

As Concurred by the House

**130th General Assembly
Regular Session
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Sub. H. B. No. 10

Representative Hagan, C.

**Cosponsors: Representatives Hackett, Anielski, Boose, Brenner, Burkley,
Damschroder, DeVitis, Duffey, Huffman, Maag, Perales, Retherford, Ruhl,
Terhar, Thompson, Young**

**Senators LaRose, Schaffer, Balderson, Coley, Eklund, Hughes, Jones,
Obhof, Oelslager, Peterson, Sawyer, Skindell, Widener**

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A B I L L

To amend sections 3.16, 101.35, 103.0511, 106.02, 1
106.022, 106.023, 106.031, 106.05, 119.03, 121.83, 2
135.02, 305.03, 319.04, 319.26, 321.37, 321.46, 3
507.02, 2921.13, 2921.44, 3314.023, 5101.09, and 4
5713.012; to enact sections 117.45, 507.12, 5
507.13, 733.78, 733.81, 3313.30, 3314.50, 6
3326.211, 3328.16, and 3328.37; and to repeal 7
sections 319.25 and 321.38 of the Revised Code; to 8
amend Section 267.50.70 of Am. Sub. H.B. 153 of 9
the 129th General Assembly; and to amend Section 10
267.50.70 of Am. Sub. H.B. 153 of the 129th 11
General Assembly for the purpose of codifying it 12
as section 3314.51 of the Revised Code to 13
establish initial education programs and 14
continuing education requirements for the fiscal 15
officers of townships and municipal corporations, 16
to establish procedures for removing those 17
officers, county treasurers, and county auditors 18
from office, to create fiscal accountability 19

requirements for counties, townships, municipal 20
corporations, and public schools, to revise the 21
procedure for appointing an interim replacement 22
official to perform the duties of a suspended 23
elected county official, to authorize the board of 24
county commissioners to appoint an acting officer 25
to perform such suspended official's duties before 26
an interim replacement official is appointed to 27
reduce the required number of Board of Deposit 28
meetings, to provide procedures to request 29
additional meetings, and to require web site 30
postings of specified Board of Deposit notices, to 31
modify the continuing education requirements for 32
qualified mass appraisal project managers, and to 33
correct provisions recently enacted by S.B. 3 of 34
the 130th General Assembly. 35

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

Section 1. That sections 3.16, 101.35, 103.0511, 106.02, 36
106.022, 106.023, 106.031, 106.05, 119.03, 121.83, 135.02, 305.03, 37
319.04, 319.26, 321.37, 321.46, 507.02, 2921.13, 2921.44, 38
3314.023, 5101.09, and 5713.012 be amended; sections 117.45, 39
507.12, 507.13, 733.78, 733.81, 3313.30, 3314.50, 3326.211, 40
3328.16, and 3328.37 of the Revised Code be enacted; and Section 41
267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly be 42
amended and codified as section 3314.51 of the Revised Code to 43
read as follows: 44

Sec. 3.16. (A) As used in this section: 45

(1) "Prosecuting attorney" means the prosecuting attorney of 46
the county in which a public official who is charged as described 47
in division (B) of this section serves. 48

(2) "Public official" means any elected officer of a political subdivision as defined in section 2744.01 of the Revised Code. "Public official" does not include a judge of a court of record.

(B)(1) If a public official is charged with a felony in a state or federal court and if the attorney general, if the attorney general is prosecuting the case, or prosecuting attorney with responsibility to prosecute the case determines that the felony relates to the public official's administration of, or conduct in the performance of the duties of, the office of the public official, the attorney general, if the attorney general is prosecuting the case, or prosecuting attorney with responsibility to prosecute the case shall transmit a copy of the charging document to the chief justice of the supreme court with a request that the chief justice proceed as provided in division (C) of this section. If the attorney general or the prosecuting attorney transmits a copy of the charging document to the chief justice, a copy also shall be sent to the attorney general if the prosecuting attorney transmits the copy to the chief justice or to the prosecuting attorney of the county in which the public official holds office if the attorney general transmits the copy to the chief justice.

(2) Upon transmitting a copy of a charging document and a request to the chief justice of the supreme court under division (B)(1)~~(a) or (b)~~ of this section, the attorney general or prosecuting attorney shall provide the public official with a written notice that, not later than fourteen days after the date of the notice, the public official may file with the attorney general or prosecuting attorney, whichever sent the notice, a written statement either voluntarily authorizing the attorney general or prosecuting attorney to prepare a judgment entry for the judge presiding in the case to provisionally suspend the

public official from office or setting forth the reasons why the 81
public official should not be suspended from office. 82

If the public official voluntarily authorizes the attorney 83
general or prosecuting attorney to prepare a judgment entry for 84
the judge presiding in the case to provisionally suspend the 85
public official from office as described in this division, the 86
attorney general or prosecuting attorney shall prepare a judgment 87
entry for the judge presiding in the case to provisionally suspend 88
the public official from office immediately upon receipt of the 89
judgment entry and shall notify the chief justice of the supreme 90
court of the provisional suspension. Upon receipt of the judgment 91
entry, the judge presiding in the case shall sign the judgment 92
entry and file the signed judgment entry in the case. The signing 93
and filing of the judgment entry provisionally suspends the public 94
official from office. The attorney general's or prosecuting 95
attorney's request to the chief justice that was made under 96
division (B)(1) of this section remains applicable regarding the 97
public official, and the chief justice shall establish a special 98
commission pursuant to division (C)(1) of this section. A 99
provisional suspension imposed under this division shall remain in 100
effect until the special commission established by the chief 101
justice enters its judgment under division (C)(3) of this section. 102
After the special commission so enters its judgment, divisions 103
(C)(3) and (4) of this section shall govern the continuation of 104
the suspension. Division (E) of this section applies to a 105
provisional suspension imposed under this division. 106

If the public official files a written statement setting 107
forth the reasons why the public official should not be suspended 108
from office, the public official shall not be provisionally 109
suspended from office, and the attorney general or prosecuting 110
attorney, whichever sent the notice to the public official, shall 111
transmit a copy of the public official's written statement to the 112

chief justice of the supreme court. The attorney general's or 113
prosecuting attorney's request to the chief justice that was made 114
under division (B)(1) of this section remains applicable regarding 115
the public official, and the chief justice shall establish a 116
special commission pursuant to division (C)(1) of this section. 117

(C)(1) Not sooner than fourteen days after the chief 118
justice's receipt of the attorney general's or prosecuting 119
attorney's request under division (B)(1) of this section, the 120
chief justice shall establish a special commission composed of 121
three retired justices or judges of a court of record. A special 122
commission established under this division is an administrative 123
agency. The chief justice shall appoint the members of the special 124
commission and shall provide to the special commission all 125
documents and materials pertaining to the matter that were 126
received from the attorney general or prosecuting attorney under 127
division (B)(1) or (2) of this section. At least one member of the 128
special commission shall be of the same political party as the 129
public official. Members of the special commission shall receive 130
compensation for their services, and shall be reimbursed for any 131
expenses incurred in connection with special commission functions, 132
from funds appropriated to the attorney general's office. 133

(2) Once established under division (C)(1) of this section, a 134
special commission shall review the document that charges the 135
public official with the felony, all other documents and materials 136
pertaining to the matter that were provided by the chief justice 137
under division (C)(1) of this section, and the facts and 138
circumstances related to the offense charged. Within fourteen days 139
after it is established, the special commission shall make a 140
preliminary determination as to whether the public official's 141
administration of, or conduct in the performance of the duties of, 142
the official's office, as covered by the charges, adversely 143
affects the functioning of that office or adversely affects the 144

rights and interests of the public and, as a result, whether the public official should be suspended from office. Upon making the preliminary determination, the special commission immediately shall provide the public official with notice of the preliminary determination. The notice may be in writing, by telephone, or in another manner. If the preliminary determination is that the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, does not adversely affect the functioning of the office or does not adversely affect the rights and interests of the public, the preliminary determination automatically shall become the special commission's final determination for purposes of division (C)(3) of this section. If the preliminary determination is that the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of the office or adversely affects the rights and interests of the public and that the public official should be suspended from office, the notice shall inform the public official that the public official may contest the preliminary determination by filing with the special commission ~~and~~, within fourteen days after the date of the notice to the public official, a notice contesting the determination.

If the public official files a notice contesting the preliminary determination within fourteen days after the date of the notice to the public official, the public official may review the reasons and evidence for the determination and may appear at a meeting of the special commission to contest the determination and present the public official's position on the matter. The meeting of the special commission shall be held not later than fourteen days after the public official files the notice contesting the preliminary determination. The public official has a right to be accompanied by an attorney while appearing before the special commission, but the attorney is not entitled to act as counsel or

advocate for the public official before the special commission or 178
to present evidence or examine or cross-examine witnesses before 179
the special commission. At the conclusion of the meeting, the 180
special commission shall make a final determination as to whether 181
the public official's administration of, or conduct in the 182
performance of the duties of, the official's office, as covered by 183
the charges, adversely affects the functioning of the office or 184
adversely affects the rights and interests of the public and, as a 185
result, whether the public official should be suspended from 186
office, and shall proceed in accordance with division (C)(3) of 187
this section. 188

If the public official does not file a notice contesting the 189
determinations within fourteen days after the date of the notice 190
to the public official, the special commission's preliminary 191
determination automatically shall become its final determination 192
for purposes of division (C)(3) of this section. 193

Notwithstanding anything to the contrary in section 121.22 of 194
the Revised Code, all meetings of the special commission shall be 195
closed to the public. Notwithstanding anything to the contrary in 196
section 149.43 of the Revised Code, the records of the special 197
commission shall not be made available to the public for 198
inspection or copying until the special commission issues its 199
written report under this division. 200

(3) Upon making the final determination described in division 201
(C)(2) of this section regarding a public official who is charged 202
with a felony, including, if applicable, conducting a meeting 203
pursuant to that division for the public official to contest the 204
preliminary determination, the special commission shall issue a 205
written report that sets forth its findings and final 206
determination. The special commission shall send the report by 207
certified mail to the public official, the attorney general if the 208
attorney general is prosecuting the case or the prosecuting 209

attorney with responsibility to prosecute the case, whichever is 210
applicable, and any other person that the special commission 211
determines to be appropriate. Upon the issuance of the report, one 212
of the following applies: 213

(a) If the special commission in its final determination does 214
not determine that the public official's administration of, or 215
conduct in the performance of the duties of, the official's 216
office, as covered by the charges, adversely affects the 217
functioning of that office or adversely affects the rights and 218
interests of the public, the special commission shall include in 219
the report a statement to that effect, and the public official 220
shall not be suspended from office. If the public official was 221
provisionally suspended from office under division (B)(2) of this 222
section, the provisional suspension shall terminate immediately 223
upon the issuance of the report. 224

(b) If the special commission in its final determination 225
determines that the public official's administration of, or 226
conduct in the performance of the duties of, the official's 227
office, as covered by the charges, adversely affects the 228
functioning of that office or adversely affects the rights and 229
interests of the public, the special commission shall include in 230
the report a holding that the public official be suspended from 231
office. The holding that the public official be suspended from 232
office and the suspension take effect immediately upon the special 233
commission's issuance of the report. If the public official was 234
provisionally suspended from office under division (B)(2) of this 235
section, the holding that the public official be suspended from 236
office shall continue the suspension immediately upon the special 237
commission's issuance of the report. The report and holding shall 238
have the same force and effect as a judgment of a court of record. 239

(4) A suspension imposed or continued under division (C)(3) 240
of this section shall continue until one of the following occurs: 241

(a) The public official is reinstated to office by an appeal	242
as provided in division (D) of this section;	243
(b) All charges are disposed of by dismissal or by a finding	244
or findings of not guilty;	245
(c) A successor is elected and qualified to serve the next	246
succeeding term of the public official's office.	247
(D) If a special commission issues a written report and	248
holding pursuant to division (C)(3)(b) of this section that	249
suspends a public official from office or that continues a	250
provisional suspension imposed under division (B)(2) of this	251
section, the public official may appeal the report and holding to	252
the supreme court. The public official shall take the appeal by	253
filing within thirty days of the date on which the report is	254
issued a notice of appeal with the supreme court and the special	255
commission. Unless waived, notice of the appeal shall be served	256
upon all persons to whom the report was sent under division (C)(3)	257
of this section. The special commission, upon written demand filed	258
by the public official, shall file with the supreme court, within	259
thirty days after the filing of the demand, a certified transcript	260
of the proceedings of the special commission pertaining to the	261
report and the evidence considered by the special commission in	262
making its decision.	263
The supreme court shall consider an appeal under this	264
division on an expedited basis. If the public official appeals the	265
report and holding, the appeal itself does not stay the operation	266
of the suspension imposed or continued under the report and	267
holding. If, upon hearing and consideration of the record and	268
evidence, the supreme court decides that the determinations and	269
findings of the special commission are reasonable and lawful, the	270
court shall affirm the special commission's report and holding, <u>l</u>	271
and the suspension, <u>l</u> and shall enter final judgment in accordance	272
with its decision. If the public official subsequently pleads	273

guilty to or is found guilty of any felony with which the public 274
official was charged, the public official is liable for any amount 275
of compensation paid to the official during the suspension, with 276
the liability relating back to the date of the original suspension 277
under the special commission's report and holding, and the amount 278
of that liability may be recovered as provided in division ~~(E)~~(G) 279
of this section. If, upon hearing and consideration of the record 280
and evidence, the supreme court decides that the determinations 281
and findings of the special commission are unreasonable or 282
unlawful, the court shall reverse and vacate the special 283
commission's report and holding, and the suspension, reinstate the 284
public official, and enter final judgment in accordance with its 285
decision. 286

The clerk of the supreme court shall certify the judgment of 287
the court to the special commission. Upon receipt of the judgment, 288
the special commission shall certify the judgment to all persons 289
to whom the special commission's report was certified under 290
division (C)(3) of this section and shall certify the judgment to 291
all other public officials or take any other action in connection 292
with the judgment as is required to give effect to it. 293

(E)(1) Any public official suspended from office under this 294
section shall not exercise any of the rights, powers, or 295
responsibilities of the holder of that office during the period of 296
the suspension. The suspended public official, however, shall 297
retain the title of the holder of that office during the period of 298
the suspension and continue to receive the compensation that the 299
official is entitled to receive for holding that office during the 300
period of the suspension, until the public official pleads guilty 301
to or is found guilty of any felony with which the public official 302
is charged, or until one of the conditions in division (C)(4)(a), 303
(b), or (c) of this section occurs. ~~For~~ 304

(2) If the public official suspended under this section is an 305

elected county official, the board of county commissioners may 306
appoint a person in the official's office as the acting officer to 307
perform the suspended public official's duties between the date of 308
the signing and filing of the judgment entry suspending the 309
elected county official and the time at which the interim 310
replacement official appointed under division (E)(3)(a) or (b) of 311
this section qualifies and takes the office. 312

(3)(a) Except as provided in division (E)(3)(b) of this 313
section, for the duration of the public official's suspension, an 314
interim replacement official shall be appointed by the county 315
central committee of the political party that nominated the 316
suspended public official if the suspended public official is an 317
elected county official, ~~or~~ to perform the suspended public 318
official's duties. Not less than five nor more than forty-five 319
days after the suspension of a public official that is an elected 320
county official, the county central committee shall meet to 321
appoint the interim replacement official. Not less than four days 322
before the date of the meeting, the chairperson or secretary of 323
the county central committee shall send by first class mail to 324
each member of the committee a written notice that states the time 325
and place of the meeting and the purpose thereof. The approval of 326
a majority of the members of the county central committee present 327
at the meeting is required to appoint the interim replacement 328
official. 329

(b) If the suspended public official is an elected county 330
official, except for a county commissioner, who was elected as an 331
independent candidate, the board of county commissioners shall 332
appoint the interim replacement official. If the suspended public 333
official is a county commissioner who was elected as an 334
independent candidate, the prosecuting attorney and the remaining 335
county commissioners, by majority vote, shall appoint the interim 336
replacement official. 337

(4) For the duration of the public official's suspension, an 338
interim replacement official shall be appointed by the probate 339
judge of the court of common pleas if the suspended public 340
official is an elected official of a municipal corporation, 341
township, school district, or other political subdivision, to 342
perform the suspended public official's duties. ~~The~~ 343

(5) An acting officer appointed under division (E)(2) of this 344
section or an interim replacement official appointed under 345
division (E)(3) or (4) of this section shall be certified to the 346
county board of elections and the secretary of state by the county 347
central committee, probate judge of the court of common pleas, or 348
board of county commissioners that made the appointment. The 349
acting officer or interim replacement official so certified shall 350
have all of the rights, powers, and responsibilities of, and shall 351
be entitled to the same rate of pay as, the suspended public 352
official. The acting officer or interim replacement official shall 353
give bond and take the oath of office. If the office of the 354
suspended public official becomes vacant during the period of 355
suspension, a public official shall be appointed or elected to 356
fill such vacancy as provided by law. If a regular election is to 357
occur during the period of suspension, a public official shall be 358
elected as provided by law. 359

