if: 22333

~~(a)~~(1) The board member or employee acted in good faith and 22334  
in a manner that ~~he~~ the board member or employee reasonably 22335  
believed was in or was not opposed to the best interests of the 22336  
board; and 22337

~~(b)~~(2) With respect to any criminal action or proceeding, the 22338  
board member or employee had no reason to believe ~~his~~ the board 22339  
member's or employee's conduct was unlawful. 22340

~~(2)~~(B) Against any expenses, including attorneys' fees, the 22341  
board member or employee actually and reasonably incurs as a 22342  
result of a suit or other proceeding involving the defense of any 22343  
action or inaction in ~~his~~ the capacity ~~as a~~ of board member or 22344  
employee or at the request of the board, or in defense of any 22345  
claim, issue, or matter raised in connection with the defense of 22346  
such an action or inaction, to the extent that the board member or 22347  
employee is successful on the merits or otherwise. 22348

~~(B) The board may utilize up to that per cent of its budget 22349  
as approved by the department of mental health to purchase 22350  
insurance and to pool with funds of other boards of alcohol, drug 22351  
addiction, and mental health services, as provided in division (E) 22352  
of section 5119.62 of the Revised Code, to pay expenditures for 22353  
utilization of state hospital facilities that exceed the amount 22354  
allocated to the board under the formula developed under that 22355  
section. 22356~~

Sec. 341.192. (A) As used in this section: 22357

(1) "Jail" means a county jail, or a multicounty, 22358  
municipal-county, or multicounty-municipal correctional center. 22359

(2) "Medical assistance program" has the same meaning as in 22360  
section 2913.40 of the Revised Code. 22361

~~(2)~~(3) "Medical provider" means a physician, hospital, 22362  
laboratory, pharmacy, or other health care provider that is not 22363  
employed by or under contract to a county, municipal corporation, 22364  
township, the department of youth services, or the department of 22365  
rehabilitation and correction to provide medical services to 22366  
persons confined in ~~the county~~ a jail or a state correctional 22367  
institution, or is in the custody of a law enforcement officer. 22368

~~(3)~~(4) "Necessary care" means medical care of a nonelective 22369  
nature that cannot be postponed until after the period of 22370  
confinement of a person who is confined in a ~~county~~ jail or a 22371  
state correctional institution, or is in the custody of a law 22372  
enforcement officer without endangering the life or health of the 22373  
person. 22374

(B) If a physician employed by or under contract to a county, 22375  
municipal corporation, township, the department of youth services, 22376  
or the department of rehabilitation and correction to provide 22377  
medical services to persons confined in ~~the county~~ a jail or state 22378  
correctional institution determines that a person who is confined 22379  
in the ~~county~~ jail or a state correctional institution or who is 22380  
in the custody of a law enforcement officer prior to the person's 22381  
confinement in ~~the county~~ a jail or a state correctional 22382  
institution requires necessary care that the physician cannot 22383  
provide, the necessary care shall be provided by a medical 22384  
provider. The county, municipal corporation, township, the 22385  
department of youth services, or the department of rehabilitation 22386  
and correction shall pay a medical provider for necessary care an 22387



amount not exceeding the authorized reimbursement rate for the 22388  
same service established by the department of job and family 22389  
services under the medical assistance program. 22390

**Sec. 343.08.** (A) The board of county commissioners of a 22391  
county solid waste management district and the board of directors 22392  
of a joint solid waste management district may fix reasonable 22393  
rates or charges to be paid by every person, municipal 22394  
corporation, township, or other political subdivision that owns 22395  
premises to which solid waste collection, storage, transfer, 22396  
disposal, recycling, processing, or resource recovery service is 22397  
provided by the district and may change the rates or charges 22398  
whenever it considers it advisable. Charges for collection, 22399  
storage, transfer, disposal, recycling, processing, or resource 22400  
recovery service shall be made only against lots or parcels that 22401  
are improved, or in the process of being improved, with at least 22402  
one permanent, portable, or temporary building. The rates or 22403  
charges may be collected by either of the following means: 22404

(1) Periodic billings made by the district directly or in 22405  
conjunction with billings for public utility rates or charges by a 22406  
county water district established under section 6103.02 of the 22407  
Revised Code, a county sewer district established under section 22408  
6117.02 of the Revised Code, or a municipal corporation or other 22409  
political subdivision authorized by law to provide public utility 22410  
service. When any such charges that are so billed are not paid, 22411  
the board shall certify them to the county auditor of the county 22412  
where the lots or parcels are located, who shall place them upon 22413  
the real property duplicate against the property served by the 22414  
collection, storage, transfer, disposal, recycling, processing, or 22415  
resource recovery service. The charges shall be a lien on the 22416  
property from the date they are placed upon the real property 22417  
duplicate by the auditor and shall be collected in the same manner 22418  
as other taxes. 22419

(2) Certifying the rates or charges to the county auditor of 22420  
the county where the lots or parcels are located, who shall place 22421  
them on the real property duplicate against the lots or parcels. 22422  
The rates or charges are a lien on the property from the date they 22423  
are placed upon the real property duplicate by the auditor and 22424  
shall be collected in the same manner as other taxes. 22425

The county or joint district need not fix a rate or charge 22426  
against property if the district does not operate a collection 22427  
system. 22428

Where a county or joint district owns or operates a solid 22429  
waste facility, either without a collection system or in 22430  
conjunction therewith, the board of county commissioners or board 22431  
of directors may fix reasonable rates or charges for the use of 22432  
the facility by persons, municipal corporations, townships, and 22433  
other political subdivisions, may contract with any public 22434  
authority or person for the collection of solid wastes in any part 22435  
of any district for collection, storage, disposal, transfer, 22436  
recycling, processing, or resource recovery in any solid waste 22437  
facility, or may lease the facility to any public authority or 22438  
person. The cost of collection, storage, transfer, disposal, 22439  
recycling, processing, or resource recovery under such contracts 22440  
may be paid by rates or charges fixed and collected under this 22441  
section or by rates and charges fixed under those contracts and 22442  
collected by the contractors. 22443

All moneys collected by or on behalf of a county or joint 22444  
district as rates or charges for solid waste collection, storage, 22445  
transfer, disposal, recycling, processing, or resource recovery 22446  
service in any district shall be paid to the county treasurer in a 22447  
county district or to the county treasurer or other official 22448  
designated by the board of directors in a joint district and kept 22449  
in a separate and distinct fund to the credit of the district. The 22450  
fund shall be used for the payment of the cost of the management, 22451

maintenance, and operation of the solid waste collection or other 22452  
solid waste facilities of the district and, if applicable, the 22453  
payment of the cost of collecting the rates or charges of the 22454  
district pursuant to division (A)(1) or (2) of this section. Prior 22455  
to the approval of the district's initial solid waste management 22456  
plan under section 3734.55 of the Revised Code or the issuance of 22457  
an order under that section requiring the district to implement an 22458  
initial plan prepared by the director, as appropriate, the fund 22459  
also may be used for the purposes of division (G)(1) or (3) of 22460  
section 3734.57 of the Revised Code. On and after the approval of 22461  
the district's initial plan under section 3734.521 or 3734.55 of 22462  
the Revised Code or the issuance of an order under either of those 22463  
sections, as appropriate, requiring the district to implement an 22464  
initial plan prepared by the director, the fund also may be used 22465  
for the purposes of divisions (G)(1) to (10) of section 3734.57 of 22466  
the Revised Code. Those uses may include, in accordance with a 22467  
cost allocation plan adopted under division (B) of this section, 22468  
the payment of all allowable direct and indirect costs of the 22469  
district, the sanitary engineer or sanitary engineering 22470  
department, or a federal or state grant program, incurred for the 22471  
purposes of this chapter and sections 3734.52 to 3734.572 of the 22472  
Revised Code. Any surplus remaining after those uses of the fund 22473  
may be used for the enlargement, modification, or replacement of 22474  
such facilities and for the payment of the interest and principal 22475  
on bonds and bond anticipation notes issued pursuant to section 22476  
343.07 of the Revised Code. In no case shall money so collected be 22477  
expended otherwise than for the use and benefit of the district. 22478

A board of county commissioners or directors, instead of 22479  
operating and maintaining solid waste collection or other solid 22480  
waste facilities of the district with county or joint district 22481  
personnel, may enter into a contract with a municipal corporation 22482  
having territory within the district pursuant to which the 22483  
operation and maintenance of the facilities will be performed by 22484

the municipal corporation. 22485

The products of any solid waste collection or other solid 22486  
waste facility owned under this chapter shall be sold through 22487  
competitive bidding in accordance with section 307.12 of the 22488  
Revised Code, except when a board of county commissioners or 22489  
directors determines by resolution that it is in the public 22490  
interest to sell those products in a commercially reasonable 22491  
manner without competitive bidding. 22492

(B) A board of county commissioners or directors may adopt a 22493  
cost allocation plan that identifies, accumulates, and distributes 22494  
allowable direct and indirect costs that may be paid from the fund 22495  
of the district created in division (A) of this section and 22496  
prescribes methods for allocating those costs. The plan shall 22497  
authorize payment from the fund for only those costs incurred by 22498  
the district, the sanitary engineer or sanitary engineering 22499  
department, or a federal or state grant program, and those costs 22500  
incurred by the general and other funds of the county for a common 22501  
or joint purpose, that are necessary and reasonable for the proper 22502  
and efficient administration of the district under this chapter 22503  
and sections 3734.52 to 3734.572 of the Revised Code. The plan 22504  
shall not authorize payment from the fund of any general 22505  
government expense required to carry out the overall governmental 22506  
responsibilities of a county. The plan shall conform to United 22507  
States office of management and budget Circular A-87 "Cost 22508  
Principles for State and Local Governments," published January 15, 22509  
1983. 22510

(C) A board of county commissioners or directors shall fix 22511  
rates or charges, or enter into contracts fixing the rates or 22512  
charges to be collected by the contractor, for solid waste 22513  
collection, storage, transfer, disposal, recycling, processing, or 22514  
resource recovery services at a public meeting held in accordance 22515  
with section 121.22 of the Revised Code. In addition to fulfilling 22516

the requirements of section 121.22 of the Revised Code, the board, 22517  
before fixing or changing rates or charges for solid waste 22518  
collection, storage, transfer, disposal, recycling, processing, or 22519  
resource recovery services, or before entering into a contract 22520  
that fixes rates or charges to be collected by the contractor 22521  
providing the services, shall hold at least three public hearings 22522  
on the proposed rates, charges, or contract. Prior to the first 22523  
public hearing, the board shall publish notice of the public 22524  
hearings as provided in section 7.16 of the Revised Code or once a 22525  
week for three consecutive weeks in a newspaper of general 22526  
circulation in the county or counties that would be affected by 22527  
the proposed rates, charges, or contract. The notice shall include 22528  
a listing of the proposed rates or charges to be fixed and 22529  
collected by the board or fixed pursuant to the contract and 22530  
collected by the contractor, and the dates, time, and place of 22531  
each of the three hearings thereon. The board shall hear any 22532  
person who wishes to testify on the proposed rates, charges, or 22533  
contract. 22534

**Sec. 345.03.** A copy of any resolution adopted under section 22535  
345.01 of the Revised Code shall be certified within five days by 22536  
the taxing authority and not later than four p. m. of the 22537  
ninetieth day before the day of the election, to the county board 22538  
of elections, and such board shall submit the proposal to the 22539  
electors of the subdivision at the succeeding general election. 22540  
The board shall make the necessary arrangements for the submission 22541  
of such question to the electors of the subdivision, and the 22542  
election shall be conducted, canvassed, and certified in like 22543  
manner as regular elections in such subdivision. 22544

Notice of the election shall be published once in a newspaper 22545  
of general circulation in the subdivision, ~~at least once~~, not less 22546  
than two weeks prior to such election. The notice shall set out 22547  
the purpose of the proposed increase in rate, the amount of the 22548

increase expressed in dollars and cents for each one hundred 22549  
dollars of valuation as well as in mills for each one dollar of 22550  
property valuation, the number of years during which such increase 22551  
will be in effect, and the time and place of holding such 22552  
election. 22553

**Sec. 349.03.** (A) Proceedings for the organization of a new 22554  
community authority shall be initiated by a petition filed by the 22555  
developer in the office of the clerk of the board of county 22556  
commissioners of one of the counties in which all or part of the 22557  
proposed new community district is located. Such petition shall be 22558  
signed by the developer and may be signed by each proximate city. 22559  
The legislative authorities of each such proximate city shall act 22560  
in behalf of such city. Such petition shall contain: 22561

(1) The name of the proposed new community authority; 22562

(2) The address where the principal office of the authority 22563  
will be located or the manner in which the location will be 22564  
selected; 22565

(3) A map and a full and accurate description of the 22566  
boundaries of the new community district together with a 22567  
description of the properties within such boundaries, if any, 22568  
which will not be included in the new community district. Unless 22569  
the district is wholly contained within municipalities, the total 22570  
acreage included in such district shall not be less than one 22571  
thousand acres, all of which acreage shall be owned by, or under 22572  
the control through leases of at least seventy-five years' 22573  
duration, options, or contracts to purchase, of the developer, if 22574  
the developer is a private entity. Such acreage shall be 22575  
developable as one functionally interrelated community. In the 22576  
case of a new community authority established on or after the 22577  
effective date of this amendment and before January 1, 2012, such 22578  
leases may be of not less than forty years' duration, and the 22579

acreage may be developable so that the community is one 22580  
functionally interrelated community. 22581

(4) A statement setting forth the zoning regulations proposed 22582  
for zoning the area within the boundaries of the new community 22583  
district for comprehensive development as a new community, and if 22584  
the area has been zoned for such development, a certified copy of 22585  
the applicable zoning regulations therefor; 22586

(5) A current plan indicating the proposed development 22587  
program for the new community district, the land acquisition and 22588  
land development activities, community facilities, services 22589  
proposed to be undertaken by the new community authority under 22590  
such program, the proposed method of financing such activities and 22591  
services, including a description of the bases, timing, and manner 22592  
of collecting any proposed community development charges, and the 22593  
projected total residential population of, and employment within, 22594  
the new community; 22595

(6) A suggested number of members, consistent with section 22596  
349.04 of the Revised Code, for the board of trustees; 22597

(7) A preliminary economic feasibility analysis, including 22598  
the area development pattern and demand, location and proposed new 22599  
community district size, present and future socio-economic 22600  
conditions, public services provision, financial plan, and the 22601  
developer's management capability; 22602

(8) A statement that the development will comply with all 22603  
applicable environmental laws and regulations. 22604

Upon the filing of such petition, the organizational board of 22605  
commissioners shall determine whether such petition complies with 22606  
the requirements of this section as to form and substance. The 22607  
board in subsequent proceedings may at any time permit the 22608  
petition to be amended in form and substance to conform to the 22609  
facts by correcting any errors in the description of the proposed 22610

new community district or in any other particular. 22611

Upon the determination of the organizational board of 22612  
commissioners that a sufficient petition has been filed in 22613  
accordance with this section, the board shall fix the time and 22614  
place of a hearing on the petition for the establishment of the 22615  
proposed new community authority. Such hearing shall be held not 22616  
less than ninety-five nor more than one hundred fifteen days after 22617  
the petition filing date, except that if the petition has been 22618  
signed by all proximate cities, such hearing shall be held not 22619  
less than thirty nor more than forty-five days after the petition 22620  
filing date. The clerk of the board of county commissioners with 22621  
which the petition was filed shall give notice thereof by 22622  
publication once each week for three consecutive weeks, or as 22623  
provided in section 7.16 of the Revised Code, in a newspaper of 22624  
general circulation in any county of which a portion is within the 22625  
proposed new community district. Such clerk shall also give 22626  
written notice of the date, time, and place of the hearing and 22627  
furnish a certified copy of the petition to the clerk of the 22628  
legislative authority of each proximate city which has not signed 22629  
such petition. In the event that the legislative authority of a 22630  
proximate city which did not sign the petition does not approve by 22631  
ordinance, resolution, or motion the establishment of the proposed 22632  
new community authority and does not deliver such ordinance, 22633  
resolution, or motion to the clerk of the board of county 22634  
commissioners with which the petition was filed within ninety days 22635  
following the date of the first publication of the notice of the 22636  
public hearing, the organizational board of commissioners shall 22637  
cancel such public hearing and terminate the proceedings for the 22638  
establishment of the new community authority. 22639

Upon the hearing, if the organizational board of 22640  
commissioners determines by resolution that the proposed new 22641  
community district will be conducive to the public health, safety, 22642



convenience, and welfare, and is intended to result in the 22643  
development of a new community, the board shall by its resolution, 22644  
entered of record in its journal and the journal of the board of 22645  
county commissioners with which the petition was filed, declare 22646  
the new community authority to be organized and a body politic and 22647  
corporate with the corporate name designated in the resolution, 22648  
and define the boundary of the new community district. In 22649  
addition, the resolution shall provide the method of selecting the 22650  
board of trustees of the new community authority and fix the 22651  
surety for their bonds in accordance with section 349.04 of the 22652  
Revised Code. 22653

If the organizational board of commissioners finds that the 22654  
establishment of the district will not be conducive to the public 22655  
health, safety, convenience, or welfare, or is not intended to 22656  
result in the development of a new community, it shall reject the 22657  
petition thereby terminating the proceedings for the establishment 22658  
of the new community authority. 22659

(B) At any time after the creation of a new community 22660  
authority, the developer may file an application with the clerk of 22661  
the board of county commissioners of the county in which the 22662  
original petition was filed, setting forth a general description 22663  
of territory it desires to add or to delete from such district, 22664  
that such change will be conducive to the public health, safety, 22665  
convenience, and welfare, and will be consistent with the 22666  
development of a new community and will not jeopardize the plan of 22667  
the new community. If the developer is not a municipal 22668  
corporation, port authority, or county, all of such an addition to 22669  
such a district shall be owned by, or under the control through 22670  
leases of at least seventy-five years' duration, options, or 22671  
contracts to purchase, of the developer. In the case of a new 22672  
community authority established on or after the effective date of 22673  
this amendment and before January 1, 2012, such leases may be of 22674

not less than forty years' duration. Upon the filing of the 22675  
application, the organizational board of commissioners shall 22676  
follow the same procedure as required by this section in relation 22677  
to the petition for the establishment of the proposed new 22678  
community. 22679

(C) If all or any part of the new community district is 22680  
annexed to one or more existing municipal corporations, their 22681  
legislative authorities may appoint persons to replace any 22682  
appointed citizen member of the board of trustees. The number of 22683  
such trustees to be replaced by the municipal corporation shall be 22684  
the number, rounded to the lowest integer, bearing the 22685  
proportionate relationship to the number of existing appointed 22686  
citizen members as the acreage of the new community district 22687  
within such municipal corporation bears to the total acreage of 22688  
the new community district. If any such municipal corporation 22689  
chooses to replace an appointed citizen member, it shall do so by 22690  
ordinance, the term of the trustee being replaced shall terminate 22691  
thirty days from the date of passage of such ordinance, and the 22692  
trustee to be replaced shall be determined by lot. Each newly 22693  
appointed member shall assume the term of the member's 22694  
predecessor. 22695

**Sec. 501.07.** Lands described in division (A) of section 22696  
501.06 of the Revised Code shall continue to be leased under the 22697  
terms granted until such time as the lease may expire. At the time 22698  
of expiration, subject to section 501.04 of the Revised Code, the 22699  
land may be leased again by the board of education of the school 22700  
district for whose benefit the land has been allocated or be 22701  
offered for sale by public auction or by the receipt of sealed 22702  
bids with the sale awarded by the school board to the highest 22703  
bidder. Prior to the offering of these lands for sale, the school 22704  
board shall have an appraisal made of these lands by at least two 22705  
disinterested appraisers. Notification of the sale of these lands, 22706

including the minerals in or on these or other lands, shall be 22707  
advertised ~~at least~~ once a week for two consecutive weeks, or as 22708  
provided in section 7.16 of the Revised Code, in a newspaper of 22709  
general circulation in the county in which the land is located. No 22710  
bids shall be accepted for less than the appraised value of the 22711  
land. 22712

**Sec. 503.05.** When a boundary line between townships is in 22713  
dispute, the board of county commissioners, upon application of 22714  
the board of township trustees of one of such townships, and upon 22715  
notice in writing to the board of township trustees of such civil 22716  
township, and on thirty days' public notice printed in a newspaper 22717  
published of general circulation within the county, shall 22718  
establish such boundary line and make a record thereof as provided 22719  
by section 503.04 of the Revised Code. 22720

**Sec. 503.162.** (A) After certification of a resolution as 22721  
provided in section 503.161 of the Revised Code, the board of 22722  
elections shall submit the question of whether the township's name 22723  
shall be changed to the electors of the unincorporated area of the 22724  
township in accordance with division (C) of that section, and the 22725  
ballot language shall be substantially as follows: 22726

"Shall the township of ..... (name) change its name to 22727  
..... (proposed name)? 22728

..... For name change 22729

..... Against name change" 22730

(B)(1) At least forty-five days before the election on this 22731  
question, the board of township trustees shall provide notice of 22732  
the election and an explanation of the proposed name change in a 22733  
newspaper of general circulation in the township once a week for 22734  
two consecutive weeks ~~and~~ or as provided in section 7.16 of the 22735  
Revised Code. The board of township trustees shall post the notice 22736

and explanation in five conspicuous places in the unincorporated 22737  
area of the township. 22738

(2) If the board of elections operates and maintains a web 22739  
site, notice of the election and an explanation of the proposed 22740  
name change shall be posted on that web site for at least thirty 22741  
days before the election on this question. 22742

(C) If a majority of the votes cast on the proposition of 22743  
changing the township's name is in the affirmative, the name 22744  
change is adopted and becomes effective ninety days after the 22745  
board of elections certifies the election results to the fiscal 22746  
officer of the township. Upon receipt of the certification of the 22747  
election results from the board of elections, the fiscal officer 22748  
of the township shall send a copy of that certification to the 22749  
secretary of state. 22750

(D) A change in the name of a township shall not alter the 22751  
rights or liabilities of the township as previously named. 22752

**Sec. 503.41.** (A) A board of township trustees, by resolution, 22753  
may regulate and require the registration of massage 22754  
establishments and their employees within the unincorporated 22755  
territory of the township. In accordance with sections 503.40 to 22756  
503.49 of the Revised Code, for that purpose, the board, by a 22757  
majority vote of all members, may adopt, amend, administer, and 22758  
enforce regulations within the unincorporated territory of the 22759  
township. 22760

(B) A board may adopt regulations and amendments under this 22761  
section only after public hearing at not fewer than two regular 22762  
sessions of the board. The board shall cause to be published in ~~at~~ 22763  
~~least one~~ a newspaper of general circulation in the township, or 22764  
as provided in section 7.16 of the Revised Code, notice of the 22765  
public hearings, including the time, date, and place, once a week 22766  
for two weeks immediately preceding the hearings. The board shall 22767

make available proposed regulations or amendments to the public at 22768  
the office of the board. 22769

(C) Regulations or amendments adopted by the board are 22770  
effective thirty days after the date of adoption unless, within 22771  
thirty days after the adoption of the regulations or amendments, 22772  
the township fiscal officer receives a petition, signed by a 22773  
number of qualified electors residing in the unincorporated area 22774  
of the township equal to not less than ten per cent of the total 22775  
vote cast for all candidates for governor in the area at the most 22776  
recent general election at which a governor was elected, 22777  
requesting the board to submit the regulations or amendments to 22778  
the electors of the area for approval or rejection at the next 22779  
primary or general election occurring at least ninety days after 22780  
the board receives the petition. 22781

No regulation or amendment for which the referendum vote has 22782  
been requested is effective unless a majority of the votes cast on 22783  
the issue is in favor of the regulation or amendment. Upon 22784  
certification by the board of elections that a majority of the 22785  
votes cast on the issue was in favor of the regulation or 22786  
amendment, the regulation or amendment takes immediate effect. 22787

(D) The board shall make available regulations it adopts or 22788  
amends to the public at the office of the board and shall cause to 22789  
be published once a notice of the availability of the regulations 22790  
in ~~at least one~~ a newspaper of general circulation in the township 22791  
within ten days after their adoption or amendment. 22792

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 22793  
shall be construed to allow a board of township trustees to 22794  
regulate the practice of any limited branch of medicine specified 22795  
in section 4731.15 of the Revised Code or the practice of 22796  
providing therapeutic massage by a licensed physician, a licensed 22797  
chiropractor, a licensed podiatrist, a licensed nurse, or any 22798  
other licensed health professional. As used in this division, 22799

"licensed" means licensed, certified, or registered to practice in 22800  
this state. 22801

**Sec. 504.02.** (A) After certification of a resolution as 22802  
provided in division (A) of section 504.01 of the Revised Code, 22803  
the board of elections shall submit the question of whether to 22804  
adopt a limited home rule government to the electors of the 22805  
unincorporated area of the township, and the ballot language shall 22806  
be substantially as follows: 22807

"Shall the township of ..... (name) adopt a limited 22808  
home rule government, under which government the board of township 22809  
trustees, by resolution, may exercise limited powers of local 22810  
self-government and limited police powers? 22811

..... For adoption of a limited home rule government 22812

..... Against adoption of a limited home rule government" 22813

(B)(1) At least forty-five days before the election on this 22814  
question, the board of township trustees shall have notice of the 22815  
election and a description of the proposed limited home rule 22816  
government published in a newspaper of general circulation in the 22817  
township once a week for two consecutive weeks or as provided in 22818  
section 7.16 of the Revised Code, and shall have the notice and 22819  
description posted in five conspicuous places in the 22820  
unincorporated area of the township. 22821

(2) If a board of elections operates and maintains a web 22822  
site, notice of the election and a description of the proposed 22823  
limited home rule government shall be posted on that web site for 22824  
at least thirty days before the election on this question. 22825

(C) If a majority of the votes cast on the proposition of 22826  
adopting a limited home rule government is in the affirmative, 22827  
that government is adopted and becomes the government of the 22828  
township on the first day of January immediately following the 22829  
election. 22830

Sec. 504.03. (A)(1) If a limited home rule government is 22831  
adopted pursuant to section 504.02 of the Revised Code, it shall 22832  
remain in effect for at least three years except as otherwise 22833  
provided in division (B) of this section. At the end of that 22834  
period, if the board of township trustees determines that that 22835  
government is not in the best interests of the township, it may 22836  
adopt a resolution causing the board of elections to submit to the 22837  
electors of the unincorporated area of the township the question 22838  
of whether the township should continue the limited home rule 22839  
government. The question shall be voted upon at the next general 22840  
election occurring at least ninety days after the certification of 22841  
the resolution to the board of elections. After certification of 22842  
the resolution, the board of elections shall submit the question 22843  
to the electors of the unincorporated area of the township, and 22844  
the ballot language shall be substantially as follows: 22845

"Shall the township of ..... (name) continue the 22846  
limited home rule government under which it is operating? 22847  
..... For continuation of the limited home rule government 22848  
..... Against continuation of the limited home rule government" 22849

(2)(a) At least forty-five days before the election on the 22850  
question of continuing the limited home rule government, the board 22851  
of township trustees shall have notice of the election published 22852  
in a newspaper of general circulation in the township once a week 22853  
for two consecutive weeks or as provided in section 7.16 of the 22854  
Revised Code, and shall have the notice posted in five conspicuous 22855  
places in the unincorporated area of the township. 22856

(b) If a board of elections operates and maintains a web 22857  
site, notice of the election shall be posted on that web site for 22858  
at least thirty days before the election on the question of 22859  
continuing the limited home rule government. 22860

(B) The electors of a township that has adopted a limited 22861

home rule government may propose at any time by initiative 22862  
petition, in accordance with section 504.14 of the Revised Code, a 22863  
resolution submitting to the electors in the unincorporated area 22864  
of the township, in an election, the question set forth in 22865  
division (A)(1) of this section. 22866

(C) If a majority of the votes cast under division (A) or (B) 22867  
of this section on the proposition of continuing the limited home 22868  
rule government is in the negative, that government is terminated 22869  
effective on the first day of January immediately following the 22870  
election, and a limited home rule government shall not be adopted 22871  
in the unincorporated area of the township pursuant to section 22872  
504.02 of the Revised Code for at least three years after that 22873  
date. 22874

(D) If a limited home rule government is terminated under 22875  
this section, the board of township trustees immediately shall 22876  
adopt a resolution repealing all resolutions adopted pursuant to 22877  
this chapter that are not authorized by any other section of the 22878  
Revised Code outside this chapter, effective on the first day of 22879  
January immediately following the election described in division 22880  
(A) or (B) of this section. However, no resolution adopted under 22881  
this division shall affect or impair the obligations of the 22882  
township under any security issued or contracts entered into by 22883  
the township in connection with the financing of any water supply 22884  
facility or sewer improvement under sections 504.18 to 504.20 of 22885  
the Revised Code or the authority of the township to collect or 22886  
enforce any assessments or other revenues constituting security 22887  
for or source of payments of debt service charges of those 22888  
securities. 22889

(E) Upon the termination of a limited home rule government 22890  
under this section, if the township had converted its board of 22891  
township trustees to a five-member board before September 26, 22892  
2003, the current board member who received the lowest number of 22893



votes of the current board members who were elected at the most 22894  
recent election for township trustees, and the current board 22895  
member who received the lowest number of votes of the current 22896  
board members who were elected at the second most recent election 22897  
for township trustees, shall cease to be township trustees on the 22898  
date that the limited home rule government terminates. Their 22899  
offices likewise shall cease to exist at that time, and the board 22900  
shall continue as a three-member board as provided in section 22901  
505.01 of the Revised Code. 22902

**Sec. 504.12.** No resolution and no section or numbered or 22903  
lettered division of a section shall be revised or amended unless 22904  
the new resolution contains the entire resolution, section, or 22905  
division as revised or amended, and the resolution, section, or 22906  
division so amended shall be repealed. This requirement does not 22907  
prevent the amendment of a resolution by the addition of a new 22908  
section, or division, and in this case the full text of the former 22909  
resolution need not be set forth, nor does this section prevent 22910  
repeals by implication. Except in the case of a codification or 22911  
recodification of resolutions, a separate vote shall be taken on 22912  
each resolution proposed to be amended. Resolutions that have been 22913  
introduced and have received their first reading or their first 22914  
and second readings, but have not been voted on for passage, may 22915  
be amended or revised by a majority vote of the members of the 22916  
board of township trustees, and the amended or revised resolution 22917  
need not receive additional readings. 22918

The board of township trustees of a limited home rule 22919  
township may revise, codify, and publish in book form the 22920  
resolutions of the township in the same manner as provided in 22921  
section 731.23 of the Revised Code for municipal corporations. 22922  
Resolutions adopted by the board shall be published in the same 22923  
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 22924  
731.26 of the Revised Code for municipal corporations, except that 22925

they shall be published in ~~newspapers circulating~~ a newspaper of 22926  
general circulation within the township. The fiscal officer of the 22927  
township shall perform the duties that the clerk of the 22928  
legislative authority of a municipal corporation is required to 22929  
perform under those sections. 22930

The procedures provided in this section apply only to 22931  
resolutions adopted pursuant to a township's limited home rule 22932  
powers as authorized by this chapter. 22933

**Sec. 504.16.** (A) Each township that adopts a limited home 22934  
rule government shall promptly do one of the following: 22935

(1) Establish a police district pursuant to section 505.48 of 22936  
the Revised Code, except that the district shall include all of 22937  
the unincorporated area of the township and no other territory; 22938

(2) Establish a joint ~~township~~ police district pursuant to 22939  
section ~~505.481~~ 505.482 of the Revised Code; 22940

(3) Contract pursuant to section 311.29, 505.43, or 505.50 of 22941  
the Revised Code to obtain police protection services, including 22942  
the enforcement of township resolutions adopted under this 22943  
chapter, on a regular basis; 22944

(4) Designate one or more police constables under Chapter 22945  
509. of the Revised Code. 22946

(B) A township that has taken an action described in division 22947  
(A) of this section before adopting a limited home rule government 22948  
need not take any other such action upon adopting that government. 22949

(C) The requirement that a township take one of the actions 22950  
described in divisions (A)(1), (2), and (3) of this section does 22951  
not prevent a township that acts under division (A)(1) or (2) of 22952  
this section from contracting under division (A)(3) of this 22953  
section to obtain additional police protection services on a 22954  
regular basis. 22955

Sec. 504.21. (A) The board of township trustees of a township 22956  
that has adopted a limited home rule government may, for the 22957  
unincorporated territory in the township, adopt, amend, and 22958  
rescind rules establishing technically feasible and economically 22959  
reasonable standards to achieve a level of management and 22960  
conservation practices that will abate wind or water erosion of 22961  
the soil or abate the degradation of the waters of the state by 22962  
soil sediment in conjunction with land grading, excavating, 22963  
filling, or other soil disturbing activities on land used or being 22964  
developed in the township for nonfarm commercial, industrial, 22965  
residential, or other nonfarm purposes, and establish criteria for 22966  
determination of the acceptability of those management and 22967  
conservation practices. The rules shall be designed to implement 22968  
the applicable areawide waste treatment management plan prepared 22969  
under section 208 of the "Federal Water Pollution Control Act," 86 22970  
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 22971  
phase II of the storm water program of the national pollutant 22972  
discharge elimination system established in 40 C.F.R. Part 122. 22973  
The rules to implement phase II of the storm water program of the 22974  
national pollutant discharge elimination system shall not be 22975  
inconsistent with, more stringent than, or broader in scope than 22976  
the rules or regulations adopted by the environmental protection 22977  
agency under 40 C.F.R. Part 122. The rules adopted under this 22978  
section shall not apply inside the limits of municipal 22979  
corporations, to lands being used in a strip mine operation as 22980  
defined in section 1513.01 of the Revised Code, or to land being 22981  
used in a surface mine operation as defined in section 1514.01 of 22982  
the Revised Code. 22983

The rules adopted under this section may require persons to 22984  
file plans governing erosion control, sediment control, and water 22985  
management before clearing, grading, excavating, filling, or 22986  
otherwise wholly or partially disturbing one or more contiguous 22987

acres of land owned by one person or operated as one development 22988  
unit for the construction of nonfarm buildings, structures, 22989  
utilities, recreational areas, or other similar nonfarm uses. If 22990  
the rules require plans to be filed, the rules shall do all of the 22991  
following: 22992

(1) Designate the board itself, its employees, or another 22993  
agency or official to review and approve or disapprove the plans; 22994

(2) Establish procedures and criteria for the review and 22995  
approval or disapproval of the plans; 22996

(3) Require the designated entity to issue a permit to a 22997  
person for the clearing, grading, excavating, filling, or other 22998  
project for which plans are approved and to deny a permit to a 22999  
person whose plans have been disapproved; 23000

(4) Establish procedures for the issuance of the permits; 23001

(5) Establish procedures under which a person may appeal the 23002  
denial of a permit. 23003

Areas of less than one contiguous acre shall not be exempt 23004  
from compliance with other provisions of this section or rules 23005  
adopted under this section. The rules adopted under this section 23006  
may impose reasonable filing fees for plan review, permit 23007  
processing, and field inspections. 23008

No permit or plan shall be required for a public highway, 23009  
transportation, or drainage improvement or maintenance project 23010  
undertaken by a government agency or political subdivision in 23011  
accordance with a statement of its standard sediment control 23012  
policies that is approved by the board or the chief of the 23013  
division of soil and water resources in the department of natural 23014  
resources. 23015

(B) Rules or amendments may be adopted under this section 23016  
only after public hearings at not fewer than two regular sessions 23017

of the board of township trustees. The board shall cause to be 23018  
published, in a newspaper of general circulation in the township, 23019  
notice of the public hearings, including time, date, and place, 23020  
once a week for two weeks immediately preceding the hearings, or 23021  
as provided in section 7.16 of the Revised Code. The proposed 23022  
rules or amendments shall be made available by the board to the 23023  
public at the board office or other location indicated in the 23024  
notice. The rules or amendments shall take effect on the 23025  
thirty-first day following the date of their adoption. 23026

(C) The board of township trustees may employ personnel to 23027  
assist in the administration of this section and the rules adopted 23028  
under it. The board also, if the action does not conflict with the 23029  
rules, may delegate duties to review sediment control and water 23030  
management plans to its employees, and may enter into agreements 23031  
with one or more political subdivisions, other township officials, 23032  
or other government agencies, in any combination, in order to 23033  
obtain reviews and comments on plans governing erosion control, 23034  
sediment control, and water management or to obtain other services 23035  
for the administration of the rules adopted under this section. 23036

(D) The board of township trustees or any duly authorized 23037  
representative of the board may, upon identification to the owner 23038  
or person in charge, enter any land upon obtaining agreement with 23039  
the owner, tenant, or manager of the land in order to determine 23040  
whether there is compliance with the rules adopted under this 23041  
section. If the board or its duly authorized representative is 23042  
unable to obtain such an agreement, the board or representative 23043  
may apply for, and a judge of the court of common pleas for the 23044  
county where the land is located may issue, an appropriate 23045  
inspection warrant as necessary to achieve the purposes of this 23046  
section. 23047

(E)(1) If the board of township trustees or its duly 23048  
authorized representative determines that a violation of the rules 23049

adopted under this section exists, the board or representative may 23050  
issue an immediate stop work order if the violator failed to 23051  
obtain any federal, state, or local permit necessary for sediment 23052  
and erosion control, earth movement, clearing, or cut and fill 23053  
activity. In addition, if the board or representative determines 23054  
such a rule violation exists, regardless of whether or not the 23055  
violator has obtained the proper permits, the board or 23056  
representative may authorize the issuance of a notice of 23057  
violation. If, after a period of not less than thirty days has 23058  
elapsed following the issuance of the notice of violation, the 23059  
violation continues, the board or its duly authorized 23060  
representative shall issue a second notice of violation. Except as 23061  
provided in division (E)(3) of this section, if, after a period of 23062  
not less than fifteen days has elapsed following the issuance of 23063  
the second notice of violation, the violation continues, the board 23064  
or its duly authorized representative may issue a stop work order 23065  
after first obtaining the written approval of the prosecuting 23066  
attorney of the county in which the township is located if, in the 23067  
opinion of the prosecuting attorney, the violation is egregious. 23068

Once a stop work order is issued, the board or its duly 23069  
authorized representative shall request, in writing, the 23070  
prosecuting attorney to seek an injunction or other appropriate 23071  
relief in the court of common pleas to abate excessive erosion or 23072  
sedimentation and secure compliance with the rules adopted under 23073  
this section. If the prosecuting attorney seeks an injunction or 23074  
other appropriate relief, then, in granting relief, the court of 23075  
common pleas may order the construction of sediment control 23076  
improvements or implementation of other control measures and may 23077  
assess a civil fine of not less than one hundred or more than five 23078  
hundred dollars. Each day of violation of a rule or stop work 23079  
order issued under this section shall be considered a separate 23080  
violation subject to a civil fine. 23081

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water resources in the department of natural resources.

(F) No person shall violate any rule adopted or order issued under this section. Notwithstanding division (E) of this section, if the board of township trustees determines that a violation of any rule adopted or administrative order issued under this section exists, the board may request, in writing, the prosecuting attorney of the county in which the township is located, to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

**Sec. 505.101.** The board of township trustees of any township may, by resolution, enter into a contract, without advertising or bidding, for the purchase or sale of materials, equipment, or supplies from or to any department, agency, or political subdivision of the state, for the purchase of services with a soil

and water conservation district established under Chapter 1515. of 23113  
the Revised Code, ~~or~~ for the purchase of supplies, services, 23114  
materials, and equipment with a regional planning commission 23115  
pursuant to division (D) of section 713.23 of the Revised Code, or 23116  
for the purchase of services from an educational service center 23117  
under section 3313.846 of the Revised Code. The resolution shall: 23118

(A) Set forth the maximum amount to be paid as the purchase 23119  
price for the materials, equipment, supplies, or services; 23120

(B) Describe the type of materials, equipment, supplies, or 23121  
services that are to be purchased; 23122

(C) Appropriate sufficient funds to pay the purchase price 23123  
for the materials, equipment, supplies, or services, except that 23124  
no such appropriation is necessary if funds have been previously 23125  
appropriated for the purpose and remain unencumbered at the time 23126  
the resolution is adopted. 23127

**Sec. 505.105.** Stolen or other property recovered by members 23128  
of an organized police department of a township, a township police 23129  
district, a joint ~~township~~ police district, or the office of a 23130  
township constable shall be deposited and kept in a place 23131  
designated by the head of the department, district, or office. 23132  
Each article of property shall be entered in a book kept for that 23133  
purpose, with the name of its owner, if ascertained, the person 23134  
from whom it was taken, the place where it was found with general 23135  
circumstances, the date of its receipt, and the name of the 23136  
officer receiving it. 23137

An inventory of all money or other property shall be given to 23138  
the party from whom it was taken, and, if it is not claimed by 23139  
some person within thirty days after arrest and seizure, it shall 23140  
be delivered to the person from whom it was taken, and to no other 23141  
person, either attorney, agent, factor, or clerk, except by 23142  
special order of the head of the department, district, or office. 23143



**Sec. 505.106.** No officer, or other member of an organized 23144  
police department of a township, a township police district, a 23145  
joint ~~township~~ police district, or the office of a township 23146  
constable shall neglect or refuse to deposit property taken or 23147  
found by the officer or other member in possession of a person 23148  
arrested. Any conviction for a violation of this section shall 23149  
vacate the office of the person so convicted. 23150

**Sec. 505.107.** If, within thirty days, the money or property 23151  
recovered under section 505.105 of the Revised Code is claimed by 23152  
any other person, it shall be retained by its custodian until 23153  
after the discharge or conviction of the person from whom it was 23154  
taken and as long as it is required as evidence in any case in 23155  
court. If that claimant establishes to the satisfaction of the 23156  
court that the claimant is the rightful owner, the money or 23157  
property shall be restored to the claimant; otherwise, it shall be 23158  
returned to the accused person, personally, and not to any 23159  
attorney, agent, factor, or clerk of the accused person, except 23160  
upon special order of the head of the organized police department 23161  
of the township, township police district, joint ~~township~~ police 23162  
district, or office of a township constable, as the case may be, 23163  
after all liens and claims in favor of the township have first 23164  
been discharged and satisfied. 23165

**Sec. 505.108.** Except as otherwise provided in this section 23166  
and unless the property involved is required to be disposed of 23167  
pursuant to another section of the Revised Code, property that is 23168  
unclaimed for ninety days or more shall be sold by the chief of 23169  
police or other head of the organized police department of the 23170  
township, township police district, joint ~~township~~ police 23171  
district, or office of a township constable at public auction, 23172  
after notice of the sale has been provided by publication once a 23173

week for three successive weeks in a newspaper of general 23174  
circulation, or as provided in section 7.16 of the Revised Code, 23175  
in the county, or counties, if appropriate, in the case of a joint 23176  
~~township~~ police district. The proceeds of the sale shall be paid 23177  
to the fiscal officer of the township and credited to the township 23178  
general fund, except that, in the case of a joint ~~township~~ police 23179  
district, the proceeds of a sale shall be paid to the ~~fiscal~~ 23180  
~~officer~~ treasurer of the ~~most populous participating township~~ 23181  
joint police district board and credited to the appropriate 23182  
~~township general fund or funds~~ according to agreement of the 23183  
participating townships and municipal corporations. 23184

If authorized to do so by a resolution adopted by the board 23185  
of township trustees or, in the case of a joint ~~township~~ police 23186  
district, ~~each participating~~ the joint police district board of 23187  
~~township trustees~~, and if the property involved is not required to 23188  
be disposed of pursuant to another section of the Revised Code, 23189  
the head of the department, district, or office may contribute 23190  
property that is unclaimed for ninety days or more to one or more 23191  
public agencies, to one or more nonprofit organizations no part of 23192  
the net income of which inures to the benefit of any private 23193  
shareholder or individual and no substantial part of the 23194  
activities of which consists of carrying on propaganda or 23195  
otherwise attempting to influence legislation, or to one or more 23196  
organizations satisfying section 501(c)(3) or (c)(19) of the 23197  
Internal Revenue Code of 1986. 23198

**Sec. 505.109.** Upon the sale of any unclaimed property as 23199  
provided in section 505.108 of the Revised Code, if any of the 23200  
unclaimed property was ordered removed to a place of storage or 23201  
stored, or both, by or under the direction of the head of the 23202  
organized police department of the township, township police 23203  
district, joint ~~township~~ police district, or office of a township 23204  
constable, any expenses or charges for the removal or storage, or 23205

both, and costs of sale, provided they are approved by the head of 23206  
the department, district, or office, shall first be paid from the 23207  
proceeds of the sale. Notice shall be given by certified mail, 23208  
thirty days before the date of the sale, to the owner and 23209  
mortgagee, or other lienholder, at their last known addresses. 23210

**Sec. 505.17.** (A) Except in a township or portion of a 23211  
township that is within the limits of a municipal corporation, the 23212  
board of township trustees may make regulations and orders as are 23213  
necessary to control passenger car, motorcycle, and internal 23214  
combustion engine noise, as permitted under section 4513.221 of 23215  
the Revised Code, and all vehicle parking in the township. This 23216  
authorization includes, among other powers, the power to regulate 23217  
parking on established roadways proximate to buildings on private 23218  
property as necessary to provide access to the property by public 23219  
safety vehicles and equipment, if the property is used for 23220  
commercial purposes, the public is permitted to use the parking 23221  
area, and accommodation for more than ten motor vehicles is 23222  
provided, and the power to authorize the issuance of orders 23223  
limiting or prohibiting parking on any township street or highway 23224  
during a snow emergency declared pursuant to a snow-emergency 23225  
authorization adopted under this division. All such regulations 23226  
and orders shall be subject to the limitations, restrictions, and 23227  
exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 23228  
of the Revised Code. 23229

A board of township trustees may adopt a general 23230  
snow-emergency authorization, which becomes effective under 23231  
division (B)(1) of this section, allowing the president of the 23232  
board or some other person specified in the authorization to issue 23233  
an order declaring a snow emergency and limiting or prohibiting 23234  
parking on any township street or highway during the snow 23235  
emergency. Any such order becomes effective under division (B)(2) 23236  
of this section. Each general snow-emergency authorization adopted 23237

under this division shall specify the weather conditions under 23238  
which a snow emergency may be declared in that township. 23239

(B)(1) All regulations and orders, including any 23240  
snow-emergency authorization established by the board under this 23241  
section, except for an order declaring a snow emergency as 23242  
provided in division (B)(2) of this section, shall be posted by 23243  
the township fiscal officer in five conspicuous public places in 23244  
the township for thirty days before becoming effective, and shall 23245  
be published in a newspaper of general circulation in the township 23246  
for three consecutive weeks or as provided in section 7.16 of the 23247  
Revised Code. In addition to these requirements, no general 23248  
snow-emergency authorization shall become effective until 23249  
permanent signs giving notice that parking is limited or 23250  
prohibited during a snow emergency are properly posted, in 23251  
accordance with any applicable standards adopted by the department 23252  
of transportation, along streets or highways specified in the 23253  
authorization. 23254

(2) Pursuant to the adoption of a snow-emergency 23255  
authorization under this section, an order declaring a snow 23256  
emergency becomes effective two hours after the president of the 23257  
board or the other person specified in the general snow-emergency 23258  
authorization makes an announcement of a snow emergency to the 23259  
local news media. The president or other specified person shall 23260  
request the local news media to announce that a snow emergency has 23261  
been declared, the time the declaration will go into effect, and 23262  
whether the snow emergency will remain in effect for a specified 23263  
period of time or indefinitely until canceled by a subsequent 23264  
announcement to the local news media by the president or other 23265  
specified person. 23266

(C) Such regulations and orders may be enforced where traffic 23267  
control devices conforming to section 4511.09 of the Revised Code 23268  
are prominently displayed. Parking regulations authorized by this 23269

section do not apply to any state highway unless the parking 23270  
regulations are approved by the director of transportation. 23271

(D) A board of township trustees or its designated agent may 23272  
order into storage any vehicle parked in violation of a township 23273  
parking regulation or order, if the violation is not one that is 23274  
required to be handled pursuant to Chapter 4521. of the Revised 23275  
Code. The owner or any lienholder of a vehicle ordered into 23276  
storage may claim the vehicle upon presentation of proof of 23277  
ownership, which may be evidenced by a certificate of title to the 23278  
vehicle, and payment of all expenses, charges, and fines incurred 23279  
as a result of the parking violation and removal and storage of 23280  
the vehicle. 23281

(E) Whoever violates any regulation or order adopted pursuant 23282  
to this section is guilty of a minor misdemeanor, unless the 23283  
township has enacted a regulation pursuant to division (A) of 23284  
section 4521.02 of the Revised Code, that specifies that the 23285  
violation shall not be considered a criminal offense and shall be 23286  
handled pursuant to Chapter 4521. of the Revised Code. Fines 23287  
levied and collected under this section shall be paid into the 23288  
township general revenue fund. 23289

**Sec. 505.172.** (A) As used in this section, "law enforcement 23290  
officer" means a sheriff, deputy sheriff, constable, police 23291  
officer of a township or joint ~~township~~ police district, marshal, 23292  
deputy marshal, or municipal police officer. 23293

(B) Except as otherwise provided in this section and section 23294  
505.17 of the Revised Code, a board of township trustees may adopt 23295  
regulations and orders that are necessary to control noise within 23296  
the unincorporated territory of the township that is generated at 23297  
any premises to which a D permit has been issued by the division 23298  
of liquor control or that is generated within any areas zoned for 23299  
residential use. 23300

(C) Any person who engages in any of the activities described 23301  
in section 1.61 of the Revised Code is exempt from any regulation 23302  
or order adopted under division (B) of this section if the noise 23303  
is attributed to an activity described in section 1.61 of the 23304  
Revised Code. Any person who engages in coal mining and 23305  
reclamation operations, as defined in division (B) of section 23306  
1513.01 of the Revised Code, or surface mining, as defined in 23307  
division (A) of section 1514.01 of the Revised Code, is exempt 23308  
from any regulation or order adopted under division (B) of this 23309  
section if the noise is attributed to coal mining and reclamation 23310  
or surface mining activities. Noise resulting from the drilling, 23311  
completion, operation, maintenance, or construction of any crude 23312  
oil or natural gas wells or pipelines or any appurtenances to 23313  
those wells or pipelines or from the distribution, transportation, 23314  
gathering, or storage of crude oil or natural gas is exempt from 23315  
any regulation or order adopted under division (B) of this 23316  
section. 23317

(D)(1) Except as otherwise provided in division (C) ~~or (D)(2)~~ 23318  
of this section, any regulation or order adopted under division 23319  
(B) of this section shall apply to any business or industry ~~in~~ 23320  
~~existence and operating on October 20, 1999, and a regulation or~~ 23321  
~~order so adopted shall apply to any new operation or expansion of~~ 23322  
~~that business or industry that results in substantially increased~~ 23323  
~~noise levels from those generated by that business or industry on~~ 23324  
~~that date.~~ 23325

~~(2) Any regulation or order adopted under division (B) of~~ 23326  
~~this section applies~~ or to any premises to which a D permit has 23327  
been issued by the division of liquor control regardless of 23328  
~~whether the premises was in existence and operating on October 20,~~ 23329  
~~1999, or whether~~ when it came into existence ~~and operation after~~ 23330  
~~that date.~~ 23331

(E) Whoever violates any regulation or order adopted under 23332

division (B) of this section is guilty of a misdemeanor of the 23333  
second degree. Fines levied and collected under this section shall 23334  
be paid into the township general revenue fund. 23335

(F) Any person allegedly aggrieved by another person's 23336  
violation of a regulation or order adopted under division (B) of 23337  
this section may seek in a civil action a declaratory judgment, an 23338  
injunction, or other appropriate relief against the other person 23339  
committing the act or practice that violates that regulation or 23340  
order. A board of township trustees that adopts a regulation or 23341  
order under division (B) of this section ~~shall~~ may seek in a civil 23342  
action an injunction against ~~each~~ any person that commits an act 23343  
or practice that violates that regulation or order. The court 23344  
involved in a civil action referred to in this division may award 23345  
to the prevailing party reasonable attorney's fees limited to the 23346  
work reasonably performed. 23347

(G) If any law enforcement officer with jurisdiction in a 23348  
township that has adopted a regulation or order under division (B) 23349  
of this section has reasonable cause to believe that any premises 23350  
to which a D permit has been issued by the division of liquor 23351  
control has violated the regulation or order and, as a result of 23352  
the violation, has caused, is causing, or is about to cause 23353  
substantial and material harm, the law enforcement officer may 23354  
issue an order that the premises cease and desist from the 23355  
activity violating the regulation or order. The cease-and-desist 23356  
order shall be served personally upon the owner, operator, 23357  
manager, or other person in charge of the premises immediately 23358  
after its issuance by the officer. The township thereafter may 23359  
publicize or otherwise make known to all interested persons that 23360  
the cease-and-desist order has been issued. 23361

The cease-and-desist order shall specify the particular 23362  
conduct that is subject to the order and shall inform the person 23363  
upon whom it is served that the premises will be granted a hearing 23364

in the municipal court or county court with jurisdiction over the 23365  
premises regarding the operation of the order and the possible 23366  
issuance of an injunction or other appropriate relief. The 23367  
premises shall comply with the cease-and-desist order immediately 23368  
upon receipt of the order. Upon service of the cease-and-desist 23369  
order upon the owner, operator, manager, or other person in charge 23370  
of the premises, the township law director or, if the township 23371  
does not have a law director, the prosecuting attorney of the 23372  
county in which the township is located shall file in the 23373  
municipal court or county court with jurisdiction over the 23374  
premises a civil action seeking to confirm the cease-and-desist 23375  
order and seeking an injunction or other appropriate relief 23376  
against the premises. The owner, operator, manager, or other 23377  
person in charge of the premises may file a motion in that civil 23378  
action for a stay of the cease-and-desist order for good cause 23379  
shown, pending the court's rendering its decision in the action. 23380  
The court shall set a date for a hearing, hold the hearing, and 23381  
render a decision in the action not more than ten days after the 23382  
date of the cease-and-desist order, or the cease-and-desist order 23383  
is terminated. Division (F) of this section applies regarding an 23384  
action filed as described in this division. 23385

(H) Nothing in this section authorizes a township to enforce 23386  
any regulation or order adopted under division (B) of this section 23387  
against a premises to which a D permit has been issued by the 23388  
division of liquor control if that premises is not located in the 23389  
unincorporated territory of that township. 23390

**Sec. 505.24.** Each township trustee is entitled to 23391  
compensation as follows: 23392

(A) Except as otherwise provided in division (B) of this 23393  
section, an amount for each day of service in the business of the 23394  
township, to be paid from the township treasury as follows: 23395



|                                                                                                                                                                                                               |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (1) In townships having a budget of fifty thousand dollars or less, twenty dollars per day for not more than two hundred days;                                                                                | 23396<br>23397                   |
| (2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, twenty-four dollars per day for not more than two hundred days;                                  | 23398<br>23399<br>23400          |
| (3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, twenty-eight dollars and fifty cents per day for not more than two hundred days;     | 23401<br>23402<br>23403<br>23404 |
| (4) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars, thirty-three dollars per day for not more than two hundred days;                    | 23405<br>23406<br>23407          |
| (5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, thirty-five dollars per day for not more than two hundred days;                   | 23408<br>23409<br>23410          |
| (6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, forty dollars per day for not more than two hundred days;             | 23411<br>23412<br>23413          |
| (7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, forty-four dollars per day for not more than two hundred days; | 23414<br>23415<br>23416<br>23417 |
| (8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, forty-eight dollars per day for not more than two hundred days;              | 23418<br>23419<br>23420<br>23421 |
| (9) In townships having a budget of more than six million dollars, fifty-two dollars per day for not more than two hundred days.                                                                              | 23422<br>23423<br>23424          |
| (B) Beginning in calendar year 1999, the amounts paid as                                                                                                                                                      | 23425                            |

specified in division (A) of this section shall be replaced by the 23426  
following amounts: 23427

(1) In calendar year 1999, the amounts specified in division 23428  
(A) of this section increased by three per cent; 23429

(2) In calendar year 2000, the amounts determined under 23430  
division (B)(1) of this section increased by three per cent; 23431

(3) In calendar year 2001, the amounts determined under 23432  
division (B)(2) of this section increased by three per cent; 23433

(4) In calendar year 2002, except in townships having a 23434  
budget of more than six million dollars, the amounts determined 23435  
under division (B)(3) of this section increased by three per cent; 23436  
in townships having a budget of more than six million but not more 23437  
than ten million dollars, seventy dollars per day for not more 23438  
than two hundred days; and in townships having a budget of more 23439  
than ten million dollars, ninety dollars per day for not more than 23440  
two hundred days; 23441

(5) In calendar years 2003 through 2008, the amounts 23442  
determined under division (B) of this section for the immediately 23443  
preceding calendar year increased by the lesser of the following: 23444

(a) Three per cent; 23445

(b) The percentage increase, if any, in the consumer price 23446  
index over the twelve-month period that ends on the thirtieth day 23447  
of September of the immediately preceding calendar year, rounded 23448  
to the nearest one-tenth of one per cent; 23449

(6) In calendar year 2009 and thereafter, the amount 23450  
determined under division (B) of this section for calendar year 23451  
2008. 23452

As used in division (B) of this section, "consumer price 23453  
index" has the same meaning as in section 325.18 of the Revised 23454  
Code. 23455

(C) Whenever members of a board of township trustees are 23456  
compensated per diem and not by annual salary, the board shall 23457  
establish, by resolution, a method by which each member of the 23458  
board shall periodically notify the township fiscal officer of the 23459  
number of days spent in the service of the township and the kinds 23460  
of services rendered on those days. The per diem compensation 23461  
shall be paid from the township general fund or from other 23462  
township funds in such proportions as the kinds of services 23463  
performed may require. The notice shall be filed with the township 23464  
fiscal officer and preserved for inspection by any persons 23465  
interested. 23466

By unanimous vote, a board of township trustees may adopt a 23467  
method of compensation consisting of an annual salary to be paid 23468  
in equal monthly payments. If the office of trustee is held by 23469  
more than one person during any calendar year, each person holding 23470  
the office shall receive payments for only those months, and any 23471  
fractions of those months, during which the person holds the 23472  
office. The amount of the annual salary approved by the board 23473  
shall be no more than the maximum amount that could be received 23474  
annually by a trustee if the trustee were paid on a per diem basis 23475  
as specified in this division, and shall be paid from the township 23476  
general fund or from other township funds in such proportions as 23477  
the board may specify by resolution. Each trustee shall certify 23478  
the percentage of time spent working on matters to be paid from 23479  
the township general fund and from other township funds in such 23480  
proportions as the kinds of services performed. A board of 23481  
township trustees that has adopted a salary method of compensation 23482  
may return to a method of compensation on a per diem basis as 23483  
specified in this division by a majority vote. Any change in the 23484  
method of compensation shall be effective on the first day of 23485  
January of the year following the year during which the board has 23486  
voted to change the method of compensation. 23487

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| Sec. 505.264. (A) As used in this section, "energy                 | 23488 |
| conservation measure" means an installation or modification of an  | 23489 |
| installation in, or remodeling of, an existing building, to reduce | 23490 |
| energy consumption. It includes the following:                     | 23491 |
| (1) Insulation of the building structure and of systems            | 23492 |
| within the building;                                               | 23493 |
| (2) Storm windows and doors, multiglazed windows and doors,        | 23494 |
| heat-absorbing or heat-reflective glazed and coated window and     | 23495 |
| door systems, additional glazing, reductions in glass area, and    | 23496 |
| other window and door system modifications that reduce energy      | 23497 |
| consumption;                                                       | 23498 |
| (3) Automatic energy control systems;                              | 23499 |
| (4) Heating, ventilating, or air conditioning system               | 23500 |
| modifications or replacements;                                     | 23501 |
| (5) Caulking and weatherstripping;                                 | 23502 |
| (6) Replacement or modification of lighting fixtures to            | 23503 |
| increase the energy efficiency of the system without increasing    | 23504 |
| the overall illumination of a facility, unless an increase in      | 23505 |
| illumination is necessary to conform to the applicable state or    | 23506 |
| local building code for the proposed lighting system;              | 23507 |
| (7) Energy recovery systems;                                       | 23508 |
| (8) Cogeneration systems that produce steam or forms of            | 23509 |
| energy such as heat, as well as electricity, for use primarily     | 23510 |
| within a building or complex of buildings;                         | 23511 |
| (9) Any other modification, installation, or remodeling            | 23512 |
| approved by the board of township trustees as an energy            | 23513 |
| conservation measure.                                              | 23514 |
| (B) For the purpose of evaluating township buildings for           | 23515 |
| energy conservation measures, a township may contract with an      | 23516 |

architect, professional engineer, energy services company, 23517  
contractor, or other person experienced in the design and 23518  
implementation of energy conservation measures for a report that 23519  
analyzes the buildings' energy needs and presents recommendations 23520  
for building installations, modifications of existing 23521  
installations, or building remodeling that would significantly 23522  
reduce energy consumption in the buildings owned by that township. 23523  
The report shall include estimates of all costs of the 23524  
installations, modifications, or remodeling, including costs of 23525  
design, engineering, installation, maintenance, and repairs, and 23526  
estimates of the amounts by which energy consumption could be 23527  
reduced. 23528

(C) A township desiring to implement energy conservation 23529  
measures may proceed under either of the following methods: 23530

(1) Using a report or any part of a report prepared under 23531  
division (B) of this section, advertise for bids and comply with 23532  
the bidding procedures set forth in sections 307.86 to 307.92 of 23533  
the Revised Code; 23534

(2) Request proposals from at least three vendors for the 23535  
implementation of energy conservation measures. Prior to sending 23536  
any installer of energy conservation measures a copy of any such 23537  
request, the township shall advertise its intent to request 23538  
proposals for the installation of energy conservation measures in 23539  
a newspaper of general circulation in the township once a week for 23540  
two consecutive weeks or as provided in section 7.16 of the 23541  
Revised Code. The notice shall state that the township intends to 23542  
request proposals for the installation of energy conservation 23543  
measures; indicate the date, which shall be at least ten days 23544  
after the second publication, on which the request for proposals 23545  
will be mailed to installers of energy conservation measures; and 23546  
state that any installer of energy conservation measures 23547  
interested in receiving the request for proposal shall submit 23548

written notice to the township not later than noon of the day on 23549  
which the request for proposal will be mailed. 23550

Upon receiving the proposals, the township shall analyze them 23551  
and select the proposal or proposals most likely to result in the 23552  
greatest energy savings considering the cost of the project and 23553  
the township's ability to pay for the improvements with current 23554  
revenues or by financing the improvements. The awarding of a 23555  
contract to install energy conservation measures under division 23556  
(C)(2) of this section shall be conditioned upon a finding by the 23557  
township that the amount of money spent on energy savings measures 23558  
is not likely to exceed the amount of money the township would 23559  
save in energy and operating costs over ten years or a lesser 23560  
period as determined by the township or, in the case of contracts 23561  
for cogeneration systems, over five years or a lesser period as 23562  
determined by the township. Nothing in this section prohibits a 23563  
township from rejecting all proposals or from selecting more than 23564  
one proposal. 23565

(D) A board of township trustees may enter into an 23566  
installment payment contract for the purchase and installation of 23567  
energy conservation measures. Any provisions of those installment 23568  
payment contracts that deal with interest charges and financing 23569  
terms shall not be subject to the competitive bidding procedures 23570  
of section 307.86 of the Revised Code. Unless otherwise approved 23571  
by a resolution of the board, an installment payment contract 23572  
entered into by a board of township trustees under this section 23573  
shall require the board to contract in accordance with the 23574  
procedures set forth in section 307.86 of the Revised Code for the 23575  
installation, modification, or remodeling of energy conservation 23576  
measures pursuant to this section. 23577

(E) The board may issue securities of the township specifying 23578  
the terms of the purchase and securing the deferred payments, 23579  
payable at the times provided and bearing interest at a rate not 23580

exceeding the rate determined as provided in section 9.95 of the Revised Code. The maximum maturity of the securities shall be as provided in division (B)(7)(g) of section 133.20 of the Revised Code. The securities may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. Revenues derived from local taxes or otherwise, for the purpose of conserving energy or for defraying the current operating expenses of the township, may be applied to the payment of interest and the retirement of the securities. The securities may be sold at private sale or given to the contractor under the installment payment contract authorized by division (D) of this section.

