

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 31

Representative Edwards



A BILL

To amend sections 9.315, 101.532, 102.02, 102.06, 1
103.143, 109.579, 109.84, 109.981, 119.01, 2
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5703.21, 5751.01, 6121.15, and 6123.15 of the 66
Revised Code and to amend Section 5 of S.B. 331 67
of the 133rd General Assembly to rename the 68
Bureau of Workers' Compensation the Department 69
of Workforce Insurance and Safety, to rename 70
other entities who carry out workers' 71
compensation functions in this state, to amend 72
the version of section 3781.10 of the Revised 73
Code that is scheduled to take effect on 74
December 29, 2023, to continue the change on and 75
after that date, and to make appropriations for 76
the Department for the biennium beginning July 77
1, 2023, and ending June 30, 2025, to provide 78
authorization and conditions for the operation 79
of the Department's programs. 80

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

Section 101.01. That sections 9.315, 101.532, 102.02, 81
102.06, 103.143, 109.579, 109.84, 109.981, 119.01, 119.12, 82
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5528.54, 5531.10, 5537.08, 5540.06, 5703.21, 5751.01, 6121.15, 129
and 6123.15 of the Revised Code be amended to read as follows: 130

Sec. 9.315. (A) As used in sections 9.315 and 9.316 of the 131
Revised Code: 132

(1) "Public authority" means the state or a county, 133
township, municipal corporation, school district, or other 134
political subdivision of the state, or any public agency, 135
authority, board, commission, instrumentality, or special 136
district of the state or of a county, township, municipal 137
corporation, school district, or other political subdivision of 138
the state. 139

(2) "Self-insured public authority" means a public 140
authority that has been granted the privilege to self-insure a 141
construction project against workers' compensation liability by 142
the ~~administrator of workers' compensation~~ director of workforce 143
insurance and safety pursuant to division (O) of section 4123.35 144
of the Revised Code. 145

(B) No officer, employee, or other agent of a public authority, in issuing an invitation for bids or a request for proposals for a contract with the public authority for the rendering of services or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement, shall, directly or indirectly, require that any bid bond, performance bond, payment bond, or other bond, or any insurance policy, required under the contract be furnished by or acquired from a particular surety or insurance company or a particular agent or broker.

(C) ~~Division~~Division (B) of this section does not apply to any insurance policy entered into by a self-insured public authority in connection with a contract otherwise subject to this section. This division does not exempt any bid bond, performance bond, payment bond, or other bond from the appropriate application of division (B) of this section.

Sec. 101.532. The main operating appropriations bill shall not contain appropriations for the industrial commission or the ~~bureau of workers' compensation~~department of workforce insurance and safety. Appropriations for the ~~bureau~~department shall be enacted in one bill, and appropriations for the industrial commission shall be enacted in a separate bill.

Sec. 102.02. (A) (1) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such

an elective office; all members of the state board of education; 176
the director, assistant directors, deputy directors, division 177
chiefs, or persons of equivalent rank of any administrative 178
department of the state; the president or other chief 179
administrative officer of every state institution of higher 180
education as defined in section 3345.011 of the Revised Code; 181
the executive director and the members of the capitol square 182
review and advisory board appointed or employed pursuant to 183
section 105.41 of the Revised Code; all members of the Ohio 184
casino control commission, the executive director of the 185
commission, all professional employees of the commission, and 186
all technical employees of the commission who perform an 187
internal audit function; the individuals set forth in division 188
(B) (2) of section 187.03 of the Revised Code; the chief 189
executive officer and the members of the board of each state 190
retirement system; each employee of a state retirement board who 191
is a state retirement system investment officer licensed 192
pursuant to section 1707.163 of the Revised Code; the members of 193
the Ohio retirement study council appointed pursuant to division 194
(C) of section 171.01 of the Revised Code; employees of the Ohio 195
retirement study council, other than employees who perform 196
purely administrative or clerical functions; the ~~administrator~~ 197
~~of workers' compensation~~ director of workforce insurance and 198
safety and each member of the ~~bureau of workers' compensation~~ 199
~~department of workforce insurance and safety~~ board of directors; 200
the ~~bureau of workers' compensation~~ department of workforce 201
insurance and safety director of investments; the department of 202
workforce insurance and safety chief investment officer ~~of the~~ 203
~~bureau of workers' compensation~~; all members of the board of 204
commissioners on grievances and discipline of the supreme court 205
and the ethics commission created under section 102.05 of the 206
Revised Code; every business manager, treasurer, or 207

superintendent of a city, local, exempted village, joint 208
vocational, or cooperative education school district or an 209
educational service center; every person who is elected to or is 210
a candidate for the office of member of a board of education of 211
a city, local, exempted village, joint vocational, or 212
cooperative education school district or of a governing board of 213
an educational service center that has a total student count of 214
twelve thousand or more as most recently determined by the 215
department of education pursuant to section 3317.03 of the 216
Revised Code; every person who is appointed to the board of 217
education of a municipal school district pursuant to division 218
(B) or (F) of section 3311.71 of the Revised Code; all members 219
of the board of directors of a sanitary district that is 220
established under Chapter 6115. of the Revised Code and 221
organized wholly for the purpose of providing a water supply for 222
domestic, municipal, and public use, and that includes two 223
municipal corporations in two counties; every public official or 224
employee who is paid a salary or wage in accordance with 225
schedule C of section 124.15 or schedule E-2 of section 124.152 226
of the Revised Code; all members appointed to the Ohio livestock 227
care standards board under section 904.02 of the Revised Code; 228
all entrepreneurs in residence assigned by the LeanOhio office 229
in the department of administrative services under section 230
125.65 of the Revised Code and every other public official or 231
employee who is designated by the appropriate ethics commission 232
pursuant to division (B) of this section. 233

(2) The disclosure statement shall include all of the 234
following: 235

(a) The name of the person filing the statement and each 236
member of the person's immediate family and all names under 237
which the person or members of the person's immediate family do 238

business; 239

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 240
this section and except as otherwise provided in section 102.022 241
of the Revised Code, identification of every source of income, 242
other than income from a legislative agent identified in 243
division (A) (2) (b) (ii) of this section, received during the 244
preceding calendar year, in the person's own name or by any 245
other person for the person's use or benefit, by the person 246
filing the statement, and a brief description of the nature of 247
the services for which the income was received. If the person 248
filing the statement is a member of the general assembly, the 249
statement shall identify the amount of every source of income 250
received in accordance with the following ranges of amounts: 251
zero or more, but less than one thousand dollars; one thousand 252
dollars or more, but less than ten thousand dollars; ten 253
thousand dollars or more, but less than twenty-five thousand 254
dollars; twenty-five thousand dollars or more, but less than 255
fifty thousand dollars; fifty thousand dollars or more, but less 256
than one hundred thousand dollars; and one hundred thousand 257
dollars or more. Division (A) (2) (b) (i) of this section shall not 258
be construed to require a person filing the statement who 259
derives income from a business or profession to disclose the 260
individual items of income that constitute the gross income of 261
that business or profession, except for those individual items 262
of income that are attributable to the person's or, if the 263
income is shared with the person, the partner's, solicitation of 264
services or goods or performance, arrangement, or facilitation 265
of services or provision of goods on behalf of the business or 266
profession of clients, including corporate clients, who are 267
legislative agents. A person who files the statement under this 268
section shall disclose the identity of and the amount of income 269

received from a person who the public official or employee knows 270
or has reason to know is doing or seeking to do business of any 271
kind with the public official's or employee's agency. 272

(ii) If the person filing the statement is a member of the 273
general assembly, the statement shall identify every source of 274
income and the amount of that income that was received from a 275
legislative agent during the preceding calendar year, in the 276
person's own name or by any other person for the person's use or 277
benefit, by the person filing the statement, and a brief 278
description of the nature of the services for which the income 279
was received. Division (A) (2) (b) (ii) of this section requires 280
the disclosure of clients of attorneys or persons licensed under 281
section 4732.12 of the Revised Code, or patients of persons 282
licensed under section 4731.14 of the Revised Code, if those 283
clients or patients are legislative agents. Division (A) (2) (b) 284
(ii) of this section requires a person filing the statement who 285
derives income from a business or profession to disclose those 286
individual items of income that constitute the gross income of 287
that business or profession that are received from legislative 288
agents. 289

(iii) Except as otherwise provided in division (A) (2) (b) 290
(iii) of this section, division (A) (2) (b) (i) of this section 291
applies to attorneys, physicians, and other persons who engage 292
in the practice of a profession and who, pursuant to a section 293
of the Revised Code, the common law of this state, a code of 294
ethics applicable to the profession, or otherwise, generally are 295
required not to reveal, disclose, or use confidences of clients, 296
patients, or other recipients of professional services except 297
under specified circumstances or generally are required to 298
maintain those types of confidences as privileged communications 299
except under specified circumstances. Division (A) (2) (b) (i) of 300

this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A) (2) (b) (iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A) (2) (b) (i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A) (2) (b) (iii) of this section to disclose in the brief description of the nature of services required by division (A) (2) (b) (i) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of

disposition, whichever is earlier, or in which the person holds 332
any office or has a fiduciary relationship, and a description of 333
the nature of the investment, office, or relationship. Division 334
(A) (2) (c) of this section does not require disclosure of the 335
name of any bank, savings and loan association, credit union, or 336
building and loan association with which the person filing the 337
statement has a deposit or a withdrawable share account. 338

(d) All fee simple and leasehold interests to which the 339
person filing the statement holds legal title to or a beneficial 340
interest in real property located within the state, excluding 341
the person's residence and property used primarily for personal 342
recreation; 343

(e) The names of all persons residing or transacting 344
business in the state to whom the person filing the statement 345
owes, in the person's own name or in the name of any other 346
person, more than one thousand dollars. Division (A) (2) (e) of 347
this section shall not be construed to require the disclosure of 348
debts owed by the person resulting from the ordinary conduct of 349
a business or profession or debts on the person's residence or 350
real property used primarily for personal recreation, except 351
that the superintendent of financial institutions and any deputy 352
superintendent of banks shall disclose the names of all state- 353
chartered banks and all bank subsidiary corporations subject to 354
regulation under section 1109.44 of the Revised Code to whom the 355
superintendent or deputy superintendent owes any money. 356

(f) The names of all persons residing or transacting 357
business in the state, other than a depository excluded under 358
division (A) (2) (c) of this section, who owe more than one 359
thousand dollars to the person filing the statement, either in 360
the person's own name or to any person for the person's use or 361

benefit. Division (A) (2) (f) of this section shall not be 362
construed to require the disclosure of clients of attorneys or 363
persons licensed under section 4732.12 of the Revised Code, or 364
patients of persons licensed under section 4731.14 of the 365
Revised Code, nor the disclosure of debts owed to the person 366
resulting from the ordinary conduct of a business or profession. 367

(g) Except as otherwise provided in section 102.022 of the 368
Revised Code, the source of each gift of over seventy-five 369
dollars, or of each gift of over twenty-five dollars received by 370
a member of the general assembly from a legislative agent, 371
received by the person in the person's own name or by any other 372
person for the person's use or benefit during the preceding 373
calendar year, except gifts received by will or by virtue of 374
section 2105.06 of the Revised Code, or received from spouses, 375
parents, grandparents, children, grandchildren, siblings, 376
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 377
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 378
or any person to whom the person filing the statement stands in 379
loco parentis, or received by way of distribution from any inter 380
vivos or testamentary trust established by a spouse or by an 381
ancestor; 382

(h) Except as otherwise provided in section 102.022 of the 383
Revised Code, identification of the source and amount of every 384
payment of expenses incurred for travel to destinations inside 385
or outside this state that is received by the person in the 386
person's own name or by any other person for the person's use or 387
benefit and that is incurred in connection with the person's 388
official duties, except for expenses for travel to meetings or 389
conventions of a national or state organization to which any 390
state agency, including, but not limited to, any legislative 391
agency or state institution of higher education as defined in 392

section 3345.011 of the Revised Code, pays membership dues, or 393
any political subdivision or any office or agency of a political 394
subdivision pays membership dues; 395

(i) Except as otherwise provided in section 102.022 of the 396
Revised Code, identification of the source of payment of 397
expenses for meals and other food and beverages, other than for 398
meals and other food and beverages provided at a meeting at 399
which the person participated in a panel, seminar, or speaking 400
engagement or at a meeting or convention of a national or state 401
organization to which any state agency, including, but not 402
limited to, any legislative agency or state institution of 403
higher education as defined in section 3345.011 of the Revised 404
Code, pays membership dues, or any political subdivision or any 405
office or agency of a political subdivision pays membership 406
dues, that are incurred in connection with the person's official 407
duties and that exceed one hundred dollars aggregated per 408
calendar year; 409

(j) If the disclosure statement is filed by a public 410
official or employee described in division (B) (2) of section 411
101.73 of the Revised Code or division (B) (2) of section 121.63 412
of the Revised Code who receives a statement from a legislative 413
agent, executive agency lobbyist, or employer that contains the 414
information described in division (F) (2) of section 101.73 of 415
the Revised Code or division (G) (2) of section 121.63 of the 416
Revised Code, all of the nondisputed information contained in 417
the statement delivered to that public official or employee by 418
the legislative agent, executive agency lobbyist, or employer 419
under division (F) (2) of section 101.73 or (G) (2) of section 420
121.63 of the Revised Code. 421

(3) A person may file a statement required by this section 422

in person, by mail, or by electronic means. 423

(4) A person who is required to file a statement under 424
this section shall file that statement according to the 425
following deadlines, as applicable: 426

(a) Except as otherwise provided in divisions (A) (4) (b), 427
(c), and (d) of this section, the person shall file the 428
statement not later than the fifteenth day of May of each year. 429

(b) A person who is a candidate for elective office shall 430
file the statement no later than the thirtieth day before the 431
primary, special, or general election at which the candidacy is 432
to be voted on, whichever election occurs soonest, except that a 433
person who is a write-in candidate shall file the statement no 434
later than the twentieth day before the earliest election at 435
which the person's candidacy is to be voted on. 436

(c) A person who is appointed to fill a vacancy for an 437
unexpired term in an elective office shall file the statement 438
within fifteen days after the person qualifies for office. 439

(d) A person who is appointed or employed after the 440
fifteenth day of May, other than a person described in division 441
(A) (4) (c) of this section, shall file an annual statement within 442
ninety days after appointment or employment. 443

(5) No person shall be required to file with the 444
appropriate ethics commission more than one statement or pay 445
more than one filing fee for any one calendar year. 446

(6) The appropriate ethics commission, for good cause, may 447
extend for a reasonable time the deadline for filing a statement 448
under this section. 449

(7) A statement filed under this section is subject to 450

public inspection at locations designated by the appropriate 451
ethics commission except as otherwise provided in this section. 452

(B) The Ohio ethics commission, the joint legislative 453
ethics committee, and the board of commissioners on grievances 454
and discipline of the supreme court, using the rule-making 455
procedures of Chapter 119. of the Revised Code, may require any 456
class of public officials or employees under its jurisdiction 457
and not specifically excluded by this section whose positions 458
involve a substantial and material exercise of administrative 459
discretion in the formulation of public policy, expenditure of 460
public funds, enforcement of laws and rules of the state or a 461
county or city, or the execution of other public trusts, to file 462
an annual statement under division (A) of this section. The 463
appropriate ethics commission shall send the public officials or 464
employees written notice of the requirement not less than thirty 465
days before the applicable filing deadline unless the public 466
official or employee is appointed after that date, in which case 467
the notice shall be sent within thirty days after appointment, 468
and the filing shall be made not later than ninety days after 469
appointment. 470

Disclosure statements filed under this division with the 471
Ohio ethics commission by members of boards, commissions, or 472
bureaus of the state for which no compensation is received other 473
than reasonable and necessary expenses shall be kept 474
confidential. Disclosure statements filed with the Ohio ethics 475
commission under division (A) of this section by business 476
managers, treasurers, and superintendents of city, local, 477
exempted village, joint vocational, or cooperative education 478
school districts or educational service centers shall be kept 479
confidential, except that any person conducting an audit of any 480
such school district or educational service center pursuant to 481

Chapter 117. of the Revised Code may examine the disclosure 482
statement of any business manager, treasurer, or superintendent 483
of that school district or educational service center. 484
Disclosure statements filed with the Ohio ethics commission 485
under division (A) of this section by the individuals set forth 486
in division (B) (2) of section 187.03 of the Revised Code shall 487
be kept confidential. The Ohio ethics commission shall examine 488
each disclosure statement required to be kept confidential to 489
determine whether a potential conflict of interest exists for 490
the person who filed the disclosure statement. A potential 491
conflict of interest exists if the private interests of the 492
person, as indicated by the person's disclosure statement, might 493
interfere with the public interests the person is required to 494
serve in the exercise of the person's authority and duties in 495
the person's office or position of employment. If the commission 496
determines that a potential conflict of interest exists, it 497
shall notify the person who filed the disclosure statement and 498
shall make the portions of the disclosure statement that 499
indicate a potential conflict of interest subject to public 500
inspection in the same manner as is provided for other 501
disclosure statements. Any portion of the disclosure statement 502
that the commission determines does not indicate a potential 503
conflict of interest shall be kept confidential by the 504
commission and shall not be made subject to public inspection, 505
except as is necessary for the enforcement of Chapters 102. and 506
2921. of the Revised Code and except as otherwise provided in 507
this division. 508

(C) No person shall knowingly fail to file, on or before 509
the applicable filing deadline established under this section, a 510
statement that is required by this section. 511

(D) No person shall knowingly file a false statement that 512

is required to be filed under this section. 513

(E) (1) Except as provided in divisions (E) (2) and (3) of 514
this section, the statement required by division (A) or (B) of 515
this section shall be accompanied by a filing fee of sixty 516
dollars. 517

(2) The statement required by division (A) of this section 518
shall be accompanied by the following filing fee to be paid by 519
the person who is elected or appointed to, or is a candidate 520
for, any of the following offices: 521

522

1

2

A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30
G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school	\$30

district or educational service center

(3) No judge of a court of record or candidate for judge 523
of a court of record, and no referee or magistrate serving a 524
court of record, shall be required to pay the fee required under 525
division (E)(1) or (2) or (F) of this section. 526

(4) For any public official who is appointed to a 527
nonelective office of the state and for any employee who holds a 528
nonelective position in a public agency of the state, the state 529
agency that is the primary employer of the state official or 530
employee shall pay the fee required under division (E)(1) or (F) 531
of this section. 532

(F) If a statement required to be filed under this section 533
is not filed by the date on which it is required to be filed, 534
the appropriate ethics commission shall assess the person 535
required to file the statement a late filing fee of ten dollars 536
for each day the statement is not filed, except that the total 537
amount of the late filing fee shall not exceed two hundred fifty 538
dollars. 539

(G)(1) The appropriate ethics commission other than the 540
Ohio ethics commission and the joint legislative ethics 541
committee shall deposit all fees it receives under divisions (E) 542
and (F) of this section into the general revenue fund of the 543
state. 544

(2) The Ohio ethics commission shall deposit all receipts, 545
including, but not limited to, fees it receives under divisions 546
(E) and (F) of this section, investigative or other fees, costs, 547
or other funds it receives as a result of court orders, and all 548
moneys it receives from settlements under division (G) of 549
section 102.06 of the Revised Code, into the Ohio ethics 550

commission fund, which is hereby created in the state treasury. 551
All moneys credited to the fund shall be used solely for 552
expenses related to the operation and statutory functions of the 553
commission. 554

(3) The joint legislative ethics committee shall deposit 555
all receipts it receives from the payment of financial 556
disclosure statement filing fees under divisions (E) and (F) of 557
this section into the joint legislative ethics committee 558
investigative and financial disclosure fund. 559

(H) Division (A) of this section does not apply to a 560
person elected or appointed to the office of precinct, ward, or 561
district committee member under Chapter 3517. of the Revised 562
Code; a presidential elector; a delegate to a national 563
convention; village or township officials and employees; any 564
physician or psychiatrist who is paid a salary or wage in 565
accordance with schedule C of section 124.15 or schedule E-2 of 566
section 124.152 of the Revised Code and whose primary duties do 567
not require the exercise of administrative discretion; or any 568
member of a board, commission, or bureau of any county or city 569
who receives less than one thousand dollars per year for serving 570
in that position. 571

Sec. 102.06. (A) The appropriate ethics commission shall 572
receive and may initiate complaints against persons subject to 573
this chapter concerning conduct alleged to be in violation of 574
this chapter or section 2921.42 or 2921.43 of the Revised Code. 575
All complaints except those by the commission shall be by 576
affidavit made on personal knowledge, subject to the penalties 577
of perjury. Complaints by the commission shall be by affidavit, 578
based upon reasonable cause to believe that a violation has 579
occurred. 580

(B) The appropriate ethics commission shall investigate 581
complaints, may investigate charges presented to it, and may 582
request further information, including the specific amount of 583
income from a source, from any person filing with the commission 584
a statement required by section 102.02 or 102.021 of the Revised 585
Code, if the information sought is directly relevant to a 586
complaint or charges received by the commission pursuant to this 587
section. This information is confidential, except that the 588
commission, in its discretion, may share information gathered in 589
the course of any investigation with, or disclose the 590
information to, the inspector general, any appropriate 591
prosecuting authority, any law enforcement agency, or any other 592
appropriate ethics commission. If the accused person is a member 593
of the public employees retirement board, state teachers 594
retirement board, school employees retirement board, board of 595
trustees of the Ohio police and fire pension fund, or state 596
highway patrol retirement board, or is a member of the ~~bureau of~~ 597
~~workers' compensation department of workforce insurance and~~ 598
safety board of directors, the appropriate ethics commission, in 599
its discretion, also may share information gathered in the 600
course of an investigation with, or disclose the information to, 601
the attorney general and the auditor of state. The person so 602
requested shall furnish the information to the commission, 603
unless within fifteen days from the date of the request the 604
person files an action for declaratory judgment challenging the 605
legitimacy of the request in the court of common pleas of the 606
county of the person's residence, the person's place of 607
employment, or Franklin county. The requested information need 608
not be furnished to the commission during the pendency of the 609
judicial proceedings. Proceedings of the commission in 610
connection with the declaratory judgment action shall be kept 611
confidential except as otherwise provided by this section. 612

Before the commission proceeds to take any formal action against 613
a person who is the subject of an investigation based on charges 614
presented to the commission, a complaint shall be filed against 615
the person. If the commission finds that a complaint is not 616
frivolous, and there is reasonable cause to believe that the 617
facts alleged in a complaint constitute a violation of section 618
102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of 619
the Revised Code, it shall hold a hearing. If the commission 620
does not so find, it shall dismiss the complaint and notify the 621
accused person in writing of the dismissal of the complaint. The 622
commission shall not make a report of its finding unless the 623
accused person requests a report. Upon the request of the 624
accused person, the commission shall make a public report of its 625
finding. The person against whom the complaint is directed shall 626
be given reasonable notice by certified mail of the date, time, 627
and place of the hearing and a statement of the charges and the 628
law directly involved and shall be given the opportunity to be 629
represented by counsel, to have counsel appointed for the person 630
if the person is unable to afford counsel without undue 631
hardship, to examine the evidence against the person, to produce 632
evidence and to call and subpoena witnesses in the person's 633
defense, to confront the person's accusers, and to cross-examine 634
witnesses. The commission shall have a stenographic record made 635
of the hearing. The hearing shall be closed to the public. 636

(C) (1) (a) If, upon the basis of the hearing, the 637
appropriate ethics commission finds by a preponderance of the 638
evidence that the facts alleged in the complaint are true and 639
constitute a violation of section 102.02, 102.021, 102.03, 640
102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it 641
shall report its findings to the appropriate prosecuting 642
authority for proceedings in prosecution of the violation and to 643

the appointing or employing authority of the accused. If the 644
accused person is a member of the public employees retirement 645
board, state teachers retirement board, school employees 646
retirement board, board of trustees of the Ohio police and fire 647
pension fund, or state highway patrol retirement board, the 648
commission also shall report its findings to the Ohio retirement 649
study council. 650

(b) If the Ohio ethics commission reports its findings to 651
the appropriate prosecuting authority under division (C) (1) (a) 652
of this section and the prosecuting authority has not initiated 653
any official action on those findings within ninety days after 654
receiving the commission's report of them, the commission may 655
publicly comment that no official action has been taken on its 656
findings, except that the commission shall make no comment in 657
violation of the Rules of Criminal Procedure or about any 658
indictment that has been sealed pursuant to any law or those 659
rules. The commission shall make no comment regarding the merits 660
of its findings. As used in division (C) (1) (b) of this section, 661
"official action" means prosecution, closure after 662
investigation, or grand jury action resulting in a true bill of 663
indictment or no true bill of indictment. 664

(2) If the appropriate ethics commission does not find by 665
a preponderance of the evidence that the facts alleged in the 666
complaint are true and constitute a violation of section 102.02, 667
102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the 668
Revised Code or if the commission has not scheduled a hearing 669
within ninety days after the complaint is filed or has not 670
finally disposed of the complaint within six months after it has 671
been heard, it shall dismiss the complaint and notify the 672
accused person in writing of the dismissal of the complaint. The 673
commission shall not make a report of its finding unless the 674

accused person requests a report. Upon the request of the 675
accused person, the commission shall make a public report of the 676
finding, but in this case all evidence and the record of the 677
hearing shall remain confidential unless the accused person also 678
requests that the evidence and record be made public. Upon 679
request by the accused person, the commission shall make the 680
evidence and the record available for public inspection. 681

(D) The appropriate ethics commission, or a member of the 682
commission, may administer oaths, and the commission may issue 683
subpoenas to any person in the state compelling the attendance 684
of witnesses and the production of relevant papers, books, 685
accounts, and records. The commission shall issue subpoenas to 686
compel the attendance of witnesses and the production of 687
documents upon the request of an accused person. Section 101.42 688
of the Revised Code shall govern the issuance of these subpoenas 689
insofar as applicable. Upon the refusal of any person to obey a 690
subpoena or to be sworn or to answer as a witness, the 691
commission may apply to the court of common pleas of Franklin 692
county under section 2705.03 of the Revised Code. The court 693
shall hold proceedings in accordance with Chapter 2705. of the 694
Revised Code. The commission or the accused person may take the 695
depositions of witnesses residing within or without the state in 696
the same manner as prescribed by law for the taking of 697
depositions in civil actions in the court of common pleas. 698

(E) At least once each year, the Ohio ethics commission 699
shall report on its activities of the immediately preceding year 700
to the majority and minority leaders of the senate and house of 701
representatives of the general assembly. The report shall 702
indicate the total number of complaints received, initiated, and 703
investigated by the commission, the total number of complaints 704
for which formal hearings were held, and the total number of 705

complaints for which formal prosecution was recommended or 706
requested by the commission. The report also shall indicate the 707
nature of the inappropriate conduct alleged in each complaint 708
and the governmental entity with which any employee or official 709
that is the subject of a complaint was employed at the time of 710
the alleged inappropriate conduct. 711

(F) All papers, records, affidavits, and documents upon 712
any complaint, inquiry, or investigation relating to the 713
proceedings of the appropriate ethics commission shall be sealed 714
and are private and confidential, except as otherwise provided 715
in this section and section 102.07 of the Revised Code. 716

(G) (1) When a complaint or charge is before it, the Ohio 717
ethics commission or the appropriate prosecuting authority, in 718
consultation with the person filing the complaint or charge, the 719
accused, and any other person the commission or prosecuting 720
authority considers necessary, may compromise or settle the 721
complaint or charge with the agreement of the accused. The 722
compromise or settlement may include mediation, restitution, 723
rescission of affected contracts, forfeiture of any benefits 724
resulting from a violation or potential violation of law, 725
resignation of a public official or employee, or any other 726
relief that is agreed upon between the commission or prosecuting 727
authority and the accused. 728

(2) Any settlement agreement entered into under division 729
(G) (1) of this section shall be in writing and be accompanied by 730
a statement of the findings of the commission or prosecuting 731
authority and the reasons for entering into the agreement. The 732
commission or prosecuting authority shall retain the agreement 733
and statement in the commission's or prosecuting authority's 734
office and, in the commission's or prosecuting authority's 735

discretion, may make the agreement, the statement, and any 736
supporting information public, unless the agreement provides 737
otherwise. 738

(3) If a settlement agreement is breached by the accused, 739
the commission or prosecuting authority, in the commission's or 740
prosecuting authority's discretion, may rescind the agreement 741
and reinstitute any investigation, hearing, or prosecution of 742
the accused. No information obtained from the accused in 743
reaching the settlement that is not otherwise discoverable from 744
the accused shall be used in any proceeding before the 745
commission or by the appropriate prosecuting authority in 746
prosecuting the violation. Notwithstanding any other section of 747
the Revised Code, if a settlement agreement is breached, any 748
statute of limitations for a violation of this chapter or 749
section 2921.42 or 2921.43 of the Revised Code is tolled from 750
the date the complaint or charge is filed until the date the 751
settlement agreement is breached. 752

Sec. 103.143. In addition to its duties under section 753
103.14 of the Revised Code, the legislative service commission 754
shall, in accordance with this section, review all bills 755
assigned to a committee of the general assembly, complete the 756
appropriate local impact statements required by this section, 757
and compile and distribute these statements as required by 758
division (D) of this section. 759

(A) Subject to division (F) of this section, whenever any 760
bill is introduced into either house of the general assembly and 761
receives second consideration pursuant to the rules of that 762
house, the bill shall be reviewed immediately by the legislative 763
budget officer. Upon completing this review, the legislative 764
budget officer shall determine whether the bill could result in 765

a net additional cost to school districts, counties, townships, 766
or municipal corporations from any new or expanded program or 767
service that school districts, counties, townships, or municipal 768
corporations would be required to perform or administer under 769
the bill. If the legislative budget officer determines that it 770
could result in such a cost, the legislative service commission 771
shall prepare a local impact statement in the manner specified 772
in this section. Immediately upon determining the potential for 773
a net additional cost, the legislative budget officer shall 774
notify the sponsor of the bill, the chairperson of the committee 775
to which the bill has been assigned, and the presiding officer 776
and minority leader of the house in which the bill originates of 777
the legislative budget officer's determination by signing and 778
dating a statement to be delivered to them. 779

If a local impact statement is required, the legislative 780
service commission shall, as soon as possible but no later than 781
thirty days after the date the bill is scheduled for a first 782
hearing in a committee in the house in which the bill was 783
introduced or no later than thirty days after being requested to 784
do so by the chairperson of such a committee, prepare a 785
statement containing the most accurate estimate possible, in 786
dollars, of the net additional costs, if any, that will be 787
required of school districts, counties, townships, or municipal 788
corporations to perform or administer a new or expanded program 789
or service required under the bill. Copies of this statement 790
shall be sent to the governor, the speaker of the house of 791
representatives, the president of the senate, the sponsor of the 792
bill, the minority leader in both houses, and the chairperson of 793
the committee to which the bill has been assigned. 794

No bill for which a local impact statement is required by 795
this section shall be voted out of committee until after the 796

committee members have received and considered the statement or, 797
if the bill was amended in committee, the revised statement, 798
unless the bill is voted out of committee by a two-thirds vote 799
of the membership of the committee. 800

(B) In preparing a local impact statement, the legislative 801
service commission may request any department, division, 802
institution, board, commission, authority, bureau, or other 803
instrumentality or officer of the state, a school district, a 804
county, a municipal corporation, or a township to provide any of 805
the following information: 806

(1) An estimate, in dollars, of the amount by which the 807
bill would increase or decrease the revenues received or 808
expenditures made by the instrumentality, officer, or entity; 809

(2) Any other information the legislative service 810
commission considers necessary for it to understand or explain 811
the fiscal effect of the bill. 812

An instrumentality, officer, or entity shall comply with a 813
request as soon as reasonably possible, but not later than 814
fifteen days, after receiving it. The legislative service 815
commission shall specify the manner of compliance in its 816
request, and if necessary may specify a period of time longer 817
than fifteen days for compliance. The legislative service 818
commission may consider any information provided under division 819
(B) (1) or (2) of this section in preparing a local impact 820
statement. 821

(C) Any time a bill is amended, the legislative service 822
commission shall, as soon as reasonably possible, revise the 823
local impact statement to reflect changes made by amendment. 824

(D) The legislative service commission shall annually 825

compile the final local impact statements completed for all laws 826
passed by both houses of the general assembly in the preceding 827
year. It shall send a copy of this compilation as a draft report 828
to associations or nonprofit organizations formed for the 829
improvement of school districts or municipal, township, or 830
county government or for their elected officials by the last day 831
of July of each year. Upon receiving the draft report, these 832
associations and organizations may comment about the actual 833
fiscal impact of bills passed during the year covered by the 834
report and forward those comments to the legislative service 835
commission by the last day of August. The legislative service 836
commission shall then prepare a final report consisting of the 837
compiled local impact statements and all forwarded comments. The 838
final report shall be completed by the last day of September and 839
copies of the report shall be sent to the governor, the speaker 840
of the house of representatives, and the president of the 841
senate. 842