A (F) A person appointed as an acting or interim replacement 360
prosecuting attorney shall meet the qualifications to hold the 361
office of a prosecuting attorney under section 309.02 of the 362
Revised Code. A person appointed as an acting or interim 363
replacement sheriff shall meet the requirements to hold the office 364
of sheriff prescribed by section 311.01 of the Revised Code. A 365
person appointed as an acting or interim replacement coroner shall 366
meet the requirements to hold the office of coroner prescribed by 367
section 313.02 of the Revised Code. And a person appointed as an 368
acting or interim replacement county engineer shall meet the 369

requirements to hold the office of county engineer prescribed by 370
section 315.02 of the Revised Code. 371

(G) A political subdivision may file a civil action in the 372
appropriate court to recover from any former public official of 373
the political subdivision the amount of compensation paid to that 374
former public official in accordance with this division from the 375
date of the former public official's suspension to the date the 376
former public official pleads guilty to or is found guilty of any 377
felony with which the former public official was charged. 378

Sec. 101.35. There is hereby created in the general assembly 379
the joint committee on agency rule review. The committee shall 380
consist of five members of the house of representatives and five 381
members of the senate. Within fifteen days after the commencement 382
of the first regular session of each general assembly, the speaker 383
of the house of representatives shall appoint the members of the 384
committee from the house of representatives, and the president of 385
the senate shall appoint the members of the committee from the 386
senate. Not more than three of the members from each house shall 387
be of the same political party. In the first regular session of a 388
general assembly, the chairperson of the committee shall be 389
appointed by the speaker of the house from among the house members 390
of the committee, and the vice-chairperson shall be appointed by 391
the president of the senate from among the senate members of the 392
committee. In the second regular session of a general assembly, 393
the chairperson shall be appointed by the president of the senate 394
from among the senate members of the committee, and the 395
vice-chairperson shall be appointed by the speaker of the house 396
from among the house members of the committee. The chairperson, 397
vice-chairperson, and members of the committee shall serve until 398
their respective successors are appointed or until they are no 399
longer members of the general assembly. When a vacancy occurs 400
among the officers or members of the committee, it shall be filled 401

in the same manner as the original appointment. 402

Notwithstanding section 101.26 of the Revised Code, the 403
members, when engaged in their duties as members of the committee 404
on days when there is not a voting session of the member's house 405
of the general assembly, shall be paid at the per diem rate of one 406
hundred fifty dollars, and their necessary traveling expenses, 407
which shall be paid from the funds appropriated for the payment of 408
expenses of legislative committees. 409

The committee has the same powers as other standing or select 410
committees of the general assembly. Six members constitute a 411
quorum, ~~and the~~. The concurrence of six members is required for 412
the recommendation of a concurrent resolution invalidating a 413
proposed ~~or existing~~ rule under section 106.021 ~~or 106.031~~ of the 414
Revised Code. The concurrence of seven members is required for the 415
recommendation of a concurrent resolution invalidating an existing 416
rule under section 106.031 of the Revised Code. 417

When a member of the committee is absent, the president or 418
speaker, as the case may be, may designate a substitute from the 419
same house and political party as the absent member. The 420
substitute shall serve on the committee in the member's absence, 421
and is entitled to perform the duties of a member of the 422
committee. For serving on the committee, the substitute shall be 423
paid the same per diem and necessary traveling expenses as the 424
substitute would be entitled to receive if the substitute were a 425
member of the committee. 426

The president or speaker shall inform the executive director 427
of the committee of a substitution. If the executive director 428
learns of a substitution sufficiently in advance of the meeting of 429
the committee the substitute is to attend, the executive director 430
shall publish notice of the substitution on the internet, make 431
reasonable effort to inform of the substitution persons who are 432
known to the executive director to be interested in rules that are 433

scheduled for review at the meeting, and inform of the 434
substitution persons who inquire of the executive director 435
concerning the meeting. 436

The committee may meet during periods in which the general 437
assembly has adjourned. 438

At meetings of the committee, the committee may request an 439
agency, as defined in section 106.01 of the Revised Code, to 440
provide information relative to the agency's implementation of its 441
statutory authority. 442

A member of the committee, and the executive director and 443
staff of the committee, are entitled in their official capacities 444
to attend, but not in their official capacities to participate in, 445
a public hearing conducted by an agency on a proposed rule. 446

Sec. 103.0511. The director of the legislative service 447
commission shall establish and maintain, and enhance and improve, 448
an electronic rule-filing system connecting: 449

(A) The legislative service commission, the joint committee 450
on agency rule review, ~~the common sense initiative office,~~ and the 451
secretary of state; 452

(B) The governor, the senate and house of representatives, 453
and the clerks of the senate and house of representatives; 454

(C) Each agency that files rules and other rule-making and 455
rule-related documents with the legislative service commission, 456
the joint committee on agency rule review, the department of 457
aging, the governor, the secretary of state, the general assembly, 458
or a committee of the senate or house of representatives under 459
section 106.02, 106.022, 106.031, 107.54, 111.15, 117.20, 119.03, 460
119.0311, 119.04, 121.39, 121.82, 127.18, 173.01, or 5117.02 of 461
the Revised Code or any other statute; 462

(D) The several publishers of the Administrative Code; 463

(E) The common sense initiative office; and 464

(F) Any other person or governmental officer or entity whose 465
inclusion in the system is required for the system to be a 466
complete electronic rule-filing system. 467

The electronic rule-filing system is to enable rules and 468
rule-making and rule-related documents to be filed, and official 469
responses to these filings to be made, exclusively by electronic 470
means. 471

Sec. 106.02. When an agency files a proposed rule and rule 472
summary and fiscal analysis with the joint committee on agency 473
rule review, the joint committee shall review the proposed rule 474
and rule summary and fiscal analysis, and an invalidating 475
concurrent resolution may be adopted, not later than the 476
sixty-fifth day after the day on which the proposed rule was filed 477
with the joint committee. If, after filing the original version of 478
a proposed rule, the agency makes a revision in the proposed rule, 479
the agency shall file the revised proposed rule and a revised rule 480
summary and fiscal analysis with the joint committee. If the 481
revised proposed rule is filed thirty-five or fewer days after the 482
original version of the proposed rule was filed, the joint 483
committee shall review the revised proposed rule and revised rule 484
summary and fiscal analysis, and an invalidating concurrent 485
resolution may be adopted, not later than the sixty-fifth day 486
after the original version of the proposed rule was filed. If, 487
however, the revised proposed rule is filed more than thirty-five 488
days after the original version of the proposed rule was filed, 489
the joint committee shall review the revised proposed rule and 490
revised rule summary and fiscal analysis, and an invalidating 491
concurrent resolution may be adopted, not later than the thirtieth 492
day after the revised proposed rule was filed with the joint 493
committee. 494

When the original version of a proposed rule and rule summary 495
and fiscal analysis is filed with the joint committee in December 496
or in the following January before the first day of the 497
legislative session, the joint committee shall review the proposed 498
rule and rule summary and fiscal analysis, and an invalidating 499
concurrent resolution may be adopted, as if the proposed rule and 500
rule summary and fiscal analysis had been filed with the joint 501
committee on the first day of the legislative session in the 502
following January. If the original version of a proposed rule and 503
rule summary and fiscal analysis have been pending before the 504
joint committee for more than thirty-five days, and the proposed 505
rule and rule summary and fiscal analysis are revised in December 506
or in the following January before the first day of the 507
legislative session, the joint committee shall review the revised 508
proposed rule and revised rule summary and fiscal analysis, and an 509
invalidating concurrent resolution may be adopted, not later than 510
the thirtieth day after the first day of the legislative session 511
in the following January. 512

A revised proposed rule supersedes each earlier version of 513
the same proposed rule. 514

The joint committee shall not hold its public hearing on a 515
proposed rule earlier than the forty-first day after the proposed 516
rule was filed with the joint committee. 517

Sec. 106.022. ~~As~~ If the joint committee on agency rule review 518
makes a finding with regard to a proposed rule under section 519
106.021 of the Revised Code, and also finds that it nevertheless 520
would be worthwhile to afford the agency an opportunity to revise 521
the proposed rule, the joint committee, as an alternative to 522
recommending the adoption of a concurrent resolution to invalidate 523
a the proposed rule, ~~the joint committee on agency rule review~~ may 524
authorize the agency to revise and refile the proposed rule and 525

rule summary and fiscal analysis. The joint committee shall issue 526
the authorization in writing. In the authorization, the joint 527
committee shall explain the finding that, but for the 528
authorization, would have resulted in a recommendation of 529
invalidation, and shall explain why the joint committee has found 530
it nevertheless to be worthwhile to afford the agency an 531
opportunity to revise the proposed rule. The joint committee shall 532
transmit the authorization electronically to the agency, the 533
secretary of state, the director of the legislative service 534
commission, and, if the proposed rule is to replace an emergency 535
rule, the governor. 536

When the joint committee approves such an authorization, the 537
running of the time within which a concurrent resolution 538
invalidating the proposed rule may be adopted is tolled until the 539
thirty-first day after the day on which the authorization was 540
approved. If, during the tolling period, the agency revises and 541
refiles the proposed rule, the time within which a concurrent 542
resolution invalidating the proposed rule may be adopted resumes 543
running and expires on the thirty-first day after the day the 544
proposed rule was refiled. But if, during the tolling period, the 545
agency neither withdraws nor revises and refiles the proposed 546
rule, the time within which a concurrent resolution invalidating 547
the proposed rule may be adopted resumes running and expires on 548
the thirty-first day after the day the tolling period ended. 549

Upon receiving the authorization, the agency may revise the 550
proposed rule and rule summary and fiscal analysis, and then 551
refile the revised proposed rule and rule summary and fiscal 552
analysis electronically with the joint committee. 553

If the joint committee makes any of the findings outlined in 554
section 106.021 of the Revised Code with regard to the revised 555
proposed rule and rule summary and fiscal analysis, the joint 556

committee may recommend the adoption of a concurrent resolution to 557
invalidate the proposed rule under section 106.021 of the Revised 558
Code. The joint committee may issue only one authorization with 559
regard to the same proposed rule. 560

If the proposed rule that is the subject of an authorization 561
is to replace an emergency rule, the governor may issue an order 562
extending the emergency rule for an additional ~~sixty-five~~ one 563
hundred twenty days after the day on which the emergency rule 564
otherwise would become invalid. The governor shall transmit the 565
order electronically to the agency, the joint committee, and the 566
director of the legislative service commission. 567

Sec. 106.023. An agency may not adopt a proposed rule or 568
revised proposed rule or file it in final form unless the proposed 569
rule has been filed with the joint committee on agency rule review 570
under division (D) of section 111.15 or division (C) of section 571
119.03 of the Revised Code and the time for the joint committee to 572
review the proposed rule and for the adoption of an invalidating 573
concurrent resolution has expired without ~~recommendation~~ adoption 574
of a concurrent resolution to invalidate the proposed rule. 575

If, before the time for its review of a proposed rule or 576
revised proposed rule expires, the joint committee recommends 577
adoption of a concurrent resolution invalidating the proposed rule 578
or revised proposed rule, and the senate and house of 579
representatives does not, within the time remaining for adoption 580
of the concurrent resolution, hold five sessions at which its 581
journal records a roll call vote disclosing a sufficient number of 582
members in attendance to pass a bill, the time within which that 583
house may adopt the concurrent resolution is extended until it has 584
held five such sessions. 585

Sec. 106.031. If an agency, on the basis of its review of a 586

rule under section 106.03 of the Revised Code, determines that the 587
rule does not need to be amended or rescinded, proceedings shall 588
be had as follows: 589

(A)(1) If, considering only the standard of review specified 590
in division (A)(6) of section 106.03 of the Revised Code, the rule 591
has an adverse impact on businesses, the agency shall prepare a 592
business impact analysis that describes its review of the rule 593
under that division and that explains why the regulatory intent of 594
the rule justifies its adverse impact on businesses. If the rule 595
does not have an adverse impact on businesses, the agency may 596
proceed under division (B) of this section. 597

(2) The agency shall transmit a copy of the full text of the 598
rule and the business impact analysis electronically to the common 599
sense initiative office. The office shall make the rule and 600
analysis available to the public on its web site under section 601
107.62 of the Revised Code. 602

(3) The agency shall consider any recommendations made by the 603
office. 604

(4) Not earlier than the sixteenth business day after 605
transmitting the rule and analysis to the office, the agency shall 606
either (a) proceed under divisions (A)(5) and (B) of this section 607
or (b) commence, under division (B)(1) of section 106.03 of the 608
Revised Code, the process of rescinding the rule or of amending 609
the rule to incorporate into the rule features the recommendations 610
suggest will eliminate or reduce the adverse impact the rule has 611
on businesses. If the agency determines to amend or rescind the 612
rule, the agency is not subject to the time limit specified in 613
division (B)(1) of section 106.03 of the Revised Code. 614

(5) If the agency receives recommendations from the office, 615
and determines not to amend or rescind the rule, the agency shall 616
prepare a memorandum of response that explains why the rule is not 617

being rescinded or why the recommendations are not being 618
incorporated into the rule. 619

(B) The agency shall assign a new review date to the rule. 620
The review date assigned shall be not later than five years after 621
the immediately preceding review date pertaining to the rule. If 622
the agency assigns a review date that exceeds the five-year 623
maximum, the review date is five years after the immediately 624
preceding review date. 625

(C)(1) The agency shall file all the following, in electronic 626
form, with the joint committee on agency rule review, the 627
secretary of state, and the director of the legislative service 628
commission: a copy of the rule specifying its new review date, a 629
complete and accurate rule summary and fiscal analysis, and, if 630
relevant, a business impact analysis of the rule, any 631
recommendations received from the common sense initiative office, 632
and any memorandum of response. 633

(2) Subject to section 106.05 of the Revised Code, the joint 634
committee does not have jurisdiction to review, and shall reject, 635
the filing of a rule under division (C)(1) of this section if, at 636
any time while the rule is in its possession, it discovers that 637
the rule has an adverse impact on businesses and the agency has 638
not complied with division (A) of this section. The joint 639
committee shall electronically return a rule that is rejected to 640
the agency, together with any documents that were part of the 641
filing. Such a rejection does not preclude the agency from 642
refiling the rule under division (C)(1) of this section after 643
complying with division (A) of this section. When the filing of a 644
rule is rejected under this division, it is as if the filing had 645
not been made. 646

(D) The joint committee shall publish notice of the agency's 647
determination not to amend or rescind the rule in the register of 648
Ohio for four consecutive weeks after the rule is filed under 649

division (C) of this section. 650

(E) During the ninety-day period after a rule is filed under 651
division (C) of this section, but after the four-week notice 652
period required by division (D) of this section has ended, the 653
joint committee, ~~by a two-thirds vote of members present,~~ may 654
recommend to the senate and house of representatives the adoption 655
of a concurrent resolution invalidating the rule if the joint 656
committee finds any of the following: 657

(1) The agency improperly applied the standards in division 658
(A) of section 106.03 of the Revised Code in reviewing the rule 659
and in determining that the rule did not need amendment or 660
rescission. 661

(2) The rule has an adverse impact on businesses, and the 662
agency has failed to demonstrate through a business impact 663
analysis, recommendations from the common sense initiative office, 664
and a memorandum of response that the regulatory intent of the 665
rule justifies its adverse impact on businesses. 666

(3) If the rule incorporates a text or other material by 667
reference, the agency failed to file, or to deposit or display, 668
the text or other material incorporated by reference as required 669
by section 121.73 or 121.74 of the Revised Code or the 670
incorporation by reference fails to meet the standards stated in 671
sections 121.72, 121.75, and 121.76 of the Revised Code. 672

If the agency fails to comply with section 106.03 or 106.031 673
of the Revised Code, the joint committee shall afford the agency 674
an opportunity to appear before the joint committee to show cause 675
why the agency has not complied with either or both of those 676
sections. If the agency appears before the joint committee at the 677
time scheduled for the agency to show cause, and fails to do so, 678
the joint committee, by vote of a majority of its members present, 679
may recommend the adoption of a concurrent resolution invalidating 680

the rule for the agency's failure to show cause. Or if the agency 681
fails to appear before the joint committee at the time scheduled 682
for the agency to show cause, the joint committee, by vote of a 683
majority of its members present, may recommend adoption of a 684
concurrent resolution invalidating the rule for the agency's 685
default. 686

When the joint committee recommends that a rule be 687
invalidated, the recommendation does not suspend operation of the 688
rule, and the rule remains operational pending action by the 689
senate and house of representatives on the concurrent resolution 690
embodying the recommendation. If the senate and house of 691
representatives adopt the concurrent resolution, the rule is 692
invalid. If, however, the senate and house of representatives do 693
not adopt the resolution, the rule continues in effect, and shall 694
next be reviewed according to the new review date assigned to the 695
rule. 696