(F) Debt incurred under this section shall not be included in the calculation of the net indebtedness of a township under section 133.09 of the Revised Code.

**Sec. 505.267.** (A) As used in this section:

(1) "Lease-purchase agreement" has the same meaning as a lease with an option to purchase.

(2) "Public obligation" has the same meaning as in section 133.01 of the Revised Code.

(B) For any purpose for which a board of township trustees, ~~or a board of trustees of a joint township~~ police district board, a township fire district, a joint fire district, or a fire and ambulance district is authorized to acquire real or personal property, that board may enter into a lease-purchase agreement in accordance with this section to acquire the property. The board's resolution authorizing the lease-purchase agreement may provide for the issuance of certificates of participation or other evidences of fractionalized interests in the lease-purchase agreement, for the purpose of financing, or refinancing or refunding, any public obligation that financed or refinanced the acquisition of the property. Sections 9.94, 133.03, and 133.30 of

the Revised Code shall apply to any such fractionalized interests. 23612

The lease-purchase agreement shall provide for a series of 23613  
terms in which no term extends beyond the end of the fiscal year 23614  
of the township or district in which that term commences. In 23615  
total, the terms provided for in the agreement shall be for not 23616  
more than the useful life of the real or personal property that is 23617  
the subject of the agreement. A property's useful life shall be 23618  
determined either by the maximum number of installment payments 23619  
permitted under the statute that authorizes the board to acquire 23620  
the property or, if there is no such provision, by the maximum 23621  
number of years to maturity provided for the issuance of bonds in 23622  
division (B) of section 133.20 of the Revised Code for that 23623  
property. If the useful life cannot be determined under either of 23624  
those statutes, it shall be estimated as provided in division (C) 23625  
of section 133.20 of the Revised Code. 23626

The lease-purchase agreement shall provide that, at the end 23627  
of the final term in the agreement, if all obligations of the 23628  
township or district have been satisfied, the title to the leased 23629  
property shall vest in the township or district executing the 23630  
lease-purchase agreement, if that title has not vested in the 23631  
township or district before or during the lease terms; except that 23632  
the lease-purchase agreement may require the township or district 23633  
to pay an additional lump sum payment as a condition of obtaining 23634  
that title. 23635

(C) A board of trustees that enters into a lease-purchase 23636  
agreement under this section may do any of the following with the 23637  
property that is the subject of the agreement: 23638

(1) If the property is personal property, assign the board's 23639  
rights to that property; 23640

(2) Grant the lessor a security interest in the property; 23641

(3) If the property is real property, grant leases, 23642



easements, or licenses for underlying land or facilities under the 23643  
board's control for terms not exceeding five years beyond the 23644  
final term of the lease-purchase agreement. 23645

(D) The authority granted in this section is in addition to, 23646  
and not in derogation of, any other financing authority provided 23647  
by law. 23648

**Sec. 505.28.** The board of township trustees may create a 23649  
waste disposal district under sections 505.27 to 505.33 of the 23650  
Revised Code, by a unanimous vote of the board and give notice 23651  
thereof by a publication in ~~two newspapers~~ a newspaper of general 23652  
circulation in the township. If, within thirty days after such 23653  
publication, a protest petition is filed with the board, signed by 23654  
at least fifty per cent of the electors residing in the district, 23655  
the act of the board in creating such district shall be void. If a 23656  
petition is filed with the board asking for the creation of such a 23657  
district in the township, accompanied by a map clearly showing the 23658  
boundaries of such district, and signed by at least sixty-five per 23659  
cent of the electors residing therein, with addresses of such 23660  
signers, the board shall, within sixty days, create such a 23661  
district. 23662

Each district shall be given a name, and the entire cost of 23663  
any necessary equipment and labor shall be apportioned against 23664  
each district by the respective boards. 23665

**Sec. 505.373.** The board of township trustees may, by 23666  
resolution, adopt by incorporation by reference a standard code 23667  
pertaining to fire, fire hazards, and fire prevention prepared and 23668  
promulgated by the state or any department, board, or other agency 23669  
of the state, or any such code prepared and promulgated by a 23670  
public or private organization that publishes a model or standard 23671  
code. 23672

After the adoption of the code by the board, a notice clearly identifying the code, stating the purpose of the code, and stating that a complete copy of the code is on file with the township fiscal officer for inspection by the public and also on file in the law library of the county in which the township is located and that the fiscal officer has copies available for distribution to the public at cost, shall be posted by the fiscal officer in five conspicuous places in the township for thirty days before becoming effective. The notice required by this section shall also be published in a newspaper of general circulation in the township once a week for three consecutive weeks or as provided in section 7.16 of the Revised Code. If the adopting township amends or deletes any provision of the code, the notice shall contain a brief summary of the deletion or amendment.

If the agency that originally promulgated or published the code thereafter amends the code, any township that has adopted the code pursuant to this section may adopt the amendment or change by incorporation by reference in the same manner as provided for adoption of the original code.

**Sec. 505.43.** In order to obtain police protection, or to obtain additional police protection, any township may enter into a contract with one or more townships, municipal corporations, park districts created pursuant to section 511.18 or 1545.01 of the Revised Code, ~~or~~ county sheriffs, joint police districts, or with a governmental entity of an adjoining state upon any terms that are agreed to by them, for services of police departments or use of police equipment, or the interchange of the service of police departments or use of police equipment within the several territories of the contracting subdivisions, if the contract is first authorized by respective boards of township trustees or other legislative bodies. The cost of the contract may be paid for from the township general fund or from funds received pursuant to

the passage of a levy authorized pursuant to division (J) of 23705  
section 5705.19 and section 5705.25 of the Revised Code. 23706

Chapter 2744. of the Revised Code, insofar as it is 23707  
applicable to the operation of police departments, applies to the 23708  
contracting political subdivisions and police department members 23709  
when the members are rendering service outside their own 23710  
subdivision pursuant to the contract. 23711

Police department members acting outside the subdivision in 23712  
which they are employed may participate in any pension or 23713  
indemnity fund established by their employer to the same extent as 23714  
while acting within the employing subdivision, and are entitled to 23715  
all the rights and benefits of Chapter 4123. of the Revised Code, 23716  
to the same extent as while performing service within the 23717  
subdivision. 23718

The contract may provide for a fixed annual charge to be paid 23719  
at the times agreed upon and stipulated in the contract. 23720

**Sec. 505.48.** (A) The board of township trustees of any 23721  
township may, by resolution adopted by two-thirds of the members 23722  
of the board, create a township police district comprised of all 23723  
or a portion of the unincorporated territory of the township as 23724  
the resolution may specify. If the township police district does 23725  
not include all of the unincorporated territory of the township, 23726  
the resolution creating the district shall contain a complete and 23727  
accurate description of the territory of the district and a 23728  
separate and distinct name for the district. 23729

At any time not less than one hundred twenty days after a 23730  
township police district is created and operative, the territorial 23731  
limits of the district may be altered in the manner provided in 23732  
division (B) of this section or, if applicable, as provided in 23733  
section 505.482 of the Revised Code. 23734

(B) Except as otherwise provided in section ~~505.482~~ 505.481 23735  
of the Revised Code, the territorial limits of a township police 23736  
district may be altered by a resolution adopted by a two-thirds 23737  
vote of the board of township trustees. If the township police 23738  
district imposes a tax, any territory proposed for addition to the 23739  
district shall become part of the district only after all of the 23740  
following have occurred: 23741

(1) Adoption by two-thirds vote of the board of township 23742  
trustees of a resolution approving the expansion of the 23743  
territorial limits of the district; 23744

(2) Adoption by a two-thirds vote of the board of township 23745  
trustees of a resolution recommending the extension of the tax to 23746  
the additional territory; 23747

(3) Approval of the tax by the electors of the territory 23748  
proposed for addition to the district. 23749

Each resolution of the board adopted under division (B)(2) of 23750  
this section shall state the name of the township police district, 23751  
a description of the territory to be added, and the rate and 23752  
termination date of the tax, which shall be the rate and 23753  
termination date of the tax currently in effect in the district. 23754

The board of trustees shall certify each resolution adopted 23755  
under division (B)(2) of this section to the board of elections in 23756  
accordance with section 5705.19 of the Revised Code. The election 23757  
required under division (B)(3) of this section shall be held, 23758  
canvassed, and certified in the manner provided for the submission 23759  
of tax levies under section 5705.25 of the Revised Code, except 23760  
that the question appearing on the ballot shall read: 23761

"Shall the territory within ..... 23762  
(description of the proposed territory to be added) be added to 23763  
..... (name) township police district, and a property 23764  
tax at a rate of taxation not exceeding ..... (here insert 23765

tax rate) be in effect for ..... (here insert the number of 23766  
years the tax is to be in effect or "a continuing period of time," 23767  
as applicable)?" 23768

If the question is approved by at least a majority of the 23769  
electors voting on it, the joinder shall be effective as of the 23770  
first day of January of the year following approval, and, on that 23771  
date, the township police district tax shall be extended to the 23772  
taxable property within the territory that has been added. 23773

**Sec. ~~505.482~~ 505.481.** (A) If a township police district does 23774  
not include all the unincorporated territory of the township, the 23775  
remaining unincorporated territory of the township may be added to 23776  
the district by a resolution adopted by a unanimous vote of the 23777  
board of township trustees to place the issue of expansion of the 23778  
district on the ballot for the electors of the entire 23779  
unincorporated territory of the township. The resolution shall 23780  
state whether the proposed township police district initially will 23781  
hire personnel as provided in section 505.49 of the Revised Code 23782  
or contract for the provision of police protection services or 23783  
additional police protection services as provided in section 23784  
505.43 or 505.50 of the Revised Code. 23785

The ballot measure shall provide for the addition into a new 23786  
district of all the unincorporated territory of the township not 23787  
already included in the township police district and for the levy 23788  
of any tax then imposed by the district throughout the 23789  
unincorporated territory of the township. The measure shall state 23790  
the rate of the tax, if any, to be imposed in the district 23791  
resulting from approval of the measure, which need not be the same 23792  
rate of any tax imposed by the existing district, and the last 23793  
year in which the tax will be levied or that it will be levied for 23794  
a continuous period of time. 23795

(B) The election on the measure shall be held, canvassed, and 23796

certified in the manner provided for the submission of tax levies 23797  
under section 5705.25 of the Revised Code, except that the 23798  
question appearing on the ballot shall read substantially as 23799  
follows: 23800

"Shall the unincorporated territory within ..... (name 23801  
of the township) not already included within the ..... (name 23802  
of township police district) be added to the township police 23803  
district to create the ..... (name of new township police 23804  
district) township police district?" 23805

The name of the proposed township police district shall be 23806  
separate and distinct from the name of the existing township 23807  
police district. 23808

If a tax is imposed in the existing township police district, 23809  
the question shall be modified by adding, at the end of the 23810  
question, the following: ", and shall a property tax be levied in 23811  
the new township police district, replacing the tax in the 23812  
existing township police district, at a rate not exceeding 23813  
..... mills per dollar of taxable valuation, which amounts to 23814  
..... (rate expressed in dollars and cents per one thousand 23815  
dollars in taxable valuation), for ..... (number of years the 23816  
tax will be levied, or "a continuing period of time")." 23817

If the measure is not approved by a majority of the electors 23818  
voting on it, the township police district shall continue to 23819  
occupy its existing territory until altered as provided in this 23820  
section or section 505.48 of the Revised Code, and any existing 23821  
tax imposed under section 505.51 of the Revised Code shall remain 23822  
in effect in the existing district at the existing rate and for as 23823  
long as provided in the resolution under the authority of which 23824  
the tax is levied. 23825

**Sec. ~~505.481~~ 505.482.** (A) The boards of township trustees of 23826  
any two or more contiguous townships, or the boards of township 23827

trustees of one or more contiguous townships and the legislative 23828  
authorities of one or more contiguous municipal corporations, 23829  
whether or not within the same county, ~~may,~~ by adoption of a joint 23830  
resolution by a ~~two-thirds~~ majority favorable vote of each such 23831  
board and of the members of the legislative authority of each such 23832  
municipal corporation, may form themselves into a joint ~~township~~ 23833  
police district board, ~~and such townships shall be a part of a~~ 23834  
~~joint township police district~~ comprising all or any part of the 23835  
townships or municipal corporations as are mutually agreed upon. 23836  
The governing body of the joint police district shall be a joint 23837  
police district board, which shall include either all of the 23838  
township trustees of each township and all of the members of the 23839  
legislative authority of each municipal corporation in the 23840  
district, as agreed to and established in the joint resolution 23841  
creating the joint police district; or an odd number of members as 23842  
agreed to and established in the joint resolution, as long as the 23843  
members are representatives from each board of township trustees 23844  
of each township and from the legislative authority of each 23845  
municipal corporation in the joint police district. 23846

~~Such (B) The~~ joint ~~township~~ police district board shall 23847  
organize within thirty days after the favorable vote by the last 23848  
board of township trustees or the members of the legislative 23849  
authority of the last municipal corporation joining itself into 23850  
the joint ~~township~~ police district board. The president of the 23851  
board of township trustees of the most populous participating 23852  
township or the legislative authority of the most populous 23853  
participating municipal corporation shall give notice of the time 23854  
and place of organization to each pending member of the joint 23855  
police district board ~~of township trustees of each participating~~ 23856  
~~township,~~ as established in the joint resolution. Such notice 23857  
shall be signed ~~by the president of the board of township trustees~~ 23858  
~~of the most populous participating township,~~ and shall be sent by 23859  
certified mail to each such pending member of the board ~~of~~ 23860

~~township trustees of each participating township, at least five~~ 23861  
~~days prior to the organization meeting, which meeting shall be~~ 23862  
~~held in one of the participating townships~~ or municipal 23863  
corporations. ~~All members of the boards of township trustees of~~ 23864  
~~the participating townships constitute the joint township police~~ 23865  
~~district board.~~ Two-thirds of all the ~~township trustees of the~~ 23866  
~~participating townships~~ joint police district board members 23867  
constitutes a quorum. ~~Such~~ The members of the ~~boards of township~~ 23868  
~~trustees~~ joint police district board shall, at the organization 23869  
meeting ~~of the joint township police district board,~~ proceed with 23870  
the election of a president, a secretary, and a treasurer, and 23871  
such other officers as they consider necessary and proper, and 23872  
shall transact such other business as properly comes before the 23873  
board. 23874

(C) In the formation of ~~such~~ a joint police district, such 23875  
action may be taken by or on behalf of part of a township, by 23876  
excluding that portion of the township lying within a municipal 23877  
corporation. The joint ~~township~~ police district board may exercise 23878  
the same powers as are granted to a board of township trustees in 23879  
the operation of a township police district under sections 505.49 23880  
to 505.55 of the Revised Code, including, but not limited to, the 23881  
power to employ, train, and discipline personnel, to acquire 23882  
equipment and buildings, to levy a tax, to issue bonds and notes, 23883  
and to dissolve the district. 23884

Sec. 505.483. A township or municipal corporation, or parts 23885  
thereof, may join an existing joint police district by the 23886  
adoption of a resolution by the township or of an ordinance by the 23887  
municipal corporation requesting participation in the district and 23888  
upon approval of the existing joint police district board. 23889

Sec. 505.484. The treasurer of the joint police district 23890  
board, before entering upon the duties of that office, shall 23891



execute a bond payable to the state, in the amount and with surety 23892  
to be approved by the joint police district board, conditioned for 23893  
the faithful performance of all the official duties required by 23894  
the treasurer. The bond shall be deposited with the president of 23895  
the joint police district board, and a copy thereof, certified by 23896  
the president, shall be filed with the county auditor. 23897

**Sec. 505.49.** (A) As used in this section, "felony" has the 23898  
same meaning as in section 109.511 of the Revised Code. 23899

(B)(1) The township trustees of a township police district, 23900  
by a two-thirds vote of the board, or a joint police district 23901  
board, by majority vote of its members, may adopt rules necessary 23902  
for the operation of the township or joint police district, 23903  
including a determination of the qualifications of the chief of 23904  
police, patrol officers, and others to serve as members of the 23905  
district police force. 23906

(2) Except as otherwise provided in division (E) of this 23907  
section and subject to division (D) of this section, the township 23908  
trustees of a township police district, by a two-thirds vote of 23909  
the board or the joint police district board, by majority vote of 23910  
its members, shall appoint a chief of police for the district, 23911  
determine the number of patrol officers and other personnel 23912  
required by the district, and establish salary schedules and other 23913  
conditions of employment for the employees of the township or 23914  
joint police district. The chief of police of the district shall 23915  
serve at the pleasure of the township trustees or the joint police 23916  
district board and shall appoint patrol officers and other 23917  
personnel that the district may require, subject to division (D) 23918  
of this section and to the rules and limits as to qualifications, 23919  
salary ranges, and numbers of personnel established by the board 23920  
of township trustees or the joint police district board. The 23921  
township trustees may include in the township police district and 23922

under the direction and control of the chief of police any 23923  
constable appointed pursuant to section 509.01 of the Revised 23924  
Code, or may designate the chief of police or any patrol officer 23925  
appointed by the chief of police as a constable, as provided for 23926  
in section 509.01 of the Revised Code, for the township police 23927  
district. 23928

(3) Except as provided in division (D) of this section, a 23929  
patrol officer, other police district employee, or police 23930  
constable, who has been awarded a certificate attesting to the 23931  
satisfactory completion of an approved state, county, or municipal 23932  
police basic training program, as required by section 109.77 of 23933  
the Revised Code, may be removed or suspended only under the 23934  
conditions and by the procedures in sections 505.491 to 505.495 of 23935  
the Revised Code. Any other patrol officer, police district 23936  
employee, or police constable shall serve at the pleasure of the 23937  
township trustees or joint police district board. In case of 23938  
removal or suspension of an appointee by the board of township 23939  
trustees of a township police district or the joint police 23940  
district board, that appointee may appeal the decision of ~~the~~ 23941  
either board to the court of common pleas of the county in which 23942  
the district is situated to determine the sufficiency of the cause 23943  
of removal or suspension. The appointee shall take the appeal 23944  
within ten days of written notice to the appointee of the decision 23945  
of the board. 23946

(C)(1) Division (B) of this section does not apply to a 23947  
township that has a population of ten thousand or more persons 23948  
residing within the township and outside of any municipal 23949  
corporation, that has its own police department employing ten or 23950  
more full-time paid employees, and that has a civil service 23951  
commission established under division (B) of section 124.40 of the 23952  
Revised Code. The township shall comply with the procedures for 23953  
the employment, promotion, and discharge of police personnel 23954

provided by Chapter 124. of the Revised Code, except as otherwise 23955  
provided in divisions (C)(2) and (3) of this section. 23956

(2) The board of township trustees of the township may 23957  
appoint the chief of police, and a person so appointed shall be in 23958  
the unclassified service under section 124.11 of the Revised Code 23959  
and shall serve at the pleasure of the board. A person appointed 23960  
chief of police under these conditions who is removed by the board 23961  
or who resigns from the position shall be entitled to return to 23962  
the classified service in the township police department, in the 23963  
position that person held previous to the person's appointment as 23964  
chief of police. 23965

(3) The appointing authority of an urban township, as defined 23966  
in section 504.01 of the Revised Code, may appoint to a vacant 23967  
position any one of the three highest scorers on the eligible list 23968  
for a promotional examination. 23969

(4) The board of township trustees of a township described in 23970  
this division shall determine the number of personnel required and 23971  
establish salary schedules and conditions of employment not in 23972  
conflict with Chapter 124. of the Revised Code. 23973

(5) Persons employed as police personnel in a township 23974  
described in this division on the date a civil service commission 23975  
is appointed pursuant to division (B) of section 124.40 of the 23976  
Revised Code, without being required to pass a competitive 23977  
examination or a police training program, shall retain their 23978  
employment and any rank previously granted them by action of the 23979  
township trustees or otherwise, but those persons are eligible for 23980  
promotion only by compliance with Chapter 124. of the Revised 23981  
Code. 23982

(6) This division does not apply to constables appointed 23983  
pursuant to section 509.01 of the Revised Code. This division is 23984  
subject to division (D) of this section. 23985

(D)(1) The board of township trustees or a joint police 23986  
district board shall not appoint or employ a person as a chief of 23987  
police, and the chief of police shall not appoint or employ a 23988  
person as a patrol officer or other peace officer of a township 23989  
police district ~~or a~~ township police department, or joint police 23990  
district on a permanent basis, on a temporary basis, for a 23991  
probationary term, or on other than a permanent basis if the 23992  
person previously has been convicted of or has pleaded guilty to a 23993  
felony. 23994

(2)(a) The board of township trustees or joint police 23995  
district board shall terminate the appointment or employment of a 23996  
chief of police, patrol officer, or other peace officer of a 23997  
township police district ~~or a~~ township police department, or joint 23998  
police district who does either of the following: 23999

(i) Pleads guilty to a felony; 24000

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 24001  
plea agreement as provided in division (D) of section 2929.43 of 24002  
the Revised Code in which the chief of police, patrol officer, or 24003  
other peace officer of a township police district ~~or a~~ township 24004  
police department, or joint police district agrees to surrender 24005  
the certificate awarded to that chief of police, patrol officer, 24006  
or other peace officer under section 109.77 of the Revised Code. 24007

(b) The board shall suspend the appointment or employment of 24008  
a chief of police, patrol officer, or other peace officer of a 24009  
township police district ~~or a~~ township police department, or joint 24010  
police district who is convicted, after trial, of a felony. If ~~the~~ 24011  
such chief of police, patrol officer, or other peace officer ~~of a~~ 24012  
~~township police district or township police department~~ files an 24013  
appeal from that conviction and the conviction is upheld by the 24014  
highest court to which the appeal is taken, or if no timely 24015  
appeal is filed, the board shall terminate the appointment or 24016  
employment of that chief of police, patrol officer, or other peace 24017

officer. If the chief of police, patrol officer, or other peace officer of a township police district ~~or~~, township police department, or joint police district files an appeal that results in that chief of police's, patrol officer's, or other peace officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the chief of police, patrol officer, or other peace officer, the board shall reinstate that chief of police, patrol officer, or other peace officer. A chief of police, patrol officer, or other peace officer ~~of a township police district or township police department~~ who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that chief of police, patrol officer, or other peace officer of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the chief of police, patrol officer, or other peace officer of the felony.

(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or termination of the appointment or employment of a chief of police, patrol officer, or other peace officer under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

(E) The board of township trustees or the joint police district board may enter into a contract under section 505.43 or 505.50 of the Revised Code to obtain all police protection for the township police district or joint police district from one or more municipal corporations, county sheriffs, or other townships. If the board enters into such a contract, subject to division (D) of this section, it may, but is not required to, appoint a police chief for the district.

(F) The members of the police force of a township police district of a township, or of a joint police district board

comprised of a township, that adopts the limited self-government 24050  
form of township government shall serve as peace officers for the 24051  
township territory included in the district. 24052

(G) A chief of police or patrol officer of a township police 24053  
district, ~~or of a township police department,~~ or joint police 24054  
district may participate, as the director of an organized crime 24055  
task force established under section 177.02 of the Revised Code or 24056  
as a member of the investigatory staff of that task force, in an 24057  
investigation of organized criminal activity in any county or 24058  
counties in this state under sections 177.01 to 177.03 of the 24059  
Revised Code. 24060

**Sec. 505.491.** Except as provided in division (D) of section 24061  
505.49 or in division (C) of section 509.01 of the Revised Code 24062  
for a board of township trustees, and except as provided in 24063  
division (D) of section 505.49 of the Revised Code for a joint 24064  
police district board, if the board ~~of trustees of a township~~ has 24065  
reason to believe that a chief of police, patrol officer, or other 24066  
township or joint police district employee appointed under 24067  
division (B) of section 505.49 of the Revised Code or a police 24068  
constable appointed under division (B) of section 509.01 of the 24069  
Revised Code has been guilty, in the performance of the official 24070  
duty of that chief of police, patrol officer, other township or 24071  
joint police district employee, or police constable, of bribery, 24072  
misfeasance, malfeasance, nonfeasance, misconduct in office, 24073  
neglect of duty, gross immorality, habitual drunkenness, 24074  
incompetence, or failure to obey orders given that person by the 24075  
proper authority, the board immediately shall file written charges 24076  
against that person, ~~setting.~~ The written charges shall set forth 24077  
in detail a statement of the alleged guilt and, at the same time, 24078  
or as soon thereafter as possible, serve a true copy of those 24079  
charges upon the person against whom they are made. The service 24080  
may be made on the person or by leaving a copy of the charges at 24081

the office or residence of that person. Return of the service 24082  
shall be made to the board in the same manner that is provided for 24083  
the return of the service of summons in a civil action. 24084

**Sec. 505.492.** Charges filed by the board of township trustees 24085  
or joint police district board under section 505.491 of the 24086  
Revised Code shall be heard at the next regular meeting thereof, 24087  
unless the board extends the time for the hearing, which shall be 24088  
done only on the application of the accused. The accused may 24089  
appear in person and by counsel, examine all witnesses, and answer 24090  
all charges against ~~him~~ the accused. 24091

**Sec. 505.493.** Pending any proceedings under sections 505.491 24092  
and 505.492 of the Revised Code, an accused person may be 24093  
suspended by the board of township trustees or joint police 24094  
district board, but such suspension shall be for a period not 24095  
longer than fifteen days, unless the hearing of such charges is 24096  
extended upon the application of the accused, in which event the 24097  
suspension shall not exceed thirty days. 24098

**Sec. 505.494.** For the purpose of investigating charges filed 24099  
pursuant to section 505.491 of the Revised Code, the board of 24100  
township trustees or joint police district board may issue 24101  
subpoenas or compulsory process to compel the attendance of 24102  
persons and the production of books and papers before it and 24103  
provide by resolution for exercising and enforcing this section. 24104

**Sec. 505.495.** In all cases in which the attendance of 24105  
witnesses may be compelled for an investigation, under section 24106  
505.494 of the Revised Code, any member of the board of township 24107  
trustees or of the joint police district board may administer the 24108  
requisite oaths. The board has the same power to compel the giving 24109  
of testimony by attending witnesses as is conferred upon courts. 24110

In all such cases, witnesses shall be entitled to the same 24111  
privileges and immunities as are allowed witnesses in civil cases. 24112  
Witnesses shall be paid the fees and mileage provided for under 24113  
section 1901.26 of the Revised Code, and the costs of all such 24114  
proceedings shall be payable from the general fund of the township 24115  
or joint police district. 24116

**Sec. 505.50.** The board of township trustees of a township or 24117  
of a township police district, or a joint police district board, 24118  
may purchase, lease, lease with an option to purchase, or 24119  
otherwise acquire any police apparatus, equipment, including a 24120  
public communications system, or materials that the township ~~or,~~ 24121  
township police district, or joint police district requires and 24122  
may build, purchase, lease, or lease with an option to purchase 24123  
any building or buildings and site of the building or buildings 24124  
that are necessary for the police operations of the township or 24125  
either district. 24126

The boards of trustees of any two or more contiguous 24127  
townships, ~~may~~ or the boards of township trustees of one or more 24128  
contiguous townships and the legislative authorities of one or 24129  
more contiguous municipal corporations, by joint agreement, may 24130  
unite in the joint purchase, lease, lease with an option to 24131  
purchase, maintenance, use, and operation of police equipment for 24132  
any other police purpose designated in sections 505.48 to 505.55 24133  
of the Revised Code, and to prorate the expense of that joint 24134  
action on terms mutually agreed upon by the trustees in each 24135  
affected township and the legislative authorities of each affected 24136  
municipal corporation. 24137

The board of trustees of a township or of a township police 24138  
district, or a joint police district board, may enter into a 24139  
contract with one or more townships, a municipal corporation, a 24140  
park district created pursuant to section 511.18 or 1545.01 of the 24141



Revised Code, or the county sheriff upon any terms that are 24142  
mutually agreed upon for the provision of police protection 24143  
services or additional police protection services either on a 24144  
regular basis or for additional protection in times of emergency. 24145  
The contract shall be agreed to in each instance by the respective 24146  
board or boards of township trustees, the board of county 24147  
commissioners, the board of park commissioners, the joint police 24148  
district board, or the legislative authority of the municipal 24149  
corporation involved. The contract may provide for a fixed annual 24150  
charge to be paid at the time agreed upon in the contract. 24151

Chapter 2744. of the Revised Code, insofar as it is 24152  
applicable to the operation of police departments, applies to the 24153  
contracting political subdivisions and police department members 24154  
when the members are serving outside their own political 24155  
subdivision pursuant to such a contract. Police department members 24156  
acting outside the political subdivision in which they are 24157  
employed may participate in any pension or indemnity fund 24158  
established by their employer and are entitled to all the rights 24159  
and benefits of Chapter 4123. of the Revised Code, to the same 24160  
extent as while performing services within the political 24161  
subdivision. 24162

**Sec. 505.51.** The (A) In the case of a township police 24163  
district, the board of trustees of a the township police district 24164  
may levy a tax upon all of the taxable property in the township 24165  
police district pursuant to sections 5705.19 and 5705.25 of the 24166  
Revised Code to defray all or a portion of expenses of the 24167  
township police district in providing police protection. 24168

(B) In the case of a joint police district, the joint police 24169  
district board may levy a tax upon all of the taxable property in 24170  
the joint police district pursuant to sections 5705.19 and 5705.25 24171  
of the Revised Code to defray all or a portion of expenses of the 24172

joint police district in providing police protection. 24173

**Sec. 505.511.** (A) A board of township trustees that operates 24174  
a township police department ~~or~~, the board of township trustees of 24175  
a township police district, or a joint police district board may, 24176  
after police constables, the township police, a law enforcement 24177  
agency with which the township contracts for police services, the 24178  
joint police district police, and the county sheriff or the 24179  
sheriff's deputy have answered a combined total of three false 24180  
alarms from the same commercial or residential security alarm 24181  
system within the township in the same calendar year, cause the 24182  
township fiscal officer to mail the manager of the commercial 24183  
establishment or the occupant, lessee, agent, or tenant of the 24184  
residence a bill for each subsequent false alarm from the same 24185  
alarm system during that year, to defray the costs incurred. The 24186  
bill's amount shall be as follows: 24187

(1) For the fourth false alarm of that year ..... \$50.00; 24188

(2) For the fifth false alarm of that year ..... \$100.00; 24189

(3) For all false alarms in that year occurring after the 24190  
fifth false alarm ..... \$150.00. 24191

If payment of the bill is not received within thirty days, 24192  
the township fiscal officer or joint police district treasurer 24193  
shall send a notice by certified mail to the manager and to the 24194  
owner, if different, of the real estate of which the commercial 24195  
establishment is a part, or to the occupant, lessee, agent, or 24196  
tenant and to the owner, if different, of the real estate of which 24197  
the residence is a part, indicating that failure to pay the bill 24198  
within thirty days, or to show just cause why the bill should not 24199  
be paid, will result in the assessment of a lien upon the real 24200  
estate in the amount of the bill. If payment is not received 24201  
within those thirty days or if just cause is not shown, the amount 24202  
of the bill shall be entered upon the tax duplicate, shall be a 24203

lien upon the real estate from the date of the entry, and shall be 24204  
collected as other taxes and returned to the township treasury to 24205  
be earmarked for use for police services. 24206

The board of township trustees shall not cause the township 24207  
fiscal officer, or the joint police district board shall not cause 24208  
the joint police district treasurer, to send a bill pursuant to 24209  
this division if a bill has already been sent pursuant to division 24210  
(B) of this section for the same false alarm. 24211

(B) The county sheriff may, after the county sheriff or the 24212  
sheriff's deputy, police constables, the township police, the 24213  
joint police district police, and a law enforcement agency with 24214  
which the township contracts for police services have answered a 24215  
combined total of three false alarms from the same commercial or 24216  
residential security alarm system within the unincorporated area 24217  
of the county in the same calendar year, mail the manager of the 24218  
commercial establishment or the occupant, lessee, agent, or tenant 24219  
of the residence a bill for each subsequent false alarm from the 24220  
same alarm system during that year, to defray the costs incurred. 24221  
The bill's amount shall be as follows: 24222

(1) For the fourth false alarm of that year ..... \$50.00; 24223

(2) For the fifth false alarm of that year ..... \$100.00; 24224

(3) For all false alarms in that year occurring after the 24225  
fifth false alarm ..... \$150.00. 24226

If payment of the bill is not received within thirty days, 24227  
the sheriff shall send a notice by certified mail to the manager 24228  
and to the owner, if different, of the real estate of which the 24229  
commercial establishment is a part, or to the occupant, lessee, 24230  
agent, or tenant and to the owner, if different, of the real 24231  
estate of which the residence is a part, indicating that failure 24232  
to pay the bill within thirty days, or to show just cause why the 24233  
bill should not be paid, will result in the assessment of a lien 24234

upon the real estate in the amount of the bill. If payment is not 24235  
received within those thirty days or if just cause is not shown, 24236  
the amount of the bill shall be entered upon the tax duplicate, 24237  
shall be a lien upon the real estate from the date of the entry, 24238  
and shall be collected as other taxes and returned to the county 24239  
treasury. 24240

The sheriff shall not send a bill pursuant to this division 24241  
if a bill has already been sent pursuant to division (A) of this 24242  
section for the same false alarm. 24243

(C) As used in this section, "commercial establishment" has 24244  
the same meaning as in section 505.391 of the Revised Code. 24245

**Sec. 505.52.** The board of trustees of a township police 24246  
district or a joint police district board may issue bonds for the 24247  
purpose of buying police equipment in the manner provided for in 24248  
section 133.18 and pursuant to Chapter 133. of the Revised Code. 24249  
The proceeds of the bonds issued under this section, other than 24250  
any premium and accrued interest which is credited to the sinking 24251  
fund, shall be placed in the township treasury or joint police 24252  
district board treasury to the credit of a fund to be known as the 24253  
"police equipment fund." Money from the police equipment fund 24254  
shall be paid out only upon order of the township board of 24255  
trustees of the township police district or of the joint police 24256  
district board. 24257

**Sec. 505.53.** The board of trustees of a township police 24258  
district or a joint police district board may issue notes for a 24259  
period not to exceed three years for the purpose of buying police 24260  
equipment or a building or site to house police equipment. 24261  
One-third of the purchase price of the equipment, building, or 24262  
site shall be paid at the time of purchase, and the remainder of 24263  
the purchase price shall be covered by notes maturing in two and 24264

three years respectively. Notes may bear interest not to exceed 24265  
the rate determined as provided in section 9.95 of the Revised 24266  
Code, and shall not be subject to Chapter 133. of the Revised 24267  
Code. Such notes shall be offered for sale on the open market or 24268  
given to a vendor if no sale is made. 24269

**Sec. 505.54.** The board of trustees of the township or the 24270  
joint police district board may, upon nomination by the chief of 24271  
police, send one or more of the officers, ~~patrolmen~~ patrol 24272  
officers, or other employees of the township police district or 24273  
the joint police district to a school of instruction designed to 24274  
provide additional training or skills related to the employees 24275  
work assignment in the district. The trustees may make advance 24276  
tuition payments for any employee so nominated and may defray all 24277  
or a portion of the employee's expenses while receiving this 24278  
instruction. 24279

**Sec. 505.541.** (A) The board of township trustees or a joint 24280  
police district board, respectively, may establish, by resolution, 24281  
a parking enforcement unit within a township police district or 24282  
within a joint police district, and provide for the regulation of 24283  
parking enforcement officers. The chief of police of the district 24284  
shall be the executive head of the parking enforcement unit, shall 24285  
make all appointments and removals of parking enforcement 24286  
officers, subject to any general rules prescribed by the board of 24287  
township trustees by resolution or joint police district board, as 24288  
appropriate, and shall prescribe rules for the organization, 24289  
training, administration, control, and conduct of the parking 24290  
enforcement unit. The chief of police may appoint parking 24291  
enforcement officers who agree to serve for nominal compensation, 24292  
and persons with physical disabilities may receive appointments as 24293  
parking enforcement officers. 24294

(B) The authority of the parking enforcement officers shall 24295

be limited to the enforcement of section 4511.69 of the Revised Code and any other parking laws specified in the resolution creating the parking enforcement unit. Parking enforcement officers shall have no other powers.

(C) The training the parking enforcement officers shall receive shall include instruction in general administrative rules and procedures governing the parking enforcement unit, the role of the judicial system as it relates to parking regulation and enforcement, proper techniques and methods relating to the enforcement of parking laws, human interaction skills, and first aid.

**Sec. 505.55.** In the event that need for a township police district ceases to exist, the township trustees by a two-thirds vote of the board shall adopt a resolution specifying the date that the township police district shall cease to exist and provide for the disposal of all property belonging to the district by public sale. Such sale must be by public auction and upon notice thereof being published once a week for three weeks in a newspaper ~~published, or~~ of general circulation in such township, ~~the~~ or as provided in section 7.16 of the Revised Code. The last of such publications ~~to~~ shall be made at least five days before the date of the sale. Any moneys remaining after the dissolution of the district or received from the public sale of property shall be paid into the treasury of the township and may be expended for any public purpose when duly authorized by the township board of trustees.

**Sec. 505.551.** (A) Any township or municipal corporation may withdraw from a joint police district created under section 505.482 of the Revised Code by adopting a resolution or an ordinance, respectively, ordering withdrawal. On or after the first day of January of the year following the adoption of the

resolution or ordinance of withdrawal, the township or municipal corporation withdrawing ceases to be a part of the district, and the power of the district to levy a tax upon the taxable property in the withdrawing township or municipal corporation terminates, except that the district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the district as it was comprised at the time the indebtedness was incurred. 24327  
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(B) Upon the withdrawal of any township or municipal corporation from a joint police district, the county auditor shall ascertain, apportion, and order a division of the funds on hand and moneys and taxes in the process of collection, except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing township or municipal corporation and the remaining territory of the joint police district. 24335  
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(C) When the number of townships or municipal corporations comprising a joint police district is reduced to one, the joint police district ceases to exist by operation of law, and the funds, credits, and property remaining after apportionments to withdrawing townships or municipal corporations shall be assumed by the one remaining township or municipal corporation. When a joint police district ceases to exist and an indebtedness remains unpaid, the board of county commissioners shall continue to levy and collect taxes for the payment of that indebtedness within the territory of the joint police district as it was comprised at the time the indebtedness was incurred. 24344  
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Sec. 505.60. The following applies until the department of administrative services implements for townships the health care plans under section 9.901 of the Revised Code. If those plans do 24355  
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not include or address any benefits listed in division (A) of this 24358  
section, the following provisions continue in effect for those 24359  
benefits. 24360

(A) As provided in this section and section 505.601 of the 24361  
Revised Code, the board of township trustees of any township may 24362  
procure and pay all or any part of the cost of insurance policies 24363  
that may provide benefits for hospitalization, surgical care, 24364  
major medical care, disability, dental care, eye care, medical 24365  
care, hearing aids, prescription drugs, or sickness and accident 24366  
insurance, or a combination of any of the foregoing types of 24367  
insurance for township officers and employees. The board of 24368  
township trustees of any township may negotiate and contract for 24369  
the purchase of a policy of long-term care insurance for township 24370  
officers and employees pursuant to section 124.841 of the Revised 24371  
Code. 24372

If the board procures any insurance policies under this 24373  
section, the board shall provide uniform coverage under these 24374  
policies for township officers and full-time township employees 24375  
and their immediate dependents, and may provide coverage under 24376  
these policies for part-time township employees and their 24377  
immediate dependents, from the funds or budgets from which the 24378  
officers or employees are compensated for services, such policies 24379  
to be issued by an insurance company duly authorized to do 24380  
business in this state. 24381

(B) The board may also provide coverage for any or all of the 24382  
benefits described in division (A) of this section by entering 24383  
into a contract for group health care services with health 24384  
insuring corporations holding certificates of authority under 24385  
Chapter 1751. of the Revised Code for township officers and 24386  
employees and their immediate dependents. If the board so 24387  
contracts, it shall provide uniform coverage under any such 24388  
contracts for township officers and full-time township employees 24389



and their immediate dependents, from the funds or budgets from 24390  
which the officers or employees are compensated for services, and 24391  
may provide coverage under such contracts for part-time township 24392  
employees and their immediate dependents, from the funds or 24393  
budgets from which the officers or employees are compensated for 24394  
services, provided that each officer and employee so covered is 24395  
permitted to: 24396

(1) Choose between a plan offered by an insurance company and 24397  
a plan offered by a health insuring corporation, and provided 24398  
further that the officer or employee pays any amount by which the 24399  
cost of the plan chosen exceeds the cost of the plan offered by 24400  
the board under this section; 24401

(2) Change the choice made under this division at a time each 24402  
year as determined in advance by the board. 24403

An addition of a class or change of definition of coverage to 24404  
the plan offered under this division by the board may be made at 24405  
any time that it is determined by the board to be in the best 24406  
interest of the township. If the total cost to the township of the 24407  
revised plan for any trustee's coverage does not exceed that cost 24408  
under the plan in effect during the prior policy year, the 24409  
revision of the plan does not cause an increase in that trustee's 24410  
compensation. 24411

(C) Any township officer or employee may refuse to accept any 24412  
coverage authorized by this section without affecting the 24413  
availability of such coverage to other township officers and 24414  
employees. 24415

(D) If any township officer or employee is denied coverage 24416  
under a health care plan procured under this section or if any 24417  
township officer or employee elects not to participate in the 24418  
township's health care plan, the township may reimburse the 24419  
officer or employee for each out-of-pocket premium attributable to 24420

the coverage provided for the officer or employee for insurance 24421  
benefits described in division (A) of this section that the 24422  
officer or employee otherwise obtains, but not to exceed an amount 24423  
equal to the average premium paid by the township for its officers 24424  
and employees under any health care plan it procures under this 24425  
section. 24426

(E) The board may provide the benefits authorized under this 24427  
section, without competitive bidding, by contributing to a health 24428  
and welfare trust fund administered through or in conjunction with 24429  
a collective bargaining representative of the township employees. 24430

The board may also provide the benefits described in this 24431  
section through an individual self-insurance program or a joint 24432  
self-insurance program as provided in section 9.833 of the Revised 24433  
Code. 24434

(F) If a board of township trustees fails to pay one or more 24435  
premiums for a policy, contract, or plan of insurance or health 24436  
care services authorized under this section and the failure causes 24437  
a lapse, cancellation, or other termination of coverage under the 24438  
policy, contract, or plan, it may reimburse a township officer or 24439  
employee for, or pay on behalf of the officer or employee, any 24440  
expenses incurred that would have been covered under the policy, 24441  
contract, or plan. 24442

(G) As used in this section and section 505.601 of the 24443  
Revised Code: 24444

(1) "Part-time township employee" means a township employee 24445  
who is hired with the expectation that the employee will work not 24446  
more than one thousand five hundred hours in any year. 24447

(2) "Premium" does not include any deductible or health care 24448  
costs paid directly by a township officer or employee. 24449

**Sec. 505.601.** The following applies until the department of 24450

administrative services implements for townships the health care 24451  
plans under section 9.901 of the Revised Code. 24452

If a board of township trustees does not procure an insurance 24453  
policy or group health care services as provided in section 505.60 24454  
of the Revised Code, the board of township trustees may reimburse 24455  
any township officer or employee for each out-of-pocket premium 24456  
attributable to the coverage provided for that officer or employee 24457  
for insurance benefits described in division (A) of section 505.60 24458  
of the Revised Code that the officer or employee otherwise 24459  
obtains, if all of the following conditions are met: 24460

(A) The board of township trustees adopts a resolution that 24461  
states that the township has chosen not to procure a health care 24462  
plan under section 505.60 of the Revised Code and has chosen 24463  
instead to reimburse its officers and employees for each 24464  
out-of-pocket premium attributable to the coverage provided for 24465  
them for insurance benefits described in division (A) of section 24466  
505.60 of the Revised Code that they otherwise obtain. 24467

(B) That resolution provides for a uniform maximum monthly or 24468  
yearly payment amount for each officer or employee to cover 24469  
themselves and their immediate dependents, beyond which the 24470  
township will not reimburse the officer or employee. 24471

(C) That resolution states the specific benefits listed in 24472  
division (A) of section 505.60 of the Revised Code for which the 24473  
township will reimburse all officers and employees of the 24474  
township. The township may not reimburse officers and employees 24475  
for benefits other than those listed in division (A) of section 24476  
505.60 of the Revised Code. 24477

**Sec. 505.603.** The following applies until the department of 24478  
administrative services implements for townships the health care 24479  
plans under section 9.901 of the Revised Code. If those plans do 24480  
not include or address any benefits incorporated in this section, 24481

the following provisions continue in effect for those benefits. 24482

In addition to or in lieu of providing benefits to township 24483  
officers and employees under section 505.60, 505.601, or 505.602 24484  
of the Revised Code, a board of township trustees may offer 24485  
benefits to officers and employees through a cafeteria plan that 24486  
meets the requirements of section 125 of the "Internal Revenue 24487  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125, as amended, after 24488  
first adopting a policy authorizing an officer or employee to 24489  
receive a cash payment in lieu of a benefit otherwise offered to 24490  
township officers or employees under any of those sections, but 24491  
only if the cash payment does not exceed twenty-five per cent of 24492  
the cost of premiums or payments that otherwise would be paid by 24493  
the board for benefits for the officer or employee under an 24494  
offered policy, contract, or plan. No cash payment in lieu of a 24495  
benefit shall be made pursuant to this section unless the officer 24496  
or employee signs a statement affirming that the officer or 24497  
employee is covered under another health insurance or health care 24498  
policy, contract, or plan in the case of a health benefit, or a 24499  
life insurance policy in the case of a life insurance benefit, and 24500  
setting forth the name of the employer, if any, that sponsors the 24501  
coverage, the name of the carrier that provides the coverage, and 24502  
an identifying number of the applicable policy, contract, or plan. 24503

**Sec. 505.61.** A board of township trustees may purchase a 24504  
policy or policies of insurance to indemnify township constables 24505  
appointed under Chapter 509. of the Revised Code or the chief of 24506  
police, ~~patrolmen~~ patrol officers, and other employees of a 24507  
township police district established under sections 505.48 to 24508  
505.55 of the Revised Code against liability arising from the 24509  
performance of their official duties. 24510

A joint police district board may purchase a policy or 24511  
policies of insurance to indemnify the chief of police, patrol 24512

officers, and other employees of a joint police district 24513  
established under section 505.482 of the Revised Code against 24514  
liability arising from the performance of their duties. 24515

**Sec. 505.67.** (A) If the board of county commissioners of the 24516  
county in which a township is located has not established a motor 24517  
vehicle decal registration program under section 311.31 of the 24518  
Revised Code, the board of township trustees may establish, by 24519  
resolution, a voluntary motor vehicle decal registration program 24520  
to be controlled and conducted by the chief law enforcement 24521  
officer of the township within the unincorporated areas of the 24522  
township. The board may establish a fee for participation in the 24523  
program in an amount sufficient to cover the cost of administering 24524  
the program and the cost of the decals. 24525

(B) Any resident of the township may enroll a motor vehicle 24526  
that ~~he~~ the resident owns in the program by signing a consent 24527  
form, displaying the decal issued under this section, and paying 24528  
the prescribed fee. The motor vehicle owner shall remove the decal 24529  
to withdraw from the program and also prior to the sale or 24530  
transfer of ownership of the vehicle. Any law enforcement officer 24531  
may conduct, at any place within this state at which the officer 24532  
would be permitted to arrest the person operating the vehicle, an 24533  
investigatory stop of any motor vehicle displaying a decal issued 24534  
under this section when the vehicle is being driven between the 24535  
hours of one a.m. and five a.m. A law enforcement officer may 24536  
conduct an investigatory stop under this division regardless of 24537  
whether the officer observes a violation of law involving the 24538  
vehicle or whether ~~he~~ the officer has probable cause to believe 24539  
that any violation of law involving the vehicle has occurred. 24540

(C) The consent form required under division (B) of this 24541  
section shall: 24542

(1) Describe the conditions for participation in the program, 24543

including a description of an investigatory stop and a statement 24544  
that any law enforcement officer may conduct, at any place within 24545  
this state at which the officer would be permitted to arrest the 24546  
person operating the vehicle, an investigatory stop of the motor 24547  
vehicle when it is being driven between the hours of one a.m. and 24548  
five a.m. 24549

(2) Contain other information identifying the vehicle and 24550  
owner as the chief law enforcement officer of the township 24551  
considers necessary. 24552

(D) The state director of public safety, in accordance with 24553  
Chapter 119. of the Revised Code, shall adopt rules governing the 24554  
color, size, and design of decals issued under this section and 24555  
the location where the decals shall be displayed on vehicles that 24556  
are enrolled in the program. 24557

(E) Divisions (A) to (D) of this section do not require a law 24558  
enforcement officer to conduct an investigatory stop of a vehicle 24559  
displaying a decal issued under this section. 24560

(F) As used in this section: 24561

(1) "Investigatory stop" means a temporary stop of a motor 24562  
vehicle and its operator and occupants for purposes of determining 24563  
the identity of the person who is operating the vehicle and, if 24564  
the person who is operating it is not its owner, whether any 24565  
violation of law has occurred or is occurring. An "investigatory 24566  
stop" is not an arrest, but, if an officer who conducts an 24567  
investigatory stop determines that illegal conduct has occurred or 24568  
is ~~occurring~~ occurring, an "investigatory stop" may be the basis 24569  
for an arrest. 24570

(2) "Law enforcement officer" means a sheriff, deputy 24571  
sheriff, constable, police officer of a township or joint ~~township~~ 24572  
police district, marshal, deputy marshal, municipal police 24573  
officer, or state highway patrol trooper. 24574

Sec. 505.73. (A) The board of township trustees may, by 24575  
resolution, adopt by incorporation by reference, administer, and 24576  
enforce within the unincorporated area of the township an existing 24577  
structures code pertaining to the repair and continued maintenance 24578  
of structures and the premises of those structures. For that 24579  
purpose, the board shall adopt any model or standard code prepared 24580  
and promulgated by this state, any department, board, or agency of 24581  
this state, or any public or private organization that publishes a 24582  
recognized model or standard code on the subject. The board shall 24583  
ensure that the code adopted governs subject matter not addressed 24584  
by the state residential building code and that it is fully 24585  
compatible with the state residential and nonresidential building 24586  
codes the board of building standards adopts pursuant to section 24587  
3781.10 of the Revised Code. 24588

(B) The board shall assign the duties of administering and 24589  
enforcing the existing structures code to a township officer or 24590  
employee who is trained and qualified for those duties and shall 24591  
establish by resolution the minimum qualifications necessary to 24592  
perform those duties. 24593

(C)(1) After the board adopts an existing structures code, 24594  
the township fiscal officer shall post a notice that clearly 24595  
identifies the code, states the code's purpose, and states that a 24596  
complete copy of the code is on file for inspection by the public 24597  
with the fiscal officer and in the county law library and that the 24598  
fiscal officer has copies available for distribution to the public 24599  
at cost. 24600

(2) The township fiscal officer shall post the notice in five 24601  
conspicuous places in the township for thirty days before the code 24602  
becomes effective and shall publish the notice in a newspaper of 24603  
general circulation in the township for three consecutive weeks or 24604  
as provided in section 7.16 of the Revised Code. If the adopting 24605

township amends or deletes any provision of the code, the notice shall contain a brief summary of the deletion or amendment.