(E) As used in this section, "net additional cost" means 843
any cost incurred or anticipated to be incurred by a school 844
district, county, township, or municipal corporation in 845
performing or administering a new or expanded program or service 846
required by a state law other than any of the following: 847

(1) A cost arising from the exercise of authority granted 848
by a state law rather than from the performance of a duty or 849
obligation imposed by a state law; 850

(2) New duties or obligations that create only a minimal 851
cost for affected school districts, counties, townships, or 852
municipal corporations. The legislative service commission shall 853
determine what constitutes such a minimal cost. Before making 854
this determination, the legislative service commission shall 855

notify the state organizations that represent school districts, 856
counties, townships, and municipal corporations regarding the 857
proposed determination and provide a thirty-day period for these 858
organizations and individual school districts, counties, 859
townships, and municipal corporations to comment on it. 860

(3) A cost arising from a law passed as a result of a 861
federal mandate. 862

The amounts described in division (E) (2) of this section 863
include only the amounts remaining after subtracting from such 864
costs any revenues received or receivable by the school 865
district, county, township, or municipal corporation on account 866
of the program or service, including the following: 867

(a) Fees charged to the recipients of the program or 868
service; 869

(b) State or federal aid paid specifically or 870
categorically in connection with the program or service; 871

(c) Any offsetting savings resulting from the diminution 872
or elimination of any other program or service directly 873
attributable to the performance or administration of the 874
required program or service. 875

(F) This section does not apply to any of the following: 876

(1) The main biennial operating appropriations bill; 877

(2) The biennial operating appropriations bill for state 878
agencies supported by motor fuel tax revenue; 879

(3) The biennial operating appropriations bill or bills 880
for the ~~bureau of workers' compensation~~ department of workforce 881
insurance and safety and the industrial commission; 882

(4) Any other bill that makes the principal biennial operating appropriations for one or more state agencies;	883 884
(5) The bill that primarily contains corrections and supplemental appropriations to the biennial operating appropriations bills;	885 886 887
(6) The main biennial capital appropriations bill;	888
(7) The bill that primarily contains reappropriations from previous capital appropriations bills.	889 890
Sec. 109.579. (A) On receipt of a request pursuant to division (B) of section 4123.444 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code or other law of this state, or the laws of any other state or of the United States that are substantially equivalent to those offenses.	891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908
(B) The superintendent shall conduct a criminal records check pursuant to division (A) of this section as follows:	909 910
(1) The superintendent shall review or cause to be	911

reviewed any relevant information gathered and compiled by the 912
bureau under division (A) of section 109.57 of the Revised Code 913
that relates to the person who is the subject of the request, 914
including any relevant information contained in records that 915
have been sealed under section 2953.32 of the Revised Code. 916

(2) If the request received by the superintendent asks for 917
information from the federal bureau of investigation, the 918
superintendent shall request from the federal bureau of 919
investigation any information it has with respect to the person 920
who is the subject of the request. The superintendent shall 921
review or cause to be reviewed any information that the 922
superintendent receives from the federal bureau of 923
investigation. 924

(3) The superintendent shall forward the results of a 925
criminal records check conducted pursuant to this division to 926
the ~~administrator of workers' compensation~~director of workforce 927
insurance and safety. 928

(C) (1) The superintendent shall prescribe a form to obtain 929
the information necessary to conduct a criminal records check 930
from any person for whom a criminal records check is requested 931
pursuant to division (B) of section 4123.444 of the Revised 932
Code. The form that the superintendent prescribes pursuant to 933
this division may be in a tangible format, in an electronic 934
format, or in both tangible and electronic formats. 935

(2) The superintendent shall prescribe standard impression 936
sheets to obtain the fingerprint impressions of any person for 937
whom a criminal records check is requested pursuant to section 938
4123.444 of the Revised Code. Any person for whom the 939
~~administrator~~director requests the superintendent to conduct a 940
criminal records check pursuant to that section shall have the 941

person's fingerprint impressions made at a county sheriff's 942
office, a municipal police department, or any other entity with 943
the ability to make fingerprint impressions on the standard 944
impression sheets prescribed by the superintendent. The office, 945
department, or entity may charge the person a reasonable fee for 946
making the impressions. The standard impression sheets the 947
superintendent prescribes pursuant to this division may be in a 948
tangible format, in an electronic format, or in both tangible 949
and electronic formats. 950

(3) The superintendent may prescribe methods of forwarding 951
fingerprint impressions and information necessary to conduct a 952
criminal records check. The methods shall include, but are not 953
limited to, electronic methods. 954

(D) A determination whether any information exists that 955
indicates that a person previously has been convicted of or 956
pleaded guilty to any offense listed or described in division 957
(A) of this section that the superintendent makes pursuant to 958
information considered in a criminal records check under this 959
section is valid for the person who is the subject of that 960
criminal records check for a period of one year after the date 961
the superintendent makes that determination. 962

(E) The superintendent shall prescribe and charge a 963
reasonable fee for providing a criminal records check requested 964
under section 4123.444 of the Revised Code. If another request 965
for a criminal records check is made under this section for a 966
person for whom a valid determination under division (D) of this 967
section is available, the superintendent shall provide the 968
determination for a reduced fee. 969

Sec. 109.84. (A) Upon the written request of the governor, 970
the industrial commission, the ~~administrator of workers'~~ 971

~~compensation~~director of workforce insurance and safety, or upon 972
the attorney general's becoming aware of criminal or improper 973
activity related to Chapter 4121. or 4123. of the Revised Code, 974
the attorney general shall investigate any criminal or civil 975
violation of law related to Chapter 4121. or 4123. of the 976
Revised Code. 977

(B) When it appears to the attorney general, as a result 978
of an investigation under division (A) of this section, that 979
there is cause to prosecute for the commission of a crime or to 980
pursue a civil remedy, ~~he~~the attorney general may refer the 981
evidence to the prosecuting attorney having jurisdiction of the 982
matter, or to a regular grand jury drawn and impaneled pursuant 983
to sections 2939.01 to 2939.24 of the Revised Code, or to a 984
special grand jury drawn and impaneled pursuant to section 985
2939.17 of the Revised Code, or ~~he~~the attorney general may 986
initiate and prosecute any necessary criminal or civil actions 987
in any court or tribunal of competent jurisdiction in this 988
state. When proceeding under this section, the attorney general 989
has all rights, privileges, and powers of prosecuting attorneys, 990
and any assistant or special counsel designated by ~~him~~the 991
attorney general for that purpose has the same authority. 992

(C) The attorney general shall be reimbursed by the ~~bureau~~ 993
~~of workers' compensation~~department of workforce insurance and 994
safety for all actual and necessary costs incurred in conducting 995
investigations requested by the governor, the commission, or the 996
~~administrator~~director and all actual and necessary costs in 997
conducting the prosecution arising out of such investigation. 998

Sec. 109.981. If a member of the ~~bureau of workers'~~ 999
~~compensation~~department of workforce insurance and safety board 1000
of directors breaches the member's fiduciary duty to the ~~bureau~~ 1001

~~of workers' compensation~~department of workforce insurance and 1002
safety, the attorney general may maintain a civil action against 1003
the board member for harm resulting from that breach. 1004
Notwithstanding section 4121.128 of the Revised Code, after 1005
being informed of an allegation that the entire board has 1006
breached its fiduciary duty, the board may retain independent 1007
legal counsel, including legal counsel provided by the board's 1008
fiduciary insurance carrier, to advise the board and to 1009
represent the board. The attorney general may recover damages or 1010
be granted injunctive relief, which shall include the enjoinder 1011
of specified activities and the removal of the member from the 1012
board. Any damages awarded shall be paid to the 1013
~~bureau~~department. The authority to maintain a civil action 1014
created by this section is in addition to any authority the 1015
attorney general possesses under any other provision of the 1016
Revised Code. 1017

Sec. 119.01. As used in sections 119.01 to 119.13 of the 1018
Revised Code: 1019

(A) (1) "Agency" means, except as limited by this division, 1020
any official, board, or commission having authority to 1021
promulgate rules or make adjudications in the civil service 1022
commission, the division of liquor control, the department of 1023
taxation, the industrial commission, the ~~bureau of workers'~~ 1024
~~compensation~~department of workforce insurance and safety, the 1025
functions of any administrative or executive officer, 1026
department, division, bureau, board, or commission of the 1027
government of the state specifically made subject to sections 1028
119.01 to 119.13 of the Revised Code, and the licensing 1029
functions of any administrative or executive officer, 1030
department, division, bureau, board, or commission of the 1031
government of the state having the authority or responsibility 1032

of issuing, suspending, revoking, or canceling licenses. 1033

Sections 119.01 to 119.13 of the Revised Code do not apply 1034
to the public utilities commission. Sections 119.01 to 119.13 of 1035
the Revised Code do not apply to the utility radiological safety 1036
board; to the controlling board; to actions of the 1037
superintendent of financial institutions and the superintendent 1038
of insurance in the taking possession of, and rehabilitation or 1039
liquidation of, the business and property of banks, savings and 1040
loan associations, savings banks, credit unions, insurance 1041
companies, associations, reciprocal fraternal benefit societies, 1042
and bond investment companies; to any action taken by the 1043
division of securities under section 1707.201 of the Revised 1044
Code; or to any action that may be taken by the superintendent 1045
of financial institutions under section 1113.03, 1121.06, 1046
1121.10, 1125.09, 1125.12, 1125.18, 1349.33, 1733.35, 1733.361, 1047
1733.37, or 1761.03 of the Revised Code. 1048

Sections 119.01 to 119.13 of the Revised Code do not apply 1049
to actions of the industrial commission or the ~~bureau of~~ 1050
~~workers' compensation department of workforce insurance and~~ 1051
safety under sections 4123.01 to 4123.94 of the Revised Code 1052
with respect to all matters of adjudication, or to the actions 1053
of the industrial commission, ~~bureau of workers' compensation~~ 1054
department of workforce insurance and safety board of directors, 1055
and ~~bureau of workers' compensation department of workforce~~ 1056
insurance and safety under division (D) of section 4121.32, 1057
sections 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 1058
4123.411, 4123.44, 4123.442, 4127.07, divisions (B), (C), and 1059
(E) of section 4131.04, and divisions (B), (C), and (E) of 1060
section 4131.14 of the Revised Code with respect to all matters 1061
concerning the establishment of premium, contribution, and 1062
assessment rates. 1063

(2) "Agency" also means any official or work unit having authority to promulgate rules or make adjudications in the department of job and family services, but only with respect to both of the following:

(a) The adoption, amendment, or rescission of rules that section 5101.09 of the Revised Code requires be adopted in accordance with this chapter;

(b) The issuance, suspension, revocation, or cancellation of licenses.

(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person or government entity furnishes medicaid services under a provider agreement with the department of medicaid.

(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.

(E) "Hearing" means a public hearing by any agency in

compliance with procedural safeguards afforded by sections 1093
119.01 to 119.13 of the Revised Code. 1094

(F) "Person" means a person, firm, corporation, 1095
association, or partnership. 1096

(G) "Party" means the person whose interests are the 1097
subject of an adjudication by an agency. 1098

(H) "Appeal" means the procedure by which a person, 1099
aggrieved by a finding, decision, order, or adjudication of any 1100
agency, invokes the jurisdiction of a court. 1101

(I) "Internal management rule" means any rule, regulation, 1102
or standard governing the day-to-day staff procedures and 1103
operations within an agency. 1104

Sec. 119.12. (A) (1) Except as provided in division (A) (2) 1105
or (3) of this section, any party adversely affected by any 1106
order of an agency issued pursuant to an adjudication denying an 1107
applicant admission to an examination, or denying the issuance 1108
or renewal of a license or registration of a licensee, or 1109
revoking or suspending a license, or allowing the payment of a 1110
forfeiture under section 4301.252 of the Revised Code may appeal 1111
from the order of the agency to the court of common pleas of the 1112
county in which the place of business of the licensee is located 1113
or the county in which the licensee is a resident. 1114

(2) An appeal from an order described in division (A) (1) 1115
of this section issued by any of the following agencies shall be 1116
made to the court of common pleas of Franklin county: 1117

(a) The liquor control commission; 1118

(b) The Ohio casino control commission; 1119

(c) The state medical board; 1120

~~(e)~~(d) The state chiropractic board; 1121

~~(d)~~(e) The board of nursing; 1122

~~(e)~~(f) The ~~bureau of workers' compensation department of~~
workforce insurance and safety regarding participation in the 1123
health partnership program created in sections 4121.44 and 1124
4121.441 of the Revised Code. 1125
1126

(3) If any party appealing from an order described in 1127
division (A) (1) of this section is not a resident of and has no 1128
place of business in this state, the party may appeal to the 1129
court of common pleas of Franklin county. 1130

(B) Any party adversely affected by any order of an agency 1131
issued pursuant to any other adjudication may appeal to the 1132
court of common pleas of Franklin county, except that appeals 1133
from orders of the fire marshal issued under Chapter 3737. of 1134
the Revised Code may be to the court of common pleas of the 1135
county in which the building of the aggrieved person is located 1136
and except that appeals under division (B) of section 124.34 of 1137
the Revised Code from a decision of the state personnel board of 1138
review or a municipal or civil service township civil service 1139
commission shall be taken to the court of common pleas of the 1140
county in which the appointing authority is located or, in the 1141
case of an appeal by the department of rehabilitation and 1142
correction, to the court of common pleas of Franklin county. 1143

(C) This section does not apply to appeals from the 1144
department of taxation. 1145

(D) Any party desiring to appeal shall file a notice of 1146
appeal with the agency setting forth the order appealed from and 1147
stating that the agency's order is not supported by reliable, 1148
probative, and substantial evidence and is not in accordance 1149

with law. The notice of appeal may, but need not, set forth the
specific grounds of the party's appeal beyond the statement that
the agency's order is not supported by reliable, probative, and
substantial evidence and is not in accordance with law. The
notice of appeal shall also be filed by the appellant with the
court. In filing a notice of appeal with the agency or court,
the notice that is filed may be either the original notice or a
copy of the original notice. Unless otherwise provided by law
relating to a particular agency, notices of appeal shall be
filed within fifteen days after the mailing of the notice of the
agency's order as provided in this section. For purposes of this
paragraph, an order includes a determination appealed pursuant
to division (C) of section 119.092 of the Revised Code. The
amendments made to this paragraph by Sub. H.B. 215 of the 128th
general assembly are procedural, and this paragraph as amended
by those amendments shall be applied retrospectively to all
appeals pursuant to this paragraph filed before September 13,
2010, but not earlier than May 7, 2009, which was the date the
supreme court of Ohio released its opinion and judgment in
Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs. (2009),
121 Ohio St.3d 622.

(E) The filing of a notice of appeal shall not
automatically operate as a suspension of the order of an agency.
If it appears to the court that an unusual hardship to the
appellant will result from the execution of the agency's order
pending determination of the appeal, the court may grant a
suspension and fix its terms. If an appeal is taken from the
judgment of the court and the court has previously granted a
suspension of the agency's order as provided in this section,
the suspension of the agency's order shall not be vacated and
shall be given full force and effect until the matter is finally

adjudicated. No renewal of a license or permit shall be denied 1181
by reason of the suspended order during the period of the appeal 1182
from the decision of the court of common pleas. In the case of 1183
an appeal from the Ohio casino control commission, the state 1184
medical board, or the state chiropractic board, the court may 1185
grant a suspension and fix its terms if it appears to the court 1186
that an unusual hardship to the appellant will result from the 1187
execution of the agency's order pending determination of the 1188
appeal and the health, safety, and welfare of the public will 1189
not be threatened by suspension of the order. This provision 1190
shall not be construed to limit the factors the court may 1191
consider in determining whether to suspend an order of any other 1192
agency pending determination of an appeal. 1193

(F) The final order of adjudication may apply to any 1194
renewal of a license or permit which has been granted during the 1195
period of the appeal. 1196

(G) Notwithstanding any other provision of this section, 1197
any order issued by a court of common pleas or a court of 1198
appeals suspending the effect of an order of the liquor control 1199
commission issued pursuant to Chapter 4301. or 4303. of the 1200
Revised Code that suspends, revokes, or cancels a permit issued 1201
under Chapter 4303. of the Revised Code or that allows the 1202
payment of a forfeiture under section 4301.252 of the Revised 1203
Code shall terminate not more than six months after the date of 1204
the filing of the record of the liquor control commission with 1205
the clerk of the court of common pleas and shall not be 1206
extended. The court of common pleas, or the court of appeals on 1207
appeal, shall render a judgment in that matter within six months 1208
after the date of the filing of the record of the liquor control 1209
commission with the clerk of the court of common pleas. A court 1210
of appeals shall not issue an order suspending the effect of an 1211

order of the liquor control commission that extends beyond six 1212
months after the date on which the record of the liquor control 1213
commission is filed with a court of common pleas. 1214

(H) Notwithstanding any other provision of this section, 1215
any order issued by a court of common pleas or a court of 1216
appeals suspending the effect of an order of the Ohio casino 1217
control commission issued under Chapter 3772. of the Revised 1218
Code that limits, conditions, restricts, suspends, revokes, 1219
denies, not renews, fines, or otherwise penalizes an applicant, 1220
licensee, or person excluded or ejected from a casino facility 1221
in accordance with section 3772.031 of the Revised Code shall 1222
terminate not more than six months after the date of the filing 1223
of the record of the Ohio casino control commission with the 1224
clerk of the court of common pleas and shall not be extended. 1225
The court of common pleas, or the court of appeals on appeal, 1226
shall render a judgment in that matter within six months after 1227
the date of the filing of the record of the Ohio casino control 1228
commission with the clerk of the court of common pleas. A court 1229
of appeals shall not issue an order suspending the effect of an 1230
order of the Ohio casino control commission that extends beyond 1231
six months after the date on which the record of the Ohio casino 1232
control commission is filed with the clerk of a court of common 1233
pleas. 1234

(I) Notwithstanding any other provision of this section, 1235
any order issued by a court of common pleas suspending the 1236
effect of an order of the state medical board or state 1237
chiropractic board that limits, revokes, suspends, places on 1238
probation, or refuses to register or reinstate a certificate 1239
issued by the board or reprimands the holder of the certificate 1240
shall terminate not more than fifteen months after the date of 1241
the filing of a notice of appeal in the court of common pleas, 1242

or upon the rendering of a final decision or order in the appeal 1243
by the court of common pleas, whichever occurs first. 1244

~~(I)~~ (J) Within thirty days after receipt of a notice of 1245
appeal from an order in any case in which a hearing is required 1246
by sections 119.01 to 119.13 of the Revised Code, the agency 1247
shall prepare and certify to the court a complete record of the 1248
proceedings in the case. Failure of the agency to comply within 1249
the time allowed, upon motion, shall cause the court to enter a 1250
finding in favor of the party adversely affected. Additional 1251
time, however, may be granted by the court, not to exceed thirty 1252
days, when it is shown that the agency has made substantial 1253
effort to comply. The record shall be prepared and transcribed, 1254
and the expense of it shall be taxed as a part of the costs on 1255
the appeal. The appellant shall provide security for costs 1256
satisfactory to the court of common pleas. Upon demand by any 1257
interested party, the agency shall furnish at the cost of the 1258
party requesting it a copy of the stenographic report of 1259
testimony offered and evidence submitted at any hearing and a 1260
copy of the complete record. 1261

~~(J)~~ (K) Notwithstanding any other provision of this 1262
section, any party desiring to appeal an order or decision of 1263
the state personnel board of review shall, at the time of filing 1264
a notice of appeal with the board, provide a security deposit in 1265
an amount and manner prescribed in rules that the board shall 1266
adopt in accordance with this chapter. In addition, the board is 1267
not required to prepare or transcribe the record of any of its 1268
proceedings unless the appellant has provided the deposit 1269
described above. The failure of the board to prepare or 1270
transcribe a record for an appellant who has not provided a 1271
security deposit shall not cause a court to enter a finding 1272
adverse to the board. 1273

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 1274
the appeal, the court is confined to the record as certified to 1275
it by the agency. Unless otherwise provided by law, the court 1276
may grant a request for the admission of additional evidence 1277
when satisfied that the additional evidence is newly discovered 1278
and could not with reasonable diligence have been ascertained 1279
prior to the hearing before the agency. 1280

~~(L)~~(M) The court shall conduct a hearing on the appeal and 1281
shall give preference to all proceedings under sections 119.01 1282
to 119.13 of the Revised Code, over all other civil cases, 1283
irrespective of the position of the proceedings on the calendar 1284
of the court. An appeal from an order of the state medical board 1285
issued pursuant to division (G) of either section 4730.25 or 1286
4731.22 of the Revised Code, the state chiropractic board issued 1287
pursuant to section 4734.37 of the Revised Code, the liquor 1288
control commission issued pursuant to Chapter 4301. or 4303. of 1289
the Revised Code, or the Ohio casino control commission issued 1290
pursuant to Chapter 3772. of the Revised Code shall be set down 1291
for hearing at the earliest possible time and takes precedence 1292
over all other actions. The hearing in the court of common pleas 1293
shall proceed as in the trial of a civil action, and the court 1294
shall determine the rights of the parties in accordance with the 1295
laws applicable to a civil action. At the hearing, counsel may 1296
be heard on oral argument, briefs may be submitted, and evidence 1297
may be introduced if the court has granted a request for the 1298
presentation of additional evidence. 1299

~~(M)~~(N) The court may affirm the order of the agency 1300
complained of in the appeal if it finds, upon consideration of 1301
the entire record and any additional evidence the court has 1302
admitted, that the order is supported by reliable, probative, 1303
and substantial evidence and is in accordance with law. In the 1304

absence of this finding, it may reverse, vacate, or modify the 1305
order or make such other ruling as is supported by reliable, 1306
probative, and substantial evidence and is in accordance with 1307
law. The court shall award compensation for fees in accordance 1308
with section 2335.39 of the Revised Code to a prevailing party, 1309
other than an agency, in an appeal filed pursuant to this 1310
section. 1311

~~(N)~~(O) The judgment of the court shall be final and 1312
conclusive unless reversed, vacated, or modified on appeal. 1313
These appeals may be taken either by the party or the agency, 1314
shall proceed as in the case of appeals in civil actions, and 1315
shall be pursuant to the Rules of Appellate Procedure and, to 1316
the extent not in conflict with those rules, Chapter 2505. of 1317
the Revised Code. An appeal by the agency shall be taken on 1318
questions of law relating to the constitutionality, 1319
construction, or interpretation of statutes and rules of the 1320
agency, and, in the appeal, the court may also review and 1321
determine the correctness of the judgment of the court of common 1322
pleas that the order of the agency is not supported by any 1323
reliable, probative, and substantial evidence in the entire 1324
record. 1325

The court shall certify its judgment to the agency or take 1326
any other action necessary to give its judgment effect. 1327

Sec. 121.03. The following administrative department heads 1328
shall be appointed by the governor, with the advice and consent 1329
of the senate, and shall hold their offices during the term of 1330
the appointing governor, and are subject to removal at the 1331
pleasure of the governor. 1332

(A) The director of budget and management; 1333

(B) The director of commerce;	1334
(C) The director of transportation;	1335
(D) The director of agriculture;	1336
(E) The director of job and family services;	1337
(F) Until July 1, 1997, the director of liquor control;	1338
(G) The director of public safety;	1339
(H) The superintendent of insurance;	1340
(I) The director of development;	1341
(J) The tax commissioner;	1342
(K) The director of administrative services;	1343
(L) The director of natural resources;	1344
(M) The director of mental health and addiction services;	1345
(N) The director of developmental disabilities;	1346
(O) The director of health;	1347
(P) The director of youth services;	1348
(Q) The director of rehabilitation and correction;	1349
(R) The director of environmental protection;	1350
(S) The director of aging;	1351
(T) The administrator of workers' compensation <u>director of</u>	1352
<u>workforce insurance and safety</u> who meets the qualifications	1353
required under division (A) of section 4121.121 of the Revised	1354
Code;	1355
(U) The director of veterans services who meets the	1356
qualifications required under section 5902.01 of the Revised	1357

Code; 1358

(V) The chancellor of higher education; 1359

(W) The medicaid director. 1360

Sec. 121.52. There is hereby created in the office of the 1361
inspector general the office of deputy inspector general for the 1362
~~bureau of workers' compensation and industrial commissions~~system. 1363
The inspector general shall appoint the deputy inspector 1364
general, and the deputy inspector general shall serve at the 1365
pleasure of the inspector general. A person employed as the 1366
deputy inspector general shall have the same qualifications as 1367
those specified in section 121.49 of the Revised Code for the 1368
inspector general. The inspector general shall provide 1369
professional and clerical assistance to the deputy inspector 1370
general. 1371

The deputy inspector general for the ~~bureau of workers'~~ 1372
~~compensation and the industrial commission~~system shall 1373
investigate wrongful acts or omissions that have been committed 1374
by or are being committed by officers or employees of the ~~bureau~~ 1375
~~of workers' compensation~~department of workforce insurance and 1376
safety and the industrial commission. The deputy inspector 1377
general has the same powers and duties regarding matters 1378
concerning the ~~bureau~~department and the commission as those 1379
specified in sections 121.42, 121.43, and 121.45 of the Revised 1380
Code for the inspector general. Complaints may be filed with the 1381
deputy inspector general in the same manner as prescribed for 1382
complaints filed with the inspector general under section 121.46 1383
of the Revised Code. All investigations conducted and reports 1384
issued by the deputy inspector general are subject to section 1385
121.44 of the Revised Code. 1386

There is hereby created in the state treasury the deputy 1387
inspector general for the ~~bureau of workers' compensation and~~ 1388
~~industrial commission system~~ fund, which shall consist of moneys 1389
deposited into it that the inspector general receives from the 1390
~~administrator of workers' compensation~~ director of workforce 1391
insurance and safety and receives from the industrial commission 1392
in accordance with this section. The inspector general shall use 1393
the fund to pay the costs incurred by the deputy inspector 1394
general in performing the duties of the deputy inspector general 1395
as required under this section. 1396

The members of the industrial commission, ~~bureau of~~ 1397
~~workers' compensation~~ department of workforce insurance and 1398
safety board of directors, workers' compensation workforce 1399
insurance and safety audit committee, ~~workers' compensation~~ 1400
workforce insurance and safety actuarial committee, and ~~workers'~~ 1401
~~compensation workforce insurance and safety~~ investment 1402
committee, and the ~~administrator~~ director, and employees of the 1403
industrial commission and the ~~bureau department~~ shall cooperate 1404
with and provide assistance to the deputy inspector general in 1405
the performance of any investigation conducted by the deputy 1406
inspector general. In particular, those persons shall make their 1407
premises, equipment, personnel, books, records, and papers 1408
readily available to the deputy inspector general. In the course 1409
of an investigation, the deputy inspector general may question 1410
any person employed by the industrial commission or the 1411
~~administrator~~ director and any person transacting business with 1412
the industrial commission, the board, the audit committee, the 1413
actuarial committee, the investment committee, the 1414
~~administrator~~ director, or the ~~bureau department~~ and may inspect 1415
and copy any books, records, or papers in the possession of 1416
those persons or entities, taking care to preserve the 1417

confidentiality of information contained in responses to 1418
questions or the books, records, or papers that are made 1419
confidential by law. 1420

In performing any investigation, the deputy inspector 1421
general shall avoid interfering with the ongoing operations of 1422
the entities being investigated, except insofar as is reasonably 1423
necessary to successfully complete the investigation. 1424

At the conclusion of an investigation conducted by the 1425
deputy inspector general for the ~~bureau of workers' compensation~~ 1426
~~and industrial commissions~~ system, the deputy inspector general 1427
shall deliver to the board, the ~~administrator~~ director, the 1428
industrial commission, and the governor any case for which 1429
remedial action is necessary. The deputy inspector general shall 1430
maintain a public record of the activities of the office of the 1431
deputy inspector general to the extent permitted under this 1432
section, ensuring that the rights of the parties involved in 1433
each case are protected. The inspector general shall include in 1434
the annual report required under section 121.48 of the Revised 1435
Code a summary of the activities of the deputy inspector general 1436
during the previous year. 1437

No person shall disclose any information that is 1438
designated as confidential in accordance with section 121.44 of 1439
the Revised Code or any confidential information that is 1440
acquired in the course of an investigation conducted under this 1441
section to any person who is not legally entitled to disclosure 1442
of that information. 1443

As used in the Revised Code, the "deputy inspector general 1444
for the bureau of workers' compensation and industrial 1445
commission" means the deputy inspector general for the workers' 1446
compensation system. Whenever the deputy inspector general for 1447

the bureau of workers' compensation and industrial commission is 1448
referred to or designated in any statute, rule, contract, grant, 1449
or other document, the reference or designation shall be deemed 1450
to refer to the deputy inspector general for the workers' 1451
compensation system. 1452

Sec. 123.01. (A) The department of administrative 1453
services, in addition to those powers enumerated in Chapters 1454
124. and 125. of the Revised Code and provided elsewhere by law, 1455
shall exercise the following powers: 1456

(1) To prepare and suggest comprehensive plans for the 1457
development of grounds and buildings under the control of a 1458
state agency; 1459

(2) To acquire, by purchase, gift, devise, lease, or 1460
grant, all real estate required by a state agency, in the 1461
exercise of which power the department may exercise the power of 1462
eminent domain, in the manner provided by sections 163.01 to 1463
163.22 of the Revised Code; 1464

(3) To erect, supervise, and maintain all public monuments 1465
and memorials erected by the state, except where the supervision 1466
and maintenance is otherwise provided by law; 1467

(4) To procure, by lease, storage accommodations for a 1468
state agency; 1469

(5) To lease or grant easements or licenses for 1470
unproductive and unused lands or other property under the 1471
control of a state agency. Such leases, easements, or licenses 1472
may be granted to any person or entity, shall be for a period 1473
not to exceed fifteen years, unless a longer period is 1474
authorized by division (A) (5) of this section, and shall be 1475
executed for the state by the director of administrative 1476

services. The director shall grant leases, easements, or 1477
licenses of university land for periods not to exceed twenty- 1478
five years for purposes approved by the respective university's 1479
board of trustees wherein the uses are compatible with the uses 1480
and needs of the university and may grant leases of university 1481
land for periods not to exceed forty years for purposes approved 1482
by the respective university's board of trustees pursuant to 1483
section 123.17 of the Revised Code. The director may grant 1484
perpetual easements to public utilities, as defined in section 1485
4905.02 of the Revised Code or described in section 4905.03 of 1486
the Revised Code. 1487

(6) To lease space for the use of a state agency; 1488

(7) To have general supervision and care of the 1489
storerooms, offices, and buildings leased for the use of a state 1490
agency; 1491

(8) To exercise general custodial care of all real 1492
property of the state; 1493

(9) To assign and group together state offices in any city 1494
in the state and to establish, in cooperation with the state 1495
agencies involved, rules governing space requirements for office 1496
or storage use; 1497

(10) To lease for a period not to exceed forty years, 1498
pursuant to a contract providing for the construction thereof 1499
under a lease-purchase plan, buildings, structures, and other 1500
improvements for any public purpose, and, in conjunction 1501
therewith, to grant leases, easements, or licenses for lands 1502
under the control of a state agency for a period not to exceed 1503
forty years. The lease-purchase plan shall provide that at the 1504
end of the lease period, the buildings, structures, and related 1505

improvements, together with the land on which they are situated, 1506
shall become the property of the state without cost. 1507

(a) Whenever any building, structure, or other improvement 1508
is to be so leased by a state agency, the department shall 1509
retain either basic plans, specifications, bills of materials, 1510
and estimates of cost with sufficient detail to afford bidders 1511
all needed information or, alternatively, all of the following 1512
plans, details, bills of materials, and specifications: 1513

(i) Full and accurate plans suitable for the use of 1514
mechanics and other builders in the improvement; 1515

(ii) Details to scale and full sized, so drawn and 1516
represented as to be easily understood; 1517

(iii) Accurate bills showing the exact quantity of 1518
different kinds of material necessary to the construction; 1519

(iv) Definite and complete specifications of the work to 1520
be performed, together with such directions as will enable a 1521
competent mechanic or other builder to carry them out and afford 1522
bidders all needed information; 1523

(v) A full and accurate estimate of each item of expense 1524
and of the aggregate cost thereof. 1525