Sec. 106.05. (A) If the joint committee on agency rule review 697
is reviewing a proposed or existing rule under section 106.021 or 698
106.031 of the Revised Code and the joint committee is uncertain 699
whether the proposed or existing rule has an adverse impact on 700
businesses, the joint committee electronically may refer the rule 701
to the common sense initiative office, or if the joint committee 702
identifies an adverse impact on businesses in the proposed or 703
existing rule that has not been evaluated or has been inadequately 704
evaluated in a business impact analysis previously reviewed by the 705
common sense initiative office, the joint committee electronically 706
may rerefer the rule to the office. The joint committee 707
electronically may transmit a memorandum to the office along with 708
the proposed or existing rule explaining specifically why it is 709
referring or rereferring the rule to the office. The joint 710
committee electronically shall notify the agency if it refers or 711
rerefers the proposed or existing rule to the office. 712

Such a referral or rereferral tolls the running of the time 713
within which ~~the joint committee is required to recommend adoption~~ 714
~~of~~ a concurrent resolution invalidating the proposed or existing 715
rule may be adopted. The time resumes running when the proposed or 716
existing rule is returned to the joint committee after the 717
referral or rereferral. The tolling does not affect the continued 718
operation of an existing rule. 719

(B) The office, within thirty days after receiving a proposed 720
or existing rule under division (A) of this section, shall 721
evaluate or reevaluate the rule to determine whether it has an 722
adverse impact on businesses, and shall proceed under division 723
(C)(1) or (2) of this section as is appropriate to its 724
determination. 725

(C)(1) If the office determined that the proposed or existing 726
rule does not have an adverse impact on businesses, the office 727
shall prepare a memorandum stating that finding. The office 728
electronically shall transmit the memorandum to the agency, and 729
electronically shall return the proposed or existing rule to the 730
joint committee. The office also electronically shall transmit a 731
copy of its memorandum to the joint committee along with the 732
proposed or existing rule. The joint committee may review or 733
reject the proposed or existing rule, the same as if the rule had 734
not been referred or rereferred to the office. If, when the 735
proposed or existing rule is returned to the joint committee, 736
fewer than thirty days remain in the time by which a concurrent 737
resolution invalidating the proposed or existing rule ~~must~~ may be 738
~~recommended~~ adopted, the time for ~~making such a recommendation~~ 739
adopting such a concurrent resolution is extended until the 740
thirtieth day after the day on which the proposed or existing rule 741
was returned to the joint committee. 742

(2) If the office determined that the proposed or existing 743
rule has an adverse impact on businesses, the office shall prepare 744

a memorandum stating that finding. The office electronically shall 745
transmit the memorandum to the agency, and electronically shall 746
transmit the memorandum and the proposed or existing rule to the 747
joint committee. The memorandum shall identify the proposed or 748
existing rule to which it relates. 749

In the case of a proposed rule, the joint committee may 750
review or reject the proposed rule the same as if the proposed 751
rule had not been referred or rereferred to the office. If, when 752
the proposed rule is returned to the joint committee, fewer than 753
thirty days remain in the time by which a concurrent resolution 754
invalidating the proposed rule ~~must~~ may be ~~recommended~~ adopted, 755
the time for ~~making such a recommendation~~ adopting such a 756
concurrent resolution is extended until the thirtieth day after 757
the day on which the proposed rule was transmitted to the joint 758
committee. The agency, after considering the memorandum, may 759
revise the proposed rule. 760

In the case of an existing rule, it is the same as if the 761
agency had withdrawn the existing rule from the joint committee's 762
jurisdiction. If the agency determines, after considering the 763
memorandum, that the existing rule needs to be amended or 764
rescinded, the agency shall commence the process of doing so under 765
division (B)(1) of section 106.03 of the Revised Code. If, 766
however, the agency determines, after considering the memorandum, 767
that the existing rule does not need to be amended or rescinded, 768
the agency shall proceed with periodic review of the rule under 769
division (B)(2) of section 106.03 of the Revised Code. 770

When the joint committee gives notice that it is referring or 771
rereferring a proposed or existing rule to the common sense 772
initiative office, and when the joint committee or office 773
transmits a memorandum to the other or to an agency, the joint 774
committee or office also electronically shall transmit a copy of 775
the notice or memorandum to the director of the legislative 776

service commission. The director shall publish the notice or 777
memorandum in the register of Ohio together with a notation 778
identifying the proposed or existing rule to which the notice or 779
memorandum relates. 780

Sec. 117.45. The auditor of state shall establish by rule the 781
format for submitting a sworn affidavit and supporting evidence 782
under sections 319.26, 321.37, 507.13, and 733.78 of the Revised 783
Code. 784

Sec. 119.03. In the adoption, amendment, or rescission of any 785
rule, an agency shall comply with the following procedure: 786

(A) Reasonable public notice shall be given in the register 787
of Ohio at least thirty days prior to the date set for a hearing, 788
in the form the agency determines. The agency shall file copies of 789
the public notice under division (B) of this section. (The agency 790
gives public notice in the register of Ohio when the public notice 791
is published in the register under that division.) 792

The public notice shall include: 793

(1) A statement of the agency's intention to consider 794
adopting, amending, or rescinding a rule; 795

(2) A synopsis of the proposed rule, amendment, or rule to be 796
rescinded or a general statement of the subject matter to which 797
the proposed rule, amendment, or rescission relates; 798

(3) A statement of the reason or purpose for adopting, 799
amending, or rescinding the rule; 800

(4) The date, time, and place of a hearing on the proposed 801
action, which shall be not earlier than the thirty-first nor later 802
than the fortieth day after the proposed rule, amendment, or 803
rescission is filed under division (B) of this section. 804

In addition to public notice given in the register of Ohio, 805

the agency may give whatever other notice it reasonably considers 806
necessary to ensure notice constructively is given to all persons 807
who are subject to or affected by the proposed rule, amendment, or 808
rescission. 809

The agency shall provide a copy of the public notice required 810
under division (A) of this section to any person who requests it 811
and pays a reasonable fee, not to exceed the cost of copying and 812
mailing. 813

(B) The full text of the proposed rule, amendment, or rule to 814
be rescinded, accompanied by the public notice required under 815
division (A) of this section, shall be filed in electronic form 816
with the secretary of state and with the director of the 817
legislative service commission. (If in compliance with this 818
division an agency files more than one proposed rule, amendment, 819
or rescission at the same time, and has prepared a public notice 820
under division (A) of this section that applies to more than one 821
of the proposed rules, amendments, or rescissions, the agency 822
shall file only one notice with the secretary of state and with 823
the director for all of the proposed rules, amendments, or 824
rescissions to which the notice applies.) The proposed rule, 825
amendment, or rescission and public notice shall be filed as 826
required by this division at least sixty-five days prior to the 827
date on which the agency, in accordance with division (E) of this 828
section, issues an order adopting the proposed rule, amendment, or 829
rescission. 830

If the proposed rule, amendment, or rescission incorporates a 831
text or other material by reference, the agency shall comply with 832
sections 121.71 to 121.76 of the Revised Code. 833

The proposed rule, amendment, or rescission shall be 834
available for at least thirty days prior to the date of the 835
hearing at the office of the agency in printed or other legible 836
form without charge to any person affected by the proposal. 837

Failure to furnish such text to any person requesting it shall not 838
invalidate any action of the agency in connection therewith. 839

If the agency files a revision in the text of the proposed 840
rule, amendment, or rescission, it shall also promptly file the 841
full text of the proposed rule, amendment, or rescission in its 842
revised form in electronic form with the secretary of state and 843
with the director of the legislative service commission. 844

The agency shall file the rule summary and fiscal analysis 845
prepared under section 127.18 of the Revised Code in electronic 846
form along with a proposed rule, amendment, or rescission or 847
proposed rule, amendment, or rescission in revised form that is 848
filed with the secretary of state or the director of the 849
legislative service commission. 850

The agency shall file the hearing report relating to a 851
proposed rule, amendment, or rescission in electronic form ~~along~~ 852
~~with the proposed rule, amendment, or rescission if the hearing~~ 853
~~report is available when the proposed rule, amendment, or~~ 854
~~rescission is filed~~ with the secretary of state ~~or~~ and the 855
director of the legislative service commission ~~under this division~~ 856
at the same time the agency files the hearing report with the 857
joint committee on agency rule review. 858

The director of the legislative service commission shall 859
publish in the register of Ohio the full text of the original and 860
each revised version of a proposed rule, amendment, or rescission; 861
the full text of a public notice; the full text of a rule summary 862
and fiscal analysis; and the full text of a hearing report that is 863
filed with the director under this division. 864

(C) When an agency files a proposed rule, amendment, or 865
rescission under division (B) of this section, it also shall file 866
in electronic form with the joint committee on agency rule review 867
the full text of the proposed rule, amendment, or rule to be 868

rescinded in the same form and the public notice required under 869
division (A) of this section. (If in compliance with this division 870
an agency files more than one proposed rule, amendment, or 871
rescission at the same time, and has given a public notice under 872
division (A) of this section that applies to more than one of the 873
proposed rules, amendments, or rescissions, the agency shall file 874
only one notice with the joint committee for all of the proposed 875
rules, amendments, or rescissions to which the notice applies.) 876
The proposed rule, amendment, or rescission is subject to 877
legislative review and invalidation under sections 106.02, 878
106.021, and 106.022 of the Revised Code. If the agency makes a 879
revision in a proposed rule, amendment, or rescission after it is 880
filed with the joint committee, the agency promptly shall file the 881
full text of the proposed rule, amendment, or rescission in its 882
revised form in electronic form with the joint committee. 883

An agency shall file the rule summary and fiscal analysis 884
prepared under section 127.18 of the Revised Code in electronic 885
form along with a proposed rule, amendment, or rescission, and 886
along with a proposed rule, amendment, or rescission in revised 887
form, that is filed under this division. 888

If a proposed rule, amendment, or rescission has an adverse 889
impact on businesses, the agency also shall file the business 890
impact analysis, any recommendations received from the common 891
sense initiative office, and the agency's memorandum of response, 892
if any, in electronic form along with the proposed rule, 893
amendment, or rescission, or along with the proposed rule, 894
amendment, or rescission in revised form, that is filed under this 895
division. 896

~~If the hearing report is available when the proposed rule,~~ 897
~~amendment, or rescission is filed, or when the hearing report~~ 898
~~later becomes available, the~~ The agency shall file the hearing 899
report in electronic form with the joint committee ~~along with the~~ 900

~~proposed rule, amendment, or rescission or at a later time with
reference to before the joint committee holds its public hearing
on the proposed rule, amendment, or rescission. (The ~~later~~ filing
of a hearing report does not constitute a revision of the proposed
rule, amendment, or rescission to which the hearing report
relates.) ~~If the hearing report is later filed, the joint
committee shall transmit a copy of the hearing report in
electronic form to the director of the legislative service
commission. The director shall publish the hearing report in the
register of Ohio.~~~~

A proposed rule, amendment, or rescission that is subject to
legislative review under this division may not be adopted under
division (E) of this section or filed in final form under section
119.04 of the Revised Code unless the proposed rule, amendment, or
rescission has been filed with the joint committee on agency rule
review under this division and the time for ~~the joint committee to~~
legislative review of the proposed rule, amendment, or rescission
has expired without ~~recommendation~~ adoption of a concurrent
resolution to invalidate the proposed rule, amendment, or
rescission.

This division does not apply to:

(1) An emergency rule, amendment, or rescission;

(2) A proposed rule, amendment, or rescission that must be
adopted verbatim by an agency pursuant to federal law or rule, to
become effective within sixty days of adoption, in order to
continue the operation of a federally reimbursed program in this
state, so long as the proposed rule contains both of the
following:

(a) A statement that it is proposed for the purpose of
complying with a federal law or rule;

(b) A citation to the federal law or rule that requires

verbatim compliance. 932

If a rule or amendment is exempt from legislative review 933
under division (C)(2) of this section, and if the federal law or 934
rule pursuant to which the rule or amendment was adopted expires, 935
is repealed or rescinded, or otherwise terminates, the rule or 936
amendment, or its rescission, is thereafter subject to legislative 937
review under division (C) of this section. 938

(D) On the date and at the time and place designated in the 939
notice, the agency shall conduct a public hearing at which any 940
person affected by the proposed action of the agency may appear 941
and be heard in person, by the person's attorney, or both, may 942
present the person's position, arguments, or contentions, orally 943
or in writing, offer and examine witnesses, and present evidence 944
tending to show that the proposed rule, amendment, or rescission, 945
if adopted or effectuated, will be unreasonable or unlawful. An 946
agency may permit persons affected by the proposed rule, 947
amendment, or rescission to present their positions, arguments, or 948
contentions in writing, not only at the hearing, but also for a 949
reasonable period before, after, or both before and after the 950
hearing. A person who presents a position or arguments or 951
contentions in writing before or after the hearing is not required 952
to appear at the hearing. 953

At the hearing, the testimony shall be recorded. Such record 954
shall be made at the expense of the agency. The agency is required 955
to transcribe a record that is not sight readable only if a person 956
requests transcription of all or part of the record and agrees to 957
reimburse the agency for the costs of the transcription. An agency 958
may require the person to pay in advance all or part of the cost 959
of the transcription. 960

In any hearing under this section the agency may administer 961
oaths or affirmations. 962

The agency shall consider the positions, arguments, or contentions presented at, or before or after, the hearing. The agency shall prepare a hearing summary of the positions, arguments, or contentions, and of the issues raised by the positions, arguments, or contentions. The agency then shall prepare a hearing report explaining, with regard to each issue, how it is reflected in the rule, amendment, or rescission. If an issue is not reflected in the rule, amendment, or rescission, the hearing report shall explain why the issue is not reflected. The agency shall include the hearing summary in the hearing report as an appendix thereto. And, in the hearing report, the agency shall identify the proposed rule, amendment, or rescission to which the hearing report relates.

(E) After divisions (A), (B), (C), and (D) of this section have been complied with, and when the time for legislative review ~~and invalidation~~ under sections 106.02, 106.022, and 106.023 of the Revised Code has expired without ~~recommendation~~ adoption of a concurrent resolution to invalidate the proposed rule, amendment, or rescission, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

(F) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(G) If the governor, upon the request of an agency,

determines that an emergency requires the immediate adoption, 995
amendment, or rescission of a rule, the governor shall issue an 996
order, the text of which shall be filed in electronic form with 997
the agency, the secretary of state, the director of the 998
legislative service commission, and the joint committee on agency 999
rule review, that the procedure prescribed by this section with 1000
respect to the adoption, amendment, or rescission of a specified 1001
rule is suspended. The agency may then adopt immediately the 1002
emergency rule, amendment, or rescission and it becomes effective 1003
on the date the rule, amendment, or rescission, in final form and 1004
in compliance with division (A)(2) of section 119.04 of the 1005
Revised Code, is filed in electronic form with the secretary of 1006
state, the director of the legislative service commission, and the 1007
joint committee on agency rule review. ~~If all filings are not~~ 1008
~~completed on the same day, the emergency rule, amendment, or~~ 1009
~~rescission shall be effective on the day on which the latest~~ 1010
~~filing is completed.~~ The director shall publish the full text of 1011
the emergency rule, amendment, or rescission in the register of 1012
Ohio. 1013

The emergency rule, amendment, or rescission shall become 1014
invalid at the end of the one hundred twentieth day it is in 1015
effect. Prior to that date the agency may adopt the emergency 1016
rule, amendment, or rescission as a nonemergency rule, amendment, 1017
or rescission by complying with the procedure prescribed by this 1018
section for the adoption, amendment, and rescission of 1019
nonemergency rules. The agency shall not use the procedure of this 1020
division to readopt the emergency rule, amendment, or rescission 1021
so that, upon the emergency rule, amendment, or rescission 1022
becoming invalid under this division, the emergency rule, 1023
amendment, or rescission will continue in effect without 1024
interruption for another one hundred twenty-day period, except 1025
when section 106.02 of the Revised Code prevents the agency from 1026
adopting the emergency rule, amendment, or rescission as a 1027

nonemergency rule, amendment, or rescission within the one hundred 1028
twenty-day period. 1029

This division does not apply to the adoption of any emergency 1030
rule, amendment, or rescission by the tax commissioner under 1031
division (C)(2) of section 5117.02 of the Revised Code. 1032

(H) Rules adopted by an authority within the department of 1033
job and family services for the administration or enforcement of 1034
Chapter 4141. of the Revised Code or of the department of taxation 1035
shall be effective without a hearing as provided by this section 1036
if the statutes pertaining to such agency specifically give a 1037
right of appeal to the board of tax appeals or to a higher 1038
authority within the agency or to a court, and also give the 1039
appellant a right to a hearing on such appeal. This division does 1040
not apply to the adoption of any rule, amendment, or rescission by 1041
the tax commissioner under division (C)(1) or (2) of section 1042
5117.02 of the Revised Code, or deny the right to file an action 1043
for declaratory judgment as provided in Chapter 2721. of the 1044
Revised Code from the decision of the board of tax appeals or of 1045
the higher authority within such agency. 1046