(D) If the agency that originally promulgated or published the existing structures code amends the code, the board may adopt the amendment or change by incorporation by reference in the manner provided for the adoption of the original code.

**Sec. 507.09.** (A) Except as otherwise provided in division (D) of this section, the township fiscal officer shall be entitled to compensation as follows:

(1) In townships having a budget of fifty thousand dollars or less, three thousand five hundred dollars;

(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, five thousand five hundred dollars;

(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, seven thousand seven hundred dollars;

(4) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars, nine thousand nine hundred dollars;

(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, eleven thousand dollars;

(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, thirteen thousand two hundred dollars;

(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, fifteen thousand four hundred dollars;



(8) In townships having a budget of more than three million 24635  
five hundred thousand dollars but not more than six million 24636  
dollars, sixteen thousand five hundred dollars; 24637

(9) In townships having a budget of more than six million 24638  
dollars, seventeen thousand six hundred dollars. 24639

(B) Any township fiscal officer may elect to receive less 24640  
than the compensation the fiscal officer is entitled to under 24641  
division (A) of this section. Any township fiscal officer electing 24642  
to do this shall so notify the board of township trustees in 24643  
writing, and the board shall include this notice in the minutes of 24644  
its next board meeting. 24645

(C) The compensation of the township fiscal officer shall be 24646  
paid in equal monthly payments. If the office of township fiscal 24647  
officer is held by more than one person during any calendar year, 24648  
each person holding the office shall receive payments for only 24649  
those months, and any fractions of those months, during which the 24650  
person holds the office. 24651

A township fiscal officer may be compensated from the 24652  
township general fund or from other township funds based on the 24653  
proportion of time the township fiscal officer spends providing 24654  
services related to each fund. A township fiscal officer must 24655  
document the amount of time the township fiscal officer spends 24656  
providing services related to each fund by certification 24657  
specifying the percentage of time spent working on matters to be 24658  
paid from the township general fund or from other township funds 24659  
in such proportions as the kinds of services performed. 24660

(D) Beginning in calendar year 1999, the township fiscal 24661  
officer shall be entitled to compensation as follows: 24662

(1) In calendar year 1999, the compensation specified in 24663  
division (A) of this section increased by three per cent; 24664

(2) In calendar year 2000, the compensation determined under 24665

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| division (D)(1) of this section increased by three per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 24666                                                                                  |
| (3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 24667<br>24668                                                                         |
| (4) In calendar year 2002, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, nineteen thousand eight hundred ten dollars; and in townships having a budget of more than ten million dollars, twenty thousand nine hundred dollars;                                                                                                                                                                                   | 24669<br>24670<br>24671<br>24672<br>24673<br>24674<br>24675<br>24676                   |
| (5) In calendar year 2003, the compensation determined under division (D)(4) of this section increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower;                                                                                                                                                                                                                                                                                                                                                                   | 24677<br>24678<br>24679<br>24680                                                       |
| (6) In calendar year 2004, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(5) of this section for the calendar year 2003 increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower; in townships having a budget of more than six million but not more than ten million dollars, twenty-two thousand eighty-seven dollars; and in townships having a budget of more than ten million dollars, twenty-five thousand five hundred fifty-three dollars; | 24681<br>24682<br>24683<br>24684<br>24685<br>24686<br>24687<br>24688<br>24689<br>24690 |
| (7) In calendar years 2005 through 2008, the compensation determined under division (D) of this section for the immediately preceding calendar year increased by the lesser of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                        | 24691<br>24692<br>24693                                                                |
| (a) Three per cent;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 24694                                                                                  |
| (b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 24695<br>24696                                                                         |

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| of September of the immediately preceding calendar year, rounded   | 24697 |
| to the nearest one-tenth of one per cent;                          | 24698 |
| (8) In calendar year 2009 and thereafter, the amount               | 24699 |
| determined under division (D) of this section for calendar year    | 24700 |
| 2008.                                                              | 24701 |
| As used in this division, "consumer price index" has the same      | 24702 |
| meaning as in section 325.18 of the Revised Code.                  | 24703 |
| <b>Sec. 509.15.</b> The following fees and expenses shall be taxed | 24704 |
| as costs, collected from the judgment debtor, and paid to the      | 24705 |
| general fund of the appropriate township or district as            | 24706 |
| compensation due for services rendered by township constables or   | 24707 |
| members of the police force of a township police district or joint | 24708 |
| police district:                                                   | 24709 |
| (A) Serving and making return of each of the following:            | 24710 |
| (1) Order to commit to jail, order on jailer for prisoner, or      | 24711 |
| order of ejectment, including copies to complete service, one      | 24712 |
| dollar for each defendant named therein;                           | 24713 |
| (2) Search warrant or warrant of arrest, for each person           | 24714 |
| named in the writ, five dollars;                                   | 24715 |
| (3) Writ of attachment of property, except for purpose of          | 24716 |
| garnishment, twenty dollars;                                       | 24717 |
| (4) Writ of attachment for the purpose of garnishment, five        | 24718 |
| dollars;                                                           | 24719 |
| (5) Writ of possession or restitution, twenty dollars;             | 24720 |
| (6) Attachment for contempt, for each person named in the          | 24721 |
| writ, three dollars;                                               | 24722 |
| (7) Writ of replevin, twenty dollars;                              | 24723 |
| (8) Summons and writs, subpoena, venire, and notice to             | 24724 |
| garnishee, including copies to complete service, three dollars for | 24725 |

|                                                                                                                                                                                                                                                                           |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| each person named therein;                                                                                                                                                                                                                                                | 24726                                     |
| (9) Execution against property or person, eighty cents, and six per cent of all money thus collected;                                                                                                                                                                     | 24727<br>24728                            |
| (10) Any other writ, order, or notice required by law, for each person named therein, including copies to complete service, three dollars for the first name and fifty cents for each additional name.                                                                    | 24729<br>24730<br>24731<br>24732          |
| (B) Mileage for the distance actually and necessarily traveled in serving and returning any of the preceding writs, orders, and notices, fifty cents for the first mile and for each additional mile, twenty cents;                                                       | 24733<br>24734<br>24735<br>24736          |
| (C) For attending a criminal case during the trial or hearing and having charge of prisoners, each case, two dollars and fifty cents, but, when so acting, such constable shall not be entitled to a witness fee if called upon to testify;                               | 24737<br>24738<br>24739<br>24740          |
| (D) For attending civil court during a jury trial, each case, two dollars;                                                                                                                                                                                                | 24741<br>24742                            |
| (E) For attending civil court during a trial without jury, each case, one dollar and fifty cents;                                                                                                                                                                         | 24743<br>24744                            |
| (F) The actual amount paid solely for the transportation, meals, and lodging of prisoners, and for the moving and storage of goods and the care of animals taken on any legal process, such expense shall be specifically itemized on the back of the writs and sworn to; | 24745<br>24746<br>24747<br>24748<br>24749 |
| (G) For summoning and swearing appraisers, each case, two dollars;                                                                                                                                                                                                        | 24750<br>24751                            |
| (H) For advertising property for sale, by posting, taken on any legal process, one dollar;                                                                                                                                                                                | 24752<br>24753                            |
| (I) For taking and making return of any bond required by law, eighty cents.                                                                                                                                                                                               | 24754<br>24755                            |

Notwithstanding anything to the contrary in this section, if any comparable fee or expense specified under section 311.17 of the Revised Code is increased to an amount greater than that set forth in this section, the board of township trustees, board of trustees of the township police district, or joint ~~township~~ police district board, as appropriate, may require that the amount taxed as costs under this section equal the amount specified under section 311.17 of the Revised Code.

**Sec. 511.01.** If, in a township, a town hall is to be built, improved, enlarged, or removed at a cost greater than ~~ten~~ fifty thousand dollars, the board of township trustees shall submit the question to the electors of such township and shall certify their resolution to the board of elections not later than four p.m. of the ninetieth day before the day of the election.

**Sec. 511.12.** The board of township trustees may prepare plans and specifications and make contracts for the construction and erection of a memorial building, monument, statue, or memorial, for the purposes specified and within the amount authorized by section 511.08 of the Revised Code. If the total estimated cost of the construction and erection exceeds ~~twenty-five~~ fifty thousand dollars, the contract shall be let by competitive bidding. If the estimated cost is ~~twenty-five~~ fifty thousand dollars or less, competitive bidding may be required at the board's discretion. In making contracts under this section, the board shall be governed as follows:

(A) Contracts for construction when competitive bidding is required shall be based upon detailed plans, specifications, forms of bids, and estimates of cost, adopted by the board.

(B) Contracts shall be made in writing upon concurrence of a majority of the members of the board, and shall be signed by at

least two of the members and by the contractor. If competitive 24786  
bidding is required, no contract shall be made or signed until an 24787  
advertisement has been placed in a newspaper, published or of 24788  
general circulation in the township, at least twice. The board may 24789  
also cause notice to be inserted in trade papers or other 24790  
publications designated by it or to be distributed by electronic 24791  
means, including posting the notice on the board's internet web 24792  
site. If the board posts the notice on its web site, it may 24793  
eliminate the second notice otherwise required to be published in 24794  
a newspaper published or of general circulation in the township, 24795  
provided that the first notice published in such newspaper meets 24796  
all of the following requirements: 24797

(1) It is published at least two weeks before the opening of 24798  
bids. 24799

(2) It includes a statement that the notice is posted on the 24800  
board's internet web site. 24801

(3) It includes the internet address of the board's internet 24802  
web site. 24803

(4) It includes instructions describing how the notice may be 24804  
accessed on the board's internet web site. 24805

(C) No contract shall be let by competitive bidding except to 24806  
the lowest and best bidder, who shall meet the requirements of 24807  
section 153.54 of the Revised Code. 24808

(D) When, in the opinion of the board, it becomes necessary 24809  
in the prosecution of such work to make alterations or 24810  
modifications in any contract, the alterations or modifications 24811  
shall be made only by order of the board, and that order shall be 24812  
of no effect until the price to be paid for the work or materials 24813  
under the altered or modified contract has been agreed upon in 24814  
writing and signed by the contractor and at least two members of 24815  
the board. 24816

(E) No contract or alteration or modification of it shall be 24817  
valid unless made in the manner provided in this section. 24818

**Sec. 511.23.** (A) When the vote under section 511.22 of the 24819  
Revised Code is in favor of establishing one or more public parks, 24820  
the board of park commissioners shall constitute a board, to be 24821  
called the board of park commissioners of that township park 24822  
district, and they shall be a body politic and corporate. Their 24823  
office is not a township office within the meaning of section 24824  
703.22 of the Revised Code but is an office of the township park 24825  
district. The members of the board shall serve without 24826  
compensation but shall be allowed their actual and necessary 24827  
expenses incurred in the performance of their duties. 24828

(B) The board may locate, establish, improve, maintain, and 24829  
operate a public park or parks in accordance with division (B) of 24830  
section 511.18 of the Revised Code, with or without recreational 24831  
facilities. Any township park district that contains only 24832  
unincorporated territory and that operated a public park or parks 24833  
outside the township immediately prior to July 18, 1990, may 24834  
continue to improve, maintain, and operate these parks outside the 24835  
township, but further acquisitions of land shall not affect the 24836  
boundaries of the park district itself or the appointing authority 24837  
for the board of park commissioners. 24838

The board may lease, accept a conveyance of, or purchase 24839  
suitable lands for cash, by purchase by installment payments with 24840  
or without a mortgage, by lease or lease-purchase agreements, or 24841  
by lease with option to purchase, may acquire suitable lands 24842  
through an exchange under section 511.241 of the Revised Code, or 24843  
may appropriate suitable lands and materials for park district 24844  
purposes. The board also may lease facilities from other political 24845  
subdivisions or private sources. The board shall have careful 24846  
surveys and plats made of the lands acquired for park district 24847

purposes and shall establish permanent monuments on the boundaries 24848  
of the lands. Those plats, when executed according to sections 24849  
711.01 to 711.38 of the Revised Code, shall be recorded in the 24850  
office of the county recorder, and those records shall be 24851  
admissible in evidence for the purpose of locating and 24852  
ascertaining the true boundaries of the park or parks. 24853

(C) In furtherance of the use and enjoyment of the lands 24854  
controlled by it, the board may accept donations of money or other 24855  
property or act as trustees of land, money, or other property, and 24856  
may use and administer the land, money, or other property as 24857  
stipulated by the donor or as provided in the trust agreement. 24858

The board may receive and expend grants for park purposes 24859  
from agencies and instrumentalities of the United States and this 24860  
state and may enter into contracts or agreements with those 24861  
agencies and instrumentalities to carry out the purposes for which 24862  
the grants were furnished. 24863

(D) In exercising any powers conferred upon the board under 24864  
divisions (B) and (C) of this section and for other types of 24865  
assistance that the board finds necessary in carrying out its 24866  
duties, the board may hire and contract for professional, 24867  
technical, consulting, and other special services and may purchase 24868  
goods and award contracts. The procuring of goods and awarding of 24869  
contracts shall be done in accordance with the procedures 24870  
established for the board of county commissioners by sections 24871  
307.86 to 307.91 of the Revised Code. 24872

(E) The board may appoint an executive for the park or parks 24873  
and may designate the executive or another person as the clerk of 24874  
the board. It may appoint all other necessary officers and 24875  
employees, fix their compensation, and prescribe their duties, or 24876  
it may require the executive to appoint all other necessary 24877  
officers and employees, and to fix their compensation and 24878  
prescribe their duties, in accordance with guidelines and policies 24879



adopted by the board. 24880

(F) The board may adopt bylaws and rules that it considers 24881  
advisable for the following purposes: 24882

(1) To prohibit selling, giving away, or using any 24883  
intoxicating liquors in the park or parks; 24884

(2) For the government and control of the park or parks and 24885  
the operation of motor vehicles in the park or parks; 24886

(3) To provide for the protection and preservation of all 24887  
property and natural life within its jurisdiction. 24888

Before the bylaws and rules take effect, the board shall 24889  
provide for a notice of their adoption to be published once a week 24890  
for two consecutive weeks or as provided in section 7.16 of the 24891  
Revised Code, in a newspaper of general circulation in the county 24892  
within which the park district is located. 24893

No person shall violate any of the bylaws or rules. Fines 24894  
levied and collected for violations shall be paid into the 24895  
treasury of the township park district. The board may use moneys 24896  
collected from those fines for any purpose that is not 24897  
inconsistent with sections 511.18 to 511.37 of the Revised Code. 24898

(G) The board may do either of the following: 24899

(1) Establish and charge fees for the use of any facilities 24900  
and services of the park or parks regardless of whether the park 24901  
or parks were acquired before, on, or after ~~the effective date of~~ 24902  
~~this amendment~~ September 21, 2000; 24903

(2) Enter into a lease agreement with an individual or 24904  
organization that provides for the exclusive use of a specified 24905  
portion of the park or parks within the township park district by 24906  
that individual or organization for the duration of an event 24907  
produced by the individual or organization. The board, for the 24908  
specific portion of the park or parks covered by the lease 24909

agreement, may charge a fee to, or permit the individual or 24910  
organization to charge a fee to, participants in and spectators at 24911  
the event covered by the agreement. 24912

(H) If the board finds that real or personal property owned 24913  
by the township park district is not currently needed for park 24914  
purposes, the board may lease that property to other persons or 24915  
organizations during any period of time the board determines the 24916  
property will not be needed. If the board finds that competitive 24917  
bidding on a lease is not feasible, it may lease the property 24918  
without taking bids. 24919

(I) The board may exchange property owned by the township 24920  
park district for property owned by the state, another political 24921  
subdivision, or the federal government on terms that it considers 24922  
desirable, without the necessity of competitive bidding. 24923

(J) Any rights or duties established under this section may 24924  
be modified, shared, or assigned by an agreement pursuant to 24925  
section 755.16 of the Revised Code. 24926

**Sec. 511.235.** The board of park commissioners of a township 24927  
park district may enter into contracts with one or more townships, 24928  
township police districts, joint police districts, municipal 24929  
corporations, or county sheriffs of this state, with one or more 24930  
park districts created pursuant to section 1545.01 of the Revised 24931  
Code or other township park districts, or with a contiguous 24932  
political subdivision of an adjoining state, and a township, 24933  
township police district, joint police district board, municipal 24934  
corporation, county sheriff, park district, or other township park 24935  
district of this state may enter into a contract with a township 24936  
park district upon any terms that are agreed to by them, to allow 24937  
the use of the township park district law enforcement officers 24938  
designated under section 511.232 of the Revised Code to perform 24939  
any police function, exercise any police power, or render any 24940

police service in behalf of the contracting political subdivision 24941  
that the subdivision may perform, exercise, or render. 24942

Chapter 2744. of the Revised Code, insofar as it applies to 24943  
the operation of police departments, shall apply to the 24944  
contracting political subdivisions and to the members of their 24945  
police force or law enforcement department when they are rendering 24946  
service outside their own subdivisions pursuant to that contract. 24947

Any members of the police force or law enforcement department 24948  
acting pursuant to that contract outside the political subdivision 24949  
in which they are employed shall be entitled to participate in any 24950  
indemnity fund established by their employer to the same extent as 24951  
while acting within the employing subdivision. Those members shall 24952  
be entitled to all the rights and benefits of Chapter 4123. of the 24953  
Revised Code, to the same extent as while performing service 24954  
within the subdivision. 24955

The contracts entered into pursuant to this section may 24956  
provide for the following: 24957

(A) A fixed annual charge to be paid at the times agreed upon 24958  
and stipulated in the contract; 24959

(B) Compensation based upon the following: 24960

(1) A stipulated price for each call or emergency; 24961

(2) The number of members or pieces of equipment employed; 24962

(3) The elapsed time of service required in each call or 24963  
emergency. 24964

(C) Compensation for loss or damage to equipment while 24965  
engaged in rendering police services outside the limits of the 24966  
subdivision that owns and furnishes the equipment; 24967

(D) Reimbursement of the subdivision in which the police 24968  
force or law enforcement department members are employed, for any 24969  
indemnity award or premium contribution assessed against the 24970

employing subdivision for workers' compensation benefits for 24971  
injuries or death to members of its police force or law 24972  
enforcement department occurring while engaged in rendering 24973  
service pursuant to the contract. 24974

**Sec. 511.236.** The police force or law enforcement department 24975  
of any township park district may provide police protection to any 24976  
county, municipal corporation, township, ~~or~~ township police 24977  
district, or joint police district of this state, to any other 24978  
township park district or any park district created pursuant to 24979  
section 1545.01 of the Revised Code, or to a governmental entity 24980  
of an adjoining state without a contract to provide police 24981  
protection, upon the approval, by resolution, of the board of park 24982  
commissioners of the township park district in which the police 24983  
force or law enforcement department is located and upon 24984  
authorization by an officer or employee of the police force or 24985  
department providing the police protection who is designated by 24986  
title of office or position, pursuant to the resolution of the 24987  
board of park commissioners, to give the authorization. 24988

Chapter 2744. of the Revised Code, insofar as it applies to 24989  
the operation of police departments, shall apply to any township 24990  
park district and to members of its police force or law 24991  
enforcement department when those members are rendering police 24992  
services pursuant to this section outside the township park 24993  
district by which they are employed. 24994

Police force or law enforcement department members acting, as 24995  
provided in this section, outside the township park district by 24996  
which they are employed shall be entitled to participate in any 24997  
pension or indemnity fund established by their employer to the 24998  
same extent as while acting within the township park district by 24999  
which they are employed. Those members shall be entitled to all 25000  
rights and benefits of Chapter 4123. of the Revised Code to the 25001

same extent as while performing services within the township park 25002  
district by which they are employed. 25003

**Sec. 511.25.** If the board of park commissioners of a township 25004  
park district finds that any lands that the board has acquired are 25005  
not necessary for the purposes for which they were acquired, it 25006  
may sell and dispose of those lands upon terms that the board 25007  
considers advisable and may reject any purchase bid received under 25008  
this section that the board determines does not meet its terms for 25009  
sale. 25010

Except as otherwise provided in this section, no lands shall 25011  
be sold without first giving notice of the board's intention to 25012  
sell the lands by publication once a week for four consecutive 25013  
weeks in a newspaper of general circulation in the township or as 25014  
provided in section 7.16 of the Revised Code. The notice shall 25015  
contain an accurate description of the lands being offered for 25016  
sale and shall state the time and place at which sealed bids for 25017  
the lands will be received. If the board rejects all of the 25018  
purchase bids, it may reoffer the lands for sale in accordance 25019  
with this section. 25020

The board also may sell park lands not necessary for district 25021  
purposes to another political subdivision, the state, or the 25022  
federal government without giving the notices or taking bids as 25023  
otherwise required by this section. 25024

No lands acquired by a township park district may be sold 25025  
without the approval of the court of common pleas of the county in 25026  
which the park district is located, if the court appointed the 25027  
board under section 511.18 of the Revised Code, or the approval of 25028  
the board of township trustees, if the board of township trustees 25029  
appointed the board of park commissioners under section 511.18 of 25030  
the Revised Code. 25031

Sec. 511.28. A copy of any resolution for a tax levy adopted 25032  
by the township board of park commissioners as provided in section 25033  
511.27 of the Revised Code shall be certified by the clerk of the 25034  
board of park commissioners to the board of elections of the 25035  
proper county, together with a certified copy of the resolution 25036  
approving the levy, passed by the board of township trustees if 25037  
such a resolution is required by division (C) of section 511.27 of 25038  
the Revised Code, not less than ninety days before a general or 25039  
primary election in any year. The board of elections shall submit 25040  
the proposal to the electors as provided in section 511.27 of the 25041  
Revised Code at the succeeding general or primary election. A 25042  
resolution to renew an existing levy may not be placed on the 25043  
ballot unless the question is submitted at the general election 25044  
held during the last year the tax to be renewed may be extended on 25045  
the real and public utility property tax list and duplicate, or at 25046  
any election held in the ensuing year. The board of park 25047  
commissioners shall cause notice that the vote will be taken to be 25048  
published once a week for two consecutive weeks prior to the 25049  
election in a newspaper of general circulation, or as provided in 25050  
section 7.16 of the Revised Code, in the county within which the 25051  
park district is located. Additionally, if the board of elections 25052  
operates and maintains a web site, the board of elections shall 25053  
post that notice on its web site for thirty days prior to the 25054  
election. The notice shall state the purpose of the proposed levy, 25055  
the annual rate proposed expressed in dollars and cents for each 25056  
one hundred dollars of valuation as well as in mills for each one 25057  
dollar of valuation, the number of consecutive years during which 25058  
the levy shall be in effect, and the time and place of the 25059  
election. 25060

The form of the ballots cast at the election shall be: "An 25061  
additional tax for the benefit of (name of township park district) 25062  
..... for the purpose of (purpose stated in the order of the 25063

board) ..... at a rate not exceeding ..... mills for 25064  
each one dollar of valuation, which amounts to (rate expressed in 25065  
dollars and cents) ..... for each one hundred dollars of 25066  
valuation, for (number of years the levy is to run) ..... 25067

|  |                      |   |
|--|----------------------|---|
|  | FOR THE TAX LEVY     |   |
|  | AGAINST THE TAX LEVY | " |

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If the levy submitted is a proposal to renew, increase, or 25072  
decrease an existing levy, the form of the ballot specified in 25073  
this section may be changed by substituting for the words "An 25074  
additional" at the beginning of the form, the words "A renewal of 25075  
a" in the case of a proposal to renew an existing levy in the same 25076  
amount; the words "A renewal of ..... mills and an increase 25077  
of ..... mills to constitute a" in the case of an increase; 25078  
or the words "A renewal of part of an existing levy, being a 25079  
reduction of ..... mills, to constitute a" in the case of a 25080  
decrease in the rate of the existing levy. 25081

If the tax is to be placed on the current tax list, the form 25082  
of the ballot shall be modified by adding, after the statement of 25083  
the number of years the levy is to run, the phrase ", commencing 25084  
in ..... (first year the tax is to be levied), first due in 25085  
calendar year ..... (first calendar year in which the tax 25086  
shall be due)." 25087

The question covered by the order shall be submitted as a 25088  
separate proposition, but may be printed on the same ballot with 25089  
any other proposition submitted at the same election, other than 25090  
the election of officers. More than one such question may be 25091  
submitted at the same election. 25092

**Sec. 511.34.** In townships composed of islands, and on one of 25093

which islands lands have been conveyed in trust for the benefit of 25094  
the inhabitants of the island for use as a park, and a board of 25095  
park trustees has been provided for the control of the park, the 25096  
board of township trustees may create a tax district of the island 25097  
to raise funds by taxation as provided under divisions (A) and (B) 25098  
of this section. 25099

(A) For the care and maintenance of parks on the island, the 25100  
board of township trustees annually may levy a tax, not to exceed 25101  
one mill, upon all the taxable property in the district. The tax 25102  
shall be in addition to all other levies authorized by law, and 25103  
subject to no limitation on tax rates except as provided in this 25104  
division. 25105

The proceeds of the tax levy shall be expended by the board 25106  
of township trustees for the purpose of the care and maintenance 25107  
of the parks, and shall be paid out of the township treasury upon 25108  
the orders of the board of park trustees. 25109

(B) For the purpose of acquiring additional land for use as a 25110  
park, the board of township trustees may levy a tax in excess of 25111  
the ten-mill limitation on all taxable property in the district. 25112  
The tax shall be proposed by resolution adopted by two-thirds of 25113  
the members of the board of township trustees. The resolution 25114  
shall specify the purpose and rate of the tax and the number of 25115  
years the tax will be levied, which shall not exceed five years, 25116  
and which may include a levy on the current tax list and 25117  
duplicate. The resolution shall go into immediate effect upon its 25118  
passage, and no publication of the resolution is necessary other 25119  
than that provided for in the notice of election. The board of 25120  
township trustees shall certify a copy of the resolution to the 25121  
proper board of elections not later than ninety days before the 25122  
primary or general election in the township, and the board of 25123  
elections shall submit the question of the tax to the voters of 25124  
the district at the succeeding primary or general election. The 25125



board of elections shall make the necessary arrangements for the 25126  
submission of the question to the electors of the district, and 25127  
the election shall be conducted, canvassed, and certified in the 25128  
same manner as regular elections in the township for the election 25129  
of officers. Notice of the election shall be published in a 25130  
newspaper of general circulation in the township once a week for 25131  
two consecutive weeks, or as provided in section 7.16 of the 25132  
Revised Code prior to the election ~~and, if,~~ If the board of 25133  
elections operates and maintains a web site, notice of the 25134  
election also shall be posted on that web site for thirty days 25135  
prior to the election. The notice shall state the purpose of the 25136  
tax, the proposed rate of the tax expressed in dollars and cents 25137  
for each one hundred dollars of valuation and mills for each one 25138  
dollar of valuation, the number of years the tax will be in 25139  
effect, the first year the tax will be levied, and the time and 25140  
place of the election. 25141

The form of the ballots cast at an election held under this 25142  
division shall be as follows: 25143

"An additional tax for the benefit of ..... (name of the 25144  
township) for the purpose of acquiring additional park land at a 25145  
rate of ..... mills for each one dollar of valuation, which 25146  
amounts to ..... (rate expressed in dollars and cents) for each 25147  
one hundred dollars of valuation, for ..... (number of years 25148  
the levy is to run) beginning in ..... (first year the tax 25149  
will be levied). 25150

|  |                      |
|--|----------------------|
|  | FOR THE TAX LEVY     |
|  | AGAINST THE TAX LEVY |

"

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The question shall be submitted as a separate proposition but 25155  
may be printed on the same ballot with any other proposition 25156

submitted at the same election other than the election of 25157  
officers. More than one such question may be submitted at the same 25158  
election. 25159

If the levy is approved by a majority of electors voting on 25160  
the question, the board of elections shall certify the result of 25161  
the election to the tax commissioner. In the first year of the 25162  
levy, the tax shall be extended on the tax lists after the 25163  
February settlement following the election. If the tax is to be 25164  
placed on the tax lists of the current year as specified in the 25165  
resolution, the board of elections shall certify the result of the 25166  
election immediately after the canvass to the board of township 25167  
trustees, which shall forthwith make the necessary levy and 25168  
certify the levy to the county auditor, who shall extend the levy 25169  
on the tax lists for collection. After the first year of the levy, 25170  
the levy shall be included in the annual tax budget that is 25171  
certified to the county budget commission. 25172

**Sec. 513.14.** The board of elections shall advertise the 25173  
proposed tax levy question mentioned in section 513.13 of the 25174  
Revised Code in ~~two newspapers of opposite political faith, if two~~ 25175  
~~such newspapers are published in the joint township hospital~~ 25176  
~~district, or otherwise in one~~ a newspaper, ~~published or~~ of general 25177  
circulation in the proposed township hospital district, once a 25178  
week for two consecutive weeks, or as provided in section 7.16 of 25179  
the Revised Code, prior to the election ~~and, if.~~ If the board 25180  
operates and maintains a web site, the board also shall advertise 25181  
that proposed tax levy question on its web site for thirty days 25182  
prior to the election. 25183

**Sec. 515.01.** The board of township trustees may provide 25184  
artificial lights for any road, highway, public place, or building 25185  
under its supervision or control, or for any territory within the 25186  
township and outside the boundaries of any municipal corporation, 25187

when the board determines that the public safety or welfare 25188  
requires that the road, highway, public place, building, or 25189  
territory shall be lighted. The lighting may be procured either by 25190  
the township installing a lighting system or by contracting with 25191  
any person or corporation to furnish lights. 25192

If lights are furnished under contract, the contract may 25193  
provide that the equipment employed may be owned by the township 25194  
or by the person or corporation supplying the lights. 25195

If the board determines to procure lighting by contract and 25196  
the total estimated cost of the contract exceeds ~~twenty-five~~ fifty 25197  
thousand dollars, the board shall prepare plans and specifications 25198  
for the lighting equipment and shall, for two weeks, advertise for 25199  
bids for furnishing the lighting equipment, either by posting the 25200  
advertisement in three conspicuous places in the township or by 25201  
publication of the advertisement once a week, for two consecutive 25202  
weeks, in a newspaper of general circulation in the township. Any 25203  
such contract for lighting shall be made with the lowest and best 25204  
bidder. 25205

The board may also cause notice to be inserted in trade 25206  
papers or other publications designated by it or to be distributed 25207  
by electronic means, including posting the notice on the board's 25208  
internet web site. If the board posts the notice on its web site, 25209  
it may eliminate the second notice otherwise required to be 25210  
published in a newspaper of general circulation in the township, 25211  
provided that the first notice published in such newspaper meets 25212  
all of the following requirements: 25213

(A) It is published at least two weeks before the opening of 25214  
bids. 25215

(B) It includes a statement that the notice is posted on the 25216  
board's internet web site. 25217

(C) It includes the internet address of the board's internet 25218

web site. 25219

(D) It includes instructions describing how the notice may be 25220  
accessed on the board's internet web site. 25221

No lighting contract awarded by the board shall be made to 25222  
cover a period of more than twenty years. The cost of installing 25223  
and operating any lighting system or any light furnished under 25224  
contract shall be paid from the general fund of the township 25225  
treasury. 25226

**Sec. 515.04.** The township fiscal officer shall fix a day, not 25227  
more than thirty days from the date of notice to the board of 25228  
township trustees, for the hearing of the petition authorized by 25229  
section 515.02 or 515.16 of the Revised Code. The township fiscal 25230  
officer or the fiscal officer's designee shall prepare and deliver 25231  
to any of the petitioners a notice in writing directed to the lot 25232  
and land owners and to the corporations, either public or private, 25233  
affected by the improvement. The notice shall set forth the 25234  
substance, pendency, and prayer of the petition and the time and 25235  
place of the hearing on it. 25236

A copy of the notice shall be served upon each lot or land 25237  
owner or left at the lot or land owner's usual place of residence, 25238  
and upon an officer or agent of each corporation having its place 25239  
of business in the district or area, at least fifteen days before 25240  
the date set for the hearing. On or before the day of the hearing, 25241  
the person serving the notice shall make return on it, under oath, 25242  
of the time and manner of service and shall file the return with 25243  
the township fiscal officer. 25244

The township fiscal officer or the fiscal officer's designee 25245  
shall give the notice to each nonresident lot or land owner, by 25246  
publication once, in a newspaper ~~published in and~~ of general 25247  
circulation in the county in which the district or area is 25248  
situated, at least two weeks before the day set for hearing. The 25249

notice shall be verified by affidavit of the printer or other 25250  
person knowing the fact and shall be filed with the township 25251  
fiscal officer or the fiscal officer's designee on or before the 25252  
day of hearing. No further notice of the petition or the 25253  
proceedings under it shall thereafter be required. 25254

**Sec. 515.07.** If the total estimated cost of any lighting 25255  
improvement provided for in section 515.06 of the Revised Code is 25256  
~~twenty five~~ fifty thousand dollars or less, the contract may be 25257  
let without competitive bidding. When competitive bidding is 25258  
required, the board of township trustees shall post, in three of 25259  
the most conspicuous public places in the district, a notice 25260  
specifying the number, candle power, and location of lights and 25261  
the kind of supports for the lights as provided by section 515.06 25262  
of the Revised Code, as well as the time, which shall not be less 25263  
than thirty days from the posting of the notices, and the place 25264  
the board will receive bids to furnish the lights. The board shall 25265  
accept the lowest and best bid, if the successful bidder meets the 25266  
requirements of section 153.54 of the Revised Code. The board may 25267  
reject all bids. 25268

**Sec. 517.06.** The board of township trustees shall have the 25269  
cemetery laid out in lots, avenues, and paths, shall number the 25270  
lots, and shall have a suitable plat of the lots made, which plat 25271  
shall be carefully kept by the township fiscal officer. The board 25272  
shall make and enforce all needful rules and regulations for the 25273  
division of the cemetery into lots, for the allotment of lots to 25274  
families or individuals, and for the care, supervision, and 25275  
improvement of the lots. The board also may make and enforce all 25276  
needful rules and regulations for burial, interment, reinterment, 25277  
or disinterment. The board shall require the grass and weeds in 25278  
the cemetery to be cut and destroyed at least twice each year. 25279  
Suitable provision shall be made in the cemetery for persons whose 25280

burial is at the expense of the township. 25281

**Sec. 517.12.** The board of township trustees may make rules 25282  
specifying the times when cemeteries under its control shall be 25283  
closed to the public. The board shall cause the rules to be 25284  
published once a week for two consecutive weeks in a newspaper of 25285  
general circulation within the township or as provided in section 25286  
7.16 of the Revised Code, and may post appropriate notice in the 25287  
township as considered necessary. 25288

The purposes of such rules shall be to assure a reasonable 25289  
time of access to the cemeteries in view of the differences in 25290  
attendance anticipated from past experience as to each, to exclude 25291  
attendance at times when no proper purposes could normally be 25292  
expected, to permit exceptions to the normal hours of access on 25293  
reasonable request with adequate reason provided, and to 25294  
facilitate the task of protecting the premises from vandalism, 25295  
desecration, and other improper usage. 25296

Whoever violates these rules is guilty of a minor 25297  
misdemeanor. 25298

**Sec. 517.22.** The board of township trustees or the trustees 25299  
or directors of a cemetery association, after notice has first 25300  
been given in ~~two newspapers~~ a newspaper of general circulation in 25301  
the county, may dispose of, at public sale, and convey any 25302  
cemetery under their control that they have determined to 25303  
discontinue as burial grounds, but possession of the cemetery 25304  
shall not be given to a grantee until after the remains buried in 25305  
that cemetery, together with stones and monuments, have been 25306  
removed as provided by section 517.21 of the Revised Code. 25307

**Sec. 521.03.** On receiving a petition filed under section 25308  
521.02 of the Revised Code, or at the request of the board of 25309  
township trustees, the township fiscal officer shall fix a time, 25310

not more than thirty days after the date of giving notice of the 25311  
filing to the board or the date of receiving the request from the 25312  
board, and place for a hearing on the issue of repair or 25313  
maintenance of the tiles. The township fiscal officer shall 25314  
prepare a notice in writing directed to the lot and land owners 25315  
and to the corporations, either public or private, affected by the 25316  
improvement. The notice shall set forth the substance of the 25317  
petition or board request, and the time and place of the hearing 25318  
on it. 25319

If the hearing is to be held in response to a petition, the 25320  
township fiscal officer shall deliver a copy of the notice to any 25321  
of the petitioners, who shall see that the notice is served on 25322  
each lot or land owner or left at the lot or land owner's usual 25323  
place of residence, and served on an officer or agent of each 25324  
corporation affected by the improvement, at least fifteen days 25325  
before the date set for the hearing. If the hearing is to be held 25326  
at the request of the board, the board shall see that the notice 25327  
is so served. On or before the day of the hearing, the person 25328  
serving the notice shall certify, under oath, the time and manner 25329  
of service, and shall file this certification with the township 25330  
fiscal officer. 25331

The township fiscal officer shall give notice of the hearing 25332  
to each nonresident lot or land owner, by publication once, in a 25333  
newspaper ~~published in and~~ of general circulation in the county in 25334  
which the township is situated, at least two weeks before the day 25335  
set for the hearing. This notice shall be verified by affidavit of 25336  
the printer or other person knowing the fact, and shall be filed 25337  
with the township fiscal officer on or before the day of the 25338  
hearing. No further notice of the petition or the proceedings 25339  
under it shall thereafter be required. 25340

**Sec. 521.05.** (A) If the total estimated cost of any 25341

improvement provided for in section 521.04 of the Revised Code is 25342  
~~twenty-five~~ fifty thousand dollars or less, the contract may be 25343  
let without competitive bidding. When competitive bidding is 25344  
required, the board of township trustees shall post, in three of 25345  
the most conspicuous public places in the township, a notice 25346  
specifying the improvement to be made and the time, which shall be 25347  
at least thirty days after the posting of the notices, and the 25348  
place the board will receive bids to make the improvement. The 25349  
board shall accept the lowest and best bid, if the successful 25350  
bidder meets the requirements of section 153.54 of the Revised 25351  
Code. The board may reject all bids. 25352

(B) On accepting a bid, the board shall enter into a contract 25353  
with the successful bidder for making the improvement according to 25354  
specifications. The contract shall not be for a term longer than 25355  
ten years. 25356

Sec. 523.01. The territory of one or more townships may be 25357  
merged with that of a contiguous township to create a new 25358  
township, in the manner provided under this chapter. The new 25359  
township shall have all of, and only, the rights, powers, and 25360  
responsibilities afforded by law to townships. 25361

Sec. 523.02. (A) A resolution for a merger under this chapter 25362  
may be proposed by initiative petition by the electors of each 25363  
township being proposed for merger, and adopted by election by 25364  
these electors under the same circumstances, in the same manner, 25365  
and subject to the same penalties as provided by sections 731.28 25366  
to 731.40 and 731.99 of the Revised Code for municipal 25367  
corporations, except that all of the following apply: 25368

(1) Each board of township trustees shall perform the duties 25369  
imposed on the legislative authority of the municipal corporation 25370  
under those sections; 25371



(2) Initiative petitions shall be filed with the township fiscal officer of each township proposed for merger, who shall perform the duties imposed under those sections upon the city auditor or village clerk; 25372  
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(3) Initiative petitions shall contain the signatures of not less than ten per cent of the total number of electors in a township proposed for merger who voted for the office of governor at the most recent general election in the township for that office; 25376  
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(4) Each signer of an initiative petition shall be an elector of the township in which the election on the proposed resolution is to be held. 25381  
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(B) The merger shall take effect one hundred twenty days after certification by the board or boards of elections that the merger has been approved by the electors of each township proposed for merger. 25384  
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**Sec. 523.03.** (A) The boards of township trustees of two or more townships, by adopting resolutions by a majority vote of the board of township trustees of each township, may cause the appropriate board of elections for each township to submit to the electors of each township the question of merger under section 523.01 of the Revised Code. The question shall be voted upon at the next general election occurring not less than ninety days after the certification of the resolutions to the appropriate board of elections. 25388  
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(B) In submitting to the electors of each township the question of merger, the board of elections shall submit the question in language substantially as follows: 25397  
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"Shall the townships of ..... (Names of all of the townships to be merged) be merged to create the new township of 25400  
25401

..... (Name of the new township)?" 25402

(C) The merger shall take effect one hundred twenty days after certification by the board or boards of elections that the merger has been approved by the electors of each township proposed for merger. 25403  
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**Sec. 523.04.** (A) Within one hundred twenty days after approval of the merger by the electors under section 523.02 or 523.03 of the Revised Code, each board of township trustees of the townships merged, by adopting a joint resolution approved by a majority of the members of each board, shall enter into a merger agreement that contains the specific terms and conditions of the merger. At a minimum, the merger agreement shall set forth all of the following: 25407  
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(1) The names of the former townships that were merged; 25415

(2) The name of the new township; 25416

(3) The place in which the principal office of the new township will be located or the manner in which it may be selected; 25417  
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(4) The territorial boundaries of the new township; 25420

(5) The date on which the merger took effect; 25421

(6) The governmental operations and organization for the new township, including a plan for electing officers at the next general election that is held not later than ninety days after the merger agreement is finalized; 25422  
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(7) A procedure for the efficient and timely transition of specific services, functions, and responsibilities from each township and its respective offices to the new township; 25426  
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(8) Terms for the disposition of the assets and property of each township, if necessary; 25429  
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| <u>(9) The liquidation of existing indebtedness for each township, if necessary;</u>                                                                                                                                                                                                                                                               | 25431 |
|                                                                                                                                                                                                                                                                                                                                                    | 25432 |
| <u>(10) A plan for the common administration and enforcement of resolutions of the townships merged, to be enforced uniformly within the new township;</u>                                                                                                                                                                                         | 25433 |
|                                                                                                                                                                                                                                                                                                                                                    | 25434 |
|                                                                                                                                                                                                                                                                                                                                                    | 25435 |
| <u>(11) A provision that specifies whether there will be any zoning changes as a result of the merger, if applicable;</u>                                                                                                                                                                                                                          | 25436 |
|                                                                                                                                                                                                                                                                                                                                                    | 25437 |
| <u>(12) A plan to conform the boundaries of an existing special purpose district with the new township, to dissolve the special purpose district, or to absorb the special purpose district into the new township. As used in this division, "special purpose district" has the meaning in division (F) of section 523.06 of the Revised Code.</u> | 25438 |
|                                                                                                                                                                                                                                                                                                                                                    | 25439 |
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|                                                                                                                                                                                                                                                                                                                                                    | 25443 |
| <u>(B) A copy of the joint resolution and the merger agreement adopted under this section shall be filed with the township fiscal officer of the new township. The merger agreement shall take effect on the day on which such filing is made.</u>                                                                                                 | 25444 |
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| <u>(C) If no merger agreement, or if only a partial merger agreement, is entered into within the time period prescribed by division (A) of this section, the new township shall comply with and operate under a merger agreement that contains the terms and conditions required by section 523.06 of the Revised Code.</u>                        | 25448 |
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| <b><u>Sec. 523.05. (A) A new township created under this chapter shall succeed to the following interests of each township merged:</u></b>                                                                                                                                                                                                         | 25453 |
|                                                                                                                                                                                                                                                                                                                                                    | 25454 |
| <u>(1) All money, taxes, and special assessments, whether in the township treasury or in the process of collection;</u>                                                                                                                                                                                                                            | 25455 |
|                                                                                                                                                                                                                                                                                                                                                    | 25456 |
| <u>(2) All property and interests in property, whether real or personal;</u>                                                                                                                                                                                                                                                                       | 25457 |
|                                                                                                                                                                                                                                                                                                                                                    | 25458 |
| <u>(3) All rights and interests in contracts, or in securities, bonds, notes, or other instruments;</u>                                                                                                                                                                                                                                            | 25459 |
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| <u>(4) All accounts receivable and rights of action;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25461                                                                                  |
| <u>(5) All other matters not included in this section that are not addressed in the merger agreement.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 25462<br>25463                                                                         |
| <u>(B) A new township created under this chapter is legally obligated for all outstanding franchises, contracts, debts, and other legally binding obligations for each township merged into the new township. A new township created under this chapter is legally responsible for maintaining, defending, or otherwise resolving any and all legal claims or actions of each township merged into the new township.</u>                                                                                                                                                                                   | 25464<br>25465<br>25466<br>25467<br>25468<br>25469<br>25470                            |
| <u>Sec. 523.06. If a merger agreement is entered into as required by section 523.04 of the Revised Code, this section does not apply. If a merger agreement is not entered into under section 523.04 of the Revised Code, the merger agreement shall contain all of the terms and conditions specified in this section. If a partial merger agreement is entered into under section 523.04 of the Revised Code, this section applies only to the extent any term or condition that is required by section 523.04 of the Revised Code to be addressed in the merger agreement is not addressed therein.</u> | 25471<br>25472<br>25473<br>25474<br>25475<br>25476<br>25477<br>25478<br>25479<br>25480 |
| <u>The terms and conditions of a merger agreement to which this section applies shall be as follows:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25481<br>25482                                                                         |
| <u>(A) All members of each board of township trustees shall serve as board members of the new township. At the first general election for township officers occurring not less than ninety days after a merger is approved, the electors of the new township shall elect three township trustees with staggered terms of office. The first terms of office following the election shall be modified to an even number of years not to exceed four to allow subsequent elections for the office to be held in the same year as other township officers.</u>                                                 | 25483<br>25484<br>25485<br>25486<br>25487<br>25488<br>25489<br>25490<br>25491          |

(B) The township fiscal officer of the largest township, by 25492  
population, shall be the township fiscal officer for the new 25493  
township. At the first general election for township officers 25494  
occurring not less than ninety days after the merger, the electors 25495  
shall elect a township fiscal officer, whose first term of office 25496  
shall be modified to an even number of years not to exceed four to 25497  
allow subsequent elections for that office to be held in the same 25498  
year as other township fiscal officers. 25499

(C) Voted property tax levies shall remain in effect for the 25500  
parcels of real property to which they applied prior to the 25501  
merger, and the merger shall not affect the proceeds of a tax levy 25502  
pledged for the retirement of any debt obligation. Upon expiration 25503  
of a property tax levy, the levy may only be replaced or renewed 25504  
by vote of the electors in the manner provided by law, to apply to 25505  
real property within the boundaries of the new township. If the 25506  
millage levied inside the ten-mill limitation of each township 25507  
merged is different, the board of township trustees of the new 25508  
township shall immediately equalize the millage for the entire new 25509  
township. 25510

(D) For purposes of the retirement of all debt obligations of 25511  
each township merged, the township fiscal officer shall continue 25512  
to track parcels of real property and the tax revenue generated on 25513  
those parcels by the tax districts that were in place prior to the 25514  
merger, and shall provide that information on an annual basis to 25515  
the board of township trustees of the new township. Debt 25516  
obligations that existed at the time of the merger shall be 25517  
retired from the revenue generated from the parcels of real 25518  
property that made up the township that incurred the debt before 25519  
the merger. 25520

(E)(1) With respect to any agreement entered into under 25521  
Chapter 4117. of the Revised Code that covers any of the employees 25522  
of the townships merged under this chapter, the state employment 25523

relations board, within one hundred twenty days after the date the 25524  
merger is approved, shall designate the appropriate bargaining 25525  
units for the employees of the new township in accordance with 25526  
section 4117.06 of the Revised Code. Notwithstanding the 25527  
recognition procedures prescribed in section 4117.05 and division 25528  
(A) of section 4117.07 of the Revised Code, the board shall 25529  
conduct a representation election with respect to each bargaining 25530  
unit designated under this division in accordance with divisions 25531  
(B) and (C) of section 4117.07 of the Revised Code. If an 25532  
exclusive representative is selected through this election, the 25533  
exclusive representative shall negotiate and enter into an 25534  
agreement with the new township in accordance with Chapter 4117. 25535  
of the Revised Code. Until the parties reach an agreement, any 25536  
agreement in effect on the date of the merger shall apply to the 25537  
employees that were in the bargaining unit that is covered by the 25538  
agreement. An agreement in existence on the date of the merger is 25539  
terminated on the effective date of an agreement negotiated under 25540  
this division. 25541

(2) If an exclusive representative is not selected, any 25542  
agreement in effect on the date of the merger shall apply to the 25543  
employees that were in the bargaining unit that is covered by the 25544  
agreement and shall expire on its terms. 25545

(3) Each agreement entered into under Chapter 4117. of the 25546  
Revised Code on or after the effective date of this section 25547  
involving a new township shall contain a provision regarding the 25548  
designation of an exclusive representative and bargaining units 25549  
for the new township as described in division (E) of this section. 25550

(4) In addition to the laws listed in division (A) of section 25551  
4117.10 of the Revised Code that prevail over conflicting 25552  
agreements between employee organizations and public employers, 25553  
division (E) of this section prevails over any conflicting 25554  
provisions of agreements between employee organizations and public 25555

employers that are entered into on or after the effective date of 25556  
this section pursuant to Chapter 4117. of the Revised Code. 25557

(5) As used in division (E) of this section, "employee 25558  
organization" and "exclusive representative" have the same 25559  
meanings as in section 4117.01 of the Revised Code. 25560

(F)(1) If the boundaries of the new township are not 25561  
coextensive with a special purpose district, the new township 25562  
shall remain in the existing special purpose district as a 25563  
successor to the original township, unless the special purpose 25564  
district is dissolved. The board of township trustees of the new 25565  
township may place a question on the ballot at the next general 25566  
election held after the merger to conform the boundaries, dissolve 25567  
the special purpose district, or absorb the special purpose 25568  
district into the new township on the terms specified in the 25569  
resolution that places the question on the ballot for approval of 25570  
the electors of the new township. 25571

(2) As used in division (F) of this section, "special purpose 25572  
district" means any geographic or political jurisdiction that is 25573  
created under law by a township merged. 25574

(G) Zoning codes that existed at the time of the merger shall 25575  
remain in effect after the merger, and the townships that existed 25576  
before the merger shall be treated as administrative districts 25577  
within the new township for the purposes of zoning. 25578

Sec. 523.07. If a merger is disapproved by a majority of 25579  
those voting on it in the townships proposed to be merged, an 25580  
identical merger shall not be considered for at least three years 25581  
after the date of the disapproval. 25582

Sec. 705.16. (A) All ordinances or resolutions shall be in 25583  
effect after thirty days from the date of their passage, except as 25584  
provided in section 705.75 of the Revised Code. 25585

(B) ~~Notwithstanding any conflicting provision of section 7.12 of the Revised Code, A succinct summary of each ordinance and resolution of a general nature, or providing for public improvements, or assessing property, or a succinct summary of each such ordinance or resolution,~~ shall, upon passage of the ordinance or resolution, be promptly published one time in ~~not more than two newspapers~~ a newspaper of general circulation in the municipal corporation. Such publication shall be made in the body type of the paper under headlines in eighteen point type, which headlines shall specify the nature of such legislation. ~~If a summary of an ordinance or resolution is published, the~~ The publication shall contain notice that the complete text of each such ordinance or resolution may be obtained or viewed at the office of the clerk of the legislative authority of the municipal corporation and may be viewed at any other location designated by the legislative authority of the municipal corporation. The city director of law, village solicitor, or other chief legal officer of the municipal corporation shall review ~~any~~ the summary of an ordinance or resolution published under this section prior to forwarding it to the clerk for publication, to ensure that the summary is legally accurate and sufficient.

(C) Upon publication of a summary of an ordinance or resolution in accordance with this section, the clerk of the legislative authority shall supply a copy of the complete text of each such ordinance or resolution to any person, upon request, and may charge a reasonable fee, set by the legislative authority, for each copy supplied. The clerk shall post a copy of the text at ~~his~~ the clerk's office and at every other location designated by the legislative authority.