(b) The department shall give public notice, in such 1526
newspaper, in such form, and with such phraseology as the 1527
director of administrative services prescribes, published once 1528
each week for four consecutive weeks, of the time when and place 1529
where bids will be received for entering into an agreement to 1530
lease to a state agency a building, structure, or other 1531
improvement. The last publication shall be at least eight days 1532
preceding the day for opening the bids. The bids shall contain 1533
the terms upon which the builder would propose to lease the 1534

building, structure, or other improvement to the state agency. 1535
The form of the bid approved by the department shall be used, 1536
and a bid is invalid and shall not be considered unless that 1537
form is used without change, alteration, or addition. Before 1538
submitting bids pursuant to this section, any builder shall 1539
comply with Chapter 153. of the Revised Code. 1540

(c) On the day and at the place named for receiving bids 1541
for entering into lease agreements with a state agency, the 1542
director of administrative services shall open the bids and 1543
shall publicly proceed immediately to tabulate the bids upon 1544
duplicate sheets. No lease agreement shall be entered into until 1545
the ~~bureau of workers' compensation~~ department of workforce 1546
insurance and safety has certified that the person to be awarded 1547
the lease agreement has complied with Chapter 4123. of the 1548
Revised Code, until, if the builder submitting the lowest and 1549
best bid is a foreign corporation, the secretary of state has 1550
certified that the corporation is authorized to do business in 1551
this state, until, if the builder submitting the lowest and best 1552
bid is a person nonresident of this state, the person has filed 1553
with the secretary of state a power of attorney designating the 1554
secretary of state as its agent for the purpose of accepting 1555
service of summons in any action brought under Chapter 4123. of 1556
the Revised Code, and until the agreement is submitted to the 1557
attorney general and the attorney general's approval is 1558
certified thereon. Within thirty days after the day on which the 1559
bids are received, the department of administrative services 1560
shall investigate the bids received and shall determine that the 1561
~~bureau~~ department of workforce insurance and safety and the 1562
secretary of state have made the certifications required by this 1563
section of the builder who has submitted the lowest and best 1564
bid. Within ten days of the completion of the investigation of 1565

the bids, the department of administrative services shall award 1566
the lease agreement to the builder who has submitted the lowest 1567
and best bid and who has been certified by the ~~bureau~~ department 1568
of workforce insurance and safety and secretary of state as 1569
required by this section. If bidding for the lease agreement has 1570
been conducted upon the basis of basic plans, specifications, 1571
bills of materials, and estimates of costs, upon the award to 1572
the builder the department of administrative services, or the 1573
builder with the approval of the department of administrative 1574
services, shall appoint an architect or engineer licensed in 1575
this state to prepare such further detailed plans, 1576
specifications, and bills of materials as are required to 1577
construct the building, structure, or improvement. The 1578
department of administrative services shall adopt such rules as 1579
are necessary to give effect to this section. The department of 1580
administrative services may reject any bid. Where there is 1581
reason to believe there is collusion or combination among 1582
bidders, the bids of those concerned therein shall be rejected. 1583

(11) To acquire by purchase, gift, devise, or grant and to 1584
transfer, lease, or otherwise dispose of all real property 1585
required to assist in the development of a conversion facility 1586
as defined in section 5709.30 of the Revised Code as that 1587
section existed before its repeal by Amended Substitute House 1588
Bill 95 of the 125th general assembly; 1589

(12) To lease for a period not to exceed forty years, 1590
notwithstanding any other division of this section, the state- 1591
owned property located at 408-450 East Town Street, Columbus, 1592
Ohio, formerly the state school for the deaf, to a developer in 1593
accordance with this section. "Developer," as used in this 1594
section, has the same meaning as in section 123.77 of the 1595
Revised Code. 1596

Such a lease shall be for the purpose of development of 1597
the land for use by senior citizens by constructing, altering, 1598
renovating, repairing, expanding, and improving the site as it 1599
existed on June 25, 1982. A developer desiring to lease the land 1600
shall prepare for submission to the department of administrative 1601
services a plan for development. Plans shall include provisions 1602
for roads, sewers, water lines, waste disposal, water supply, 1603
and similar matters to meet the requirements of state and local 1604
laws. The plans shall also include provision for protection of 1605
the property by insurance or otherwise, and plans for financing 1606
the development, and shall set forth details of the developer's 1607
financial responsibility. 1608

The department of administrative services may employ, as 1609
employees or consultants, persons needed to assist in reviewing 1610
the development plans. Those persons may include attorneys, 1611
financial experts, engineers, and other necessary experts. The 1612
department of administrative services shall review the 1613
development plans and may enter into a lease if it finds all of 1614
the following: 1615

(a) The best interests of the state will be promoted by 1616
entering into a lease with the developer; 1617

(b) The development plans are satisfactory; 1618

(c) The developer has established the developer's 1619
financial responsibility and satisfactory plans for financing 1620
the development. 1621

The lease shall contain a provision that construction or 1622
renovation of the buildings, roads, structures, and other 1623
necessary facilities shall begin within one year after the date 1624
of the lease and shall proceed according to a schedule agreed to 1625

between the department of administrative services and the 1626
developer or the lease will be terminated. The lease shall 1627
contain such conditions and stipulations as the director 1628
considers necessary to preserve the best interest of the state. 1629
Moneys received by the state pursuant to this lease shall be 1630
paid into the general revenue fund. The lease shall provide that 1631
at the end of the lease period the buildings, structures, and 1632
related improvements shall become the property of the state 1633
without cost. 1634

(13) To manage the use of space owned and controlled by 1635
the department of administrative services by doing all of the 1636
following: 1637

(a) Biennially implementing, by state agency location, a 1638
census of agency employees assigned space; 1639

(b) Periodically in the discretion of the director of 1640
administrative services: 1641

(i) Requiring each state agency to categorize the use of 1642
space allotted to the agency between office space, common areas, 1643
storage space, and other uses, and to report its findings to the 1644
department of administrative services; 1645

(ii) Creating and updating a master space utilization plan 1646
for all space allotted to state agencies. The plan shall 1647
incorporate space utilization metrics. 1648

(iii) Conducting a cost-benefit analysis to determine the 1649
effectiveness of state-owned buildings; 1650

(iv) Assessing the alternatives associated with 1651
consolidating the commercial leases for buildings located in 1652
Columbus. 1653

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.

(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department of administrative services may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.

(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;

(c) Identifying laws, policies, rules, and procedures that should be modified;

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;

(e) Providing technical assistance and training to state 1683
employees involved in the purchasing process; 1684

(f) Working with the department of development to make 1685
recommendations regarding planning and implementation of 1686
purchasing policies and procedures that are supportive of energy 1687
efficiency and conservation. 1688

(16) To require all state agencies, departments, 1689
divisions, bureaus, offices, units, commissions, boards, 1690
authorities, quasi-governmental entities, institutions, and 1691
state institutions of higher education to implement procedures 1692
to ensure that all of the passenger automobiles they acquire in 1693
each fiscal year, except for those passenger automobiles 1694
acquired for use in law enforcement or emergency rescue work, 1695
achieve a fleet average fuel economy of not less than the fleet 1696
average fuel economy for that fiscal year as the department of 1697
administrative services shall prescribe by rule. The department 1698
shall adopt the rule prior to the beginning of the fiscal year, 1699
in accordance with the average fuel economy standards 1700
established by federal law for passenger automobiles 1701
manufactured during the model year that begins during the fiscal 1702
year. 1703

Each state agency, department, division, bureau, office, 1704
unit, commission, board, authority, quasi-governmental entity, 1705
institution, and state institution of higher education shall 1706
determine its fleet average fuel economy by dividing the total 1707
number of passenger vehicles acquired during the fiscal year, 1708
except for those passenger vehicles acquired for use in law 1709
enforcement or emergency rescue work, by a sum of terms, each of 1710
which is a fraction created by dividing the number of passenger 1711
vehicles of a given make, model, and year, except for passenger 1712

vehicles acquired for use in law enforcement or emergency rescue 1713
work, acquired during the fiscal year by the fuel economy 1714
measured by the administrator of the United States environmental 1715
protection agency, for the given make, model, and year of 1716
vehicle, that constitutes an average fuel economy for combined 1717
city and highway driving. 1718

As used in division (A) (16) of this section, "acquired" 1719
means leased for a period of sixty continuous days or more, or 1720
purchased. 1721

(17) To correct legal descriptions or title defects, or 1722
release fractional interests in real property, as necessary to 1723
cure title clouds reflected in public records, including those 1724
resulting from boundary disputes, ingress or egress issues, 1725
title transfers precipitated through retirement of bond 1726
requirements, and the retention of fractional interests in real 1727
estate otherwise disposed of in previous title transfers. 1728

(18) (a) To, with controlling board approval, sell state- 1729
owned real property that is not held for the benefit of an 1730
institution of higher education and is appraised at not more 1731
than one hundred thousand dollars by an independent third-party 1732
appraiser. 1733

(b) To sell state-owned real property that is held for the 1734
benefit of an institution of higher education, provided all of 1735
the following are true: 1736

(i) The board of trustees of the institution of higher 1737
education, or, in the case of a university branch district, any 1738
other managing authority, adopts a resolution approving the 1739
sale; 1740

(ii) The real property is appraised at not more than ten 1741

million dollars by an independent third-party appraiser; 1742

(iii) The controlling board approves the sale. 1743

Notwithstanding any provision of law to the contrary, net 1744
proceeds from any disposition of real property made pursuant to 1745
division (A) (18) of this section shall, at the direction of the 1746
director of budget and management, be credited to a fund or 1747
funds in the state treasury, or to accounts held by an 1748
institution of higher education for purposes to be determined by 1749
the institution. 1750

As used in division (A) (18) of this section, "institution 1751
of higher education" has the same meaning as in section 3345.12 1752
of the Revised Code. 1753

(B) This section and section 125.02 of the Revised Code 1754
shall not interfere with any of the following: 1755

(1) The power of the adjutant general to purchase military 1756
supplies, or with the custody of the adjutant general of 1757
property leased, purchased, or constructed by the state and used 1758
for military purposes, or with the functions of the adjutant 1759
general as director of state armories; 1760

(2) The power of the director of transportation in 1761
acquiring rights-of-way for the state highway system, or the 1762
leasing of lands for division or resident district offices, or 1763
the leasing of lands or buildings required in the maintenance 1764
operations of the department of transportation, or the purchase 1765
of real property for garage sites or division or resident 1766
district offices, or in preparing plans and specifications for 1767
and constructing such buildings as the director may require in 1768
the administration of the department; 1769

(3) The power of the director of public safety and the 1770

registrar of motor vehicles to purchase or lease real property 1771
and buildings to be used solely as locations to which a deputy 1772
registrar is assigned pursuant to division (B) of section 1773
4507.011 of the Revised Code and from which the deputy registrar 1774
is to conduct the deputy registrar's business, the power of the 1775
director of public safety to purchase or lease real property and 1776
buildings to be used as locations for division or district 1777
offices as required in the maintenance of operations of the 1778
department of public safety, and the power of the superintendent 1779
of the state highway patrol in the purchase or leasing of real 1780
property and buildings needed by the patrol, to negotiate the 1781
sale of real property owned by the patrol, to rent or lease real 1782
property owned or leased by the patrol, and to make or cause to 1783
be made repairs to all property owned or under the control of 1784
the patrol; 1785

(4) The power of the division of liquor control in the 1786
leasing or purchasing of retail outlets and warehouse facilities 1787
for the use of the division; 1788

(5) The power of the director of development to enter into 1789
leases of real property, buildings, and office space to be used 1790
solely as locations for the state's foreign offices to carry out 1791
the purposes of section 122.05 of the Revised Code; 1792

(6) The power of the director of environmental protection 1793
to enter into environmental covenants, to grant and accept 1794
easements, or to sell property pursuant to division (G) of 1795
section 3745.01 of the Revised Code; 1796

(7) The power of the department of public safety under 1797
section 5502.01 of the Revised Code to direct security measures 1798
and operations for the Vern Riffe center and the James A. Rhodes 1799
state office tower. The department of administrative services 1800

shall implement all security measures and operations at the Vern 1801
Riffe center and the James A. Rhodes state office tower as 1802
directed by the department of public safety. 1803

(C) Purchases for, and the custody and repair of, 1804
buildings under the management and control of the capitol square 1805
review and advisory board, the opportunities for Ohioans with 1806
disabilities agency, the ~~bureau of workers'~~ 1807
~~compensation~~department of workforce insurance and safety, or the 1808
departments of public safety, job and family services, mental 1809
health and addiction services, developmental disabilities, and 1810
rehabilitation and correction; buildings of educational and 1811
benevolent institutions under the management and control of 1812
boards of trustees; and purchases or leases for, and the custody 1813
and repair of, office space used for the purposes of any agency 1814
of the legislative branch of state government are not subject to 1815
the control and jurisdiction of the department of administrative 1816
services. 1817

An agency of the legislative branch of state government 1818
that uses office space in a building under the management and 1819
control of the department of administrative services may 1820
exercise the agency's authority to improve the agency's office 1821
space as authorized under this division only if, upon review, 1822
the department of administrative services concludes the proposed 1823
improvements do not adversely impact the structural integrity of 1824
the building. 1825

If an agency of the legislative branch of state 1826
government, except the capitol square review and advisory board, 1827
so requests, the agency and the director of administrative 1828
services may enter into a contract under which the department of 1829
administrative services agrees to perform any services requested 1830

by the agency that the department is authorized under this 1831
section to perform. In performing such services, the department 1832
shall not use competitive selection. As used in this division, 1833
"competitive selection" has the meaning defined in section 1834
125.01 of the Revised Code and includes any other type of 1835
competitive process for the selection of persons producing or 1836
dealing in the services to be provided. 1837

(D) Any instrument by which real property is acquired 1838
pursuant to this section shall identify the agency of the state 1839
that has the use and benefit of the real property as specified 1840
in section 5301.012 of the Revised Code. 1841

Sec. 123.211. (A) Notwithstanding any contrary provision 1842
of section 123.21 of the Revised Code, the executive director of 1843
the Ohio facilities construction commission may authorize any of 1844
the following agencies to administer any capital facilities 1845
project, the estimated cost of which, including design fees, 1846
construction, equipment, and contingency amounts, is less than 1847
three million dollars: 1848

(1) The department of mental health and addiction 1849
services; 1850

(2) The department of developmental disabilities; 1851

(3) The department of agriculture; 1852

(4) The department of job and family services; 1853

(5) The department of rehabilitation and correction; 1854

(6) The department of youth services; 1855

(7) The department of public safety; 1856

(8) The department of transportation; 1857

(9) The department of veterans services;	1858
(10) The bureau of workers' compensation <u>department of</u> <u>workforce insurance and safety;</u>	1859 1860
(11) The department of administrative services;	1861
(12) The state school for the deaf;	1862
(13) The state school for the blind.	1863
(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization through the Ohio administrative knowledge system capital improvements application. Upon the release of funds for the projects by the controlling board or the director of budget and management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the executive director of the Ohio facilities construction commission.	1864 1865 1866 1867 1868 1869 1870 1871 1872
(C) A state agency authorized by the executive director of the Ohio facilities construction commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital improvements application pursuant to Ohio facilities construction commission guidelines.	1873 1874 1875 1876 1877 1878 1879 1880
Sec. 124.11. The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts of the state shall be divided into the unclassified service and the classified service.	1881 1882 1883 1884 1885

(A) The unclassified service shall comprise the following 1886
positions, which shall not be included in the classified 1887
service, and which shall be exempt from all examinations 1888
required by this chapter: 1889

(1) All officers elected by popular vote or persons 1890
appointed to fill vacancies in those offices; 1891

(2) All election officers as defined in section 3501.01 of 1892
the Revised Code; 1893

(3) (a) The members of all boards and commissions, and 1894
heads of principal departments, boards, and commissions 1895
appointed by the governor or by and with the governor's consent; 1896

(b) The heads of all departments appointed by a board of 1897
county commissioners; 1898

(c) The members of all boards and commissions and all 1899
heads of departments appointed by the mayor, or, if there is no 1900
mayor, such other similar chief appointing authority of any city 1901
or city school district; 1902

Except as otherwise provided in division (A) (17) or (C) of 1903
this section, this chapter does not exempt the chiefs of police 1904
departments and chiefs of fire departments of cities or civil 1905
service townships from the competitive classified service. 1906

(4) The members of county or district licensing boards or 1907
commissions and boards of revision, and not more than five 1908
deputy county auditors; 1909

(5) All officers and employees elected or appointed by 1910
either or both branches of the general assembly, and employees 1911
of the city legislative authority engaged in legislative duties; 1912

(6) All commissioned, warrant, and noncommissioned 1913

officers and enlisted persons in the Ohio organized militia, 1914
including military appointees in the adjutant general's 1915
department; 1916

(7) (a) All presidents, business managers, administrative 1917
officers, superintendents, assistant superintendents, 1918
principals, deans, assistant deans, instructors, teachers, and 1919
such employees as are engaged in educational or research duties 1920
connected with the public school system, colleges, and 1921
universities, as determined by the governing body of the public 1922
school system, colleges, and universities; 1923

(b) The library staff of any library in the state 1924
supported wholly or in part at public expense. 1925

(8) Four clerical and administrative support employees for 1926
each of the elective state officers, four clerical and 1927
administrative support employees for each board of county 1928
commissioners and one such employee for each county 1929
commissioner, and four clerical and administrative support 1930
employees for other elective officers and each of the principal 1931
appointive executive officers, boards, or commissions, except 1932
for civil service commissions, that are authorized to appoint 1933
such clerical and administrative support employees; 1934

(9) The deputies and assistants of state agencies 1935
authorized to act for and on behalf of the agency, or holding a 1936
fiduciary or administrative relation to that agency and those 1937
persons employed by and directly responsible to elected county 1938
officials or a county administrator and holding a fiduciary or 1939
administrative relationship to such elected county officials or 1940
county administrator, and the employees of such county officials 1941
whose fitness would be impracticable to determine by competitive 1942
examination, provided that division (A) (9) of this section shall 1943

not affect those persons in county employment in the classified 1944
service as of September 19, 1961. Nothing in division (A) (9) of 1945
this section applies to any position in a county department of 1946
job and family services created pursuant to Chapter 329. of the 1947
Revised Code. 1948

(10) Bailiffs, constables, official stenographers, and 1949
commissioners of courts of record, deputies of clerks of the 1950
courts of common pleas who supervise or who handle public moneys 1951
or secured documents, and such officers and employees of courts 1952
of record and such deputies of clerks of the courts of common 1953
pleas as the appointing authority finds it impracticable to 1954
determine their fitness by competitive examination; 1955

(11) Assistants to the attorney general, special counsel 1956
appointed or employed by the attorney general, assistants to 1957
county prosecuting attorneys, and assistants to city directors 1958
of law; 1959

(12) Such teachers and employees in the agricultural 1960
experiment stations; such students in normal schools, colleges, 1961
and universities of the state who are employed by the state or a 1962
political subdivision of the state in student or intern 1963
classifications; and such unskilled labor positions as the 1964
director of administrative services, with respect to positions 1965
in the service of the state, or any municipal civil service 1966
commission may find it impracticable to include in the 1967
competitive classified service; provided such exemptions shall 1968
be by order of the commission or the director, duly entered on 1969
the record of the commission or the director with the reasons 1970
for each such exemption; 1971

(13) Any physician or dentist who is a full-time employee 1972
of the department of mental health and addiction services, the 1973

department of developmental disabilities, or an institution 1974
under the jurisdiction of either department; and physicians who 1975
are in residency programs at the institutions; 1976

(14) Up to twenty positions at each institution under the 1977
jurisdiction of the department of mental health and addiction 1978
services or the department of developmental disabilities that 1979
the department director determines to be primarily 1980
administrative or managerial; and up to fifteen positions in any 1981
division of either department, excluding administrative 1982
assistants to the director and division chiefs, which are within 1983
the immediate staff of a division chief and which the director 1984
determines to be primarily and distinctively administrative and 1985
managerial; 1986

(15) Noncitizens of the United States employed by the 1987
state, or its counties or cities, as physicians or nurses who 1988
are duly licensed to practice their respective professions under 1989
the laws of this state, or medical assistants, in mental or 1990
chronic disease hospitals, or institutions; 1991

(16) Employees of the governor's office; 1992

(17) Fire chiefs and chiefs of police in civil service 1993
townships appointed by boards of township trustees under section 1994
505.38 or 505.49 of the Revised Code; 1995

(18) Executive directors, deputy directors, and program 1996
directors employed by boards of alcohol, drug addiction, and 1997
mental health services under Chapter 340. of the Revised Code, 1998
and secretaries of the executive directors, deputy directors, 1999
and program directors; 2000

(19) Superintendents, and management employees as defined 2001
in section 5126.20 of the Revised Code, of county boards of 2002

developmental disabilities;	2003
(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;	2004 2005 2006
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	2007 2008 2009
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	2010 2011 2012 2013
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	2014 2015
(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;	2016 2017 2018 2019
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	2020 2021 2022
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation <u>department of workforce insurance and safety</u> , industrial commission, state lottery commission, opportunities for Ohioans with disabilities agency, and public utilities commission of Ohio that the head of that administrative department or of that other state agency	2023 2024 2025 2026 2027 2028 2029 2030 2031

determines to be involved in policy development and 2032
implementation. The head of the administrative department or 2033
other state agency shall set the compensation for employees in 2034
these positions at a rate that is not less than the minimum 2035
compensation specified in pay range 41 but not more than the 2036
maximum compensation specified in pay range 47 of salary 2037
schedule E-2 in section 124.152 of the Revised Code. The 2038
authority to establish positions in the unclassified service 2039
under division (A) (26) of this section is in addition to and 2040
does not limit any other authority that an administrative 2041
department or state agency has under the Revised Code to 2042
establish positions, appoint employees, or set compensation. 2043

(27) Employees of the department of agriculture employed 2044
under section 901.09 of the Revised Code; 2045

(28) For cities, counties, civil service townships, city 2046
health districts, general health districts, and city school 2047
districts, the deputies and assistants of elective or principal 2048
executive officers authorized to act for and in the place of 2049
their principals or holding a fiduciary relation to their 2050
principals; 2051

(29) Employees who receive intermittent or temporary 2052
appointments under division (B) of section 124.30 of the Revised 2053
Code; 2054

(30) Employees appointed to administrative staff positions 2055
for which an appointing authority is given specific statutory 2056
authority to set compensation; 2057

(31) Employees appointed to highway patrol cadet or 2058
highway patrol cadet candidate classifications; 2059

(32) Employees placed in the unclassified service by 2060

another section of the Revised Code. 2061

(B) The classified service shall comprise all persons in 2062
the employ of the state and the several counties, cities, city 2063
health districts, general health districts, and city school 2064
districts of the state, not specifically included in the 2065
unclassified service. Upon the creation by the board of trustees 2066
of a civil service township civil service commission, the 2067
classified service shall also comprise, except as otherwise 2068
provided in division (A) (17) or (C) of this section, all persons 2069
in the employ of a civil service township police or fire 2070
department having ten or more full-time paid employees. The 2071
classified service consists of two classes, which shall be 2072
designated as the competitive class and the unskilled labor 2073
class. 2074

(1) The competitive class shall include all positions and 2075
employments in the state and the counties, cities, city health 2076
districts, general health districts, and city school districts 2077
of the state, and, upon the creation by the board of trustees of 2078
a civil service township of a township civil service commission, 2079
all positions in a civil service township police or fire 2080
department having ten or more full-time paid employees, for 2081
which it is practicable to determine the merit and fitness of 2082
applicants by competitive examinations. Appointments shall be 2083
made to, or employment shall be given in, all positions in the 2084
competitive class that are not filled by promotion, 2085
reinstatement, transfer, or reduction, as provided in this 2086
chapter, and the rules of the director of administrative 2087
services, by appointment from those certified to the appointing 2088
officer in accordance with this chapter. 2089

(2) The unskilled labor class shall include ordinary 2090

unskilled laborers. Vacancies in the labor class for positions 2091
in service of the state shall be filled by appointment from 2092
lists of applicants registered by the director or the director's 2093
designee. Vacancies in the labor class for all other positions 2094
shall be filled by appointment from lists of applicants 2095
registered by a commission. The director or the commission, as 2096
applicable, by rule, shall require an applicant for registration 2097
in the labor class to furnish evidence or take tests as the 2098
director or commission considers proper with respect to age, 2099
residence, physical condition, ability to labor, honesty, 2100
sobriety, industry, capacity, and experience in the work or 2101
employment for which application is made. Laborers who fulfill 2102
the requirements shall be placed on the eligible list for the 2103
kind of labor or employment sought, and preference shall be 2104
given in employment in accordance with the rating received from 2105
that evidence or in those tests. Upon the request of an 2106
appointing officer, stating the kind of labor needed, the pay 2107
and probable length of employment, and the number to be 2108
employed, the director or commission, as applicable, shall 2109
certify from the highest on the list double the number to be 2110
employed; from this number, the appointing officer shall appoint 2111
the number actually needed for the particular work. If more than 2112
one applicant receives the same rating, priority in time of 2113
application shall determine the order in which their names shall 2114
be certified for appointment. 2115

(C) A municipal or civil service township civil service 2116
commission may place volunteer firefighters who are paid on a 2117
fee-for-service basis in either the classified or the 2118
unclassified civil service. 2119

(D) (1) This division does not apply to persons in the 2120
unclassified service who have the right to resume positions in 2121

the classified service under sections 4121.121, 5119.18, 2122
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 2123
Code or to cities, counties, or political subdivisions of the 2124
state. 2125

(2) A person who holds a position in the classified 2126
service of the state and who is appointed to a position in the 2127
unclassified service shall retain the right to resume the 2128
position and status held by the person in the classified service 2129
immediately prior to the person's appointment to the position in 2130
the unclassified service, regardless of the number of positions 2131
the person held in the unclassified service. An employee's right 2132
to resume a position in the classified service may only be 2133
exercised when an appointing authority demotes the employee to a 2134
pay range lower than the employee's current pay range or revokes 2135
the employee's appointment to the unclassified service and any 2136
of the following apply: 2137

(a) That person held a certified position prior to July 1, 2138
2007, in the classified service within the appointing 2139
authority's agency; 2140

(b) That person held a permanent position on or after July 2141
1, 2007, in the classified service within the appointing 2142
authority's agency, and was appointed to the position in the 2143
unclassified service prior to January 1, 2016; 2144

(c) That person held a permanent position on or after 2145
January 1, 2016, in the classified service within the appointing 2146
authority's agency, and is within five years from the effective 2147
date of the person's appointment in the unclassified service. 2148

(3) An employee forfeits the right to resume a position in 2149
the classified service when: 2150

(a) The employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony while employed in the civil service; or

(b) Upon transfer to a different agency.

(4) Reinstatement to a position in the classified service shall be to a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the appointing authority's agency that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the person's time of service in the position in the unclassified service.

Sec. 124.14. (A) (1) The director of administrative services shall establish, and may modify or rescind, a job

classification plan for all positions, offices, and employments 2181
in the service of the state. The director shall group jobs 2182
within a classification so that the positions are similar enough 2183
in duties and responsibilities to be described by the same 2184
title, to have the same pay assigned with equity, and to have 2185
the same qualifications for selection applied. The director 2186
shall assign a classification title to each classification 2187
within the classification plan. However, the director shall 2188
consider in establishing classifications, including 2189
classifications with parenthetical titles, and assigning pay 2190
ranges such factors as duties performed only on one shift, 2191
special skills in short supply in the labor market, recruitment 2192
problems, separation rates, comparative salary rates, the amount 2193
of training required, and other conditions affecting employment. 2194
The director shall describe the duties and responsibilities of 2195
the class, establish the qualifications for being employed in 2196
each position in the class, and file with the secretary of state 2197
a copy of specifications for all of the classifications. The 2198
director shall file new, additional, or revised specifications 2199
with the secretary of state before they are used. 2200

The director shall assign each classification, either on a 2201
statewide basis or in particular counties or state institutions, 2202
to a pay range established under section 124.15 or section 2203
124.152 of the Revised Code. The director may assign a 2204
classification to a pay range on a temporary basis for a period 2205
of six months. The director may establish experimental 2206
classification plans for some or all employees paid directly by 2207
warrant of the director of budget and management. Any such 2208
experimental classification plan shall include specifications 2209
for each classification within the plan and shall specifically 2210
address compensation ranges, and methods for advancing within 2211

the ranges, for the classifications, which may be assigned to 2212
pay ranges other than the pay ranges established under section 2213
124.15 or 124.152 of the Revised Code. 2214

(2) The director of administrative services may reassign 2215
to a proper classification those positions that have been 2216
assigned to an improper classification. If the compensation of 2217
an employee in such a reassigned position exceeds the maximum 2218
rate of pay for the employee's new classification, the employee 2219
shall be placed in pay step X and shall not receive an increase 2220
in compensation until the maximum rate of pay for that 2221
classification exceeds the employee's compensation. 2222

(3) The director may reassign an exempt employee, as 2223
defined in section 124.152 of the Revised Code, to a bargaining 2224
unit classification if the director determines that the 2225
bargaining unit classification is the proper classification for 2226
that employee. Notwithstanding Chapter 4117. of the Revised Code 2227
or instruments and contracts negotiated under it, these 2228
placements are at the director's discretion. 2229

(4) The director shall assign related classifications, 2230
which form a career progression, to a classification series. The 2231
director shall assign each classification in the classification 2232
plan a five-digit number, the first four digits of which shall 2233
denote the classification series to which the classification is 2234
assigned. When a career progression encompasses more than ten 2235
classifications, the director shall identify the additional 2236
classifications belonging to a classification series. The 2237
additional classifications shall be part of the classification 2238
series, notwithstanding the fact that the first four digits of 2239
the number assigned to the additional classifications do not 2240
correspond to the first four digits of the numbers assigned to 2241

other classifications in the classification series.	2242
(B) Division (A) of this section and sections 124.15 and	2243
124.152 of the Revised Code do not apply to the following	2244
persons, positions, offices, and employments:	2245
(1) Elected officials;	2246
(2) Legislative employees, employees of the legislative	2247
service commission, employees in the office of the governor,	2248
employees who are in the unclassified civil service and exempt	2249
from collective bargaining coverage in the office of the	2250
secretary of state, auditor of state, treasurer of state, and	2251
attorney general, and employees of the supreme court;	2252
(3) Any position for which the authority to determine	2253
compensation is given by law to another individual or entity;	2254
(4) Employees of the bureau of workers' compensation	2255
<u>department of workforce insurance and safety</u> whose compensation	2256
the administrator of workers' compensation <u>director of workforce</u>	2257
<u>insurance and safety</u> establishes under division (B) of section	2258
4121.121 of the Revised Code.	2259
(C) The director <u>of administrative services</u> may employ a	2260
consulting agency to aid and assist the director in carrying out	2261
this section.	2262
(D) (1) When the director <u>of administrative services</u>	2263
proposes to modify a classification or the assignment of classes	2264
to appropriate pay ranges, the director shall notify the	2265
appointing authorities of the affected employees before	2266
implementing the modification. The director's notice shall	2267
include the effective date of the modification. The appointing	2268
authorities shall notify the affected employees regarding the	2269
modification.	2270

(2) When the director of administrative services proposes 2271
to reclassify any employee in the service of the state so that 2272
the employee is adversely affected, the director shall give to 2273
the employee affected and to the employee's appointing authority 2274
a written notice setting forth the proposed new classification, 2275
pay range, and salary. Upon the request of any classified 2276
employee in the service of the state who is not serving in a 2277
probationary period, the director shall perform a job audit to 2278
review the classification of the employee's position to 2279
determine whether the position is properly classified. The 2280
director shall give to the employee affected and to the 2281
employee's appointing authority a written notice of the 2282
director's determination whether or not to reclassify the 2283
position or to reassign the employee to another classification. 2284
An employee or appointing authority desiring a hearing shall 2285
file a written request for the hearing with the state personnel 2286
board of review within thirty days after receiving the notice. 2287
The board shall set the matter for a hearing and notify the 2288
employee and appointing authority of the time and place of the 2289
hearing. The employee, the appointing authority, or any 2290
authorized representative of the employee who wishes to submit 2291
facts for the consideration of the board shall be afforded 2292
reasonable opportunity to do so. After the hearing, the board 2293
shall consider anew the reclassification and may order the 2294
reclassification of the employee and require the director to 2295
assign the employee to such appropriate classification as the 2296
facts and evidence warrant. As provided in division (A) (1) of 2297
section 124.03 of the Revised Code, the board may determine the 2298
most appropriate classification for the position of any employee 2299
coming before the board, with or without a job audit. The board 2300
shall disallow any reclassification or reassignment 2301
classification of any employee when it finds that changes have 2302

been made in the duties and responsibilities of any particular 2303
employee for political, religious, or other unjust reasons. 2304