Sec. 121.83. (A) When an agency files a proposed rule for 1047
legislative review under division (D) of section 111.15 of the 1048
Revised Code or division ~~(H)~~(C) of section 119.03 of the Revised 1049
Code, the agency electronically shall file one copy of the 1050
business impact analysis, any recommendations received from the 1051
common sense initiative office, and the agency's memorandum of 1052
response, if any, along with the proposed rule. 1053

(B)(1) Subject to section 106.05 of the Revised Code, the 1054
joint committee on agency rule review does not have jurisdiction 1055
to review, and shall reject, the filing of a proposed rule if, at 1056
any time while the proposed rule is in its possession, it 1057
discovers that the proposed rule might have an adverse impact on 1058

businesses and the agency has not included with the filing a 1059
business impact analysis or has included a business impact 1060
analysis that is inadequately prepared. The joint committee 1061
electronically shall return a filing that is rejected to the 1062
agency. Such a rejection does not preclude the agency from 1063
refiling the proposed rule after complying with section 121.82 of 1064
the Revised Code. When a filing is rejected under this division, 1065
it is as if the filing had not been made. 1066

(2) If the last previously filed version of a proposed rule, 1067
the filing of a later version of which has been rejected by the 1068
joint committee, remains in the possession of the joint committee, 1069
and if the time for legislative review of that previously filed 1070
version has expired, or if fewer than thirty days remain before 1071
the time for legislative review of that previously filed version 1072
expires, then the time for legislative review of that previously 1073
filed version is revived or extended, and ~~recommendation of a~~ 1074
concurrent resolution to invalidate that previously filed version 1075
may be adopted not later than the sixty-fifth day after the day on 1076
which the filing of the later version of the proposed rule was 1077
rejected. This deadline is subject to extension under section 1078
106.02 of the Revised Code. 1079

Sec. 135.02. There shall be a state board of deposit 1080
consisting of the treasurer of state or an employee of ~~his~~ the 1081
treasurer of state's department designated by ~~him~~ the treasurer of 1082
state, the auditor of state or an employee of ~~his~~ the auditor of 1083
state's department designated by ~~him~~ the auditor of state, and the 1084
attorney general or an employee of ~~his~~ the attorney general's 1085
department designated by ~~him~~ the attorney general. ~~Said~~ The board 1086
shall meet ~~once each month~~ on the call of the ~~chairman~~ chairperson 1087
at least annually to perform the duties prescribed in sections 1088
135.01 to 135.21, ~~inclusive~~, of the Revised Code. At any time, two 1089
members of the board may request that the chairperson call a 1090

meeting of the board, and the chairperson shall call the meeting 1091
within thirty days after receiving such requests. The treasurer of 1092
state or ~~his~~ the treasurer of state's designated representative 1093
shall be ~~chairman~~ chairperson of ~~such~~ the board. The cashier of 1094
the state treasury shall be the secretary of the board and shall 1095
keep its records. A certified copy of such records shall be 1096
prima-facie evidence of the matter appearing therein in any court 1097
of record. 1098

The chairperson shall provide a monthly report to the board 1099
of deposit consisting of the notifications required under division 1100
(B) of section 135.143 of the Revised Code and shall post that 1101
report monthly to a web site maintained by the treasurer of state. 1102

The necessary expenses of the board shall be paid from the 1103
state treasury from appropriations for that purpose upon the order 1104
of the board certified by the ~~chairman~~ chairperson and the 1105
secretary. 1106

Sec. 305.03. (A)(1) Whenever any county officer, except the 1107
county auditor or county treasurer, fails to perform the duties of 1108
office for ninety consecutive days, except in case of sickness or 1109
injury as provided in divisions (B) and (C) of this section, the 1110
office shall be deemed vacant. 1111

(2) Whenever any county auditor or county treasurer fails to 1112
perform the duties of office for thirty consecutive days, except 1113
in case of sickness or injury as provided in divisions (B) and (C) 1114
of this section, the office shall be deemed vacant. 1115

(B) Whenever any county officer is absent because of sickness 1116
or injury, the officer shall cause to be filed with the board of 1117
county commissioners a physician's certificate of the officer's 1118
sickness or injury. If ~~such~~ the certificate is not filed with the 1119
board within ten days after the expiration of thirty consecutive 1120
days, in the case of a county auditor or county treasurer, or 1121

within ten days after the expiration of ninety consecutive days of 1122
absence, in the case of all other county officers, the office 1123
shall be deemed vacant. 1124

(C) Whenever a county officer files a physician's certificate 1125
under division (B) of this section, but continues to be absent for 1126
an additional thirty days commencing immediately after the last 1127
day on which this certificate may be filed under division (B) of 1128
this section, the office shall be deemed vacant. 1129

(D) If at any time two county commissioners in a county are 1130
absent and have filed a physician's certificate under division (B) 1131
of this section, the county coroner, in addition to performing the 1132
duties of coroner, shall serve as county commissioner until at 1133
least one of the absent commissioners returns to office or until 1134
the office of at least one of the absent commissioners is deemed 1135
vacant under this section and the vacancy is filled. If the 1136
coroner so requests, the coroner shall be paid a per diem rate for 1137
the coroner's service as a commissioner. That per diem rate shall 1138
be the annual salary specified by law for a county commissioner of 1139
that county whose term of office began in the same year as the 1140
coroner's term of office began, divided by the number of days in 1141
the year. 1142

While the coroner is serving as a county commissioner, the 1143
coroner shall be considered an acting county commissioner and 1144
shall perform the duties of the office of county commissioner 1145
until at least one of the absent commissioners returns to office 1146
or until the office of at least one of the absent commissioners is 1147
deemed vacant. Before assuming the office of acting county 1148
commissioner, the coroner shall take an oath of office as provided 1149
in sections 3.22 and 3.23 of the Revised Code. The coroner's 1150
service as an acting county commissioner does not constitute the 1151
holding of an incompatible public office or employment in 1152
violation of any statutory or common law prohibition against the 1153

simultaneous holding of more than one public ~~officer~~ office or 1154
employment. 1155

The coroner shall give a new bond in the same amount and 1156
signed and approved as provided in section 305.04 of the Revised 1157
Code. The bond shall be conditioned for the faithful discharge of 1158
the coroner's duties as acting county commissioner and for the 1159
payment of any loss or damage that the county may sustain by 1160
reason of the coroner's failure in those duties. The bond, along 1161
with the oath of office and approval of the probate judge indorsed 1162
on it, shall be deposited and paid for as provided for the bonds 1163
in section 305.04 of the Revised Code. 1164

(E) Any vacancy declared under this section shall be filled 1165
in the manner provided by section 305.02 of the Revised Code. 1166

(F) This section shall not apply to a county officer while in 1167
the active military service of the United States. 1168

Sec. 319.04. (A) Each county auditor who is elected to a full 1169
term of office shall attend and successfully complete at least 1170
sixteen hours of continuing education courses during the first 1171
year of the auditor's term of office, and complete at least 1172
another eight hours of such courses by the end of that term. Each 1173
such county auditor shall include at least two hours of ethics and 1174
substance-abuse training in the total twenty-four hours of 1175
required courses. To be counted toward the twenty-four hours 1176
required by this section, a course must be approved by the county 1177
auditors association of Ohio. Any county auditor who teaches an 1178
approved course shall be entitled to credit for the course in the 1179
same manner as if the county auditor had attended the course. 1180

That association shall record and, upon request, verify the 1181
completion of required course work for each county auditor, and 1182
issue a statement to each county auditor of the number of hours of 1183
continuing education the county auditor has successfully 1184

completed. Each year the association shall send a list of the 1185
continuing education courses, and the number of hours each county 1186
auditor has successfully completed, to the auditor of state and 1187
the tax commissioner, and shall provide a copy of this list to any 1188
other individual who requests it. 1189

The association auditor of state shall issue a certificate of 1190
completion to each county auditor who completes the continuing 1191
education courses required by this section. The auditor of state 1192
shall issue a "notice of failure" to any county auditor required 1193
to complete continuing education courses under this section who 1194
fails to successfully complete at least sixteen hours of 1195
continuing education courses during the first year of the county 1196
auditor's term of office or to complete a total of at least 1197
twenty-four hours of such courses by the end of that term. This 1198
notice is for informational purposes only and does not affect any 1199
individual's ability to hold the office of county auditor. 1200

(B) Each board of county commissioners shall approve, from 1201
money appropriated to the county auditor, a reasonable amount 1202
requested by the county auditor of its county to cover the costs 1203
the county auditor must incur to meet the requirements of division 1204
(A) of this section, including registration fees, lodging and meal 1205
expenses, and travel expenses. 1206

~~Sec. 319.26. When the board of county commissioners suspends 1207~~
~~(A)(1) If a county auditor from the performance of his duties, as 1208~~
~~provided in section 319.25 of the Revised Code, it shall 1209~~
~~immediately cause a prosecution to be instituted against him. If 1210~~
~~the grand jury within four months of the date of the suspension 1211~~
~~fails to find and present an indictment against such auditor, or 1212~~
~~if an indictment is found and upon trial he is acquitted, such 1213~~
~~auditor shall be restored to the possession of his office and of 1214~~
~~the rights, duties, and obligations of such office. The person 1215~~

~~appointed as provided in section 319.25 of the Revised Code to~~ 1216
~~perform the duties of the auditor shall vacate and cease to have~~ 1217
~~any rights in such office purposely, knowingly, or recklessly~~ 1218
~~fails to perform a fiscal duty expressly imposed by law with~~ 1219
~~respect to the fiscal duties of the office of county auditor or~~ 1220
~~purposely, knowingly, or recklessly commits any act expressly~~ 1221
~~prohibited by law with respect to the fiscal duties of the office~~ 1222
~~of county auditor, the county treasurer or a county commissioner~~ 1223
~~may submit a sworn affidavit alleging the violation, together with~~ 1224
~~evidence supporting the allegations, to the auditor of state. The~~ 1225
~~sworn affidavit and evidence shall be submitted in the format~~ 1226
~~prescribed by rule of the auditor of state under section 117.45 of~~ 1227
~~the Revised Code. A person who makes a false statement in a sworn~~ 1228
~~affidavit, for purposes of this section, is guilty of~~ 1229
~~falsification under section 2921.13 of the Revised Code.~~ 1230

(2) The auditor of state shall review the sworn affidavit and 1231
the evidence. Within ten business days after receiving the sworn 1232
affidavit, unless, for good cause, additional time is required, 1233
the auditor of state shall determine whether clear and convincing 1234
evidence supports the allegations. If the auditor of state finds 1235
that no allegation is supported by clear and convincing evidence, 1236
the auditor of state shall submit those findings in writing to the 1237
county auditor and the person initiating the sworn affidavit. If 1238
the auditor of state finds by clear and convincing evidence that 1239
an allegation is supported by the evidence, the auditor of state 1240
shall submit those findings in writing to the attorney general, 1241
the county auditor, and the person who initiated the sworn 1242
affidavit. The findings shall include a copy of the sworn 1243
affidavit and the evidence submitted under division (A)(1) of this 1244
section. 1245

(3)(a) The attorney general shall review the auditor of 1246
state's findings and the sworn affidavit and evidence. Within ten 1247

business days after receiving the sworn affidavit and evidence, 1248
unless, for good cause, additional time is required, the attorney 1249
general shall determine whether clear and convincing evidence 1250
supports the allegations. If the attorney general finds that no 1251
allegation is supported by clear and convincing evidence, the 1252
attorney general, by certified mail, shall notify the auditor of 1253
state, the county auditor, and the person who initiated the sworn 1254
affidavit, that no complaint for the removal of the county auditor 1255
from public office will be filed. 1256

(b) If the attorney general finds by clear and convincing 1257
evidence that an allegation is supported by the evidence, the 1258
attorney general, by certified mail, shall notify the auditor of 1259
state, the county auditor, and the person who initiated the sworn 1260
affidavit of that fact, and shall commence an action for the 1261
removal of the county auditor from public office under division 1262
(B) of this section. 1263

(c) Nothing in this section is intended to limit the 1264
authority of the attorney general to enter into mediation, 1265
settlement, or resolution of any alleged violation before or 1266
following the commencement of an action under this section. 1267

(B)(1)(a) The attorney general has a cause of action for 1268
removal of a county auditor who purposely, knowingly, or 1269
recklessly fails to perform a fiscal duty expressly imposed by law 1270
with respect to the fiscal duties of the office of county auditor 1271
or purposely, knowingly, or recklessly commits any act expressly 1272
prohibited by law with respect to the fiscal duties of the office 1273
of county auditor. Not later than forty-five days after sending a 1274
notice under division (A)(3)(b) of this section, the attorney 1275
general shall cause an action to be commenced against the county 1276
auditor by filing a complaint for the removal of the county 1277
auditor from public office. If any money is due, the attorney 1278
general shall join the sureties on the county auditor's bond as 1279

parties. The court of common pleas of the county in which the 1280
county auditor holds office has exclusive original jurisdiction of 1281
the action. The action shall proceed de novo as in the trial of a 1282
civil action. The court is not restricted to the evidence that was 1283
presented to the auditor of state and the attorney general before 1284
the action was filed. The action is governed by the Rules of Civil 1285
Procedure. 1286

(b) If the court finds by clear and convincing evidence that 1287
the county auditor purposely, knowingly, or recklessly failed to 1288
perform a fiscal duty expressly imposed by law with respect to the 1289
fiscal duties of the office of county auditor or purposely, 1290
knowingly, or recklessly committed any act expressly prohibited by 1291
law with respect to the fiscal duties of that office, the court 1292
shall issue an order removing the county auditor from office and 1293
any order necessary for the preservation or restitution of public 1294
funds. 1295

(2) Except as otherwise provided in this division, an action 1296
for removal from office under this section is stayed during the 1297
pendency of any criminal action concerning a violation of an 1298
existing or former municipal ordinance or law of this or any other 1299
state or the United States that is substantially equivalent to any 1300
criminal violation in Title 29 of the Revised Code related to 1301
conduct in office, if the person charged in the criminal action 1302
committed the violation while serving as a county auditor and the 1303
conduct constituting the violation was related to the duties of 1304
the office of county auditor or to the person's actions as the 1305
county auditor. The stay may be lifted upon motion of the 1306
prosecuting attorney in the related criminal action. 1307

(3) Prior to or at the hearing, upon a showing of good cause, 1308
the court may issue an order restraining the county auditor from 1309
entering the county auditor's office and from conducting the 1310
affairs of the office pending the hearing on the complaint. If 1311

such an order is issued, the court may continue the order until 1312
the conclusion of the hearing and any appeals under this section. 1313

(4) The board of county commissioners shall be responsible 1314
for the payment of reasonable attorney's fees for counsel for the 1315
county auditor. If judgment is entered against the county auditor, 1316
the court shall order the county auditor to reimburse the board 1317
for attorney's fees and costs up to a reasonable amount, as 1318
determined by the court. Expenses incurred by the board in a 1319
removal action shall be paid out of the county general fund. 1320

(C) The judgment of the court is final and conclusive unless 1321
reversed, vacated, or modified on appeal. An appeal may be taken 1322
by any party, and shall proceed as in the case of appeals in civil 1323
actions and in accordance with the Rules of Appellate Procedure. 1324
Upon the filing of a notice of appeal by any party to the 1325
proceedings, the court of appeals shall hear the case as an 1326
expedited appeal under Rule 11.2 of the Rules of Appellate 1327
Procedure. The county auditor has the right of review or appeal to 1328
the supreme court. 1329

(D) If a final judgment for removal from public office is 1330
entered against the county auditor, the office shall be deemed 1331
vacated, and the vacancy shall be filled as provided in section 1332
305.02 of the Revised Code. Except as otherwise provided by law, 1333
an individual removed from public office under this section is not 1334
entitled to hold any public office for four years following the 1335
date of the final judgment, and is not entitled to hold any public 1336
office until any repayment or restitution required by the court is 1337
satisfied. 1338

(E) For the purposes of this section: 1339

(1) A person acts purposely when it is the person's specific 1340
intention to cause a certain result, or, when the gist of the 1341
offense is a prohibition against conduct of a certain nature, 1342

regardless of what the person intends to accomplish thereby, it is 1343
the person's specific intention to engage in conduct of that 1344
nature. 1345

(2) A person acts knowingly, regardless of the person's 1346
purpose, when the person is aware that the person's conduct will 1347
probably cause a certain result or will probably be of a certain 1348
nature. A person has knowledge of circumstances when the person is 1349
aware that such circumstances probably exist. 1350

(3) A person acts recklessly when, with heedless indifference 1351
to the consequences, the person perversely disregards a known risk 1352
that the person's conduct is likely to cause a certain result or 1353
is likely to be of a certain nature. A person is reckless with 1354
respect to circumstances when, with heedless indifference to the 1355
consequences, the person perversely disregards a known risk that 1356
such circumstances are likely to exist. 1357