(D) No newspaper shall be paid a higher price for the publication of summaries of ordinances than its ~~maximum bona fide commercial~~ government rate established under section 7.10 of the



Revised Code. 25618

**Sec. 709.43.** As used in sections 709.43 to 709.48 of the 25619  
Revised Code, "merger" means the annexation, one to another, of 25620  
existing municipal corporations or of the unincorporated area of a 25621  
township with one or more municipal corporations, or the merger of 25622  
one or more municipal corporations with the unincorporated area of 25623  
a township. 25624

**Sec. 709.44.** The territory of one or more municipal 25625  
corporations, whether or not adjacent to one another, may be 25626  
merged with that of an adjacent municipal corporation, and the 25627  
unincorporated area of a township may be merged with one or more 25628  
municipal corporations, or one or more municipal corporations, 25629  
whether or not adjacent to one another, may be merged with that of 25630  
an adjacent unincorporated area of a township, in the manner 25631  
provided in sections 709.43 to 709.48 of the Revised Code. 25632

**Sec. 709.451.** (A) In lieu of filing a petition under section 25633  
709.45 of the Revised Code, if the legislative authorities of each 25634  
political subdivision that may be merged as provided in section 25635  
709.44 of the Revised Code agree to a merger and adopt, by a 25636  
two-thirds vote of each legislative authority, an ordinance or 25637  
resolution proposing a merger, no election of a commission to draw 25638  
up a statement of conditions for merger of the political 25639  
subdivisions shall be held. Instead, the legislative authorities 25640  
of those political subdivisions shall have one hundred twenty days 25641  
to enter into a merger agreement that specifies the conditions of 25642  
the proposed merger, in identical ordinances or a resolution 25643  
adopted by a simple majority vote of each legislative authority. 25644  
At a minimum, the proposed merger agreement shall include all of 25645  
the following: 25646

(1) The names of the municipal corporations and township, if 25647

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |
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| <u>any, proposing the merger;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 25648 |
| <u>(2) The territorial boundaries of the resulting municipal corporation or township;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 25649 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25650 |
| <u>(3) The date that the proposed merger will take effect;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 25651 |
| <u>(4) A procedure for the efficient and timely transition to the resulting municipal corporation or township of specified services, functions, and responsibilities from each municipal corporation or township and its respective departments and agencies;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 25652 |
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| <u>(5) A transition plan and schedule.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 25657 |
| <u>(B) The merger shall take effect as provided in division (C) of section 709.452 of the Revised Code. On the effective date of the merger, a municipal corporation merging into a township only has the rights, powers, and responsibilities afforded by law to townships, and all other authority ceases to exist.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 25658 |
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| <b><u>Sec. 709.452.</u></b> <u>(A) The legislative authority of each municipal corporation or township proposed for merger as provided in section 709.44 of the Revised Code that adopts a merger agreement under section 709.451 of the Revised Code shall submit the question of merger to the electors of the municipal corporations and township proposed for merger. The legislative authorities shall certify the ordinances or resolution that adopted the merger agreement to the board or boards of elections, if the territory proposed for merger is located in more than one county, directing the submission of the question of merger to the electors of the municipal corporations and township proposed for merger at a special election to be held on the day of the next primary or general election in the county or counties that occurs not less than ninety days after the ordinances or resolution are certified to the board or boards of elections. The question shall be put on the</u> | 25663 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25664 |
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ballot and voted upon, separately, in each municipal corporation 25678  
or township proposed for merger. 25679

(B) The ordinances or resolution specifying the merger 25680  
conditions agreed to by the municipal corporations and township 25681  
proposed for merger shall be posted on the web sites of those 25682  
municipal corporations and township, and shall be published in a 25683  
newspaper of general circulation in the municipal corporations and 25684  
township once a week for two consecutive weeks prior to the 25685  
election. 25686

(C) If the merger is approved by a majority of those voting 25687  
on it in each municipal corporation or township proposed to be 25688  
merged, the merger and the merger agreement shall take immediate 25689  
effect. 25690

(D) If an existing charter of a municipal corporation 25691  
proposed for merger under this section conflicts with the 25692  
processes and procedures specified in this section, the processes 25693  
and procedures for merger addressed in the municipal corporation's 25694  
charter apply. 25695

**Sec. 711.35.** Upon the filing of the application provided for 25696  
in section 711.34 of the Revised Code, the county auditor shall 25697  
give notice of the filing, by publication, for two consecutive 25698  
weeks in a newspaper ~~published and~~ of general circulation in the 25699  
county, ~~of the filing thereof, and~~ or as provided in section 7.16 25700  
of the Revised Code. The county auditor shall also notify the 25701  
board of county commissioners of such filing. 25702

**Sec. 715.011.** Each municipal corporation may lease for a 25703  
period not to exceed forty years, pursuant to a contract providing 25704  
for the construction thereof under a lease-purchase plan, 25705  
buildings, structures, and other improvements for any authorized 25706  
municipal purpose, and in conjunction therewith, may grant leases, 25707

easements, or licenses for lands under the control of the 25708  
municipal corporation for a period not to exceed forty years. The 25709  
lease shall provide that at the end of the lease period the 25710  
buildings, structures, and related improvements together with the 25711  
land on which they are situate shall become the property of the 25712  
municipal corporation without cost. 25713

Whenever any building, structure, or other improvement is to 25714  
be so leased by a municipal corporation, the appropriate 25715  
contracting officer of the municipal corporation shall file with 25716  
the clerk of the council such basic plans, specifications, bills 25717  
of materials, and estimates of cost with sufficient detail to 25718  
afford bidders all needed information, or alternatively, shall 25719  
file the following plans, details, bills of materials, and 25720  
specifications: 25721

(A) Full and accurate plans, suitable for the use of 25722  
mechanics and other builders in such construction, improvement, 25723  
addition, alteration, or installation; 25724

(B) Details to scale and full sized, so drawn and represented 25725  
as to be easily understood; 25726

(C) Accurate bills showing the exact quantity of different 25727  
kinds of material necessary to the construction; 25728

(D) Definite and complete specifications of the work to be 25729  
performed, together with such directions as will enable a 25730  
competent mechanic or other builder to carry them out and afford 25731  
bidders all needed information; 25732

(E) A full and accurate estimate of each item of expense and 25733  
of the aggregate cost thereof. 25734

The council of the municipal corporation shall give public 25735  
notice, in ~~the~~ a newspaper of general circulation in the municipal 25736  
corporation, and in the form and with the phraseology as the 25737  
council orders, published once each week for four consecutive 25738

weeks or as provided in section 7.16 of the Revised Code, of the 25739  
time and place, when and where bids will be received for entering 25740  
into an agreement to lease to the municipal corporation a 25741  
building, structure, or other improvement, the last publication to 25742  
be at least eight days preceding the day for opening the bids. The 25743  
bids shall contain the terms upon which the builder would propose 25744  
to lease the building, structure, or other improvement to the 25745  
municipal corporation. The form of the bid approved by the council 25746  
of the municipal corporation shall be used and a bid shall be 25747  
invalid and not considered unless such form is used without 25748  
change, alteration, or addition. Before submitting bids pursuant 25749  
to this section, any builder shall have complied with sections 25750  
153.50 to 153.52 of the Revised Code. 25751

On the day and at the place named for receiving bids for 25752  
entering into lease agreements with the municipal corporation, the 25753  
appropriate contracting officer of the municipal corporation shall 25754  
open the bids, and shall publicly proceed immediately to tabulate 25755  
the bids upon triplicate sheets, one of each of which sheets shall 25756  
be filed with the clerk of the council. No lease agreement shall 25757  
be entered into until the bureau of workers' compensation has 25758  
certified that the corporation, partnership, or person to be 25759  
awarded the lease agreement has complied with Chapter 4123. of the 25760  
Revised Code, and until, if the builder submitting the lowest and 25761  
best bid is a foreign corporation, the secretary of state has 25762  
certified that the corporation is authorized to do business in 25763  
this state, and until, if the builder submitting the lowest and 25764  
best bid is a person or partnership nonresident of this state, the 25765  
person or partnership has filed with the secretary of state a 25766  
power of attorney designating the secretary of state as its agent 25767  
for the purpose of accepting service of summons in any action 25768  
brought under Chapter 4123. of the Revised Code, and until the 25769  
agreement is submitted to the village solicitor or city director 25770  
of law of the municipal corporation and ~~his~~ the solicitor's or 25771

director's approval is certified thereon. Within thirty days after 25772  
the day on which the bids are received, the council shall 25773  
investigate the bids received and shall determine that the bureau 25774  
and the secretary of state have made the certifications required 25775  
by this section of the builder who has submitted the lowest and 25776  
best bid. Within ten days of the completion of the investigation 25777  
of the bids the council may award the lease agreement to the 25778  
builder who has submitted the lowest and best bid and who has been 25779  
certified by the bureau and secretary of state as required by this 25780  
section. If bidding for the lease agreement has been conducted 25781  
upon the basis of basic plans, specifications, bills of materials, 25782  
and estimates of costs, upon the award to the builder, the 25783  
council, or the builder with the approval of the council, shall 25784  
appoint an architect or engineer licensed in this state to prepare 25785  
such further detailed plans, specifications, and bills of 25786  
materials as are required to construct the building, structure, or 25787  
improvement. 25788

The council may reject any bid. Where there is reason to 25789  
believe there is collusion or combination among bidders, the bids 25790  
of those concerned therein shall be rejected. 25791

**Sec. 715.47.** A municipal corporation may fill or drain any 25792  
lot or land within its limits on which water at any time becomes 25793  
stagnant, remove all putrid substances from any lot, and remove 25794  
all obstructions from culverts, covered drains, or private 25795  
property, laid in any natural watercourse, creek, brook, or 25796  
branch, which obstruct the water naturally flowing therein, 25797  
causing it to flow back or become stagnant, in a way prejudicial 25798  
to the health, comfort, or convenience of any of the citizens of 25799  
the neighborhood. If such culverts or drains are of insufficient 25800  
capacity, the municipal corporation may make them of such capacity 25801  
as reasonably to accommodate the flow of such water at all times. 25802  
The legislative authority of such municipal corporation may, by 25803

resolution, direct the owner to fill or drain such lot, remove 25804  
such putrid substance or such obstructions, and if necessary, 25805  
enlarge such culverts or covered drains to meet the requirements 25806  
thereof. 25807

After service of a copy of such resolution, or after a 25808  
publication thereof, in a newspaper of general circulation in such 25809  
municipal corporation or as provided in section 7.16 of the 25810  
Revised Code, for two consecutive weeks, such owner, or ~~his~~ such 25811  
owner's agent or attorney, shall comply with the directions of the 25812  
resolution within the time therein specified. 25813

In case of the failure or refusal of such owner to comply 25814  
with the resolution, the work required thereby may be done at the 25815  
expense of the municipal corporation, and the amount of money so 25816  
expended shall be recovered from the owner before any court of 25817  
competent jurisdiction. Such expense from the time of the adoption 25818  
of the resolution shall be a lien on such lot, which may be 25819  
enforced by suit in the court of common pleas, and like 25820  
proceedings may be had as directed in relation to the improvement 25821  
of streets. 25822

The officers connected with the health department of every 25823  
such municipal corporation shall see that this section is strictly 25824  
and promptly enforced. 25825

**Sec. 718.01.** (A) As used in this chapter: 25826

(1) "Adjusted federal taxable income" means a C corporation's 25827  
federal taxable income before net operating losses and special 25828  
deductions as determined under the Internal Revenue Code, adjusted 25829  
as follows: 25830

(a) Deduct intangible income to the extent included in 25831  
federal taxable income. The deduction shall be allowed regardless 25832  
of whether the intangible income relates to assets used in a trade 25833

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| or business or assets held for the production of income.                  | 25834 |
| (b) Add an amount equal to five per cent of intangible income             | 25835 |
| deducted under division (A)(1)(a) of this section, but excluding          | 25836 |
| that portion of intangible income directly related to the sale,           | 25837 |
| exchange, or other disposition of property described in section           | 25838 |
| 1221 of the Internal Revenue Code;                                        | 25839 |
| (c) Add any losses allowed as a deduction in the computation              | 25840 |
| of federal taxable income if the losses directly relate to the            | 25841 |
| sale, exchange, or other disposition of an asset described in             | 25842 |
| section 1221 or 1231 of the Internal Revenue Code;                        | 25843 |
| (d)(i) Except as provided in division (A)(1)(d)(ii) of this               | 25844 |
| section, deduct income and gain included in federal taxable income        | 25845 |
| to the extent the income and gain directly relate to the sale,            | 25846 |
| exchange, or other disposition of an asset described in section           | 25847 |
| 1221 or 1231 of the Internal Revenue Code;                                | 25848 |
| (ii) Division (A)(1)(d)(i) of this section does not apply to              | 25849 |
| the extent the income or gain is income or gain described in              | 25850 |
| section 1245 or 1250 of the Internal Revenue Code.                        | 25851 |
| (e) Add taxes on or measured by net income allowed as a                   | 25852 |
| deduction in the computation of federal taxable income;                   | 25853 |
| (f) In the case of a real estate investment trust and                     | 25854 |
| regulated investment company, add all amounts with respect to             | 25855 |
| dividends to, distributions to, or amounts set aside for or               | 25856 |
| credited to the benefit of investors and allowed as a deduction in        | 25857 |
| the computation of federal taxable income;                                | 25858 |
| (g) <del>If</del> <u>Deduct, to the extent not otherwise deducted or</u>  | 25859 |
| <u>excluded in computing federal taxable income, any income derived</u>   | 25860 |
| <u>from providing public services under a contract through a project</u>  | 25861 |
| <u>owned by the state, as described in section 126.604 of the Revised</u> | 25862 |
| <u>Code or derived from a transfer agreement or from the enterprise</u>   | 25863 |
| <u>transferred under that agreement under section 4313.02 of the</u>      | 25864 |



Revised Code. 25865

If the taxpayer is not a C corporation and is not an 25866  
individual, the taxpayer shall compute adjusted federal taxable 25867  
income as if the taxpayer were a C corporation, except+ guaranteed 25868

~~(i) Guaranteed~~ payments and other similar amounts paid or 25869  
accrued to a partner, former partner, member, or former member 25870  
shall not be allowed as a deductible expense; ~~and~~ amounts 25871

~~(ii) Amounts~~ paid or accrued to a qualified self-employed 25872  
retirement plan with respect to an owner or owner-employee of the 25873  
taxpayer, amounts paid or accrued to or for health insurance for 25874  
an owner or owner-employee, and amounts paid or accrued to or for 25875  
life insurance for an owner or owner-employee shall not be allowed 25876  
as a deduction. 25877

Nothing in division (A)(1) of this section shall be construed 25878  
as allowing the taxpayer to add or deduct any amount more than 25879  
once or shall be construed as allowing any taxpayer to deduct any 25880  
amount paid to or accrued for purposes of federal self-employment 25881  
tax. 25882

Nothing in this chapter shall be construed as limiting or 25883  
removing the ability of any municipal corporation to administer, 25884  
audit, and enforce the provisions of its municipal income tax. 25885

(2) "Internal Revenue Code" means the Internal Revenue Code 25886  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 25887

(3) "Schedule C" means internal revenue service schedule C 25888  
filed by a taxpayer pursuant to the Internal Revenue Code. 25889

(4) "Form 2106" means internal revenue service form 2106 25890  
filed by a taxpayer pursuant to the Internal Revenue Code. 25891

(5) "Intangible income" means income of any of the following 25892  
types: income yield, interest, capital gains, dividends, or other 25893  
income arising from the ownership, sale, exchange, or other 25894

disposition of intangible property including, but not limited to, 25895  
investments, deposits, money, or credits as those terms are 25896  
defined in Chapter 5701. of the Revised Code, and patents, 25897  
copyrights, trademarks, tradenames, investments in real estate 25898  
investment trusts, investments in regulated investment companies, 25899  
and appreciation on deferred compensation. "Intangible income" 25900  
does not include prizes, awards, or other income associated with 25901  
any lottery winnings or other similar games of chance. 25902

(6) "S corporation" means a corporation that has made an 25903  
election under subchapter S of Chapter 1 of Subtitle A of the 25904  
Internal Revenue Code for its taxable year. 25905

(7) For taxable years beginning on or after January 1, 2004, 25906  
"net profit" for a taxpayer other than an individual means 25907  
adjusted federal taxable income and "net profit" for a taxpayer 25908  
who is an individual means the individual's profit required to be 25909  
reported on schedule C, schedule E, or schedule F, other than any 25910  
amount allowed as a deduction under division (E)(2) or (3) of this 25911  
section or amounts described in division (H) of this section. 25912

(8) "Taxpayer" means a person subject to a tax on income 25913  
levied by a municipal corporation. Except as provided in division 25914  
(L) of this section, "taxpayer" does not include any person that 25915  
is a disregarded entity or a qualifying subchapter S subsidiary 25916  
for federal income tax purposes, but "taxpayer" includes any other 25917  
person who owns the disregarded entity or qualifying subchapter S 25918  
subsidiary. 25919

(9) "Taxable year" means the corresponding tax reporting 25920  
period as prescribed for the taxpayer under the Internal Revenue 25921  
Code. 25922

(10) "Tax administrator" means the individual charged with 25923  
direct responsibility for administration of a tax on income levied 25924  
by a municipal corporation and includes: 25925

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 25926<br>25927<br>25928<br>25929                                                                |
| (b) A municipal corporation acting as the agent of another municipal corporation; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 25930<br>25931                                                                                  |
| (c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 25932<br>25933<br>25934<br>25935                                                                |
| (11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 25936<br>25937<br>25938<br>25939                                                                |
| (12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 25940<br>25941                                                                                  |
| (13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 25942<br>25943                                                                                  |
| (B) No municipal corporation shall tax income at other than a uniform rate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 25944<br>25945                                                                                  |
| (C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least ninety days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a ... per cent levy on income for (Brief | 25946<br>25947<br>25948<br>25949<br>25950<br>25951<br>25952<br>25953<br>25954<br>25955<br>25956 |

description of the purpose of the proposed levy) be passed? 25957

25958

|  |                        |   |
|--|------------------------|---|
|  | FOR THE INCOME TAX     |   |
|  | AGAINST THE INCOME TAX | " |

25959

25960

25961

In the event of an affirmative vote, the proceeds of the levy 25962

may be used only for the specified purpose. 25963

(D)(1) Except as otherwise provided in this section, no 25964

municipal corporation shall exempt from a tax on income 25965

compensation for personal services of individuals over eighteen 25966

years of age or the net profit from a business or profession. 25967

(2)(a) For taxable years beginning on or after January 1, 25968

2004, no municipal corporation shall tax the net profit from a 25969

business or profession using any base other than the taxpayer's 25970

adjusted federal taxable income. 25971

(b) Division (D)(2)(a) of this section does not apply to any 25972

taxpayer required to file a return under section 5745.03 of the 25973

Revised Code or to the net profit from a sole proprietorship. 25974

(E)(1) The legislative authority of a municipal corporation 25975

may, by ordinance or resolution, exempt from withholding and from 25976

a tax on income the following: 25977

(a) Compensation arising from the sale, exchange, or other 25978

disposition of a stock option, the exercise of a stock option, or 25979

the sale, exchange, or other disposition of stock purchased under 25980

a stock option; or 25981

(b) Compensation attributable to a nonqualified deferred 25982

compensation plan or program described in section 3121(v)(2)(C) of 25983

the Internal Revenue Code. 25984

(2) The legislative authority of a municipal corporation may 25985

adopt an ordinance or resolution that allows a taxpayer who is an 25986

individual to deduct, in computing the taxpayer's municipal income 25987  
tax liability, an amount equal to the aggregate amount the 25988  
taxpayer paid in cash during the taxable year to a health savings 25989  
account of the taxpayer, to the extent the taxpayer is entitled to 25990  
deduct that amount on internal revenue service form 1040. 25991

(3) The legislative authority of a municipal corporation may 25992  
adopt an ordinance or resolution that allows a taxpayer who has a 25993  
net profit from a business or profession that is operated as a 25994  
sole proprietorship to deduct from that net profit the amount that 25995  
the taxpayer paid during the taxable year for medical care 25996  
insurance premiums for the taxpayer, the taxpayer's spouse, and 25997  
dependents as defined in section 5747.01 of the Revised Code. The 25998  
deduction shall be allowed to the same extent the taxpayer is 25999  
entitled to deduct the premiums on internal revenue service form 26000  
1040. The deduction allowed under this division shall be net of 26001  
any related premium refunds, related premium reimbursements, or 26002  
related insurance premium dividends received by the taxpayer 26003  
during the taxable year. 26004

(F) If an individual's taxable income includes income against 26005  
which the taxpayer has taken a deduction for federal income tax 26006  
purposes as reportable on the taxpayer's form 2106, and against 26007  
which a like deduction has not been allowed by the municipal 26008  
corporation, the municipal corporation shall deduct from the 26009  
taxpayer's taxable income an amount equal to the deduction shown 26010  
on such form allowable against such income, to the extent not 26011  
otherwise so allowed as a deduction by the municipal corporation. 26012

(G)(1) In the case of a taxpayer who has a net profit from a 26013  
business or profession that is operated as a sole proprietorship, 26014  
no municipal corporation may tax or use as the base for 26015  
determining the amount of the net profit that shall be considered 26016  
as having a taxable situs in the municipal corporation, an amount 26017  
other than the net profit required to be reported by the taxpayer 26018

on schedule C or F from such sole proprietorship for the taxable 26019  
year. 26020

(2) In the case of a taxpayer who has a net profit from 26021  
rental activity required to be reported on schedule E, no 26022  
municipal corporation may tax or use as the base for determining 26023  
the amount of the net profit that shall be considered as having a 26024  
taxable situs in the municipal corporation, an amount other than 26025  
the net profit from rental activities required to be reported by 26026  
the taxpayer on schedule E for the taxable year. 26027

(H) A municipal corporation shall not tax any of the 26028  
following: 26029

(1) The military pay or allowances of members of the armed 26030  
forces of the United States and of members of their reserve 26031  
components, including the Ohio national guard; 26032

(2) The income of religious, fraternal, charitable, 26033  
scientific, literary, or educational institutions to the extent 26034  
that such income is derived from tax-exempt real estate, 26035  
tax-exempt tangible or intangible property, or tax-exempt 26036  
activities; 26037

(3) Except as otherwise provided in division (I) of this 26038  
section, intangible income; 26039

(4) Compensation paid under section 3501.28 or 3501.36 of the 26040  
Revised Code to a person serving as a precinct election official, 26041  
to the extent that such compensation does not exceed one thousand 26042  
dollars annually. Such compensation in excess of one thousand 26043  
dollars may be subjected to taxation by a municipal corporation. A 26044  
municipal corporation shall not require the payer of such 26045  
compensation to withhold any tax from that compensation. 26046

(5) Compensation paid to an employee of a transit authority, 26047  
regional transit authority, or regional transit commission created 26048  
under Chapter 306. of the Revised Code for operating a transit bus 26049

or other motor vehicle for the authority or commission in or 26050  
through the municipal corporation, unless the bus or vehicle is 26051  
operated on a regularly scheduled route, the operator is subject 26052  
to such a tax by reason of residence or domicile in the municipal 26053  
corporation, or the headquarters of the authority or commission is 26054  
located within the municipal corporation; 26055

(6) The income of a public utility, when that public utility 26056  
is subject to the tax levied under section 5727.24 or 5727.30 of 26057  
the Revised Code, except a municipal corporation may tax the 26058  
following, subject to Chapter 5745. of the Revised Code: 26059

(a) Beginning January 1, 2002, the income of an electric 26060  
company or combined company; 26061

(b) Beginning January 1, 2004, the income of a telephone 26062  
company. 26063

As used in division (H)(6) of this section, "combined 26064  
company," "electric company," and "telephone company" have the 26065  
same meanings as in section 5727.01 of the Revised Code. 26066

(7) On and after January 1, 2003, items excluded from federal 26067  
gross income pursuant to section 107 of the Internal Revenue Code; 26068

(8) On and after January 1, 2001, compensation paid to a 26069  
nonresident individual to the extent prohibited under section 26070  
718.011 of the Revised Code; 26071

(9)(a) Except as provided in division (H)(9)(b) and (c) of 26072  
this section, an S corporation shareholder's distributive share of 26073  
net profits of the S corporation, other than any part of the 26074  
distributive share of net profits that represents wages as defined 26075  
in section 3121(a) of the Internal Revenue Code or net earnings 26076  
from self-employment as defined in section 1402(a) of the Internal 26077  
Revenue Code. 26078

(b) If, pursuant to division (H) of former section 718.01 of 26079

the Revised Code as it existed before March 11, 2004, a majority 26080  
of the electors of a municipal corporation voted in favor of the 26081  
question at an election held on November 4, 2003, the municipal 26082  
corporation may continue after 2002 to tax an S corporation 26083  
shareholder's distributive share of net profits of an S 26084  
corporation. 26085

(c) If, on December 6, 2002, a municipal corporation was 26086  
imposing, assessing, and collecting a tax on an S corporation 26087  
shareholder's distributive share of net profits of the S 26088  
corporation to the extent the distributive share would be 26089  
allocated or apportioned to this state under divisions (B)(1) and 26090  
(2) of section 5733.05 of the Revised Code if the S corporation 26091  
were a corporation subject to taxes imposed under Chapter 5733. of 26092  
the Revised Code, the municipal corporation may continue to impose 26093  
the tax on such distributive shares to the extent such shares 26094  
would be so allocated or apportioned to this state only until 26095  
December 31, 2004, unless a majority of the electors of the 26096  
municipal corporation voting on the question of continuing to tax 26097  
such shares after that date vote in favor of that question at an 26098  
election held November 2, 2004. If a majority of those electors 26099  
vote in favor of the question, the municipal corporation may 26100  
continue after December 31, 2004, to impose the tax on such 26101  
distributive shares only to the extent such shares would be so 26102  
allocated or apportioned to this state. 26103

(d) For the purposes of division (D) of section 718.14 of the 26104  
Revised Code, a municipal corporation shall be deemed to have 26105  
elected to tax S corporation shareholders' distributive shares of 26106  
net profits of the S corporation in the hands of the shareholders 26107  
if a majority of the electors of a municipal corporation vote in 26108  
favor of a question at an election held under division (H)(9)(b) 26109  
or (c) of this section. The municipal corporation shall specify by 26110  
ordinance or rule that the tax applies to the distributive share 26111



of a shareholder of an S corporation in the hands of the 26112  
shareholder of the S corporation. 26113

(10) Employee compensation that is not "qualifying wages" as 26114  
defined in section 718.03 of the Revised Code; 26115

(11) Beginning August 1, 2007, compensation paid to a person 26116  
employed within the boundaries of a United States air force base 26117  
under the jurisdiction of the United States air force that is used 26118  
for the housing of members of the United States air force and is a 26119  
center for air force operations, unless the person is subject to 26120  
taxation because of residence or domicile. If the compensation is 26121  
subject to taxation because of residence or domicile, municipal 26122  
income tax shall be payable only to the municipal corporation of 26123  
residence or domicile. 26124

(I) Any municipal corporation that taxes any type of 26125  
intangible income on March 29, 1988, pursuant to Section 3 of 26126  
Amended Substitute Senate Bill No. 238 of the 116th general 26127  
assembly, may continue to tax that type of income after 1988 if a 26128  
majority of the electors of the municipal corporation voting on 26129  
the question of whether to permit the taxation of that type of 26130  
intangible income after 1988 vote in favor thereof at an election 26131  
held on November 8, 1988. 26132

(J) Nothing in this section or section 718.02 of the Revised 26133  
Code shall authorize the levy of any tax on income that a 26134  
municipal corporation is not authorized to levy under existing 26135  
laws or shall require a municipal corporation to allow a deduction 26136  
from taxable income for losses incurred from a sole proprietorship 26137  
or partnership. 26138

(K)(1) Nothing in this chapter prohibits a municipal 26139  
corporation from allowing, by resolution or ordinance, a net 26140  
operating loss carryforward. 26141

(2) Nothing in this chapter requires a municipal corporation 26142

to allow a net operating loss carryforward. 26143

(L)(1) A single member limited liability company that is a 26144  
disregarded entity for federal tax purposes may elect to be a 26145  
separate taxpayer from its single member in all Ohio municipal 26146  
corporations in which it either filed as a separate taxpayer or 26147  
did not file for its taxable year ending in 2003, if all of the 26148  
following conditions are met: 26149

(a) The limited liability company's single member is also a 26150  
limited liability company; 26151

(b) The limited liability company and its single member were 26152  
formed and doing business in one or more Ohio municipal 26153  
corporations for at least five years before January 1, 2004; 26154

(c) Not later than December 31, 2004, the limited liability 26155  
company and its single member each make an election to be treated 26156  
as a separate taxpayer under division (L) of this section; 26157

(d) The limited liability company was not formed for the 26158  
purpose of evading or reducing Ohio municipal corporation income 26159  
tax liability of the limited liability company or its single 26160  
member; 26161

(e) The Ohio municipal corporation that is the primary place 26162  
of business of the sole member of the limited liability company 26163  
consents to the election. 26164

(2) For purposes of division (L)(1)(e) of this section, a 26165  
municipal corporation is the primary place of business of a 26166  
limited liability company if, for the limited liability company's 26167  
taxable year ending in 2003, its income tax liability is greater 26168  
in that municipal corporation than in any other municipal 26169  
corporation in Ohio, and that tax liability to that municipal 26170  
corporation for its taxable year ending in 2003 is at least four 26171  
hundred thousand dollars. 26172

Sec. 718.09. (A) This section applies to either of the 26173  
following: 26174

(1) A municipal corporation that shares the same territory as 26175  
a city, local, or exempted village school district, to the extent 26176  
that not more than five per cent of the territory of the municipal 26177  
corporation is located outside the school district and not more 26178  
than five per cent of the territory of the school district is 26179  
located outside the municipal corporation; 26180

(2) A municipal corporation that shares the same territory as 26181  
a city, local, or exempted village school district, to the extent 26182  
that not more than five per cent of the territory of the municipal 26183  
corporation is located outside the school district, more than five 26184  
per cent but not more than ten per cent of the territory of the 26185  
school district is located outside the municipal corporation, and 26186  
that portion of the territory of the school district that is 26187  
located outside the municipal corporation is located entirely 26188  
within another municipal corporation having a population of four 26189  
hundred thousand or more according to the federal decennial census 26190  
most recently completed before the agreement is entered into under 26191  
division (B) of this section. 26192

(B) The legislative authority of a municipal corporation to 26193  
which this section applies may propose to the electors an income 26194  
tax, one of the purposes of which shall be to provide financial 26195  
assistance to the school district through payment to the district 26196  
of not less than twenty-five per cent of the revenue generated by 26197  
the tax, except that the legislative authority may not propose to 26198  
levy the income tax on the incomes of nonresident individuals. 26199  
Prior to proposing the tax, the legislative authority shall 26200  
negotiate and enter into a written agreement with the board of 26201  
education of the school district specifying the tax rate, the 26202  
percentage of tax revenue to be paid to the school district, the 26203

purpose for which the school district will use the money, the 26204  
first year the tax will be levied, the date of the special 26205  
election on the question of the tax, and the method and schedule 26206  
by which the municipal corporation will make payments to the 26207  
school district. The special election shall be held on a day 26208  
specified in division (D) of section 3501.01 of the Revised Code, 26209  
except that the special election may not be held on the day for 26210  
holding a primary election as authorized by the municipal 26211  
corporation's charter unless the municipal corporation is to have 26212  
a primary election on that day. 26213

After the legislative authority and board of education have 26214  
entered into the agreement, the legislative authority shall 26215  
provide for levying the tax by ordinance. The ordinance shall 26216  
state the tax rate, the percentage of tax revenue to be paid to 26217  
the school district, the purpose for which the municipal 26218  
corporation will use its share of the tax revenue, the first year 26219  
the tax will be levied, and that the question of the income tax 26220  
will be submitted to the electors of the municipal corporation. 26221  
The legislative authority also shall adopt a resolution specifying 26222  
the regular or special election date the election will be held and 26223  
directing the board of elections to conduct the election. At least 26224  
ninety days before the date of the election, the legislative 26225  
authority shall file certified copies of the ordinance and 26226  
resolution with the board of elections. 26227

(C) The board of elections shall make the necessary 26228  
arrangements for the submission of the question to the electors of 26229  
the municipal corporation, and shall conduct the election in the 26230  
same manner as any other municipal income tax election. Notice of 26231  
the election shall be published in a newspaper of general 26232  
circulation in the municipal corporation once a week for four 26233  
consecutive weeks, or as provided in section 7.16 of the Revised 26234  
Code, prior to the election, and shall include statements of the 26235

rate and municipal corporation and school district purposes of the 26236  
income tax, the percentage of tax revenue that will be paid to the 26237  
school district, and the first year the tax will be levied. The 26238  
ballot shall be in the following form: 26239

"Shall the ordinance providing for a ..... per cent levy on 26240  
income for (brief description of the municipal corporation and 26241  
school district purposes of the levy, including a statement of the 26242  
percentage of tax revenue that will be paid to the school 26243  
district) be passed? The income tax, if approved, will not be 26244  
levied on the incomes of individuals who do not reside in (the 26245  
name of the municipal corporation). 26246

|  |                        |   |
|--|------------------------|---|
|  | For the income tax     |   |
|  | Against the income tax | " |

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(D) If the question is approved by a majority of the 26251  
electors, the municipal corporation shall impose the income tax 26252  
beginning in the year specified in the ordinance. The proceeds of 26253  
the levy may be used only for the specified purposes, including 26254  
payment of the specified percentage to the school district. 26255

**Sec. 718.10.** (A) This section applies to a group of two or 26256  
more municipal corporations that, taken together, share the same 26257  
territory as a single city, local, or exempted village school 26258  
district, to the extent that not more than five per cent of the 26259  
territory of the municipal corporations as a group is located 26260  
outside the school district and not more than five per cent of the 26261  
territory of the school district is located outside the municipal 26262  
corporations as a group. 26263

(B) The legislative authorities of the municipal corporations 26264  
in a group of municipal corporations to which this section applies 26265

each may propose to the electors an income tax, to be levied in 26266  
concert with income taxes in the other municipal corporations of 26267  
the group, except that a legislative authority may not propose to 26268  
levy the income tax on the incomes of individuals who do not 26269  
reside in the municipal corporation. One of the purposes of such a 26270  
tax shall be to provide financial assistance to the school 26271  
district through payment to the district of not less than 26272  
twenty-five per cent of the revenue generated by the tax. Prior to 26273  
proposing the taxes, the legislative authorities shall negotiate 26274  
and enter into a written agreement with each other and with the 26275  
board of education of the school district specifying the tax rate, 26276  
the percentage of the tax revenue to be paid to the school 26277  
district, the first year the tax will be levied, and the date of 26278  
the election on the question of the tax, all of which shall be the 26279  
same for each municipal corporation. The agreement also shall 26280  
state the purpose for which the school district will use the 26281  
money, and specify the method and schedule by which each municipal 26282  
corporation will make payments to the school district. The special 26283  
election shall be held on a day specified in division (D) of 26284  
section 3501.01 of the Revised Code, including a day on which all 26285  
of the municipal corporations are to have a primary election. 26286

After the legislative authorities and board of education have 26287  
entered into the agreement, each legislative authority shall 26288  
provide for levying its tax by ordinance. Each ordinance shall 26289  
state the rate of the tax, the percentage of tax revenue to be 26290  
paid to the school district, the purpose for which the municipal 26291  
corporation will use its share of the tax revenue, and the first 26292  
year the tax will be levied. Each ordinance also shall state that 26293  
the question of the income tax will be submitted to the electors 26294  
of the municipal corporation on the same date as the submission of 26295  
questions of an identical tax to the electors of each of the other 26296  
municipal corporations in the group, and that unless the electors 26297  
of all of the municipal corporations in the group approve the tax 26298

in their respective municipal corporations, none of the municipal 26299  
corporations in the group shall levy the tax. Each legislative 26300  
authority also shall adopt a resolution specifying the regular or 26301  
special election date the election will be held and directing the 26302  
board of elections to conduct the election. At least ninety days 26303  
before the date of the election, each legislative authority shall 26304  
file certified copies of the ordinance and resolution with the 26305  
board of elections. 26306

(C) For each of the municipal corporations, the board of 26307  
elections shall make the necessary arrangements for the submission 26308  
of the question to the electors, and shall conduct the election in 26309  
the same manner as any other municipal income tax election. For 26310  
each of the municipal corporations, notice of the election shall 26311  
be published in a newspaper of general circulation in the 26312  
municipal corporation once a week for four consecutive weeks, or 26313  
as provided in section 7.16 of the Revised Code, prior to the 26314  
election. The notice shall include a statement of the rate and 26315  
municipal corporation and school district purposes of the income 26316  
tax, the percentage of tax revenue that will be paid to the school 26317  
district, and the first year the tax will be levied, and an 26318  
explanation that the tax will not be levied unless an identical 26319  
tax is approved by the electors of each of the other municipal 26320  
corporations in the group. The ballot shall be in the following 26321  
form: 26322

"Shall the ordinance providing for a ... per cent levy on 26323  
income for (brief description of the municipal corporation and 26324  
school district purposes of the levy, including a statement of the 26325  
percentage of income tax revenue that will be paid to the school 26326  
district) be passed? The income tax, if approved, will not be 26327  
levied on the incomes of individuals who do not reside in (the 26328  
name of the municipal corporation). In order for the income tax to 26329  
be levied, the voters of (the other municipal corporations in the 26330

group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district.

|  |                        |
|--|------------------------|
|  | For the income tax     |
|  | Against the income tax |

"

(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning in the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

**Sec. 719.012.** In order to rehabilitate a building or structure that a municipal corporation determines to be a blighted property as defined in section 1.08 of the Revised Code, a municipal corporation may appropriate, in the manner provided in sections 163.01 to 163.22 of the Revised Code, any such building or structure and the real property of which it is a part. The municipal corporation shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation, so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful, or unsanitary, or a threat to the public health, safety, or welfare, or in violation of a building code or ordinance adopted under section 731.231 of the Revised Code. Any building or structure appropriated pursuant to this section which is not rehabilitated within two years shall be demolished.

If during the rehabilitation process the municipal corporation retains title to the building or structure and the



real property of which it is a part, then within one hundred 26362  
eighty days after the rehabilitation is complete, the municipal 26363  
corporation shall appraise the rehabilitated building or structure 26364  
and the real property of which it is a part, and shall sell the 26365  
building or structure and property at public auction. The 26366  
municipal corporation shall advertise the public auction in a 26367  
newspaper of general circulation in the municipal corporation once 26368  
a week for three consecutive weeks, or as provided in section 7.16 26369  
of the Revised Code, prior to the date of sale. The municipal 26370  
corporation shall sell the building or structure and real property 26371  
to the highest and best bidder. No property that a municipal 26372  
corporation acquires pursuant to this section shall be leased. 26373

**Sec. 719.05.** The mayor of a municipal corporation shall, 26374  
immediately upon the passage of a resolution under section 719.04 26375  
of the Revised Code, declaring an intent to appropriate property, 26376  
for which but one reading is necessary, cause written notice to be 26377  
given to the owner of, person in possession of, or person having 26378  
an interest of record in, every piece of property sought to be 26379  
appropriated, or to ~~his~~ the authorized agent of the owner or other 26380  
such person. Such notice shall be served by a person designated 26381  
for the purpose and return made in the manner provided for the 26382  
service and return of summons in civil actions. If such owner, 26383  
person, or agent cannot be found, notice shall be given by 26384  
publication once a week for three consecutive weeks in a newspaper 26385  
of general circulation in the municipal corporation or as provided 26386  
in section 7.16 of the Revised Code, and the legislative authority 26387  
may thereupon pass an ordinance by a two-thirds vote of all 26388  
members elected thereto, directing such appropriation to proceed. 26389

**Sec. 721.03.** No contract, except as provided in section 26390  
721.28 of the Revised Code, for the sale or lease of real estate 26391  
belonging to a municipal corporation shall be made unless 26392

authorized by an ordinance, approved by a two-thirds vote of the 26393  
members of the legislative authority of such municipal 26394  
corporation, and by the board or officer having supervision or 26395  
management of such real estate. When the contract is so 26396  
authorized, it shall be made in writing by such board or officer, 26397  
and, except as provided in section 721.27 of the Revised Code, 26398  
only with the highest bidder, after advertisement once a week for 26399  
five consecutive weeks in a newspaper of general circulation 26400  
within the municipal corporation or as provided in section 7.16 of 26401  
the Revised Code. Such board or officer may reject any bids and 26402  
readvertise until all such real estate is sold or leased. 26403

**Sec. 721.15.** (A) Personal property not needed for municipal 26404  
purposes, the estimated value of which is less than one thousand 26405  
dollars, may be sold by the board or officer having supervision or 26406  
management of that property. If the estimated value of that 26407  
property is one thousand dollars or more, it shall be sold only 26408  
when authorized by an ordinance of the legislative authority of 26409  
the municipal corporation and approved by the board, officer, or 26410  
director having supervision or management of that property. When 26411  
so authorized, the board, officer, or director shall make a 26412  
written contract with the highest and best bidder after 26413  
advertisement for not less than two ~~or~~ nor more than four 26414  
consecutive weeks in a newspaper of general circulation within the 26415  
municipal corporation or as provided in section 7.16 of the 26416  
Revised Code, or with a board of county commissioners upon such 26417  
lawful terms as are agreed upon, as provided by division (B)(1) of 26418  
section 721.27 of the Revised Code. 26419

(B) When the legislative authority finds, by resolution, that 26420  
the municipal corporation has vehicles, equipment, or machinery 26421  
which is obsolete, or is not needed or is unfit for public use, 26422  
that the municipal corporation has need of other vehicles, 26423  
equipment, or machinery of the same type, and that it will be in 26424

the best interest of the municipal corporation that the sale of 26425  
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 26426  
made simultaneously with the purchase of the new vehicles, 26427  
equipment, or machinery of the same type, the legislative 26428  
authority may offer to sell, or authorize a board, officer, or 26429  
director of the municipal corporation having supervision or 26430  
management of the property to offer to sell, those vehicles, 26431  
equipment, or machinery and to have the selling price credited 26432  
against the purchase price of other vehicles, equipment, or 26433  
machinery and to consummate the sale and purchase by a single 26434  
contract with the lowest and best bidder to be determined by 26435  
subtracting from the selling price of the vehicles, equipment, or 26436  
machinery to be purchased by the municipal corporation the 26437  
purchase price offered for the municipally-owned vehicles, 26438  
equipment, or machinery. When the legislative authority or the 26439  
authorized board, officer, or director of a municipal corporation 26440  
advertises for bids for the sale of new vehicles, equipment, or 26441  
machinery to the municipal corporation, they may include in the 26442  
same advertisement a notice of willingness to accept bids for the 26443  
purchase of municipally-owned vehicles, equipment, or machinery 26444  
which is obsolete, or is not needed or is unfit for public use, 26445  
and to have the amount of those bids subtracted from the selling 26446  
price as a means of determining the lowest and best bidder. 26447

(C) If the legislative authority of the municipal corporation 26448  
determines that municipal personal property is not needed for 26449  
public use, or is obsolete or unfit for the use for which it was 26450  
acquired, and that the property has no value, the legislative 26451  
authority may discard or salvage that property. 26452

(D) Notwithstanding anything to the contrary in division (A) 26453  
or (B) of this section and regardless of the property's value, the 26454  
legislative authority of a municipal corporation may sell personal 26455  
property, including motor vehicles acquired for the use of 26456

municipal officers and departments, and road machinery, equipment, 26457  
tools, or supplies, which is not needed for public use, or is 26458  
obsolete or unfit for the use for which it was acquired, by 26459  
internet auction. The legislative authority shall adopt, during 26460  
each calendar year, a resolution expressing its intent to sell 26461  
that property by internet auction. The resolution shall include a 26462  
description of how the auctions will be conducted and shall 26463  
specify the number of days for bidding on the property, which 26464  
shall be no less than ten days, including Saturdays, Sundays, and 26465  
legal holidays. The resolution shall indicate whether the 26466  
municipal corporation will conduct the auction or the legislative 26467  
authority will contract with a representative to conduct the 26468  
auction and shall establish the general terms and conditions of 26469  
sale. If a representative is known when the resolution is adopted, 26470  
the resolution shall provide contact information such as the 26471  
representative's name, address, and telephone number. 26472

After adoption of the resolution, the legislative authority 26473  
shall publish, in a newspaper of general circulation in the 26474  
municipal corporation or as provided in section 7.16 of the 26475  
Revised Code, notice of its intent to sell unneeded, obsolete, or 26476  
unfit municipal personal property by internet auction. The notice 26477  
shall include a summary of the information provided in the 26478  
resolution and shall be published ~~at least~~ twice. The second ~~and~~ 26479  
~~any subsequent~~ notice shall be published not less than ten nor 26480  
more than twenty days after the previous notice. A similar notice 26481  
also shall be posted continually throughout the calendar year in a 26482  
conspicuous place in the offices of the village clerk or city 26483  
auditor, and the legislative authority, ~~and, if.~~ If the municipal 26484  
corporation maintains a ~~website~~ web site on the internet, the 26485  
notice shall be posted continually throughout the calendar year at 26486  
that ~~website~~ web site. 26487

When the property is to be sold by internet auction, the 26488

legislative authority or its representative may establish a 26489  
minimum price that will be accepted for specific items and may 26490  
establish any other terms and conditions for the particular sale, 26491  
including requirements for pick-up or delivery, method of payment, 26492  
and sales tax. This type of information shall be provided on the 26493  
internet at the time of the auction and may be provided before 26494  
that time upon request after the terms and conditions have been 26495  
determined by the legislative authority or its representative. 26496

**Sec. 721.20.** Notice of the filing, pendency, and prayer of 26497  
the petition provided for by section 721.19 of the Revised Code 26498  
shall be published for four consecutive weeks or as provided in 26499  
section 7.16 of the Revised Code, prior to the day of hearing, in 26500  
a newspaper ~~published in the municipal corporation, or if there is~~ 26501  
~~none, then in a newspaper published in the county, and~~ of general 26502  
circulation in such municipal corporation. 26503

**Sec. 723.07.** No street or alley shall be vacated or narrowed 26504  
unless notice of the pendency and prayer of the petition under 26505  
section 723.04 of the Revised Code is given by publishing, in a 26506  
newspaper ~~published or~~ of general circulation in such municipal 26507  
corporation, for six consecutive weeks preceding action on such 26508  
petition, or, ~~where~~ as provided in section 7.16 of the Revised 26509  
Code preceding action on the petition. Where no newspaper is 26510  
~~published~~ of general circulation in the municipal corporation, 26511  
notice shall be given by posting the notice in three public places 26512  
therein six weeks preceding such action. Action thereon shall take 26513  
place within three months after the completion of the notice. 26514

**Sec. 727.011.** For the purpose of controlling the blight and 26515  
disease of shade trees within public rights-of-way, and for 26516  
planting, maintaining, trimming, and removing shade trees in and 26517  
along the streets of a municipality, the legislative authority of 26518

such municipal corporation may establish one or more districts in 26519  
the municipality designating the boundaries thereof, and may each 26520  
year thereafter, by ordinance, designate the district in which 26521  
such control, planting, care, and maintenance shall be effected, 26522  
setting forth an estimate of the cost and providing for the levy 26523  
of a special assessment upon all the real property in the 26524  
district, in the amount and in the manner provided in section 26525  
727.01 of the Revised Code, for planting, maintaining, trimming, 26526  
and removing shade trees. The ordinance shall be adopted ~~and~~ 26527  
~~published~~ as other ordinances and a succinct summary of the 26528  
ordinance shall be published in the manner provided in section 26529  
731.21 of the Revised Code. Bonds and anticipatory notes may be 26530  
issued in anticipation of the collection of such special 26531  
assessments, under section 133.17 of the Revised Code. 26532

**Sec. 727.012.** For the purpose of constructing, maintaining, 26533  
repairing, cleaning, and enclosing ditches, the legislative 26534  
authority of such municipal corporation may establish one or more 26535  
districts in the municipality designating the boundaries thereof, 26536  
and may each year thereafter, by ordinance, designate the district 26537  
in which such constructing, maintaining, repairing, cleaning, and 26538  
enclosing of ditches shall be effected, setting forth an estimate 26539  
of the cost and providing for the levying of a special assessment 26540  
upon all the real property in the district, in the amount and in 26541  
the manner provided in section 727.01 of the Revised Code, for 26542  
constructing, maintaining, repairing, cleaning, and enclosing 26543  
ditches. The ordinance shall be adopted ~~and published~~ as other 26544  
ordinances and a succinct summary of the ordinance shall be 26545  
published in the manner provided in section 731.21 of the Revised 26546  
Code. Bonds and anticipatory notes may be issued in anticipation 26547  
of the collection of such special assessments, under section 26548  
133.17 of the Revised Code. 26549

**Sec. 727.08.** The cost of any public improvement to be paid 26550  
for directly or indirectly, in whole or in part, by funds derived 26551  
from special assessments may include but not be limited to: 26552

(A) The purchase price of real estate or any interest therein 26553  
when acquired by purchase, or not more than fifty per cent of the 26554  
cost of acquiring such real estate or any interest therein when 26555  
acquired by appropriation; 26556

(B) The cost of preliminary and other surveys; 26557

(C) The cost of preparing plans, specifications, profiles, 26558  
and estimates except, to the extent that costs of plans, 26559  
specifications, and estimates of cost have been paid for by the 26560  
levy of assessments under section 729.11 of the Revised Code, such 26561  
costs shall not be included in determining the cost of the 26562  
improvement under this section; 26563

(D) The cost of printing, serving, and publishing notices, 26564  
and summaries of resolutions, and ordinances; 26565

(E) The cost of all special proceedings; 26566

(F) The cost of labor and material, whether furnished by 26567  
contract or otherwise; 26568

(G) Interest on securities issued in anticipation of the levy 26569  
and collection of the special assessments or, if securities in 26570  
anticipation of the levy of the special assessments are not 26571  
issued, interest, at a rate to be determined by the legislative 26572  
authority in the resolution of necessity adopted pursuant to 26573  
section 727.12 of the Revised Code, on moneys advanced by the 26574  
municipal corporation for the cost of the public improvement in 26575  
anticipation of the levy of the special assessments; 26576

(H) The total amount of damages, resulting from the 26577  
improvement, assessed in favor of any owner of lands affected by 26578  
the improvement, and interest thereon; 26579

(I) The cost incurred in connection with the preparation, 26580  
levy, and collection of the special assessments, including legal 26581  
expenses incurred by reason of the improvement; 26582

(J) Incidental costs directly connected with the improvement. 26583

**Sec. 727.14.** In lieu of the procedure provided in section 26584  
727.13 of the Revised Code, the legislative authority may provide 26585  
for notice of the passage of a resolution of necessity providing 26586  
for the lighting, sprinkling, sweeping, or cleaning of any street, 26587  
alley, public road, or place, or parts thereof or for treating the 26588  
surface of the same with dust-laying or preservative substances, 26589  
or for the planting, maintaining, and removing of shade trees, or 26590  
for the constructing, maintaining, repairing, cleaning, and 26591  
enclosing of ditches, and the filing of the estimated assessment 26592  
under section 727.12 of the Revised Code, to be given by 26593  
publication of such notice once a week for two consecutive weeks 26594  
in a newspaper of general circulation in the municipal corporation 26595  
or as provided in section 7.16 of the Revised Code. When it 26596  
appears from the estimated assessment filed as provided by section 26597  
727.12 of the Revised Code, that the assessment against the owner 26598  
of any lot or parcel of land will exceed two hundred fifty 26599  
dollars, such owner shall be notified of the assessment in the 26600  
manner provided in section 727.13 of the Revised Code. 26601

**Sec. 727.46.** When a general plan has been prepared under 26602  
section 727.44 of the Revised Code and reported to the legislative 26603  
authority, it shall be filed with the clerk of the legislative 26604  
authority and the legislative authority shall cause its clerk to 26605  
publish, once a week for two consecutive weeks in a newspaper of 26606  
general circulation in the municipal corporation or as provided in 26607  
section 7.16 of the Revised Code, a notice stating that such 26608  
general plan has been prepared and is on file in the office of the 26609  
clerk of the legislative authority for examination by interested 26610



persons and that written objections to such plan may be filed in 26611  
the office of such clerk before the date specified in the notice, 26612  
which shall not be earlier than the seventeenth day following the 26613  
date of the first publication in said newspaper. Any person having 26614  
an objection to the general plan shall file such objection in 26615  
writing, with the clerk of the legislative authority within the 26616  
time specified. 26617

**Sec. 729.08.** The legislative authority of the municipal 26618  
corporation shall cause a notice to be published for three 26619  
consecutive weeks in a newspaper of general circulation in the 26620  
municipal corporation or as provided in section 7.16 of the 26621  
Revised Code, stating that such list of estimated assessments has 26622  
been made and is on file in the office of the clerk of the 26623  
legislative authority for the inspection and examination of 26624  
persons interested therein. 26625

If any person objects to an assessment on such list, ~~he~~ the 26626  
person shall file ~~his~~ the objection in writing with the clerk of 26627  
the legislative authority within two weeks after the expiration of 26628  
the notice provided in this section. 26629

**Sec. 729.11.** In addition to the power conferred upon 26630  
municipal corporations under section 727.01 of the Revised Code to 26631  
levy and collect special assessments, the legislative authority of 26632  
a municipal corporation may, whenever it has determined by 26633  
ordinance that it is necessary to construct, enlarge, or improve a 26634  
system of storm or sanitary sewerage for the municipal corporation 26635  
or any part thereof, including sewage disposal works, treatment 26636  
plants, and sewage pumping stations, or a water supply system for 26637  
the municipal corporation or any part thereof including mains, 26638  
dams, reservoirs, wells, intakes, purification works, and pumping 26639  
stations, and that any such improvement shall be constructed, 26640  
enlarged, or improved, may levy upon property to be benefited in 26641

the municipal corporation or any designated part thereof, which 26642  
property shall be described in the ordinance, a preliminary 26643  
assessment upon the benefited lots and lands within the 26644  
corporation or such part thereof, apportioned according to 26645  
benefits or to the tax valuation or partly by one method and 26646  
partly by the other, as the legislative authority determines for 26647  
the purpose of paying the costs of general and detailed plans, 26648  
specifications, estimates, preparation of the tentative 26649  
assessment, financing, and legal services incident to the 26650  
preparation of such plans, and a plan for financing the proposed 26651  
improvements. 26652

Prior to the adoption of such ordinance, the legislative 26653  
authority of such municipal corporation shall give notice of the 26654  
pendency thereof and of the proposed determination of the 26655  
necessity of the improvement therein generally described, which 26656  
notice shall set forth the description of the benefited property 26657  
as designated in the ordinance and the time and place of hearing 26658  
of objections to and endorsements of the improvement. Such notice 26659  
shall be given by publication in a newspaper of general 26660  
circulation in the municipal corporation once a week for two 26661  
consecutive weeks or as provided in section 7.16 of the Revised 26662  
Code, the first publication to be at least two weeks prior to the 26663  
date set for the hearing. At such hearing, or at any adjournment 26664  
thereof, of which no further published notice need be given, the 26665  
legislative authority shall hear all persons whose properties are 26666  
proposed to be assessed, and such evidence as is deemed to be 26667  
necessary, and shall then determine the necessity of the proposed 26668  
improvement and in addition shall determine whether the 26669  
improvement shall be made by the municipal corporation, and shall 26670  
direct the preparation of tentative assessments upon the benefited 26671  
properties and by whom they shall be prepared. 26672

Such assessments shall be in the amount determined to be 26673

necessary by the legislative authority to pay the costs of general 26674  
and detailed plans, specifications, estimates of cost, preparation 26675  
of the tentative assessment, financing and legal services incident 26676  
to the preparation of such plans, and a plan of financing the 26677  
proposed improvements, and shall be payable in such number of 26678  
years as the legislative authority determines, not to exceed 26679  
twenty, together with interest on any notes which may be issued in 26680  
anticipation of the collection of such assessments. 26681

The legislative authority may at any time levy additional 26682  
assessments according to benefits or to tax valuation or partly by 26683  
one method and partly by the other as the legislative authority 26684  
determines for such purposes upon such properties to complete the 26685  
payment of such costs or to pay the cost of any additional plans, 26686  
specifications, estimates of cost, tentative assessments, and the 26687  
cost of financing and legal services incident to the preparation 26688  
of such plans and such plan of financing, which additional 26689  
assessments shall be payable in such number of years as the 26690  
legislative authority determines, not to exceed twenty years, 26691  
together with interest on any notes and bonds which may be issued 26692  
in anticipation of the collection thereof. 26693

Upon completion of the tentative assessments or any 26694  
additional assessments, they shall be filed with the clerk of the 26695  
legislative authority and shall be and remain open to public 26696  
inspection, and thereupon, the legislative authority shall give at 26697  
least ten days' notice of the filing thereof in one newspaper of 26698  
general circulation in the municipal corporation, or shall give 26699  
notice as provided in section 7.16 of the Revised Code, which 26700  
notice shall state the time and place when and where such 26701  
tentative assessments shall be taken up for consideration. At such 26702  
time and place or at any adjournment thereof, of which no further 26703  
published notice need be given, the legislative authority shall 26704  
hear all persons whose properties are proposed to be assessed, 26705

shall correct any errors and make any revisions that appear to be 26706  
necessary or just, and may then pass an ordinance levying upon the 26707  
properties determined to be benefited such assessments as so 26708  
corrected and revised. 26709

The assessments levied by such ordinance shall be certified 26710  
to the county auditor for collection as other taxes in the year or 26711  
years in which they are payable; provided any such assessment in 26712  
the amount of five dollars or less, or any unpaid balance of any 26713  
such assessment which is five dollars or less, shall be paid in 26714  
full, and not in installments, at the time the first or next 26715  
installment would otherwise become due and payable. 26716

Upon the adoption of such ordinance levying assessments the 26717  
legislative authority may authorize contracts to carry out the 26718  
purposes for which such assessments have been levied without the 26719  
prior issuance of notes and bonds; provided that the payments due 26720  
by the municipal corporation do not fall due prior to the times in 26721  
which such assessments shall be collected. The municipal 26722  
corporation may also issue and sell its bonds with a maximum 26723  
maturity of twenty years in anticipation of the collection of such 26724  
assessments and may issue its notes in anticipation of the 26725  
issuance of such bonds, which notes and bonds shall be issued and 26726  
sold as provided in Chapter 133. of the Revised Code. 26727

**Sec. 731.14.** All contracts made by the legislative authority 26728  
of a village shall be executed in the name of the village and 26729  
signed on its behalf by the mayor and clerk. Except where the 26730  
contract is for equipment, services, materials, or supplies to be 26731  
purchased under division (D) of section 713.23 or section 125.04 26732  
or 5513.01 of the Revised Code, available from a qualified 26733  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 26734  
Revised Code, or required to be purchased from a qualified 26735  
nonprofit agency under sections 125.60 to 125.6012 of the Revised 26736

Code, when any expenditure, other than the compensation of persons 26737  
employed in the village, exceeds ~~twenty-five~~ fifty thousand 26738  
dollars, such contracts shall be in writing and made with the 26739  
lowest and best bidder after advertising once a week for not less 26740  
than two consecutive weeks in a newspaper of general circulation 26741  
within the village. The legislative authority may also cause 26742  
notice to be inserted in trade papers or other publications 26743  
designated by it or to be distributed by electronic means, 26744  
including posting the notice on the legislative authority's 26745  
internet web site. If the legislative authority posts the notice 26746  
on its web site, it may eliminate the second notice otherwise 26747  
required to be published in a newspaper of general circulation 26748  
within the village, provided that the first notice published in 26749  
such newspaper meets all of the following requirements: 26750

(A) It is published at least two weeks before the opening of 26751  
bids. 26752

(B) It includes a statement that the notice is posted on the 26753  
legislative authority's internet web site. 26754

(C) It includes the internet address of the legislative 26755  
authority's internet web site. 26756

(D) It includes instructions describing how the notice may be 26757  
accessed on the legislative authority's internet web site. 26758

The bids shall be opened and shall be publicly read by the 26759  
clerk of the village or a person designated by the clerk at the 26760  
time, date, and place specified in the advertisement to bidders or 26761  
specifications. The time, date, and place of bid openings may be 26762  
extended to a later date by the legislative authority of the 26763  
village, provided that written or oral notice of the change shall 26764  
be given to all persons who have received or requested 26765  
specifications no later than ninety-six hours prior to the 26766  
original time and date fixed for the opening. This section does 26767

not apply to those villages that have provided for the appointment 26768  
of a village administrator under section 735.271 of the Revised 26769  
Code. 26770

**Sec. 731.141.** In those villages that have established the 26771  
position of village administrator, as provided by section 735.271 26772  
of the Revised Code, the village administrator shall make 26773  
contracts, purchase supplies and materials, and provide labor for 26774  
any work under the administrator's supervision involving not more 26775  
than twenty-five thousand dollars. When an expenditure, other than 26776  
the compensation of persons employed by the village, exceeds 26777  
twenty-five thousand dollars, the expenditure shall first be 26778  
authorized and directed by ordinance of the legislative authority 26779  
of the village. When so authorized and directed, except where the 26780  
contract is for equipment, services, materials, or supplies to be 26781  
purchased under division (D) of section 713.23 or section 125.04 26782  
or 5513.01 of the Revised Code, available from a qualified 26783  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 26784  
Revised Code, or required to be purchased from a qualified 26785  
nonprofit agency under sections 125.60 to 125.6012 of the Revised 26786  
Code, the village administrator shall make a written contract with 26787  
the lowest and best bidder after advertisement for not less than 26788  
two nor more than four consecutive weeks in a newspaper of general 26789  
circulation within the village or as provided in section 7.16 of 26790  
the Revised Code. The bids shall be opened and shall be publicly 26791  
read by the village administrator or a person designated by the 26792  
village administrator at the time, date, and place as specified in 26793  
the advertisement to bidders or specifications. The time, date, 26794  
and place of bid openings may be extended to a later date by the 26795  
village administrator, provided that written or oral notice of the 26796  
change shall be given to all persons who have received or 26797  
requested specifications no later than ninety-six hours prior to 26798  
the original time and date fixed for the opening. All contracts 26799

shall be executed in the name of the village and signed on its behalf by the village administrator and the clerk.