(E) (1) Employees of each county department of job and 2305
family services shall be paid a salary or wage established by 2306
the board of county commissioners. The provisions of section 2307
124.18 of the Revised Code concerning the standard work week 2308
apply to employees of county departments of job and family 2309
services. A board of county commissioners may do either of the 2310
following: 2311

(a) Notwithstanding any other section of the Revised Code, 2312
supplement the sick leave, vacation leave, personal leave, and 2313
other benefits of any employee of the county department of job 2314
and family services of that county, if the employee is eligible 2315
for the supplement under a written policy providing for the 2316
supplement; 2317

(b) Notwithstanding any other section of the Revised Code, 2318
establish alternative schedules of sick leave, vacation leave, 2319
personal leave, or other benefits for employees not inconsistent 2320
with the provisions of a collective bargaining agreement 2321
covering the affected employees. 2322

(2) Division (E) (1) of this section does not apply to 2323
employees for whom the state employment relations board 2324
establishes appropriate bargaining units pursuant to section 2325
4117.06 of the Revised Code, except in either of the following 2326
situations: 2327

(a) The employees for whom the state employment relations 2328
board establishes appropriate bargaining units elect no 2329
representative in a board-conducted representation election. 2330

(b) After the state employment relations board establishes 2331

appropriate bargaining units for such employees, all employee 2332
organizations withdraw from a representation election. 2333

(F) (1) Notwithstanding any contrary provision of sections 2334
124.01 to 124.64 of the Revised Code, the board of trustees of 2335
each state university or college, as defined in section 3345.12 2336
of the Revised Code, shall carry out all matters of governance 2337
involving the officers and employees of the university or 2338
college, including, but not limited to, the powers, duties, and 2339
functions of the department of administrative services and the 2340
director of administrative services specified in this chapter. 2341
Officers and employees of a state university or college shall 2342
have the right of appeal to the state personnel board of review 2343
as provided in this chapter. 2344

(2) Each board of trustees shall adopt rules under section 2345
111.15 of the Revised Code to carry out the matters of 2346
governance described in division (F) (1) of this section. Until 2347
the board of trustees adopts those rules, a state university or 2348
college shall continue to operate pursuant to the applicable 2349
rules adopted by the director of administrative services under 2350
this chapter. 2351

(G) (1) Each board of county commissioners may, by a 2352
resolution adopted by a majority of its members, establish a 2353
county personnel department to exercise the powers, duties, and 2354
functions specified in division (G) of this section. As used in 2355
division (G) of this section, "county personnel department" 2356
means a county personnel department established by a board of 2357
county commissioners under division (G) (1) of this section. 2358

(2) (a) Each board of county commissioners, by a resolution 2359
adopted by a majority of its members, may designate the county 2360
personnel department of the county to exercise the powers, 2361

duties, and functions specified in sections 124.01 to 124.64 and 2362
Chapter 325. of the Revised Code with regard to employees in the 2363
service of the county, except for the powers and duties of the 2364
state personnel board of review, which powers and duties shall 2365
not be construed as having been modified or diminished in any 2366
manner by division (G) (2) of this section, with respect to the 2367
employees for whom the board of county commissioners is the 2368
appointing authority or co-appointing authority. 2369

(b) Nothing in division (G) (2) of this section shall be 2370
construed to limit the right of any employee who possesses the 2371
right of appeal to the state personnel board of review to 2372
continue to possess that right of appeal. 2373

(c) Any board of county commissioners that has established 2374
a county personnel department may contract with the department 2375
of administrative services, in accordance with division (H) of 2376
this section, another political subdivision, or an appropriate 2377
public or private entity to provide competitive testing services 2378
or other appropriate services. 2379

(3) After the county personnel department of a county has 2380
been established as described in division (G) (2) of this 2381
section, any elected official, board, agency, or other 2382
appointing authority of that county, upon written notification 2383
to the county personnel department, may elect to use the 2384
services and facilities of the county personnel department. Upon 2385
receipt of the notification by the county personnel department, 2386
the county personnel department shall exercise the powers, 2387
duties, and functions as described in division (G) (2) of this 2388
section with respect to the employees of that elected official, 2389
board, agency, or other appointing authority. 2390

(4) Each board of county commissioners, by a resolution 2391

adopted by a majority of its members, may disband the county personnel department. 2392
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(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate. 2394
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(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. 2399
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(H) County agencies may contract with the department of administrative services for any human resources services, including, but not limited to, establishment and modification of job classification plans, competitive testing services, and periodic audits and reviews of the county's uniform application of the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county. Nothing in this division modifies the powers and duties of the state personnel board of review with respect to employees in the service of the county. Nothing in this division limits the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 2407
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(I) The director of administrative services shall 2421

establish the rate and method of compensation for all employees 2422
who are paid directly by warrant of the director of budget and 2423
management and who are serving in positions that the director of 2424
administrative services has determined impracticable to include 2425
in the state job classification plan. This division does not 2426
apply to elected officials, legislative employees, employees of 2427
the legislative service commission, employees who are in the 2428
unclassified civil service and exempt from collective bargaining 2429
coverage in the office of the secretary of state, auditor of 2430
state, treasurer of state, and attorney general, employees of 2431
the courts, employees of the ~~bureau of workers' compensation~~ 2432
department of workforce insurance and safety whose compensation 2433
the ~~administrator of workers' compensation~~ director of workforce 2434
insurance and safety establishes under division (B) of section 2435
4121.121 of the Revised Code, or employees of an appointing 2436
authority authorized by law to fix the compensation of those 2437
employees. 2438

(J) The director of administrative services shall set the 2439
rate of compensation for all intermittent, seasonal, temporary, 2440
emergency, and casual employees in the service of the state who 2441
are not considered public employees under section 4117.01 of the 2442
Revised Code. Those employees are not entitled to receive 2443
employee benefits, unless otherwise required by law. This rate 2444
of compensation shall be equitable in terms of the rate of 2445
employees serving in the same or similar classifications. This 2446
division does not apply to elected officials, legislative 2447
employees, employees of the legislative service commission, 2448
employees who are in the unclassified civil service and exempt 2449
from collective bargaining coverage in the office of the 2450
secretary of state, auditor of state, treasurer of state, and 2451
attorney general, employees of the courts, employees of the 2452

~~bureau of workers' compensation department of workforce~~ 2453
~~insurance and safety~~ whose compensation the ~~administrator~~ 2454
~~director of workforce insurance and safety~~ establishes under 2455
division (B) of section 4121.121 of the Revised Code, or 2456
employees of an appointing authority authorized by law to fix 2457
the compensation of those employees. 2458

Sec. 125.18. (A) There is hereby established the office of 2459
information technology within the department of administrative 2460
services. The office shall be under the supervision of a state 2461
chief information officer to be appointed by the director of 2462
administrative services and subject to removal at the pleasure 2463
of the director. The chief information officer is an assistant 2464
director of administrative services. 2465

(B) Under the direction of the director of administrative 2466
services, the state chief information officer shall lead, 2467
oversee, and direct state agency activities related to 2468
information technology development and use. In that regard, the 2469
state chief information officer shall do all of the following: 2470

(1) Coordinate and superintend statewide efforts to 2471
promote common use and development of technology by state 2472
agencies. The office of information technology shall establish 2473
policies and standards that govern and direct state agency 2474
participation in statewide programs and initiatives. 2475

(2) Coordinate with the office of procurement services to 2476
establish policies and standards for state agency acquisition of 2477
information technology supplies and services; 2478

(3) Establish policies and standards for the use of common 2479
information technology by state agencies, including, but not 2480
limited to, hardware, software, technology services, and 2481

security, and the extension of the service life of information 2482
technology systems, with which state agencies shall comply; 2483

(4) Establish criteria and review processes to identify 2484
state agency information technology projects or purchases that 2485
require alignment or oversight. As appropriate, the department 2486
of administrative services shall provide the governor and the 2487
director of budget and management with notice and advice 2488
regarding the appropriate allocation of resources for those 2489
projects. The state chief information officer may require state 2490
agencies to provide, and may prescribe the form and manner by 2491
which they must provide, information to fulfill the state chief 2492
information officer's alignment and oversight role; 2493

(5) Establish policies and procedures for the security of 2494
personal information that is maintained and destroyed by state 2495
agencies; 2496

(6) Employ a chief information security officer who is 2497
responsible for the implementation of the policies and 2498
procedures described in division (B)(5) of this section and for 2499
coordinating the implementation of those policies and procedures 2500
in all of the state agencies; 2501

(7) Employ a chief privacy officer who is responsible for 2502
advising state agencies when establishing policies and 2503
procedures for the security of personal information and 2504
developing education and training programs regarding the state's 2505
security procedures; 2506

(8) Establish policies on the purchasing, use, and 2507
reimbursement for use of handheld computing and 2508
telecommunications devices by state agency employees; 2509

(9) Establish policies for the reduction of printing and 2510

for the increased use of electronic records by state agencies;	2511
(10) Establish policies for the reduction of energy	2512
consumption by state agencies;	2513
(11) Compute the amount of revenue attributable to the	2514
amortization of all equipment purchases and capitalized systems	2515
from information technology service delivery and major	2516
information technology purchases, MARCS administration,	2517
enterprise applications, and the professions licensing system	2518
operating appropriation items and major computer purchases	2519
capital appropriation items that is recovered as part of the	2520
information technology services rates the department of	2521
administrative services charges and deposits into the	2522
information technology fund created in section 125.15 of the	2523
Revised Code, the user fees the department of administrative	2524
services charges and deposits in the MARCS administration fund	2525
created in section 4501.29 of the Revised Code, the rates the	2526
department of administrative services charges to benefiting	2527
agencies for the operation and management of information	2528
technology applications and deposits in the enterprise	2529
applications fund, and the rates the department of	2530
administrative services charges for the cost of ongoing	2531
maintenance of the professions licensing system and deposits in	2532
the professions licensing system fund. The enterprise	2533
applications fund is hereby created in the state treasury.	2534
(12) Regularly review and make recommendations regarding	2535
improving the infrastructure of the state's cybersecurity	2536
operations with existing resources and through partnerships	2537
between government, business, and institutions of higher	2538
education;	2539
(13) Assist, as needed, with general state efforts to grow	2540

the cybersecurity industry in this state. 2541

(C) (1) The chief information security officer shall assist 2542
each state agency with the development of an information 2543
technology security strategic plan and review that plan, and 2544
each state agency shall submit that plan to the state chief 2545
information officer. The chief information security officer may 2546
require that each state agency update its information technology 2547
security strategic plan annually as determined by the state 2548
chief information officer. 2549

(2) Prior to the implementation of any information 2550
technology data system, a state agency shall prepare or have 2551
prepared a privacy impact statement for that system. 2552

(D) When a state agency requests a purchase of information 2553
technology supplies or services under Chapter 125. of the 2554
Revised Code, the state chief information officer may review and 2555
reject the requested purchase for noncompliance with information 2556
technology direction, plans, policies, standards, or project- 2557
alignment criteria. 2558

(E) The office of information technology may operate 2559
technology services for state agencies in accordance with this 2560
chapter. 2561

Notwithstanding any provision of the Revised Code to the 2562
contrary, the office of information technology may assess a 2563
transaction fee on each license or registration issued as part 2564
of an electronic licensing system operated by the office in an 2565
amount determined by the office not to exceed three dollars and 2566
fifty cents. The transaction fee shall apply to all 2567
transactions, regardless of form, that immediately precede the 2568
issuance, renewal, reinstatement, reactivation of, or other 2569

activity that results in, a license or registration to operate 2570
as a regulated professional or entity. Each license or 2571
registration is a separate transaction to which a fee under this 2572
division applies. Notwithstanding any provision of the Revised 2573
Code to the contrary, if a fee is assessed under this section, 2574
no agency, board, or commission shall issue a license or 2575
registration unless a fee required by this division has been 2576
received. The director of administrative services may collect 2577
the fee or require a state agency, board, or commission for 2578
which the system is being operated to collect the fee. Amounts 2579
received under this division shall be deposited in or 2580
transferred to the professions licensing system fund created in 2581
division ~~(H)~~(I) of this section. 2582

(F) With the approval of the director of administrative 2583
services, the office of information technology may establish 2584
cooperative agreements with federal and local government 2585
agencies and state agencies that are not under the authority of 2586
the governor for the provision of technology services and the 2587
development of technology projects. 2588

(G) The office of information technology may operate a 2589
program to make information technology purchases. The director 2590
of administrative services may recover the cost of operating the 2591
program from all participating government entities by issuing 2592
intrastate transfer voucher billings for the procured technology 2593
or through any pass-through billing method agreed to by the 2594
director of administrative services, the director of budget and 2595
management, and the participating government entities that will 2596
receive the procured technology. 2597

If the director of administrative services chooses to 2598
recover the program costs through intrastate transfer voucher 2599

billings, the participating government entities shall process 2600
the intrastate transfer vouchers to pay for the cost. Amounts 2601
received under this section for the information technology 2602
purchase program shall be deposited to the credit of the 2603
information technology governance fund created in section 125.15 2604
of the Revised Code. 2605

(H) Upon request from the director of administrative 2606
services, the director of budget and management may transfer 2607
cash from the information technology fund created in section 2608
125.15 of the Revised Code, the MARCS administration fund 2609
created in section 4501.29 of the Revised Code, the enterprise 2610
applications fund created in division (B)(11) of this section, 2611
or the professions licensing system fund created in division (I) 2612
of this section to the major information technology purchases 2613
fund in an amount not to exceed the amount computed under 2614
division (B)(11) of this section. The major information 2615
technology purchases fund is hereby created in the state 2616
treasury. 2617

(I) There is hereby created in the state treasury the 2618
professions licensing system fund. The fund shall be used to 2619
operate the electronic licensing system referenced in division 2620
(E) of this section. 2621

(J) As used in this section: 2622

(1) "Personal information" has the same meaning as in 2623
section 149.45 of the Revised Code. 2624

(2) "State agency" means every organized body, office, or 2625
agency established by the laws of the state for the exercise of 2626
any function of state government, other than any state-supported 2627
institution of higher education, the office of the auditor of 2628

state, treasurer of state, secretary of state, or attorney 2629
general, the adjutant general's department, the ~~bureau of~~ 2630
~~workers' compensation~~department of workforce insurance and 2631
safety, the industrial commission, the public employees 2632
retirement system, the Ohio police and fire pension fund, the 2633
state teachers retirement system, the school employees 2634
retirement system, the state highway patrol retirement system, 2635
the general assembly or any legislative agency, the capitol 2636
square review advisory board, or the courts or any judicial 2637
agency. 2638

Sec. 125.30. (A) The department of administrative services 2639
shall do both of the following: 2640

(1) Create a business reply form that is capable of 2641
containing information that a private business is required to 2642
provide to state agencies on a regular basis. The director of 2643
administrative services shall adopt rules in accordance with 2644
Chapter 119. of the Revised Code specifying the information that 2645
the form shall contain. Subject to division (E) of this section, 2646
state agencies shall use the business reply form to obtain 2647
information from private businesses. 2648

(2) Create an on-line computer network system to allow 2649
private businesses to electronically file the business reply 2650
form. 2651

In creating the business reply form described in division 2652
(A) (1) of this section, the director may consider the 2653
recommendations of interested parties from the small business 2654
community who have direct knowledge of and familiarity with the 2655
current state reporting requirements that apply to and the 2656
associated forms that are filed by small businesses. 2657

(B) The director shall establish procedures by which state agencies may share the information that is collected through the form established under division (A) of this section. These procedures shall provide that information that has been designated as confidential by any state agency shall not be made available to the other state agencies having access to the business reply form.

(C) Not later than September 30, 1999, the director may report to the director of budget and management and to the committees that handle finance and the committees that handle state government affairs in the house of representatives and the senate on the progress of state agencies in complying with division (A)(1) of this section. The director may recommend a five per cent reduction in the future appropriations of any state agency that has failed to comply with that division without good cause.

(D) As used in this section:

(1) "State agency" means the secretary of state, the department of job and family services regarding duties it performs pursuant to Title XLI of the Revised Code, the ~~bureau of workers' compensation~~ department of workforce insurance and safety, the department of administrative services, and any other state agency that elects to participate in the pilot program as provided in division (E) of this section.

(2) "Form" has the same meaning as in division (B) of section 125.91 of the Revised Code.

(E) The provisions of this section pertaining to the business reply form constitute a two-year pilot program. Not later than one year after January 21, 1998, the department of

administrative services shall complete the planning and 2687
preparation that is necessary to implement the pilot program. 2688
The director of administrative services may request other state 2689
agencies, as defined in division (A) of section 125.91 of the 2690
Revised Code, to participate in the pilot program. If the 2691
director so requests, the state agency may participate in the 2692
program. The provisions of this section shall cease to have 2693
effect three years after January 21, 1998. Within ninety days 2694
after the completion of the pilot program, the director of 2695
administrative services shall report to the director of budget 2696
and management and the committees described in division (C) of 2697
this section on the effectiveness of the pilot program. 2698

Sec. 126.30. (A) Any state agency that purchases, leases, 2699
or otherwise acquires any equipment, materials, goods, supplies, 2700
or services from any person and fails to make payment for the 2701
equipment, materials, goods, supplies, or services by the 2702
required payment date shall pay an interest charge to the person 2703
in accordance with division (E) of this section, unless the 2704
amount of the interest charge is less than ten dollars. Except 2705
as otherwise provided in division (B), (C), or (D) of this 2706
section, the required payment date shall be the date on which 2707
payment is due under the terms of a written agreement between 2708
the state agency and the person or, if a specific payment date 2709
is not established by such a written agreement, the required 2710
payment date shall be thirty days after the state agency 2711
receives a proper invoice for the amount of the payment due. 2712

(B) If the invoice submitted to the state agency contains 2713
a defect or impropriety, the agency shall send written 2714
notification to the person within fifteen days after receipt of 2715
the invoice. The notice shall contain a description of the 2716
defect or impropriety and any additional information necessary 2717

to correct the defect or impropriety. If the agency sends such 2718
written notification to the person, the required payment date 2719
shall be thirty days after the state agency receives a proper 2720
invoice. 2721

(C) In applying this section to claims submitted to the 2722
department of job and family services by providers of equipment, 2723
materials, goods, supplies, or services, the required payment 2724
date shall be the date on which payment is due under the terms 2725
of a written agreement between the department and the provider. 2726
If a specific payment date is not established by a written 2727
agreement, the required payment date shall be thirty days after 2728
the department receives a proper claim. If the department 2729
determines that the claim is improperly executed or that 2730
additional evidence of the validity of the claim is required, 2731
the department shall notify the claimant in writing or by 2732
telephone within fifteen days after receipt of the claim. The 2733
notice shall state that the claim is improperly executed and 2734
needs correction or that additional information is necessary to 2735
establish the validity of the claim. If the department makes 2736
such notification to the provider, the required payment date 2737
shall be thirty days after the department receives the corrected 2738
claim or such additional information as may be necessary to 2739
establish the validity of the claim. 2740

(D) In applying this section to invoices submitted to the 2741
~~bureau of workers' compensation~~ department of workforce 2742
insurance and safety for equipment, materials, goods, supplies, 2743
or services provided to employees in connection with an 2744
employee's claim against the state insurance fund, the public 2745
work-relief employees' compensation fund, the coal-workers 2746
pneumoconiosis fund, or the marine industry fund as compensation 2747
for injuries or occupational disease pursuant to Chapter 4123., 2748

4127., or 4131. of the Revised Code, the required payment date 2749
shall be the date on which payment is due under the terms of a 2750
written agreement between the ~~bureau-department~~ and the 2751
provider. If a specific payment date is not established by a 2752
written agreement, the required payment date shall be thirty 2753
days after the ~~bureau-department~~ receives a proper invoice for 2754
the amount of the payment due or thirty days after the final 2755
adjudication allowing payment of an award to the employee, 2756
whichever is later. Nothing in this section shall supersede any 2757
faster timetable for payments to health care providers contained 2758
in sections 4121.44 and 4123.512 of the Revised Code. 2759

For purposes of this division, a "proper invoice" includes 2760
the claimant's name, claim number and date of injury, employer's 2761
name, the provider's name and address, the provider's assigned 2762
payee number, a description of the equipment, materials, goods, 2763
supplies, or services provided by the provider to the claimant, 2764
the date provided, and the amount of the charge. If more than 2765
one item of equipment, materials, goods, supplies, or services 2766
is listed by a provider on a single application for payment, 2767
each item shall be considered separately in determining if it is 2768
a proper invoice. 2769

If prior to a final adjudication the ~~bureau-department~~ 2770
determines that the invoice contains a defect, the ~~bureau-~~ 2771
~~department~~ shall notify the provider in writing at least fifteen 2772
days prior to what would be the required payment date if the 2773
invoice did not contain a defect. The notice shall contain a 2774
description of the defect and any additional information 2775
necessary to correct the defect. If the ~~bureau-department~~ sends 2776
a notification to the provider, the required payment date shall 2777
be redetermined in accordance with this division after the 2778
~~bureau-department~~ receives a proper invoice. 2779

For purposes of this division, "final adjudication" means 2780
the later of the date of the decision or other action by the 2781
~~bureau~~department, the industrial commission, or a court allowing 2782
payment of the award to the employee from which there is no 2783
further right to reconsideration or appeal that would require 2784
the ~~bureau~~department to withhold compensation and benefits, or 2785
the date on which the rights to reconsideration or appeal have 2786
expired without an application therefor having been filed or, if 2787
later, the date on which an application for reconsideration or 2788
appeal is withdrawn. If after final adjudication, the 2789
~~administrator of the bureau of workers' compensation~~director of 2790
workforce insurance and safety or the industrial commission 2791
makes a modification with respect to former findings or orders, 2792
pursuant to Chapter 4123., 4127., or 4131. of the Revised Code 2793
or pursuant to court order, the adjudication process shall no 2794
longer be considered final for purposes of determining the 2795
required payment date for invoices for equipment, materials, 2796
goods, supplies, or services provided after the date of the 2797
modification when the propriety of the invoices is affected by 2798
the modification. 2799

(E) The interest charge on amounts due shall be paid to 2800
the person for the period beginning on the day after the 2801
required payment date and ending on the day that payment of the 2802
amount due is made. The amount of the interest charge that 2803
remains unpaid at the end of any thirty-day period after the 2804
required payment date, including amounts under ten dollars, 2805
shall be added to the principal amount of the debt and 2806
thereafter the interest charge shall accrue on the principal 2807
amount of the debt plus the added interest charge. The interest 2808
charge shall be at the rate per calendar month that equals one- 2809
twelfth of the rate per annum prescribed by section 5703.47 of 2810

the Revised Code for the calendar year that includes the month 2811
for which the interest charge accrues. 2812

(F) No appropriations shall be made for the payment of any 2813
interest charges required by this section. Any state agency 2814
required to pay interest charges under this section shall make 2815
the payments from moneys available for the administration of 2816
agency programs. 2817

If a state agency pays interest charges under this 2818
section, but determines that all or part of the interest charges 2819
should have been paid by another state agency, the state agency 2820
that paid the interest charges may request the attorney general 2821
to determine the amount of the interest charges that each state 2822
agency should have paid under this section. If the attorney 2823
general determines that the state agency that paid the interest 2824
charges should have paid none or only a part of the interest 2825
charges, the attorney general shall notify the state agency that 2826
paid the interest charges, any other state agency that should 2827
have paid all or part of the interest charges, and the director 2828
of budget and management of the attorney general's decision, 2829
stating the amount of interest charges that each state agency 2830
should have paid. The director shall transfer from the 2831
appropriate funds of any other state agency that should have 2832
paid all or part of the interest charges to the appropriate 2833
funds of the state agency that paid the interest charges an 2834
amount necessary to implement the attorney general's decision. 2835

(G) Not later than forty-five days after the end of each 2836
fiscal year, each state agency shall file with the director of 2837
budget and management a detailed report concerning the interest 2838
charges the agency paid under this section during the previous 2839
fiscal year. The report shall include the number, amounts, and 2840

frequency of interest charges the agency incurred during the 2841
previous fiscal year and the reasons why the interest charges 2842
were not avoided by payment prior to the required payment date. 2843
The director shall compile a summary of all the reports 2844
submitted under this division and shall submit a copy of the 2845
summary to the president and minority leader of the senate and 2846
to the speaker and minority leader of the house of 2847
representatives no later than the thirtieth day of September of 2848
each year. 2849

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of 2850
the Revised Code, "state agency" means the administrative 2851
departments listed in section 121.02 of the Revised Code, the 2852
department of taxation, the ~~bureau of workers'~~ 2853
~~compensation~~ department of workforce insurance and safety, the 2854
Ohio board of regents, the opportunities for Ohioans with 2855
disabilities agency, the public utilities commission of Ohio, 2856
the adjutant general, and the state lottery commission. 2857

(B) The office of internal audit is hereby created in the 2858
office of budget and management to direct internal audits of 2859
state agencies or divisions of state agencies to improve their 2860
operations in the areas of risk management, internal controls, 2861
and governance. The director of budget and management, with the 2862
approval of the governor, shall appoint for the office of 2863
internal audit a chief internal auditor who meets the 2864
qualifications specified in division (E) of this section. The 2865
chief internal auditor shall serve at the director's pleasure 2866
and be responsible for the administration of the office of 2867
internal audit consistent with sections 126.45 to 126.48 of the 2868
Revised Code. 2869

(C) The office of internal audit shall conduct programs 2870

for the internal auditing of state agencies. The programs shall 2871
include an annual internal audit plan, reviewed by the state 2872
audit committee, that utilizes risk assessment techniques and 2873
identifies the specific audits to be directed during the year. 2874
The programs also shall include periodic audits of each state 2875
agency's major systems and controls, including those systems and 2876
controls pertaining to accounting, administration, and 2877
information technology. Upon the request of the office of 2878
internal audit, each state agency shall provide office employees 2879
access to all records and documents necessary for the 2880
performance of an internal audit. 2881

The director of budget and management shall assess a 2882
charge against each state agency for which the office of 2883
internal audit conducts internal auditing programs under 2884
sections 126.45 to 126.48 of the Revised Code so that the total 2885
amount of these charges is sufficient to cover the costs of the 2886
operation of the office of internal audit. 2887

(D) At the request of any other organized body, office, or 2888
agency established by the laws of the state for the exercise of 2889
any function of state government that is not described in 2890
division (A) of this section, the office of internal audit may 2891
direct an internal audit of all or part of that body, office, or 2892
agency. The office of internal audit shall charge an amount 2893
sufficient to cover the costs it incurs in relation to the 2894
requested audit. 2895

(E) The chief internal auditor of the office of internal 2896
audit shall hold at least a bachelor's degree and be one of the 2897
following: 2898

(1) A certified internal auditor, a certified government 2899
auditing professional, or a certified public accountant, who 2900

also has held a PA registration or a CPA certificate authorized 2901
by Chapter 4701. of the Revised Code for at least four years and 2902
has at least six years of auditing experience; 2903

(2) An auditor who has held a PA registration or a CPA 2904
certificate authorized by Chapter 4701. of the Revised Code for 2905
at least four years and has at least ten years of auditing 2906
experience. 2907

(F) The chief internal auditor, subject to the direction 2908
and control of the director of budget and management, may 2909
appoint and maintain any staff necessary to carry out the duties 2910
assigned by sections 126.45 to 126.48 of the Revised Code to the 2911
office of internal audit or to the chief internal auditor. 2912

Sec. 133.03. (A) Chapter 133. securities are: 2913

(1) Lawful investments for banks, savings and loan 2914
associations, credit union share guaranty corporations, trust 2915
companies, trustees, fiduciaries, insurance companies, including 2916
domestic for life and domestic not for life, trustees or other 2917
officers having charge of sinking and bond retirement or other 2918
funds of the state, subdivisions, and taxing districts, the 2919
commissioners of the sinking fund of the state, the 2920
~~administrator of workers' compensation~~director of workforce 2921
insurance and safety, the state teachers, public employees, and 2922
school employees retirement systems, and the Ohio police and 2923
fire pension fund, notwithstanding any other provisions of the 2924
Revised Code or rules adopted pursuant to those provisions by 2925
any agency of the state with respect to investments by them; 2926

(2) Eligible as security for the repayment of the deposit 2927
of public moneys. 2928

(B) Section 9.96 of the Revised Code applies to Chapter 2929

133. securities notwithstanding any other provision in this chapter.	2930 2931
(C) A subdivision may enter into an agreement with an agency, including a commission, officer, board, authority, or other instrumentality, of the state or of the federal government for the issuance and sale of Chapter 133. securities to that agency for purposes for which the subdivision is otherwise authorized to issue those securities, and may issue and sell those securities under procedures and having terms, other than those provided in other sections of this chapter, that comply with that agreement and the rules of that agency.	2932 2933 2934 2935 2936 2937 2938 2939 2940
(D) A subdivision may not issue securities for the purpose of paying current expenses except for securities authorized to be issued for that purpose by this chapter or other laws.	2941 2942 2943
(E) The purpose of Chapter 133. securities may be stated in general terms, such as "street improvements," or "park improvements," or "extension and improvement of the waterworks system," or "school improvements." Any legislation submitting to the electors the question of issuing securities and the published notice of that election, and the legislation specifically authorizing securities, shall generally identify the permanent improvements included in the purpose.	2944 2945 2946 2947 2948 2949 2950 2951
(F) Securities issued pursuant to section 133.13 of the Revised Code may include amounts to pay financing costs relating to those securities.	2952 2953 2954
(G) As used in this chapter, with respect to public obligations:	2955 2956
(1) "Principal amount" means the aggregate of the amount as stated or provided for in the legislation authorizing the	2957 2958

public obligations as the amount on which interest or interest 2959
equivalent is initially calculated. 2960

(2) "Principal payments" means the payments of or on 2961
account of the principal amount as defined in division (G)(1) of 2962
this section. 2963

(H) Interest or interest equivalent on public obligations 2964
may be paid or compounded at such time as shall be provided in 2965
the legislation authorizing the public obligations. 2966

Sec. 149.01. Each elective state officer, the adjutant 2967
general, the adult parole authority, the department of 2968
agriculture, the director of administrative services, the public 2969
utilities commission, the superintendent of insurance, the 2970
superintendent of financial institutions, the superintendent of 2971
purchases and printing, the fire marshal, the industrial 2972
commission, the ~~administrator of workers' compensation~~director 2973
of workforce insurance and safety, the state department of 2974
transportation, the department of health, the state medical 2975
board, the state dental board, the board of embalmers and 2976
funeral directors, the Ohio commission for the blind, the 2977
accountancy board of Ohio, the state council of uniform state 2978
laws, the board of commissioners of the sinking fund, the 2979
department of taxation, the board of tax appeals, the division 2980
of liquor control, the director of state armories, the trustees 2981
of the Ohio state university, and every private or quasi-public 2982
institution, association, board, or corporation receiving state 2983
money for its use and purpose shall make annually, at the end of 2984
each fiscal year, in quadruplicate, a report of the transactions 2985
and proceedings of that office or department for that fiscal 2986
year, excepting receipts and disbursements unless otherwise 2987
specifically required by law. The report shall contain a summary 2988

of the official acts of the officer, board, council, commission, 2989
institution, association, or corporation and any suggestions and 2990
recommendations that are proper. 2991

One of the reports shall be filed with the governor, one 2992
with the secretary of state, and one with the state library, and 2993
one shall be kept on file in the office of the officer, board, 2994
council, commission, institution, association, or corporation. 2995
The reports shall be so filed by the first day of August, except 2996
that the report of the treasurer of state shall be so filed by 2997
the thirty-first day of December. 2998

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2999
151.40 of the Revised Code and in the applicable bond 3000
proceedings unless otherwise provided: 3001

(1) "Bond proceedings" means the resolutions, orders, 3002
agreements, and credit enhancement facilities, and amendments 3003
and supplements to them, or any one or more or combination of 3004
them, authorizing, awarding, or providing for the terms and 3005
conditions applicable to or providing for the security or 3006
liquidity of, the particular obligations, and the provisions 3007
contained in those obligations. 3008

(2) "Bond service fund" means the respective bond service 3009
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 3010
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, 3011
and any accounts in that fund, including all moneys and 3012
investments, and earnings from investments, credited and to be 3013
credited to that fund and accounts as and to the extent provided 3014
in the applicable bond proceedings. 3015

(3) "Capital facilities" means capital facilities or 3016
projects as referred to in section 151.03, 151.04, 151.05, 3017

151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 3018
3019

(4) "Costs of capital facilities" means the costs of 3020
acquiring, constructing, reconstructing, rehabilitating, 3021
remodeling, renovating, enlarging, improving, equipping, or 3022
furnishing capital facilities, and of the financing of those 3023
costs. "Costs of capital facilities" includes, without 3024
limitation, and in addition to costs referred to in section 3025
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 3026
151.11, or 151.40 of the Revised Code, the cost of clearance and 3027
preparation of the site and of any land to be used in connection 3028
with capital facilities, the cost of any indemnity and surety 3029
bonds and premiums on insurance, all related direct 3030
administrative expenses and allocable portions of direct costs 3031
of the issuing authority, costs of engineering and architectural 3032
services, designs, plans, specifications, surveys, and estimates 3033
of cost, financing costs, interest on obligations, including but 3034
not limited to, interest from the date of their issuance to the 3035
time when interest is to be paid from sources other than 3036
proceeds of obligations, amounts necessary to establish any 3037
reserves as required by the bond proceedings, the reimbursement 3038
of all moneys advanced or applied by or borrowed from any person 3039
or governmental agency or entity for the payment of any item of 3040
costs of capital facilities, and all other expenses necessary or 3041
incident to planning or determining feasibility or 3042
practicability with respect to capital facilities, and such 3043
other expenses as may be necessary or incident to the 3044
acquisition, construction, reconstruction, rehabilitation, 3045
remodeling, renovation, enlargement, improvement, equipment, and 3046
furnishing of capital facilities, the financing of those costs, 3047
and the placing of the capital facilities in use and operation, 3048

including any one, part of, or combination of those classes of 3049
costs and expenses. For purposes of sections 122.085 to 122.0820 3050
of the Revised Code, "costs of capital facilities" includes 3051
"allowable costs" as defined in section 122.085 of the Revised 3052
Code. 3053

(5) "Credit enhancement facilities," "financing costs," 3054
and "interest" or "interest equivalent" have the same meanings 3055
as in section 133.01 of the Revised Code. 3056

(6) "Debt service" means principal, including any 3057
mandatory sinking fund or redemption requirements for retirement 3058
of obligations, interest and other accreted amounts, interest 3059
equivalent, and any redemption premium, payable on obligations. 3060
If not prohibited by the applicable bond proceedings, debt 3061
service may include costs relating to credit enhancement 3062
facilities that are related to and represent, or are intended to 3063
provide a source of payment of or limitation on, other debt 3064
service. 3065

(7) "Issuing authority" means the Ohio public facilities 3066
commission created in section 151.02 of the Revised Code for 3067
obligations issued under section 151.03, 151.04, 151.05, 151.07, 3068
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 3069
treasurer of state, or the officer who by law performs the 3070
functions of that office, for obligations issued under section 3071
151.06 or 151.40 of the Revised Code. 3072

(8) "Net proceeds" means amounts received from the sale of 3073
obligations, excluding amounts used to refund or retire 3074
outstanding obligations, amounts required to be deposited into 3075
special funds pursuant to the applicable bond proceedings, and 3076
amounts to be used to pay financing costs. 3077

(9) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any appertaining interest coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, and pursuant to sections 151.01 to 151.11 or 151.40 of the Revised Code or other general assembly authorization.