(F) The proceedings provided for in this section may be used 1358
as an alternative to the removal proceedings prescribed under 1359
sections 3.07 to 3.10 of the Revised Code or other methods of 1360
removal authorized by law. 1361

Sec. 321.37. (A)(1) If the a county treasurer fails to make a 1362
settlement or to pay over money as prescribed by law purposely, 1363
knowingly, or recklessly fails to perform a fiscal duty expressly 1364
imposed by law with respect to the fiscal duties of the office of 1365
county treasurer or purposely, knowingly, or recklessly commits 1366
any act expressly prohibited by law with respect to the fiscal 1367
duties of the office of county treasurer, the county auditor or 1368
board of a county commissioners shall cause suit to be instituted 1369
against such treasurer and his surety or sureties for the amount 1370
due, with ten per cent penalty on such amount, which suit shall 1371
have precedence of over all civil business commissioner may submit 1372
a sworn affidavit alleging the violation, together with evidence 1373

supporting the allegations, to the auditor of state. The sworn 1374
affidavit and evidence shall be submitted in the format prescribed 1375
by rule of the auditor of state under section 117.45 of the 1376
Revised Code. A person who makes a false statement in a sworn 1377
affidavit, for purposes of this section, is guilty of 1378
falsification under section 2921.13 of the Revised Code. 1379

(2) The auditor of state shall review the sworn affidavit and 1380
the evidence. Within ten business days after receiving the sworn 1381
affidavit and evidence, unless, for good cause, additional time is 1382
required, the auditor of state shall determine whether clear and 1383
convincing evidence supports the allegations. If the auditor of 1384
state finds that no allegation is supported by clear and 1385
convincing evidence, the auditor of state shall submit those 1386
findings in writing to the county treasurer and the person who 1387
initiated the sworn affidavit. If the auditor of state finds by 1388
clear and convincing evidence that an allegation is supported by 1389
the evidence, the auditor of state shall submit those findings in 1390
writing to the attorney general, the county treasurer, and the 1391
person who initiated the sworn affidavit. The findings shall 1392
include a copy of the sworn affidavit and the evidence submitted 1393
under division (A)(1) of this section. 1394

(3)(a) The attorney general shall review the auditor of 1395
state's findings and the sworn affidavit and evidence. Within ten 1396
business days after receiving them, unless, for good cause, 1397
additional time is required, the attorney general shall determine 1398
whether clear and convincing evidence supports the allegations. If 1399
the attorney general finds that no allegation is supported by 1400
clear and convincing evidence, the attorney general, by certified 1401
mail, shall notify the auditor of state, the county treasurer, and 1402
the person who initiated the sworn affidavit, that no complaint 1403
for the removal of the county treasurer from public office will be 1404
filed. 1405

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the county treasurer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the county treasurer from public office under division (B) of this section. 1406
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(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section. 1413
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(B)(1)(a) The attorney general has a cause of action for removal of a county treasurer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county treasurer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of county treasurer. Not later than forty-five days after sending a notice under division (A)(3)(b) of this section, the attorney general shall cause an action to be commenced against the county treasurer by filing a complaint for the removal of the county treasurer from public office. If any money is due, the attorney general shall join the sureties on the county treasurer's bond as parties. The court of common pleas of the county in which the county treasurer holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure. 1417
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(b) If the court finds by clear and convincing evidence that the county treasurer purposely, knowingly, or recklessly failed to 1436
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perform a fiscal duty expressly imposed by law with respect to the 1438
fiscal duties of the office of county treasurer or purposely, 1439
knowingly, or recklessly committed any act expressly prohibited by 1440
law with respect to the fiscal duties of that office, the court 1441
shall issue an order removing the county treasurer from office and 1442
any order necessary for the preservation or restitution of public 1443
funds. 1444

(2) Except as otherwise provided in this division, an action 1445
for removal from office under this section is stayed during the 1446
pendency of any criminal action concerning a violation of an 1447
existing or former municipal ordinance or law of this or any other 1448
state or the United States that is substantially equivalent to any 1449
criminal violation in Title 29 of the Revised Code related to 1450
conduct in office, if the person charged in the criminal action 1451
committed the violation while serving as a county treasurer and 1452
the conduct constituting the violation was related to the duties 1453
of the office of county treasurer or to the person's actions as 1454
the county treasurer. The stay may be lifted upon motion of the 1455
prosecuting attorney in the related criminal action. 1456

(3) Prior to or at the hearing, upon a showing of good cause, 1457
the court may issue an order restraining the county treasurer from 1458
entering the county treasurer's office and from conducting the 1459
affairs of the office pending the hearing on the complaint. If 1460
such an order is issued, the court may continue the order until 1461
the conclusion of the hearing and any appeals under this section. 1462

(4) The board of county commissioners shall be responsible 1463
for the payment of reasonable attorney's fees for counsel for the 1464
county treasurer. If judgment is entered against the county 1465
treasurer, the court shall order the county treasurer to reimburse 1466
the board for attorney's fees and costs up to a reasonable amount, 1467
as determined by the court. Expenses incurred by the board in a 1468
removal action shall be paid out of the county general fund. 1469

(C) The judgment of the court is final and conclusive unless 1470
reversed, vacated, or modified on appeal. An appeal may be taken 1471
by any party, and shall proceed as in the case of appeals in civil 1472
actions and in accordance with the Rules of Appellate Procedure. 1473
Upon the filing of a notice of appeal by any party to the 1474
proceedings, the court of appeals shall hear the case as an 1475
expedited appeal under Rule 11.2 of the Rules of Appellate 1476
Procedure. The county treasurer has the right of review or appeal 1477
to the supreme court. 1478

(D) If a final judgment for removal from public office is 1479
entered against the county treasurer, the office shall be deemed 1480
vacated, and the vacancy shall be filled as provided in section 1481
305.02 of the Revised Code. Except as otherwise provided by law, 1482
an individual removed from public office under this section is not 1483
entitled to hold any public office for four years following the 1484
date of the final judgment, and is not entitled to hold any public 1485
office until any repayment or restitution required by the court is 1486
satisfied. 1487

(E) For the purposes of this section: 1488

(1) A person acts purposely when it is the person's specific 1489
intention to cause a certain result, or, when the gist of the 1490
offense is a prohibition against conduct of a certain nature, 1491
regardless of what the person intends to accomplish thereby, it is 1492
the person's specific intention to engage in conduct of that 1493
nature. 1494

(2) A person acts knowingly, regardless of the person's 1495
purpose, when the person is aware that the person's conduct will 1496
probably cause a certain result or will probably be of a certain 1497
nature. A person has knowledge of circumstances when the person is 1498
aware that such circumstances probably exist. 1499

(3) A person acts recklessly when, with heedless indifference 1500

to the consequences, the person perversely disregards a known risk 1501
that the person's conduct is likely to cause a certain result or 1502
is likely to be of a certain nature. A person is reckless with 1503
respect to circumstances when, with heedless indifference to the 1504
consequences, the person perversely disregards a known risk that 1505
such circumstances are likely to exist. 1506

(F) The proceedings provided for in this section may be used 1507
as an alternative to the removal proceedings prescribed under 1508
sections 3.07 to 3.10 of the Revised Code or other methods of 1509
removal authorized by law. 1510

Sec. 321.46. (A) To enhance the background and working 1511
knowledge of county treasurers in governmental accounting, 1512
portfolio reporting and compliance, investments, and cash 1513
management, the auditor of state and the treasurer of state shall 1514
conduct education programs for persons elected for the first time 1515
to the office of county treasurer and shall hold biennial 1516
continuing education ~~programs~~ courses for persons who continue to 1517
hold the office of county treasurer. ~~Education~~ 1518

Initial education programs for newly elected county 1519
treasurers shall be held between the first day of December and the 1520
first Monday of September next following that person's election to 1521
the office of county treasurer. Similar initial ~~training~~ education 1522
programs may also be provided to any county treasurer who is 1523
appointed to fill a vacancy or who is elected at a special 1524
election. 1525

(B)(1) The auditor of state shall determine the manner and 1526
content of the initial education programs in the subject areas of 1527
governmental accounting and portfolio reporting and compliance. In 1528
those areas, newly elected county treasurers shall take at least 1529
thirteen hours of education before taking office. 1530

(2) The treasurer of state shall determine the manner and 1531

content of the initial education programs in the subject areas of 1532
investments and cash management. In those areas, newly elected 1533
county treasurers shall take at least thirteen hours of education 1534
before taking office. 1535

(3)(a) After completing one year in office, a county 1536
treasurer shall take not less than twenty-four hours of continuing 1537
education during each biennial cycle. For purposes of division 1538
(B)(3)(a) of this section, a biennial cycle for continuing 1539
education shall be every two calendar years after the treasurer's 1540
first year in office. The treasurer of state shall determine the 1541
manner and content of the continuing education ~~programs~~ courses in 1542
the subject areas of investments, cash management, the collection 1543
of taxes, ethics, and any other subject area that the treasurer of 1544
state determines is reasonably related to the duties of the office 1545
of the county treasurer. The auditor of state shall determine the 1546
manner and content of the continuing education ~~programs~~ courses in 1547
the subject areas of governmental accounting, portfolio reporting 1548
and compliance, office management, and any other subject area that 1549
the auditor of state determines is reasonably related to the 1550
duties of the office of the county treasurer. 1551

(b) A county treasurer who accumulates more than twenty-four 1552
hours of continuing education in a biennial cycle described in 1553
division (B)(3)(a) of this section may credit the hours in excess 1554
of twenty-four hours to the next biennial cycle. However, 1555
regardless of the total number of hours earned, no more than six 1556
hours in ~~the~~ continuing education ~~programs~~ determined by the 1557
treasurer of state pursuant to division (B)(3)(a) of this section 1558
and six hours in ~~the~~ continuing education ~~programs~~ determined by 1559
the auditor of state pursuant to that division shall be carried 1560
over to the next biennial cycle. 1561

(c) A county treasurer who participates in a training program 1562
or seminar established under section 109.43 of the Revised Code 1563

may apply the three hours of training to the twenty-four hours of 1564
continuing education required in a biennial cycle under division 1565
(B)(3)(a) of this section. 1566

(C) The auditor of state and the treasurer of state may each 1567
charge counties a registration fee that will meet actual and 1568
necessary expenses of the training of county treasurers, including 1569
instructor fees, site acquisition costs, and the cost of course 1570
materials. The necessary personal expenses of county treasurers as 1571
a result of attending the ~~training~~ initial education programs and 1572
continuing education courses shall be borne by the counties the 1573
treasurers represent. 1574

(D) The auditor of state and the treasurer of state may allow 1575
any other interested person to attend any of the initial education 1576
programs ~~that are~~ or continuing education courses held pursuant to 1577
this section, provided that before attending any such ~~education~~ 1578
program or course, the interested person shall pay to either the 1579
auditor of state or the treasurer of state, as appropriate, the 1580
full registration fee set for the ~~education~~ program or course. 1581

(E)(1) If a county treasurer fails to complete the initial 1582
education programs required by this section before taking office, 1583
the treasurer's authority to invest county funds and to manage the 1584
county portfolio immediately is suspended, and this authority is 1585
transferred to the county's investment advisory committee until 1586
full compliance with the initial education programs is determined 1587
by the treasurer of state. 1588

(2) If a county treasurer fails to complete continuing 1589
education ~~programs~~ as required by this section, the county 1590
treasurer is subject to divisions (B) to (E) of section 321.47 of 1591
the Revised Code, including possible suspension of the treasurer's 1592
authority to invest county funds and to manage the county 1593
portfolio and transfer of this authority to the county's 1594
investment advisory committee. 1595

(F)(1) Notwithstanding divisions (B) and (E) of this section, 1596
a county treasurer who fails to complete the initial education 1597
programs or continuing education ~~programs~~ required by this section 1598
shall invest only in the Ohio subdivisions fund pursuant to 1599
division (A)(6) of section 135.35 of the Revised Code, in no load 1600
money market mutual funds pursuant to division (A)(5) of section 1601
135.35 of the Revised Code, or in time certificates of deposit or 1602
savings or deposit accounts pursuant to division (A)(3) of section 1603
135.35 of the Revised Code. 1604

(2) A county treasurer who has failed to complete the initial 1605
education programs required by this section and invests in other 1606
than the investments permitted by division (F)(1) of this section 1607
immediately shall have the county treasurer's authority to invest 1608
county funds and to manage the county portfolio suspended, and 1609
this authority shall be transferred to the county's investment 1610
advisory committee until full compliance with the initial 1611
education programs is determined by the treasurer of state. 1612

(3) If a county treasurer fails to complete continuing 1613
education ~~programs~~ required by this section and invests in other 1614
than the investments permitted by division (F)(1) of this section, 1615
the county treasurer is subject to divisions (B) to (E) of section 1616
321.47 of the Revised Code, including possible suspension of the 1617
treasurer's authority to invest county funds and to manage the 1618
county portfolio and transfer of this authority to the county's 1619
investment advisory committee. 1620

(G)(1) There is hereby created in the state treasury the 1621
county treasurer education fund, to be used by the treasurer of 1622
state for actual and necessary expenses of initial education 1623
programs and continuing education held pursuant to this section 1624
and section 135.22 of the Revised Code. All registration fees 1625
collected by the treasurer of state under this section and section 1626
135.22 of the Revised Code shall be paid into that fund. 1627

(2) All registration fees collected by the auditor of state 1628
under this section shall be paid into the auditor of state 1629
training program fund established under section 117.44 of the 1630
Revised Code. 1631

(H) The treasurer of state, with the advice and consent of 1632
the auditor of state, may adopt reasonable rules not inconsistent 1633
with this section for the implementation of this section. 1634

Sec. 507.02. When a township fiscal officer is unable to 1635
carry out the duties of office because of illness, because of 1636
entering the military service of the United States, because of a 1637
court ordered suspension as provided for under section 507.13 of 1638
the Revised Code, or because the fiscal officer is otherwise 1639
incapacitated or disqualified, the board of township trustees 1640
shall appoint a deputy fiscal officer, who shall have full power 1641
to discharge the duties of the office. The deputy fiscal officer 1642
shall serve during the period of time the fiscal officer is absent 1643
or incapacitated, or until a successor fiscal officer is elected 1644
and qualified. Before entering on the discharge of official 1645
duties, the deputy fiscal officer shall give bond, for the 1646
faithful discharge of official duties, as required under section 1647
507.03 of the Revised Code. The board shall, by resolution, adjust 1648
and determine the compensation of the fiscal officer and deputy 1649
fiscal officer. The total compensation of both the fiscal officer 1650
and any deputy fiscal officer shall not exceed the sums fixed by 1651
section 507.09 of the Revised Code in any one year. 1652

Sec. 507.12. (A) To enhance the background and working 1653
knowledge of township fiscal officers in government accounting, 1654
budgeting and financing, financial report preparation, and the 1655
rules adopted by the auditor of state, the auditor of state shall 1656
conduct education programs and continuing education courses for 1657
individuals elected or appointed for the first time to the office 1658

of township fiscal officer, and shall conduct continuing education 1659
courses for individuals who continue to hold the office in a 1660
subsequent term. The Ohio township association also may conduct 1661
such initial education programs and continuing education courses 1662
if approved by the auditor of state. The auditor of state, in 1663
conjunction with the Ohio township association, shall determine 1664
the manner and content of the initial education programs and 1665
continuing education courses. 1666

(B) A newly elected or appointed township fiscal officer 1667
shall complete at least six hours of initial education programs 1668
before commencing, or during the first year of, office. A township 1669
fiscal officer who participates in a training program held under 1670
section 117.44 of the Revised Code may apply those hours taken 1671
before commencing office to the six hours of initial education 1672
programs required under this division. 1673

(C)(1) In addition to the six hours of initial education 1674
required under division (B) of this section, a newly elected 1675
township fiscal officer shall complete at least a total of 1676
eighteen continuing education hours during the township fiscal 1677
officer's first term of office. 1678

(2) A township fiscal officer who is elected to a subsequent 1679
term of office shall complete twelve hours of continuing education 1680
courses in each subsequent term of office. 1681

(3) The auditor of state shall adopt rules specifying the 1682
initial education programs and continuing education courses that 1683
are required for a township fiscal officer who has been appointed 1684
to fill a vacancy. The requirements shall be proportionally 1685
equivalent, based on the time remaining in the vacated office, to 1686
the requirements for a newly elected township fiscal officer. 1687

(4) At least two hours of ethics instruction shall be 1688
included in the continuing education hours required by divisions 1689

(C)(1) and (2) of this section. 1690

(5) A township fiscal officer who participates in a training program or seminar established under section 109.43 of the Revised Code may apply the three hours of training to the continuing education hours required by divisions (C)(1) and (2) of this section. 1691
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(D)(1) A certified public accountant who serves as a township fiscal officer may apply to the continuing education hours required by division (C) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a township fiscal officer. 1696
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(2) A township fiscal officer may apply to the continuing education hours required by division (C) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a township fiscal officer. 1701
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(3) A township fiscal officer who teaches an approved continuing education course under division (C) of this section is entitled to credit for the course in the same manner as if the township fiscal officer had attended the course. 1706
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(E) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section. The auditor of state shall issue a certificate of completion to each township fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any township fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office of township fiscal 1710
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officer. 1721