The legislative authority of a village may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the village, under the direction of the village administrator, who shall make contracts, purchase supplies or materials, and provide labor for any work of the village in the manner provided by this section.

**Sec. 731.20.** Ordinances, resolutions, and bylaws shall be authenticated by the signature of the presiding officer and clerk of the legislative authority of the municipal corporation.  
~~Ordinances~~ A succinct summary of ordinances of a general nature or providing for improvements shall be published as provided by sections 731.21 and 731.22 of the Revised Code before going into operation. No ordinance shall take effect until the expiration of ten days after the first publication of such notice. As soon as a bylaw, resolution, or ordinance is passed and signed, it shall be recorded by the clerk in a book furnished by the legislative authority for that purpose.

**Sec. 731.21.** (A) ~~Notwithstanding any conflicting provision of section 7.12 of the Revised Code,~~ A succinct summary of each municipal ordinance or resolution, ~~or a succinct summary of each municipal ordinance and resolution,~~ and all statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be published ~~as follows:~~

~~(1) In two English language newspapers of opposite politics, published and in a newspaper of general circulation in the municipal corporation, if there are any such newspapers;~~

~~(2) If two English language newspapers of opposite politics are not published and of general circulation in the municipal~~

~~corporation, then in one such political newspaper and one other  
English language newspaper published and of general circulation  
therein;~~ 26830  
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26832

~~(3) If only one english language newspaper is published and  
of general circulation in the municipal corporation, then in that  
newspaper;~~ 26833  
26834  
26835

~~(4) If no english language newspaper is published and of  
general circulation in the municipal corporation, then in any  
English language newspaper of general circulation therein or by  
posting as provided in section 731.25 of the Revised Code, at the  
option of the legislative authority of such municipal corporation.  
Proof of the publication and required circulation of any newspaper  
used as a medium of publication as provided by this section shall  
be made by affidavit of the proprietor of either of such  
newspapers the newspaper, and shall be filed with the clerk of the  
legislative authority.~~ 26836  
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~~(B) If a summary of an ordinance or resolution is published  
under division (A) of this section, the The publication shall  
contain notice that the complete text of each such ordinance or  
resolution may be obtained or viewed at the office of the clerk of  
the legislative authority of the municipal corporation and may be  
viewed at any other location designated by the legislative  
authority of the municipal corporation. The city director of law,  
village solicitor, or other chief legal officer of the municipal  
corporation shall review ~~any~~ the summary of an ordinance or  
resolution published under this section prior to forwarding it to  
the clerk for publication, to ensure that the summary is legally  
accurate and sufficient.~~ 26846  
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~~(C) Upon publication of a summary of an ordinance or  
resolution in accordance with this section, the clerk of the  
legislative authority shall supply a copy of the complete text of  
each such ordinance or resolution to any person, upon request, and~~ 26858  
26859  
26860  
26861



may charge a reasonable fee, set by the legislative authority, for 26862  
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 26863  
the clerk's office and at every other location designated by the 26864  
legislative authority. 26865

**Sec. 731.211.** In accordance with Section 9 of Article XVIII, 26866  
Ohio Constitution, notice of proposed amendments to municipal 26867  
charters shall be given in one of the following ways: 26868

(A) Not less than thirty days prior to the election at which 26869  
the amendment is to be submitted to the electors, the clerk of the 26870  
municipality shall mail a copy of the proposed charter amendment 26871  
to each elector whose name appears upon the poll or registration 26872  
books of the last regular or general election held therein. 26873

(B) The full text of the proposed charter amendment shall be 26874  
published once a week for not less than two consecutive weeks in a 26875  
newspaper ~~published~~ of general circulation in the municipal 26876  
corporation or as provided in section 7.16 of the Revised Code, 26877  
with the first publication being at least fifteen days prior to 26878  
the election at which the amendment is to be submitted to the 26879  
electors. ~~If no newspaper is published in the municipal~~ 26880  
~~corporation, then such publication shall be made in a newspaper of~~ 26881  
~~general circulation within the municipal corporation.~~ 26882

**Sec. 731.22.** The publication required in section 731.21 of 26883  
the Revised Code shall be for the following times: 26884

(A) ~~Ordinances and resolutions, or summaries~~ Summaries of 26885  
ordinances or resolutions, and proclamations of elections, once a 26886  
week for two consecutive weeks or as provided in section 7.16 of 26887  
the Revised Code; 26888

(B) Notices, not less than two nor more than four consecutive 26889  
weeks or as provided in section 7.16 of the Revised Code; 26890

(C) All other matters shall be published once. 26891

**Sec. 731.23.** When ordinances are revised, codified, 26892  
rearranged, published in book form, and certified as correct by 26893  
the clerk of the legislative authority of a municipal corporation 26894  
and the mayor, such publication shall be a sufficient publication, 26895  
and the ordinances so published, under appropriate titles, 26896  
chapters, and sections, shall be held the same in law as though 26897  
they had been published in a newspaper. A new ordinance so 26898  
published in book form, a summary of which has not been published 26899  
as required by sections 731.21 and 731.22 of the Revised Code, and 26900  
which contains entirely new matter, shall be published as required 26901  
by such sections. If such revision or codification is made by a 26902  
municipal corporation and contains new matter, it shall be a 26903  
sufficient publication of such codification, including the new 26904  
matter, to publish, in the manner required by such sections, a 26905  
notice of the enactment of such codifying ordinance, containing 26906  
the title of the ordinance and a summary of the new matters 26907  
covered by it. Such revision and codification may be made under 26908  
appropriate titles, chapters, and sections and in one ordinance 26909  
containing one or more subjects. 26910

Except as provided by this section, a succinct summary of all 26911  
ordinances, including emergency ordinances, shall be published in 26912  
accordance with section 731.21 of the Revised Code. 26913

**Sec. 731.24.** Immediately after the expiration of the period 26914  
of publication ~~for ordinances or~~ of summaries of ordinances 26915  
required by section 731.22 of the Revised Code, the clerk of the 26916  
legislative authority of a municipal corporation shall enter on 26917  
the record of ordinances, in a blank to be left for such purpose 26918  
under the recorded ordinance, a certificate stating in which 26919  
newspaper and on what dates such publication was made, and shall 26920  
sign ~~his~~ the clerk's name thereto officially. Such certificate 26921  
shall be prima-facie evidence that legal publication of the 26922

~~ordinance or~~ summary of the ordinance was made. 26923

**Sec. 731.25.** ~~Notwithstanding any conflicting provision of~~ 26924  
~~section 7.12 of the Revised Code, in~~ In municipal corporations in 26925  
which no newspaper is ~~published~~ generally circulated, publication 26926  
of ~~ordinances and resolutions, or~~ summaries of ordinances and 26927  
resolutions, and publication of all statements, orders, 26928  
proclamations, notices, and reports, required by law or ordinance 26929  
to be published, shall be accomplished ~~in either of the following~~ 26930  
~~methods, as determined by the legislative authority:~~ 26931

~~(A) By~~ by posting copies in not less than five of the most 26932  
public places in the municipal corporation, as determined by the 26933  
legislative authority, for a period of not less than fifteen days 26934  
prior to the effective date thereof: 26935

~~(B) By publication in any newspaper printed in this state and~~ 26936  
~~of general circulation in such municipal corporation.~~ 26937

Notices to bidders for the construction of public 26938  
improvements and notices of the sale of bonds shall be published 26939  
in ~~not more than two newspapers, printed in this state and a~~ 26940  
newspaper of general circulation in such municipal corporation, 26941  
for the time prescribed in section 731.22 of the Revised Code. 26942

Where such publication is by posting, the clerk shall make a 26943  
certificate as to such posting, and as to the times when and the 26944  
places where such posting is done, in the manner provided in 26945  
section 731.24 of the Revised Code, and such certificate shall be 26946  
prima-facie evidence that the copies were posted as required. 26947

**Sec. 735.05.** The director of public service may make any 26948  
contract, purchase supplies or material, or provide labor for any 26949  
work under the supervision of the department of public service 26950  
involving not more than twenty-five thousand dollars. When an 26951  
expenditure within the department, other than the compensation of 26952

persons employed in the department, exceeds twenty-five thousand 26953  
dollars, the expenditure shall first be authorized and directed by 26954  
ordinance of the city legislative authority. When so authorized 26955  
and directed, except where the contract is for equipment, 26956  
services, materials, or supplies to be purchased under division 26957  
(D) of section 713.23 or section 125.04 or 5513.01 of the Revised 26958  
Code or available from a qualified nonprofit agency pursuant to 26959  
sections 4115.31 to 4115.35 of the Revised Code, the director 26960  
shall make a written contract with the lowest and best bidder 26961  
after advertisement for not less than two nor more than four 26962  
consecutive weeks in a newspaper of general circulation within the 26963  
city or as provided in section 7.16 of the Revised Code. 26964

**Sec. 735.20.** When a whole plan, or any portion thereof, as 26965  
provided in section 735.19 of the Revised Code is completed, or 26966  
when the location of any avenue, street, roadway, or alley has 26967  
been finally determined by the platting commissioner of a city, a 26968  
plat of the plan, avenue, street, roadway, or alley shall be 26969  
placed in the office of the city engineer for the inspection of 26970  
persons interested, and notice that it is ready for inspection 26971  
shall be published in ~~one or more newspapers,~~ a newspaper of 26972  
general circulation within the city, for six consecutive weeks, or 26973  
as provided in section 7.16 of the Revised Code. 26974

**Sec. 737.022.** ~~When authorized by ordinance of the legislative~~ 26975  
~~authority of a city, and in~~ (A) As used in this section: 26976

(1) "Occupy or use," with respect to a public way, means to 26978  
create parking spaces and install, repair, maintain, replace, and 26979  
operate parking meters or other similar devices for the purpose of 26980  
providing on-street parking. 26981

(2) "Public agency" includes any county, municipal 26982

corporation, port authority, regional transit authority, airport 26983  
authority, or transportation improvement district created pursuant 26984  
to the laws of this state. 26985

(3) "Public parking franchise" means a property right and 26986  
privilege to occupy and use one or more public ways for the 26987  
operation of an on-street parking system in all or in one or more 26988  
portions of the area within the corporate limits of a municipal 26989  
corporation or to construct, install, repair, maintain, and 26990  
operate parking meters or other devices or facilities on public 26991  
property owned or controlled by the municipal corporation. 26992

(4) "Public way" means the surface of, and the space within, 26993  
through, on, across, above, or below, any public street, road, 26994  
highway, lane, path, alley, court, sidewalk, boulevard, parkway, 26995  
or drive owned or controlled by a municipal corporation. 26996

(B) In order to expedite the flow and direction of traffic, 26997  
to eliminate congestion on ~~streets, alleys, and highways~~ public 26998  
ways, and to provide for the safety of passengers in motor 26999  
vehicles and pedestrians, the legislative authority of a municipal 27000  
corporation may by ordinance make and issue, or, in the case of 27001  
the legislative authority of a city, authorize the director of 27002  
public safety ~~may~~ to make and issue rules and regulations 27003  
concerning: 27004

~~(A)~~(1) The number, type, and location of traffic control 27005  
devices and signs; 27006

~~(B)~~(2) The regulation or prohibition of parking on ~~streets,~~ 27007  
~~alleys, highways,~~ public ways or public property; 27008

~~(C)~~(3) The regulation of the right-of-way at intersections of 27009  
streets, alleys, and highways; 27010

~~(D)~~(4) The regulation or prohibition of turns at 27011  
intersections; 27012

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <del>(E)</del> (5) The creation, abolition, and regulation of through routes and truck routes;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 27013<br>27014                                                                                                    |
| <del>(F)</del> (6) The creation, abolition, and regulation of pedestrian crosswalk and safety zones;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 27015<br>27016                                                                                                    |
| <del>(G)</del> (7) The creation, abolition, and regulation of bus loading and unloading zones and business loading zones;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 27017<br>27018                                                                                                    |
| <del>(H)</del> (8) The creation, abolition, and regulation of traffic lanes, and passing zones;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 27019<br>27020                                                                                                    |
| <del>(I)</del> (9) The regulation of the direction of traffic on <del>streets, alleys, and highways</del> <u>public ways</u> and the creation and abolition of one way <u>public streets, roads, alleys, courts, or drives</u> ;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 27021<br>27022<br>27023                                                                                           |
| <del>(J)</del> (10) Such other subjects as may be provided by ordinance, which shall not be limited by the specific enumeration of subjects by this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 27024<br>27025<br>27026                                                                                           |
| <del>Such rules</del> <u>(C) The legislative authority of a municipal corporation having rules and regulations with respect to parking on public ways or public property for the purposes specified in division (B) of this section may establish and maintain reasonable fees and charges for the privilege of parking in locations permitted by those rules and regulations and may construct, install, maintain, repair, replace, and operate parking meters or other devices or facilities on public ways and public property for the collection of those fees and charges. The operation of meters, devices, and facilities may be managed and operated by municipal officials and employees or by any other person or public agency retained by the municipal corporation for those purposes, as determined by the legislative authority.</u> | 27027<br>27028<br>27029<br>27030<br>27031<br>27032<br>27033<br>27034<br>27035<br>27036<br>27037<br>27038<br>27039 |
| <u>(D) As an alternative to the operation of parking meters, devices, and facilities in the manner specified in division (C) of this section, the legislative authority of a municipal corporation having rules and regulations with respect to parking on public</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 27040<br>27041<br>27042<br>27043                                                                                  |

ways or public property for the purposes specified in division (B) 27044  
of this section may grant to a person or public agency a public 27045  
parking franchise permitting that person or agency to occupy and 27046  
use certain public ways or to construct, install, maintain, 27047  
repair, replace, and operate parking meters or other devices or 27048  
facilities on public property on and subject to terms and 27049  
conditions specified in a franchise agreement approved by the 27050  
legislative authority; provided, that no such public parking 27051  
franchise shall be granted for a term of more than thirty years. 27052  
The legislative authority may require the person or public agency 27053  
receiving such a public parking franchise to pay to the municipal 27054  
corporation a lump sum fee, a periodic fee, or both for the 27055  
property rights and privileges granted. Public parking franchises 27056  
shall be subject to regulation by the legislative authority of the 27057  
municipal corporation and shall not be deemed to be a public 27058  
utility or an entity otherwise subject to regulation by any state 27059  
agency or commission. 27060

(E) Rules and regulations made and issued in accordance with 27061  
division (B) of this section shall be issued in the manner and 27062  
subject to the conditions and limitations as prescribed by 27063  
ordinance of the legislative authority of such city. Copies of 27064  
such rules and regulations issued pursuant to this section, when 27065  
certified by the director of public safety, shall be competent 27066  
evidence in all courts. Violation of any such rules and 27067  
regulations shall be as specified by the legislative authority, 27068  
either a criminal misdemeanor and shall be punishable as provided 27069  
by the ordinances of such city municipal corporation or a civil 27070  
infraction for which a charge is prescribed. The enforcement of 27071  
rules and regulations violations of which constitute criminal 27072  
misdemeanors shall be by authorized law enforcement officers. 27073

**Sec. 737.04.** The legislative authority of any municipal 27074  
corporation, in order to obtain police protection or to obtain 27075

additional police protection, or to allow its police officers to 27076  
work in multijurisdictional drug, gang, or career criminal task 27077  
forces, may enter into contracts with one or more municipal 27078  
corporations, townships, township police districts, joint police 27079  
districts, or county sheriffs in this state, with one or more park 27080  
districts created pursuant to section 511.18 or 1545.01 of the 27081  
Revised Code, with one or more port authorities, or with a 27082  
contiguous municipal corporation in an adjoining state, upon any 27083  
terms that are agreed upon, for services of police departments or 27084  
the use of police equipment or for the interchange of services of 27085  
police departments or police equipment within the several 27086  
territories of the contracting subdivisions. 27087

Chapter 2744. of the Revised Code, insofar as it applies to 27088  
the operation of police departments, shall apply to the 27089  
contracting political subdivisions and to the police department 27090  
members when they are rendering service outside their own 27091  
subdivisions pursuant to the contracts. 27092

Police department members acting outside the subdivision in 27093  
which they are employed, pursuant to a contract entered into under 27094  
this section, shall be entitled to participate in any indemnity 27095  
fund established by their employer to the same extent as while 27096  
acting within the employing subdivision. Those members shall be 27097  
entitled to all the rights and benefits of Chapter 4123. of the 27098  
Revised Code, to the same extent as while performing service 27099  
within the subdivision. 27100

The contracts may provide for: 27101

(A) A fixed annual charge to be paid at the times agreed upon 27102  
and stipulated in the contract; 27103

(B) Compensation based upon: 27104

(1) A stipulated price for each call or emergency; 27105

(2) The number of members or pieces of equipment employed; 27106



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| (3) The elapsed time of service required in each call or emergency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 27107<br>27108                                                                                                             |
| (C) Compensation for loss or damage to equipment while engaged in rendering police services outside the limits of the subdivision owning and furnishing the equipment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 27109<br>27110<br>27111                                                                                                    |
| (D) Reimbursement of the subdivision in which the police department members are employed for any indemnity award or premium contribution assessed against the employing subdivision for workers' compensation benefits for injuries or death of its police department members occurring while engaged in rendering police services pursuant to the contract.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 27112<br>27113<br>27114<br>27115<br>27116<br>27117                                                                         |
| <b>Sec. 737.041.</b> The police department of any municipal corporation may provide police protection to any county, municipal corporation, township, <del>or</del> township police district, <u>or joint police district</u> of this state, to a park district created pursuant to section 511.18 or 1545.01 of the Revised Code, to a port authority, to any multijurisdictional drug, gang, or career criminal task force, or to a governmental entity of an adjoining state without a contract to provide police protection, upon the approval, by resolution, of the legislative authority of the municipal corporation in which the department is located and upon authorization by an officer or employee of the police department providing the police protection who is designated by title of office or position, pursuant to the resolution of the legislative authority of the municipal corporation, to give the authorization. | 27118<br>27119<br>27120<br>27121<br>27122<br>27123<br>27124<br>27125<br>27126<br>27127<br>27128<br>27129<br>27130<br>27131 |
| Chapter 2744. of the Revised Code, insofar as it applies to the operation of police departments, shall apply to any municipal corporation and to members of its police department when the members are rendering police services pursuant to this section outside the municipal corporation by which they are employed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 27132<br>27133<br>27134<br>27135<br>27136                                                                                  |
| Police department members acting, as provided in this                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 27137                                                                                                                      |

section, outside the municipal corporation by which they are 27138  
employed shall be entitled to participate in any pension or 27139  
indemnity fund established by their employer to the same extent as 27140  
while acting within the municipal corporation by which they are 27141  
employed. Those members shall be entitled to all the rights and 27142  
benefits of Chapter 4123. of the Revised Code to the same extent 27143  
as while performing services within the municipal corporation by 27144  
which they are employed. 27145

**Sec. 737.32.** Except as otherwise provided in this section and 27146  
unless the property involved is required to be disposed of 27147  
pursuant to another section of the Revised Code, property that is 27148  
unclaimed for ninety days or more shall be sold by the chief of 27149  
police of the municipal corporation, marshal of the village, or 27150  
licensed auctioneer at public auction, after notice of the sale 27151  
has been provided by publication once a week for three successive 27152  
weeks in a newspaper of general circulation in the county or as 27153  
provided in section 7.16 of the Revised Code. The proceeds of the 27154  
sale shall be paid to the treasurer of the municipal corporation 27155  
and shall be credited to the general fund of the municipal 27156  
corporation. 27157

If authorized to do so by an ordinance adopted by the 27158  
legislative authority of the municipal corporation and if the 27159  
property involved is not required to be disposed of pursuant to 27160  
another section of the Revised Code, the chief of police or 27161  
marshal may contribute property that is unclaimed for ninety days 27162  
or more to one or more public agencies, to one or more nonprofit 27163  
organizations no part of the net income of which inures to the 27164  
benefit of any private shareholder or individual and no 27165  
substantial part of the activities of which consists of carrying 27166  
on propaganda or otherwise attempting to influence legislation, or 27167  
to one or more organizations satisfying section 501(c)(3) or 27168  
(c)(19) of the Internal Revenue Code of 1986. 27169

**Sec. 737.40.** (A) The legislative authority of a municipal corporation may establish, by ordinance or resolution, a voluntary motor vehicle decal registration program to be controlled by the director of public safety of the municipal corporation and conducted by the police department of the municipal corporation. The legislative authority may establish a fee for participation in the program in an amount sufficient to cover the cost of administering the program and the cost of the decals.

(B) Any resident of the municipal corporation may enroll a motor vehicle that he owns in the program by signing a consent form, displaying the decal issued under this section, and paying the prescribed fee. The motor vehicle owner shall remove the decal to withdraw from the program and also prior to the sale or transfer of ownership of the vehicle. Any law enforcement officer may conduct, at any place within this state at which the officer would be permitted to arrest the person operating the vehicle, an investigatory stop of any motor vehicle displaying a decal issued under this section when the vehicle is being driven between the hours of one a.m. and five a.m. A law enforcement officer may conduct an investigatory stop under this division regardless of whether the officer observes a violation of law involving the vehicle or whether he has probable cause to believe that any violation of law involving the vehicle has occurred.

(C) The consent form required under division (B) of this section shall:

(1) Describe the conditions for participation in the program, including a description of an investigatory stop and a statement that any law enforcement officer may conduct, at any place within this state at which the officer would be permitted to arrest the person operating the vehicle, an investigatory stop of the motor vehicle when it is being driven between the hours of one a.m. and

five a.m. 27201

(2) Contain other information identifying the vehicle and 27202  
owner as the director of public safety of the municipal 27203  
corporation or the chief of police considers necessary. 27204

(D) The state director of public safety, in accordance with 27205  
Chapter 119. of the Revised Code, shall adopt rules governing the 27206  
color, size, and design of decals issued under this section and 27207  
the location where the decals shall be displayed on vehicles that 27208  
are enrolled in the program. 27209

(E) Divisions (A) to (D) and (G) of this section do not 27210  
require a law enforcement officer to conduct an investigatory stop 27211  
of a vehicle displaying a decal issued under this section or under 27212  
a program described in division (G) of this section. 27213

(F) As used in this section: 27214

(1) "Investigatory stop" means a temporary stop of a motor 27215  
vehicle and its operator and occupants for purposes of determining 27216  
the identity of the person who is operating the vehicle and, if 27217  
the person who is operating it is not its owner, whether any 27218  
violation of law has occurred or is occurring. An "investigatory 27219  
stop" is not an arrest, but, if an officer who conducts an 27220  
investigatory stop determines that illegal conduct has occurred or 27221  
is occurring, an "investigatory stop" may be the basis for an 27222  
arrest. 27223

(2) "Law enforcement officer" means a sheriff, deputy 27224  
sheriff, constable, police officer of a township or joint ~~township~~ 27225  
police district, marshal, deputy marshal, municipal police 27226  
officer, or state highway patrol trooper. 27227

(G) Any motor vehicle decal registration program that was in 27228  
existence on June 1, 1993, and administered by a municipal 27229  
corporation shall not be required to conform in any manner to this 27230  
section and may continue to be administered in the manner in which 27231

it was administered on that date. 27232

**Sec. 742.41.** (A) As used in this section: 27233

(1) "Other system retirant" has the same meaning as in 27234  
section 742.26 of the Revised Code. 27235

(2) "Personal history record" includes a member's, former 27236  
member's, or other system retirant's name, address, telephone 27237  
number, social security number, record of contributions, 27238  
correspondence with the Ohio police and fire pension fund, status 27239  
of any application for benefits, and any other information deemed 27240  
confidential by the trustees of the fund. 27241

(B) The treasurer of state shall furnish annually to the 27242  
board of trustees of the fund a sworn statement of the amount of 27243  
the funds in the treasurer of state's custody belonging to the 27244  
Ohio police and fire pension fund. The records of the fund shall 27245  
be open for public inspection except for the following, which 27246  
shall be excluded, except with the written authorization of the 27247  
individual concerned: 27248

(1) The individual's personal history record; 27249

(2) Any information identifying, by name and address, the 27250  
amount of a monthly allowance or benefit paid to the individual. 27251

(C) All medical reports and recommendations required are 27252  
privileged, except as follows: 27253

(1) Copies of medical reports or recommendations shall be 27254  
made available to the personal physician, attorney, or authorized 27255  
agent of the individual concerned upon written release received 27256  
from the individual or the individual's agent or, when necessary 27257  
for the proper administration of the fund, to the board-assigned 27258  
physician. 27259

(2) Documentation required by section 2929.193 of the Revised 27260  
Code shall be provided to a court holding a hearing under that 27261

section. 27262

(D) Any person who is a member of the fund or an other system 27263  
retirant shall be furnished with a statement of the amount to the 27264  
credit of the person's individual account upon the person's 27265  
written request. The fund need not answer more than one such 27266  
request of a person in any one year. 27267

(E) Notwithstanding the exceptions to public inspection in 27268  
division (B) of this section, the fund may furnish the following 27269  
information: 27270

(1) If a member, former member, or other system retirant is 27271  
subject to an order issued under section 2907.15 of the Revised 27272  
Code or an order issued under division (A) or (B) of section 27273  
2929.192 of the Revised Code or is convicted of or pleads guilty 27274  
to a violation of section 2921.41 of the Revised Code, on written 27275  
request of a prosecutor as defined in section 2935.01 of the 27276  
Revised Code, the fund shall furnish to the prosecutor the 27277  
information requested from the individual's personal history 27278  
record. 27279

(2) Pursuant to a court order issued pursuant to Chapter 27280  
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 27281  
furnish to a court or child support enforcement agency the 27282  
information required under that section. 27283

(3) At the request of any organization or association of 27284  
members of the fund, the fund shall provide a list of the names 27285  
and addresses of members of the fund and other system retirants. 27286  
The fund shall comply with the request of such organization or 27287  
association at least once a year and may impose a reasonable 27288  
charge for the list. 27289

(4) Within fourteen days after receiving from the director of 27290  
job and family services a list of the names and social security 27291  
numbers of recipients of public assistance pursuant to section 27292

5101.181 of the Revised Code, the fund shall inform the auditor of 27293  
state of the name, current or most recent employer address, and 27294  
social security number of each member or other system retirant 27295  
whose name and social security number are the same as that of a 27296  
person whose name or social security number was submitted by the 27297  
director. The fund and its employees shall, except for purposes of 27298  
furnishing the auditor of state with information required by this 27299  
section, preserve the confidentiality of recipients of public 27300  
assistance in compliance with ~~division (A)~~ of section 5101.181 of 27301  
the Revised Code. 27302

(5) The fund shall comply with orders issued under section 27303  
3105.87 of the Revised Code. 27304

On the written request of an alternate payee, as defined in 27305  
section 3105.80 of the Revised Code, the fund shall furnish to the 27306  
alternate payee information on the amount and status of any 27307  
amounts payable to the alternate payee under an order issued under 27308  
section 3105.171 or 3105.65 of the Revised Code. 27309

(6) At the request of any person, the fund shall make 27310  
available to the person copies of all documents, including 27311  
resumes, in the fund's possession regarding filling a vacancy of a 27312  
police officer employee member, firefighter employee member, 27313  
police retirant member, or firefighter retirant member of the 27314  
board of trustees. The person who made the request shall pay the 27315  
cost of compiling, copying, and mailing the documents. The 27316  
information described in this division is a public record. 27317

(7) The fund shall provide the notice required by section 27318  
742.464 of the Revised Code to the prosecutor assigned to the 27319  
case. 27320

(F) A statement that contains information obtained from the 27321  
fund's records that is signed by the secretary of the board of 27322  
trustees of the Ohio police and fire pension fund and to which the 27323

board's official seal is affixed, or copies of the fund's records 27324  
to which the signature and seal are attached, shall be received as 27325  
true copies of the fund's records in any court or before any 27326  
officer of this state. 27327

**Sec. 745.07.** An ordinance passed pursuant to section 745.06 27328  
of the Revised Code shall not take effect until submitted to the 27329  
electors of the municipal corporation, at a special or general 27330  
election held in the municipal corporation at such time as the 27331  
legislative authority determines, and approved by a majority of 27332  
the electors voting on it. The ordinance shall be passed by an 27333  
affirmative vote of not less than a majority of the members of the 27334  
legislative authority and shall be subject to the approval of the 27335  
mayor as provided by law. The ordinance shall specify the form or 27336  
phrasing of the question to be placed upon the ballot. Thirty 27337  
days' notice of the election shall be given by publication once a 27338  
week for two consecutive weeks in ~~two daily or weekly newspapers~~ 27339  
~~published or circulated~~ a newspaper of general circulation in the 27340  
municipal corporation ~~and, if~~ or as provided in section 7.16 of 27341  
the Revised Code. If the board of elections operates and maintains 27342  
a web site, notice of the election also shall be posted on that 27343  
web site for thirty days prior to the election. The notice shall 27344  
contain the full form or phrasing of the question to be submitted. 27345  
The clerk of the legislative authority shall certify the passage 27346  
of the ordinance to the officers having control of elections in 27347  
the municipal corporation, who shall cause the question to be 27348  
voted on at the general or special election as specified in the 27349  
ordinance. 27350

**Sec. 747.05.** The board of rapid transit commissioners shall 27351  
have control of the expenditure of all moneys appropriated by the 27352  
legislative authority of the city, received from the sale of bonds 27353  
provided for in sections 747.01 to 747.13, ~~inclusive,~~ of the 27354



Revised Code, or from any other source, for the purchase, 27355  
construction, improvement, maintenance, equipment, or enjoyment of 27356  
all such rapid transit property, but no liability shall be 27357  
incurred or expenditure made unless the money required therefor is 27358  
in the city treasury to the credit of the board of rapid transit 27359  
commissioners' fund and not appropriated for any other purpose. 27360  
Moneys to be derived from the sale of bonds, the issue of which 27361  
has been authorized, shall be deemed to be in the treasury to the 27362  
credit of such fund. 27363

All moneys expended for the construction and acquisition of 27364  
parkways or boulevards, as authorized by such sections, shall be 27365  
provided for partly by special appropriation or bond issue and 27366  
partly by assessments, as specified in section 747.06 of the 27367  
Revised Code, and such funds shall be separately accounted for, 27368  
and such expenditure shall not be considered a part of the rapid 27369  
transit expenditure authorized by this section. The board may let 27370  
contracts for any part of the work to the lowest and best bidder 27371  
after three weeks' advertisement in ~~two newspapers~~ a newspaper of 27372  
general circulation in the city or as provided in section 7.16 of 27373  
the Revised Code. 27374

The board may reject any bid, and the proceedings for such 27375  
contracts and payment therefor shall be the same as provided for 27376  
the director of public service except the requirement of the 27377  
approval of the board of control. 27378

**Sec. 747.11.** The board of rapid transit commissioners may 27379  
grant to any corporation organized for street or interurban 27380  
railway purposes the right to operate, by lease or otherwise, the 27381  
depots, terminals, and railways mentioned in section 747.08 of the 27382  
Revised Code upon such terms as the board is authorized by 27383  
ordinance to agree upon with such corporation, subject to the 27384  
approval of a majority of the electors of the city voting on the 27385

question. 27386

The board of rapid transit commissioners shall certify such 27387  
lease or agreement to the board of elections, which shall then 27388  
submit the question of the approval of such lease or agreement to 27389  
the qualified electors of the city at either a special or general 27390  
election as the ordinance specifies. Thirty days' notice of the 27391  
election shall be given by publication in ~~one or more of the~~ 27392  
~~newspapers published~~ a newspaper of general circulation in the 27393  
city once a week for two consecutive weeks prior to the election, 27394  
~~and, if or as provided in section 7.16 of the Revised Code.~~ If the 27395  
board of elections operates and maintains a web site, the board of 27396  
elections shall post notice of the election for thirty days prior 27397  
to the election on its web site. The notice shall set forth the 27398  
terms of the lease or agreement and the time of holding the 27399  
election. On the approval by a majority of the voters voting at 27400  
the election, the corporation may operate such depots, terminals, 27401  
and railways as provided in the lease or agreement, and 27402  
corporations organized under the laws of this state for street or 27403  
interurban railway purposes may lease and operate such depots, 27404  
terminals, and railways. 27405

**Sec. 747.12.** Whenever the board of rapid transit 27406  
commissioners of a city declares by resolution that real estate of 27407  
the city acquired for rapid transit purposes is not needed for the 27408  
proper conduct and maintenance of such rapid transit system, such 27409  
real estate may be sold or leased by the board to the highest 27410  
bidder after advertisement once a week for three consecutive weeks 27411  
in a newspaper of general circulation within the city or as 27412  
provided in section 7.16 of the Revised Code. The board may reject 27413  
any bid and readvertise until all such property is sold or leased. 27414  
When the board has twice so offered to sell or lease such 27415  
property, and it is not sold or leased, the board may privately 27416  
sell or lease it. 27417

Moneys arising from such sales or leases shall be deposited 27418  
in the treasury of the city to the credit of the board of rapid 27419  
transit commissioners' fund, and may be expended for the purchase, 27420  
construction, improvement, maintenance, equipment, and enjoyment 27421  
of the city's rapid transit property, as such board directs. 27422

Contracts, leases, deeds, bills of sale, or other instruments 27423  
in writing pertaining to such sales or leases shall be executed on 27424  
behalf of the city by the board, by its president and secretary. 27425

**Sec. 755.16.** (A) Any ~~municipal corporation, township,~~ 27426  
~~township park district, county, or school district~~ contracting 27427  
subdivision, jointly with one or more other ~~municipal~~ 27428  
~~corporations, townships, township park districts, counties, or~~ 27429  
~~school districts or with an educational service center~~ contracting 27430  
subdivisions, in any combination, and ~~a joint recreation district,~~ 27431  
may acquire property for, construct, operate, and maintain any 27432  
parks, playgrounds, playfields, gymnasiums, public baths, swimming 27433  
pools, indoor recreation centers, educational facilities, or 27434  
community centers. Any school district ~~or~~ educational service 27435  
center, or state institution of higher education may provide by 27436  
the erection of any school ~~or~~ educational service center, or 27437  
state institution of higher education building or premises, or by 27438  
the enlargement of, addition to, or reconstruction or improvement 27439  
of any school ~~or~~ educational service center, or state institution 27440  
of higher education building or premises, for the inclusion of any 27441  
such parks, recreational facilities, educational facilities, and 27442  
community centers to be jointly acquired, constructed, operated, 27443  
and maintained. Any ~~municipal corporation, township, township park~~ 27444  
~~district, county, or school district~~ contracting subdivision, 27445  
jointly with one or more other ~~municipal corporations, townships,~~ 27446  
~~township park districts, counties, or school districts or with an~~ 27447  
~~educational service center~~ contracting subdivisions, in any 27448  
combination, and ~~a joint recreation district,~~ may equip, operate, 27449

and maintain those parks, recreational facilities, educational facilities, and community centers and may appropriate money for them those purposes. ~~An educational service center also may appropriate money for purposes of equipping, operating, and maintaining those parks, recreational facilities, and community centers.~~

~~Any municipal corporation, township, township park district, county, school district, or educational service center~~ contracting subdivision agreeing to jointly acquire, construct, operate, or maintain parks, recreational facilities, educational facilities, and community centers pursuant to this section may contribute lands, money, other personal property, or services to the joint venture, as may be agreed upon. Any agreement shall specify the rights of the parties in any lands or personal property contributed.

Any lands acquired by a township park district pursuant to Chapter 511. of the Revised Code and established as a public park or parks may be contributed to a joint venture authorized by this section. Fees may be charged in connection with the use of any recreational facilities, educational facilities, and community centers that may be constructed on those lands.

(B) Any township may, jointly with a private land owner, construct, operate, equip, and maintain free public playgrounds and playfields. Any equipment provided by a township pursuant to this division shall remain township property and shall be used subject to a right of removal by the township.

(C) As used in this section and in sections 755.17 and 755.18 of the Revised Code:

(1) "Community centers" means facilities characterized by all of the following:

(a) They are acquired, constructed, operated, or maintained

by ~~political~~ contracting subdivisions ~~or an educational service~~ 27481  
~~center~~ pursuant to division (A) of this section. 27482

(b) They may be used for governmental, civic, or educational 27483  
operations or purposes, or recreational activities. 27484

(c) They may be used only by the ~~entities~~ contracting 27485  
subdivisions that acquire, construct, operate, or maintain them or 27486  
by any other person upon terms and conditions determined by those 27487  
~~entities~~ contracting subdivisions. 27488

(2) "Educational service center" has the same meaning as in 27489  
division (A) of section 3311.05 of the Revised Code. 27490

(3) "Contracting subdivision" means a municipal corporation, 27491  
township, joint recreation district, township park district, 27492  
county, school district, educational service center, or state 27493  
institution of higher education. 27494

(4) "School district" means any of the school districts or 27495  
joint vocational school districts referred to in section 3311.01 27496  
of the Revised Code. 27497

(5) "State institution of higher education" has the same 27498  
meaning as in section 3345.011 of the Revised Code. 27499

**Sec. 755.29.** The board of park trustees, before entering into 27500  
any contract for the performance of any work, the cost of which 27501  
exceeds ~~ten~~ twenty-five thousand dollars, shall cause plans and 27502  
specifications and forms of bids to be prepared, and when adopted 27503  
by the board, ~~it~~ shall have them printed for distribution among 27504  
bidders. 27505

**Sec. 755.41.** When lands lying within the limits of a 27506  
municipal corporation have been dedicated to or for the use of the 27507  
public for parks or park lands, and where such lands have remained 27508  
unimproved and unused by the public for a period of twenty-one 27509

years and there appears to be little or no possibility that such 27510  
lands will be improved and used by the public, the legislative 27511  
authority of a municipal corporation in which said lands are 27512  
located may, by ordinance, declare such parks or park lands 27513  
vacated upon the petition of a majority of the abutting 27514  
freeholders. No such parks or park lands shall be vacated unless 27515  
notice of the pendency and prayer of the petition is given, in a 27516  
newspaper of general circulation in the municipal corporation in 27517  
which such lands are situated for three consecutive weeks, or as 27518  
provided in section 7.16 of the Revised Code, preceding action on 27519  
such petition. No such lands shall be vacated prior to a public 27520  
hearing had thereon. 27521

**Sec. 755.42.** Upon the vacation of parks or park lands as 27522  
provided by section 755.41 of the Revised Code, the legislative 27523  
authority of a municipal corporation shall offer such lands for 27524  
sale at a public auction. No lands shall be sold until the 27525  
legislative authority of such municipal corporation gives notice 27526  
of intention to sell such lands. Such notice shall be published as 27527  
provided in section 7.16 of the Revised Code or once a week for 27528  
four consecutive weeks in a newspaper of general circulation in a 27529  
municipal corporation in which the sale is to be had. The 27530  
legislative authority of such municipal corporation or the board 27531  
or officer having supervision or management of such real estate 27532  
shall sell such lands to the highest and best bidder, provided 27533  
that any and all bids made hereunder may be rejected. 27534

When such sale is made, the mayor or other officer of a 27535  
municipal corporation in which sale is had and in which such lands 27536  
are located, shall enter into a deed, conveying said lands to the 27537  
purchaser thereof. At or after the time of sale, the auditor of 27538  
the county shall place the lands sold hereunder on the tax 27539  
duplicate of the county at a value to be established by ~~him~~ the 27540  
auditor as in cases where ~~he~~ the auditor re-enters property which 27541

has been tax exempt on the taxable list of the county. 27542

The proceeds from the sale of lands sold pursuant to this 27543  
section shall be placed in the general fund of the treasury of the 27544  
municipal corporation in which such lands are located and may be 27545  
disbursed as other general fund moneys. 27546

**Sec. 755.43.** When real estate ~~which~~ that has been dedicated 27547  
to or for the use of the public for parks or park lands is vacated 27548  
by the legislative authority of a municipal corporation pursuant 27549  
to section 755.41 of the Revised Code, and where reversionary 27550  
interests have been set up in the event of the non-use of such 27551  
lands for the dedicated purpose, such reversionary interests shall 27552  
accelerate and vest in the holders thereof upon such vacation. 27553  
Thereupon, the auditor of the county shall place the lands on the 27554  
tax duplicate of the county in the names of such reversionaries as 27555  
are known to and supplied by the legislative authority of the 27556  
municipal corporation or the board or officer having supervision 27557  
or management of such real estate. If the legislative authority of 27558  
such board or officer is unable to furnish the names of such 27559  
reversioners, the legislative authority of a municipal corporation 27560  
shall fix a date on or before which claims to such real estate may 27561  
be asserted and after which such real estate shall be sold. Notice 27562  
shall be given of such date and of the sale to be held thereafter, 27563  
as provided in section 7.16 of the Revised Code or once each week 27564  
for four consecutive weeks in a newspaper of general circulation 27565  
in the municipal corporation wherein such lands are located. In 27566  
the event that no claims to such lands are asserted or found to be 27567  
valid, the lands shall be sold pursuant to section 755.42 of the 27568  
Revised Code, and the title of any holders of reversionary 27569  
interests shall be extinguished. 27570

Nothing contained in sections 755.41, 755.42, or 755.43 of 27571  
the Revised Code shall be construed as limiting any of the home 27572

rule powers conferred upon municipalities by Article XVIII of the 27573  
Constitution of the State of Ohio. 27574

**Sec. 759.47.** Land belonging to a public cemetery and used for 27575  
an approach thereto, and which is, in the judgment of a majority 27576  
of the officers having control or management thereof, unnecessary 27577  
for cemetery purposes, may be sold by them at public sale to the 27578  
highest bidder after advertisement as provided in section 7.16 of 27579  
the Revised Code or once a week for five consecutive weeks in a 27580  
newspaper of general circulation within the county in which the 27581  
cemetery is situated. The board of township trustees or board of 27582  
cemetery trustees of a municipal corporation making such sale 27583  
shall execute in the name of the township or municipal corporation 27584  
owning such cemetery proper conveyances for the land so sold. 27585  
27586

**Sec. 901.09.** (A) The director of agriculture may employ and 27587  
establish a compensation rate for seasonal produce graders and 27588  
seasonal gypsy mothtrap tenders, who shall be in the unclassified 27589  
civil service. 27590

(B) In lieu of employing seasonal gypsy moth tenders as 27591  
provided in division (A) of this section, the director may 27592  
contract with qualified individuals or entities to perform gypsy 27593  
moth trapping. 27594

**Sec. 924.52.** (A) The Ohio grape industries committee may: 27595

(1) Conduct, and contract with others to conduct, research, 27596  
including the study, analysis, dissemination, and accumulation of 27597  
information obtained from the research or elsewhere, concerning 27598  
the marketing and distribution of grapes and grape products, the 27599  
storage, refrigeration, processing, and transportation of them, 27600  
and the production and product development of grapes and grape 27601  
products. The committee shall expend for these activities ~~no less~~ 27602



~~than thirty per cent and~~ no more than seventy per cent of all 27603  
money it receives from the Ohio grape industries fund created 27604  
under section 924.54 of the Revised Code. 27605

(2) Provide the wholesale and retail trade with information 27606  
relative to proper methods of handling and selling grapes and 27607  
grape products; 27608

(3) Make or contract for market surveys and analyses, 27609  
undertake any other similar activities that it determines are 27610  
appropriate for the maintenance and expansion of present markets 27611  
and the creation of new and larger markets for grapes and grape 27612  
products, and make, in the name of the committee, contracts to 27613  
render service in formulating and conducting plans and programs 27614  
and such other contracts or agreements as the committee considers 27615  
necessary for the promotion of the sale of grapes and grape 27616  
products. The committee shall expend for these activities ~~no less~~ 27617  
~~than thirty per cent and~~ no more than seventy per cent of all 27618  
money it receives from the fund. 27619

(4) Publish and distribute to producers and others 27620  
information relating to the grape and grape product industries; 27621

(5) Propose to the director of agriculture for adoption, 27622  
rescission, or amendment, pursuant to Chapter 119. of the Revised 27623  
Code, rules necessary for the exercise of its powers and the 27624  
performance of its duties; 27625

(6) Advertise for, post notices seeking, or otherwise solicit 27626  
applicants to serve in administrative positions in the department 27627  
of agriculture as employees who support the administrative 27628  
functions of the committee. Applications shall be submitted to the 27629  
committee. The committee shall select applicants that it wishes to 27630  
recommend for employment and shall submit a list of the 27631  
recommended applicants to the director. 27632

(B) The committee shall: 27633

(1) Promote the sale of grapes and grape products for the purpose of maintaining and expanding present markets and creating new and larger intrastate, interstate, and foreign markets for grapes and grape products, and inform the public of the uses and benefits of grapes and grape products;

(2) Perform all acts and exercise all powers incidental to, in connection with, or considered reasonably necessary, proper, or advisable to effectuate the purposes of this section.

**Sec. 927.69.** To effect the purpose of sections 927.51 to 927.73 of the Revised Code, the director of agriculture or the director's authorized representative may:

(A) Make reasonable inspection of any premises in this state and any property therein or thereon;

(B) Stop and inspect in a reasonable manner, any means of conveyance moving within this state upon probable cause to believe it contains or carries any pest, host, commodity, or other article that is subject to sections 927.51 to 927.72 of the Revised Code;

(C) Conduct inspections of agricultural products that are required by other states, the United States department of agriculture, other federal agencies, or foreign countries to determine whether the products are infested. If, upon making such an inspection, the director or the director's authorized representative determines that an agricultural product is not infested, the director or the director's authorized representative may issue a certificate, as required by other states, the United States department of agriculture, other federal agencies, or foreign countries, indicating that the product is not infested.

If the director charges fees for any of the certificates, agreements, or inspections specified in this section, the fees shall be as follows:

(1) ~~Phyto sanitary~~ Phytosanitary certificates, twenty-five 27664  
dollars for ~~those collectors or dealers that are licensed under~~ 27665  
~~section 927.53 of the Revised Code~~ shipments comprised exclusively 27666  
of nursery stock; 27667

(2) ~~Phyto sanitary~~ Phytosanitary certificates, one hundred 27668  
dollars for all others; 27669

(3) Phytosanitary certificates, twenty-five dollars for 27670  
replacement of an issued certificate because of a mistake on the 27671  
certificate or a change made by the shipper if no additional 27672  
inspection is required; 27673

(4) Compliance agreements, forty dollars; 27674

~~(4)~~(5) Agricultural products and their conveyances 27675  
inspections, an amount equal to the hourly rate of pay in the 27676  
highest step in the pay range, including fringe benefits, of a 27677  
plant pest control specialist multiplied by the number of hours 27678  
worked by such a specialist in conducting an inspection. 27679

The director may adopt rules under section 927.52 of the 27680  
Revised Code that define the certificates, agreements, and 27681  
inspections. 27682

The fees shall be credited to the plant pest program fund 27683  
created in section 927.54 of the Revised Code. 27684

**Sec. 951.11.** A person finding an animal at large in violation 27685  
of section 951.01 or 951.02 of the Revised Code, may, and a law 27686  
enforcement officer of a county, township, city, or village, on 27687  
view or information, shall, take and confine such animal, 27688  
forthwith giving notice thereof to the owner or keeper, if known, 27689  
and, if not known, by publishing a notice describing such animal 27690  
~~at least~~ once in a newspaper of general circulation in the county, 27691  
township, city, or village wherein the animal was found. If the 27692  
owner or keeper does not appear and claim the animal and pay the 27693

compensation prescribed in section 951.13 of the Revised Code for 27694  
so taking, advertising, and keeping it within ten days from the 27695  
date of such notice, such person or the county shall have a lien 27696  
therefor and the animal may be sold at public auction as provided 27697  
in section 1311.49 of the Revised Code, and the residue of the 27698  
proceeds of sale shall be paid and deposited by the treasurer in 27699  
the general fund of the county. 27700

**Sec. 955.011.** (A) When an application is made for 27701  
registration of an assistance dog and the owner can show proof by 27702  
certificate or other means that the dog is an assistance dog, the 27703  
owner of the dog shall be exempt from any fee for the 27704  
registration. Registration for an assistance dog shall be 27705  
permanent and not subject to annual renewal so long as the dog is 27706  
an assistance dog. Certificates and tags stamped "Ohio Assistance 27707  
Dog-Permanent Registration," with registration number, shall be 27708  
issued upon registration of such a dog. Any certificate and tag 27709  
stamped "Ohio Guide Dog-Permanent Registration" or "Ohio Hearing 27710  
Dog-Permanent Registration," with registration number, that was 27711  
issued for a dog in accordance with this section as it existed 27712  
prior to July 4, 1984, any certificate and tag stamped "Ohio 27713  
Handicapped Assistance Dog-Permanent Registration," with 27714  
registration number, that was issued for a dog in accordance with 27715  
this section as it existed on and after July 5, 1984, but prior to 27716  
November 26, 2004, and any certificate and tag stamped "Ohio 27717  
Service Dog-Permanent Registration," with registration number, 27718  
that was issued for a dog in accordance with this section as it 27719  
existed on and after November 26, 2004, but prior to ~~the effective~~ 27720  
~~date of this amendment~~ June 30, 2006, shall remain in effect as 27721  
valid proof of the registration of the dog on and after November 27722  
26, 2004. Duplicate certificates and tags for a dog registered in 27723  
accordance with this section, upon proper proof of loss, shall be 27724  
issued and no fee required. Each duplicate certificate and tag 27725

that is issued shall be stamped "Ohio Assistance Dog-Permanent  
Registration." 27726  
27727

(B) As used in this section and in sections 955.16 and 955.43 27728  
of the Revised Code: 27729

(1) "Mobility impaired person" means any person, regardless 27730  
of age, who is subject to a physiological defect or deficiency 27731  
regardless of its cause, nature, or extent that renders the person 27732  
unable to move about without the aid of crutches, a wheelchair, or 27733  
any other form of support, or that limits the person's functional 27734  
ability to ambulate, climb, descend, sit, rise, or perform any 27735  
related function. "Mobility impaired person" includes a person 27736  
with a neurological or psychological disability that limits the 27737  
person's functional ability to ambulate, climb, descend, sit, 27738  
rise, or perform any related function. "Mobility impaired person" 27739  
also includes a person with a seizure disorder and a person who is 27740  
diagnosed with autism. 27741

(2) "Blind" means either of the following: 27742

(a) Vision twenty/two hundred or less in the better eye with 27743  
proper correction; 27744

(b) Field defect in the better eye with proper correction 27745  
that contracts the peripheral field so that the diameter of the 27746  
visual field subtends an angle no greater than twenty degrees. 27747

(3) "Assistance dog" means a guide dog, hearing dog, or 27748  
service dog that has been trained by a nonprofit special agency. 27749

(4) "Guide dog" means a dog that has been trained or is in 27750  
training to assist a blind person. 27751

(5) "Hearing dog" means a dog that has been trained or is in 27752  
training to assist a deaf or hearing-impaired person. 27753

(6) "Service dog" means a dog that has been trained or is in 27754  
training to assist a mobility impaired person. 27755

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec. 955.012. (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 27756                                                                                                                                                                            |
| (1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 27757<br>27758                                                                                                                                                                   |
| (2) "Law enforcement agency" means the state highway patrol, the office of a county sheriff, the police department of a municipal corporation or township, or a township or joint <del>township</del> police district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 27759<br>27760<br>27761<br>27762                                                                                                                                                 |
| (3) "Law enforcement canine" means a dog regularly utilized by a law enforcement agency for general law enforcement purposes, tracking, or detecting the presence of a controlled substance or explosive.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 27763<br>27764<br>27765<br>27766                                                                                                                                                 |
| (B) Instead of obtaining an annual registration under section 955.01 of the Revised Code, a law enforcement agency owning, keeping, or harboring a law enforcement canine may obtain an annual registration for the dog as a law enforcement canine under this section. The application for a law enforcement canine registration shall be submitted to the county auditor of the county in which the central office of the law enforcement agency that owns, keeps, or harbors the dog is located, except that for a dog owned, kept, or harbored by the state highway patrol, the application shall be submitted to the county auditor of the county in which is located the state highway patrol post to which the dog and its handler primarily are assigned. The application shall be submitted on or after the first day of December immediately preceding the beginning of the registration year and before the thirty-first day of January of that year. If the period for filing registration applications under division (A)(1) of section 955.01 of the Revised Code is extended in the county in which a law enforcement canine is to be registered, an application for registration under this section shall be submitted to the county auditor not later than the registration deadline for that year, as | 27767<br>27768<br>27769<br>27770<br>27771<br>27772<br>27773<br>27774<br>27775<br>27776<br>27777<br>27778<br>27779<br>27780<br>27781<br>27782<br>27783<br>27784<br>27785<br>27786 |

so extended. 27787

The application for registration of a law enforcement canine 27788  
shall state the age, sex, hair color, character of hair, whether 27789  
short or long, and breed, if known, of the dog, the name and 27790  
address of the owner of the dog, and, if the law enforcement 27791  
agency keeping or harboring the dog is different from the owner, 27792  
the name of that law enforcement agency. For a dog owned, kept, or 27793  
harbored by the police department of a municipal corporation or 27794  
township or by a township or joint ~~township~~ police district, the 27795  
application shall be signed by the chief of the police department 27796  
or district. For a dog owned, kept, or harbored by the office of a 27797  
county sheriff, the application shall be signed by the sheriff. 27798  
For a dog owned, kept, or harbored by the state highway patrol, 27799  
the application shall be signed by the officer in charge of the 27800  
post of the state highway patrol to which the dog and its handler 27801  
primarily are assigned. The application shall include a 27802  
certification by the chief of the police department or district, 27803  
sheriff, or officer of the state highway patrol post, as 27804  
applicable, that the dog described in the application has been 27805  
properly trained to carry out one or more of the purposes 27806  
described in division (A)(3) of this section and actually is used 27807  
for one or more of those purposes by the law enforcement agency 27808  
making the application. 27809

No fee is required for issuance of a law enforcement canine 27810  
registration. Upon proper proof of loss, a duplicate certificate 27811  
and tag shall be issued for a dog registered under this section, 27812  
and no fee shall be required. 27813

If an application for registration of a law enforcement 27814  
canine is not filed under this section on or before the 27815  
thirty-first day of January of the registration year, or the 27816  
extended registration deadline established under division (A)(1) 27817  
of section 955.01 of the Revised Code, as applicable, the law 27818

enforcement canine shall be registered under that section, and the 27819  
registration fee and late registration penalty applicable under 27820  
divisions (A) and (B) of that section shall accompany the 27821  
application. 27822