(10) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. Principal amount does not include any premium paid to the state by the initial purchaser of the obligations. "Principal amount" of a capital appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its face amount, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided for pursuant to the bond proceedings.

(11) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the school building program assistance fund created by section 3318.25 of the Revised Code, the higher education improvement fund created by division (F) of section 154.21 of the Revised Code, the higher education improvement taxable fund created by division (G) of section 154.21 of the Revised Code, the highway capital improvement bond fund created

by section 5528.53 of the Revised Code, the state parks and 3109
natural resources fund created by section 1557.02 of the Revised 3110
Code, the coal research and development fund created by section 3111
1555.15 of the Revised Code, the clean Ohio conservation fund 3112
created by section 164.27 of the Revised Code, the clean Ohio 3113
revitalization fund created by section 122.658 of the Revised 3114
Code, the job ready site development fund created by section 3115
122.0820 of the Revised Code, the third frontier research and 3116
development fund created by section 184.19 of the Revised Code, 3117
the third frontier research and development taxable bond fund 3118
created by section 184.191 of the Revised Code, or other funds 3119
created by the bond proceedings that are not stated by those 3120
proceedings to be special funds. 3121

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, 3122
and Section 17, of Article VIII, Ohio Constitution, the state, 3123
by the issuing authority, is authorized to issue and sell, as 3124
provided in sections 151.03 to 151.11 or 151.40 of the Revised 3125
Code, and in respective aggregate principal amounts as from time 3126
to time provided or authorized by the general assembly, general 3127
obligations of this state for the purpose of paying costs of 3128
capital facilities or projects identified by or pursuant to 3129
general assembly action. 3130

(C) Each issue of obligations shall be authorized by 3131
resolution or order of the issuing authority. The bond 3132
proceedings shall provide for or authorize the manner for 3133
determining the principal amount or maximum principal amount of 3134
obligations of an issue, the principal maturity or maturities, 3135
the interest rate or rates, the date of and the dates of payment 3136
of interest on the obligations, their denominations, and the 3137
place or places of payment of debt service which may be within 3138
or outside the state. Unless otherwise provided by law, the 3139

latest principal maturity may not be later than the earlier of 3140
the thirty-first day of December of the twenty-fifth calendar 3141
year after the year of issuance of the particular obligations or 3142
of the twenty-fifth calendar year after the year in which the 3143
original obligation to pay was issued or entered into. Sections 3144
9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to 3145
obligations. The purpose of the obligations may be stated in the 3146
bond proceedings in general terms, such as, as applicable, 3147
"financing or assisting in the financing of projects as provided 3148
in Section 2l of Article VIII, Ohio Constitution," "financing or 3149
assisting in the financing of highway capital improvement 3150
projects as provided in Section 2m of Article VIII, Ohio 3151
Constitution," "paying costs of capital facilities for a system 3152
of common schools throughout the state as authorized by Section 3153
2n of Article VIII, Ohio Constitution," "paying costs of capital 3154
facilities for state-supported and state-assisted institutions 3155
of higher education as authorized by Section 2n of Article VIII, 3156
Ohio Constitution," "paying costs of coal research and 3157
development as authorized by Section 15 of Article VIII, Ohio 3158
Constitution," "financing or assisting in the financing of local 3159
subdivision capital improvement projects as authorized by 3160
Section 2m, 2p, and 2s of Article VIII, Ohio Constitution," 3161
"paying costs of conservation projects as authorized by Sections 3162
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 3163
revitalization projects as authorized by Sections 2o and 2q of 3164
Article VIII, Ohio Constitution," "paying costs of preparing 3165
sites for industry, commerce, distribution, or research and 3166
development as authorized by Section 2p of Article VIII, Ohio 3167
Constitution," or "paying costs of research and development as 3168
authorized by Section 2p of Article VIII, Ohio Constitution." 3169

(D) The issuing authority may appoint or provide for the 3170

appointment of paying agents, bond registrars, securities 3171
depositories, clearing corporations, and transfer agents, and 3172
may without need for any other approval retain or contract for 3173
the services of underwriters, investment bankers, financial 3174
advisers, accounting experts, marketing, remarketing, indexing, 3175
and administrative agents, other consultants, and independent 3176
contractors, including printing services, as are necessary in 3177
the judgment of the issuing authority to carry out the issuing 3178
authority's functions under this chapter. When the issuing 3179
authority is the Ohio public facilities commission, the issuing 3180
authority also may without need for any other approval retain or 3181
contract for the services of attorneys and other professionals 3182
for that purpose. Financing costs are payable, as may be 3183
provided in the bond proceedings, from the proceeds of the 3184
obligations, from special funds, or from other moneys available 3185
for the purpose. 3186

(E) The bond proceedings may contain additional provisions 3187
customary or appropriate to the financing or to the obligations 3188
or to particular obligations including, but not limited to, 3189
provisions for: 3190

(1) The redemption of obligations prior to maturity at the 3191
option of the state or of the holder or upon the occurrence of 3192
certain conditions, and at particular price or prices and under 3193
particular terms and conditions; 3194

(2) The form of and other terms of the obligations; 3195

(3) The establishment, deposit, investment, and 3196
application of special funds, and the safeguarding of moneys on 3197
hand or on deposit, in lieu of the applicability of provisions 3198
of Chapter 131. or 135. of the Revised Code, but subject to any 3199
special provisions of sections 151.01 to 151.11 or 151.40 of the 3200

Revised Code with respect to the application of particular funds 3201
or moneys. Any financial institution that acts as a depository 3202
of any moneys in special funds or other funds under the bond 3203
proceedings may furnish indemnifying bonds or pledge securities 3204
as required by the issuing authority. 3205

(4) Any or every provision of the bond proceedings being 3206
binding upon the issuing authority and upon such governmental 3207
agency or entity, officer, board, commission, authority, agency, 3208
department, institution, district, or other person or body as 3209
may from time to time be authorized to take actions as may be 3210
necessary to perform all or any part of the duty required by the 3211
provision; 3212

(5) The maintenance of each pledge or instrument 3213
comprising part of the bond proceedings until the state has 3214
fully paid or provided for the payment of the debt service on 3215
the obligations or met other stated conditions; 3216

(6) In the event of default in any payments required to be 3217
made by the bond proceedings, or by any other agreement of the 3218
issuing authority made as part of a contract under which the 3219
obligations were issued or secured, including a credit 3220
enhancement facility, the enforcement of those payments by 3221
mandamus, a suit in equity, an action at law, or any combination 3222
of those remedial actions; 3223

(7) The rights and remedies of the holders or owners of 3224
obligations or of book-entry interests in them, and of third 3225
parties under any credit enhancement facility, and provisions 3226
for protecting and enforcing those rights and remedies, 3227
including limitations on rights of individual holders or owners; 3228

(8) The replacement of mutilated, destroyed, lost, or 3229

stolen obligations; 3230

(9) The funding, refunding, or advance refunding, or other 3231
provision for payment, of obligations that will then no longer 3232
be outstanding for purposes of this section or of the applicable 3233
bond proceedings; 3234

(10) Amendment of the bond proceedings; 3235

(11) Any other or additional agreements with the owners of 3236
obligations, and such other provisions as the issuing authority 3237
determines, including limitations, conditions, or 3238
qualifications, relating to any of the foregoing. 3239

(F) The great seal of the state or a facsimile of it may 3240
be affixed to or printed on the obligations. The obligations 3241
requiring execution by or for the issuing authority shall be 3242
signed as provided in the bond proceedings. Any obligations may 3243
be signed by the individual who on the date of execution is the 3244
authorized signer although on the date of these obligations that 3245
individual is not an authorized signer. In case the individual 3246
whose signature or facsimile signature appears on any obligation 3247
ceases to be an authorized signer before delivery of the 3248
obligation, that signature or facsimile is nevertheless valid 3249
and sufficient for all purposes as if that individual had 3250
remained the authorized signer until delivery. 3251

(G) Obligations are investment securities under Chapter 3252
1308. of the Revised Code. Obligations may be issued in bearer 3253
or in registered form, registrable as to principal alone or as 3254
to both principal and interest, or both, or in certificated or 3255
uncertificated form, as the issuing authority determines. 3256
Provision may be made for the exchange, conversion, or transfer 3257
of obligations and for reasonable charges for registration, 3258

exchange, conversion, and transfer. Pending preparation of final 3259
obligations, the issuing authority may provide for the issuance 3260
of interim instruments to be exchanged for the final 3261
obligations. 3262

(H) Obligations may be sold at public sale or at private 3263
sale, in such manner, and at such price at, above or below par, 3264
all as determined by and provided by the issuing authority in 3265
the bond proceedings. 3266

(I) Except to the extent that rights are restricted by the 3267
bond proceedings, any owner of obligations or provider of a 3268
credit enhancement facility may by any suitable form of legal 3269
proceedings protect and enforce any rights relating to 3270
obligations or that facility under the laws of this state or 3271
granted by the bond proceedings. Those rights include the right 3272
to compel the performance of all applicable duties of the 3273
issuing authority and the state. Each duty of the issuing 3274
authority and that authority's officers, staff, and employees, 3275
and of each state entity or agency, or using district or using 3276
institution, and its officers, members, staff, or employees, 3277
undertaken pursuant to the bond proceedings, is hereby 3278
established as a duty of the entity or individual having 3279
authority to perform that duty, specifically enjoined by law and 3280
resulting from an office, trust, or station within the meaning 3281
of section 2731.01 of the Revised Code. The individuals who are 3282
from time to time the issuing authority, members or officers of 3283
the issuing authority, or those members' designees acting 3284
pursuant to section 151.02 of the Revised Code, or the issuing 3285
authority's officers, staff, or employees, are not liable in 3286
their personal capacities on any obligations or otherwise under 3287
the bond proceedings. 3288

(J) (1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s,
or 15, and Section 17, of Article VIII, Ohio Constitution and
sections 151.01 to 151.11 or 151.40 of the Revised Code, the
issuing authority may, in addition to the authority referred to
in division (B) of this section, authorize and provide for the
issuance of:

(a) Obligations in the form of bond anticipation notes,
and may provide for the renewal of those notes from time to time
by the issuance of new notes. The holders of notes or
appertaining interest coupons have the right to have debt
service on those notes paid solely from the moneys and special
funds that are or may be pledged to that payment, including the
proceeds of bonds or renewal notes or both, as the issuing
authority provides in the bond proceedings authorizing the
notes. Notes may be additionally secured by covenants of the
issuing authority to the effect that the issuing authority and
the state will do all things necessary for the issuance of bonds
or renewal notes in such principal amount and upon such terms as
may be necessary to provide moneys to pay when due the debt
service on the notes, and apply their proceeds to the extent
necessary, to make full and timely payment of debt service on
the notes as provided in the applicable bond proceedings. In the
bond proceedings authorizing the issuance of bond anticipation
notes the issuing authority shall set forth for the bonds
anticipated an estimated schedule of annual principal payments
the latest of which shall be no later than provided in division
(C) of this section. While the notes are outstanding there shall
be deposited, as shall be provided in the bond proceedings for
those notes, from the sources authorized for payment of debt
service on the bonds, amounts sufficient to pay the principal of
the bonds anticipated as set forth in that estimated schedule

during the time the notes are outstanding, which amounts shall 3320
be used solely to pay the principal of those notes or of the 3321
bonds anticipated. 3322

(b) Obligations for the refunding, including funding and 3323
retirement, and advance refunding with or without payment or 3324
redemption prior to maturity, of any obligations previously 3325
issued. Refunding obligations may be issued in amounts 3326
sufficient to pay or to provide for repayment of the principal 3327
amount, including principal amounts maturing prior to the 3328
redemption of the remaining prior obligations, any redemption 3329
premium, and interest accrued or to accrue to the maturity or 3330
redemption date or dates, payable on the prior obligations, and 3331
related financing costs and any expenses incurred or to be 3332
incurred in connection with that issuance and refunding. Subject 3333
to the applicable bond proceedings, the portion of the proceeds 3334
of the sale of refunding obligations issued under division (J) 3335
(1) (b) of this section to be applied to debt service on the 3336
prior obligations shall be credited to an appropriate separate 3337
account in the bond service fund and held in trust for the 3338
purpose by the issuing authority or by a corporate trustee. 3339
Obligations authorized under this division shall be considered 3340
to be issued for those purposes for which the prior obligations 3341
were issued. 3342

(2) Except as otherwise provided in sections 151.01 to 3343
151.11 or 151.40 of the Revised Code, bonds or notes authorized 3344
pursuant to division (J) of this section are subject to the 3345
provisions of those sections pertaining to obligations 3346
generally. 3347

(3) The principal amount of refunding or renewal 3348
obligations issued pursuant to division (J) of this section 3349

shall be in addition to the amount authorized by the general 3350
assembly as referred to in division (B) of the following 3351
sections: section 151.03, 151.04, 151.05, 151.06, 151.07, 3352
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 3353

(K) Obligations are lawful investments for banks, savings 3354
and loan associations, credit union share guaranty corporations, 3355
trust companies, trustees, fiduciaries, insurance companies, 3356
including domestic for life and domestic not for life, trustees 3357
or other officers having charge of sinking and bond retirement 3358
or other special funds of the state and political subdivisions 3359
and taxing districts of this state, the sinking fund, the 3360
~~administrator of workers' compensation~~ director of workforce 3361
insurance and safety subject to the approval of the ~~workers'~~ 3362
~~compensation~~ department of workforce insurance and safety board 3363
of directors, the state teachers retirement system, the public 3364
employees retirement system, the school employees retirement 3365
system, and the Ohio police and fire pension fund, 3366
notwithstanding any other provisions of the Revised Code or 3367
rules adopted pursuant to those provisions by any state agency 3368
with respect to investments by them, and are also acceptable as 3369
security for the repayment of the deposit of public moneys. The 3370
exemptions from taxation in Ohio as provided for in particular 3371
sections of the Ohio Constitution and section 5709.76 of the 3372
Revised Code apply to the obligations. 3373

(L) (1) Unless otherwise provided or provided for in any 3374
applicable bond proceedings, moneys to the credit of or in a 3375
special fund shall be disbursed on the order of the issuing 3376
authority. No such order is required for the payment, from the 3377
bond service fund or other special fund, when due of debt 3378
service or required payments under credit enhancement 3379
facilities. 3380

(2) Payments received by the state under interest rate 3381
hedges entered into as credit enhancement facilities under this 3382
chapter shall be deposited to the credit of the bond service 3383
fund for the obligations to which those credit enhancement 3384
facilities relate. 3385

(M) The full faith and credit, revenue, and taxing power 3386
of the state are and shall be pledged to the timely payment of 3387
debt service on outstanding obligations as it comes due, all in 3388
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of 3389
Article VIII, Ohio Constitution, and section 151.03, 151.04, 3390
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 3391
Revised Code. Moneys referred to in Section 5a of Article XII, 3392
Ohio Constitution, may not be pledged or used for the payment of 3393
debt service except on obligations referred to in section 151.06 3394
of the Revised Code. Net state lottery proceeds, as provided for 3395
and referred to in section 3770.06 of the Revised Code, may not 3396
be pledged or used for the payment of debt service except on 3397
obligations referred to in section 151.03 of the Revised Code. 3398
The state covenants, and that covenant shall be controlling 3399
notwithstanding any other provision of law, that the state and 3400
the applicable officers and agencies of the state, including the 3401
general assembly, shall, so long as any obligations are 3402
outstanding in accordance with their terms, maintain statutory 3403
authority for and cause to be levied, collected and applied 3404
sufficient pledged excises, taxes, and revenues of the state so 3405
that the revenues shall be sufficient in amounts to pay debt 3406
service when due, to establish and maintain any reserves and 3407
other requirements, and to pay financing costs, including costs 3408
of or relating to credit enhancement facilities, all as provided 3409
for in the bond proceedings. Those excises, taxes, and revenues 3410
are and shall be deemed to be levied and collected, in addition 3411

to the purposes otherwise provided for by law, to provide for 3412
the payment of debt service and financing costs in accordance 3413
with sections 151.01 to 151.11 of the Revised Code and the bond 3414
proceedings. 3415

(N) The general assembly may from time to time repeal or 3416
reduce any excise, tax, or other source of revenue pledged to 3417
the payment of the debt service pursuant to Section 2k, 2l, 2m, 3418
2n, 2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, 3419
and sections 151.01 to 151.11 or 151.40 of the Revised Code, and 3420
may levy, collect and apply any new or increased excise, tax, or 3421
revenue to meet the pledge, to the payment of debt service on 3422
outstanding obligations, of the state's full faith and credit, 3423
revenue and taxing power, or of designated revenues and 3424
receipts, except fees, excises or taxes referred to in Section 3425
5a of Article XII, Ohio Constitution, for other than obligations 3426
referred to in section 151.06 of the Revised Code and except net 3427
state lottery proceeds for other than obligations referred to in 3428
section 151.03 of the Revised Code. Nothing in division (N) of 3429
this section authorizes any impairment of the obligation of this 3430
state to levy and collect sufficient excises, taxes, and 3431
revenues to pay debt service on obligations outstanding in 3432
accordance with their terms. 3433

(O) Each bond service fund is a trust fund and is hereby 3434
pledged to the payment of debt service on the applicable 3435
obligations. Payment of that debt service shall be made or 3436
provided for by the issuing authority in accordance with the 3437
bond proceedings without necessity for any act of appropriation. 3438
The bond proceedings may provide for the establishment of 3439
separate accounts in the bond service fund and for the 3440
application of those accounts only to debt service on specific 3441
obligations, and for other accounts in the bond service fund 3442

within the general purposes of that fund. 3443

(P) Subject to the bond proceedings pertaining to any 3444
obligations then outstanding in accordance with their terms, the 3445
issuing authority may in the bond proceedings pledge all, or 3446
such portion as the issuing authority determines, of the moneys 3447
in the bond service fund to the payment of debt service on 3448
particular obligations, and for the establishment and 3449
maintenance of any reserves for payment of particular debt 3450
service. 3451

(Q) The issuing authority shall by the fifteenth day of 3452
July of each fiscal year, certify or cause to be certified to 3453
the office of budget and management the total amount of moneys 3454
required during the current fiscal year to meet in full all debt 3455
service on the respective obligations and any related financing 3456
costs payable from the applicable bond service fund and not from 3457
the proceeds of refunding or renewal obligations. The issuing 3458
authority shall make or cause to be made supplemental 3459
certifications to the office of budget and management for each 3460
debt service payment date and at such other times during each 3461
fiscal year as may be provided in the bond proceedings or 3462
requested by that office. Debt service, costs of credit 3463
enhancement facilities, and other financing costs shall be set 3464
forth separately in each certification. If and so long as the 3465
moneys to the credit of the bond service fund, together with any 3466
other moneys available for the purpose, are insufficient to meet 3467
in full all payments when due of the amount required as stated 3468
in the certificate or otherwise, the office of budget and 3469
management shall at the times as provided in the bond 3470
proceedings, and consistent with any particular provisions in 3471
sections 151.03 to 151.11 and 151.40 of the Revised Code, 3472
transfer a sufficient amount to the bond service fund from the 3473

pledged revenues in the case of obligations issued pursuant to 3474
section 151.40 of the Revised Code, and in the case of other 3475
obligations from the revenues derived from excises, taxes, and 3476
other revenues, including net state lottery proceeds in the case 3477
of obligations referred to in section 151.03 of the Revised 3478
Code. 3479

(R) Unless otherwise provided in any applicable bond 3480
proceedings, moneys to the credit of special funds may be 3481
invested by or on behalf of the state only in one or more of the 3482
following: 3483

(1) Notes, bonds, or other direct obligations of the 3484
United States or of any agency or instrumentality of the United 3485
States, or in no-front-end-load money market mutual funds 3486
consisting exclusively of those obligations, or in repurchase 3487
agreements, including those issued by any fiduciary, secured by 3488
those obligations, or in collective investment funds consisting 3489
exclusively of those obligations; 3490

(2) Obligations of this state or any political subdivision 3491
of this state; 3492

(3) Certificates of deposit of any national bank located 3493
in this state and any bank, as defined in section 1101.01 of the 3494
Revised Code, subject to inspection by the superintendent of 3495
financial institutions; 3496

(4) The treasurer of state's pooled investment program 3497
under section 135.45 of the Revised Code. 3498

The income from investments referred to in division (R) of 3499
this section shall, unless otherwise provided in sections 151.01 3500
to 151.11 or 151.40 of the Revised Code, be credited to special 3501
funds or otherwise as the issuing authority determines in the 3502

bond proceedings. Those investments may be sold or exchanged at 3503
times as the issuing authority determines, provides for, or 3504
authorizes. 3505

(S) The treasurer of state shall have responsibility for 3506
keeping records, making reports, and making payments, relating 3507
to any arbitrage rebate requirements under the applicable bond 3508
proceedings. 3509

Sec. 153.02. (A) The executive director of the Ohio 3510
facilities construction commission, may debar a contractor from 3511
contract awards for public improvements as referred to in 3512
section 153.01 of the Revised Code or for projects as defined in 3513
section 3318.01 of the Revised Code, upon proof that the 3514
contractor has done any of the following: 3515

(1) Defaulted on a contract requiring the execution of a 3516
takeover agreement as set forth in division (B) of section 3517
153.17 of the Revised Code; 3518

(2) Knowingly failed during the course of a contract to 3519
maintain the coverage required by the ~~bureau of workers'~~ 3520
~~compensation~~ department of workforce insurance and safety; 3521

(3) Knowingly failed during the course of a contract to 3522
maintain the contractor's drug-free workplace program as 3523
required by the contract; 3524

(4) Knowingly failed during the course of a contract to 3525
maintain insurance required by the contract or otherwise by law, 3526
resulting in a substantial loss to the owner, as owner is 3527
referred to in section 153.01 of the Revised Code, or to the 3528
commission and school district board, as provided in division 3529
(F) of section 3318.08 of the Revised Code; 3530

(5) Misrepresented the firm's qualifications in the 3531

selection process set forth in sections 153.65 to 153.71 or 3532
section 3318.10 of the Revised Code; 3533

(6) Been convicted of a criminal offense related to the 3534
application for or performance of any public or private 3535
contract, including, but not limited to, embezzlement, theft, 3536
forgery, bribery, falsification or destruction of records, 3537
receiving stolen property, and any other offense that directly 3538
reflects on the contractor's business integrity; 3539

(7) Been convicted of a criminal offense under state or 3540
federal antitrust laws; 3541

(8) Deliberately or willfully submitted false or 3542
misleading information in connection with the application for or 3543
performance of a public contract; 3544

(9) Been debarred from bidding on or participating in a 3545
contract with any state or federal agency. 3546

(B) When the executive director debars a contractor that 3547
is a partnership, association, or corporation, the executive 3548
director also may debar any partner of the partnership or any 3549
officer or director of the association or corporation, as 3550
applicable. 3551

(C) When the executive director reasonably believes that 3552
grounds for debarment exist, the executive director shall send 3553
the contractor a notice of proposed debarment indicating the 3554
grounds for the proposed debarment and the procedure for 3555
requesting a hearing on the proposed debarment. The hearing 3556
shall be conducted in accordance with Chapter 119. of the 3557
Revised Code. If the contractor does not respond with a request 3558
for a hearing in the manner specified in Chapter 119. of the 3559
Revised Code, the executive director shall issue the debarment 3560

decision without a hearing and shall notify the contractor of 3561
the decision by certified mail, return receipt requested. 3562

(D) The executive director shall determine the length of 3563
the debarment period and may rescind the debarment at any time 3564
upon notification to the contractor. During the period of 3565
debarment, the contractor is not eligible to bid for or 3566
participate in any contract for a public improvement as referred 3567
to in section 153.01 of the Revised Code or for a project as 3568
defined in section 3318.01 of the Revised Code. After the 3569
debarment period expires, the contractor may be eligible to bid 3570
for and participate in such contracts if the vendor is not 3571
otherwise debarred. 3572

(E) The executive director shall maintain a list of all 3573
contractors currently debarred under this section. Any 3574
governmental entity awarding a contract for construction of a 3575
public improvement or project may use a contractor's presence on 3576
the debarment list to determine whether a contractor is 3577
responsible or best under section 9.312 or any other section of 3578
the Revised Code in the award of a contract. 3579

(F) As used in this section, "contractor" means a 3580
construction contracting business, a subcontractor of a 3581
construction contracting business, a supplier of materials, or a 3582
manufacturer of materials. 3583

Sec. 153.03. (A) As used in this section: 3584

(1) "Contracting authority" means any state agency or 3585
other state instrumentality that is authorized to award a public 3586
improvement contract. 3587

(2) "Bidder" means a person who submits a bid to a 3588
contracting authority to perform work under a public improvement 3589

contract.	3590
(3) "Contractor" means any person with whom a contracting authority has entered into a public improvement contract to provide labor for a public improvement and includes a construction manager at risk and a design-build firm.	3591 3592 3593 3594
(4) "Subcontractor" means any person who undertakes to provide any part of the labor on the site of a public improvement under a contract with any person other than the contracting authority, including all such persons in any tier.	3595 3596 3597 3598
(5) "Construction manager" has the same meaning as in section 9.33 of the Revised Code.	3599 3600
(6) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code.	3601 3602
(7) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.	3603 3604
(8) "Labor" means any activity performed by a person that contributes to the direct installation of a product, component, or system, or that contributes to the direct removal of a product, component, or system.	3605 3606 3607 3608
(9) "Public improvement contract" means any contract that is financed in whole or in part with money appropriated by the general assembly, or that is financed in any manner by a contracting authority, and that is awarded by a contracting authority for the construction, alteration, or repair of any public building, public highway, or other public improvement.	3609 3610 3611 3612 3613 3614
(10) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government.	3615 3616 3617

(B) A contracting authority shall not award a public 3618
improvement contract to a bidder, and a construction manager at 3619
risk or design-build firm shall not award a subcontract, unless 3620
the contract or subcontract contains both of the following: 3621

(1) The statements described in division (E) of this 3622
section; 3623

(2) Terms that require the contractor or subcontractor to 3624
be enrolled in and be in good standing in the drug-free 3625
workplace program of the ~~bureau of workers' compensation~~ 3626
department of workforce insurance and safety or a comparable 3627
program approved by the ~~bureau~~ department that requires an 3628
employer to do all of the following: 3629

(a) Develop, implement, and provide to all employees a 3630
written substance use policy that conveys full and fair 3631
disclosure of the employer's expectations that no employee be at 3632
work with alcohol or drugs in the employee's system, and 3633
specifies the consequences for violating the policy. 3634

(b) Conduct drug and alcohol tests on employees in 3635
accordance with division (B) (2) (c) of this section and under the 3636
following conditions: 3637

(i) Prior to an individual's employment or during an 3638
employee's probationary period for employment, which shall not 3639
exceed one hundred twenty days after the probationary period 3640
begins; 3641

(ii) At random intervals while an employee provides labor 3642
or on-site supervision of labor for a public improvement 3643
contract. The employer shall use the neutral selection 3644
procedures required by the United States department of 3645
transportation to determine which employees to test and when to 3646

test those employees. 3647

(iii) After an accident at the site where labor is being 3648
performed pursuant to a public improvement contract. For 3649
purposes of this division, "accident" has the meaning 3650
established in rules the ~~administrator of workers' compensation~~ 3651
director of workforce insurance and safety adopts pursuant to 3652
Chapters 4121. and 4123. of the Revised Code for the ~~bureau's~~ 3653
department of workforce insurance and safety's drug-free 3654
workplace program, as those rules exist on March 30, 2007. 3655

(iv) When the employer, construction manager, construction 3656
manager at risk, or design-build firm has reasonable suspicion 3657
that prior to an accident an employee may be in violation of the 3658
employer's written substance use policy. For purposes of this 3659
division, "reasonable suspicion" has the meaning established in 3660
rules the ~~administrator~~ director adopts pursuant to Chapters 3661
4121. and 4123. of the Revised Code for the ~~bureau's~~ 3662
department's drug-free workplace program, as those rules exist 3663
on March 30, 2007. 3664

(v) Prior to an employee returning to a work site to 3665
provide labor for a public improvement contract after the 3666
employee tested positive for drugs or alcohol, and again after 3667
the employee returns to that site to provide labor under that 3668
contract, as required by either the employer, construction 3669
manager, construction manager at risk, design-build firm, or 3670
conditions in the contract. 3671

(c) Use the following types of tests when conducting a 3672
test on an employee under the conditions described in division 3673
(B) (2) (b) of this section: 3674

(i) Drug and alcohol testing that uses the federal testing 3675

model that the ~~administrator-director~~ has incorporated into the 3676
~~bureau's department's~~ drug-free workplace program; 3677

(ii) Testing to determine whether the concentration of 3678
alcohol on an employee's breath is equal to or in excess of the 3679
level specified in division (A) (1) (d) or (h) of section 4511.19 3680
of the Revised Code, which is obtained through an evidentiary 3681
breath test conducted by a breath alcohol technician using 3682
breath testing equipment that meets standards established by the 3683
United States department of transportation, or, if such 3684
technician and equipment are unavailable, a blood test may be 3685
used to determine whether the concentration of alcohol in an 3686
employee's blood is equal to or in excess of the level specified 3687
in division (A) (1) (b) or (f) of section 4511.19 of the Revised 3688
Code. 3689

(d) Require all employees to receive at least one hour of 3690
training that increases awareness of and attempts to deter 3691
substance abuse and supplies information about employee 3692
assistance to deal with substance abuse problems, and require 3693
all supervisors to receive one additional hour of training in 3694
skill building to teach a supervisor how to observe and document 3695
employee behavior and intervene when reasonable suspicion exists 3696
of substance use; 3697

(e) Require all supervisors and employees to receive the 3698
training described in division (B) (2) (d) of this section before 3699
work for a public improvement contract commences or during the 3700
term of a public improvement contract; 3701

(f) Require that the training described in division (B) (2) 3702
(d) of this section be provided using material prepared by an 3703
individual who has credentials or experience in substance abuse 3704
training; 3705