(F) Each board of township trustees shall approve a 1722
reasonable amount requested by the township fiscal officer to 1723
cover the costs the township fiscal officer is required to incur 1724
to meet the requirements of this section, including registration 1725
fees, lodging and meal expenses, and travel expenses. 1726

Sec. 507.13. (A)(1) If a township fiscal officer purposely, 1727
knowingly, or recklessly fails to perform a fiscal duty expressly 1728
imposed by law with respect to the fiscal duties of the office of 1729
township fiscal officer or purposely, knowingly, or recklessly 1730
commits any act expressly prohibited by law with respect to the 1731
fiscal duties of that office, four residents of the township may 1732
submit sworn affidavits alleging the violation, together with 1733
evidence supporting the allegations, to the auditor of state. The 1734
sworn affidavits and evidence shall be submitted in the format 1735
prescribed by rule of the auditor of state under section 117.45 of 1736
the Revised Code. A person who makes a false statement in a sworn 1737
affidavit, for purposes of this section, is guilty of 1738
falsification under section 2921.13 of the Revised Code. 1739

(2) The auditor of state shall review the sworn affidavits 1740
and the evidence. Within ten business days after receiving the 1741
sworn affidavits, unless, for good cause, additional time is 1742
required, the auditor of state shall determine whether clear and 1743
convincing evidence supports the allegations. If the auditor of 1744
state finds that no allegation is supported by clear and 1745
convincing evidence, the auditor of state shall submit those 1746
findings in writing to the township fiscal officer and the persons 1747
who initiated the sworn affidavits. If the auditor of state finds 1748
by clear and convincing evidence that an allegation is supported 1749
by the evidence, the auditor of state shall submit those findings 1750
in writing to the attorney general, the township fiscal officer, 1751

and the persons who initiated the sworn affidavits. The findings 1752
shall include a copy of the sworn affidavits and the evidence 1753
submitted under division (A)(1) of this section. 1754

(3)(a) The attorney general shall review the auditor of 1755
state's findings and the sworn affidavits and evidence. Within ten 1756
business days after receiving the sworn affidavits and evidence, 1757
unless, for good cause, additional time is required, the attorney 1758
general shall determine whether clear and convincing evidence 1759
supports the allegations. If the attorney general finds that no 1760
allegation is supported by clear and convincing evidence, the 1761
attorney general, by certified mail, shall notify the auditor of 1762
state, the township fiscal officer, and the persons who initiated 1763
the sworn affidavits, that no complaint for the removal of the 1764
township fiscal officer from public office will be filed. 1765

(b) If the attorney general finds by clear and convincing 1766
evidence that an allegation is supported by the evidence, the 1767
attorney general, by certified mail, shall notify the auditor of 1768
state, the township fiscal officer, and the persons who initiated 1769
the sworn affidavits of that fact, and shall commence an action 1770
for the removal of the township fiscal officer from public office 1771
under division (B) of this section. 1772

(c) Nothing in this section is intended to limit the 1773
authority of the attorney general to enter into mediation, 1774
settlement, or resolution of any alleged violation before or 1775
following the commencement of an action under this section. 1776

(B)(1)(a) The attorney general has a cause of action for 1777
removal of a township fiscal officer who purposely, knowingly, or 1778
recklessly fails to perform a fiscal duty expressly imposed by law 1779
with respect to the office of township fiscal officer or 1780
purposely, knowingly, or recklessly commits any act expressly 1781
prohibited by law with respect to the fiscal duties of the office 1782
of township fiscal officer. Not later than forty-five days after 1783

sending a notice under division (A)(3)(b) of this section, the 1784
attorney general shall cause an action to be commenced against the 1785
township fiscal officer by filing a complaint for the removal of 1786
the township fiscal officer from public office. If any money is 1787
due, the attorney general shall join the sureties on the township 1788
fiscal officer's bond as parties. The court of common pleas of the 1789
county in which the township fiscal officer holds office has 1790
exclusive original jurisdiction of the action. The action shall 1791
proceed de novo as in the trial of a civil action. The court is 1792
not restricted to the evidence that was presented to the auditor 1793
of state and the attorney general before the action was filed. The 1794
action is governed by the Rules of Civil Procedure. 1795

(b) If the court finds by clear and convincing evidence that 1796
the township fiscal officer purposely, knowingly, or recklessly 1797
failed to perform a fiscal duty expressly imposed by law with 1798
respect to the fiscal duties of the office of township fiscal 1799
officer or purposely, knowingly, or recklessly committed any act 1800
expressly prohibited by law with respect to the fiscal duties of 1801
that office, the court shall issue an order removing the township 1802
fiscal officer from office and any order necessary for the 1803
preservation or restitution of public funds. 1804

(2) Except as otherwise provided in this division, an action 1805
for removal from office under this section is stayed during the 1806
pendency of any criminal action concerning a violation of an 1807
existing or former municipal ordinance or law of this or any other 1808
state or the United States that is substantially equivalent to any 1809
criminal violation in Title 29 of the Revised Code related to 1810
conduct in office, if the person charged in the criminal action 1811
committed the violation while serving as a township fiscal officer 1812
and the conduct constituting the violation was related to the 1813
duties of the office of fiscal officer or to the person's actions 1814
as the township fiscal officer. The stay may be lifted upon motion 1815

of the prosecuting attorney in the related criminal action. 1816

(3) Prior to or at the hearing, upon a showing of good cause, 1817
the court may issue an order restraining the township fiscal 1818
officer from entering the township fiscal officer's office and 1819
from conducting the affairs of the office pending the hearing on 1820
the complaint. If such an order is issued, the court may continue 1821
the order until the conclusion of the hearing and any appeals 1822
under this section. 1823

(4) The board of township trustees shall be responsible for 1824
the payment of reasonable attorney's fees for counsel for the 1825
township fiscal officer. If judgment is entered against the 1826
township fiscal officer, the court shall order the township fiscal 1827
officer to reimburse the board for attorney's fees and costs up to 1828
a reasonable amount, as determined by the court. Expenses incurred 1829
by the board in a removal action shall be paid out of the township 1830
general fund. 1831

(C) The judgment of the court is final and conclusive unless 1832
reversed, vacated, or modified on appeal. An appeal may be taken 1833
by any party, and shall proceed as in the case of appeals in civil 1834
actions and in accordance with the Rules of Appellate Procedure. 1835
Upon the filing of a notice of appeal by any party to the 1836
proceedings, the court of appeals shall hear the case as an 1837
expedited appeal under Rule 11.2 of the Rules of Appellate 1838
Procedure. The township fiscal officer has the right of review or 1839
appeal to the supreme court. 1840

(D) If a final judgment for removal from public office is 1841
entered against the township fiscal officer, the office shall be 1842
deemed vacated, and the vacancy shall be filled as provided in 1843
section 503.24 of the Revised Code. Except as otherwise provided 1844
by law, an individual removed from public office under this 1845
section is not entitled to hold any public office for four years 1846
following the date of the final judgment, and is not entitled to 1847

hold any public office until any repayment or restitution required 1848
by the court is satisfied. 1849

(E) For the purposes of this section: 1850

(1) A person acts purposely when it is the person's specific 1851
intention to cause a certain result, or, when the gist of the 1852
offense is a prohibition against conduct of a certain nature, 1853
regardless of what the person intends to accomplish thereby, it is 1854
the person's specific intention to engage in conduct of that 1855
nature. 1856

(2) A person acts knowingly, regardless of the person's 1857
purpose, when the person is aware that the person's conduct will 1858
probably cause a certain result or will probably be of a certain 1859
nature. A person has knowledge of circumstances when the person is 1860
aware that such circumstances probably exist. 1861

(3) A person acts recklessly when, with heedless indifference 1862
to the consequences, the person perversely disregards a known risk 1863
that the person's conduct is likely to cause a certain result or 1864
is likely to be of a certain nature. A person is reckless with 1865
respect to circumstances when, with heedless indifference to the 1866
consequences, the person perversely disregards a known risk that 1867
such circumstances are likely to exist. 1868

(F) The proceedings provided for in this section may be used 1869
as an alternative to the removal proceedings prescribed under 1870
sections 3.07 to 3.10 of the Revised Code or other methods of 1871
removal authorized by law. 1872

Sec. 733.78. (A) As used in this section, "fiscal officer" 1873
means a village fiscal officer, a village clerk-treasurer, a 1874
village clerk, a city auditor, a city treasurer or, in the case of 1875
a municipal corporation having a charter that designates an 1876
officer who, by virtue of the charter, has duties and functions 1877

similar to those of the city or village officers referred to in 1878
this section, the officer so designated by the charter. 1879

(B)(1) If a fiscal officer purposely, knowingly, or 1880
recklessly fails to perform a fiscal duty expressly imposed by law 1881
with respect to the fiscal duties of the office of fiscal officer 1882
or purposely, knowingly, or recklessly commits any act expressly 1883
prohibited by law with respect to the fiscal duties of the office 1884
of fiscal officer, a member of the legislative authority of the 1885
municipal corporation may submit a sworn affidavit alleging the 1886
violation, together with evidence supporting the allegations, to 1887
the auditor of state. The sworn affidavit and evidence shall be 1888
submitted in the format prescribed by rule of the auditor of state 1889
under section 117.45 of the Revised Code. A person who makes a 1890
false statement in a sworn affidavit, for purposes of this 1891
section, is guilty of falsification under section 2921.13 of the 1892
Revised Code. 1893

(2) The auditor of state shall review the sworn affidavit and 1894
the evidence. Within ten business days after receiving the sworn 1895
affidavit and evidence, unless, for good cause, additional time is 1896
required, the auditor of state shall determine whether clear and 1897
convincing evidence supports the allegations. If the auditor of 1898
state finds that no allegation is supported by clear and 1899
convincing evidence, the auditor of state shall submit those 1900
findings in writing to the fiscal officer and the person who 1901
initiated the sworn affidavit. If the auditor of state finds by 1902
clear and convincing evidence that an allegation is supported by 1903
the evidence, the auditor of state shall submit those findings in 1904
writing to the attorney general, the fiscal officer, and the 1905
person who initiated the sworn affidavit. The findings shall 1906
include a copy of the sworn affidavit and the evidence submitted 1907
under division (B)(1) of this section. 1908

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavit and evidence. Within ten business days after receiving them, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no allegation is supported by clear and convincing evidence, the attorney general, by certified mail, shall notify the auditor of state, the fiscal officer, and the person who initiated the sworn affidavit that no complaint for the removal of the fiscal officer from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the fiscal officer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the fiscal officer from public office under division (C) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(C)(1)(a) The attorney general has a cause of action for removal of a fiscal officer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of fiscal officer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of fiscal officer. Not later than forty-five days after sending a notice under division (B)(3)(b) of this section, the attorney general shall cause an action to be commenced against the fiscal officer by filing a complaint for the removal of the fiscal

officer from public office. If any money is due, the attorney 1941
general shall join the sureties on the fiscal officer's bond as 1942
parties. The court of common pleas of the county in which the 1943
fiscal officer holds office has exclusive original jurisdiction of 1944
the action. The action shall proceed de novo as in the trial of a 1945
civil action. The court is not restricted to the evidence that was 1946
presented to the auditor of state and the attorney general before 1947
the action was filed. The action is governed by the Rules of Civil 1948
Procedure. 1949

(b) If the court finds by clear and convincing evidence that 1950
the fiscal officer purposely, knowingly, or recklessly failed to 1951
perform a fiscal duty expressly imposed by law with respect to the 1952
fiscal duties of the office of fiscal officer or purposely, 1953
knowingly, or recklessly committed any act expressly prohibited by 1954
law with respect to the fiscal duties of that office, the court 1955
shall issue an order removing the fiscal officer from office and 1956
any order necessary for the preservation or restitution of public 1957
funds. 1958

(2) Except as otherwise provided in this division, an action 1959
for removal from office under this section is stayed during the 1960
pendency of any criminal action concerning a violation of an 1961
existing or former municipal ordinance or law of this or any other 1962
state or the United States that is substantially equivalent to any 1963
criminal violation in Title 29 of the Revised Code related to 1964
conduct in office, if the person charged in the criminal action 1965
committed the violation while serving as a fiscal officer and the 1966
conduct constituting the violation was related to the duties of 1967
the office of fiscal officer or to the person's actions as the 1968
fiscal officer. The stay may be lifted upon motion of the 1969
prosecuting attorney in the related criminal action. 1970

(3) Prior to or at the hearing, upon a showing of good cause, 1971
the court may issue an order restraining the fiscal officer from 1972

entering the fiscal officer's office and from conducting the 1973
affairs of the office pending the hearing on the complaint. If 1974
such an order is issued, the court may continue the order until 1975
the conclusion of the hearing and any appeals under this section. 1976

(4) The legislative authority of the municipal corporation 1977
shall be responsible for the payment of reasonable attorney's fees 1978
for counsel for the fiscal officer. If judgment is entered against 1979
the fiscal officer, the court shall order the fiscal officer to 1980
reimburse the legislative authority for attorney's fees and costs 1981
up to a reasonable amount, as determined by the court. 1982

(D) The judgment of the court is final and conclusive unless 1983
reversed, vacated, or modified on appeal. An appeal may be taken 1984
by any party, and shall proceed as in the case of appeals in civil 1985
actions and in accordance with the Rules of Appellate Procedure. 1986
Upon the filing of a notice of appeal by any party to the 1987
proceedings, the court of appeals shall hear the case as an 1988
expedited appeal under Rule 11.2 of the Rules of Appellate 1989
Procedure. The fiscal officer has the right of review or appeal to 1990
the supreme court. 1991

(E) If a final judgment for removal from public office is 1992
entered against the fiscal officer, the office shall be deemed 1993
vacated, and the vacancy shall be filled as provided in section 1994
733.31 of the Revised Code. Except as otherwise provided by law, 1995
an individual removed from public office under this section is not 1996
entitled to hold any public office for four years following the 1997
date of the final judgment, and is not entitled to hold any public 1998
office until any repayment or restitution required by the court is 1999
satisfied. 2000

(F) If a municipal corporation's charter establishes a 2001
procedure for the removal of officers from office that conflicts 2002
with the removal procedure established by this section, the 2003
procedure for the removal of officers in the charter prevails. 2004

(G) For the purposes of this section: 2005

(1) A person acts purposely when it is the person's specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the person intends to accomplish thereby, it is the person's specific intention to engage in conduct of that nature. 2006
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(2) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. 2012
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(3) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist. 2017
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(H) The proceedings provided for in this section may be used as an alternative to the removal proceedings prescribed under sections 3.07 to 3.10 of the Revised Code or other methods of removal authorized by law. 2024
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Sec. 733.81. (A) As used in this section, "fiscal officer" means the city auditor, city treasurer, village fiscal officer, village clerk-treasurer, village clerk, and, in the case of a municipal corporation having a charter that designates an officer who, by virtue of the charter, has duties and functions similar to those of the city or village officers referred to in this section, the officer so designated by the charter. 2028
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(B) To enhance the background and working knowledge of fiscal officers in government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall conduct education programs and continuing education courses for individuals elected or appointed for the first time to the office of fiscal officer, and shall conduct continuing education courses for individuals who continue to hold the office in a subsequent term. The Ohio municipal league also may conduct such initial education programs and continuing education courses if approved by the auditor of state. The auditor of state, in conjunction with the Ohio municipal league, shall determine the manner and content of the initial education programs and continuing education courses.

(C) A newly elected or appointed fiscal officer shall complete at least six hours of initial education programs before commencing, or during the first year of, office. A fiscal officer who participates in a training program held under section 117.44 of the Revised Code may apply those hours taken before commencing office to the six hours of initial education programs required under this division.

(D)(1) In addition to the six hours of initial education required under division (B) of this section, a newly elected fiscal officer shall complete at least a total of eighteen continuing education hours during the fiscal officer's first term of office.

(2) A fiscal officer who is elected to a subsequent term of office shall complete twelve hours of continuing education courses in each subsequent term of office.