(C) If a law enforcement agency becomes the owner, keeper, or 27823  
harborer of a law enforcement canine or brings a law enforcement 27824  
canine into the state after the thirty-first day of January of a 27825  
registration year or the extended registration deadline 27826  
established under division (A)(1) of section 955.01 of the Revised 27827  
Code, as applicable, the law enforcement agency, within thirty 27828  
days after becoming the owner, keeper, or harborer or bringing the 27829  
dog into the state, may submit an application for registration of 27830  
the dog under this section. Upon submission of the application, 27831  
the law enforcement agency shall be issued such a registration in 27832  
the manner provided in division (B) of this section. If such an 27833  
application is not filed within the thirty-day period, the dog 27834  
shall be registered under section 955.05 of the Revised Code, and 27835  
the registration fee and late registration penalty applicable 27836  
under that section or section 955.06 of the Revised Code shall 27837  
accompany the application. 27838

**Sec. 1309.528.** ~~(A)~~ All fees collected by the secretary of 27839  
state for filings under Title XIII or XVII of the Revised Code 27840  
shall be deposited into the state treasury to the credit of the 27841  
corporate and uniform commercial code filing fund, which is hereby 27842  
created. All moneys credited to the fund, ~~subject to division (B)~~ 27843  
~~of this section,~~ shall be used for the purpose of paying for the 27844  
operations of the office of the secretary of state and for the 27845  
purpose of paying for expenses relating to the processing of 27846  
filings under Title XIII or XVII of the Revised Code. 27847

~~(B) There is hereby created in the state treasury the 27848  
secretary of state business technology fund. One per cent of the 27849~~



~~money credited to the corporate and uniform commercial code filing 27850  
fund created in division (A) of this section shall be transferred 27851  
to the credit of this fund. All moneys credited to this fund shall 27852  
be used only for the upkeep, improvement, or replacement of 27853  
equipment, or for the purpose of training employees in the use of 27854  
equipment, used to conduct business of the secretary of state's 27855  
office under Title XIII or XVII of the Revised Code. 27856~~

**Sec. 1327.46.** ~~(A)~~ As used in sections 1327.46 to 1327.61 of 27857  
the Revised Code: 27858

(A) "Weights and measures" means all weights and measures of 27859  
every kind, instruments and devices for weighing and measuring, 27860  
and any appliances and accessories associated with any such 27861  
instruments and devices, except that ~~the term~~ "weights and 27862  
measures" shall not be construed to include meters for the 27863  
measurement of electricity, gas, whether natural or manufactured, 27864  
or water when the same are operated in a public utility system. 27865  
Such electricity, gas, and water meters, and appliances or 27866  
accessories associated therewith, are specifically excluded from 27867  
the purview of the weights and measures laws. 27868

(B) "Intrastate commerce" means all commerce or trade that is 27869  
begun, carried on, and completed wholly within the limits of this 27870  
state, and "introduced into intrastate commerce" defines the time 27871  
and place in which the first sale and delivery of a commodity is 27872  
made within the state, the delivery being made either directly to 27873  
the purchaser or to a common carrier for shipment to the 27874  
purchaser. 27875

(C) "Package" means any commodity put up or packaged in any 27876  
manner in advance of sale in units suitable for either wholesale 27877  
or retail sale. 27878

(D) "Consumer package" means a package that is customarily 27879  
produced or distributed for sale through a retail sales agency for 27880

|                                                                                                                                                                                                                                                                                                                                                                                                     |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| consumption by an individual or use by an individual.                                                                                                                                                                                                                                                                                                                                               | 27881                                                       |
| (E) "Weight" as used in connection with any commodity means net weight.                                                                                                                                                                                                                                                                                                                             | 27882<br>27883                                              |
| (F) "Correct" as used in connection with weights and measures means conformity with all applicable requirements of sections 1327.46 to 1327.61 of the Revised Code and rules adopted pursuant to those sections.                                                                                                                                                                                    | 27884<br>27885<br>27886<br>27887                            |
| (G) "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.                                                                                                                                                                                                                            | 27888<br>27889<br>27890                                     |
| (H) "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.                                                                                                                                                                 | 27891<br>27892<br>27893<br>27894                            |
| (I) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.                                                                                                                                                                                                                                                                                             | 27895<br>27896                                              |
| (J) "Net weight" means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. | 27897<br>27898<br>27899<br>27900<br>27901<br>27902<br>27903 |
| (K) "Random weight package" means a package that is one of a lot, shipment, or delivery of packages of the same commodity with no fixed pattern of weights.                                                                                                                                                                                                                                         | 27904<br>27905<br>27906                                     |
| <u>(L) "Sold" includes keeping, offering, or exposing for sale.</u>                                                                                                                                                                                                                                                                                                                                 | 27907                                                       |
| <u>(M) "Commercially used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and any</u>                                                                                                                                                                                                    | 27908<br>27909<br>27910                                     |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>other weighing and measuring device designated by rules adopted</u>    | 27911 |
| <u>under division (C) of section 1327.50 of the Revised Code.</u>         | 27912 |
| <u>"Commercially used weighing and measuring device" includes, but is</u> | 27913 |
| <u>not limited to, a livestock scale, vehicle scale, railway scale,</u>   | 27914 |
| <u>vehicle tank meter, bulk rack meter, and LPG meter.</u>                | 27915 |
| <u>(N) "Livestock scale" means a scale equipped with stock racks</u>      | 27916 |
| <u>and gates that is adapted to weighing livestock standing on the</u>    | 27917 |
| <u>scale platform.</u>                                                    | 27918 |
| <u>(O) "Vehicle scale" means a scale that is adapted to weighing</u>      | 27919 |
| <u>highway, farm, or other large industrial vehicles other than</u>       | 27920 |
| <u>railroad cars.</u>                                                     | 27921 |
| <u>(P) "Railway scale" means a rail scale that is designed to</u>         | 27922 |
| <u>weigh railroad cars.</u>                                               | 27923 |
| <u>(Q) "Vehicle tank meter" means a vehicle mounted device that</u>       | 27924 |
| <u>is designed for the measurement and delivery of liquid products</u>    | 27925 |
| <u>from a tank.</u>                                                       | 27926 |
| <u>(R) "Bulk rack meter" means a wholesale device, usually</u>            | 27927 |
| <u>mounted on a rack, that is designed for the measurement and</u>        | 27928 |
| <u>delivery of liquid products.</u>                                       | 27929 |
| <u>(S) "LPG meter" means a system, including a mechanism or</u>           | 27930 |
| <u>machine of the meter type, that is designed to measure and deliver</u> | 27931 |
| <u>liquefied petroleum gas in the liquid state by a definite quantity</u> | 27932 |
| <u>whether installed in a permanent location or mounted on a vehicle.</u> | 27933 |
| <b>Sec. 1327.50.</b> The director of agriculture shall:                   | 27934 |
| (A) Maintain traceability of the state standards to those of              | 27935 |
| the national institute of standards and technology;                       | 27936 |
| (B) Enforce sections 1327.46 to 1327.61 of the Revised Code;              | 27937 |
| (C) Issue reasonable rules for the uniform enforcement of                 | 27938 |
| sections 1327.46 to 1327.61 of the Revised Code, which rules shall        | 27939 |

|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| have the force and effect of law;                                             | 27940 |
| (D) Establish standards of weight, measure, or count,                         | 27941 |
| reasonable standards of fill, and standards for the voluntary                 | 27942 |
| presentation of cost per unit information for any package;                    | 27943 |
| (E) Grant any exemptions from sections 1327.46 to 1327.61 of                  | 27944 |
| the Revised Code, or any rules adopted under those sections, when             | 27945 |
| appropriate to the maintenance of good commercial practices in the            | 27946 |
| state;                                                                        | 27947 |
| (F) Conduct investigations to ensure compliance with sections                 | 27948 |
| 1327.46 to 1327.61 of the Revised Code;                                       | 27949 |
| (G) Delegate to appropriate personnel any of these                            | 27950 |
| responsibilities for the proper administration of the director's              | 27951 |
| office;                                                                       | 27952 |
| (H) Test as often as is prescribed by rule the standards of                   | 27953 |
| weight and measure used by any municipal corporation or county                | 27954 |
| within the state, and approve the same when found to be correct;              | 27955 |
| (I) Inspect and test weights and measures <del>kept, offered, or</del>        | 27956 |
| <del>exposed for sale</del> <u>that are sold</u> ;                            | 27957 |
| (J) Inspect and test to ascertain if they are correct,                        | 27958 |
| weights and measures commercially used either:                                | 27959 |
| (1) In determining the weight, measure, or count of                           | 27960 |
| commodities or things sold, <del>or offered or exposed for sale,</del> on the | 27961 |
| basis of weight, measure, or count;                                           | 27962 |
| (2) In computing the basic charge or payment for goods or                     | 27963 |
| services rendered on the basis of weight, measure, or count.                  | 27964 |
| (K) Test all weights and measures used in checking the                        | 27965 |
| receipt or disbursement of supplies in every institution, for the             | 27966 |
| maintenance of which funds are appropriated by the general                    | 27967 |
| assembly;                                                                     | 27968 |
| (L) Approve for use, and may mark, such weights and measures                  | 27969 |

as the director finds to be correct, and shall reject and mark as 27970  
rejected such weights and measures as the director finds to be 27971  
incorrect. Weights and measures that have been rejected may be 27972  
seized if not corrected within the time specified or if used or 27973  
disposed of in a manner not specifically authorized, and may be 27974  
condemned and seized if found to be incorrect and not capable of 27975  
being made correct. 27976

(M) Weigh, measure, or inspect packaged commodities ~~kept,~~ 27977  
~~offered, or exposed for sale,~~ that are sold, or in the process of 27978  
delivery to determine whether they contain the amounts represented 27979  
and whether they are ~~kept, offered, or exposed for sale~~ sold in 27980  
accordance with sections 1327.46 to 1327.61 of the Revised Code or 27981  
rules adopted under those sections. In carrying out this section, 27982  
the director shall employ recognized sampling procedures, such as 27983  
those designated in the national institute of standards and 27984  
technology handbook 133 "checking the net contents of packaged 27985  
goods." 27986

(N) Prescribe by rule the appropriate term or unit of weight 27987  
or measure to be used, whenever the director determines in the 27988  
case of a specific commodity that an existing practice of 27989  
declaring the quantity by weight, measure, numerical count, or 27990  
combination thereof, does not facilitate value comparisons by 27991  
consumers, or offers an opportunity for consumer confusion; 27992

(O) Allow reasonable variations from the stated quantity of 27993  
contents, which shall include those caused by unavoidable 27994  
deviations in good manufacturing practice and by loss or gain of 27995  
moisture during the course of good distribution practice, only 27996  
after the commodity has entered intrastate commerce; 27997

(P) Provide for the weights and measures training of 27998  
inspector personnel and establish minimum training requirements, 27999  
which shall be met by all inspector personnel, whether county, 28000  
municipal, or state; 28001

(Q) Prescribe the methods of tests and inspections to be employed in the enforcement of sections 1327.46 to 1327.61 of the Revised Code. The director may prescribe the official test and inspection forms to be used.

(R) Provide by rule for voluntary registration with the director of private weighing and measuring device servicing agencies, and personnel;

(S) In conjunction with the national institute of standards and technology, operate a type evaluation program for certification of weighing and measuring devices as part of the national type evaluation program. The director shall establish a schedule of fees for services rendered by the department of agriculture for type evaluation services. The director may require any weighing or measuring instrument or device to be traceable to a national type evaluation program certificate of conformance prior to use for commercial or law enforcement purposes.

Sec. 1327.501. (A) No person shall operate in this state a commercially used weighing and measuring device that provides the final quantity and final cost of a transaction and for which a fee is established in division (G) of this section unless the operator of the device obtains a permit issued by the director of agriculture or the director's designee.

(B) An application for a permit shall be submitted to the director on a form that the director prescribes and provides. The applicant shall include with the application any information that is specified on the application form as well as the application fee established in this section.

(C) Upon receipt of a completed application and the required fee from an applicant, the director or the director's designee shall issue or deny the permit to operate the commercially used weighing and measuring device that was the subject of the

application. 28033

(D) A permit issued under this section expires on the 28034  
thirtieth day of June of the year following its issuance and may 28035  
be renewed annually on or before the first day of July of that 28036  
year upon payment of a permit renewal fee established in this 28037  
section. 28038

(E) If a permit renewal fee is more than sixty days past due, 28039  
the director may assess a late penalty in an amount established 28040  
under this section. 28041

(F) The director shall do both of the following: 28042

(1) Establish procedures and requirements governing the 28043  
issuance or denial of permits under this section; 28044

(2) Establish late penalties to be assessed for the late 28045  
payment of a permit renewal fee and fees for the replacement of 28046  
lost or destroyed permits. 28047

(G) An applicant for a permit to operate under this section 28048  
shall pay an application fee in the following applicable amount: 28049

(1) Seventy-five dollars for a livestock scale; 28050

(2) Seventy-five dollars for a vehicle scale; 28051

(3) Seventy-five dollars for a railway scale; 28052

(4) Seventy-five dollars for a vehicle tank meter; 28053

(5) Seventy-five dollars for a bulk rack meter; 28054

(6) Seventy-five dollars for a LPG meter. 28055

A person who is issued a permit under this section and who 28056  
seeks to renew that permit shall pay an annual permit renewal fee. 28057  
The amount of a permit renewal fee shall be equal to the 28058  
application fee for that permit established in this division. 28059

(H) All money collected through the payment of fees and the 28060  
imposition of penalties under this section shall be credited to 28061

the metrology and scale certification and device permitting fund 28062  
created in section 1327.511 of the Revised Code. 28063

**Sec. 1327.51.** (A) When necessary for the enforcement of 28064  
sections 1327.46 to 1327.61 of the Revised Code or rules adopted 28065  
pursuant thereto, the director of agriculture and any weights and 28066  
measures official acting under the authority of section 1327.52 of 28067  
the Revised Code may do any of the following: 28068

(1) Enter any commercial premises during normal business 28069  
hours, except that in the event such premises are not open to the 28070  
public, ~~he~~ the director or official shall first present ~~his~~ the 28071  
director's or official's credentials and obtain consent before 28072  
making entry thereto, unless a search warrant previously has been 28073  
obtained; 28074

(2) Issue stop-use, hold, and removal orders with respect to 28075  
any weights and measures commercially used, and stop-sale, hold, 28076  
and removal orders with respect to any packaged commodities or 28077  
bulk commodity observed to be or believed to be ~~kept, offered, or~~ 28078  
~~exposed for sale~~ sold; 28079

(3) Seize for use as evidence any incorrect or unapproved 28080  
weight or measure or any package or commodity found to be used, 28081  
retained, ~~offered or exposed for sale,~~ or sold in violation of 28082  
sections 1327.46 to 1327.61 of the Revised Code or rules 28083  
~~promulgated~~ adopted pursuant thereto. 28084

(B) The director shall afford an opportunity for a hearing in 28085  
accordance with Chapter 119. of the Revised Code to any owner or 28086  
operator whose property is seized by the ~~Ohio~~ department of 28087  
agriculture. 28088

**Sec. 1327.511.** All money collected under ~~section~~ sections 28089  
1327.50 and 1327.501 of the Revised Code from fees and for 28090  
services rendered by the department of agriculture in operating 28091



the type evaluation program, a metrology laboratory program, and 28092  
the device permitting program shall be deposited in the state 28093  
treasury to the credit of the metrology and scale certification 28094  
and device permitting fund, which is hereby created. Money 28095  
credited to the fund shall be used to pay operating costs incurred 28096  
by the department in administering the ~~program~~ programs. 28097

**Sec. 1327.54.** No person shall misrepresent the price of any 28098  
commodity or service sold, ~~offered, exposed,~~ or advertised for 28099  
sale by weight, measure, or count, nor represent the price in any 28100  
manner calculated or tending to mislead or in any way deceive a 28101  
person. 28102

**Sec. 1327.57.** (A) Except as otherwise provided by law, any 28103  
consumer package or commodity in package form introduced or 28104  
delivered for introduction into or received in intrastate 28105  
commerce, ~~kept for the purpose of sale, or offered or exposed for~~ 28106  
~~sale~~ sold in intrastate commerce shall bear on the outside of the 28107  
package a definite, plain, and conspicuous declaration, as may be 28108  
prescribed by rule adopted by the director of agriculture, of any 28109  
of the following, as applicable: 28110

(1) The identity of the commodity in the package unless the 28111  
same can easily be identified through the wrapper or container; 28112

(2) The net quantity of the contents in terms of weight, 28113  
measure, or count; 28114

(3) In the case of any package ~~kept, or offered or exposed~~ 28115  
~~for sale, or~~ sold at any place other than on the premises where 28116  
packed, the name and place of business of the manufacturer, 28117  
packer, or distributor. 28118

This section does not apply to beer or intoxicating liquor as 28119  
defined in section 4301.01 of the Revised Code, or packages 28120  
thereof, or to malt or brewer's wort, or packages thereof. 28121

(B) Under division (A)(2) of this section, neither the 28122  
qualifying term "when packed" or any words of similar import, nor 28123  
any term qualifying a unit of weight, measure, or count that tends 28124  
to exaggerate the amount of commodity in a package, shall be used. 28125

(C) In addition to the declarations required by division (A) 28126  
of this section, any package or commodity in package form, if the 28127  
package is one of a lot containing random weights, measures, or 28128  
counts of the same commodity and bears the total selling price of 28129  
the package, shall bear on the outside of the package a plain and 28130  
conspicuous declaration of the price per single unit of weight, 28131  
measure, or count. 28132

(D) No package or commodity in package form shall be so 28133  
wrapped, nor shall it be in a container so made, formed, or 28134  
filled, as to mislead the purchaser as to the quantity of the 28135  
contents of the package, and the contents of a container shall not 28136  
fall below any reasonable standard of fill that may have been 28137  
prescribed for the commodity in question by the director. 28138

**Sec. 1327.62.** Whenever the director of agriculture, or ~~his~~ 28139  
the director's designee, has cause to believe that any person has 28140  
violated, or is violating, ~~section~~ any provision of sections 28141  
~~1327.54 or 1327.46~~ to 1327.61 of the Revised Code or a rule 28142  
adopted under them, he the director, or his the director's 28143  
designee, may conduct a hearing in accordance with Chapter 119. of 28144  
the Revised Code to determine whether a violation has occurred. If 28145  
the director or ~~his~~ the director's designee determines that the 28146  
person has violated or is violating ~~section 1327.54 or any~~ 28147  
provision of sections 1327.46 to 1327.61 of the Revised Code or a 28148  
rule adopted under it, he the director or the director's designee 28149  
may assess a civil penalty against the person. The person is 28150  
liable for a civil penalty of not more than five hundred dollars 28151  
for a first violation; for a second violation the person is liable 28152

for a civil penalty of not more than two thousand five hundred 28153  
dollars; for each subsequent violation that occurs within five 28154  
years after the second violation, the person is liable for a civil 28155  
penalty of not more than ten thousand dollars. 28156

Any person assessed a civil penalty under this section shall 28157  
pay the amount prescribed to the department of agriculture. The 28158  
department shall remit all moneys collected under this section to 28159  
the treasurer of state for deposit in the general revenue fund. 28160

**Sec. 1327.99.** Whoever violates section 1327.501 or 1327.54 or 28161  
division (A), (B), (C), or (D) of section 1327.61 of the Revised 28162  
Code or a rule adopted under sections 1327.46 to 1327.61 of the 28163  
Revised Code is guilty of a misdemeanor of the second degree on a 28164  
first offense; on each subsequent offense within seven years after 28165  
the first offense, such person is guilty of a misdemeanor of the 28166  
first degree. 28167

**Sec. 1329.04.** Registration of a trade name or report of a 28168  
fictitious name, under sections 1329.01 to 1329.10 of the Revised 28169  
Code, shall be effective for a term of five years from the date of 28170  
registration or report. Upon application filed within six months 28171  
prior to the expiration of such term, on a form furnished by the 28172  
secretary of state, the registration or report may be renewed at 28173  
the end of each five-year period for a like term, provided that a 28174  
general partnership shall renew its registration or report 28175  
whenever any partner named on its registration or report ceases to 28176  
be a partner. Such a renewal shall extend the registration or 28177  
report for five years, unless further changes occur in the 28178  
interim. The renewal fee specified in division (S)(3) of section 28179  
111.16 of the Revised Code, payable to the secretary of state, 28180  
shall accompany the application for renewal of the registration or 28181  
report. 28182

The secretary of state shall notify persons who have 28183  
registered trade names or reported fictitious names, within the 28184  
six months next preceding the expiration of the five years from 28185  
the date of registration or report, of the necessity of renewal by 28186  
~~writing~~ ordinary or electronic mail to the last known physical or 28187  
electronic mail address of such persons. 28188

**Sec. 1329.42.** A person who uses in this state a name, mark, 28189  
or device to indicate ownership of articles or supplies may file 28190  
in the office of the secretary of state, on a form to be 28191  
prescribed by the secretary of state, a verified statement setting 28192  
forth, but not limited to, the following information: 28193

(A) The name and business address of the person filing the 28194  
statement; and, if a corporation, the state of incorporation; 28195

(B) The nature of the business of the applicant; 28196

(C) The type of articles or supplies in connection with which 28197  
the name, mark, or device is used. 28198

The statement shall include or be accompanied by a specimen 28199  
evidencing actual use of the name, mark, or device, together with 28200  
the filing fee specified in division (U)(1) of section 111.16 of 28201  
the Revised Code. The registration of a name, mark, or device 28202  
pursuant to this section is effective for a ten-year period 28203  
beginning on the date of registration. If an application for 28204  
renewal is filed within six months prior to the expiration of the 28205  
ten-year period on a form prescribed by the secretary of state, 28206  
the registration may be renewed at the end of each ten-year period 28207  
for an additional ten-year period. The renewal fee specified in 28208  
division (U)(2) of section 111.16 of the Revised Code shall 28209  
accompany the application for renewal. The secretary of state 28210  
shall notify a registrant within the six months next preceding the 28211  
expiration of ten years from the date of registration of the 28212  
necessity of renewal by ~~writing~~ ordinary or electronic mail to the 28213

last known physical or electronic mail address of the registrant. 28214

**Sec. 1332.24.** (A)(1) In accordance with section 1332.25 of 28215  
the Revised Code, the director of commerce may issue to any 28216  
person, or renew, a video service authorization, which 28217  
authorization confers on the person the authority, subject to 28218  
sections 1332.21 to 1332.34 of the Revised Code, to provide video 28219  
service in its video service area; construct and operate a video 28220  
service network in, along, across, or on public rights-of-way for 28221  
the provision of video service; and, when necessary to provide 28222  
that service, exercise the power of a telephone company under 28223  
section 4931.04 of the Revised Code. The term of a video service 28224  
authorization or authorization renewal shall be ten years. 28225

(2) For the purposes of the "Cable Communications Policy Act 28226  
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 28227  
seq., a video service authorization shall constitute a franchise 28228  
under that law, and the director shall be the sole franchising 28229  
authority under that law for video service authorizations in this 28230  
state. 28231

(3) The director may impose upon and collect an annual 28232  
assessment on video service providers. All money collected under 28233  
division (A)(3) of this section shall be deposited in the state 28234  
treasury to the credit of the ~~division of administration~~ video 28235  
service authorization fund created under section ~~121.08~~ 1332.25 of 28236  
the Revised Code. The total amount assessed in a fiscal year shall 28237  
not exceed the lesser of four hundred fifty thousand dollars or, 28238  
as shall be determined annually by the director, the department's 28239  
actual, current fiscal year administrative costs in carrying out 28240  
its duties under sections 1332.21 to 1332.34 of the Revised Code. 28241  
The director shall allocate that total amount proportionately 28242  
among the video service providers to be assessed, using a formula 28243  
based on subscriber counts as of the thirty-first day of December 28244

of the preceding calendar year, which counts shall be submitted to 28245  
the director not later than the thirty-first day of January of 28246  
each year, via a notarized statement signed by an authorized 28247  
officer. Any information submitted by a video service provider to 28248  
the director for the purpose of determining subscriber counts 28249  
shall be considered trade secret information, shall not be 28250  
disclosed except by court order, and shall not constitute a public 28251  
record under section 149.43 of the Revised Code. On or about the 28252  
first day of June of each year, the director shall send to each 28253  
video service provider to be assessed written notice of its 28254  
proportional amount of the total assessment. The provider shall 28255  
pay that amount on a quarterly basis not later than forty-five 28256  
days after the end of each calendar quarter. After the initial 28257  
assessment, the director annually shall reconcile the amount 28258  
collected with the total, current amount assessed pursuant to this 28259  
section, and either shall charge each assessed video service 28260  
provider its respective proportion of any insufficiency or 28261  
proportionately credit the provider's next assessment for any 28262  
excess collected. 28263

(B)(1) The director may investigate alleged violations of or 28264  
failures to comply with division (A) of section 1332.23, division 28265  
(A) of this section, division (C) of section 1332.25, division (C) 28266  
or (D) of section 1332.26, division (A), (B), or (C) of section 28267  
1332.27, division (A) of section 1332.28, division (A) or (B) of 28268  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 28269  
Code, or complaints concerning any such violation or failure. 28270  
Except as provided in this section, the director has no authority 28271  
to regulate video service in this state, including, but not 28272  
limited to, the rates, terms, or conditions of that service. 28273

(2) In conducting an investigation under division (B)(1) of 28274  
this section, the director, by subpoena, may compel witnesses to 28275  
testify in relation to any matter over which the director has 28276

jurisdiction and may require the production of any book, record, 28277  
or other document pertaining to that matter. If a person fails to 28278  
file any statement or report, obey any subpoena, give testimony, 28279  
produce any book, record, or other document as required by a 28280  
subpoena, or permit photocopying of any book, record, or other 28281  
document subpoenaed, the court of common pleas of any county in 28282  
this state, upon application made to it by the director, shall 28283  
compel obedience by attachment proceedings for contempt, as in the 28284  
case of disobedience of the requirements of a subpoena issued from 28285  
the court or a refusal to testify. 28286

(C)(1) If the director finds that a person has violated or 28287  
failed to comply with division (A) of section 1332.23, division 28288  
(A) of this section, division (C) of section 1332.25, division (C) 28289  
or (D) of section 1332.26, division (A), (B), or (C) of section 28290  
1332.27, division (A) of section 1332.28, division (A) or (B) of 28291  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 28292  
Code, and the person has failed to cure the violation or failure 28293  
after reasonable, written notice and reasonable time to cure, the 28294  
director may do any of the following: 28295

(a) Apply to the court of common pleas of any county in this 28296  
state for an order enjoining the activity or requiring compliance. 28297  
Such an action shall be commenced not later than three years after 28298  
the date the alleged violation or failure occurred or was 28299  
reasonably discovered. Upon a showing by the director that the 28300  
person has engaged in a violation or failure to comply, the court 28301  
shall grant an injunction, restraining order, or other appropriate 28302  
relief. 28303

(b) Enter into a written assurance of voluntary compliance 28304  
with the person; 28305

(c) Pursuant to an adjudication under Chapter 119. of the 28306  
Revised Code, assess a civil penalty in an amount determined by 28307  
the director, including for any failure to comply with an 28308

assurance of voluntary compliance under division (C)(1)(b) of this 28309  
section. The amount shall be not more than one thousand dollars 28310  
for each day of violation or noncompliance, not to exceed a total 28311  
of ten thousand dollars, counting all subscriber impacts as a 28312  
single violation or act of noncompliance. In determining whether a 28313  
civil penalty is appropriate under division (C)(1)(c) of this 28314  
section, the director shall consider all of the following factors: 28315

- (i) The seriousness of the noncompliance; 28316
- (ii) The good faith efforts of the person to comply; 28317
- (iii) The person's history of noncompliance; 28318
- (iv) The financial resources of the person; 28319
- (v) Any other matter that justice requires. 28320

Civil penalties collected pursuant to division (C)(1)(c) of 28321  
this section shall be deposited to the credit of the video service 28322  
enforcement fund in the state treasury, which is hereby created, 28323  
to be used by the department of commerce in carrying out its 28324  
duties under this section. 28325

(2) Pursuant to an adjudication under Chapter 119. of the 28326  
Revised Code, the director may revoke, in whole or in part, the 28327  
video service authorization of any person that has repeatedly and 28328  
knowingly violated or failed to comply with division (A) of 28329  
section 1332.23, division (A) of this section, division (C) of 28330  
section 1332.25, division (C) or (D) of section 1332.26, division 28331  
(A), (B), or (C) of section 1332.27, division (A) of section 28332  
1332.28, division (A) or (B) of section 1332.29, or section 28333  
1332.30 or 1332.31 of the Revised Code and that has failed to cure 28334  
the violations or noncompliances after reasonable written notice 28335  
and reasonable time to cure. Such person acts knowingly, 28336  
regardless of the person's purpose, when the person is aware that 28337  
the person's conduct will probably cause a certain result or will 28338  
probably be of a certain nature. A person has knowledge of 28339



circumstances when the person is aware that such circumstances 28340  
probably exist. 28341

(3) The court shall conduct a de novo review in any appeal 28342  
from an adjudication under division (C)(1)(c) or (C)(2) of this 28343  
section. 28344

(D) The public utilities commission has no authority over a 28345  
video service provider in its offering of video service or a cable 28346  
operator in its offering of cable or video service, or over any 28347  
person in its offering of video service pursuant to a competitive 28348  
video service agreement. 28349

**Sec. 1345.52.** There is hereby created in the state treasury 28350  
the title defect recision fund. The fund shall consist of ~~moneys~~ 28351  
money collected under section 4505.09 of the Revised Code when a 28352  
motor vehicle dealer is issued a certificate of title, money 28353  
collected under section 4517.10 of the Revised Code when the 28354  
registrar of motor vehicles grants the initial application of a 28355  
person for a license as a motor vehicle dealer or motor vehicle 28356  
leasing dealer, money paid to the attorney general by motor 28357  
vehicle dealers under division (A)(2) of section 4505.181 of the 28358  
Revised Code for deposit into the fund, the proceeds of all sales 28359  
conducted and collections obtained by the attorney general under 28360  
division ~~(D)~~(E) of that section, and any recoveries to the fund 28361  
obtained by the attorney general in actions filed under section 28362  
1345.07 of the Revised Code for violations of section 4505.181 of 28363  
the Revised Code. 28364

~~Moneys~~ Money in the fund shall be used solely for maintaining 28365  
and administering the fund, providing restitution or other 28366  
remedies pursuant to division ~~(D)~~(E)(1) or (F) of section 4505.181 28367  
of the Revised Code to retail purchasers of motor vehicles who 28368  
suffer damages due to failure of a motor vehicle dealer or person 28369  
acting on behalf of such a dealer to comply with that section, and 28370

pursuit of deficiencies in the fund caused by the failure of motor 28371  
vehicle dealers to comply with divisions (A), (B), and (G) of that 28372  
section. The attorney general may adopt rules governing the 28373  
maintenance and administration of the fund. 28374

**Sec. 1345.73.** ~~It~~ (A) Except as provided in division (B) of 28375  
this section, it shall be presumed that a reasonable number of 28376  
attempts have been undertaken by the manufacturer, its dealer, or 28377  
its authorized agent to conform a motor vehicle to any applicable 28378  
express warranty if, during the period of one year following the 28379  
date of original delivery or during the first eighteen thousand 28380  
miles of operation, whichever is earlier, any of the following 28381  
apply: 28382

~~(A)(1)~~ Substantially the same nonconformity has been subject 28383  
to repair three or more times and either continues to exist or 28384  
recurs; 28385

~~(B)(2)~~ The vehicle is out of service by reason of repair for 28386  
a cumulative total of thirty or more calendar days; 28387

~~(C)(3)~~ There have been eight or more attempts to repair any 28388  
nonconformity; 28389

~~(D)(4)~~ There has been at least one attempt to repair a 28390  
nonconformity that results in a condition that is likely to cause 28391  
death or serious bodily injury if the vehicle is driven, and the 28392  
nonconformity either continues to exist or recurs. 28393

(B)(1) Any period of time described in division (A) of this 28394  
section shall be extended by any period of time during which the 28395  
vehicle could not be reasonably repaired due to war, invasion, 28396  
civil unrest, strike, fire, flood, or natural disaster. 28397

(2) If an extension of time is necessitated under division 28398  
(B)(1) of this section due to the conditions described in that 28399  
division, the manufacturer shall arrange for the use of a vehicle 28400

for the consumer whose vehicle is out of service at no cost to the 28401  
consumer. If the manufacturer utilizes or contracts with a motor 28402  
vehicle dealer or other third party to provide the vehicle, the 28403  
manufacturer shall reimburse the motor vehicle dealer or other 28404  
third party at a reasonable rate for the use of the vehicle. 28405

**Sec. 1501.01.** (A) Except where otherwise expressly provided, 28406  
the director of natural resources shall formulate and institute 28407  
all the policies and programs of the department of natural 28408  
resources. The chief of any division of the department shall not 28409  
enter into any contract, agreement, or understanding unless it is 28410  
approved by the director. No appointee or employee of the 28411  
director, other than the assistant director, may bind the director 28412  
in a contract except when given general or special authority to do 28413  
so by the director. 28414

The director may enter into contracts or agreements with any 28415  
agency of the United States government, any other public agency, 28416  
or any private entity or organization for the performance of the 28417  
duties of the department. 28418

(B) The director shall correlate and coordinate the work and 28419  
activities of the divisions in the department to eliminate 28420  
unnecessary duplications of effort and overlapping of functions. 28421  
The chiefs of the various divisions of the department shall meet 28422  
with the director at least once each month at a time and place 28423  
designated by the director. 28424

The director may create advisory boards to any of those 28425  
divisions in conformity with section 121.13 of the Revised Code. 28426

(C) The director may accept and expend gifts, devises, and 28427  
bequests of money, lands, and other properties on behalf of the 28428  
department or any division thereof under the terms set forth in 28429  
section 9.20 of the Revised Code. Any political subdivision of 28430  
this state may make contributions to the department for the use of 28431

the department or any division therein according to the terms of 28432  
the contribution. 28433

(D) The director may publish and sell or otherwise distribute 28434  
data, reports, and information. 28435

(E) The director may identify and develop the geographic 28436  
information system needs for the department, which may include, 28437  
but not be limited to, all of the following: 28438

(1) Assisting in the training and education of department 28439  
resource managers, administrators, and other staff in the 28440  
application and use of geographic information system technology; 28441

(2) Providing technical support to the department in the 28442  
design, preparation of data, and use of appropriate geographic 28443  
information system applications in order to help solve resource 28444  
related problems and to improve the effectiveness and efficiency 28445  
of department delivered services; 28446

(3) Creating, maintaining, and documenting spatial digital 28447  
data bases; 28448

(4) Providing information to and otherwise assisting 28449  
government officials, planners, and resource managers in 28450  
understanding land use planning and resource management; 28451

(5) Providing continuing assistance to local government 28452  
officials and others in natural resource digital data base 28453  
development and in applying and utilizing the geographic 28454  
information system for land use planning, current agricultural use 28455  
value assessment, development reviews, coastal management, and 28456  
other resource management activities; 28457

(6) Coordinating and administering the remote sensing needs 28458  
of the department, including the collection and analysis of aerial 28459  
photography, satellite data, and other data pertaining to land, 28460  
water, and other resources of the state; 28461

|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;                                                                                                                                                                                                                                                                                               | 28462<br>28463<br>28464                                     |
| (8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;                                                                                                                                                                                                                                                                                        | 28465<br>28466<br>28467                                     |
| (9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;                                                                                                                                                                                                                                                                                                                     | 28468<br>28469<br>28470                                     |
| (10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;                                                                                                                                                 | 28471<br>28472<br>28473<br>28474<br>28475                   |
| (11) Entering into agreements with local government agencies for the purposes of land use inventories, Ohio capability analysis data layers, and other duties related to resource management.                                                                                                                                                                                                                                                         | 28476<br>28477<br>28478                                     |
| (F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.                 | 28479<br>28480<br>28481<br>28482<br>28483<br>28484<br>28485 |
| (G) Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is | 28486<br>28487<br>28488<br>28489<br>28490<br>28491<br>28492 |

in addition to the authority provided by law for the appropriation 28493  
of property by divisions of the department. The director of 28494  
natural resources also may acquire by purchase, lease, or 28495  
otherwise such real and personal property rights or privileges in 28496  
the name of the state as are necessary for the purposes of the 28497  
department or any division therein. The director, with the 28498  
approval of the governor and the attorney general, may sell, 28499  
lease, or exchange portions of lands or property, real or 28500  
personal, of any division of the department or grant easements or 28501  
licenses for the use thereof, or enter into agreements for the 28502  
sale of water from lands and waters under the administration or 28503  
care of the department or any of its divisions, when the sale, 28504  
lease, exchange, easement, agreement, or license for use is 28505  
advantageous to the state, provided that such approval is not 28506  
required for leases and contracts made under section 1501.07, 28507  
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 28508  
may be sold from a reservoir only to the extent that the reservoir 28509  
was designed to yield a supply of water for a purpose other than 28510  
recreation or wildlife, and the water sold is in excess of that 28511  
needed to maintain the reservoir for purposes of recreation or 28512  
wildlife. 28513

Money received from such sales, leases, easements, exchanges, 28514  
agreements, or licenses for use, except revenues required to be 28515  
set aside or paid into depositories or trust funds for the payment 28516  
of bonds issued under sections 1501.12 to 1501.15 of the Revised 28517  
Code, and to maintain the required reserves therefor as provided 28518  
in the orders authorizing the issuance of such bonds or the trust 28519  
agreements securing such bonds, revenues required to be paid and 28520  
credited pursuant to the bond proceeding applicable to obligations 28521  
issued pursuant to section 154.22, and revenues generated under 28522  
section 1520.05 of the Revised Code, shall be deposited in the 28523  
state treasury to the credit of the fund of the division of the 28524  
department having prior jurisdiction over the lands or property. 28525

If no such fund exists, the money shall be credited to the general 28526  
revenue fund. All such money received from lands or properties 28527  
administered by the division of wildlife shall be credited to the 28528  
wildlife fund. 28529

(H) The director shall provide for the custody, safekeeping, 28530  
and deposit of all moneys, checks, and drafts received by the 28531  
department or its employees prior to paying them to the treasurer 28532  
of state under section 113.08 of the Revised Code. 28533

(I) The director shall cooperate with the nature conservancy, 28534  
other nonprofit organizations, and the United States fish and 28535  
wildlife service in order to secure protection of islands in the 28536  
Ohio river and the wildlife and wildlife habitat of those islands. 28537

(J) Any instrument by which real property is acquired 28538  
pursuant to this section shall identify the agency of the state 28539  
that has the use and benefit of the real property as specified in 28540  
section 5301.012 of the Revised Code. 28541

**Sec. 1501.022.** There is hereby created in the state treasury 28542  
the injection well review fund consisting of moneys transferred to 28543  
it under section 6111.046 of the Revised Code. Moneys in the fund 28544  
shall be used by the chiefs of the divisions of mineral resources 28545  
management, oil and gas resources management, geological survey, 28546  
and soil and water resources in the department of natural 28547  
resources exclusively for the purpose of executing their duties 28548  
under sections 6111.043 to 6111.047 of the Revised Code. 28549

**Sec. 1501.40.** The department of natural resources is the 28550  
designated state agency responsible for the coordination and 28551  
administration of sections 120 to 136 of the "National and 28552  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 28553  
12401 to 12456, as amended. With the assistance of the Ohio 28554  
~~community~~ commission on service council and volunteerism created 28555

in section 121.40 of the Revised Code, the director of natural 28556  
resources shall coordinate with other state agencies to apply for 28557  
funding under the act when appropriate and shall administer any 28558  
federal funds the state receives under sections 120 to 136 of the 28559  
act. 28560

**Sec. 1503.05.** (A) The chief of the division of forestry may 28561  
sell timber and other forest products from the state forest and 28562  
state forest nurseries whenever the chief considers such a sale 28563  
desirable and, with the approval of the attorney general and the 28564  
director of natural resources, may sell portions of the state 28565  
forest lands when such a sale is advantageous to the state. 28566

(B) Except as otherwise provided in this section, a timber 28567  
sale agreement shall not be executed unless the person or 28568  
governmental entity bidding on the sale executes and files a 28569  
surety bond conditioned on completion of the timber sale in 28570  
accordance with the terms of the agreement in an amount equal to 28571  
twenty-five per cent of the highest value cutting section. All 28572  
bonds shall be given in a form prescribed by the chief and shall 28573  
run to the state as obligee. 28574

The chief shall not approve any bond until it is personally 28575  
signed and acknowledged by both principal and surety, or as to 28576  
either by the attorney in fact thereof, with a certified copy of 28577  
the power of attorney attached. The chief shall not approve the 28578  
bond unless there is attached a certificate of the superintendent 28579  
of insurance that the company is authorized to transact a fidelity 28580  
and surety business in this state. 28581

In lieu of a bond, the bidder may deposit any of the 28582  
following: 28583

(1) Cash in an amount equal to the amount of the bond; 28584

(2) United States government securities having a par value 28585



equal to or greater than the amount of the bond; 28586

(3) Negotiable certificates of deposit or irrevocable letters 28587  
of credit issued by any bank organized or transacting business in 28588  
this state having a par value equal to or greater than the amount 28589  
of the bond. 28590

The cash or securities shall be deposited on the same terms 28591  
as bonds. If one or more certificates of deposit are deposited in 28592  
lieu of a bond, the chief shall require the bank that issued any 28593  
of the certificates to pledge securities of the aggregate market 28594  
value equal to the amount of the certificate or certificates that 28595  
is in excess of the amount insured by the federal deposit 28596  
insurance corporation. The securities to be pledged shall be those 28597  
designated as eligible under section 135.18 of the Revised Code. 28598  
The securities shall be security for the repayment of the 28599  
certificate or certificates of deposit. 28600

Immediately upon a deposit of cash, securities, certificates 28601  
of deposit, or letters of credit, the chief shall deliver them to 28602  
the treasurer of state, who shall hold them in trust for the 28603  
purposes for which they have been deposited. The treasurer of 28604  
state is responsible for the safekeeping of the deposits. A bidder 28605  
making a deposit of cash, securities, certificates of deposit, or 28606  
letters of credit may withdraw and receive from the treasurer of 28607  
state, on the written order of the chief, all or any portion of 28608  
the cash, securities, certificates of deposit, or letters of 28609  
credit upon depositing with the treasurer of state cash, other 28610  
United States government securities, or other negotiable 28611  
certificates of deposit or irrevocable letters of credit issued by 28612  
any bank organized or transacting business in this state, equal in 28613  
par value to the par value of the cash, securities, certificates 28614  
of deposit, or letters of credit withdrawn. 28615

A bidder may demand and receive from the treasurer of state 28616  
all interest or other income from any such securities or 28617

certificates as it becomes due. If securities so deposited with 28618  
and in the possession of the treasurer of state mature or are 28619  
called for payment by their issuer, the treasurer of state, at the 28620  
request of the bidder who deposited them, shall convert the 28621  
proceeds of the redemption or payment of the securities into other 28622  
United States government securities, negotiable certificates of 28623  
deposit, or cash as the bidder designates. 28624

When the chief finds that a person or governmental agency has 28625  
failed to comply with the conditions of the person's or 28626  
governmental agency's bond, the chief shall make a finding of that 28627  
fact and declare the bond, cash, securities, certificates, or 28628  
letters of credit forfeited. The chief thereupon shall certify the 28629  
total forfeiture to the attorney general, who shall proceed to 28630  
collect the amount of the bond, cash, securities, certificates, or 28631  
letters of credit. 28632

In lieu of total forfeiture, the surety, at its option, may 28633  
cause the timber sale to be completed or pay to the treasurer of 28634  
state the cost thereof. 28635

All moneys collected as a result of forfeitures of bonds, 28636  
cash, securities, certificates, and letters of credit under this 28637  
section shall be credited to the state forest fund created in this 28638  
section. 28639

(C) The chief may grant easements and leases on portions of 28640  
the state forest lands and state forest nurseries under terms that 28641  
are advantageous to the state, and the chief may grant mineral 28642  
rights on a royalty basis on those lands and nurseries, with the 28643  
approval of the attorney general and the director. 28644

(D) All moneys received from the sale of state forest lands, 28645  
or in payment for easements or leases on or as rents from those 28646  
lands or from state forest nurseries, shall be paid into the state 28647  
treasury to the credit of the state forest fund, which is hereby 28648

created. In addition, all moneys received from federal grants, 28649  
payments, and reimbursements, from the sale of reforestation tree 28650  
stock, from the sale of forest products, other than standing 28651  
timber, and from the sale of minerals taken from the state forest 28652  
lands and state forest nurseries, together with royalties from 28653  
mineral rights, shall be paid into the state treasury to the 28654  
credit of the state forest fund. Any other revenues derived from 28655  
the operation of the state forests and related facilities or 28656  
equipment also shall be paid into the state treasury to the credit 28657  
of the state forest fund, as shall contributions received for the 28658  
issuance of Smokey Bear license plates under section 4503.574 of 28659  
the Revised Code and any other moneys required by law to be 28660  
deposited in the fund. 28661

The state forest fund shall not be expended for any purpose 28662  
other than the administration, operation, maintenance, 28663  
development, or utilization of the state forests, forest 28664  
nurseries, and forest programs, for facilities or equipment 28665  
incident to them, or for the further purchase of lands for state 28666  
forest or forest nursery purposes and, in the case of 28667  
contributions received pursuant to section 4503.574 of the Revised 28668  
Code, for fire prevention purposes. 28669

All moneys received from the sale of standing timber taken 28670  
from state forest lands and state forest nurseries shall be 28671  
deposited into the state treasury to the credit of the forestry 28672  
holding account redistribution fund, which is hereby created. The 28673  
moneys shall remain in the fund until they are redistributed in 28674  
accordance with this division. 28675

The redistribution shall occur at least once each year. To 28676  
begin the redistribution, the chief first shall determine the 28677  
amount of all standing timber sold from state forest lands and 28678  
state forest nurseries, together with the amount of the total sale 28679  
proceeds, in each county, in each township within the county, and 28680

in each school district within the county. The chief next shall 28681  
determine the amount of the direct costs that the division of 28682  
forestry incurred in association with the sale of that standing 28683  
timber. The amount of the direct costs shall be subtracted from 28684  
the amount of the total sale proceeds and shall be transferred 28685  
from the forestry holding account redistribution fund to the state 28686  
forest fund. 28687

The remaining amount of the total sale proceeds equals the 28688  
net value of the standing timber that was sold. The chief shall 28689  
determine the net value of standing timber sold from state forest 28690  
lands and state forest nurseries in each county, in each township 28691  
within the county, and in each school district within the county 28692  
and shall send to each county treasurer a copy of the 28693  
determination at the time that moneys are paid to the county 28694  
treasurer under this division. 28695

~~Twenty-five~~ Thirty-five per cent of the net value of standing 28696  
timber sold from state forest lands and state forest nurseries 28697  
located in a county shall be transferred from the forestry holding 28698  
account redistribution fund to the state forest fund. ~~Ten per cent~~ 28699  
~~of that net value shall be transferred from the forestry holding~~ 28700  
~~account redistribution fund to the general revenue fund.~~ The 28701  
remaining sixty-five per cent of the net value shall be 28702  
transferred from the forestry holding account redistribution fund 28703  
and paid to the county treasurer for the use of the general fund 28704  
of that county. 28705

The county auditor shall do all of the following: 28706

(1) Retain for the use of the general fund of the county 28707  
one-fourth of the amount received by the county under division (D) 28708  
of this section; 28709

(2) Pay into the general fund of any township located within 28710  
the county and containing such lands and nurseries one-fourth of 28711

the amount received by the county from standing timber sold from 28712  
lands and nurseries located in the township; 28713

(3) Request the board of education of any school district 28714  
located within the county and containing such lands and nurseries 28715  
to identify which fund or funds of the district should receive the 28716  
moneys available to the school district under division (D)(3) of 28717  
this section. After receiving notice from the board, the county 28718  
auditor shall pay into the fund or funds so identified one-half of 28719  
the amount received by the county from standing timber sold from 28720  
lands and nurseries located in the school district, distributed 28721  
proportionately as identified by the board. 28722

The division of forestry shall not supply logs, lumber, or 28723  
other forest products or minerals, taken from the state forest 28724  
lands or state forest nurseries, to any other agency or 28725  
subdivision of the state unless payment is made therefor in the 28726  
amount of the actual prevailing value thereof. This section is 28727  
applicable to the moneys so received. 28728

(E) The chief may enter into a personal service contract for 28729  
consulting services to assist the chief with the sale of timber or 28730  
other forest products and related inventory. Compensation for 28731  
consulting services shall be paid from the proceeds of the sale of 28732  
timber or other forest products and related inventory that are the 28733  
subject of the personal service contract. 28734

**Sec. 1503.141.** There is hereby created in the state treasury 28735  
the wildfire suppression fund. The fund shall consist of any 28736  
federal moneys received for the purposes of this section and 28737  
donations, gifts, bequests, and other moneys received for those 28738  
purposes. In addition, the chief of the division of forestry 28739  
annually may request that the director of budget and management 28740  
transfer, and, if so requested, the director shall transfer, not 28741  
more than one hundred thousand dollars to the wildfire suppression 28742

fund from the ~~general revenue~~ state forest fund created in section 28743  
1503.05 of the Revised Code. The amount transferred shall consist 28744  
only of money deposited into the ~~general revenue~~ state forest fund 28745  
from the sale of standing timber taken from state forest lands as 28746  
set forth in that section ~~1503.05 of the Revised Code~~. 28747

The chief shall use moneys in the wildfire suppression fund 28748  
to reimburse firefighting agencies and private fire companies for 28749  
their costs incurred in the suppression of wildfires. The chief 28750  
shall provide such reimbursement pursuant to agreements and 28751  
contracts entered into under section 1503.14 of the Revised Code 28752  
and in accordance with the following schedule: 28753

(A) For wildfire suppression on private land, an initial 28754  
seventy-dollar payment to the firefighting agency or private fire 28755  
company; 28756

(B) For wildfire suppression on land under the administration 28757  
or care of the department of natural resources or on land that is 28758  
part of any national forest administered by the United States 28759  
department of agriculture forest service, an initial 28760  
one-hundred-dollar payment to the firefighting agency or private 28761  
fire company; 28762

(C) For any wildfire suppression on land specified in 28763  
division (A) or (B) of this section lasting more than two hours, 28764  
an additional payment of thirty-five dollars per hour. 28765

If at any time moneys in the fund exceed two hundred thousand 28766  
dollars, the chief shall disburse the moneys that exceed that 28767  
amount to the firefighting agencies and private fire companies in 28768  
accordance with rules that the chief shall adopt in accordance 28769  
with Chapter 119. of the Revised Code. The rules shall establish 28770  
requirements and procedures that are similar in purpose and 28771  
operation to the federal rural community fire protection program 28772  
established under the "Cooperative Forestry Assistance Act of 28773

1978," 92 Stat. 365, 16 U.S.C.A. 2101, as amended. 28774

As used in this section, "firefighting agency" and "private 28775  
fire company" have the same meanings as in section 9.60 of the 28776  
Revised Code. 28777

**Sec. 1505.01.** The division of geological survey: 28778

(A) Shall collect, study, and interpret all available 28779  
information pertaining to the geomorphology, stratigraphy, 28780  
paleontology, mineralogy, and geologic structure of the state and 28781  
shall publish reports on the same; 28782

(B) Shall collect, study, and interpret all available data 28783  
pertaining to the origin, distribution, extent, use, and valuation 28784  
of mineralogical and geological raw materials and natural 28785  
resources such as: clays, coals, building stones, gypsum, salt, 28786  
limestones ~~and, dolomite, aggregates, sand, gravel,~~ shales ~~for~~ 28787  
~~cement and other uses, petroleum, oil, natural~~ gas, brines, ~~saline~~ 28788  
~~deposits,~~ molding sands, and other natural substances of use and 28789  
value, excluding only those pertaining to water usable as such for 28790  
agricultural, industrial, commercial, and domestic purposes, but 28791  
not excluding other rock fluids such as natural and artificial 28792  
brines and oil-well fluids; 28793

(C) Shall make special studies and reports of resources of 28794  
geological nature within the state ~~which~~ that in its discretion 28795  
are of current or potential economic, environmental, or 28796  
educational significance or of significance to the health, 28797  
welfare, and safety of the public; 28798

(D) May examine the technological processes by which mining, 28799  
quarrying, or other extracting processes may be improved, or by 28800  
which materials now uneconomical to exploit may be extracted and 28801  
used commercially for the public welfare; 28802

(E) Shall make, store, catalog, and have available ~~for~~ 28803

distribution in perpetuity data, maps, diagrams, records, rock 28804  
cores, samples, profiles, and geologic sections portraying the 28805  
geological characteristics and topography of the state, both of 28806  
general nature and of specific localities; 28807

(F) ~~May, or at the request of other agencies of the state~~ 28808  
~~government shall,~~ advise and, consult, or collaborate with 28809  
representatives of ~~these~~ agencies of the state, other state 28810  
governments, or the United States government on problems or issues 28811  
of a geological nature; 28812

(G) Shall advise, consult, or collaborate with 28813  
representatives of agencies of the state, other state governments, 28814  
or the United States government on problems or issues of a 28815  
geological nature when requested by such an agency or government; 28816

(H) May create custom maps, custom data sets, or other custom 28817  
products for government agencies, colleges and universities, and 28818  
persons; 28819

(I) May provide information on the geological nature of the 28820  
state to government agencies, colleges and universities, and 28821  
persons. 28822

**Sec. 1505.04.** (A) Any person, firm, government agency, or 28823  
corporation who, for hire, or by its own forces for economic use 28824  
or exploration, drills, bores, or digs within the state a well for 28825  
the production or extraction of any gas or liquid, excluding only 28826  
water to be used as such, but including natural or artificial 28827  
brines and oil-filled waters, or who drills wells, bores, or digs 28828  
within the state a well to explore geological formations, shall 28829  
keep a careful and accurate log of ~~such~~ the activity and report 28830  
the same together with the results of any rock or fluid analyses 28831  
or of any production test results or pressure tests in such form 28832  
as is designated by the division of geological survey to the chief 28833  
of the division of geological survey. 28834



(B) The division may file such well logs and establish and observe such regulations regarding their availability and use as will meet the legitimate requirements of the owner or lessee of the well. Personnel of the division ~~of~~ may examine any such well during its construction to confirm the accuracy of the log and to collect samples of the cores, chips, fluids, gases, or sludge.

(C) No person, firm, agency, or corporation shall fail to keep an accurate log or file a report as required in division (A) of this section.

**Sec. 1505.05.** (A) Notwithstanding any other provision of the Revised Code to the contrary, the chief of the division of geological survey shall adopt rules under Chapter 119. of the Revised Code that establish a fee schedule for requests for manipulated, interpreted, or analyzed data from the geologic records, data, maps, rock cores, and samples archived by the division. The fee schedule may include the cost of specialized storage requirements, programming, labor, research, retrieval, data manipulation, and copying and mailing of records requested from the archives. In addition, the rules shall establish procedures for the levying and collection of the fees in the fee schedule.

(B) For purposes of divisions (H) and (I) of section 1505.01 of the Revised Code, the chief shall adopt rules under Chapter 119. of the Revised Code that establish a fee schedule to be paid for creating custom maps, custom data sets, and other custom products and for providing geological information of the state. The fee schedule may include the costs of labor, research, analysis, equipment, and technology. In addition, the rules shall establish procedures for the levying and collection of the fees in the fee schedule.