(g) Assist employees by providing, at a minimum, a list of 3706
community resources from which an employee may obtain help with 3707
substance abuse problems, except that this requirement does not 3708
preclude an employer from having a policy that allows an 3709
employer to terminate an employee's employment the first time 3710
the employee tests positive for drugs or alcohol or if an 3711
employee refuses to be tested for drugs, alcohol, or both. 3712

(C) Any time the United States department of health and 3713
human services changes the federal testing model that the 3714
~~administrator~~ director of workforce insurance and safety has 3715
incorporated into the ~~bureau's~~ department of workforce insurance 3716
and safety's drug-free workplace program in a manner that allows 3717
additional or new products, protocols, procedures, and standards 3718
in the model, the ~~administrator~~ director may adopt rules 3719
establishing standards to allow employers to use those 3720
additional or new products, protocols, procedures, or standards 3721
to satisfy the requirements of division (B) (2) (c) of this 3722
section, and the ~~bureau~~ department may approve an employer's 3723
drug-free workplace program that meets the ~~administrator's~~ 3724
director's standards and the other requirements specified in 3725
division (B) (2) of this section. 3726

(D) A contracting authority shall ensure that money 3727
appropriated by the general assembly for the contracting 3728
authority's public improvement contract or, in the case of a 3729
state institution of higher education, the institution's 3730
financing for the public improvement contract, is not expended 3731
unless the contractor for that contract is enrolled in and in 3732
good standing in a drug-free workplace program described in 3733
division (B) of this section. Prior to awarding a contract to a 3734
bidder, a contracting authority shall verify that the bidder is 3735
enrolled in and in good standing in such a program. 3736

(E) A contracting authority shall include all of the 3737
following statements in the public improvement contract entered 3738
into between the contracting authority and a contractor for the 3739
public improvement: 3740

(1) "Each contractor shall require all subcontractors with 3741
whom the contractor is in contract for the public improvement to 3742
be enrolled in and be in good standing in the ~~Bureau of Workers'~~ 3743
~~Compensation's~~ Department of Workforce Insurance and Safety's 3744
Drug-Free Workplace Program or a comparable program approved by 3745
the ~~Bureau~~ Department that meets the requirements specified in 3746
section 153.03 of the Revised Code prior to a subcontractor 3747
providing labor at the project site of the public improvement." 3748

(2) "Each subcontractor shall require all lower-tier 3749
subcontractors with whom the subcontractor is in contract for 3750
the public improvement to be enrolled in and be in good standing 3751
in the ~~Bureau of Workers' Compensation's~~ Department of Workforce 3752
Insurance and Safety's Drug-Free Workplace Program or a 3753
comparable program approved by the ~~Bureau~~ Department that meets 3754
the requirements specified in section 153.03 of the Revised Code 3755
prior to a lower-tier subcontractor providing labor at the 3756
project site of the public improvement." 3757

(3) "Failure of a contractor to require a subcontractor to 3758
be enrolled in and be in good standing in the ~~Bureau of Workers'~~ 3759
~~Compensation's~~ Department of Workforce Insurance and Safety's 3760
Drug-Free Workplace Program or a comparable program approved by 3761
the ~~Bureau~~ Department that meets the requirements specified in 3762
section 153.03 of the Revised Code prior to the time that the 3763
subcontractor provides labor at the project site will result in 3764
the contractor being found in breach of the contract and that 3765
breach shall be used in the responsibility analysis of that 3766

contractor or the subcontractor who was not enrolled in a 3767
program for future contracts with the state for five years after 3768
the date of the breach." 3769

(4) "Failure of a subcontractor to require a lower-tier 3770
subcontractor to be enrolled in and be in good standing in the 3771
~~Bureau of Workers' Compensation's~~ Department of Workforce 3772
Insurance and Safety's Drug-Free Workplace Program or a 3773
comparable program approved by the ~~Bureau~~ Department that meets 3774
the requirements specified in section 153.03 of the Revised Code 3775
prior to the time that the lower-tier subcontractor provides 3776
labor at the project site will result in the subcontractor being 3777
found in breach of the contract and that breach shall be used in 3778
the responsibility analysis of that subcontractor or the lower- 3779
tier subcontractor who was not enrolled in a program for future 3780
contracts with the state for five years after the date of the 3781
breach." 3782

(F) In the event a construction manager, construction 3783
manager at risk, or design-build firm intends and is authorized 3784
to provide labor for a public improvement contract, a 3785
contracting authority shall verify, prior to awarding a contract 3786
for construction management services or design-build services, 3787
that the construction manager, construction manager at risk, or 3788
design-build firm was enrolled in and in good standing in a 3789
drug-free workplace program described in division (B) of this 3790
section prior to entering into the public improvement contract. 3791
The contracting authority shall not award a contract for 3792
construction manager services or design-build services if the 3793
construction manager, construction manager at risk, or design- 3794
build firm is not enrolled in or in good standing in such a 3795
program. 3796

Sec. 154.13. Obligations issued under this chapter are 3797
lawful investments for banks, societies for savings, savings and 3798
loan associations, deposit guarantee associations, trust 3799
companies, trustees, fiduciaries, insurance companies, including 3800
domestic for life and domestic not for life, trustees or other 3801
officers having charge of sinking and bond retirement or other 3802
special funds of political subdivisions and taxing districts of 3803
this state, the commissioners of the sinking fund of the state, 3804
the ~~administrator of workers' compensation~~director of workforce 3805
insurance and safety, the state teachers retirement system, the 3806
public employees retirement system, the school employees 3807
retirement system, and the Ohio police and fire pension fund, 3808
notwithstanding any other provisions of the Revised Code with 3809
respect to investments by them, and also are acceptable as 3810
security for the deposit of public moneys. 3811

Sec. 164.09. (A) The issuer is authorized to issue and 3812
sell, as provided in this section and in amounts from time to 3813
time authorized by the general assembly, general obligations of 3814
this state for the purpose of financing or assisting in the 3815
financing of the costs of public infrastructure capital 3816
improvements for local subdivisions. The full faith and credit, 3817
revenues, and taxing power of the state are and shall be pledged 3818
to the timely payment of bond service charges on outstanding 3819
obligations, all in accordance with Section 2k or 2m of Article 3820
VIII, Ohio Constitution and sections 164.09 to 164.12 of the 3821
Revised Code, excluding from that pledge fees, excises, or taxes 3822
relating to the registration, operation, or use of vehicles on 3823
the public highways, or to fuels used for propelling those 3824
vehicles, and so long as such obligations are outstanding there 3825
shall be levied and collected excises and taxes, excluding those 3826
excepted above, in amounts sufficient to pay the bond service 3827

charges on such obligations and costs relating to credit 3828
facilities. 3829

(B) (1) The total principal amount of obligations issued 3830
pursuant to Section 2k of Article VIII, Ohio Constitution shall 3831
not exceed one billion two hundred million dollars, and not more 3832
than one hundred twenty million dollars in principal amount of 3833
obligations may be issued in any calendar year, all determined 3834
as provided in sections 164.09 to 164.12 of the Revised Code. 3835

(2) The total principal amount of obligations issued for 3836
the purposes of this section pursuant to Section 2m of Article 3837
VIII, Ohio Constitution, shall not exceed one billion two 3838
hundred million dollars. Not more than one hundred twenty 3839
million dollars in principal amount of such obligations, plus 3840
the principal amount of such obligations that in any prior 3841
fiscal years could have been but were not issued within the one- 3842
hundred-twenty-million-dollar fiscal year limit, may be issued 3843
in any fiscal year. No obligations shall be issued for the 3844
purposes of this section pursuant to Section 2m of Article VIII, 3845
Ohio Constitution, until at least one billion one hundred 3846
ninety-nine million five hundred thousand dollars aggregate 3847
principal amount of obligations have been issued pursuant to 3848
Section 2k of Article VIII, Ohio Constitution. The amounts 3849
specified under division (B) (2) of this section shall be 3850
determined as provided in sections 164.09 to 164.12 of the 3851
Revised Code. 3852

(C) Each issue of obligations shall be authorized by order 3853
of the issuer. The bond proceedings shall provide for the 3854
principal amount or maximum principal amount of obligations of 3855
an issue, and shall provide for or authorize the manner or 3856
agency for determining the principal maturity or maturities, not 3857

exceeding the earlier of thirty years from the date of issuance 3858
of the particular obligations or thirty years from the date the 3859
debt represented by the particular obligations was originally 3860
contracted, the interest rate or rates, the date of and the 3861
dates of payment of interest on the obligations, their 3862
denominations, and the establishment within or without the state 3863
of a place or places of payment of bond service charges. 3864
Sections 9.96 and 9.98 to 9.983 of the Revised Code are 3865
applicable to the obligations. The purpose of the obligations 3866
may be stated in the bond proceedings as "financing or assisting 3867
in the financing of local subdivisions capital improvement 3868
projects." 3869

(D) The proceeds of the obligations, except for any 3870
portion to be deposited in special funds, or in escrow funds for 3871
the purpose of refunding outstanding obligations, all as may be 3872
provided in the bond proceedings, shall be deposited to the 3873
state capital improvements fund established by section 164.08 of 3874
the Revised Code. 3875

(E) The issuer may appoint paying agents, bond registrars, 3876
securities depositories, and transfer agents, and may retain the 3877
services of financial advisers and accounting experts, and 3878
retain or contract for the services of marketing, remarketing, 3879
indexing, and administrative agents, other consultants, and 3880
independent contractors, including printing services, as are 3881
necessary in the issuer's judgment to carry out sections 164.01 3882
to 164.12 of the Revised Code. Financing costs are payable, as 3883
provided in the bond proceedings, from the proceeds of the 3884
obligations, from special funds, or from other moneys available 3885
for the purpose. 3886

(F) The bond proceedings, including any trust agreement, 3887

may contain additional provisions customary or appropriate to 3888
the financing or to the obligations or to particular 3889
obligations, including but not limited to: 3890

(1) The redemption of obligations prior to maturity at the 3891
option of the state or of the holder or upon the occurrence of 3892
certain conditions at such price or prices and under such terms 3893
and conditions as are provided in the bond proceedings; 3894

(2) The form of and other terms of the obligations; 3895

(3) The establishment, deposit, investment, and 3896
application of special funds, and the safeguarding of moneys on 3897
hand or on deposit, without regard to Chapter 131. or 135. of 3898
the Revised Code, but subject to any special provisions of this 3899
section with respect to particular funds or moneys, and provided 3900
that any bank or trust company that acts as a depository of any 3901
moneys in special funds may furnish such indemnifying bonds or 3902
may pledge such securities as required by the issuer; 3903

(4) Any or every provision of the bond proceedings binding 3904
upon the issuer and such state agency or local subdivision, 3905
officer, board, commission, authority, agency, department, or 3906
other person or body as may from time to time have the authority 3907
under law to take such actions as may be necessary to perform 3908
all or any part of the duty required by such provision; 3909

(5) The maintenance of each pledge, any trust agreement, 3910
or other instrument comprising part of the bond proceedings 3911
until the state has fully paid or provided for the payment of 3912
the bond service charges on the obligations or met other stated 3913
conditions; 3914

(6) In the event of default in any payments required to be 3915
made by the bond proceedings, or any other agreement of the 3916

issuer made as a part of a contract under which the obligations 3917
were issued or secured, the enforcement of such payments or 3918
agreements by mandamus, suit in equity, action at law, or any 3919
combination of the foregoing; 3920

(7) The rights and remedies of the holders of obligations 3921
and of the trustee under any trust agreement, and provisions for 3922
protecting and enforcing them, including limitations on rights 3923
of individual holders of obligations; 3924

(8) The replacement of any obligations that become 3925
mutilated or are destroyed, lost, or stolen; 3926

(9) Provision for the funding, refunding, or advance 3927
refunding or other provision for payment of obligations which 3928
will then no longer be outstanding for purposes of this section 3929
or of the bond proceedings; 3930

(10) Any provision that may be made in bond proceedings or 3931
a trust agreement, including provision for amendment of the bond 3932
proceedings; 3933

(11) Such other provisions as the issuer determines, 3934
including limitations, conditions, or qualifications relating to 3935
any of the foregoing; 3936

(12) Any other or additional agreements with the holders 3937
of the obligations relating to the obligations or the security 3938
for the obligations. 3939

(G) The great seal of the state or a facsimile of that 3940
seal may be affixed to or printed on the obligations. The 3941
obligations requiring signature by the issuer shall be signed by 3942
or bear the facsimile signature of the issuer as provided in the 3943
bond proceedings. Any obligations may be signed by the person 3944
who, on the date of execution, is the authorized signer although 3945

on the date of such obligations such person was not the issuer. 3946
In case the person whose signature or a facsimile of whose 3947
signature appears on any obligation ceases to be the issuer 3948
before delivery of the obligation, such signature or facsimile 3949
is nevertheless valid and sufficient for all purposes as if the 3950
person had remained the member until such delivery, and in case 3951
the seal to be affixed to or printed on obligations has been 3952
changed after the seal has been affixed to or a facsimile of the 3953
seal has been printed on the obligations, that seal or facsimile 3954
seal shall continue to be sufficient as to those obligations and 3955
obligations issued in substitution or exchange therefor. 3956

(H) The obligations are negotiable instruments and 3957
securities under Chapter 1308. of the Revised Code, subject to 3958
the provisions of the bond proceedings as to registration. 3959
Obligations may be issued in coupon or in fully registered form, 3960
or both, as the issuer determines. Provision may be made for the 3961
registration of any obligations with coupons attached as to 3962
principal alone or as to both principal and interest, their 3963
exchange for obligations so registered, and for the conversion 3964
or reconversion into obligations with coupons attached of any 3965
obligations registered as to both principal and interest, and 3966
for reasonable charges for such registration, exchange, 3967
conversion, and reconversion. Pending preparation of definitive 3968
obligations, the issuer may issue interim receipts or 3969
certificates which shall be exchanged for such definitive 3970
obligations. 3971

(I) Obligations may be sold at public sale or at private 3972
sale, and at such price at, above, or below par, as determined 3973
by the issuer in the bond proceedings. 3974

(J) In the discretion of the issuer, obligations may be 3975

secured additionally by a trust agreement between the state and 3976
a corporate trustee which may be any trust company or bank 3977
having a place of business within the state. Any trust agreement 3978
may contain the order authorizing the issuance of the 3979
obligations, any provisions that may be contained in the bond 3980
proceedings, and other provisions that are customary or 3981
appropriate in an agreement of the type. 3982

(K) Except to the extent that their rights are restricted 3983
by the bond proceedings, any holder of obligations, or a trustee 3984
under the bond proceedings, may by any suitable form of legal 3985
proceedings protect and enforce any rights under the laws of 3986
this state or granted by the bond proceedings. Such rights 3987
include the right to compel the performance of all duties of the 3988
issuer and the state. Each duty of the issuer and the issuer's 3989
employees, and of each state agency and local public entity and 3990
its officers, members, or employees, undertaken pursuant to the 3991
bond proceedings, is hereby established as a duty of the issuer, 3992
and of each such agency, local subdivision, officer, member, or 3993
employee having authority to perform such duty, specifically 3994
enjoined by the law and resulting from an office, trust, or 3995
station within the meaning of section 2731.01 of the Revised 3996
Code. The persons who are at the time the issuer, or the 3997
issuer's employees, are not liable in their personal capacities 3998
on any obligations or any agreements of or with the issuer 3999
relating to obligations or under the bond proceedings. 4000

(L) Obligations are lawful investments for banks, 4001
societies for savings, savings and loan associations, deposit 4002
guarantee associations, trust companies, trustees, fiduciaries, 4003
insurance companies, including domestic for life and domestic 4004
not for life, trustees or other officers having charge of 4005
sinking and bond retirement or other special funds of political 4006

subdivisions and taxing districts of this state, the 4007
commissioners of the sinking fund, the ~~administrator of workers'~~ 4008
~~compensation~~ director of workforce insurance and safety, the 4009
state teachers retirement system, the public employees 4010
retirement system, the school employees retirement system, and 4011
the Ohio police and fire pension fund, notwithstanding any other 4012
provisions of the Revised Code or rules adopted pursuant thereto 4013
by any state agency with respect to investments by them, and are 4014
also acceptable as security for the deposit of public moneys. 4015

(M) Unless otherwise provided in any applicable bond 4016
proceedings, moneys to the credit of or in the special funds 4017
established by or pursuant to this section may be invested by or 4018
on behalf of the issuer only in notes, bonds, or other direct 4019
obligations of the United States or of any agency or 4020
instrumentality of the United States, in obligations of this 4021
state or any political subdivision of this state, in 4022
certificates of deposit of any national bank located in this 4023
state and any bank, as defined in section 1101.01 of the Revised 4024
Code, subject to inspection by the superintendent of financial 4025
institutions, in the Ohio subdivision's fund established 4026
pursuant to section 135.45 of the Revised Code, in no-front-end- 4027
load money market mutual funds consisting exclusively of direct 4028
obligations of the United States or of an agency or 4029
instrumentality of the United States, and in repurchase 4030
agreements, including those issued by any fiduciary, secured by 4031
direct obligations of the United States or an agency or 4032
instrumentality of the United States, and in collective 4033
investment funds established in accordance with section 1111.14 4034
of the Revised Code and consisting exclusively of direct 4035
obligations of the United States or of an agency or 4036
instrumentality of the United States, notwithstanding division 4037

(A) (1) (c) of that section. The income from investments shall be 4038
credited to such special funds or otherwise as the issuer 4039
determines in the bond proceedings, and the investments may be 4040
sold or exchanged at such times as the issuer determines or 4041
authorizes. 4042

(N) Unless otherwise provided in any applicable bond 4043
proceedings, moneys to the credit of or in a special fund shall 4044
be disbursed on the order of the issuer, provided that no such 4045
order is required for the payment from the bond service fund or 4046
other special fund when due of bond service charges or required 4047
payments under credit facilities. 4048

(O) The issuer may covenant in the bond proceedings, and 4049
any such covenants shall be controlling notwithstanding any 4050
other provision of law, that the state and the applicable 4051
officers and agencies of the state, including the general 4052
assembly, so long as any obligations are outstanding in 4053
accordance with their terms, shall maintain statutory authority 4054
for and cause to be charged and collected taxes, excises, and 4055
other receipts of the state so that the receipts to the bond 4056
service fund shall be sufficient in amounts to meet bond service 4057
charges and for the establishment and maintenance of any 4058
reserves and other requirements, including payment of financing 4059
costs, provided for in the bond proceedings. 4060

(P) The obligations, and the transfer of, and the interest 4061
and other income from, including any profit made on the sale, 4062
transfer, or other disposition of, the obligations shall at all 4063
times be free from taxation, direct or indirect, within the 4064
state. 4065

(Q) Unless a judicial action or proceeding challenging the 4066
validity of obligations is commenced by personal service on the 4067

treasurer of state prior to the initial delivery of an issue of 4068
the obligations, the obligations of that issue and the bond 4069
proceedings pertaining to that issue are incontestable and those 4070
obligations shall be conclusively considered to be and to have 4071
been issued, secured, payable, sold, executed, and delivered, 4072
and the bond proceedings relating to them taken, in conformity 4073
with law if all of the following apply to the obligations: 4074

(1) They state that they are issued under the provisions 4075
of this section and comply on their face with those provisions; 4076

(2) They are issued within the limitations prescribed by 4077
this section; 4078

(3) Their purchase price has been paid in full; 4079

(4) They state that all the bond proceedings were held in 4080
compliance with law, which statement creates a conclusive 4081
presumption that the bond proceedings were held in compliance 4082
with all laws, including section 121.22 of the Revised Code, 4083
where applicable, and rules. 4084

(R) This section applies only with respect to obligations 4085
issued and delivered before September 30, 2000. 4086

Sec. 165.08. Bonds issued under this chapter are lawful 4087
investments of banks, societies for savings, savings and loan 4088
associations, deposit guarantee associations, trust companies, 4089
trustees, fiduciaries, insurance companies, including domestic 4090
for life and domestic not for life, trustees or other officers 4091
having charge of sinking and bond retirement or other special 4092
funds of political subdivisions and taxing districts of this 4093
state, the commissioners of the sinking fund of the state, the 4094
~~administrator of workers' compensation~~director of workforce 4095
insurance and safety, the state teachers retirement system, the 4096

public employees retirement system, the school employees 4097
retirement system, and the Ohio police and fire pension fund are 4098
also acceptable as security for the deposit of public moneys. 4099

Sec. 166.08. (A) As used in this chapter: 4100

(1) "Bond proceedings" means the resolution, order, trust 4101
agreement, indenture, lease, and other agreements, amendments 4102
and supplements to the foregoing, or any one or more or 4103
combination thereof, authorizing or providing for the terms and 4104
conditions applicable to, or providing for the security or 4105
liquidity of, obligations issued pursuant to this section, and 4106
the provisions contained in such obligations. 4107

(2) "Bond service charges" means principal, including 4108
mandatory sinking fund requirements for retirement of 4109
obligations, and interest, and redemption premium, if any, 4110
required to be paid by the state on obligations. 4111

(3) "Bond service fund" means the applicable fund and 4112
accounts therein created for and pledged to the payment of bond 4113
service charges, which may be, or may be part of, the economic 4114
development bond service fund created by division (S) of this 4115
section including all moneys and investments, and earnings from 4116
investments, credited and to be credited thereto. 4117

(4) "Issuing authority" means the treasurer of state, or 4118
the officer who by law performs the functions of such officer. 4119

(5) "Obligations" means bonds, notes, or other evidence of 4120
obligation including interest coupons pertaining thereto, issued 4121
pursuant to this section. 4122

(6) "Pledged receipts" means all receipts of the state 4123
representing the gross profit on the sale of spirituous liquor, 4124
as referred to in division (B) (4) of section 4301.10 of the 4125

Revised Code, after paying all costs and expenses of the 4126
division of liquor control and providing an adequate working 4127
capital reserve for the division of liquor control as provided 4128
in that division, but excluding the sum required by the second 4129
paragraph of section 4301.12 of the Revised Code, as in effect 4130
on May 2, 1980, to be paid into the state treasury; moneys 4131
accruing to the state from the lease, sale, or other 4132
disposition, or use, of project facilities, and from the 4133
repayment, including interest, of loans made from proceeds 4134
received from the sale of obligations; accrued interest received 4135
from the sale of obligations; income from the investment of the 4136
special funds; and any gifts, grants, donations, and pledges, 4137
and receipts therefrom, available for the payment of bond 4138
service charges. 4139

(7) "Special funds" or "funds" means, except where the 4140
context does not permit, the bond service fund, and any other 4141
funds, including reserve funds, created under the bond 4142
proceedings, and the economic development bond service fund 4143
created by division (S) of this section to the extent provided 4144
in the bond proceedings, including all moneys and investments, 4145
and earnings from investment, credited and to be credited 4146
thereto. 4147

(B) Subject to the limitations provided in section 166.11 4148
of the Revised Code, the issuing authority, upon the 4149
certification by the director of development or, prior to ~~the~~ 4150
~~effective date of this amendment~~ September 29, 2017, upon 4151
certification by the Ohio air quality development authority 4152
regarding eligible advanced energy projects, to the issuing 4153
authority of the amount of moneys or additional moneys needed in 4154
the facilities establishment fund, the loan guarantee fund, the 4155
innovation Ohio loan fund, the innovation Ohio loan guarantee 4156

fund, the research and development loan fund, the logistics and 4157
distribution infrastructure fund, the advanced energy research 4158
and development fund, or the advanced energy research and 4159
development taxable fund, as applicable, for the purpose of 4160
paying, or making loans for, allowable costs from the facilities 4161
establishment fund, allowable innovation costs from the 4162
innovation Ohio loan fund, allowable costs from the research and 4163
development loan fund, allowable costs from the logistics and 4164
distribution infrastructure fund, allowable costs from the 4165
advanced energy research and development fund, or allowable 4166
costs from the advanced energy research and development taxable 4167
fund, as applicable, or needed for capitalized interest, for 4168
funding reserves, and for paying costs and expenses incurred in 4169
connection with the issuance, carrying, securing, paying, 4170
redeeming, or retirement of the obligations or any obligations 4171
refunded thereby, including payment of costs and expenses 4172
relating to letters of credit, lines of credit, insurance, put 4173
agreements, standby purchase agreements, indexing, marketing, 4174
remarketing and administrative arrangements, interest swap or 4175
hedging agreements, and any other credit enhancement, liquidity, 4176
remarketing, renewal, or refunding arrangements, all of which 4177
are authorized by this section, or providing moneys for the loan 4178
guarantee fund or the innovation Ohio loan guarantee fund, as 4179
provided in this chapter or needed for the purposes of funds 4180
established in accordance with or pursuant to sections 122.35, 4181
122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 122.80 of 4182
the Revised Code which are within the authorization of Section 4183
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 4184
~~effective date of this amendment~~ September 29, 2017, with 4185
respect to certain eligible advanced energy projects, Section 2p 4186
of Article VIII, Ohio Constitution, shall issue obligations of 4187
the state under this section in the required amount; provided 4188

that such obligations may be issued to satisfy the covenants in 4189
contracts of guarantee made under section 166.06 or 166.15 of 4190
the Revised Code, notwithstanding limitations otherwise 4191
applicable to the issuance of obligations under this section. 4192
The proceeds of such obligations, except for the portion to be 4193
deposited in special funds, including reserve funds, as may be 4194
provided in the bond proceedings, shall as provided in the bond 4195
proceedings be deposited by the director of development to the 4196
facilities establishment fund, the loan guarantee fund, the 4197
innovation Ohio loan guarantee fund, the innovation Ohio loan 4198
fund, the research and development loan fund, or the logistics 4199
and distribution infrastructure fund, or be deposited by the 4200
Ohio air quality development authority prior to ~~the effective~~ 4201
~~date of this amendment~~ September 29, 2017, to the advanced 4202
energy research and development fund or the advanced energy 4203
research and development taxable fund. Bond proceedings for 4204
project financing obligations may provide that the proceeds 4205
derived from the issuance of such obligations shall be deposited 4206
into such fund or funds provided for in the bond proceedings 4207
and, to the extent provided for in the bond proceedings, such 4208
proceeds shall be deemed to have been deposited into the 4209
facilities establishment fund and transferred to such fund or 4210
funds. The issuing authority may appoint trustees, paying 4211
agents, and transfer agents and may retain the services of 4212
financial advisors, accounting experts, and attorneys, and 4213
retain or contract for the services of marketing, remarketing, 4214
indexing, and administrative agents, other consultants, and 4215
independent contractors, including printing services, as are 4216
necessary in the issuing authority's judgment to carry out this 4217
section. The costs of such services are allowable costs payable 4218
from the facilities establishment fund or the research and 4219
development loan fund, allowable innovation costs payable from 4220

the innovation Ohio loan fund, allowable costs payable from the 4221
logistics and distribution infrastructure fund, or allowable 4222
costs payable prior to ~~the effective date of this amendment~~ 4223
September 29, 2017, from the advanced energy research and 4224
development fund or the advanced energy research and development 4225
taxable fund, as applicable. 4226

(C) The holders or owners of such obligations shall have 4227
no right to have moneys raised by taxation obligated or pledged, 4228
and moneys raised by taxation shall not be obligated or pledged, 4229
for the payment of bond service charges. Such holders or owners 4230
shall have no rights to payment of bond service charges from any 4231
moneys accruing to the state from the lease, sale, or other 4232
disposition, or use, of project facilities, or from payment of 4233
the principal of or interest on loans made, or fees charged for 4234
guarantees made, or from any money or property received by the 4235
director, treasurer of state, or the state under Chapter 122. of 4236
the Revised Code, or from any other use of the proceeds of the 4237
sale of the obligations, and no such moneys may be used for the 4238
payment of bond service charges, except for accrued interest, 4239
capitalized interest, and reserves funded from proceeds received 4240
upon the sale of the obligations and except as otherwise 4241
expressly provided in the applicable bond proceedings pursuant 4242
to written directions by the director. The right of such holders 4243
and owners to payment of bond service charges is limited to all 4244
or that portion of the pledged receipts and those special funds 4245
pledged thereto pursuant to the bond proceedings in accordance 4246
with this section, and each such obligation shall bear on its 4247
face a statement to that effect. 4248

(D) Obligations shall be authorized by resolution or order 4249
of the issuing authority and the bond proceedings shall provide 4250
for the purpose thereof and the principal amount or amounts, and 4251

shall provide for or authorize the manner or agency for 4252
determining the principal maturity or maturities, not exceeding 4253
twenty-five years from the date of issuance, the interest rate 4254
or rates or the maximum interest rate, the date of the 4255
obligations and the dates of payment of interest thereon, their 4256
denomination, and the establishment within or without the state 4257
of a place or places of payment of bond service charges. 4258
Sections 9.98 to 9.983 of the Revised Code are applicable to 4259
obligations issued under this section, subject to any applicable 4260
limitation under section 166.11 of the Revised Code. The purpose 4261
of such obligations may be stated in the bond proceedings in 4262
terms describing the general purpose or purposes to be served. 4263
The bond proceedings also shall provide, subject to the 4264
provisions of any other applicable bond proceedings, for the 4265
pledge of all, or such part as the issuing authority may 4266
determine, of the pledged receipts and the applicable special 4267
fund or funds to the payment of bond service charges, which 4268
pledges may be made either prior or subordinate to other 4269
expenses, claims, or payments, and may be made to secure the 4270
obligations on a parity with obligations theretofore or 4271
thereafter issued, if and to the extent provided in the bond 4272
proceedings. The pledged receipts and special funds so pledged 4273
and thereafter received by the state are immediately subject to 4274
the lien of such pledge without any physical delivery thereof or 4275
further act, and the lien of any such pledges is valid and 4276
binding against all parties having claims of any kind against 4277
the state or any governmental agency of the state, irrespective 4278
of whether such parties have notice thereof, and shall create a 4279
perfected security interest for all purposes of Chapter 1309. of 4280
the Revised Code, without the necessity for separation or 4281
delivery of funds or for the filing or recording of the bond 4282
proceedings by which such pledge is created or any certificate, 4283

statement or other document with respect thereto; and the pledge 4284
of such pledged receipts and special funds is effective and the 4285
money therefrom and thereof may be applied to the purposes for 4286
which pledged without necessity for any act of appropriation. 4287
Every pledge, and every covenant and agreement made with respect 4288
thereto, made in the bond proceedings may therein be extended to 4289
the benefit of the owners and holders of obligations authorized 4290
by this section, and to any trustee therefor, for the further 4291
security of the payment of the bond service charges. 4292

(E) The bond proceedings may contain additional provisions 4293
as to: 4294

(1) The redemption of obligations prior to maturity at the 4295
option of the issuing authority at such price or prices and 4296
under such terms and conditions as are provided in the bond 4297
proceedings; 4298

(2) Other terms of the obligations; 4299

(3) Limitations on the issuance of additional obligations; 4300

(4) The terms of any trust agreement or indenture securing 4301
the obligations or under which the same may be issued; 4302

(5) The deposit, investment and application of special 4303
funds, and the safeguarding of moneys on hand or on deposit, 4304
without regard to Chapter 131. or 135. of the Revised Code, but 4305
subject to any special provisions of this chapter, with respect 4306
to particular funds or moneys, provided that any bank or trust 4307
company which acts as depository of any moneys in the special 4308
funds may furnish such indemnifying bonds or may pledge such 4309
securities as required by the issuing authority; 4310

(6) Any or every provision of the bond proceedings being 4311
binding upon such officer, board, commission, authority, agency, 4312

department, or other person or body as may from time to time 4313
have the authority under law to take such actions as may be 4314
necessary to perform all or any part of the duty required by 4315
such provision; 4316

(7) Any provision that may be made in a trust agreement or 4317
indenture; 4318

(8) Any other or additional agreements with the holders of 4319
the obligations, or the trustee therefor, relating to the 4320
obligations or the security therefor, including the assignment 4321
of mortgages or other security obtained or to be obtained for 4322
loans under section 122.43, 166.07, or 166.16 of the Revised 4323
Code. 4324

(F) The obligations may have the great seal of the state 4325
or a facsimile thereof affixed thereto or printed thereon. The 4326
obligations and any coupons pertaining to obligations shall be 4327
signed or bear the facsimile signature of the issuing authority. 4328
Any obligations or coupons may be executed by the person who, on 4329
the date of execution, is the proper issuing authority although 4330
on the date of such bonds or coupons such person was not the 4331
issuing authority. If the issuing authority whose signature or a 4332
facsimile of whose signature appears on any such obligation or 4333
coupon ceases to be the issuing authority before delivery 4334
thereof, such signature or facsimile is nevertheless valid and 4335
sufficient for all purposes as if the former issuing authority 4336
had remained the issuing authority until such delivery; and if 4337
the seal to be affixed to obligations has been changed after a 4338
facsimile of the seal has been imprinted on such obligations, 4339
such facsimile seal shall continue to be sufficient as to such 4340
obligations and obligations issued in substitution or exchange 4341
therefor. 4342