(3) The auditor of state shall adopt rules specifying the initial education programs and continuing education courses that are required for a fiscal officer who has been appointed to fill a vacancy. The requirements shall be proportionally equivalent,

based on the time remaining in the vacated office, to the 2067
requirements for a newly elected fiscal officer. 2068

(4) At least two hours of ethics instruction shall be 2069
included in the continuing education hours required by divisions 2070
(D)(1) and (2) of this section. 2071

(5) A fiscal officer who participates in a training program 2072
or seminar established under section 109.43 of the Revised Code 2073
may apply the three hours of training to the continuing education 2074
hours required by divisions (D)(1) and (2) of this section. 2075

(E)(1) A certified public accountant who serves as a fiscal 2076
officer may apply to the continuing education hours required by 2077
division (D) of this section any hours of continuing education 2078
completed under section 4701.11 of the Revised Code after being 2079
elected or appointed as a fiscal officer. 2080

(2) A fiscal officer may apply to the continuing education 2081
hours required by division (D) of this section any hours of 2082
continuing education completed under section 135.22 of the Revised 2083
Code after being elected or appointed as a fiscal officer. 2084

(3) A fiscal officer who teaches an approved continuing 2085
education course under division (D) of this section is entitled to 2086
credit for the course in the same manner as if the fiscal officer 2087
had attended the course. 2088

(F) The auditor of state shall adopt rules for verifying the 2089
completion of initial education programs and continuing education 2090
courses required under this section for each category of fiscal 2091
officer. The auditor of state shall issue a certificate of 2092
completion to each fiscal officer who completes the initial 2093
education programs and continuing education courses. The auditor 2094
of state shall issue a "failure to complete" notice to any fiscal 2095
officer who is required to complete initial education programs and 2096
continuing education courses under this section, but who fails to 2097

do so. The notice is for informational purposes only and does not 2098
affect any individual's ability to hold the office to which the 2099
individual was elected or appointed. 2100

(G) The legislative authority of a municipal corporation 2101
shall approve a reasonable amount requested by the fiscal officer 2102
to cover the costs the fiscal officer is required to incur to meet 2103
the requirements of this section, including registration fees, 2104
lodging and meal expenses, and travel expenses. 2105

Sec. 2921.13. (A) No person shall knowingly make a false 2106
statement, or knowingly swear or affirm the truth of a false 2107
statement previously made, when any of the following applies: 2108

(1) The statement is made in any official proceeding. 2109

(2) The statement is made with purpose to incriminate 2110
another. 2111

(3) The statement is made with purpose to mislead a public 2112
official in performing the public official's official function. 2113

(4) The statement is made with purpose to secure the payment 2114
of unemployment compensation; Ohio works first; prevention, 2115
retention, and contingency benefits and services; disability 2116
financial assistance; retirement benefits or health care coverage 2117
from a state retirement system; economic development assistance, 2118
as defined in section 9.66 of the Revised Code; or other benefits 2119
administered by a governmental agency or paid out of a public 2120
treasury. 2121

(5) The statement is made with purpose to secure the issuance 2122
by a governmental agency of a license, permit, authorization, 2123
certificate, registration, release, or provider agreement. 2124

(6) The statement is sworn or affirmed before a notary public 2125
or another person empowered to administer oaths. 2126

(7) The statement is in writing on or in connection with a 2127

report or return that is required or authorized by law. 2128

(8) The statement is in writing and is made with purpose to 2129
induce another to extend credit to or employ the offender, to 2130
confer any degree, diploma, certificate of attainment, award of 2131
excellence, or honor on the offender, or to extend to or bestow 2132
upon the offender any other valuable benefit or distinction, when 2133
the person to whom the statement is directed relies upon it to 2134
that person's detriment. 2135

(9) The statement is made with purpose to commit or 2136
facilitate the commission of a theft offense. 2137

(10) The statement is knowingly made to a probate court in 2138
connection with any action, proceeding, or other matter within its 2139
jurisdiction, either orally or in a written document, including, 2140
but not limited to, an application, petition, complaint, or other 2141
pleading, or an inventory, account, or report. 2142

(11) The statement is made on an account, form, record, 2143
stamp, label, or other writing that is required by law. 2144

(12) The statement is made in connection with the purchase of 2145
a firearm, as defined in section 2923.11 of the Revised Code, and 2146
in conjunction with the furnishing to the seller of the firearm of 2147
a fictitious or altered driver's or commercial driver's license or 2148
permit, a fictitious or altered identification card, or any other 2149
document that contains false information about the purchaser's 2150
identity. 2151

(13) The statement is made in a document or instrument of 2152
writing that purports to be a judgment, lien, or claim of 2153
indebtedness and is filed or recorded with the secretary of state, 2154
a county recorder, or the clerk of a court of record. 2155

(14) The statement is made in an application filed with a 2156
county sheriff pursuant to section 2923.125 of the Revised Code in 2157
order to obtain or renew a concealed handgun license or is made in 2158

an affidavit submitted to a county sheriff to obtain a concealed 2159
handgun license on a temporary emergency basis under section 2160
2923.1213 of the Revised Code. 2161

(15) The statement is required under section 5743.71 of the 2162
Revised Code in connection with the person's purchase of 2163
cigarettes or tobacco products in a delivery sale. 2164

(B) No person, in connection with the purchase of a firearm, 2165
as defined in section 2923.11 of the Revised Code, shall knowingly 2166
furnish to the seller of the firearm a fictitious or altered 2167
driver's or commercial driver's license or permit, a fictitious or 2168
altered identification card, or any other document that contains 2169
false information about the purchaser's identity. 2170

(C) No person, in an attempt to obtain a concealed handgun 2171
license under section 2923.125 of the Revised Code, shall 2172
knowingly present to a sheriff a fictitious or altered document 2173
that purports to be certification of the person's competence in 2174
handling a handgun as described in division (B)(3) of that 2175
section. 2176

(D) It is no defense to a charge under division (A)(6) of 2177
this section that the oath or affirmation was administered or 2178
taken in an irregular manner. 2179

(E) If contradictory statements relating to the same fact are 2180
made by the offender within the period of the statute of 2181
limitations for falsification, it is not necessary for the 2182
prosecution to prove which statement was false but only that one 2183
or the other was false. 2184

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 2185
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 2186
of falsification⁷. Except as otherwise provided in this division, 2187
falsification is a misdemeanor of the first degree. 2188

(2) Whoever violates division (A)(9) of this section is 2189

guilty of falsification in a theft offense. Except as otherwise 2190
provided in this division, falsification in a theft offense is a 2191
misdemeanor of the first degree. If the value of the property or 2192
services stolen is one thousand dollars or more and is less than 2193
seven thousand five hundred dollars, falsification in a theft 2194
offense is a felony of the fifth degree. If the value of the 2195
property or services stolen is seven thousand five hundred dollars 2196
or more and is less than one hundred fifty thousand dollars, 2197
falsification in a theft offense is a felony of the fourth degree. 2198
If the value of the property or services stolen is one hundred 2199
fifty thousand dollars or more, falsification in a theft offense 2200
is a felony of the third degree. 2201

(3) Whoever violates division (A)(12) or (B) of this section 2202
is guilty of falsification to purchase a firearm, a felony of the 2203
fifth degree. 2204

(4) Whoever violates division (A)(14) or (C) of this section 2205
is guilty of falsification to obtain a concealed handgun license, 2206
a felony of the fourth degree. 2207

(5) Whoever violates division (A) of this section in removal 2208
proceedings under section 319.26, 321.37, 507.13, or 733.78 of the 2209
Revised Code is guilty of falsification regarding a removal 2210
proceeding, a felony of the third degree. 2211

(G) A person who violates this section is liable in a civil 2212
action to any person harmed by the violation for injury, death, or 2213
loss to person or property incurred as a result of the commission 2214
of the offense and for reasonable attorney's fees, court costs, 2215
and other expenses incurred as a result of prosecuting the civil 2216
action commenced under this division. A civil action under this 2217
division is not the exclusive remedy of a person who incurs 2218
injury, death, or loss to person or property as a result of a 2219
violation of this section. 2220

Sec. 2921.44. (A) No law enforcement officer shall	2221
negligently do any of the following:	2222
(1) Fail to serve a lawful warrant without delay;	2223
(2) Fail to prevent or halt the commission of an offense or	2224
to apprehend an offender, when it is in the law enforcement	2225
officer's power to do so alone or with available assistance.	2226
(B) No law enforcement, ministerial, or judicial officer	2227
shall negligently fail to perform a lawful duty in a criminal case	2228
or proceeding.	2229
(C) No officer, having charge of a detention facility, shall	2230
negligently do any of the following:	2231
(1) Allow the detention facility to become littered or	2232
unsanitary;	2233
(2) Fail to provide persons confined in the detention	2234
facility with adequate food, clothing, bedding, shelter, and	2235
medical attention;	2236
(3) Fail to control an unruly prisoner, or to prevent	2237
intimidation of or physical harm to a prisoner by another;	2238
(4) Allow a prisoner to escape;	2239
(5) Fail to observe any lawful and reasonable regulation for	2240
the management of the detention facility.	2241
(D) No public official of the state shall recklessly create a	2242
deficiency, incur a liability, or expend a greater sum than is	2243
appropriated by the general assembly for the use in any one year	2244
of the department, agency, or institution of the state with which	2245
the public official is connected.	2246
(E) No public servant shall recklessly fail to perform a duty	2247
expressly imposed by law with respect to the public servant's	2248
office, or recklessly do any act expressly forbidden by law with	2249

respect to the public servant's office. 2250

(F) Whoever violates this section is guilty of dereliction of 2251
duty, a misdemeanor of the second degree. 2252

(G) Except as otherwise provided by law, a public servant who 2253
is a county treasurer; county auditor; township fiscal officer; 2254
city auditor; city treasurer; village fiscal officer; village 2255
clerk-treasurer; village clerk; in the case of a municipal 2256
corporation having a charter that designates an officer who, by 2257
virtue of the charter, has duties and functions similar to those 2258
of the city or village officers referred to in this section, the 2259
officer so designated by the charter; school district treasurer; 2260
fiscal officer of a community school established under Chapter 2261
3314. of the Revised Code; treasurer of a science, technology, 2262
engineering, and mathematics school established under Chapter 2263
3326. of the Revised Code; or fiscal officer of a 2264
college-preparatory boarding school established under Chapter 2265
3328. of the Revised Code and is convicted of or pleads guilty to 2266
dereliction of duty is disqualified from holding any public 2267
office, employment, or position of trust in this state for four 2268
years following the date of conviction or of entry of the plea, 2269
and is not entitled to hold any public office until any repayment 2270
or restitution required by the court is satisfied. 2271

(H) As used in this section, "public servant" includes ~~an~~ the 2272
following: 2273

(1) An officer or employee of a contractor as defined in 2274
section 9.08 of the Revised Code; 2275

(2) A fiscal officer employed by the operator of a community 2276
school established under Chapter 3314. of the Revised Code or by 2277
the operator of a college-preparatory boarding school established 2278
under Chapter 3328. of the Revised Code. 2279

Sec. 3313.30. (A) If the auditor of state or a public 2280
accountant, under section 117.41 of the Revised Code, declares a 2281
school district to be unauditabile, the auditor of state shall 2282
provide written notification of that declaration to the district 2283
and the department of education. The auditor of state also shall 2284
post the notification on the auditor of state's web site. 2285

(B) If the district's current treasurer held that position 2286
during the period for which the district is unauditabile, upon 2287
receipt of the notification under division (A) of this section, 2288
the district board of education shall suspend the treasurer until 2289
the auditor of state or a public accountant has completed an audit 2290
of the district. Suspension of the treasurer may be with or 2291
without pay, as determined by the district board based on the 2292
circumstances that prompted the auditor of state's declaration. 2293
The district board shall appoint a person to assume the duties of 2294
the treasurer during the period of the suspension. If the 2295
appointee is not licensed as a treasurer under section 3301.074 of 2296
the Revised Code, the appointee shall be approved by the 2297
superintendent of public instruction before assuming the duties of 2298
the treasurer. The state board of education may take action under 2299
section 3319.31 of the Revised Code to suspend, revoke, or limit 2300
the license of a treasurer who has been suspended under this 2301
division. 2302

(C) Not later than forty-five days after receiving the 2303
notification under division (A) of this section, the district 2304
board shall provide a written response to the auditor of state. 2305
The response shall include the following: 2306

(1) An overview of the process the district board will use to 2307
review and understand the circumstances that led to the district 2308
becoming unauditabile; 2309

(2) A plan for providing the auditor of state with the 2310

documentation necessary to complete an audit of the district and 2311
for ensuring that all financial documents are available in the 2312
future; 2313

(3) The actions the district board will take to ensure that 2314
the plan described in division (C)(2) of this section is 2315
implemented. 2316

(D) If the school district fails to make reasonable efforts 2317
and continuing progress to bring its accounts, records, files, or 2318
reports into an auditable condition within ninety days after being 2319
declared unauditale, the auditor of state, in addition to 2320
requesting legal action under sections 117.41 and 117.42 of the 2321
Revised Code, shall notify the district and the department of the 2322
district's failure. If the auditor of state or a public accountant 2323
subsequently is able to complete a financial audit of the 2324
district, the auditor of state shall notify the district and the 2325
department that the audit has been completed. 2326

(E) Notwithstanding any provision to the contrary in Chapter 2327
3317. of the Revised Code or in any other provision of law, upon 2328
notification by the auditor of state under division (D) of this 2329
section that the district has failed to make reasonable efforts 2330
and continuing progress to bring its accounts, records, files, or 2331
reports into an auditable condition, the department shall 2332
immediately cease all payments to the district under Chapter 3317. 2333
of the Revised Code and any other provision of law. Upon 2334
subsequent notification from the auditor of state under that 2335
division that the auditor of state or a public accountant was able 2336
to complete a financial audit of the district, the department 2337
shall release all funds withheld from the district under this 2338
section. 2339

Sec. 3314.023. In order to provide monitoring and technical 2340
assistance, a representative of the sponsor of a community school 2341

shall meet with the governing authority or ~~treasurer~~ fiscal officer of the school and shall review the financial and enrollment records of the school at least once every month. Not later than ten days after each review, the sponsor shall provide the governing authority and fiscal officer with a written report regarding the review.

Sec. 3314.50. No community school shall, on or after the effective date of this section, open for operation in any school year unless the governing authority of the school has posted a surety bond in the amount of fifty thousand dollars with the auditor of state. In lieu of a surety bond, a community school governing authority may deposit with the auditor of state cash in the amount of fifty thousand dollars as a guarantee of payment. The bond or cash guarantee shall be used, in the event the school closes, to pay the auditor of state any moneys owed by the school for the costs of audits conducted by the auditor of state or a public accountant under Chapter 117. of the Revised Code.

Immediately upon the filing of a surety bond or the deposit of cash, the auditor of state shall deliver the bond or cash to the treasurer of state, who shall hold it in trust for the purposes prescribed in this section. The treasurer of state shall be responsible for the safekeeping of all surety bonds filed or cash deposited under this section. The auditor of state shall notify the department of education when the school's governing authority has filed the bond or deposited the cash guarantee.