(C) The chief may reduce or waive a fee in a fee schedule

established in rules adopted under division (A) or (B) of this 28866  
section for a student that is enrolled in an institution of higher 28867  
education. 28868

(D) Any revision to a fee schedule established in rules 28869  
adopted under division (A) or (B) of this section shall be 28870  
established in rules adopted under Chapter 119. of the Revised 28871  
Code. A revision to a fee schedule is subject to review by the 28872  
Ohio geology advisory council created in section 1505.11 of the 28873  
Revised Code and to approval by the director of natural resources. 28874

(E) All fees collected under this section shall be credited 28875  
to the geological mapping fund created in section 1505.09 of the 28876  
Revised Code. 28877

**Sec. 1505.06.** The chief of the division of geological survey 28878  
in the discharge of ~~his~~ official duties under ~~section~~ sections 28879  
1505.01 to 1505.08, ~~inclusive,~~ of the Revised Code, may call to 28880  
~~his~~ the chief's assistance, temporarily, any engineers or other 28881  
employees in any state department, or in the Ohio state 28882  
university, or other educational institutions financed wholly or 28883  
in part by the state, for the purpose of making studies, surveys, 28884  
maps, and plans for ~~erosion~~ economic development or geologic 28885  
hazards projects. 28886

Such engineers and employees shall not receive any additional 28887  
compensation over that which they receive from the departments by 28888  
which they are employed, but they shall be reimbursed for their 28889  
actual necessary expenses incurred while working under the 28890  
direction of the chief on ~~erosion~~ the projects. 28891

**Sec. 1505.09.** There is hereby created in the state treasury 28892  
the geological mapping fund, to be administered by the chief of 28893  
the division of geological survey. The fund shall be used 28894  
~~exclusively~~ for the purposes of performing the necessary field, 28895

laboratory, and administrative tasks to map and make public 28896  
reports on the geology, geologic hazards, and energy and mineral 28897  
resources ~~of each county~~ of the state. The source of moneys for 28898  
the fund shall include, but not be limited to, the mineral 28899  
severance tax as specified in section 5749.02 of the Revised Code 28900  
and the fees collected under rules adopted under section 1505.05 28901  
of the Revised Code. The chief may seek federal or other moneys in 28902  
addition to the mineral severance tax and fees to carry out the 28903  
purposes of this section. If the chief receives federal moneys for 28904  
the purposes of this section, ~~he~~ the chief shall deposit those 28905  
moneys into the state treasury to the credit of a fund ~~which shall~~ 28906  
~~be created at that time~~ by the controlling board to carry out 28907  
those purposes. Other moneys received by the chief for the 28908  
purposes of this section in addition to the mineral severance tax, 28909  
fees, and federal moneys shall be credited to the geological 28910  
mapping fund. 28911

**Sec. 1505.11.** There is hereby created in the department of 28912  
natural resources the Ohio geology advisory council consisting of 28913  
seven members to be appointed by the governor with the advice and 28914  
consent of the senate. No more than four of the members shall be 28915  
of the same political party. Members shall be persons who have a 28916  
demonstrated interest in ~~Ohio~~ the geology and mineral resources of 28917  
this state and whose expertise reflects the various 28918  
responsibilities of the division of geological survey. The council 28919  
shall include at least one representative from each of the 28920  
following: the oil and gas industry, the industrial minerals 28921  
industry, the coal industry, hydrogeology interests, environmental 28922  
geology interests, and an institution of higher education in this 28923  
state. The chief of the division of geological survey may 28924  
participate in the deliberations of the council, but shall not 28925  
vote. 28926

Within ninety days after ~~the effective date of this section~~ 28927

May 3, 1990, the governor shall make initial appointments to the 28928  
council. Of the initial appointments, three shall be for a term 28929  
ending one year after ~~the effective date of this section~~ May 3, 28930  
1990, three shall be for a term ending two years after ~~the~~ 28931  
~~effective date of this section~~ May 3, 1990, and one shall be for a 28932  
term ending three years after ~~the effective date of this section~~ 28933  
May 3, 1990. Thereafter, terms of office shall be for three years, 28934  
with each term ending on the same day of the same month as did the 28935  
term that it succeeds. Members may be reappointed. The governor 28936  
may remove any member at any time for inefficiency, neglect of 28937  
duty, or malfeasance in office. Vacancies shall be filled in the 28938  
manner provided for original appointments. Any member appointed to 28939  
fill a vacancy prior to the expiration date of the term for which 28940  
~~his~~ the member's predecessor was appointed shall hold office as a 28941  
member for the remainder of that term. A member shall continue in 28942  
office subsequent to the expiration date of ~~his~~ the member's term 28943  
until ~~his~~ the member's successor takes office or until a period of 28944  
sixty days has elapsed, whichever occurs first. 28945

Serving as an appointed member on the council does not 28946  
constitute holding a public office or position of employment under 28947  
the laws of this state and does not constitute grounds for removal 28948  
of public officers or employees from their offices or positions of 28949  
employment. 28950

Members shall serve without compensation, but shall be 28951  
reimbursed for their actual and necessary expenses incurred in the 28952  
performance of their official duties from moneys appropriated to 28953  
the division. 28954

The council annually shall select from its members a ~~chairman~~ 28955  
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 28956  
shall hold at least one meeting each calendar quarter and shall 28957  
keep a record of its proceedings, which shall be open to public 28958  
inspection. Special meetings may be called by the ~~chairman~~ 28959

chairperson and shall be called upon the written request of two or 28960  
more members. A majority of the members constitutes a quorum. The 28961  
division shall furnish clerical, technical, legal, and other 28962  
services required by the council in the performance of its duties. 28963

The council shall do all of the following: 28964

(A) Advise the chief ~~of the division of geological survey~~ in 28965  
carrying out the duties of the division under this chapter; 28966

(B) Recommend policy and legislation with respect to geology, 28967  
resource analysis, and management that will promote the economic 28968  
and industrial development of the state while minimizing threats 28969  
to the natural environment of the state; 28970

(C) Review and make recommendations on the development of 28971  
plans and programs for long-term, comprehensive geologic mapping 28972  
and analysis throughout the state; 28973

(D) Recommend ways to enhance cooperation among governmental 28974  
agencies having an interest in ~~Ohio~~ the geology of the state to 28975  
encourage wise use and management of the geology and mineral 28976  
resources of the state. To this end, the council shall request 28977  
nonvoting representation from appropriate governmental agencies. 28978

(E) Review and make recommendations with respect to changes 28979  
in the fee schedules established in rules adopted under section 28980  
1505.05 of the Revised Code. 28981

**Sec. 1505.99.** (A) Whoever violates section 1505.07 of the 28982  
Revised Code shall be fined not less than one thousand nor more 28983  
than two thousand dollars on a first offense; on each subsequent 28984  
offense, the person shall be fined not less than two thousand nor 28985  
more than five thousand dollars. 28986

(B) Whoever violates section 1505.04 or 1505.10 of the 28987  
Revised Code shall be fined not less than one hundred nor more 28988  
than one thousand dollars on a first offense; on each subsequent 28989

offense, the person shall be fined not less than one thousand nor 28990  
more than two thousand dollars. Notwithstanding any section of the 28991  
Revised Code relating to the distribution or crediting of fines 28992  
for violations of the Revised Code, all fines imposed under this 28993  
division shall be paid into the geological mapping fund created in 28994  
section 1505.09 of the Revised Code. 28995

**Sec. 1506.21.** (A) There is hereby created the Ohio Lake Erie 28996  
commission, consisting of the directors of environmental 28997  
protection, natural resources, health, agriculture, and 28998  
transportation, or their designees, and five additional members 28999  
appointed by the governor who shall serve at the pleasure of the 29000  
governor. The members of the commission annually shall designate a 29001  
chairperson, who shall preside at the meetings of the commission, 29002  
and a secretary. 29003

The commission shall hold at least one meeting every three 29004  
months. The secretary of the commission shall keep a record of its 29005  
proceedings. Special meetings shall be held at the call of the 29006  
chairperson or upon the request of four members of the commission. 29007  
All meetings and records of the commission shall be open to the 29008  
public. ~~Three~~ Six members of the commission constitute a quorum. 29009  
The agencies represented on the commission shall furnish clerical, 29010  
technical, and other services required by the commission in the 29011  
performance of its duties. 29012

(B) The commission shall do all of the following: 29013

(1) Ensure the coordination of state and local policies and 29014  
programs pertaining to Lake Erie water quality, toxic pollution 29015  
control, and resource protection; 29016

(2) Review, and make recommendations concerning, the 29017  
development and implementation of policies, programs, and issues 29018  
for long-term, comprehensive protection of Lake Erie water 29019  
resources and water quality that are consistent with the great 29020

|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| lakes water quality agreement and the great lakes toxic substances control agreement;                                                                                                                                                                                                                                                                                                                         | 29021<br>29022                                              |
| (3) Recommend policies and programs to modify the coastal management program of this state;                                                                                                                                                                                                                                                                                                                   | 29023<br>29024                                              |
| (4) At each regular meeting, consider matters relating to the implementation of sections 1506.22 and 1506.23 of the Revised Code;                                                                                                                                                                                                                                                                             | 29025<br>29026<br>29027                                     |
| (5) Publish and submit the Lake Erie protection agenda in accordance with division (C) of section 1506.23 of the Revised Code;                                                                                                                                                                                                                                                                                | 29028<br>29029<br>29030                                     |
| (6) Ensure the implementation of a basinwide approach to Lake Erie issues;                                                                                                                                                                                                                                                                                                                                    | 29031<br>29032                                              |
| (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;                                                                                                                                                                                                         | 29033<br>29034<br>29035<br>29036                            |
| (8) Promote education concerning the wise management of the resources of Lake Erie;                                                                                                                                                                                                                                                                                                                           | 29037<br>29038                                              |
| (9) Establish public advisory councils as considered necessary to assist in programs established under this section and sections 1506.22 and 1506.23 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. | 29039<br>29040<br>29041<br>29042<br>29043<br>29044<br>29045 |
| (10) Prepare and submit the report required under division (D) of section 1506.23 of the Revised Code.                                                                                                                                                                                                                                                                                                        | 29046<br>29047                                              |
| (C) Each state agency, upon the request of the commission, shall cooperate in the implementation of this section and sections 1506.22 and 1506.23 of the Revised Code.                                                                                                                                                                                                                                        | 29048<br>29049<br>29050                                     |

|                                                                                                                                                                                                                                                                                                      |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Sec. 1509.01. As used in this chapter:                                                                                                                                                                                                                                                               | 29051                                     |
| (A) "Well" means any borehole, whether drilled or bored,<br>within the state for production, extraction, or injection of any<br>gas or liquid mineral, excluding potable water to be used as such,<br>but including natural or artificial brines and oil field waters.                               | 29052<br>29053<br>29054<br>29055          |
| (B) "Oil" means crude petroleum oil and all other<br>hydrocarbons, regardless of gravity, that are produced in liquid<br>form by ordinary production methods, but does not include<br>hydrocarbons that were originally in a gaseous phase in the<br>reservoir.                                      | 29056<br>29057<br>29058<br>29059<br>29060 |
| (C) "Gas" means all natural gas and all other fluid<br>hydrocarbons that are not oil, including condensate.                                                                                                                                                                                          | 29061<br>29062                            |
| (D) "Condensate" means liquid hydrocarbons that were<br>originally in the gaseous phase in the reservoir.                                                                                                                                                                                            | 29063<br>29064                            |
| (E) "Pool" means an underground reservoir containing a common<br>accumulation of oil or gas, or both, but does not include a gas<br>storage reservoir. Each zone of a geological structure that is<br>completely separated from any other zone in the same structure may<br>contain a separate pool. | 29065<br>29066<br>29067<br>29068<br>29069 |
| (F) "Field" means the general area underlaid by one or more<br>pools.                                                                                                                                                                                                                                | 29070<br>29071                            |
| (G) "Drilling unit" means the minimum acreage on which one<br>well may be drilled, but does not apply to a well for injecting<br>gas into or removing gas from a gas storage reservoir.                                                                                                              | 29072<br>29073<br>29074                   |
| (H) "Waste" includes all of the following:                                                                                                                                                                                                                                                           | 29075                                     |
| (1) Physical waste, as that term generally is understood in<br>the oil and gas industry;                                                                                                                                                                                                             | 29076<br>29077                            |
| (2) Inefficient, excessive, or improper use, or the<br>unnecessary dissipation, of reservoir energy;                                                                                                                                                                                                 | 29078<br>29079                            |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (3) Inefficient storing of oil or gas;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 29080                                                                                                             |
| (4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 29081<br>29082<br>29083<br>29084<br>29085<br>29086                                                                |
| (5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 29087<br>29088                                                                                                    |
| (I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 29089<br>29090<br>29091<br>29092<br>29093                                                                         |
| (J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 29094<br>29095                                                                                                    |
| (K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not include a person who obtains a lease of the mineral rights for oil and gas on a parcel of land if the person does not attempt to produce or produce oil or gas from a well or obtain a permit under this chapter for a well or if the entire interest of a well is transferred to the person in accordance with division (B) of section 1509.31 of the Revised Code. | 29096<br>29097<br>29098<br>29099<br>29100<br>29101<br>29102<br>29103<br>29104<br>29105<br>29106<br>29107<br>29108 |
| (L) "Royalty interest" means the fee holder's share in the production from a well.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 29109<br>29110                                                                                                    |

(M) "Discovery well" means the first well capable of producing oil or gas in commercial quantities from a pool.

(N) "Prepared clay" means a clay that is plastic and is thoroughly saturated with fresh water to a weight and consistency great enough to settle through saltwater in the well in which it is to be used, except as otherwise approved by the chief of the division of ~~mineral~~ oil and gas resources management.

(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.

(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.

(Q) "Coal bearing township" means a township designated as such by the chief of the division of mineral resources management under section 1561.06 of the Revised Code.

(R) "Gas storage reservoir" means a continuous area of a subterranean porous sand or rock stratum or strata into which gas is or may be injected for the purpose of storing it therein and removing it therefrom and includes a gas storage reservoir as defined in section 1571.01 of the Revised Code.

(S) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and regulations adopted under those acts.

(T) "Person" includes any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.

(U) "Brine" means all saline geological formation water 29141  
resulting from, obtained from, or produced in connection with 29142  
exploration, drilling, well stimulation, production of oil or gas, 29143  
or plugging of a well. 29144

(V) "Waters of the state" means all streams, lakes, ponds, 29145  
marshes, watercourses, waterways, springs, irrigation systems, 29146  
drainage systems, and other bodies of water, surface or 29147  
underground, natural or artificial, that are situated wholly or 29148  
partially within this state or within its jurisdiction, except 29149  
those private waters that do not combine or effect a junction with 29150  
natural surface or underground waters. 29151

(W) "Exempt Mississippian well" means a well that meets all 29152  
of the following criteria: 29153

(1) Was drilled and completed before January 1, 1980; 29154

(2) Is located in an unglaciated part of the state; 29155

(3) Was completed in a reservoir no deeper than the 29156  
Mississippian Big Injun sandstone in areas underlain by 29157  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 29158  
sandstone in areas directly underlain by Permian stratigraphy; 29159

(4) Is used primarily to provide oil or gas for domestic use. 29160

(X) "Exempt domestic well" means a well that meets all of the 29161  
following criteria: 29162

(1) Is owned by the owner of the surface estate of the tract 29163  
on which the well is located; 29164

(2) Is used primarily to provide gas for the owner's domestic 29165  
use; 29166

(3) Is located more than two hundred feet horizontal distance 29167  
from any inhabited private dwelling house other than an inhabited 29168  
private dwelling house located on the tract on which the well is 29169  
located; 29170

(4) Is located more than two hundred feet horizontal distance 29171  
from any public building that may be used as a place of resort, 29172  
assembly, education, entertainment, lodging, trade, manufacture, 29173  
repair, storage, traffic, or occupancy by the public. 29174

(Y) "Urbanized area" means an area where a well or production 29175  
facilities of a well are located within a municipal corporation or 29176  
within a township that has an unincorporated population of more 29177  
than five thousand in the most recent federal decennial census 29178  
prior to the issuance of the permit for the well or production 29179  
facilities. 29180

(Z) "Well stimulation" or "stimulation of a well" means the 29181  
process of enhancing well productivity, including hydraulic 29182  
fracturing operations. 29183

(AA) "Production operation" means all operations and 29184  
activities and all related equipment, facilities, and other 29185  
structures that may be used in or associated with the exploration 29186  
and production of oil, gas, or other mineral resources that are 29187  
regulated under this chapter, including operations and activities 29188  
associated with site preparation, site construction, access roads 29189  
road construction, well drilling, well completion, well 29190  
stimulation, well ~~operation~~ site activities, ~~site~~ reclamation, and 29191  
~~well~~ plugging. "Production operation" also includes all of the 29192  
following: 29193

(1) The piping ~~and~~, equipment, and facilities used for the 29194  
production and preparation of hydrocarbon gas or liquids for 29195  
transportation or delivery; 29196

(2) The processes of extraction and recovery, lifting, 29197  
stabilization, treatment, separation, production processing, 29198  
storage, waste disposal, and measurement of hydrocarbon gas and 29199  
liquids, including related equipment and facilities; 29200

(3) The processes and related equipment and facilities 29201

associated with production compression, gas lift, gas injection, 29202  
~~and fuel gas supply, well drilling, well stimulation, and well~~ 29203  
~~completion activities, including dikes, pits, and earthen and~~ 29204  
~~other impoundments used for the temporary storage of fluids and~~ 29205  
~~waste substances associated with well drilling, well stimulation,~~ 29206  
~~and well completion activities.~~ 29207

(BB) "Annular overpressurization" means the accumulation of 29208  
fluids within an annulus with sufficient pressure to allow 29209  
migration of annular fluids into underground sources of drinking 29210  
water. 29211

(CC) "Idle and orphaned well" means a well for which a bond 29212  
has been forfeited or an abandoned well for which no money is 29213  
available to plug the well in accordance with this chapter and 29214  
rules adopted under it. 29215

(DD) "Temporarily inactive well" means a well that has been 29216  
granted temporary inactive status under section 1509.062 of the 29217  
Revised Code. 29218

(EE) "Material and substantial violation" means any of the 29219  
following: 29220

(1) Failure to obtain a permit to drill, reopen, convert, 29221  
plugback, or plug a well under this chapter; 29222

(2) Failure to obtain or maintain insurance coverage that is 29223  
required under this chapter; 29224

(3) Failure to obtain or maintain a surety bond that is 29225  
required under this chapter; 29226

(4) Failure to plug an abandoned well or idle and orphaned 29227  
well unless the well has been granted temporary inactive status 29228  
under section 1509.062 of the Revised Code or the chief of the 29229  
division of oil and gas resources management has approved another 29230  
option concerning the abandoned well or idle and orphaned well; 29231

|                                                                                      |       |
|--------------------------------------------------------------------------------------|-------|
| (5) Failure to restore a disturbed land surface as required                          | 29232 |
| by section 1509.072 of the Revised Code;                                             | 29233 |
| (6) Failure to reimburse the oil and gas <u>well</u> fund pursuant                   | 29234 |
| to a final order issued under section 1509.071 of the Revised                        | 29235 |
| Code;                                                                                | 29236 |
| (7) Failure to comply with a final nonappealable order of the                        | 29237 |
| chief issued under section 1509.04 of the Revised Code.                              | 29238 |
| (FF) "Severer" has the same meaning as in section 5749.01 of                         | 29239 |
| the Revised Code.                                                                    | 29240 |
| <b>Sec. 1509.02.</b> There is hereby created in the department of                    | 29241 |
| natural resources the division of <del>mineral</del> <u>oil and gas</u> resources    | 29242 |
| management, which shall be administered by the chief of the                          | 29243 |
| division of <del>mineral</del> <u>oil and gas</u> resources management. The division | 29244 |
| has sole and exclusive authority to regulate the permitting,                         | 29245 |
| location, and spacing of oil and gas wells and production                            | 29246 |
| operations within the state, <u>excepting only those activities</u>                  | 29247 |
| <u>regulated under federal laws for which oversight has been</u>                     | 29248 |
| <u>delegated to the environmental protection agency and activities</u>               | 29249 |
| <u>regulated under sections 6111.02 to 6111.029 of the Revised Code.</u>             | 29250 |
| The regulation of oil and gas activities is a matter of general                      | 29251 |
| statewide interest that requires uniform statewide regulation, and                   | 29252 |
| this chapter and rules adopted under it constitute a comprehensive                   | 29253 |
| plan with respect to all aspects of the locating, drilling, <u>well</u>              | 29254 |
| <u>stimulation, completing,</u> and operating of oil and gas wells within            | 29255 |
| this state, including site <u>construction and</u> restoration,                      | 29256 |
| <u>permitting related to those activities,</u> and <u>the</u> disposal of wastes     | 29257 |
| from those wells. Nothing in this section affects the authority                      | 29258 |
| granted to the director of transportation and local authorities in                   | 29259 |
| section 723.01 or 4513.34 of the Revised Code, provided that the                     | 29260 |
| authority granted under those sections shall not be exercised in a                   | 29261 |
| manner that discriminates against, unfairly impedes, or obstructs                    | 29262 |

oil and gas activities and operations regulated under this 29263  
chapter. 29264

The chief shall not hold any other public office, nor shall 29265  
the chief be engaged in any occupation or business that might 29266  
interfere with or be inconsistent with the duties as chief. 29267

All moneys collected by the chief pursuant to sections 29268  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.221, 29269  
1509.222, 1509.34, and 1509.50 of the Revised Code, ninety per 29270  
cent of moneys received by the treasurer of state from the tax 29271  
levied in divisions (A)(5) and (6) of section 5749.02 of the 29272  
Revised Code, all civil penalties paid under section 1509.33 of 29273  
the Revised Code, and, notwithstanding any section of the Revised 29274  
Code relating to the distribution or crediting of fines for 29275  
violations of the Revised Code, all fines imposed under divisions 29276  
(A) and (B) of section 1509.99 of the Revised Code and fines 29277  
imposed under divisions (C) and (D) of section 1509.99 of the 29278  
Revised Code for all violations prosecuted by the attorney general 29279  
and for violations prosecuted by prosecuting attorneys that do not 29280  
involve the transportation of brine by vehicle shall be deposited 29281  
into the state treasury to the credit of the oil and gas well 29282  
fund, which is hereby created. Fines imposed under divisions (C) 29283  
and (D) of section 1509.99 of the Revised Code for violations 29284  
prosecuted by prosecuting attorneys that involve the 29285  
transportation of brine by vehicle and penalties associated with a 29286  
compliance agreement entered into pursuant to this chapter shall 29287  
be paid to the county treasury of the county where the violation 29288  
occurred. 29289

The fund shall be used solely and exclusively for the 29290  
purposes enumerated in division (B) of section 1509.071 of the 29291  
Revised Code, for the expenses of the division associated with the 29292  
administration of this chapter and Chapter 1571. of the Revised 29293  
Code and rules adopted under them, and for expenses that are 29294

critical and necessary for the protection of human health and 29295  
safety and the environment related to oil and gas production in 29296  
this state. The expenses of the division in excess of the moneys 29297  
available in the fund shall be paid from general revenue fund 29298  
appropriations to the department. 29299

**Sec. 1509.021.** On and after ~~the effective date of this~~ 29300  
~~section~~ June 30, 2010, all of the following apply: 29301

(A) The surface location of a new well or a tank battery of a 29302  
well shall not be within one hundred fifty feet of an occupied 29303  
dwelling that is located in an urbanized area unless the owner of 29304  
the land on which the occupied dwelling is located consents in 29305  
writing to the surface location of the well or tank battery of a 29306  
well less than one hundred fifty feet from the occupied dwelling 29307  
and the chief of the division of ~~mineral~~ oil and gas resources 29308  
management approves the written consent of that owner. However, 29309  
the chief shall not approve the written consent of such an owner 29310  
when the surface location of a new well or a tank battery of a 29311  
well will be within one hundred feet of an occupied dwelling that 29312  
is located in an urbanized area. 29313

(B) The surface location of a new well shall not be within 29314  
one hundred fifty feet from the property line of a parcel of land 29315  
that is not in the drilling unit of the well if the parcel of land 29316  
is located in an urbanized area and directional drilling will be 29317  
used to drill the new well unless the owner of the parcel of land 29318  
consents in writing to the surface location of the well less than 29319  
one hundred fifty feet from the property line of the parcel of 29320  
land and the chief approves the written consent of that owner. 29321  
However, the chief shall not approve the written consent of such 29322  
an owner when the surface location of a new well will be less than 29323  
one hundred feet from the property line of the owner's parcel of 29324  
land that is not in the drilling unit of the well if the parcel of 29325



land is located in an urbanized area and directional drilling will 29326  
be used. 29327

(C) The surface location of a new well shall not be within 29328  
two hundred feet of an occupied dwelling that is located in an 29329  
urbanized area and that is located on land that has become part of 29330  
the drilling unit of the well pursuant to a mandatory pooling 29331  
order issued under section 1509.27 of the Revised Code unless the 29332  
owner of the land on which the occupied dwelling is located 29333  
consents in writing to the surface location of the well at a 29334  
distance that is less than two hundred feet from the occupied 29335  
dwelling. However, if the owner of the land on which the occupied 29336  
dwelling is located provides such written consent, the surface 29337  
location of the well shall not be within one hundred feet of the 29338  
occupied dwelling. 29339

If an applicant cannot identify an owner of land or if an 29340  
owner of land is not responsive to attempts by the applicant to 29341  
contact the owner, the applicant may submit an affidavit to the 29342  
chief attesting to such an unidentifiable owner or to such 29343  
unresponsiveness of an owner and attempts by the applicant to 29344  
contact the owner and include a written request to reduce the 29345  
distance of the location of the well from the occupied dwelling to 29346  
less than two hundred feet. If the chief receives such an 29347  
affidavit and written request, the chief shall reduce the distance 29348  
of the location of the well from the occupied dwelling to a 29349  
distance of not less than one hundred feet. 29350

(D) Except as otherwise provided in division (L) of this 29351  
section, the surface location of a new well shall not be within 29352  
one hundred fifty feet of the property line of a parcel of land 29353  
that is located in an urbanized area and that has become part of 29354  
the drilling unit of the well pursuant to a mandatory pooling 29355  
order issued under section 1509.27 of the Revised Code unless the 29356  
owner of the land consents in writing to the surface location of 29357

the well at a distance that is less than one hundred fifty feet 29358  
from the owner's property line. However, if the owner of the land 29359  
provides such written consent, the surface location of the well 29360  
shall not be within seventy-five feet of the property line of the 29361  
owner's parcel of land. 29362

If an applicant cannot identify an owner of land or if an 29363  
owner of land is not responsive to attempts by the applicant to 29364  
contact the owner, the applicant may submit an affidavit to the 29365  
chief attesting to such an unidentifiable owner or to such 29366  
unresponsiveness of an owner and attempts by the applicant to 29367  
contact the owner and include a written request to reduce the 29368  
distance of the location of the well from the property line of the 29369  
owner's parcel of land to less than one hundred fifty feet. If the 29370  
chief receives such an affidavit and written request, the chief 29371  
shall reduce the distance of the location of the well from the 29372  
property line to a distance of not less than seventy-five feet. 29373

(E) The surface location of a new tank battery of a well 29374  
shall not be within one hundred fifty feet of an occupied dwelling 29375  
that is located in an urbanized area and that is located on land 29376  
that has become part of the drilling unit of the well pursuant to 29377  
a mandatory pooling order issued under section 1509.27 of the 29378  
Revised Code unless the owner of the land on which the occupied 29379  
dwelling is located consents in writing to the location of the 29380  
tank battery at a distance that is less than one hundred fifty 29381  
feet from the occupied dwelling. However, if the owner of the land 29382  
on which the occupied dwelling is located provides such written 29383  
consent, the location of the tank battery shall not be within one 29384  
hundred feet of the occupied dwelling. 29385

If an applicant cannot identify an owner of land or if an 29386  
owner of land is not responsive to attempts by the applicant to 29387  
contact the owner, the applicant may submit an affidavit to the 29388  
chief attesting to such an unidentifiable owner or to such 29389

unresponsiveness of an owner and attempts by the applicant to 29390  
contact the owner and include a written request to reduce the 29391  
distance of the location of the tank battery from the occupied 29392  
dwelling to less than one hundred fifty feet. If the chief 29393  
receives such an affidavit and written request, the chief shall 29394  
reduce the distance of the location of the tank battery from the 29395  
occupied dwelling to a distance of not less than one hundred feet. 29396

(F) Except as otherwise provided in division (L) of this 29397  
section, the location of a new tank battery of a well shall not be 29398  
within seventy-five feet of the property line of a parcel of land 29399  
that is located in an urbanized area and that has become part of 29400  
the drilling unit of the well pursuant to a mandatory pooling 29401  
order issued under section 1509.27 of the Revised Code unless the 29402  
owner of the land consents in writing to the location of the tank 29403  
battery at a distance that is less than seventy-five feet from the 29404  
owner's property line. However, if the owner of the land provides 29405  
such written consent, the location of the tank battery shall not 29406  
be within the property line of the owner's parcel of land. 29407

If an applicant cannot identify an owner of land or if an 29408  
owner of land is not responsive to attempts by the applicant to 29409  
contact the owner, the applicant may submit an affidavit to the 29410  
chief attesting to such an unidentifiable owner or to such 29411  
unresponsiveness of an owner and attempts by the applicant to 29412  
contact the owner and include a written request to reduce the 29413  
distance of the location of the tank battery from the property 29414  
line of the owner's parcel of land to less than seventy-five feet. 29415  
If the chief receives such an affidavit and written request, the 29416  
chief shall reduce the distance of the location of the tank 29417  
battery from the property line, provided that the tank battery 29418  
shall not be within the property line of the owner's parcel of 29419  
land. 29420

(G) For purposes of divisions (C) to (F) of this section, 29421

written consent of an owner of land may be provided by any of the 29422  
following: 29423

(1) A copy of an original lease agreement as recorded in the 29424  
office of the county recorder of the county in which the occupied 29425  
dwelling or property is located that expressly provides for the 29426  
reduction of the distance of the location of a well or a tank 29427  
battery, as applicable, from an occupied dwelling or a property 29428  
line; 29429

(2) A copy of a deed severing the oil or gas mineral rights, 29430  
as applicable, from the owner's parcel of land as recorded in the 29431  
office of the county recorder of the county in which the property 29432  
is located that expressly provides for the reduction of the 29433  
distance of the location of a well or a tank battery, as 29434  
applicable, from an occupied dwelling or a property line; 29435

(3) A written statement that consents to the proposed 29436  
location of a well or a tank battery, as applicable, and that is 29437  
approved by the chief. For purposes of division (G)(3) of this 29438  
section, an applicant shall submit a copy of a written statement 29439  
to the chief. 29440

(H) For areas that are not urbanized areas, the surface 29441  
location of a new well shall not be within one hundred feet of an 29442  
occupied private dwelling or of a public building that may be used 29443  
as a place of assembly, education, entertainment, lodging, trade, 29444  
manufacture, repair, storage, or occupancy by the public. This 29445  
division does not apply to a building or other structure that is 29446  
incidental to agricultural use of the land on which the building 29447  
or other structure is located unless the building or other 29448  
structure is used as an occupied private dwelling or for retail 29449  
trade. 29450

(I) The surface location of a new well shall not be within 29451  
one hundred feet of any other well. However, an applicant may 29452

submit a written statement to request the chief to authorize a new well to be located at a distance that is less than one hundred feet from another well. If the chief receives such a written statement, the chief may authorize a new well to be located within one hundred feet of another well if the chief determines that the applicant satisfactorily has demonstrated that the location of the new well at a distance that is less than one hundred feet from another well is necessary to reduce impacts to the owner of the land on which the well is to be located or to the surface of the land on which the well is to be located.

(J) For areas that are not urbanized areas, the location of a new tank battery of a well shall not be within one hundred feet of an existing inhabited structure.

(K) The location of a new tank battery of a well shall not be within fifty feet of any other well.

(L) The location of a new well or a new tank battery of a well shall not be within fifty feet of a stream, river, watercourse, water well, pond, lake, or other body of water. However, the chief may authorize a new well or a new tank battery of a well to be located at a distance that is less than fifty feet from a stream, river, watercourse, water well, pond, lake, or other body of water if the chief determines that the reduction in the distance is necessary to reduce impacts to the owner of the land on which the well or tank battery of a well is to be located or to protect public safety or the environment.

(M) The surface location of a new well or a new tank battery of a well shall not be within fifty feet of a railroad track or of the traveled portion of a public street, road, or highway. This division applies regardless of whether the public street, road, or highway has become part of the drilling unit of the well pursuant to a mandatory pooling order issued under section 1509.27 of the Revised Code.

~~(M)~~(N) A new oil tank shall not be within three feet of  
another oil tank. 29485  
29486

~~(N)~~(O) The surface location of a mechanical separator shall  
not be within any of the following: 29487  
29488

(1) Fifty feet of a well; 29489

(2) Ten feet of an oil tank; 29490

(3) One hundred feet of an existing inhabited structure. 29491

~~(O)~~(P) A vessel that is equipped in such a manner that the  
contents of the vessel may be heated shall not be within any of  
the following: 29492  
29493  
29494

(1) Fifty feet of an oil production tank; 29495

(2) Fifty feet of a well; 29496

(3) One hundred feet of an existing inhabited structure; 29497

(4) If the contents of the vessel are heated by a direct fire  
heater, fifty feet of a mechanical separator. 29498  
29499

**Sec. 1509.022.** Except as provided in section 1509.021 of the  
Revised Code, the surface location of a new well that will be  
drilled using directional drilling may be located on a parcel of  
land that is not in the drilling unit of the well. 29500  
29501  
29502  
29503

**Sec. 1509.03.** (A) The chief of the division of ~~mineral oil~~  
and gas resources management shall adopt, rescind, and amend, in  
accordance with Chapter 119. of the Revised Code, rules for the  
administration, implementation, and enforcement of this chapter.  
The rules shall include an identification of the subjects that the  
chief shall address when attaching terms and conditions to a  
permit with respect to a well and production facilities of a well  
that are located within an urbanized area. The subjects shall  
include all of the following: 29504  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (1) Safety concerning the drilling or operation of a well;                                                                                                                                                                                                                                                                                                                                                                                                                       | 29513                                                                |
| (2) Protection of the public and private water supply;                                                                                                                                                                                                                                                                                                                                                                                                                           | 29514                                                                |
| (3) Fencing and screening of surface facilities of a well;                                                                                                                                                                                                                                                                                                                                                                                                                       | 29515                                                                |
| (4) Containment and disposal of drilling and production<br>wastes;                                                                                                                                                                                                                                                                                                                                                                                                               | 29516<br>29517                                                       |
| (5) Construction of access roads for purposes of the drilling<br>and operation of a well;                                                                                                                                                                                                                                                                                                                                                                                        | 29518<br>29519                                                       |
| (6) Noise mitigation for purposes of the drilling of a well<br>and the operation of a well, excluding safety and maintenance<br>operations.                                                                                                                                                                                                                                                                                                                                      | 29520<br>29521<br>29522                                              |
| No person shall violate any rule of the chief adopted under<br>this chapter.                                                                                                                                                                                                                                                                                                                                                                                                     | 29523<br>29524                                                       |
| (B) Any order issuing, denying, or modifying a permit or<br>notices required to be made by the chief pursuant to this chapter<br>shall be made in compliance with Chapter 119. of the Revised Code,<br>except that personal service may be used in lieu of service by<br>mail. Every order issuing, denying, or modifying a permit under<br>this chapter and described as such shall be considered an<br>adjudication order for purposes of Chapter 119. of the Revised<br>Code. | 29525<br>29526<br>29527<br>29528<br>29529<br>29530<br>29531<br>29532 |
| Where notice to the owners is required by this chapter, the<br>notice shall be given as prescribed by a rule adopted by the chief<br>to govern the giving of notices. The rule shall provide for notice<br>by publication except in those cases where other types of notice<br>are necessary in order to meet the requirements of the law.                                                                                                                                       | 29533<br>29534<br>29535<br>29536<br>29537                            |
| (C) The chief or the chief's authorized representative may at<br>any time enter upon lands, public or private, for the purpose of<br>administration or enforcement of this chapter, the rules adopted<br>or orders made thereunder, or terms or conditions of permits or<br>registration certificates issued thereunder and may examine and                                                                                                                                      | 29538<br>29539<br>29540<br>29541<br>29542                            |

copy records pertaining to the drilling, conversion, or operation 29543  
of a well for injection of fluids and logs required by division 29544  
(C) of section 1509.223 of the Revised Code. No person shall 29545  
prevent or hinder the chief or the chief's authorized 29546  
representative in the performance of official duties. If entry is 29547  
prevented or hindered, the chief or the chief's authorized 29548  
representative may apply for, and the court of common pleas may 29549  
issue, an appropriate inspection warrant necessary to achieve the 29550  
purposes of this chapter within the court's territorial 29551  
jurisdiction. 29552

(D) The chief may issue orders to enforce this chapter, rules 29553  
adopted thereunder, and terms or conditions of permits issued 29554  
thereunder. Any such order shall be considered an adjudication 29555  
order for the purposes of Chapter 119. of the Revised Code. No 29556  
person shall violate any order of the chief issued under this 29557  
chapter. No person shall violate a term or condition of a permit 29558  
or registration certificate issued under this chapter. 29559

(E) Orders of the chief denying, suspending, or revoking a 29560  
registration certificate; approving or denying approval of an 29561  
application for revision of a registered transporter's plan for 29562  
disposal; or to implement, administer, or enforce division (A) of 29563  
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 29564  
1509.225, and 1509.226 of the Revised Code pertaining to the 29565  
transportation of brine by vehicle and the disposal of brine so 29566  
transported are not adjudication orders for purposes of Chapter 29567  
119. of the Revised Code. The chief shall issue such orders under 29568  
division (A) or (B) of section 1509.224 of the Revised Code, as 29569  
appropriate. 29570

**Sec. 1509.04.** (A) The chief of the division of ~~mineral oil~~ and gas 29571  
resources management, or the chief's authorized 29572  
representatives, shall enforce this chapter and the rules, terms 29573



and conditions of permits and registration certificates, and 29574  
orders adopted or issued pursuant thereto, except that any peace 29575  
officer, as defined in section 2935.01 of the Revised Code, may 29576  
arrest for violations of this chapter involving transportation of 29577  
brine by vehicle. The enforcement authority of the chief includes 29578  
the authority to issue compliance notices and to enter into 29579  
compliance agreements. 29580

(B)(1) The chief or the chief's authorized representative may 29581  
issue an administrative order to an owner for a violation of this 29582  
chapter or rules adopted under it, terms and conditions of a 29583  
permit issued under it, a registration certificate that is 29584  
required under this chapter, or orders issued under this chapter. 29585

(2) The chief may issue an order finding that an owner has 29586  
committed a material and substantial violation. 29587

(C) The chief, by order, immediately may suspend drilling, 29588  
operating, or plugging activities that are related to a material 29589  
and substantial violation and suspend and revoke an unused permit 29590  
after finding either of the following: 29591

(1) An owner has failed to comply with an order issued under 29592  
division (B)(2) of this section that is final and nonappealable. 29593

(2) An owner is causing, engaging in, or maintaining a 29594  
condition or activity that the chief determines presents an 29595  
imminent danger to the health or safety of the public or that 29596  
results in or is likely to result in immediate substantial damage 29597  
to the natural resources of this state. 29598

(D)(1) The chief may issue an order under division (C) of 29599  
this section without prior notification if reasonable attempts to 29600  
notify the owner have failed or if the owner is currently in 29601  
material breach of a prior order, but in such an event 29602  
notification shall be given as soon thereafter as practical. 29603

(2) Not later than five days after the issuance of an order 29604

under division (C) of this section, the chief shall provide the owner an opportunity to be heard and to present evidence that one of the following applies:

(a) The condition or activity does not present an imminent danger to the public health or safety or is not likely to result in immediate substantial damage to natural resources.

(b) Required records, reports, or logs have been submitted.

(3) If the chief, after considering evidence presented by the owner under division (D)(2)(a) of this section, determines that the activities do not present such a threat or that the required records, reports, or logs have been submitted under division (D)(2)(b) of this section, the chief shall revoke the order. The owner may appeal an order to the court of common pleas of the county in which the activity that is the subject of the order is located.

(E) The chief may issue a bond forfeiture order pursuant to section 1509.071 of the Revised Code for failure to comply with a final nonappealable order issued or compliance agreement entered into under this section.

(F) The chief may notify drilling contractors, transporters, service companies, or other similar entities of the compliance status of an owner.

If the owner fails to comply with a prior enforcement action of the chief, the chief may issue a suspension order without prior notification, but in such an event the chief shall give notice as soon thereafter as practical. Not later than five calendar days after the issuance of an order, the chief shall provide the owner an opportunity to be heard and to present evidence that required records, reports, or logs have been submitted. If the chief, after considering the evidence presented by the owner, determines that the requirements have been satisfied, the chief shall revoke the

suspension order. The owner may appeal a suspension order to the 29636  
court of common pleas of the county in which the activity that is 29637  
the subject of the suspension order is located. 29638

(G) The prosecuting attorney of the county or the attorney 29639  
general, upon the request of the chief, may apply to the court of 29640  
common pleas in the county in which any of the provisions of this 29641  
chapter or any rules, terms or conditions of a permit or 29642  
registration certificate, or orders adopted or issued pursuant to 29643  
this chapter are being violated for a temporary restraining order, 29644  
preliminary injunction, or permanent injunction restraining any 29645  
person from such violation. 29646

**Sec. 1509.041.** The chief of the division of ~~mineral oil and~~ 29647  
gas resources management shall maintain a database on the division 29648  
of ~~mineral oil and gas~~ resources management's web site that is 29649  
accessible to the public. The database shall list each final 29650  
nonappealable order issued for a material and substantial 29651  
violation under this chapter. The list shall identify the 29652  
violator, the date on which the violation occurred, and the date 29653  
on which the violation was corrected. 29654

**Sec. 1509.05.** No person shall drill a new well, drill an 29655  
existing well any deeper, reopen a well, convert a well to any use 29656  
other than its original purpose, or plug back a well to a source 29657  
of supply different from the existing pool, without having a 29658  
permit to do so issued by the chief of the division of ~~mineral oil~~ 29659  
and gas resources management, and until the original permit or a 29660  
photostatic copy thereof is posted or displayed in a conspicuous 29661  
and easily accessible place at the well site, with the name, 29662  
current address, and telephone number of the permit holder and the 29663  
telephone numbers for fire and emergency medical services 29664  
maintained on the posted permit or copy. The permit or a copy 29665  
shall be continuously displayed in that manner at all times during 29666

the work authorized by the permit. 29667

**Sec. 1509.06.** (A) An application for a permit to drill a new 29668  
well, drill an existing well deeper, reopen a well, convert a well 29669  
to any use other than its original purpose, or plug back a well to 29670  
a different source of supply, including associated production 29671  
operations, shall be filed with the chief of the division of 29672  
~~mineral oil and gas~~ resources management upon such form as the 29673  
chief prescribes and shall contain each of the following that is 29674  
applicable: 29675

(1) The name and address of the owner and, if a corporation, 29676  
the name and address of the statutory agent; 29677

(2) The signature of the owner or the owner's authorized 29678  
agent. When an authorized agent signs an application, it shall be 29679  
accompanied by a certified copy of the appointment as such agent. 29680

(3) The names and addresses of all persons holding the 29681  
royalty interest in the tract upon which the well is located or is 29682  
to be drilled or within a proposed drilling unit; 29683

(4) The location of the tract or drilling unit on which the 29684  
well is located or is to be drilled identified by section or lot 29685  
number, city, village, township, and county; 29686

(5) Designation of the well by name and number; 29687

(6) The geological formation to be tested or used and the 29688  
proposed total depth of the well; 29689

(7) The type of drilling equipment to be used; 29690

(8) If the well is for the injection of a liquid, identity of 29691  
the geological formation to be used as the injection zone and the 29692  
composition of the liquid to be injected; 29693

(9) For an application for a permit to drill a new well 29694  
within an urbanized area, a sworn statement that the applicant has 29695

provided notice by regular mail of the application to the owner of 29696  
each parcel of real property that is located within five hundred 29697  
feet of the surface location of the well and to the executive 29698  
authority of the municipal corporation or the board of township 29699  
trustees of the township, as applicable, in which the well is to 29700  
be located. In addition, the notice shall contain a statement that 29701  
informs an owner of real property who is required to receive the 29702  
notice under division (A)(9) of this section that within five days 29703  
of receipt of the notice, the owner is required to provide notice 29704  
under section 1509.60 of the Revised Code to each residence in an 29705  
occupied dwelling that is located on the owner's parcel of real 29706  
property. The notice shall contain a statement that an application 29707  
has been filed with the division of ~~mineral~~ oil and gas resources 29708  
management, identify the name of the applicant and the proposed 29709  
well location, include the name and address of the division, and 29710  
contain a statement that comments regarding the application may be 29711  
sent to the division. The notice may be provided by hand delivery 29712  
or regular mail. The identity of the owners of parcels of real 29713  
property shall be determined using the tax records of the 29714  
municipal corporation or county in which a parcel of real property 29715  
is located as of the date of the notice. 29716

(10) A plan for restoration of the land surface disturbed by 29717  
drilling operations. The plan shall provide for compliance with 29718  
the restoration requirements of division (A) of section 1509.072 29719  
of the Revised Code and any rules adopted by the chief pertaining 29720  
to that restoration. 29721

(11) A description by name or number of the county, township, 29722  
and municipal corporation roads, streets, and highways that the 29723  
applicant anticipates will be used for access to and egress from 29724  
the well site; 29725

(12) Such other relevant information as the chief prescribes 29726  
by rule. 29727

Each application shall be accompanied by a map, on a scale 29728  
not smaller than four hundred feet to the inch, prepared by an 29729  
Ohio registered surveyor, showing the location of the well and 29730  
containing such other data as may be prescribed by the chief. If 29731  
the well is or is to be located within the excavations and 29732  
workings of a mine, the map also shall include the location of the 29733  
mine, the name of the mine, and the name of the person operating 29734  
the mine. 29735

(B) The chief shall cause a copy of the weekly circular 29736  
prepared by the division to be provided to the county engineer of 29737  
each county that contains active or proposed drilling activity. 29738  
The weekly circular shall contain, in the manner prescribed by the 29739  
chief, the names of all applicants for permits, the location of 29740  
each well or proposed well, the information required by division 29741  
(A)(11) of this section, and any additional information the chief 29742  
prescribes. In addition, the chief promptly shall transfer an 29743  
electronic copy or facsimile, or if those methods are not 29744  
available to a municipal corporation or township, a copy via 29745  
regular mail, of a drilling permit application to the clerk of the 29746  
legislative authority of the municipal corporation or to the clerk 29747  
of the township in which the well or proposed well is or is to be 29748  
located if the legislative authority of the municipal corporation 29749  
or the board of township trustees has asked to receive copies of 29750  
such applications and the appropriate clerk has provided the chief 29751  
an accurate, current electronic mailing address or facsimile 29752  
number, as applicable. 29753

(C)(1) Except as provided in division (C)(2) of this section, 29754  
the chief shall not issue a permit for at least ten days after the 29755  
date of filing of the application for the permit unless, upon 29756  
reasonable cause shown, the chief waives that period or a request 29757  
for expedited review is filed under this section. However, the 29758  
chief shall issue a permit within twenty-one days of the filing of 29759

the application unless the chief denies the application by order. 29760

(2) If the location of a well or proposed well will be or is 29761  
within an urbanized area, the chief shall not issue a permit for 29762  
at least eighteen days after the date of filing of the application 29763  
for the permit unless, upon reasonable cause shown, the chief 29764  
waives that period or the chief at the chief's discretion grants a 29765  
request for an expedited review. However, the chief shall issue a 29766  
permit for a well or proposed well within an urbanized area within 29767  
thirty days of the filing of the application unless the chief 29768  
denies the application by order. 29769

(D) An applicant may file a request with the chief for 29770  
expedited review of a permit application if the well is not or is 29771  
not to be located in a gas storage reservoir or reservoir 29772  
protective area, as "reservoir protective area" is defined in 29773  
section 1571.01 of the Revised Code. If the well is or is to be 29774  
located in a coal bearing township, the application shall be 29775  
accompanied by the affidavit of the landowner prescribed in 29776  
section 1509.08 of the Revised Code. 29777

In addition to a complete application for a permit that meets 29778  
the requirements of this section and the permit fee prescribed by 29779  
this section, a request for expedited review shall be accompanied 29780  
by a separate nonrefundable filing fee of two hundred fifty 29781  
dollars. Upon the filing of a request for expedited review, the 29782  
chief shall cause the county engineer of the county in which the 29783  
well is or is to be located to be notified of the filing of the 29784  
permit application and the request for expedited review by 29785  
telephone or other means that in the judgment of the chief will 29786  
provide timely notice of the application and request. The chief 29787  
shall issue a permit within seven days of the filing of the 29788  
request unless the chief denies the application by order. 29789  
Notwithstanding the provisions of this section governing expedited 29790  
review of permit applications, the chief may refuse to accept 29791

requests for expedited review if, in the chief's judgment, the 29792  
acceptance of the requests would prevent the issuance, within 29793  
twenty-one days of their filing, of permits for which applications 29794  
are pending. 29795

(E) A well shall be drilled and operated in accordance with 29796  
the plans, sworn statements, and other information submitted in 29797  
the approved application. 29798

(F) The chief shall issue an order denying a permit if the 29799  
chief finds that there is a substantial risk that the operation 29800  
will result in violations of this chapter or rules adopted under 29801  
it that will present an imminent danger to public health or safety 29802  
or damage to the environment, provided that where the chief finds 29803  
that terms or conditions to the permit can reasonably be expected 29804  
to prevent such violations, the chief shall issue the permit 29805  
subject to those terms or conditions, including, if applicable, 29806  
terms and conditions regarding subjects identified in rules 29807  
adopted under section 1509.03 of the Revised Code. The issuance of 29808  
a permit shall not be considered an order of the chief. 29809

(G) Each application for a permit required by section 1509.05 29810  
of the Revised Code, except an application to plug back an 29811  
existing well that is required by that section and an application 29812  
for a well drilled or reopened for purposes of section 1509.22 of 29813  
the Revised Code, also shall be accompanied by a nonrefundable fee 29814  
as follows: 29815

(1) Five hundred dollars for a permit to conduct activities 29816  
in a township with a population of fewer than ten thousand; 29817

(2) Seven hundred fifty dollars for a permit to conduct 29818  
activities in a township with a population of ten thousand or 29819  
more, but fewer than fifteen thousand; 29820

(3) One thousand dollars for a permit to conduct activities 29821  
in either of the following: 29822



|                                                                             |       |
|-----------------------------------------------------------------------------|-------|
| (a) A township with a population of fifteen thousand or more;               | 29823 |
| (b) A municipal corporation regardless of population.                       | 29824 |
| (4) If the application is for a permit that requires                        | 29825 |
| mandatory pooling, an additional five thousand dollars.                     | 29826 |
| For purposes of calculating fee amounts, populations shall be               | 29827 |
| determined using the most recent federal decennial census.                  | 29828 |
| Each application for the revision or reissuance of a permit                 | 29829 |
| shall be accompanied by a nonrefundable fee of two hundred fifty            | 29830 |
| dollars.                                                                    | 29831 |
| (H) Prior to the issuance of a permit to drill a proposed                   | 29832 |
| well that is to be located in an urbanized area, the division               | 29833 |
| shall conduct a site review to identify and evaluate any                    | 29834 |
| site-specific terms and conditions that may be attached to the              | 29835 |
| permit. At the site review, a representative of the division shall          | 29836 |
| consider fencing, screening, and landscaping requirements, if any,          | 29837 |
| for similar structures in the community in which the well is                | 29838 |
| proposed to be located. The terms and conditions that are attached          | 29839 |
| to the permit shall include the establishment of fencing,                   | 29840 |
| screening, and landscaping requirements for the surface facilities          | 29841 |
| of the proposed well, including a tank battery of the well.                 | 29842 |
| (I) A permit shall be issued by the chief in accordance with                | 29843 |
| this chapter. A permit issued under this section for a well that            | 29844 |
| is or is to be located in an urbanized area shall be valid for              | 29845 |
| twelve months, and all other permits issued under this section              | 29846 |
| shall be valid for twenty-four months.                                      | 29847 |
| (J) A permittee or a permittee's authorized representative                  | 29848 |
| shall notify an inspector from the division <del>of mineral resources</del> | 29849 |
| <del>management</del> at least twenty-four hours, or another time period    | 29850 |
| agreed to by the chief's authorized representative, prior to the            | 29851 |
| commencement of drilling, reopening, converting, well stimulation,          | 29852 |
| or plugback operations.                                                     | 29853 |

**Sec. 1509.061.** An owner of a well who has been issued a 29854  
permit under section 1509.06 of the Revised Code may submit to the 29855  
chief of the division of ~~mineral~~ oil and gas resources management, 29856  
on a form prescribed by the chief, a request to revise an existing 29857  
tract upon which exists a producing or idle well. The chief shall 29858  
adopt, and may amend and rescind, rules under section 1509.03 of 29859  
the Revised Code that are necessary for the administration of this 29860  
section. The rules at least shall stipulate the information to be 29861  
included on the request form and shall establish a fee to be paid 29862  
by the person submitting the request, which fee shall not exceed 29863  
two hundred fifty dollars. 29864

The chief shall approve a request submitted under this 29865  
section unless it would result in a violation of this chapter or 29866  
rules adopted under it, including provisions establishing spacing 29867  
or minimum acreage requirements. 29868

**Sec. 1509.062.** (A)(1) The owner of a well that has not been 29869  
completed, a well that has not produced within one year after 29870  
completion, or an existing well that has no reported production 29871  
for two consecutive reporting periods as reported in accordance 29872  
with section 1509.11 of the Revised Code shall plug the well in 29873  
accordance with section 1509.12 of the Revised Code, obtain 29874  
temporary inactive well status for the well in accordance with 29875  
this section, or perform another activity regarding the well that 29876  
is approved by the chief of the division of ~~mineral~~ oil and gas 29877  
resources management. 29878

(2) If a well has a reported annual production that is less 29879  
than one hundred thousand cubic feet of natural gas or fifteen 29880  
barrels of crude oil, or a combination thereof, the chief may 29881  
require the owner of the well to submit an application for 29882  
temporary inactive well status under this section for the well. 29883

(B) In order for the owner of a well to submit an application 29884  
for temporary inactive well status for the well under this 29885  
division, the owner and the well shall be in compliance with this 29886  
chapter and rules adopted under it, any terms and conditions of 29887  
the permit for the well, and applicable orders issued by the 29888  
chief. An application for temporary inactive status for a well 29889  
shall be submitted to the chief on a form prescribed and provided 29890  
by the chief and shall contain all of the following: 29891

(1) The owner's name and address and, if the owner is a 29892  
corporation, the name and address of the corporation's statutory 29893  
agent; 29894

(2) The signature of the owner or of the owner's authorized 29895  
agent. When an authorized agent signs an application, the 29896  
application shall be accompanied by a certified copy of the 29897  
appointment as such agent. 29898

(3) The permit number assigned to the well. If the well has 29899  
not been assigned a permit number, the chief shall assign a permit 29900  
number to the well. 29901

(4) A map, on a scale not smaller than four hundred feet to 29902  
the inch, that shows the location of the well and the tank 29903  
battery, that includes the latitude and longitude of the well, and 29904  
that contains all other data that are required by the chief; 29905

(5) A demonstration that the well is of future utility and 29906  
that the applicant has a viable plan to utilize the well within a 29907  
reasonable period of time; 29908

(6) A demonstration that the well poses no threat to the 29909  
health or safety of persons, property, or the environment; 29910

(7) Any other relevant information that the chief prescribes 29911  
by rule. 29912

The chief may waive any of the requirements established in 29913

divisions (B)(1) to (6) of this section if the division of ~~mineral~~ 29914  
oil and gas resources management possesses a current copy of the 29915  
information or document that is required in the applicable 29916  
division. 29917

(C) Upon receipt of an application for temporary inactive 29918  
well status, the chief shall review the application and shall 29919  
either deny the application by issuing an order or approve the 29920  
application. The chief shall approve the application only if the 29921  
chief determines that the well that is the subject of the 29922  
application poses no threat to the health or safety of persons, 29923  
property, or the environment. If the chief approves the 29924  
application, the chief shall notify the applicant of the chief's 29925  
approval. Upon receipt of the chief's approval, the owner shall 29926  
shut in the well and empty all liquids and gases from all storage 29927  
tanks, pipelines, and other equipment associated with the well. In 29928  
addition, the owner shall maintain the well, other equipment 29929  
associated with the well, and the surface location of the well in 29930  
a manner that prevents hazards to the health and safety of people 29931  
and the environment. The owner shall inspect the well at least 29932  
every six months and submit to the chief within fourteen days 29933  
after the inspection a record of inspection on a form prescribed 29934  
and provided by the chief. 29935

(D) Not later than thirty days prior to the expiration of 29936  
temporary inactive well status or a renewal of temporary inactive 29937  
well status approved by the chief for a well, the owner of the 29938  
well may submit to the chief an application for renewal of the 29939  
temporary inactive well status on a form prescribed and provided 29940  
by the chief. The application shall include a detailed plan that 29941  
describes the ultimate disposition of the well, the time frames 29942  
for that disposition, and any other information that the chief 29943  
determines is necessary. The chief shall either deny an 29944  
application by order or approve the application. If the chief 29945

approves the application, the chief shall notify the owner of the well of the chief's approval.

(E) An application for temporary inactive well status shall be accompanied by a nonrefundable fee of one hundred dollars. An application for a renewal of temporary inactive well status shall be accompanied by a nonrefundable fee of two hundred fifty dollars for the first renewal and five hundred dollars for each subsequent renewal.

(F) After a third renewal, the chief may require an owner to provide a surety bond in an amount not to exceed ten thousand dollars for each of the owner's wells that has been approved by the chief for temporary inactive well status.

(G) Temporary inactive well status approved by the chief expires one year after the date of approval of the application for temporary inactive well status or production from the well commences, whichever occurs sooner. In addition, a renewal of a temporary inactive well status expires one year after the expiration date of the initial temporary inactive well status or one year after the expiration date of the previous renewal of the temporary inactive well status, as applicable, or production from the well commences, whichever occurs sooner.