(G) All obligations are negotiable instruments and 4343
securities under Chapter 1308. of the Revised Code, subject to 4344
the provisions of the bond proceedings as to registration. The 4345
obligations may be issued in coupon or in registered form, or 4346
both, as the issuing authority determines. Provision may be made 4347
for the registration of any obligations with coupons attached 4348
thereto as to principal alone or as to both principal and 4349
interest, their exchange for obligations so registered, and for 4350
the conversion or reconversion into obligations with coupons 4351
attached thereto of any obligations registered as to both 4352
principal and interest, and for reasonable charges for such 4353
registration, exchange, conversion, and reconversion. 4354

(H) Obligations may be sold at public sale or at private 4355
sale, as determined in the bond proceedings. 4356

Obligations issued to provide moneys for the loan 4357
guarantee fund or the innovation Ohio loan guarantee fund may, 4358
as determined by the issuing authority, be sold at private sale, 4359
and without publication of a notice of sale. 4360

(I) Pending preparation of definitive obligations, the 4361
issuing authority may issue interim receipts or certificates 4362
which shall be exchanged for such definitive obligations. 4363

(J) In the discretion of the issuing authority, 4364
obligations may be secured additionally by a trust agreement or 4365
indenture between the issuing authority and a corporate trustee 4366
which may be any trust company or bank having a place of 4367
business within the state. Any such agreement or indenture may 4368
contain the resolution or order authorizing the issuance of the 4369
obligations, any provisions that may be contained in any bond 4370
proceedings, and other provisions which are customary or 4371
appropriate in an agreement or indenture of such type, 4372

including, but not limited to: 4373

(1) Maintenance of each pledge, trust agreement, 4374
indenture, or other instrument comprising part of the bond 4375
proceedings until the state has fully paid the bond service 4376
charges on the obligations secured thereby, or provision 4377
therefor has been made; 4378

(2) In the event of default in any payments required to be 4379
made by the bond proceedings, or any other agreement of the 4380
issuing authority made as a part of the contract under which the 4381
obligations were issued, enforcement of such payments or 4382
agreement by mandamus, the appointment of a receiver, suit in 4383
equity, action at law, or any combination of the foregoing; 4384

(3) The rights and remedies of the holders of obligations 4385
and of the trustee, and provisions for protecting and enforcing 4386
them, including limitations on rights of individual holders of 4387
obligations; 4388

(4) The replacement of any obligations that become 4389
mutilated or are destroyed, lost, or stolen; 4390

(5) Such other provisions as the trustee and the issuing 4391
authority agree upon, including limitations, conditions, or 4392
qualifications relating to any of the foregoing. 4393

(K) Any holders of obligations or trustees under the bond 4394
proceedings, except to the extent that their rights are 4395
restricted by the bond proceedings, may by any suitable form of 4396
legal proceedings, protect and enforce any rights under the laws 4397
of this state or granted by such bond proceedings. Such rights 4398
include the right to compel the performance of all duties of the 4399
issuing authority, the director of development, the Ohio air 4400
quality development authority, or the division of liquor control 4401

required by this chapter or the bond proceedings; to enjoin 4402
unlawful activities; and in the event of default with respect to 4403
the payment of any bond service charges on any obligations or in 4404
the performance of any covenant or agreement on the part of the 4405
issuing authority, the director of development, the Ohio air 4406
quality development authority, or the division of liquor control 4407
in the bond proceedings, to apply to a court having jurisdiction 4408
of the cause to appoint a receiver to receive and administer the 4409
pledged receipts and special funds, other than those in the 4410
custody of the treasurer of state, which are pledged to the 4411
payment of the bond service charges on such obligations or which 4412
are the subject of the covenant or agreement, with full power to 4413
pay, and to provide for payment of bond service charges on, such 4414
obligations, and with such powers, subject to the direction of 4415
the court, as are accorded receivers in general equity cases, 4416
excluding any power to pledge additional revenues or receipts or 4417
other income or moneys of the issuing authority or the state or 4418
governmental agencies of the state to the payment of such 4419
principal and interest and excluding the power to take 4420
possession of, mortgage, or cause the sale or otherwise dispose 4421
of any project facilities. 4422

Each duty of the issuing authority and the issuing 4423
authority's officers and employees, and of each governmental 4424
agency and its officers, members, or employees, undertaken 4425
pursuant to the bond proceedings or any agreement or lease, 4426
lease-purchase agreement, or loan made under authority of this 4427
chapter, and in every agreement by or with the issuing 4428
authority, is hereby established as a duty of the issuing 4429
authority, and of each such officer, member, or employee having 4430
authority to perform such duty, specifically enjoined by the law 4431
resulting from an office, trust, or station within the meaning 4432

of section 2731.01 of the Revised Code. 4433

The person who is at the time the issuing authority, or 4434
the issuing authority's officers or employees, are not liable in 4435
their personal capacities on any obligations issued by the 4436
issuing authority or any agreements of or with the issuing 4437
authority. 4438

(L) The issuing authority may authorize and issue 4439
obligations for the refunding, including funding and retirement, 4440
and advance refunding with or without payment or redemption 4441
prior to maturity, of any obligations previously issued by the 4442
issuing authority. Such obligations may be issued in amounts 4443
sufficient for payment of the principal amount of the prior 4444
obligations, any redemption premiums thereon, principal 4445
maturities of any such obligations maturing prior to the 4446
redemption of the remaining obligations on a parity therewith, 4447
interest accrued or to accrue to the maturity dates or dates of 4448
redemption of such obligations, and any allowable costs 4449
including expenses incurred or to be incurred in connection with 4450
such issuance and such refunding, funding, and retirement. 4451
Subject to the bond proceedings therefor, the portion of 4452
proceeds of the sale of obligations issued under this division 4453
to be applied to bond service charges on the prior obligations 4454
shall be credited to an appropriate account held by the trustee 4455
for such prior or new obligations or to the appropriate account 4456
in the bond service fund for such obligations. Obligations 4457
authorized under this division shall be deemed to be issued for 4458
those purposes for which such prior obligations were issued and 4459
are subject to the provisions of this section pertaining to 4460
other obligations, except as otherwise provided in this section; 4461
provided that, unless otherwise authorized by the general 4462
assembly, any limitations imposed by the general assembly 4463

pursuant to this section with respect to bond service charges 4464
applicable to the prior obligations shall be applicable to the 4465
obligations issued under this division to refund, fund, advance 4466
refund or retire such prior obligations. 4467

(M) The authority to issue obligations under this section 4468
includes authority to issue obligations in the form of bond 4469
anticipation notes and to renew the same from time to time by 4470
the issuance of new notes. The holders of such notes or interest 4471
coupons pertaining thereto shall have a right to be paid solely 4472
from the pledged receipts and special funds that may be pledged 4473
to the payment of the bonds anticipated, or from the proceeds of 4474
such bonds or renewal notes, or both, as the issuing authority 4475
provides in the resolution or order authorizing such notes. Such 4476
notes may be additionally secured by covenants of the issuing 4477
authority to the effect that the issuing authority and the state 4478
will do such or all things necessary for the issuance of such 4479
bonds or renewal notes in appropriate amount, and apply the 4480
proceeds thereof to the extent necessary, to make full payment 4481
of the principal of and interest on such notes at the time or 4482
times contemplated, as provided in such resolution or order. For 4483
such purpose, the issuing authority may issue bonds or renewal 4484
notes in such principal amount and upon such terms as may be 4485
necessary to provide funds to pay when required the principal of 4486
and interest on such notes, notwithstanding any limitations 4487
prescribed by or for purposes of this section. Subject to this 4488
division, all provisions for and references to obligations in 4489
this section are applicable to notes authorized under this 4490
division. 4491

The issuing authority in the bond proceedings authorizing 4492
the issuance of bond anticipation notes shall set forth for such 4493
bonds an estimated interest rate and a schedule of principal 4494

payments for such bonds and the annual maturity dates thereof, 4495
and for purposes of any limitation on bond service charges 4496
prescribed under division (A) of section 166.11 of the Revised 4497
Code, the amount of bond service charges on such bond 4498
anticipation notes is deemed to be the bond service charges for 4499
the bonds anticipated thereby as set forth in the bond 4500
proceedings applicable to such notes, but this provision does 4501
not modify any authority in this section to pledge receipts and 4502
special funds to, and covenant to issue bonds to fund, the 4503
payment of principal of and interest and any premium on such 4504
notes. 4505

(N) Obligations issued under this section are lawful 4506
investments for banks, societies for savings, savings and loan 4507
associations, deposit guarantee associations, trust companies, 4508
trustees, fiduciaries, insurance companies, including domestic 4509
for life and domestic not for life, trustees or other officers 4510
having charge of sinking and bond retirement or other special 4511
funds of political subdivisions and taxing districts of this 4512
state, the commissioners of the sinking fund of the state, the 4513
~~administrator of workers' compensation~~director of workforce 4514
insurance and safety, the state teachers retirement system, the 4515
public employees retirement system, the school employees 4516
retirement system, and the Ohio police and fire pension fund, 4517
notwithstanding any other provisions of the Revised Code or 4518
rules adopted pursuant thereto by any governmental agency of the 4519
state with respect to investments by them, and are also 4520
acceptable as security for the deposit of public moneys. 4521

(O) Unless otherwise provided in any applicable bond 4522
proceedings, moneys to the credit of or in the special funds 4523
established by or pursuant to this section may be invested by or 4524
on behalf of the issuing authority only in notes, bonds, or 4525

other obligations of the United States, or of any agency or 4526
instrumentality of the United States, obligations guaranteed as 4527
to principal and interest by the United States, obligations of 4528
this state or any political subdivision of this state, and 4529
certificates of deposit of any national bank located in this 4530
state and any bank, as defined in section 1101.01 of the Revised 4531
Code, subject to inspection by the superintendent of banks. If 4532
the law or the instrument creating a trust pursuant to division 4533
(J) of this section expressly permits investment in direct 4534
obligations of the United States or an agency of the United 4535
States, unless expressly prohibited by the instrument, such 4536
moneys also may be invested in no-front-end-load money market 4537
mutual funds consisting exclusively of obligations of the United 4538
States or an agency of the United States and in repurchase 4539
agreements, including those issued by the fiduciary itself, 4540
secured by obligations of the United States or an agency of the 4541
United States; and in common trust funds established in 4542
accordance with section 1111.20 of the Revised Code and 4543
consisting exclusively of any such securities, notwithstanding 4544
division (A)(4) of that section. The income from such 4545
investments shall be credited to such funds as the issuing 4546
authority determines, and such investments may be sold at such 4547
times as the issuing authority determines or authorizes. 4548

(P) Provision may be made in the applicable bond 4549
proceedings for the establishment of separate accounts in the 4550
bond service fund and for the application of such accounts only 4551
to the specified bond service charges on obligations pertinent 4552
to such accounts and bond service fund and for other accounts 4553
therein within the general purposes of such fund. Unless 4554
otherwise provided in any applicable bond proceedings, moneys to 4555
the credit of or in the several special funds established 4556

pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(R) The issuing authority may covenant in the bond proceedings, and any such covenants are controlling notwithstanding any other provision of law, that the state and applicable officers and governmental agencies of the state, including the general assembly, so long as any obligations are outstanding, shall:

(1) Maintain statutory authority for and cause to be charged and collected wholesale and retail prices for spirituous liquor sold by the state or its agents so that the pledged receipts are sufficient in amount to meet bond service charges, and the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings, and, as necessary, to meet covenants contained in contracts of guarantee made under section 166.06 of the Revised Code;

(2) Take or permit no action, by statute or otherwise, that would impair the exemption from federal income taxation of the interest on the obligations.

(S) There is hereby created the economic development bond service fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to a bond service fund or the economic development bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during such time as any such obligations are outstanding, and so long as moneys in the pertinent bond service funds are insufficient to pay all bond services charges on such obligations becoming due in each year, a sufficient amount of the gross profit on the sale of spirituous liquor included in pledged receipts are committed and shall be paid to the bond service fund or economic development bond service fund in each year for the purpose of paying the bond service charges becoming due in that year without necessity for further act of appropriation for such purpose and notwithstanding anything to the contrary in Chapter 4301. of the Revised Code. The economic development bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(T) The obligations, the transfer thereof, and the income

therefrom, including any profit made on the sale thereof, shall 4617
at all times be free from taxation within the state. 4618

Sec. 175.10. (A) All bonds issued under this chapter are 4619
lawful investments of banks, societies for savings, savings and 4620
loan associations, deposit guarantee associations, trust 4621
companies, trustees, fiduciaries, insurance companies, including 4622
domestic for life and domestic not for life, trustees or other 4623
officers having charge of sinking and bond retirement or other 4624
special funds of political subdivisions and taxing districts of 4625
this state, the treasurer of state, the ~~administrator of~~ 4626
~~workers' compensation~~ director of workforce insurance and safety, 4627
the state teachers retirement system, the public employees 4628
retirement system, the school employees retirement system, and 4629
the Ohio police and fire pension fund, notwithstanding any other 4630
provision of the Revised Code or rules adopted by any 4631
governmental agency of this state with respect to investments, 4632
and are acceptable as security for the deposit of public moneys. 4633

(B) The exercise of the powers this chapter grants is in 4634
all respects for the benefit of the people of the state, for the 4635
improvement of their health, safety, convenience, and economic 4636
welfare, and for the enhancement of the opportunities for safe 4637
and sanitary housing and is a public purpose. 4638

(C) The programs undertaken by the Ohio housing finance 4639
agency constitute the performance of essential public functions, 4640
and the bonds issued under this chapter, their transfer, and 4641
income from those bonds, including any profit made on their 4642
sale, is at all times free from taxation within this state. 4643

Sec. 306.09. (A) The board of county commissioners, on its 4644
own initiative if it operates a county transit system or at the 4645
request of the county transit board if one is appointed, may 4646

issue bonds of the county pursuant to Chapter 133. of the 4647
Revised Code, for the purpose of purchasing, acquiring, 4648
constructing, enlarging, and improving the county transit 4649
system. 4650

(B) The board of county commissioners operating a transit 4651
system or a county transit board, with the approval of the 4652
county commissioners, may issue revenue bonds of the county for 4653
the purpose of purchasing, acquiring, constructing, enlarging, 4654
and improving the county transit system. The issuing board shall 4655
provide by resolution for the issuance of such bonds. The 4656
principal, interest, and all other payments required to be made 4657
by any trust agreement or indenture securing such bonds shall be 4658
payable, as provided in such resolution, solely from the 4659
revenues or other income of the county transit system. Bonds may 4660
be issued at one time or from time to time and each issue shall 4661
be dated, bear interest, mature at such time or times not 4662
exceeding forty years from the date of issue, and be redeemable 4663
before maturity at the option of the board at such price or 4664
prices and under such terms and conditions as may be provided by 4665
the board in its resolution. The board shall determine the form 4666
of the bonds and any coupons pertaining thereto, fix their 4667
denominations, and establish within or without this state the 4668
place or places of payment of principal and interest. The 4669
resolution shall determine the method of execution of such 4670
bonds, provide for sale of the bonds at public or private sale 4671
as the board determines most advantageous and for such prices, 4672
above or below the par value thereof, as the board determines or 4673
within such limit or limits as it may fix. 4674

Where a transit board is appointed, if any member of the 4675
county transit board or officer of the county transit system who 4676
has signed bonds or coupons pertaining thereto or caused the 4677

member's or officer's facsimile signature to be affixed thereto 4678
ceases to be a member or officer before such bonds or coupons 4679
have been delivered, such bonds or coupons may be issued and 4680
delivered as though the person who had signed the bonds or 4681
coupons or caused the person's facsimile signature to be affixed 4682
thereto had not ceased to be a member or officer. Bonds or 4683
coupons may be executed on behalf of the county by a member of 4684
the county transit board or officer of the county transit system 4685
who is a member or officer on the date of execution, although 4686
such person was not a member or officer on the date of such 4687
bonds or coupons. 4688

All bonds issued under authority of this section have all 4689
qualities and incidents of negotiable instruments, subject to 4690
provisions for registration, and may be issued in coupon or 4691
fully registered form, or both, as the board provides. Provision 4692
may be made for the registration of any coupon bonds as to 4693
principal alone or as to both principal and interest and for the 4694
conversion into fully registered bonds of coupon bonds, and into 4695
coupon bonds of any fully registered bond or bonds registered as 4696
to both principal and interest. 4697

(C) The proceedings authorizing issuance of revenue bonds 4698
pursuant to division (B) of this section may contain provisions 4699
that shall be a part of the contract with the bondholders as to: 4700

(1) Pledging the rates, revenues, and other income, 4701
charges, and moneys therein designated for the payment of the 4702
principal of and interest on the bonds and all other payments 4703
required to be made by the bond proceedings; 4704

(2) Provisions regarding the purposes to which the 4705
proceeds of the bonds may be applied; 4706

(3) Terms of the bonds;	4707
(4) Maintenance, collection, use, and disposition of rates, revenues, and other income, charges, and moneys received from the operation or disposition of the county transit system;	4708 4709 4710
(5) Terms and conditions under which additional bonds may be issued secured by a pledge of rates, revenues, and other income, charges, and moneys received from the operation or disposition of the county transit system;	4711 4712 4713 4714
(6) Terms of any trust agreement or indenture of mortgage securing the bonds, including authorization for the county transit board to enter into such agreement or indenture on behalf of the county and with a corporate trustee which may be any trust company or bank having the powers of a trust company within or without this state;	4715 4716 4717 4718 4719 4720
(7) The deposit, application, safeguarding, and investment of funds of the county transit board or board of county commissioners received or held under such trust agreement or indenture to which the provisions of Chapters 131. and 135. of the Revised Code are not applicable;	4721 4722 4723 4724 4725
(8) Any other appropriate agreements with the bondholders with respect to the rates, revenues, and other income, charges, and moneys received from the operation or disposition of the county transit system;	4726 4727 4728 4729
(9) Other provisions that are customary or appropriate in an agreement or indenture of such type, including but not limited to:	4730 4731 4732
(a) Mortgage or any real estate or interest therein acquired from the proceeds of such bonds;	4733 4734

(b) Covenant to maintain each pledge, trust agreement, and indenture of mortgage made for the security of any bonds until the principal of and interest on the bonds has been fully paid, or provision therefor has been made, for the security of which the pledge has been made and the trust agreement or the indenture of mortgage has been given;

(c) In the event of default in any payments required to be made or any other agreement made as a part of the contract under which the bonds are issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver in equity, or, if a mortgage has been given, the foreclosure of such mortgage, or any combination of the foregoing;

(d) The rights and remedies of the bondholders and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual bondholders;

(e) Such other provisions as the trustee, the original purchaser of the bonds, and the board of county commissioners or county transit board agree upon.

(D) Any holder of bonds issued pursuant to division (B) of this section or a trustee under a trust agreement or indenture of mortgage entered into pursuant to division (C)(6) of this section, except to the extent that their rights are restricted by the bond proceedings or the terms of the bonds, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. Such rights include the right:

(1) To compel the performance of all duties of the county transit board or board of county commissioners required by sections 306.01 to 306.13 of the Revised Code, or the bond

proceedings; 4764

(2) To enjoin unlawful activities; 4765

(3) In the event of default in the payment of any 4766
principal or interest on any bond or in the performance of any 4767
covenant or agreement on the part of the county transit board or 4768
board of county commissioners in the resolution, trust 4769
agreement, or indenture, to apply to a court to appoint a 4770
receiver to administer and operate the county transit system, 4771
the rates, revenues, and other income, charges, and moneys of 4772
which are pledged to the payment of and interest on such bonds, 4773
or which are the subject of the covenant or agreement, with full 4774
power to pay and to provide for payment of principal and 4775
interest on such bonds, and with such powers subject to the 4776
direction of the court as are accorded receivers in general 4777
equity cases, excluding any power to pledge additional rates, 4778
revenues, or other income, charges, or moneys of the county, 4779
including those derived from taxation, to the payment of such 4780
principal and interest; 4781

(4) To foreclose the mortgage on any real estate or 4782
interest therein which has been mortgaged, in the same manner as 4783
real estate of private corporations. 4784

(E) Bonds issued pursuant to division (B) of section 4785
306.09 and to section 306.10 of the Revised Code are lawful 4786
investments of banks, societies for savings, savings and loan 4787
associations, deposit guaranty associations, trust companies, 4788
trustees, fiduciaries, insurance companies, including domestic 4789
for life and domestic not for life, trustees or other officers 4790
having charge of sinking and bond retirement or other special 4791
funds of political subdivisions and taxing districts of this 4792
state, the commissioners of the sinking fund of the state, the 4793

~~administrator of workers' compensation~~director of workforce 4794
insurance and safety, the state teachers retirement system, the 4795
public employees retirement system, the school employees 4796
retirement system, and the Ohio police and fire pension fund, 4797
and are acceptable as security for the deposit of public moneys. 4798

Sec. 306.85. Bonds of a regional transit commission are 4799
lawful investments of banks, savings banks, mutual savings 4800
banks, trust companies, savings and loan associations, deposit 4801
guaranty associations, bond retirement funds or sinking funds of 4802
municipal corporations, boards of education, regional transit 4803
commissions, counties, ~~the administrator of workers'~~ 4804
~~compensation~~director of workforce insurance and safety, state 4805
teachers retirement system, school employees retirement system, 4806
public employees retirement system, Ohio police and fire pension 4807
fund, and domestic insurance companies for life and other than 4808
life, and are acceptable as security for the deposit of public 4809
moneys. 4810

Sec. 307.02. The board of county commissioners of any 4811
county, in addition to its other powers, may purchase, for cash 4812
or by installment payments, enter into lease-purchase 4813
agreements, lease with option to purchase, lease, appropriate, 4814
construct, enlarge, improve, rebuild, equip, and furnish a 4815
courthouse, county offices, jail, county home, juvenile court 4816
building, detention facility, public market houses, retail store 4817
rooms and offices, if located in a building acquired to house 4818
county offices, for which store rooms or offices the board of 4819
county commissioners may establish and collect rents or enter 4820
into leases as provided in section 307.09 of the Revised Code, 4821
county children's home, community mental health facility, 4822
community developmental disabilities facility, facilities for 4823
senior citizens, alcohol treatment and control center, other 4824

necessary buildings, public stadiums, public auditorium, 4825
exhibition hall, zoological park, public library buildings, golf 4826
courses, and off-street parking facilities determined by the 4827
board of county commissioners to be so situated as to be useful 4828
for any of such purposes or any combination of such purposes, 4829
for the use of which parking facilities the board of county 4830
commissioners may establish and collect rates, charges, or 4831
rents, and sites therefor, such real estate adjoining an 4832
existing site as is necessary for any of such purposes, 4833
including real estate necessary to afford light, air, protection 4834
from fire, suitable surroundings, ingress, and egress; such 4835
copies of any public records of such county, made or reproduced 4836
by miniature photography or microfilm, as are necessary for the 4837
protection and preservation of public records of such county. 4838

The board of county commissioners of any county may lease 4839
for a period not to exceed forty years, pursuant to a contract 4840
providing for the construction thereof under a lease-purchase 4841
plan, those buildings, structures, and other improvements 4842
enumerated in the first paragraph of this section, and in 4843
conjunction therewith, may grant leases, easements, or licenses 4844
for lands under the control of the county for a period not to 4845
exceed forty years. Such lease-purchase plan shall provide that 4846
at the end of the lease period such buildings, structures, and 4847
related improvements, together with the land on which they are 4848
situated, shall become the property of the county without cost. 4849

Whenever any building, structure or other improvement is 4850
to be so leased by a county, the board of county commissioners 4851
shall file in the office of the board, if the board has a full- 4852
time clerk, or in the office of the county auditor such basic 4853
plans, specifications, bills of materials, and estimates of cost 4854
with sufficient detail to afford bidders all needed information, 4855

or alternatively, shall file the following plans, details, bills 4856
of materials, and specifications: 4857

(A) Full and accurate plans, suitable for the use of 4858
mechanics and other builders in such construction, improvement, 4859
addition, alteration, or installation; 4860

(B) Details to scale and full sized, so drawn and 4861
represented as to be easily understood; 4862

(C) Accurate bills showing the exact quantity of different 4863
kinds of material necessary to the construction; 4864

(D) Definite and complete specifications of the work to be 4865
performed, together with such directions as will enable a 4866
competent mechanic or other builder to carry them out and afford 4867
bidders all needed information; 4868

(E) A full and accurate estimate of each item of expense 4869
and of the aggregate cost thereof. 4870

The board of county commissioners shall invite bids in the 4871
manner prescribed in sections 307.86 to 307.92 of the Revised 4872
Code. Such bids shall contain the terms upon which the builder 4873
would propose to lease the building, structure, or other 4874
improvement to the county. The form of the bid approved by the 4875
board of county commissioners shall be used and a bid shall be 4876
invalid and not considered unless such form is used without 4877
change, alteration, or addition. 4878

Before submitting bids pursuant to this section, any 4879
builder shall have complied with sections 153.50 to 153.52 of 4880
the Revised Code. 4881

On the day and at the place named for receiving bids for 4882
entering into lease agreements with the county, the board of 4883

county commissioners shall open the bids, and shall publicly 4884
proceed immediately to tabulate the bids. No such lease 4885
agreement shall be entered into until the ~~bureau of workers'~~ 4886
~~compensation~~ department of workforce insurance and safety has 4887
certified that the corporation, partnership, or person to be 4888
awarded the lease agreement has complied with Chapter 4123. of 4889
the Revised Code, and until, if the builder submitting the 4890
lowest and best bid is a foreign corporation, the secretary of 4891
state has certified that such corporation is authorized to do 4892
business in this state, and until, if the builder submitting the 4893
lowest and best bid is a person or partnership nonresident of 4894
this state, such person or partnership has filed with the 4895
secretary of state a power of attorney designating the secretary 4896
of state as its agent for the purpose of accepting service of 4897
summons in any action brought under Chapter 4123. of the Revised 4898
Code, and until the agreement is submitted to the county 4899
prosecutor and the county prosecutor's approval certified 4900
thereon. Within thirty days after the day on which the bids are 4901
received, the board of county commissioners shall investigate 4902
the bids received and shall determine that the ~~bureau~~ department 4903
and the secretary of state have made the certifications required 4904
by this section of the builder who has submitted the lowest and 4905
best bid. Within ten days of the completion of the investigation 4906
of the bids the board of county commissioners may award the 4907
lease agreement to the builder who has submitted the lowest and 4908
best bid and who has been certified by the ~~bureau~~ department and 4909
secretary of state as required by this section. If bidding for 4910
the lease agreement has been conducted upon the basis of basic 4911
plans, specifications, bills of materials, and estimates of 4912
costs, upon the award to the builder, the board of county 4913
commissioners, or the builder with the approval of the board of 4914
county commissioners, shall appoint an architect or engineer 4915

licensed in Ohio to prepare such further detailed plans, 4916
specifications, and bills of materials as are required to 4917
construct the buildings, structures, and other improvements 4918
enumerated in the first paragraph of this section. The board of 4919
county commissioners may reject any bid. Where there is reason 4920
to believe there is collusion or combination among the bidders, 4921
the bids of those concerned therein shall be rejected. 4922

Sec. 351.11. Convention facilities authority bonds and 4923
notes issued under this chapter are lawful investments of banks, 4924
societies for savings, trust companies, savings and loan 4925
associations, trustees, fiduciaries, trustees or other officers 4926
having charge of the bond retirement funds or sinking funds of 4927
municipal corporations, boards of education, port authorities, 4928
and counties and political subdivisions and taxing districts of 4929
this state, the commissioners of the sinking fund of this state, 4930
the ~~administrator of workers' compensation~~director of workforce 4931
insurance and safety, the retirement boards of the state 4932
teachers retirement system, the school employees retirement 4933
system, the public employees retirement system, and the Ohio 4934
police and fire pension fund, and of insurance companies, 4935
including domestic life insurance companies and domestic 4936
insurance companies other than life, and are acceptable as 4937
security for the deposit of public moneys. 4938

Sec. 353.16. Bonds of a lake facilities authority and lake 4939
facilities authority revenue bonds are lawful investments of 4940
banks, societies for savings, trust companies, savings and loan 4941
associations, deposit guaranty associations, trustees, 4942
fiduciaries, trustees or other officers having charge of the 4943
bond retirement funds or sinking funds of port authorities and 4944
political subdivisions, and taxing districts of this state, the 4945
commissioners of the sinking fund of this state, the 4946

~~administrator of workers' compensation~~director of workforce 4947
insurance and safety, the state teachers retirement system, the 4948
school employees retirement system, the public employees 4949
retirement system, the Ohio police and fire pension fund, and 4950
insurance companies, including domestic life insurance companies 4951
and domestic insurance companies other than life, and are 4952
acceptable as security for the deposit of public moneys. 4953

Sec. 715.011. Each municipal corporation may lease for a 4954
period not to exceed forty years, pursuant to a contract 4955
providing for the construction thereof under a lease-purchase 4956
plan, buildings, structures, and other improvements for any 4957
authorized municipal purpose, and in conjunction therewith, may 4958
grant leases, easements, or licenses for lands under the control 4959
of the municipal corporation for a period not to exceed forty 4960
years. The lease shall provide that at the end of the lease 4961
period the buildings, structures, and related improvements 4962
together with the land on which they are situate shall become 4963
the property of the municipal corporation without cost. 4964

Whenever any building, structure, or other improvement is 4965
to be so leased by a municipal corporation, the appropriate 4966
contracting officer of the municipal corporation shall file with 4967
the clerk of the council such basic plans, specifications, bills 4968
of materials, and estimates of cost with sufficient detail to 4969
afford bidders all needed information, or alternatively, shall 4970
file the following plans, details, bills of materials, and 4971
specifications: 4972

(A) Full and accurate plans, suitable for the use of 4973
mechanics and other builders in such construction, improvement, 4974
addition, alteration, or installation; 4975

(B) Details to scale and full sized, so drawn and 4976

represented as to be easily understood; 4977

(C) Accurate bills showing the exact quantity of different 4978
kinds of material necessary to the construction; 4979

(D) Definite and complete specifications of the work to be 4980
performed, together with such directions as will enable a 4981
competent mechanic or other builder to carry them out and afford 4982
bidders all needed information; 4983

(E) A full and accurate estimate of each item of expense 4984
and of the aggregate cost thereof. 4985

The council of the municipal corporation shall give public 4986
notice in a newspaper of general circulation in the municipal 4987
corporation, and in the form and with the phraseology as the 4988
council orders, published once each week for four consecutive 4989
weeks or as provided in section 7.16 of the Revised Code, of the 4990
time and place, when and where bids will be received for 4991
entering into an agreement to lease to the municipal corporation 4992
a building, structure, or other improvement, the last 4993
publication to be at least eight days preceding the day for 4994
opening the bids. The bids shall contain the terms upon which 4995
the builder would propose to lease the building, structure, or 4996
other improvement to the municipal corporation. The form of the 4997
bid approved by the council of the municipal corporation shall 4998
be used and a bid shall be invalid and not considered unless 4999
such form is used without change, alteration, or addition. 5000
Before submitting bids pursuant to this section, any builder 5001
shall have complied with sections 153.50 to 153.52 of the 5002
Revised Code. 5003

On the day and at the place named for receiving bids for 5004
entering into lease agreements with the municipal corporation, 5005

the appropriate contracting officer of the municipal corporation 5006
shall open the bids, and shall publicly proceed immediately to 5007
tabulate the bids upon triplicate sheets, one of each of which 5008
sheets shall be filed with the clerk of the council. No lease 5009
agreement shall be entered into until the ~~bureau of workers'~~ 5010
~~compensation~~ department of workforce insurance and safety has 5011
certified that the corporation, partnership, or person to be 5012
awarded the lease agreement has complied with Chapter 4123. of 5013
the Revised Code, and until, if the builder submitting the 5014
lowest and best bid is a foreign corporation, the secretary of 5015
state has certified that the corporation is authorized to do 5016
business in this state, and until, if the builder submitting the 5017
lowest and best bid is a person or partnership nonresident of 5018
this state, the person or partnership has filed with the 5019
secretary of state a power of attorney designating the secretary 5020
of state as its agent for the purpose of accepting service of 5021
summons in any action brought under Chapter 4123. of the Revised 5022
Code, and until the agreement is submitted to the village 5023
solicitor or city director of law of the municipal corporation 5024
and the solicitor's or director's approval is certified thereon. 5025
Within thirty days after the day on which the bids are received, 5026
the council shall investigate the bids received and shall 5027
determine that the ~~bureau~~ department and the secretary of state 5028
have made the certifications required by this section of the 5029
builder who has submitted the lowest and best bid. Within ten 5030
days of the completion of the investigation of the bids the 5031
council may award the lease agreement to the builder who has 5032
submitted the lowest and best bid and who has been certified by 5033
the ~~bureau~~ department and secretary of state as required by this 5034
section. If bidding for the lease agreement has been conducted 5035
upon the basis of basic plans, specifications, bills of 5036
materials, and estimates of costs, upon the award to the 5037

builder, the council, or the builder with the approval of the 5038
council, shall appoint an architect or engineer licensed in this 5039
state to prepare such further detailed plans, specifications, 5040
and bills of materials as are required to construct the 5041
building, structure, or improvement. 5042