When the auditor of state finds that a community school has closed and cannot pay for the costs of audits, the auditor of state shall declare the surety bond or cash deposit forfeited. The auditor of state shall certify the amount of forfeiture to the treasurer of state, who shall pay money from the named surety or from the school's cash deposit as needed to reimburse the auditor

of state or public accountant for costs incurred in conducting 2373
audits of the school. 2374

Sec. ~~267.50.70~~ 3314.51. ~~UNAUDITABLE COMMUNITY SCHOOL (A)~~ 2375

~~(A)~~ If the ~~Auditor~~ auditor of ~~State~~ state or a public 2376
accountant, ~~pursuant to~~ under section 117.41 of the Revised Code, 2377
declares a community school ~~established under Chapter 3314. of the~~ 2378
~~Revised Code~~ to be unauditabile, the ~~Auditor~~ auditor of ~~State~~ state 2379
shall provide written notification of that declaration to the 2380
school, the school's sponsor, and the ~~Department~~ department of 2381
~~Education~~ education. The ~~Auditor~~ auditor of ~~State~~ state also shall 2382
post the notification on the ~~Auditor~~ auditor of ~~State's~~ state's 2383
web site. 2384

(B) If the community school's current fiscal officer held 2385
that position during the period for which the school is 2386
unauditabile, upon receipt of the notification under division (A) 2387
of this section, the governing authority of the school shall 2388
suspend the fiscal officer until the auditor of state or a public 2389
accountant has completed an audit of the school, except that if 2390
the school has an operator and the operator employs the fiscal 2391
officer, the operator shall suspend the fiscal officer for that 2392
period. Suspension of the fiscal officer may be with or without 2393
pay, as determined by the entity imposing the suspension based on 2394
the circumstances that prompted the auditor of state's 2395
declaration. The entity imposing the suspension shall appoint a 2396
person to assume the duties of the fiscal officer during the 2397
period of the suspension. If the appointee is not licensed as a 2398
treasurer under section 3301.074 of the Revised Code, the 2399
appointee shall be approved by the superintendent of public 2400
instruction before assuming the duties of the fiscal officer. The 2401
state board of education may take action under section 3319.31 of 2402
the Revised Code to suspend, revoke, or limit the license of a 2403

fiscal officer who has been suspended under this division. 2404

~~(C)~~ Notwithstanding any provision to the contrary in ~~Chapter~~ 2405
~~3314. of the Revised Code~~ this chapter or in any other provision 2406
of law, a the sponsor of a the community school ~~that is notified~~ 2407
~~by the Auditor of State under division (A) of this section that a~~ 2408
~~community school it sponsors is unauditabile~~ shall not enter into 2409
contracts with any additional community schools under section 2410
3314.03 of the Revised Code ~~until~~ between ninety days after the 2411
date of the declaration under division (A) of this section and the 2412
date the ~~Auditor~~ auditor of ~~State~~ state or a public accountant has 2413
completed a financial audit of ~~that~~ the school. 2414

~~(C)~~(D) Not later than forty-five days after receiving the 2415
notification ~~by the Auditor of State~~ under division (A) of this 2416
section ~~that a community school is unauditabile~~, the sponsor of the 2417
community school shall provide a written response to the ~~Auditor~~ 2418
auditor of ~~State~~ state. The sponsor shall provide a copy of the 2419
response to the community school. The response shall include the 2420
following: 2421

(1) An overview of the process the sponsor will use to review 2422
and understand the circumstances that led to the community school 2423
becoming unauditabile; 2424

(2) A plan for providing the ~~Auditor~~ auditor of ~~State~~ state 2425
with the documentation necessary to complete an audit of the 2426
community school and for ensuring that all financial documents are 2427
available in the future; 2428

(3) The actions the sponsor will take to ensure that the plan 2429
described in division ~~(C)~~(D)(2) of this section is implemented. 2430

~~(D)~~(E) If a the community school fails to make reasonable 2431
efforts and continuing progress to bring its accounts, records, 2432
files, or reports into an auditabile condition within ninety days 2433
after being declared unauditabile, the ~~Auditor~~ auditor of ~~State~~ 2434

state, in addition to requesting legal action under sections 2435
117.41 and 117.42 of the Revised Code, shall notify the ~~Department~~ 2436
school's sponsor and the department of the school's failure. If 2437
the ~~Auditor~~ auditor of ~~State~~ state or a public accountant 2438
subsequently is able to complete a financial audit of the school, 2439
the ~~Auditor~~ auditor of ~~State~~ state shall notify the ~~Department~~ 2440
school's sponsor and the department that the audit has been 2441
completed. 2442

~~(E)~~(F) Notwithstanding any provision to the contrary in 2443
~~Chapter 3314. of the Revised Code~~ this chapter or in any other 2444
provision of law, upon notification by the ~~Auditor~~ auditor of 2445
~~State~~ state under division ~~(D)~~(E) of this section that a the 2446
community school has failed to make reasonable efforts and 2447
continuing progress to bring its accounts, records, files, or 2448
reports into an auditable condition ~~following a declaration that~~ 2449
~~the school is unauditabile~~, the ~~Department~~ department shall 2450
immediately cease all payments to the school under ~~Chapter 3314.~~ 2451
~~of the Revised Code~~ this chapter and any other provision of law. 2452
Upon subsequent notification from the ~~Auditor~~ auditor of ~~State~~ 2453
state under that division that the ~~Auditor~~ auditor of ~~State~~ state 2454
or a public accountant was able to complete a financial audit of 2455
the community school, the ~~Department~~ department shall release all 2456
funds withheld from the school under this section. 2457

Sec. 3326.211. (A) If the auditor of state or a public 2458
accountant, pursuant to section 117.41 of the Revised Code, 2459
declares a science, technology, engineering, and mathematics 2460
school to be unauditabile, the auditor of state shall provide 2461
written notification of that declaration to the school and the 2462
department of education. The auditor of state also shall post the 2463
notification on the auditor of state's web site. 2464

(B) If the STEM school's current treasurer held that position 2465

during the period for which the school is unauditabile, upon 2466
receipt of the notification under division (A) of this section, 2467
the governing body of the school shall suspend the treasurer until 2468
the auditor of state or a public accountant has completed an audit 2469
of the school. Suspension of the treasurer may be with or without 2470
pay, as determined by the governing body based on the 2471
circumstances that prompted the auditor of state's declaration. 2472
The governing body shall appoint a person to assume the duties of 2473
the treasurer during the period of the suspension. If the 2474
appointee is not licensed as a treasurer under section 3301.074 of 2475
the Revised Code, the appointee shall be approved by the 2476
superintendent of public instruction before assuming the duties of 2477
the treasurer. The state board of education may take action under 2478
section 3319.31 of the Revised Code to suspend, revoke, or limit 2479
the license of a treasurer who has been suspended under this 2480
division. 2481

(C) Not later than forty-five days after receiving the 2482
notification under division (A) of this section, the governing 2483
body of the STEM school shall provide a written response to the 2484
auditor of state. The response shall include the following: 2485

(1) An overview of the process the governing body will use to 2486
review and understand the circumstances that led to the school 2487
becoming unauditabile; 2488

(2) A plan for providing the auditor of state with the 2489
documentation necessary to complete an audit of the school and for 2490
ensuring that all financial documents are available in the future; 2491

(3) The actions the governing body will take to ensure that 2492
the plan described in division (C)(2) of this section is 2493
implemented. 2494

(D) If the STEM school fails to make reasonable efforts and 2495
continuing progress to bring its accounts, records, files, or 2496

reports into an auditable condition within ninety days after being 2497
declared unauditale, the auditor of state, in addition to 2498
requesting legal action under sections 117.41 and 117.42 of the 2499
Revised Code, shall notify the school and the department of the 2500
school's failure. If the auditor of state or a public accountant 2501
subsequently is able to complete a financial audit of the school, 2502
the auditor of state shall notify the school and the department 2503
that the audit has been completed. 2504

(E) Notwithstanding any provision to the contrary in this 2505
chapter or in any other provision of law, upon notification by the 2506
auditor of state under division (D) of this section that the STEM 2507
school has failed to make reasonable efforts and continuing 2508
progress to bring its accounts, records, files, or reports into an 2509
auditable condition, the department shall immediately cease all 2510
payments to the school under this chapter and any other provision 2511
of law. Upon subsequent notification from the auditor of state 2512
under that division that the auditor of state or a public 2513
accountant was able to complete a financial audit of the school, 2514
the department shall release all funds withheld from the school 2515
under this section. 2516

Sec. 3328.16. (A) Each college-preparatory boarding school 2517
established under this chapter shall have a designated fiscal 2518
officer. The auditor of state may require by rule that the fiscal 2519
officer of any college-preparatory boarding school, before 2520
entering upon duties as fiscal officer, execute a bond in an 2521
amount and with surety to be approved by the school's board of 2522
trustees, payable to the state, conditioned for the faithful 2523
performance of all the official duties required of the fiscal 2524
officer. Any such bond shall be deposited with the school's board 2525
of trustees, and a copy of the bond shall be certified by the 2526
board and filed with the county auditor. 2527

(B) Before assuming the duties of fiscal officer, the fiscal officer designated under this section shall be licensed as a treasurer under section 3301.074 of the Revised Code. No college-preparatory boarding school shall allow a person to serve as fiscal officer who is not licensed as required by this division. 2528
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Sec. 3328.37. (A) If the auditor of state or a public accountant, under section 117.41 of the Revised Code, declares a college-preparatory boarding school established under this chapter to be unauditabile, the auditor of state shall provide written notification of that declaration to the school and the department of education. The auditor of state also shall post the notification on the auditor of state's web site. 2534
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(B) If the college-preparatory boarding school's current fiscal officer held that position during the period for which the school is unauditabile, upon receipt of the notification under division (A) of this section, the board of trustees of the school shall suspend the fiscal officer until the auditor of state or a public accountant has completed an audit of the school, except that if the fiscal officer is employed by the school's operator, the operator shall suspend the fiscal officer for that period. Suspension of the fiscal officer may be with or without pay, as determined by the entity imposing the suspension based on the circumstances that prompted the auditor of state's declaration. The entity imposing the suspension shall appoint a person to assume the duties of the fiscal officer during the period of the suspension. If the appointee is not licensed as a treasurer under section 3301.074 of the Revised Code, the appointee shall be approved by the superintendent of public instruction before assuming the duties of the fiscal officer. The state board of education may take action under section 3319.31 of the Revised Code to suspend, revoke, or limit the license of a fiscal officer 2541
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who has been suspended under this division. 2560

(C) Not later than forty-five days after receiving the 2561
notification under division (A) of this section, the board of 2562
trustees of the college-preparatory boarding school shall provide 2563
a written response to the auditor of state. The response shall 2564
include the following: 2565

(1) An overview of the process the board will use to review 2566
and understand the circumstances that led to the school becoming 2567
unauditable; 2568

(2) A plan for providing the auditor of state with the 2569
documentation necessary to complete an audit of the school and for 2570
ensuring that all financial documents are available in the future; 2571

(3) The actions the board will take to ensure that the plan 2572
described in division (C)(2) of this section is implemented. 2573

(D) If the college-preparatory boarding school fails to make 2574
reasonable efforts and continuing progress to bring its accounts, 2575
records, files, or reports into an auditable condition within 2576
ninety days after being declared unauditabile, the auditor of 2577
state, in addition to requesting legal action under sections 2578
117.41 and 117.42 of the Revised Code, shall notify the school and 2579
the department of the school's failure. If the auditor of state or 2580
a public accountant subsequently is able to complete a financial 2581
audit of the school, the auditor of state shall notify the school 2582
and the department that the audit has been completed. 2583

(E) Notwithstanding any provision to the contrary in this 2584
chapter or in any other provision of law, upon notification by the 2585
auditor of state under division (D) of this section that the 2586
college-preparatory boarding school has failed to make reasonable 2587
efforts and continuing progress to bring its accounts, records, 2588
files, or reports into an auditable condition, the department 2589
shall immediately cease all payments to the school under this 2590

chapter and any other provision of law. Upon subsequent 2591
notification from the auditor of state under that division that 2592
the auditor of state or a public accountant was able to complete a 2593
financial audit of the school, the department shall release all 2594
funds withheld from the school under this section. 2595

Sec. 5101.09. (A) When the director of job and family 2596
services is authorized by the Revised Code to adopt a rule, the 2597
director shall adopt the rule in accordance with the following: 2598

(1) Chapter 119. of the Revised Code if any of the following 2599
apply: 2600

(a) The rule concerns the administration or enforcement of 2601
Chapter 4141. of the Revised Code; 2602

(b) The rule concerns a program administered by the 2603
department of job and family services, unless the statute 2604
authorizing the rule requires that it be adopted in accordance 2605
with section 111.15 of the Revised Code; 2606

(c) The statute authorizing the rule requires that the rule 2607
be adopted in accordance with Chapter 119. of the Revised Code. 2608

(2) Section 111.15 of the Revised Code, excluding ~~divisions~~ 2609
division (D) ~~and (E)~~ of that section, if either of the following 2610
apply: 2611

(a) The rule concerns the day-to-day staff procedures and 2612
operations of the department or financial and operational matters 2613
between the department and another government entity or a private 2614
entity receiving a grant from the department, unless the statute 2615
authorizing the rule requires that it be adopted in accordance 2616
with Chapter 119. of the Revised Code; 2617

(b) The statute authorizing the rule requires that the rule 2618
be adopted in accordance with section 111.15 of the Revised Code 2619
and, by the terms of division (D) of that section, division (D) of 2620

that section does not apply to the rule. 2621

(3) Section 111.15 of the Revised Code, including ~~divisions~~ 2622
division (D) ~~and (E)~~ of that section, if the statute authorizing 2623
the rule requires that the rule be adopted in accordance with that 2624
section and the rule is not exempt from the application of 2625
division (D) of that section. 2626

(B) Except as otherwise required by the Revised Code, the 2627
adoption of a rule in accordance with Chapter 119. of the Revised 2628
Code does not make the department of job and family services, a 2629
county family services agency, or a workforce development agency 2630
subject to the notice, hearing, or other requirements of sections 2631
119.06 to 119.13 of the Revised Code. As used in this division, 2632
"workforce development agency" has the same meaning as in section 2633
6301.01 of the Revised Code. 2634

Sec. 5713.012. (A) For purposes of this section: 2635

(1) "Mass appraisal project" means any sexennial reappraisal, 2636
triennial update, or other revaluation of all real property or the 2637
valuation of newly constructed real property in accordance with 2638
section 5713.01 of the Revised Code. 2639

(2) "Qualified project manager" means a person who plans, 2640
manages, coordinates, and controls the execution of a mass 2641
appraisal project under the direction of the county auditor and 2642
who has all of the following qualifications: 2643

(a) Has passed a comprehensive final examination that 2644
corresponds to a course, approved by the superintendent of real 2645
estate and professional licensing, that consists of at least 2646
thirty hours of instruction, quizzes, and learning aids. The 2647
superintendent shall not approve a course under this division that 2648
does not address the following topics in both the instruction and 2649
the examination: 2650

(i) Concepts and principles of mass appraisal as they relate to the assessment of real property for the purposes of ad valorem taxation;	2651 2652 2653
(ii) Methods of data collection and data management relative to parcels of real property, including modern alternative data collection methods and currently utilized computer-assisted mass appraisal systems;	2654 2655 2656 2657
(iii) Assessment sales-ratio study including various measures of central tendency, the various measures of dispersion of data about the mean, median, and dollar-weighted mean, and the advantages and disadvantages of various analysis techniques;	2658 2659 2660 2661
(iv) Traditional approaches of property valuation, including the cost approach, the sales comparison approach, and the income approach, as they are implemented in a mass appraisal project;	2662 2663 2664
(v) Methods and systems for model building and model calibration as related to mass appraisal of real property;	2665 2666
(vi) Methods of production management and project analysis such as Gantt charts, program evaluation and review technique (PERT) charts, frequency distribution charts, line graphs, bar charts, and scatter diagrams, as they are utilized in the mass appraisal area.	2667 2668 2669 2670 2671
(b) Has completed at least seven hours of continuing education courses in <u>real property or</u> mass appraisal during the two-year period immediately succeeding the year in which the person passed the examination required in division (A)(2)(a) of this section, and during each two-year period thereafter.	2672 2673 2674 2675 2676
(B)(1) The county auditor, in acting as the assessor of all real property in the auditor's county for taxation purposes in accordance with section 5713.01 of the Revised Code, shall involve at least one qualified project manager in each mass appraisal project that originates more than two years after the effective	2677 2678 2679 2680 2681

date of the enactment of this section by H.B. 487 of the 129th 2682
general assembly, September 10, 2012. 2683

(2) The tax commissioner, beginning two years after the 2684
effective date of the enactment of this section by H.B. 487 of the 2685
129th general assembly, September 10, 2012, shall not approve any 2686
contract entered into by the auditor under division (E) of section 2687
5713.01 of the Revised Code with a person to do all or any part of 2688
the work necessary to the performance of the auditor's duties as 2689
assessor unless that person designates an officer or employee of 2690
that person, with the appropriate credentials, to act as a 2691
qualified project manager. 2692

(3) The tax commissioner, beginning two years after the 2693
effective date of the enactment of this section by H.B. 487 of the 2694
129th general assembly, September 10, 2012, shall not include any 2695
person that has not designated an officer or employee, with the 2696
appropriate credentials, to act as a qualified project manager on 2697
a list generated by the commissioner for either of the following 2698
purposes: 2699

(a) To assist county auditors in selecting a person to do all 2700
or any part of the work necessary to the performance of the 2701
auditor's duties as assessor of all real property under section 2702
5713.01 of the Revised Code; 2703

(b) To assist the commissioner in the consideration of 2704
whether to approve or disapprove the auditor's application 2705
requesting authority to employ an appraisal firm or individual 2706
appraiser. 2707

(C) The superintendent of real estate and professional 2708
licensing shall adopt reasonable rules in accordance with Chapter 2709
119. of the Revised Code necessary for the implementation of this 2710
section, including rules establishing both of the following: 2711

(1) The form and manner by which persons may apply to the 2712

superintendent to offer a thirty-hour course or continuing 2713
education course as described in division (A)(2) of this section; 2714

(2) Standards to be used by the superintendent in approving a 2715
thirty-hour course or continuing education course described in 2716
division (A)(2) of this section. 2717

Section 2. That existing sections 3.16, 101.35, 103.0511, 2718
106.02, 106.022, 106.023, 106.031, 106.05, 119.03, 121.83, 135.02, 2719
305.03, 319.04, 319.26, 321.37, 321.46, 507.02, 2921.13, 2921.44, 2720
3314.023, 5101.09, and 5713.012 and sections 319.25 and 321.38 of 2721
the Revised Code are hereby repealed. 2722

That existing Section 267.50.70 of Am. Sub. H.B. 153 of the 2723
129th General Assembly is hereby repealed. 2724

Section 3. Section 2921.13 of the Revised Code is presented 2725
in this act as a composite of the section as amended by both Am. 2726
Sub. H.B. 495 and Sub. S.B. 343 of the 129th General Assembly. The 2727
General Assembly, applying the principle stated in division (B) of 2728
section 1.52 of the Revised Code that amendments are to be 2729
harmonized if reasonably capable of simultaneous operation, finds 2730
that the composite is the resulting version of the section in 2731
effect prior to the effective date of the section as presented in 2732
this act. 2733