(H) The owner of a well that has been approved by the chief for temporary inactive well status may commence production from the well at any time. Not later than sixty days after the commencement of production from such a well, the owner shall notify the chief of the commencement of production.

(I) This chapter and rules adopted under it, any terms and conditions of the permit for a well, and applicable orders issued by the chief apply to a well that has been approved by the chief for temporary inactive well status or renewal of that status.

Sec. 1509.07. An owner of any well, except an exempt 29976  
Mississippian well or an exempt domestic well, shall obtain 29977  
liability insurance coverage from a company authorized to do 29978  
business in this state in an amount of not less than one million 29979  
dollars bodily injury coverage and property damage coverage to pay 29980  
damages for injury to persons or damage to property caused by the 29981  
drilling, operation, or plugging of all the owner's wells in this 29982  
state. However, if any well is located within an urbanized area, 29983  
the owner shall obtain liability insurance coverage in an amount 29984  
of not less than three million dollars for bodily injury coverage 29985  
and property damage coverage to pay damages for injury to persons 29986  
or damage to property caused by the drilling, operation, or 29987  
plugging of all of the owner's wells in this state. The owner 29988  
shall maintain the coverage until all the owner's wells are 29989  
plugged and abandoned or are transferred to an owner who has 29990  
obtained insurance as required under this section and who is not 29991  
under a notice of material and substantial violation or under a 29992  
suspension order. The owner shall provide proof of liability 29993  
insurance coverage to the chief of the division of ~~mineral oil and~~ 29994  
gas resources management upon request. Upon failure of the owner 29995  
to provide that proof when requested, the chief may order the 29996  
suspension of any outstanding permits and operations of the owner 29997  
until the owner provides proof of the required insurance coverage. 29998

Except as otherwise provided in this section, an owner of any 29999  
well, before being issued a permit under section 1509.06 of the 30000  
Revised Code or before operating or producing from a well, shall 30001  
execute and file with the division of ~~mineral oil and~~ gas 30002  
resources management a surety bond conditioned on compliance with 30003  
the restoration requirements of section 1509.072, the plugging 30004  
requirements of section 1509.12, the permit provisions of section 30005  
1509.13 of the Revised Code, and all rules and orders of the chief 30006  
relating thereto, in an amount set by rule of the chief. 30007

The owner may deposit with the chief, instead of a surety bond, cash in an amount equal to the surety bond as prescribed pursuant to this section or negotiable certificates of deposit or irrevocable letters of credit, issued by any bank organized or transacting business in this state or by any savings and loan association as defined in section 1151.01 of the Revised Code, having a cash value equal to or greater than the amount of the surety bond as prescribed pursuant to this section. Cash or certificates of deposit shall be deposited upon the same terms as those upon which surety bonds may be deposited. If certificates of deposit are deposited with the chief instead of a surety bond, the chief shall require the bank or savings and loan association that issued any such certificate to pledge securities of a cash value equal to the amount of the certificate that is in excess of the amount insured by any of the agencies and instrumentalities created under the "Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and regulations adopted under it, including at least the federal deposit insurance corporation, bank insurance fund, and savings association insurance fund. The securities shall be security for the repayment of the certificate of deposit.

Immediately upon a deposit of cash, certificates of deposit, or letters of credit with the chief, the chief shall deliver them to the treasurer of state who shall hold them in trust for the purposes for which they have been deposited.

Instead of a surety bond, the chief may accept proof of financial responsibility consisting of a sworn financial statement showing a net financial worth within this state equal to twice the amount of the bond for which it substitutes and, as may be required by the chief, a list of producing properties of the owner within this state or other evidence showing ability and intent to comply with the law and rules concerning restoration and plugging

that may be required by rule of the chief. The owner of an exempt 30040  
Mississippian well is not required to file scheduled updates of 30041  
the financial documents, but shall file updates of those documents 30042  
if requested to do so by the chief. The owner of a nonexempt 30043  
Mississippian well shall file updates of the financial documents 30044  
in accordance with a schedule established by rule of the chief. 30045  
The chief, upon determining that an owner for whom the chief has 30046  
accepted proof of financial responsibility instead of bond cannot 30047  
demonstrate financial responsibility, shall order that the owner 30048  
execute and file a bond or deposit cash, certificates of deposit, 30049  
or irrevocable letters of credit as required by this section for 30050  
the wells specified in the order within ten days of receipt of the 30051  
order. If the order is not complied with, all wells of the owner 30052  
that are specified in the order and for which no bond is filed or 30053  
cash, certificates of deposit, or letters of credit are deposited 30054  
shall be plugged. No owner shall fail or refuse to plug such a 30055  
well. Each day on which such a well remains unplugged thereafter 30056  
constitutes a separate offense. 30057

The surety bond provided for in this section shall be 30058  
executed by a surety company authorized to do business in this 30059  
state. 30060

The chief shall not approve any bond until it is personally 30061  
signed and acknowledged by both principal and surety, or as to 30062  
either by the principal's or surety's attorney in fact, with a 30063  
certified copy of the power of attorney attached thereto. The 30064  
chief shall not approve a bond unless there is attached a 30065  
certificate of the superintendent of insurance that the company is 30066  
authorized to transact a fidelity and surety business in this 30067  
state. 30068

All bonds shall be given in a form to be prescribed by the 30069  
chief and shall run to the state as obligee. 30070

An owner of an exempt Mississippian well or an exempt 30071



domestic well, in lieu of filing a surety bond, cash in an amount 30072  
equal to the surety bond, certificates of deposit, irrevocable 30073  
letters of credit, or a sworn financial statement, may file a 30074  
one-time fee of fifty dollars, which shall be deposited in the oil 30075  
and gas well plugging fund created in section 1509.071 of the 30076  
Revised Code. 30077

An owner, operator, producer, or other person shall not 30078  
operate a well or produce from a well at any time if the owner, 30079  
operator, producer, or other person has not satisfied the 30080  
requirements established in this section. 30081

**Sec. 1509.071.** (A) When the chief of the division of ~~mineral~~ 30082  
oil and gas resources management finds that an owner has failed to 30083  
comply with a final nonappealable order issued or compliance 30084  
agreement entered into under section 1509.04, the restoration 30085  
requirements of section 1509.072, plugging requirements of section 30086  
1509.12, or permit provisions of section 1509.13 of the Revised 30087  
Code, or rules and orders relating thereto, the chief shall make a 30088  
finding of that fact and declare any surety bond filed to ensure 30089  
compliance with those sections and rules forfeited in the amount 30090  
set by rule of the chief. The chief thereupon shall certify the 30091  
total forfeiture to the attorney general, who shall proceed to 30092  
collect the amount of the forfeiture. In addition, the chief may 30093  
require an owner, operator, producer, or other person who 30094  
forfeited a surety bond to post a new surety bond in the amount of 30095  
fifteen thousand dollars for a single well, thirty thousand 30096  
dollars for two wells, or fifty thousand dollars for three or more 30097  
wells. 30098

In lieu of total forfeiture, the surety or owner, at the 30099  
surety's or owner's option, may cause the well to be properly 30100  
plugged and abandoned and the area properly restored or pay to the 30101  
treasurer of state the cost of plugging and abandonment. 30102

(B) All moneys collected because of forfeitures of bonds as 30103  
provided in this section shall be deposited in the state treasury 30104  
to the credit of the oil and gas well fund created in section 30105  
1509.02 of the Revised Code. 30106

The chief annually shall spend not less than fourteen per 30107  
cent of the revenue credited to the fund during the previous 30108  
fiscal year for the following purposes: 30109

(1) In accordance with division (D) of this section, to plug 30110  
idle and orphaned wells or to restore the land surface properly as 30111  
required in section 1509.072 of the Revised Code; 30112

(2) In accordance with division (E) of this section, to 30113  
correct conditions that the chief reasonably has determined are 30114  
causing imminent health or safety risks at an idle and orphaned 30115  
well or a well for which the owner cannot be contacted in order to 30116  
initiate a corrective action within a reasonable period of time as 30117  
determined by the chief. 30118

Expenditures from the fund shall be made only for lawful 30119  
purposes. In addition, expenditures from the fund shall not be 30120  
made to purchase real property or to remove a dwelling in order to 30121  
access a well. 30122

(C)(1) Upon determining that the owner of a well has failed 30123  
to properly plug and abandon it or to properly restore the land 30124  
surface at the well site in compliance with the applicable 30125  
requirements of this chapter and applicable rules adopted and 30126  
orders issued under it or that a well is an abandoned well for 30127  
which no funds are available to plug the well in accordance with 30128  
this chapter, the chief shall do all of the following: 30129

(a) Determine from the records in the office of the county 30130  
recorder of the county in which the well is located the identity 30131  
of the owner of the land on which the well is located, the 30132  
identity of the owner of the oil or gas lease under which the well 30133

was drilled or the identity of each person owning an interest in 30134  
the lease, and the identities of the persons having legal title 30135  
to, or a lien upon, any of the equipment appurtenant to the well; 30136

(b) Mail notice to the owner of the land on which the well is 30137  
located informing the landowner that the well is to be plugged. If 30138  
the owner of the oil or gas lease under which the well was drilled 30139  
is different from the owner of the well or if any persons other 30140  
than the owner of the well own interests in the lease, the chief 30141  
also shall mail notice that the well is to be plugged to the owner 30142  
of the lease or to each person owning an interest in the lease, as 30143  
appropriate. 30144

(c) Mail notice to each person having legal title to, or a 30145  
lien upon, any equipment appurtenant to the well, informing the 30146  
person that the well is to be plugged and offering the person the 30147  
opportunity to plug the well and restore the land surface at the 30148  
well site at the person's own expense in order to avoid forfeiture 30149  
of the equipment to this state. 30150

(2) If none of the persons described in division (C)(1)(c) of 30151  
this section plugs the well within sixty days after the mailing of 30152  
the notice required by that division, all equipment appurtenant to 30153  
the well is hereby declared to be forfeited to this state without 30154  
compensation and without the necessity for any action by the state 30155  
for use to defray the cost of plugging and abandoning the well and 30156  
restoring the land surface at the well site. 30157

(D) Expenditures from the fund for the purpose of division 30158  
(B)(1) of this section shall be made in accordance with either of 30159  
the following: 30160

(1) The expenditures may be made pursuant to contracts 30161  
entered into by the chief with persons who agree to furnish all of 30162  
the materials, equipment, work, and labor as specified and 30163  
provided in such a contract for activities associated with the 30164

restoration or plugging of a well as determined by the chief. The 30165  
activities may include excavation to uncover a well, geophysical 30166  
methods to locate a buried well when clear evidence of leakage 30167  
from the well exists, cleanout of wellbores to remove material 30168  
from a failed plugging of a well, plugging operations, 30169  
installation of vault and vent systems, including associated 30170  
engineering certifications and permits, restoration of property, 30171  
and repair of damage to property that is caused by such 30172  
activities. Expenditures shall not be used for salaries, 30173  
maintenance, equipment, or other administrative purposes, except 30174  
for costs directly attributed to the plugging of an idle and 30175  
orphaned well. Agents or employees of persons contracting with the 30176  
chief for a restoration or plugging project may enter upon any 30177  
land, public or private, on which the well is located for the 30178  
purpose of performing the work. Prior to such entry, the chief 30179  
shall give to the following persons written notice of the 30180  
existence of a contract for a project to restore or plug a well, 30181  
the names of the persons with whom the contract is made, and the 30182  
date that the project will commence: the owner of the well, the 30183  
owner of the land upon which the well is located, the owner or 30184  
agents of adjoining land, and, if the well is located in the same 30185  
township as or in a township adjacent to the excavations and 30186  
workings of a mine and the owner or lessee of that mine has 30187  
provided written notice identifying those townships to the chief 30188  
at any time during the immediately preceding three years, the 30189  
owner or lessee of the mine. 30190

(2)(a) The owner of the land on which a well is located who 30191  
has received notice under division (C)(1)(b) of this section may 30192  
plug the well and be reimbursed by the division of oil and gas 30193  
resources management for the reasonable cost of plugging the well. 30194  
In order to plug the well, the landowner shall submit an 30195  
application to the chief on a form prescribed by the chief and 30196  
approved by the technical advisory council on oil and gas created 30197

in section 1509.38 of the Revised Code. The application, at a 30198  
minimum, shall require the landowner to provide the same 30199  
information as is required to be included in the application for a 30200  
permit to plug and abandon under section 1509.13 of the Revised 30201  
Code. The application shall be accompanied by a copy of a proposed 30202  
contract to plug the well prepared by a contractor regularly 30203  
engaged in the business of plugging oil and gas wells. The 30204  
proposed contract shall require the contractor to furnish all of 30205  
the materials, equipment, work, and labor necessary to plug the 30206  
well properly and shall specify the price for doing the work, 30207  
including a credit for the equipment appurtenant to the well that 30208  
was forfeited to the state through the operation of division 30209  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 30210  
this section shall be consistent with the expenditures for 30211  
activities described in division (D)(1) of this section. The 30212  
application also shall be accompanied by the permit fee required 30213  
by section 1509.13 of the Revised Code unless the chief, in the 30214  
chief's discretion, waives payment of the permit fee. The 30215  
application constitutes an application for a permit to plug and 30216  
abandon the well for the purposes of section 1509.13 of the 30217  
Revised Code. 30218

(b) Within thirty days after receiving an application and 30219  
accompanying proposed contract under division (D)(2)(a) of this 30220  
section, the chief shall determine whether the plugging would 30221  
comply with the applicable requirements of this chapter and 30222  
applicable rules adopted and orders issued under it and whether 30223  
the cost of the plugging under the proposed contract is 30224  
reasonable. If the chief determines that the proposed plugging 30225  
would comply with those requirements and that the proposed cost of 30226  
the plugging is reasonable, the chief shall notify the landowner 30227  
of that determination and issue to the landowner a permit to plug 30228  
and abandon the well under section 1509.13 of the Revised Code. 30229  
Upon approval of the application and proposed contract, the chief 30230

shall transfer ownership of the equipment appurtenant to the well 30231  
to the landowner. The chief may disapprove an application 30232  
submitted under division (D)(2)(a) of this section if the chief 30233  
determines that the proposed plugging would not comply with the 30234  
applicable requirements of this chapter and applicable rules 30235  
adopted and orders issued under it, that the cost of the plugging 30236  
under the proposed contract is unreasonable, or that the proposed 30237  
contract is not a bona fide, ~~arms~~ arm's length contract. 30238

(c) After receiving the chief's notice of the approval of the 30239  
application and permit to plug and abandon a well under division 30240  
(D)(2)(b) of this section, the landowner shall enter into the 30241  
proposed contract to plug the well. 30242

(d) Upon determining that the plugging has been completed in 30243  
compliance with the applicable requirements of this chapter and 30244  
applicable rules adopted and orders issued under it, the chief 30245  
shall reimburse the landowner for the cost of the plugging as set 30246  
forth in the proposed contract approved by the chief. The 30247  
reimbursement shall be paid from the oil and gas well fund. If the 30248  
chief determines that the plugging was not completed in accordance 30249  
with the applicable requirements, the chief shall not reimburse 30250  
the landowner for the cost of the plugging, and the landowner or 30251  
the contractor, as applicable, promptly shall transfer back to 30252  
this state title to and possession of the equipment appurtenant to 30253  
the well that previously was transferred to the landowner under 30254  
division (D)(2)(b) of this section. If any such equipment was 30255  
removed from the well during the plugging and sold, the landowner 30256  
shall pay to the chief the proceeds from the sale of the 30257  
equipment, and the chief promptly shall pay the moneys so received 30258  
to the treasurer of state for deposit into the oil and gas well 30259  
fund. 30260

The chief may establish an annual limit on the number of 30261  
wells that may be plugged under division (D)(2) of this section or 30262

an annual limit on the expenditures to be made under that 30263  
division. 30264

As used in division (D)(2) of this section, "plug" and 30265  
"plugging" include the plugging of the well and the restoration of 30266  
the land surface disturbed by the plugging. 30267

(E) Expenditures from the oil and gas well fund for the 30268  
purpose of division (B)(2) of this section may be made pursuant to 30269  
contracts entered into by the chief with persons who agree to 30270  
furnish all of the materials, equipment, work, and labor as 30271  
specified and provided in such a contract. The competitive bidding 30272  
requirements of Chapter 153. of the Revised Code do not apply if 30273  
the chief reasonably determines that correction of the applicable 30274  
health or safety risk requires immediate action. The chief, 30275  
designated representatives of the chief, and agents or employees 30276  
of persons contracting with the chief under this division may 30277  
enter upon any land, public or private, for the purpose of 30278  
performing the work. 30279

(F) Contracts entered into by the chief under this section 30280  
are not subject to either of the following: 30281

(1) Chapter 4115. of the Revised Code; 30282

(2) Section 153.54 of the Revised Code, except that the 30283  
contractor shall obtain and provide to the chief as a bid guaranty 30284  
a surety bond or letter of credit in an amount equal to ten per 30285  
cent of the amount of the contract. 30286

(G) The owner of land on which a well is located who has 30287  
received notice under division (C)(1)(b) of this section, in lieu 30288  
of plugging the well in accordance with division (D)(2) of this 30289  
section, may cause ownership of the well to be transferred to an 30290  
owner who is lawfully doing business in this state and who has met 30291  
the financial responsibility requirements established under 30292  
section 1509.07 of the Revised Code, subject to the approval of 30293

the chief. The transfer of ownership also shall be subject to the 30294  
landowner's filing the appropriate forms required under section 30295  
1509.31 of the Revised Code and providing to the chief sufficient 30296  
information to demonstrate the landowner's or owner's right to 30297  
produce a formation or formations. That information may include a 30298  
deed, a lease, or other documentation of ownership or property 30299  
rights. 30300

The chief shall approve or disapprove the transfer of 30301  
ownership of the well. If the chief approves the transfer, the 30302  
owner is responsible for operating the well in accordance with 30303  
this chapter and rules adopted under it, including, without 30304  
limitation, all of the following: 30305

(1) Filing an application with the chief under section 30306  
1509.06 of the Revised Code if the owner intends to drill deeper 30307  
or produce a formation that is not listed in the records of the 30308  
division for that well; 30309

(2) Taking title to and possession of the equipment 30310  
appurtenant to the well that has been identified by the chief as 30311  
having been abandoned by the former owner; 30312

(3) Complying with all applicable requirements that are 30313  
necessary to drill deeper, plug the well, or plug back the well. 30314

(H) The chief shall issue an order that requires the owner of 30315  
a well to pay the actual documented costs of a corrective action 30316  
that is described in division (B)(2) of this section concerning 30317  
the well. The chief shall transmit the money so recovered to the 30318  
treasurer of state who shall deposit the money in the state 30319  
treasury to the credit of the oil and gas well fund. 30320

**Sec. 1509.072.** No oil or gas well owner or agent of an oil or 30321  
gas well owner shall fail to restore the land surface within the 30322  
area disturbed in siting, drilling, completing, and producing the 30323



well as required in this section. 30324

(A) Within fourteen days after the date upon which the 30325  
drilling of a well is completed to total depth in an urbanized 30326  
area and within two months after the date upon which the drilling 30327  
of a well is completed in all other areas, the owner or the 30328  
owner's agent, in accordance with the restoration plan filed under 30329  
division (A)(10) of section 1509.06 of the Revised Code, shall 30330  
fill all the pits for containing brine and other waste substances 30331  
resulting, obtained, or produced in connection with exploration or 30332  
drilling for oil or gas that are not required by other state or 30333  
federal law or regulation, and remove all drilling supplies and 30334  
drilling equipment. Unless the chief of the division of ~~mineral~~ 30335  
oil and gas resources management approves a longer time period, 30336  
within three months after the date upon which the surface drilling 30337  
of a well is commenced in an urbanized area and within six months 30338  
after the date upon which the surface drilling of a well is 30339  
commenced in all other areas, the owner or the owner's agent shall 30340  
grade or terrace and plant, seed, or sod the area disturbed that 30341  
is not required in production of the well where necessary to bind 30342  
the soil and prevent substantial erosion and sedimentation. If the 30343  
chief finds that a pit used for containing brine, other waste 30344  
substances, or oil is in violation of section 1509.22 of the 30345  
Revised Code or rules adopted or orders issued under it, the chief 30346  
may require the pit to be emptied and closed before expiration of 30347  
the fourteen-day or three-month restoration period. 30348

(B) Within three months after a well that has produced oil or 30349  
gas is plugged in an urbanized area and within six months after a 30350  
well that has produced oil or gas is plugged in all other areas, 30351  
or after the plugging of a dry hole, unless the chief approves a 30352  
longer time period, the owner or the owner's agent shall remove 30353  
all production and storage structures, supplies, and equipment, 30354  
and any oil, salt water, and debris, and fill any remaining 30355

excavations. Within that period the owner or the owner's agent 30356  
shall grade or terrace and plant, seed, or sod the area disturbed 30357  
where necessary to bind the soil and prevent substantial erosion 30358  
and sedimentation. 30359

The owner shall be released from responsibility to perform 30360  
any or all restoration requirements of this section on any part or 30361  
all of the area disturbed upon the filing of a request for a 30362  
waiver with and obtaining the written approval of the chief, which 30363  
request shall be signed by the surface owner to certify the 30364  
approval of the surface owner of the release sought. The chief 30365  
shall approve the request unless the chief finds upon inspection 30366  
that the waiver would be likely to result in substantial damage to 30367  
adjoining property, substantial contamination of surface or 30368  
underground water, or substantial erosion or sedimentation. 30369

The chief, by order, may shorten the time periods provided 30370  
for under division (A) or (B) of this section if failure to 30371  
shorten the periods would be likely to result in damage to public 30372  
health or the waters or natural resources of the state. 30373

The chief, upon written application by an owner or an owner's 30374  
agent showing reasonable cause, may extend the period within which 30375  
restoration shall be completed under divisions (A) and (B) of this 30376  
section, but not to exceed a further six-month period, except 30377  
under extraordinarily adverse weather conditions or when essential 30378  
equipment, fuel, or labor is unavailable to the owner or the 30379  
owner's agent. 30380

If the chief refuses to approve a request for waiver or 30381  
extension, the chief shall do so by order. 30382

**Sec. 1509.073.** A person that is issued a permit under this 30383  
chapter to drill a new well or drill an existing well deeper in an 30384  
urbanized area shall establish fluid drilling conditions prior to 30385  
penetration of the Onondaga limestone and continue to use fluid 30386

drilling until total depth of the well is achieved unless the 30387  
chief of the division of ~~mineral~~ oil and gas resources management 30388  
authorizes such drilling without using fluid. 30389

**Sec. 1509.08.** Upon receipt of an application for a permit 30390  
required by section 1509.05 of the Revised Code, or upon receipt 30391  
of an application for a permit to plug and abandon under section 30392  
1509.13 of the Revised Code, the chief of the division of ~~mineral~~ 30393  
oil and gas resources management shall determine whether the well 30394  
is or is to be located in a coal bearing township. 30395

Whether or not the well is or is to be located in a coal 30396  
bearing township, the chief, by order, may refuse to issue a 30397  
permit required by section 1509.05 of the Revised Code to any 30398  
applicant who at the time of applying for the permit is in 30399  
material or substantial violation of this chapter or rules adopted 30400  
or orders issued under it. The chief shall refuse to issue a 30401  
permit to any applicant who at the time of applying for the permit 30402  
has been found liable by a final nonappealable order of a court of 30403  
competent jurisdiction for damage to streets, roads, highways, 30404  
bridges, culverts, or drainways pursuant to section 4513.34 or 30405  
5577.12 of the Revised Code until the applicant provides the chief 30406  
with evidence of compliance with the order. No applicant shall 30407  
attempt to circumvent this provision by applying for a permit 30408  
under a different name or business organization name, by 30409  
transferring responsibility to another person or entity, by 30410  
abandoning the well or lease, or by any other similar act. 30411

If the well is not or is not to be located in a coal bearing 30412  
township, or if it is to be located in a coal bearing township, 30413  
but the landowner submits an affidavit attesting to ownership of 30414  
the property in fee simple, including the coal, and has no 30415  
objection to the well, the chief shall issue the permit. 30416

If the application to drill, reopen, or convert concerns a well that is or is to be located in a coal bearing township, the chief shall transmit to the chief of the division of mineral resources management two copies of the application and three copies of the map required in section 1509.06 of the Revised Code, except that, when the affidavit with the waiver of objection described above is submitted, the chief of the division of oil and gas resources management shall not transmit the copies.

The chief of the division of mineral resources management immediately shall notify the owner or lessee of any affected mine that the application has been filed and send to the owner or lessee two copies of the map accompanying the application setting forth the location of the well.

If the owner or lessee objects to the location of the well or objects to any location within fifty feet of the original location as a possible site for relocation of the well, the owner or lessee shall notify the chief of the division of mineral resources management of the objection, giving the reasons for the objection and, if applicable, indicating on a copy of the map the particular location or locations within fifty feet of the original location to which the owner or lessee objects as a site for possible relocation of the well, within six days after the receipt of the notice. If the chief receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief the objections offered by the owner or lessee are not sufficiently well founded, the chief immediately shall notify the owner or lessee of those findings. The owner or lessee may appeal the decision of the chief to the reclamation commission under section 1513.13 of the Revised Code. The appeal shall be filed within fifteen days, notwithstanding provisions in divisions (A)(1) of section 1513.13 of the Revised Code, to the contrary, from the

date on which the owner or lessee receives the notice. If the 30449  
appeal is not filed within that time, the chief immediately shall 30450  
approve the application ~~and, retain a copy of the application and~~ 30451  
map, and return a copy of the application to the chief of the 30452  
division of oil and gas resources management with the approval 30453  
noted on it. The chief of the division of oil and gas resources 30454  
management then shall issue the permit if the provisions of this 30455  
chapter pertaining to the issuance of such a permit have been 30456  
complied with. 30457

If the chief of the division of mineral resources management 30458  
receives an objection from the owner or lessee of the mine as to 30459  
the location of the well within ten days after receipt of the 30460  
notice by the owner or lessee, and if in the opinion of the chief 30461  
the objection is well founded, the chief shall disapprove the 30462  
application and ~~suggest~~ immediately return it to the chief of the 30463  
division of oil and gas resources management together with the 30464  
reasons for disapproval and a suggestion for a new location for 30465  
the well, provided that the suggested new location shall not be a 30466  
location within fifty feet of the original location to which the 30467  
owner or lessee has objected as a site for possible relocation of 30468  
the well if the chief of the division of mineral resources 30469  
management has determined that the objection is well founded. The 30470  
chief of the division of oil and gas resources management 30471  
immediately shall notify the applicant for the permit of the 30472  
disapproval and any suggestion made by the chief of the division 30473  
of mineral resources management as to a new location for the well. 30474  
The applicant may withdraw the application or amend the 30475  
application to drill the well at the location suggested by the 30476  
chief, or the applicant may appeal the disapproval of the 30477  
application by the chief to the reclamation commission. 30478

If the chief of the division of mineral resources management 30479  
receives no objection from the owner or lessee of a mine as to the 30480

location of the well, but does receive an objection from the owner 30481  
or lessee as to one or more locations within fifty feet of the 30482  
original location as possible sites for relocation of the well 30483  
within ten days after receipt of the notice by the owner or 30484  
lessee, and if in the opinion of the chief the objection is well 30485  
founded, the chief nevertheless shall approve the application and 30486  
shall return it immediately to the chief of the division of oil 30487  
and gas resources management together with the reasons for 30488  
disapproving any of the locations to which the owner or lessee 30489  
objects as possible sites for the relocation of the well. The 30490  
chief of the division of oil and gas resources management then 30491  
shall issue a permit if the provisions of this chapter pertaining 30492  
to the issuance of such a permit have been complied with, 30493  
incorporating as a term or condition of the permit that the 30494  
applicant is prohibited from commencing drilling at any location 30495  
within fifty feet of the original location that has been 30496  
disapproved by the chief of the division of mineral resources 30497  
management. The applicant may appeal to the reclamation commission 30498  
the terms and conditions of the permit prohibiting the 30499  
commencement of drilling at any such location disapproved by the 30500  
chief of the division of mineral resources management. 30501

Any such appeal shall be filed within fifteen days, 30502  
notwithstanding provisions in division (A)(1) of section 1513.13 30503  
of the Revised Code to the contrary, from the date the applicant 30504  
receives notice of the disapproval of the application, any other 30505  
location within fifty feet of the original location, or terms or 30506  
conditions of the permit, or the owner or lessee receives notice 30507  
of the chief's decision. No approval or disapproval of an 30508  
application shall be delayed by the chief of the division of 30509  
mineral resources management for more than fifteen days from the 30510  
date of sending the notice of the application to the mine owner or 30511  
lessee as required by this section. 30512

All appeals provided for in this section shall be treated as expedited appeals. The reclamation commission shall hear any such appeal in accordance with section 1513.13 of the Revised Code and issue a decision within thirty days of the filing of the notice of appeal.

The chief of the division of oil and gas resources management shall not issue a permit to drill a new well or reopen a well that is or is to be located within three hundred feet of any opening of any mine used as a means of ingress, egress, or ventilation for persons employed in the mine, nor within one hundred feet of any building or inflammable structure connected with the mine and actually used as a part of the operating equipment of the mine, unless the chief of the division of mineral resources management determines that life or property will not be endangered by drilling and operating the well in that location.

The chief of the division of mineral resources management may suspend the drilling or reopening of a well in a coal bearing township after determining that the drilling or reopening activities present an imminent and substantial threat to public health or safety or to miners' health or safety and having been unable to contact the chief of the division of oil and gas resources management to request an order of suspension under section 1509.06 of the Revised Code. Before issuing a suspension order for that purpose, the chief of the division of mineral resources management shall notify the owner in a manner that in the chief's judgment would provide reasonable notification that the chief intends to issue a suspension order. The chief may issue such an order without prior notification if reasonable attempts to notify the owner have failed, but in that event notification shall be given as soon thereafter as practical. Within five calendar days after the issuance of the order, the chief shall provide the owner an opportunity to be heard and to present evidence that the

activities do not present an imminent and substantial threat to 30545  
public health or safety or to miners' health or safety. If, after 30546  
considering the evidence presented by the owner, the chief 30547  
determines that the activities do not present such a threat, the 30548  
chief shall revoke the suspension order. An owner may appeal a 30549  
suspension order issued by the chief of the division of mineral 30550  
resources management under this section to the reclamation 30551  
commission in accordance with section 1513.13 of the Revised Code 30552  
or may appeal the order directly to the court of common pleas of 30553  
the county in which the well is located. 30554

**Sec. 1509.09.** A well may be drilled under a permit only at 30555  
the location designated on the map required in section 1509.06 of 30556  
the Revised Code. The location of a well may be changed after the 30557  
issuance of a permit only with the approval of the chief of the 30558  
division of ~~mineral~~ oil and gas resources management and, if the 30559  
well is located in a coal bearing township, with the approval of 30560  
the chief of the division of mineral resources management using 30561  
the procedures required in section 1509.08 of the Revised Code for 30562  
a permit to drill a well unless the permit holder requests the 30563  
issuance of an emergency drilling permit under this section due to 30564  
a lost hole under such circumstances that completion of the well 30565  
is not feasible at the original location. If a permit holder 30566  
requests a change of location, the permit holder shall return the 30567  
original permit and file an amended map indicating the proposed 30568  
new location. 30569

Drilling shall not be commenced at a new location until the 30570  
original permit bearing a notation of approval by the chief or 30571  
chiefs is posted at the well site. However, a permit holder may 30572  
commence drilling at a new location without first receiving the 30573  
prior approval required by this section, if all of the following 30574  
conditions are met: 30575



(A) Within one working day after spudding the new well, the permit holder files a request for an emergency drilling permit and submits to the chief of the division of oil and gas resources management an application for a permit that meets the requirements of section 1509.06 of the Revised Code, including the permit fee required by that section, with an amended map showing the new location~~+~~. 30576  
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(B) ~~A mineral~~ An oil and gas resources inspector is present before spudding operations are commenced at the location~~+~~. 30583  
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(C) The original well is plugged prior to the skidding of the drilling rig to the new location, and the plugging is witnessed or verified by ~~a mineral~~ an oil and gas resources inspector or, if the well is located in a coal bearing township, both a deputy mine inspector and ~~a mineral~~ an oil and gas resources inspector unless the chief or the chief's authorized representative temporarily waives the requirement, but in any event the original well shall be plugged before the drilling rig is moved from the location~~+~~. 30585  
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(D) The new location is within fifty feet of the original location unless, upon request of the permit holder, the chief, with the approval of the chief of the division of mineral resources management if the well is located in a coal bearing township, agrees to a new location farther than fifty feet from the original location~~+~~. 30593  
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(E) The new location meets all the distance and spacing requirements prescribed by rules adopted under sections 1509.23 and 1509.24 of the Revised Code~~+~~. 30599  
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(F) If the well is located in a coal bearing township, use of the new well location has not been disapproved by the chief of the division of mineral resources management and has not been prohibited as a term or condition of the permit under section 1509.08 of the Revised Code. 30602  
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If the chief of the division of oil and gas resources 30607  
management approves the change of location, the chief shall issue 30608  
an emergency permit within two working days after the filing of 30609  
the request for the emergency permit. If the chief disapproves the 30610  
change of location, the chief shall, by order, deny the request 30611  
and may issue an appropriate enforcement order under section 30612  
1509.03 of the Revised Code. 30613

**Sec. 1509.10.** (A) Any person drilling within the state shall, 30614  
within sixty days after the completion of drilling operations to 30615  
the proposed total depth or after a determination that a well is a 30616  
dry or lost hole, file with the division of ~~mineral~~ oil and gas 30617  
resources management all wireline electric logs and an accurate 30618  
well completion record on a form that is approved by the chief of 30619  
the division of ~~mineral~~ oil and gas resources management that 30620  
designates: 30621

(1) The purpose for which the well was drilled; 30622

(2) The character, depth, and thickness of geological units 30623  
encountered, including coal seams, mineral beds, associated fluids 30624  
such as fresh water, brine, and crude oil, natural gas, and sour 30625  
gas, if such seams, beds, fluids, or gases are known; 30626

(3) The dates on which drilling operations were commenced and 30627  
completed; 30628

(4) The types of drilling tools used and the name of the 30629  
person that drilled the well; 30630

(5) The length in feet of the various sizes of casing and 30631  
tubing used in drilling the well, the amount removed after 30632  
completion, the type and setting depth of each packer, all other 30633  
data relating to cementing in the annular space behind such casing 30634  
or tubing, and data indicating completion as a dry, gas, oil, 30635  
combination oil and gas, brine injection, or artificial brine well 30636

or a stratigraphic test; 30637

(6) The number of perforations in the casing and the 30638  
intervals of the perforations; 30639

(7) The elevation above mean sea level of the point from 30640  
which the depth measurements were made, stating also the height of 30641  
the point above ground level at the well, the total depth of the 30642  
well, and the deepest geological unit that was penetrated in the 30643  
drilling of the well; 30644

(8) If applicable, the type, volume, and concentration of 30645  
acid, and the date on which acid was used in acidizing the well; 30646

(9) If applicable, the type and volume of fluid used to 30647  
stimulate the reservoir of the well, the reservoir breakdown 30648  
pressure, the method used for the containment of fluids recovered 30649  
from the fracturing of the well, the methods used for the 30650  
containment of fluids when pulled from the wellbore from swabbing 30651  
the well, the average pumping rate of the well, and the name of 30652  
the person that performed the well stimulation. In addition, the 30653  
owner shall include a copy of the log from the stimulation of the 30654  
well, a copy of the invoice for each of the procedures and methods 30655  
described in division (A)(9) of this section that were used on a 30656  
well, and a copy of the pumping pressure and rate graphs. However, 30657  
the owner may redact from the copy of each invoice that is 30658  
required to be included under division (A)(9) of this section the 30659  
costs of and charges for the procedures and methods described in 30660  
division (A)(9) of this section that were used on a well. 30661

(10) The name of the company that performed the logging of 30662  
the well and the types of wireline electric logs performed on the 30663  
well. 30664

The well completion record shall be submitted in duplicate. 30665  
The first copy shall be retained as a permanent record in the 30666  
files of the division, and the second copy shall be transmitted by 30667

the chief to the division of geological survey. 30668

(B)(1) Not later than sixty days after the completion of the 30669  
drilling operations to the proposed total depth, the owner shall 30670  
file all wireline electric logs with the division of ~~mineral oil~~ 30671  
and gas resources management and the chief shall transmit such 30672  
logs electronically, if available, to the division of geological 30673  
survey. Such logs may be retained by the owner for a period of not 30674  
more than six months, or such additional time as may be granted by 30675  
the chief in writing, after the completion of the well 30676  
substantially to the depth shown in the application required by 30677  
section 1509.06 of the Revised Code. 30678

(2) If a well is not completed within sixty days after the 30679  
completion of drilling operations, the owner shall file with the 30680  
division of oil and gas resources management a supplemental well 30681  
completion record that includes all of the information required 30682  
under this section within sixty days after the completion of the 30683  
well. 30684

(C) Upon request in writing by the chief of the division of 30685  
geological survey prior to the beginning of drilling of the well, 30686  
the person drilling the well shall make available a complete set 30687  
of cuttings accurately identified as to depth. 30688

(D) The form of the well completion record required by this 30689  
section shall be one that has been approved by the chief of the 30690  
division of ~~mineral oil and gas~~ resources management and the chief 30691  
of the division of geological survey. The filing of a log as 30692  
required by this section fulfills the requirement of filing a log 30693  
with the chief of the division of geological survey in section 30694  
1505.04 of the Revised Code. 30695

(E) If there is a material listed on the invoice that is 30696  
required by division (A)(9) of this section for which the division 30697  
of ~~mineral oil and gas~~ resources management does not have a 30698

material safety data sheet, the chief shall obtain a copy of the 30699  
material safety data sheet for the material and post a copy of the 30700  
material safety data sheet on the division's web site. 30701

**Sec. 1509.11.** The owner of any well producing or capable of 30702  
producing oil or gas shall file with the chief of the division of 30703  
~~mineral oil and gas~~ resources management, on or before the 30704  
thirty-first day of March, a statement of production of oil, gas, 30705  
and brine for the last preceding calendar year in such form as the 30706  
chief may prescribe. An owner that has more than one hundred wells 30707  
in this state shall submit electronically the statement of 30708  
production in a format that is approved by the chief. The chief 30709  
shall include on the form, at the minimum, a request for the 30710  
submittal of the information that a person who is regulated under 30711  
this chapter is required to submit under the "Emergency Planning 30712  
and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 30713  
U.S.C.A. 11001, and regulations adopted under it, and that the 30714  
division does not obtain through other reporting mechanisms. 30715

**Sec. 1509.12.** (A) No owner of any well shall construct a 30716  
well, or permit defective casing in a well to leak fluids or 30717  
gases, that causes damage to other permeable strata, underground 30718  
sources of drinking water, or the surface of the land or that 30719  
threatens the public health and safety or the environment. Upon 30720  
the discovery that the casing in a well is defective or that a 30721  
well was not adequately constructed, the owner of the well shall 30722  
notify the chief of the division of ~~mineral oil and gas~~ resources 30723  
management within twenty-four hours of the discovery, and the 30724  
owner shall immediately repair the casing, correct the 30725  
construction inadequacies, or plug and abandon the well. 30726

(B) When the chief finds that a well should be plugged, the 30727  
chief shall notify the owner to that effect by order in writing 30728  
and shall specify in the order a reasonable time within which to 30729

comply. No owner shall fail or refuse to plug a well within the 30730  
time specified in the order. Each day on which such a well remains 30731  
unplugged thereafter constitutes a separate offense. 30732

Where the plugging method prescribed by rules adopted 30733  
pursuant to section 1509.15 of the Revised Code cannot be applied 30734  
or if applied would be ineffective in carrying out the protection 30735  
that the law is meant to give, the chief may designate a different 30736  
method of plugging. The abandonment report shall show the manner 30737  
in which the well was plugged. 30738

(C) In case of oil or gas wells abandoned prior to September 30739  
1, 1978, the board of county commissioners of the county in which 30740  
the wells are located may submit to the electors of the county the 30741  
question of establishing a special fund, by general levy, by 30742  
general bond issue, or out of current funds, which shall be 30743  
approved by a majority of the electors voting upon that question 30744  
for the purpose of plugging the wells. The fund shall be 30745  
administered by the board and the plugging of oil and gas wells 30746  
shall be under the supervision of the chief, and the board shall 30747  
let contracts for that purpose, provided that the fund shall not 30748  
be used for the purpose of plugging oil and gas wells that were 30749  
abandoned subsequent to September 1, 1978. 30750

**Sec. 1509.13.** (A) No person shall plug and abandon a well 30751  
without having a permit to do so issued by the chief of the 30752  
division of ~~mineral~~ oil and gas resources management. The permit 30753  
shall be issued by the chief in accordance with this chapter and 30754  
shall be valid for a period of twenty-four months from the date of 30755  
issue. 30756

(B) Application by the owner for a permit to plug and abandon 30757  
shall be filed as many days in advance as will be necessary for a 30758  
~~mineral~~ an oil and gas resources inspector or, if the well is 30759  
located in a coal bearing township, both a deputy mine inspector 30760

and ~~a mineral~~ an oil and gas resources inspector to be present at 30761  
the plugging. The application shall be filed with the chief upon a 30762  
form that the chief prescribes and shall contain the following 30763  
information: 30764

(1) The name and address of the owner; 30765

(2) The signature of the owner or the owner's authorized 30766  
agent. When an authorized agent signs an application, it shall be 30767  
accompanied by a certified copy of the appointment as that agent. 30768

(3) The location of the well identified by section or lot 30769  
number, city, village, township, and county; 30770

(4) Designation of well by name and number; 30771

(5) The total depth of the well to be plugged; 30772

(6) The date and amount of last production from the well; 30773

(7) Other data that the chief may require. 30774

(C) If oil or gas has been produced from the well, the 30775  
application shall be accompanied by a fee of two hundred fifty 30776  
dollars. If a well has been drilled in accordance with law and the 30777  
permit is still valid, the permit holder may receive approval to 30778  
plug the well from ~~a mineral~~ an oil and gas resources inspector so 30779  
that the well can be plugged and abandoned without undue delay. 30780  
Unless waived by ~~a mineral~~ an oil and gas resources inspector, the 30781  
owner of a well or the owner's authorized representative shall 30782  
notify ~~a mineral~~ an oil and gas resources inspector at least 30783  
twenty-four hours prior to the commencement of the plugging of a 30784  
well. No well shall be plugged and abandoned without ~~a mineral~~ an 30785  
oil and gas resources inspector present unless permission has been 30786  
granted by the chief. The owner of a well that has produced oil or 30787  
gas shall give written notice at the same time to the owner of the 30788  
land upon which the well is located and to all lessors that 30789  
receive gas from the well pursuant to a lease agreement. If the 30790

well penetrates or passes within one hundred feet of the 30791  
excavations and workings of a mine, the owner of the well shall 30792  
give written notice to the owner or lessee of that mine, of the 30793  
well owner's intention to abandon the well and of the time when 30794  
the well owner will be prepared to commence plugging it. 30795

(D) An applicant may file a request with the chief for 30796  
expedited review of an application for a permit to plug and 30797  
abandon a well. The chief may refuse to accept a request for 30798  
expedited review if, in the chief's judgment, acceptance of the 30799  
request will prevent the issuance, within twenty-one days of 30800  
filing, of permits for which applications filed under section 30801  
1509.06 of the Revised Code are pending. In addition to a complete 30802  
application for a permit that meets the requirements of this 30803  
section and the permit fee prescribed by this section, if 30804  
applicable, a request shall be accompanied by a nonrefundable 30805  
filing fee of five hundred dollars unless the chief has ordered 30806  
the applicant to plug and abandon the well. When a request for 30807  
expedited review is filed, the chief shall immediately begin to 30808  
process the application and shall issue a permit within seven days 30809  
of the filing of the request unless the chief, by order, denies 30810  
the application. 30811

(E) This section does not apply to a well plugged or 30812  
abandoned in compliance with section 1571.05 of the Revised Code. 30813

**Sec. 1509.14.** Any person who abandons a well, when written 30814  
permission has been granted by the chief of the division of 30815  
~~mineral oil and gas~~ resources management to abandon and plug the 30816  
well without an inspector being present to supervise the plugging, 30817  
shall make a written report of the abandonment to the chief. The 30818  
report shall be submitted not later than thirty days after the 30819  
date of abandonment and shall include all of the following: 30820

(A) The date of abandonment; 30821



(B) The name of the owner or operator of the well at the time of abandonment and the post-office address of the owner or operator; 30822  
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(C) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof; 30825  
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30827

(D) The date of the permit to drill; 30828

(E) The date when drilled; 30829

(F) The depth of the well; 30830

(G) The depth of the top of the formation to which the well was drilled; 30831  
30832

(H) The depth of each seam of coal drilled through, if known; 30833

(I) A detailed report as to how the well was plugged, giving in particular the manner in which the coal and various formations were plugged, and the date of the plugging of the well, including the names of those who witnessed the plugging of the well. 30834  
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The report shall be signed by the owner or operator, or the agent of the owner or operator, who abandons and plugs the well and verified by the oath of the party so signing. For the purposes of this section, the ~~mineral oil and gas~~ resources inspectors may take acknowledgments and administer oaths to the parties signing the report. 30838  
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**Sec. 1509.15.** When any well is to be abandoned, it shall first be plugged in accordance with a method of plugging adopted by rule by the chief of the division of ~~mineral oil and gas~~ resources management. The abandonment report shall show the manner in which the well was plugged. 30844  
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**Sec. 1509.17.** (A) A well shall be constructed in a manner that is approved by the chief of the division of ~~mineral oil and~~ 30849  
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gas resources management as specified in the permit using 30851  
materials that comply with industry standards for the type and 30852  
depth of the well and the anticipated fluid pressures that are 30853  
associated with the well. In addition, a well shall be constructed 30854  
using sufficient steel or conductor casing in a manner that 30855  
supports unconsolidated sediments, that protects and isolates all 30856  
underground sources of drinking water as defined by the Safe 30857  
Drinking Water Act, and that provides a base for a blowout 30858  
preventer or other well control equipment that is necessary to 30859  
control formation pressures and fluids during the drilling of the 30860  
well and other operations to complete the well. Using steel 30861  
production casing with sufficient cement, an oil and gas reservoir 30862  
shall be isolated during well stimulation and during the 30863  
productive life of the well. In addition, sour gas zones and gas 30864  
bearing zones that have sufficient pressure and volume to 30865  
over-pressurize the surface production casing annulus resulting in 30866  
annular overpressurization shall be isolated using approved 30867  
cementing, casing, and well construction practices. However, 30868  
isolating an oil and gas reservoir shall not exclude open-hole 30869  
completion. A well shall not be perforated for purposes of well 30870  
stimulation in any zone that is located around casing that 30871  
protects underground sources of drinking water without written 30872  
authorization from the chief in accordance with division (D) of 30873  
this section. When the well penetrates the excavations of a mine, 30874  
the casing shall remain intact as provided in section 1509.18 of 30875  
the Revised Code and be plugged and abandoned in accordance with 30876  
section 1509.15 of the Revised Code. 30877

(B) The chief may adopt rules in accordance with Chapter 119. 30878  
of the Revised Code that are consistent with division (A) of this 30879  
section and that establish standards for constructing a well, for 30880  
evaluating the quality of well construction materials, and for 30881  
completing remedial cementing. In addition, the standards 30882  
established in the rules shall consider local geology and various 30883

drilling conditions and shall require the use of reasonable 30884  
methods that are based on sound engineering principles. 30885

(C) An owner or an owner's authorized representative shall 30886  
notify ~~a mineral~~ an oil and gas resources inspector each time that 30887  
the owner or the authorized representative notifies a person to 30888  
perform the cementing of the conductor casing, the surface casing, 30889  
or the production casing. In addition, not later than sixty days 30890  
after the completion of the cementing of the production casing, an 30891  
owner shall submit to the chief a copy of the cement tickets for 30892  
each cemented string of casing and a copy of all logs that were 30893  
used to evaluate the quality of the cementing. 30894

(D) The chief shall grant an exemption from this section and 30895  
rules adopted under it for a well if the chief determines that a 30896  
cement bond log confirms zonal isolation and there is a minimum of 30897  
five hundred feet between the uppermost perforation of the casing 30898  
and the lowest depth of an underground source of drinking water. 30899

**Sec. 1509.181.** (A) The chief of the division of mineral 30900  
resources management may order the immediate suspension of the 30901  
drilling or reopening of a well in a coal bearing township after 30902  
determining that the drilling or reopening activities present an 30903  
imminent and substantial threat to public health or safety or to a 30904  
miner's health or safety. 30905

(B) Before issuing an order under division (A) of this 30906  
section, the chief shall notify the chief of the division of oil 30907  
and gas resources management and the owner in any manner that the 30908  
chief of the division of mineral resources management determines 30909  
would provide reasonable notification of the chief's intent to 30910  
issue a suspension order. However, the chief may order the 30911  
immediate suspension of the drilling or reopening of a well in a 30912  
coal bearing township without prior notification to the owner if 30913  
the chief has made reasonable attempts to notify the owner and the 30914

attempts have failed. If the chief orders the immediate suspension 30915  
of such drilling or reopening, the chief shall provide the chief 30916  
of the division of oil and gas resources management and the 30917  
owner notice of the order as soon as practical. 30918

(C) Not later than five days after the issuance of an order 30919  
under division (A) of this section to immediately suspend the 30920  
drilling or reopening of a well in a coal bearing township, the 30921  
chief of the division of mineral resources management shall 30922  
provide the owner an opportunity to be heard and to present 30923  
evidence that the drilling or reopening activities will not likely 30924  
result in an imminent and substantial threat to public health or 30925  
safety or to a miner's health or safety, as applicable. If the 30926  
chief, after considering all evidence presented by the owner, 30927  
determines that the activities do not present such a threat, the 30928  
chief shall revoke the suspension order. 30929

(D) Notwithstanding any other provision of this chapter, an 30930  
owner may appeal a suspension order issued under this section to 30931  
the reclamation commission in accordance with section 1513.13 of 30932  
the Revised Code. 30933

**Sec. 1509.19.** An owner who elects to stimulate a well shall 30934  
stimulate the well in a manner that will not endanger underground 30935  
sources of drinking water. Not later than twenty-four hours before 30936  
commencing the stimulation of a well, the owner or the owner's 30937  
authorized representative shall notify ~~a mineral~~ an oil and gas 30938  
resources inspector. If during the stimulation of a well damage to 30939  
the production casing or cement occurs and results in the 30940  
circulation of fluids from the annulus of the surface production 30941  
casing, the owner shall immediately terminate the stimulation of 30942  
the well and notify the chief of the division of ~~mineral~~ oil and 30943  
gas resources management. If the chief determines that the casing 30944  
and the cement may be remediated in a manner that isolates the oil 30945

and gas bearing zones of the well, the chief may authorize the 30946  
completion of the stimulation of the well. If the chief determines 30947  
that the stimulation of a well resulted in irreparable damage to 30948  
the well, the chief shall order that the well be plugged and 30949  
abandoned within thirty days of the issuance of the order. 30950

For purposes of determining the integrity of the remediation 30951  
of the casing or cement of a well that was damaged during the 30952  
stimulation of the well, the chief may require the owner of the 30953  
well to submit cement evaluation logs, temperature surveys, 30954  
pressure tests, or a combination of such logs, surveys, and tests. 30955

**Sec. 1509.21.** No person shall, without first having obtained 30956  
a permit from the chief of the division of ~~mineral~~ oil and gas 30957  
resources management, conduct secondary or additional recovery 30958  
operations, including any underground injection of fluids or 30959  
carbon dioxide for the secondary or tertiary recovery of oil or 30960  
natural gas or for the storage of hydrocarbons that are liquid at 30961  
standard temperature or pressure, unless a rule of the chief 30962  
expressly authorizes such operations without a permit. The permit 30963  
shall be in addition to any permit required by section 1509.05 of 30964  
the Revised Code. Secondary or additional recovery operations 30965  
shall be conducted in accordance with rules and orders of the 30966  
chief and any terms or conditions of the permit authorizing such 30967  
operations. In addition, the chief may authorize tests to evaluate 30968  
whether fluids or carbon dioxide may be injected in a reservoir 30969  
and to determine the maximum allowable injection pressure. The 30970  
tests shall be conducted in accordance with methods prescribed in 30971  
rules of the chief or conditions of the permit. Rules adopted 30972  
under this section shall include provisions regarding applications 30973  
for and the issuance of permits; the terms and conditions of 30974  
permits; entry to conduct inspections and to examine records to 30975  
ascertain compliance with this section and rules, orders, and 30976  
terms and conditions of permits adopted or issued thereunder; the 30977

provision and maintenance of information through monitoring, 30978  
recordkeeping, and reporting; and other provisions in furtherance 30979  
of the goals of this section and the Safe Drinking Water Act. To 30980  
implement the goals of the Safe Drinking Water Act, the chief 30981  
shall not issue a permit for the underground injection of fluids 30982  
for the secondary or tertiary recovery of oil or natural gas or 30983  
for the storage of hydrocarbons that are liquid at standard 30984  
temperature and pressure, unless the chief concludes that the 30985  
applicant has demonstrated that the injection will not result in 30986  
the presence of any contaminant in underground water that supplies 30987  
or can be reasonably expected to supply any public water system, 30988  
such that the presence of any such contaminant may result in the 30989  
system's not complying with any national primary drinking water 30990  
regulation or may otherwise adversely affect the health of 30991  
persons. Rules, orders, and terms or conditions of permits adopted 30992  
or issued under this section shall be construed to be no more 30993  
stringent than required for compliance with the Safe Drinking 30994  
Water Act, unless essential to ensure that underground sources of 30995  
drinking water will not be endangered. 30996

**Sec. 1509.22.** (A) Except when acting in accordance with 30997  
section 1509.226 of the Revised Code, no person shall place or 30998  
cause to be placed brine, crude oil, natural gas, or other fluids 30999  
associated with the exploration or development of oil and gas 31000  
resources in surface or ground water or in or on the land in such 31001  
quantities or in such manner as actually causes or could 31002  
reasonably be anticipated to cause either of the following: 31003

(1) Water used for consumption by humans or domestic animals 31004  
to exceed the standards of the Safe Drinking Water Act; 31005

(2) Damage or injury to public health or safety or the 31006  
environment. 31007

(B) No person shall store or dispose of brine in violation of 31008

a plan approved under division (A) of section 1509.222 or section 1509.226 of the Revised Code, in violation of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to those plans or resolutions.

(C) The chief of the division of ~~mineral~~ oil and gas resources management shall adopt rules and issue orders regarding storage and disposal of brine and other waste substances; however, the storage and disposal of brine and other waste substances and the chief's rules relating to storage and disposal are subject to all of the following standards:

(1) Brine from any well except an exempt Mississippian well shall be disposed of only by injection into an underground formation, including annular disposal if approved by rule of the chief, which injection shall be subject to division (D) of this section; by surface application in accordance with section 1509.226 of the Revised Code; in association with a method of enhanced recovery as provided in section 1509.21 of the Revised Code; or by other methods approved by the chief for testing or implementing a new technology or method of disposal. Brine from exempt Mississippian wells shall not be discharged directly into the waters of the state.

(2) Muds, cuttings, and other waste substances shall not be disposed of in violation of any rule.

(3) Pits or steel tanks shall be used as authorized by the chief for containing brine and other waste substances resulting from, obtained from, or produced in connection with drilling, well stimulation, reworking, reconditioning, plugging back, or plugging operations. The pits and steel tanks shall be constructed and maintained to prevent the escape of brine and other waste substances.

(4) A dike or pit may be used for spill prevention and control. A dike or pit so used shall be constructed and maintained to prevent the escape of brine and crude oil, and the reservoir within such a dike or pit shall be kept reasonably free of brine, crude oil, and other waste substances.

(5) Earthen impoundments constructed pursuant to the division's specifications may be used for the temporary storage of fluids used in the stimulation of a well.

(6) No pit, earthen impoundment, or dike shall be used for the temporary storage of brine or other substances except in accordance with divisions (C)(3) to (5) of this section.

(7) No pit or dike shall be used for the ultimate disposal of brine or other liquid waste substances.

(D) No person, without first having obtained a permit from the chief, shall inject brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production into an underground formation unless a rule of the chief expressly authorizes the injection without a permit. The permit shall be in addition to any permit required by section 1509.05 of the Revised Code, and the permit application shall be accompanied by a permit fee of one thousand dollars. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the injection into wells of brine and other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production. The rules may authorize tests to evaluate whether fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of the permit. In addition, the rules shall include provisions regarding applications for and issuance of the permits required by this division; entry to conduct