The council may reject any bid. Where there is reason to 5043
believe there is collusion or combination among bidders, the 5044
bids of those concerned therein shall be rejected. 5045

Sec. 742.38. (A) (1) The board of trustees of the Ohio 5046
police and fire pension fund shall adopt rules establishing 5047
minimum medical testing and diagnostic standards or procedures 5048
to be incorporated into physical examinations administered to 5049
prospective members of the fund. The standards or procedures 5050
shall include diagnosis and evaluation of the existence of any 5051
heart disease, cardiovascular disease, or respiratory disease. 5052
The rules shall specify the form of the examination report and 5053
the information to be included in it. 5054

The board shall notify all employers of the establishment 5055
of the minimum standards or procedures and shall include with 5056
the notice a copy of the standards or procedures. The board 5057
shall notify all employers of any changes made to the standards 5058
or procedures. Once the standards or procedures take effect, 5059
employers shall cause each prospective member of the fund to 5060
submit to a physical examination that incorporates the standards 5061
or procedures. 5062

(2) Division (A) (2) of this section applies to an employee 5063
who becomes a member of the fund on or after the date the 5064
minimum standards or procedures described in division (A) (1) of 5065
this section take effect. For each employee described in 5066
division (A) (2) of this section, the employer shall forward to 5067

the board a copy of the report of a physical examination that 5068
incorporates the standards or procedures described in division 5069
(A) (1) of this section. If an employer fails to forward the 5070
report in the form required by the board on or before the date 5071
that is sixty days after the employee becomes a member of the 5072
fund, the board shall assess against the employer a penalty 5073
determined under section 742.353 of the Revised Code. 5074

(B) Application for a disability benefit may be made by a 5075
member of the fund or, if the member is incapacitated as defined 5076
in rules adopted by the board, by a person acting on the 5077
member's behalf. Not later than fourteen days after receiving an 5078
application for a disability benefit from a member or a person 5079
acting on behalf of a member, the board shall notify the 5080
member's employer that an application has been filed. The notice 5081
shall state the member's position or rank. Not later than 5082
twenty-eight days after receiving the notice or filing an 5083
application on behalf of a member, the employer shall forward to 5084
the board a statement certifying the member's job description 5085
and any other information required by the board to process the 5086
application. 5087

If the member applying for a disability benefit became a 5088
member of the fund prior to the date the minimum standards or 5089
procedures described in division (A) (1) of this section took 5090
effect, the board may request from the member's employer a copy 5091
of the report of the member's physical examination taken on 5092
entry into the police or fire department or, if the employer 5093
does not have a copy of the report, a written statement 5094
certifying that the employer does not have a copy of the report. 5095
If an employer fails to forward the report or statement in the 5096
form required by the board on or before the date that is twenty- 5097
eight days after the date of the request, the board shall assess 5098

against the employer a penalty determined under section 742.353 5099
of the Revised Code. 5100

The board shall maintain the information submitted under 5101
this division and division (A) (2) of this section in the 5102
member's file. 5103

(C) For purposes of determining under division (D) of this 5104
section whether a member of the fund is disabled, the board 5105
shall adopt rules establishing objective criteria under which 5106
the determination is to be made. The rules shall include 5107
standards that provide for all of the following: 5108

(1) Evaluating a member's illness or injury on which an 5109
application for disability benefits is based; 5110

(2) Defining the occupational duties of a police officer 5111
or firefighter; 5112

(3) Providing for the board to assign competent and 5113
disinterested physicians, advanced practice registered nurses, 5114
physician assistants, and vocational evaluators to conduct 5115
examinations of a member; 5116

(4) Requiring a written report for each disability 5117
application that includes a summary of findings, medical 5118
opinions, including an opinion on whether the illness or injury 5119
upon which the member's application for disability benefits is 5120
based was caused or induced by the actual performance of the 5121
member's official duties, and any recommendations or comments 5122
based on the medical opinions; 5123

(5) Taking into consideration the member's potential for 5124
retraining or reemployment. 5125

(D) The board may grant disability benefits to a member 5126

based solely on a review of an application for disability 5127
benefits and supporting medical documentation or may require the 5128
member to undergo a medical examination, a vocational 5129
evaluation, or both. Any medical examination or vocational 5130
evaluation shall be conducted by a physician, advanced practice 5131
registered nurse, physician assistant, or vocational evaluator 5132
assigned in accordance with rules adopted under division (C)(3) 5133
of this section. If a medical examination is conducted by an 5134
advanced practice registered nurse or physician assistant, the 5135
board shall only accept an examination report if a physician 5136
reviews, approves, and signs the report before the report is 5137
submitted to the board. 5138

As used in this division: 5139

"Totally disabled" means a member of the fund is unable to 5140
perform the duties of any gainful occupation for which the 5141
member is reasonably fitted by training, experience, and 5142
accomplishments. Absolute helplessness is not a prerequisite of 5143
being totally disabled. 5144

"Permanently disabled" means a condition of disability 5145
that is expected to last for a continuous period of not less 5146
than twelve months after an application for disability benefits 5147
is filed and from which there is no present indication of 5148
recovery. 5149

"Hazardous duty" has the same meaning as in 5 C.F.R. 5150
550.902, as amended. 5151

(1) A member of the fund who is permanently and totally 5152
disabled as the result of the performance of the member's 5153
official duties as a member of a police or fire department shall 5154
be paid annual disability benefits in accordance with division 5155

(A) of section 742.39 of the Revised Code. In determining 5156
whether a member of the fund is permanently and totally 5157
disabled, the board shall consider standards adopted under 5158
division (C) of this section applicable to the determination. 5159

(2) A member of the fund who is permanently and partially 5160
disabled as the result of the performance of the member's 5161
official duties as a member of a police or fire department 5162
shall, if the disability prevents the member from performing 5163
those duties and impairs the member's earning capacity, receive 5164
annual disability benefits in accordance with division (B) of 5165
section 742.39 of the Revised Code. In determining whether a 5166
member of the fund is permanently and partially disabled, the 5167
board shall consider standards adopted under division (C) of 5168
this section applicable to the determination. 5169

(3) (a) A member of the fund who is permanently disabled as 5170
a result of heart disease or any cardiovascular or respiratory 5171
disease of a chronic nature, which disease or any evidence of 5172
which disease was not revealed by the physical examination 5173
passed by the member on entry into the department or another 5174
examination specified in rules the board adopts under section 5175
742.10 of the Revised Code, is presumed to have incurred the 5176
disease while performing the member's official duties, unless 5177
the contrary is shown by competent evidence. The board may waive 5178
the requirement that the absence of disease be evidenced by a 5179
physical examination if competent medical evidence of a type 5180
specified in rules adopted under section 742.10 of the Revised 5181
Code is submitted documenting that the disease was not evident 5182
prior to or at the time of entry into the department. 5183

(b) A member of the fund who is a member of a fire 5184
department, has been assigned to at least six years of hazardous 5185

duty as a member of a fire department, and is disabled as a 5186
result of cancer, is presumed to have incurred the cancer while 5187
performing the member's official duties if the member was 5188
exposed to an agent classified by the international agency for 5189
research on cancer or its successor agency as a group 1 or 2A 5190
carcinogen. 5191

(c) The presumption described in division (D) (3) (b) of 5192
this section is rebuttable in any of the following situations: 5193

(i) There is evidence that the member incurred the type of 5194
cancer being alleged before becoming a member of the department. 5195

(ii) There is evidence that the member's exposure, outside 5196
the scope of the member's official duties, to cigarettes, 5197
tobacco products, or other conditions presenting an extremely 5198
high risk for the development of the cancer alleged, was 5199
probably a significant factor in the cause or progression of the 5200
cancer. 5201

(iii) There is evidence that shows, by a preponderance of 5202
competent scientific evidence, that exposure to the type of 5203
carcinogen alleged did not or could not have caused the cancer 5204
being alleged. 5205

(iv) There is evidence that the member was not exposed to 5206
an agent classified by the international agency for research on 5207
cancer or its successor agency as a group 1 or 2A carcinogen. 5208

(v) The member is seventy years of age or older. 5209

(d) The presumption described in division (D) (3) (b) of 5210
this section does not apply if it has been more than fifteen 5211
years since the member was last assigned to hazardous duty as a 5212
member of a fire department. 5213

(4) A member of the fund who has five or more years of service credit and has incurred a permanent disability not caused or induced by the actual performance of the member's official duties as a member of the department, or by the member's own negligence, shall if the disability prevents the member from performing those duties and impairs the member's earning capacity, receive annual disability benefits in accordance with division (C) of section 742.39 of the Revised Code. In determining whether a member of the fund is permanently disabled, the board shall consider standards adopted under division (C) of this section applicable to the determination.

(5) The board shall notify a member of its final action awarding a disability benefit to the member within thirty days of the final action. The notice shall be sent by certified mail, return receipt requested. Not later than ninety days after receipt of notice from the board, the member shall elect, on a form provided by the board, either to accept or waive the disability benefit award. If the member elects to waive the disability benefit award or fails to make an election within the time period, the award is rescinded. A member who later seeks a disability benefit award shall be required to make a new application, which shall be dealt with in accordance with the procedures used for original disability benefit applications.

A person is not eligible to apply for or receive disability benefits under this division, section 742.39 of the Revised Code, or division (C) (2), (3), (4), or (5) of former section 742.37 of the Revised Code unless the person is a member of the fund on the date on which the application for disability benefits is submitted to the fund.

With the exception of persons who may make application for

increased benefits as provided in division (D) (2) or (4) of this 5244
section or division (C) (3) or (5) of former section 742.37 of 5245
the Revised Code on or after July 24, 1986, or persons who may 5246
make application for benefits as provided in section 742.26 of 5247
the Revised Code, no person receiving a pension or benefit under 5248
this section or division (C) of former section 742.37 of the 5249
Revised Code may apply for any new, changed, or different 5250
benefit. 5251

(E) An advanced practice registered nurse or physician 5252
assistant assigned in accordance with rules adopted under 5253
division (C) (3) of this section to conduct a medical examination 5254
of a member who has applied for disability benefits shall only 5255
conduct an examination that is within the scope and practice 5256
that is permitted under Chapter 4723. or 4730. of the Revised 5257
Code, respectively, and does not exceed the advanced practice 5258
registered nurse's or physician assistant's training. 5259

(F) Notwithstanding the requirement of section 742.41 of 5260
the Revised Code that all medical reports and recommendations 5261
required are privileged, the board shall submit to the 5262
~~administrator of workers' compensation~~ director of workforce 5263
insurance and safety any data necessary for the report required 5264
under section 4123.86 of the Revised Code. 5265

Sec. 902.10. All bonds issued under this chapter are 5266
lawful investments of banks, societies for savings, savings and 5267
loan associations, deposit guarantee associations, trust 5268
companies, trustees, fiduciaries, insurance companies, including 5269
domestic for life and domestic not for life, trustees or other 5270
officers having charge of sinking and bond retirement or other 5271
special funds of political subdivisions and taxing districts of 5272
this state, the commissioners of the sinking fund of the state, 5273

the ~~administrator of workers' compensation~~director of workforce 5274
insurance and safety, the state teachers retirement system, the 5275
public employees retirement system, the school employees 5276
retirement system, and the Ohio police and fire pension fund, 5277
notwithstanding any other provision of the Revised Code or rules 5278
adopted pursuant thereto by any governmental agency of the state 5279
with respect to investments by them, and are acceptable as 5280
security for the deposit of public moneys. 5281

Sec. 1545.27. Park district revenue bonds are lawful 5282
investments of banks, trust companies, trustees, the boards of 5283
trustees of the sinking funds of municipal corporations, school 5284
districts, and counties, the ~~administrator of workers'~~ 5285
~~compensation~~director of workforce insurance and safety, the 5286
state teachers retirement system, the public employees 5287
retirement system, and the school employees retirement system, 5288
and also are acceptable as security for the deposit of public 5289
moneys. 5290

Sec. 1555.08. (A) Subject to the limitations provided in 5291
Section 15 of Article VIII, Ohio Constitution, the commissioners 5292
of the sinking fund, upon certification by the director of the 5293
Ohio coal development office of the amount of moneys or 5294
additional moneys needed in the coal research and development 5295
fund for the purpose of making grants or loans for allowable 5296
costs, or needed for capitalized interest, for funding reserves, 5297
and for paying costs and expenses incurred in connection with 5298
the issuance, carrying, securing, paying, redeeming, or 5299
retirement of the obligations or any obligations refunded 5300
thereby, including payment of costs and expenses relating to 5301
letters of credit, lines of credit, insurance, put agreements, 5302
standby purchase agreements, indexing, marketing, remarketing 5303
and administrative arrangements, interest swap or hedging 5304

agreements, and any other credit enhancement, liquidity, 5305
remarketing, renewal, or refunding arrangements, all of which 5306
are authorized by this section, or providing moneys for loan 5307
guarantees, shall issue obligations of the state under this 5308
section in amounts authorized by the general assembly; provided 5309
that such obligations may be issued to the extent necessary to 5310
satisfy the covenants in contracts of guarantee made under 5311
section 1555.05 of the Revised Code to issue obligations to meet 5312
such guarantees, notwithstanding limitations otherwise 5313
applicable to the issuance of obligations under this section 5314
except the one-hundred-million-dollar limitation provided in 5315
Section 15 of Article VIII, Ohio Constitution. The proceeds of 5316
such obligations, except for the portion to be deposited in the 5317
coal research and development bond service fund as may be 5318
provided in the bond proceedings, shall as provided in the bond 5319
proceedings be deposited in the coal research and development 5320
fund. The commissioners of the sinking fund may appoint 5321
trustees, paying agents, and transfer agents and may retain the 5322
services of financial advisors, accounting experts, and 5323
attorneys, and retain or contract for the services of marketing, 5324
remarketing, indexing, and administrative agents, other 5325
consultants, and independent contractors, including printing 5326
services, as are necessary in their judgment to carry out this 5327
section. 5328

(B) The full faith and credit of the state of Ohio is 5329
hereby pledged to obligations issued under this section. The 5330
right of the holders and owners to payment of bond service 5331
charges is limited to all or that portion of the moneys pledged 5332
thereto pursuant to the bond proceedings in accordance with this 5333
section, and each such obligation shall bear on its face a 5334
statement to that effect. 5335

(C) Obligations shall be authorized by resolution of the 5336
commissioners of the sinking fund on request of the director of 5337
the Ohio coal development office as provided in section 1555.02 5338
of the Revised Code and the bond proceedings shall provide for 5339
the purpose thereof and the principal amount or amounts, and 5340
shall provide for or authorize the manner or agency for 5341
determining the principal maturity or maturities, not exceeding 5342
forty years from the date of issuance, the interest rate or 5343
rates or the maximum interest rate, the date of the obligations 5344
and the dates of payment of interest thereon, their 5345
denomination, and the establishment within or without the state 5346
of a place or places of payment of bond service charges. 5347
Sections 9.98 to 9.983 of the Revised Code apply to obligations 5348
issued under this section. The purpose of such obligations may 5349
be stated in the bond proceedings in terms describing the 5350
general purpose or purposes to be served. The bond proceedings 5351
shall also provide, subject to the provisions of any other 5352
applicable bond proceedings, for the pledge of all, or such part 5353
as the commissioners of the sinking fund may determine, of the 5354
moneys credited to the coal research and development bond 5355
service fund to the payment of bond service charges, which 5356
pledges may be made either prior or subordinate to other 5357
expenses, claims, or payments and may be made to secure the 5358
obligations on a parity with obligations theretofore or 5359
thereafter issued, if and to the extent provided in the bond 5360
proceedings. The moneys so pledged and thereafter received by 5361
the state are immediately subject to the lien of such pledge 5362
without any physical delivery thereof or further act, and the 5363
lien of any such pledges is valid and binding against all 5364
parties having claims of any kind against the state or any 5365
governmental agency of the state, irrespective of whether such 5366
parties have notice thereof, and shall create a perfected 5367

security interest for all purposes of Chapter 1309. of the 5368
Revised Code, without the necessity for separation or delivery 5369
of funds or for the filing or recording of the bond proceedings 5370
by which such pledge is created or any certificate, statement, 5371
or other document with respect thereto; and the pledge of such 5372
moneys is effective and the money therefrom and thereof may be 5373
applied to the purposes for which pledged without necessity for 5374
any act of appropriation. Every pledge, and every covenant and 5375
agreement made with respect thereto, made in the bond 5376
proceedings may therein be extended to the benefit of the owners 5377
and holders of obligations authorized by this section, and to 5378
any trustee therefor, for the further security of the payment of 5379
the bond service charges. 5380

(D) The bond proceedings may contain additional provisions 5381
as to: 5382

(1) The redemption of obligations prior to maturity at the 5383
option of the commissioners of the sinking fund at such price or 5384
prices and under such terms and conditions as are provided in 5385
the bond proceedings; 5386

(2) Other terms of the obligations; 5387

(3) Limitations on the issuance of additional obligations; 5388

(4) The terms of any trust agreement or indenture securing 5389
the obligations or under which the obligations may be issued; 5390

(5) The deposit, investment, and application of the coal 5391
research and development bond service fund, and the safeguarding 5392
of moneys on hand or on deposit, without regard to Chapter 131. 5393
or 135. of the Revised Code, but subject to any special 5394
provisions of this chapter, with respect to particular moneys; 5395
provided, that any bank or trust company which acts as 5396

depository of any moneys in the fund may furnish such 5397
indemnifying bonds or may pledge such securities as required by 5398
the commissioners of the sinking fund; 5399

(6) Any other provision of the bond proceedings being 5400
binding upon the commissioners of the sinking fund, or such 5401
other body or person as may from time to time have the authority 5402
under law to take such actions as may be necessary to perform 5403
all or any part of the duty required by such provision; 5404

(7) Any provision which may be made in a trust agreement 5405
or indenture; 5406

(8) Any other or additional agreements with the holders of 5407
the obligations, or the trustee therefor, relating to the 5408
obligations or the security therefor, including the assignment 5409
of mortgages or other security obtained or to be obtained for 5410
loans under this chapter. 5411

(E) The obligations may have the great seal of the state 5412
or a facsimile thereof affixed thereto or printed thereon. The 5413
obligations shall be signed by such members of the commissioners 5414
of the sinking fund as are designated in the resolution 5415
authorizing the obligations or bear the facsimile signatures of 5416
such members. Any coupons attached to the obligations shall bear 5417
the facsimile signature of the treasurer of state. Any 5418
obligations may be executed by the persons who, on the date of 5419
execution, are the commissioners although on the date of such 5420
bonds the persons were not the commissioners. Any coupons may be 5421
executed by the person who, on the date of execution, is the 5422
treasurer of state although on the date of such coupons the 5423
person was not the treasurer of state. In case any officer or 5424
commissioner whose signature or a facsimile of whose signature 5425
appears on any such obligations or any coupons ceases to be such 5426

officer or commissioner before delivery thereof, such signature 5427
or facsimile is nevertheless valid and sufficient for all 5428
purposes as if the individual had remained such officer or 5429
commissioner until such delivery; and in case the seal to be 5430
affixed to obligations has been changed after a facsimile of the 5431
seal has been imprinted on such obligations, such facsimile seal 5432
shall continue to be sufficient as to such obligations and 5433
obligations issued in substitution or exchange therefor. 5434

(F) All obligations except loan guarantees are negotiable 5435
instruments and securities under Chapter 1308. of the Revised 5436
Code, subject to the provisions of the bond proceedings as to 5437
registration. The obligations may be issued in coupon or in 5438
registered form, or both, as the commissioners of the sinking 5439
fund determine. Provision may be made for the registration of 5440
any obligations with coupons attached thereto as to principal 5441
alone or as to both principal and interest, their exchange for 5442
obligations so registered, and for the conversion or 5443
reconversion into obligations with coupons attached thereto of 5444
any obligations registered as to both principal and interest, 5445
and for reasonable charges for such registration, exchange, 5446
conversion, and reconversion. 5447

(G) Obligations may be sold at public sale or at private 5448
sale, as determined in the bond proceedings. 5449

(H) Pending preparation of definitive obligations, the 5450
commissioners of the sinking fund may issue interim receipts or 5451
certificates which shall be exchanged for such definitive 5452
obligations. 5453

(I) In the discretion of the commissioners of the sinking 5454
fund, obligations may be secured additionally by a trust 5455
agreement or indenture between the commissioners and a corporate 5456

trustee, which may be any trust company or bank having a place 5457
of business within the state. Any such agreement or indenture 5458
may contain the resolution authorizing the issuance of the 5459
obligations, any provisions that may be contained in any bond 5460
proceedings, and other provisions that are customary or 5461
appropriate in an agreement or indenture of such type, 5462
including, but not limited to: 5463

(1) Maintenance of each pledge, trust agreement, 5464
indenture, or other instrument comprising part of the bond 5465
proceedings until the state has fully paid the bond service 5466
charges on the obligations secured thereby, or provision 5467
therefor has been made; 5468

(2) In the event of default in any payments required to be 5469
made by the bond proceedings, or any other agreement of the 5470
commissioners of the sinking fund made as a part of the contract 5471
under which the obligations were issued, enforcement of such 5472
payments or agreement by mandamus, the appointment of a 5473
receiver, suit in equity, action at law, or any combination of 5474
the foregoing; 5475

(3) The rights and remedies of the holders of obligations 5476
and of the trustee, and provisions for protecting and enforcing 5477
them, including limitations on rights of individual holders of 5478
obligations; 5479

(4) The replacement of any obligations that become 5480
mutilated or are destroyed, lost, or stolen; 5481

(5) Such other provisions as the trustee and the 5482
commissioners of the sinking fund agree upon, including 5483
limitations, conditions, or qualifications relating to any of 5484
the foregoing. 5485

(J) Any holder of obligations or a trustee under the bond 5486
proceedings, except to the extent that the holder's rights are 5487
restricted by the bond proceedings, may by any suitable form of 5488
legal proceedings protect and enforce any rights under the laws 5489
of this state or granted by such bond proceedings. Such rights 5490
include the right to compel the performance of all duties of the 5491
commissioners of the sinking fund, the department of 5492
development, or the Ohio coal development office required by 5493
this chapter and Chapter 1551. of the Revised Code or the bond 5494
proceedings; to enjoin unlawful activities; and in the event of 5495
default with respect to the payment of any bond service charges 5496
on any obligations or in the performance of any covenant or 5497
agreement on the part of the commissioners, the department, or 5498
the office in the bond proceedings, to apply to a court having 5499
jurisdiction of the cause to appoint a receiver to receive and 5500
administer the moneys pledged, other than those in the custody 5501
of the treasurer of state, that are pledged to the payment of 5502
the bond service charges on such obligations or that are the 5503
subject of the covenant or agreement, with full power to pay, 5504
and to provide for payment of bond service charges on, such 5505
obligations, and with such powers, subject to the direction of 5506
the court, as are accorded receivers in general equity cases, 5507
excluding any power to pledge additional revenues or receipts or 5508
other income or moneys of the commissioners of the sinking fund 5509
or the state or governmental agencies of the state to the 5510
payment of such principal and interest and excluding the power 5511
to take possession of, mortgage, or cause the sale or otherwise 5512
dispose of any project. 5513

Each duty of the commissioners of the sinking fund and 5514
their employees, and of each governmental agency and its 5515
officers, members, or employees, undertaken pursuant to the bond 5516

proceedings or any grant, loan, or loan guarantee agreement made 5517
under authority of this chapter, and in every agreement by or 5518
with the commissioners, is hereby established as a duty of the 5519
commissioners, and of each such officer, member, or employee 5520
having authority to perform such duty, specifically enjoined by 5521
the law resulting from an office, trust, or station within the 5522
meaning of section 2731.01 of the Revised Code. 5523

The persons who are at the time the commissioners of the 5524
sinking fund, or their employees, are not liable in their 5525
personal capacities on any obligations issued by the 5526
commissioners or any agreements of or with the commissioners. 5527

(K) Obligations issued under this section are lawful 5528
investments for banks, societies for savings, savings and loan 5529
associations, deposit guarantee associations, trust companies, 5530
trustees, fiduciaries, insurance companies, including domestic 5531
for life and domestic not for life, trustees or other officers 5532
having charge of sinking and bond retirement or other special 5533
funds of political subdivisions and taxing districts of this 5534
state, the commissioners of the sinking fund of the state, the 5535
~~administrator of workers' compensation~~director of workforce 5536
insurance and safety, the state teachers retirement system, the 5537
public employees retirement system, the school employees 5538
retirement system, and the Ohio police and fire pension fund, 5539
notwithstanding any other provisions of the Revised Code or 5540
rules adopted pursuant thereto by any governmental agency of the 5541
state with respect to investments by them, and are also 5542
acceptable as security for the deposit of public moneys. 5543

(L) If the law or the instrument creating a trust pursuant 5544
to division (I) of this section expressly permits investment in 5545
direct obligations of the United States or an agency of the 5546

United States, unless expressly prohibited by the instrument, 5547
such moneys also may be invested in no-front-end-load money 5548
market mutual funds consisting exclusively of obligations of the 5549
United States or an agency of the United States and in 5550
repurchase agreements, including those issued by the fiduciary 5551
itself, secured by obligations of the United States or an agency 5552
of the United States; and in collective investment funds 5553
established in accordance with section 1111.14 of the Revised 5554
Code and consisting exclusively of any such securities, 5555
notwithstanding division (A) (1) (c) of that section. The income 5556
from such investments shall be credited to such funds as the 5557
commissioners of the sinking fund determine, and such 5558
investments may be sold at such times as the commissioners 5559
determine or authorize. 5560

(M) Provision may be made in the applicable bond 5561
proceedings for the establishment of separate accounts in the 5562
bond service fund and for the application of such accounts only 5563
to the specified bond service charges on obligations pertinent 5564
to such accounts and bond service fund and for other accounts 5565
therein within the general purposes of such fund. Moneys to the 5566
credit of the bond service fund shall be disbursed on the order 5567
of the treasurer of state; provided, that no such order is 5568
required for the payment from the bond service fund when due of 5569
bond service charges on obligations. 5570

(N) The commissioners of the sinking fund may pledge all, 5571
or such portion as they determine, of the receipts of the bond 5572
service fund to the payment of bond service charges on 5573
obligations issued under this section, and for the establishment 5574
and maintenance of any reserves, as provided in the bond 5575
proceedings, and make other provisions therein with respect to 5576
pledged receipts as authorized by this chapter, which provisions 5577

control notwithstanding any other provisions of law pertaining 5578
thereto. 5579

(O) The commissioners of the sinking fund may covenant in 5580
the bond proceedings, and any such covenants control 5581
notwithstanding any other provision of law, that the state and 5582
applicable officers and governmental agencies of the state, 5583
including the general assembly, so long as any obligations are 5584
outstanding, shall: 5585

(1) Maintain statutory authority for and cause to be 5586
levied and collected taxes so that the pledged receipts are 5587
sufficient in amount to meet bond service charges, and the 5588
establishment and maintenance of any reserves and other 5589
requirements provided for in the bond proceedings, and, as 5590
necessary, to meet covenants contained in any loan guarantees 5591
made under this chapter; 5592

(2) Take or permit no action, by statute or otherwise, 5593
that would impair the exemption from federal income taxation of 5594
the interest on the obligations. 5595

(P) All moneys received by or on account of the state and 5596
required by the applicable bond proceedings, consistent with 5597
this section, to be deposited, transferred, or credited to the 5598
coal research and development bond service fund, and all other 5599
moneys transferred or allocated to or received for the purposes 5600
of the fund, shall be credited to such fund and to any separate 5601
accounts therein, subject to applicable provisions of the bond 5602
proceedings, but without necessity for any act of appropriation. 5603
During the period beginning with the date of the first issuance 5604
of obligations and continuing during such time as any such 5605
obligations are outstanding, and so long as moneys in the bond 5606
service fund are insufficient to pay all bond service charges on 5607

such obligations becoming due in each year, a sufficient amount 5608
of moneys of the state are committed and shall be paid to the 5609
bond service fund in each year for the purpose of paying the 5610
bond service charges becoming due in that year without necessity 5611
for further act of appropriation for such purpose. The bond 5612
service fund is a trust fund and is hereby pledged to the 5613
payment of bond service charges to the extent provided in the 5614
applicable bond proceedings, and payment thereof from such fund 5615
shall be made or provided for by the treasurer of state in 5616
accordance with such bond proceedings without necessity for any 5617
act of appropriation. All investment earnings of the fund shall 5618
be credited to the fund. 5619

(Q) For purposes of establishing the limitations contained 5620
in Section 15 of Article VIII, Ohio Constitution, the "principal 5621
amount" refers to the aggregate of the offering price of the 5622
bonds or notes. "Principal amount" does not refer to the 5623
aggregate value at maturity or redemption of the bonds or notes. 5624

(R) This section applies only with respect to obligations 5625
issued and delivered prior to September 30, 2000. 5626

Sec. 1557.03. (A) (1) The commissioners of the sinking fund 5627
are authorized to issue and sell, as provided in this section 5628
and in amounts from time to time authorized by the general 5629
assembly, general obligations of this state for the purpose of 5630
financing or assisting in the financing of the costs of 5631
projects. The full faith and credit, revenues, and taxing power 5632
of the state are and shall be pledged to the timely payment of 5633
debt charges on outstanding obligations, all in accordance with 5634
Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. 5635
of the Revised Code, excluding from that pledge fees, excises, 5636
or taxes relating to the registration, operation, or use of 5637

vehicles on the public highways, or to fuels used for propelling 5638
those vehicles, and so long as such obligations are outstanding 5639
there shall be levied and collected excises and taxes, excluding 5640
those excepted above, in amount sufficient to pay the debt 5641
charges on such obligations and financing costs relating to 5642
credit enhancement facilities. 5643

(2) For meetings of the commissioners of the sinking fund 5644
pertaining to the obligations under this chapter, each of the 5645
commissioners may designate an employee or officer of that 5646
commissioner's office to attend meetings when that commissioner 5647
is absent for any reason, and such designee, when present, shall 5648
be counted in determining whether a quorum is present at any 5649
meeting and may vote and participate in all proceedings and 5650
actions of the commissioners at that meeting pertaining to the 5651
obligations, provided, that such designee shall not execute or 5652
cause a facsimile of the designee's signature to be placed on 5653
any obligation, or execute any trust agreement or indenture of 5654
the commissioners. Such designation shall be in writing, 5655
executed by the designating member, and shall be filed with the 5656
secretary of the commissioners and such designation may be 5657
changed from time to time by a similar written designation. 5658

(B) The total principal amount of obligations outstanding 5659
at any one time shall not exceed two hundred million dollars, 5660
and not more than fifty million dollars in principal amount of 5661
obligations to pay costs of projects may be issued in any fiscal 5662
year, all determined as provided in Chapter 1557. of the Revised 5663
Code. 5664

(C) The state may participate by grants or contributions 5665
in financing projects under this section made by local 5666
government entities. Of the proceeds of the first two hundred 5667

million dollars principal amount in obligations issued under 5668
this section to pay costs of projects, at least twenty per cent 5669
shall be allocated in accordance with section 1557.06 of the 5670
Revised Code to grants or contributions to local government 5671
entities. The director of budget and management shall establish 5672
and maintain records in such manner as to show that the proceeds 5673
credited to the Ohio parks and natural resources fund have been 5674
expended for the purposes and in accordance with the limitations 5675
set forth herein. 5676

(D) Each issue of obligations shall be authorized by 5677
resolution of the commissioners of the sinking fund. The bond 5678
proceedings shall provide for the principal amount or maximum 5679
principal amount of obligations of an issue, and shall provide 5680
for or authorize the manner or agency for determining the 5681
principal maturity or maturities, not exceeding the earlier of 5682
twenty-five years from the date the debt represented by the 5683
particular obligations was originally contracted, the interest 5684
rate or rates, the date of and the dates of payment of interest 5685
on the obligations, their denominations, and the establishment 5686
within or without the state of a place or places of payment of 5687
debt charges. Sections 9.96 and 9.98 to 9.983 of the Revised 5688
Code are applicable to the obligations. The purpose of the 5689
obligations may be stated in the bond proceedings as "financing 5690
or assisting in the financing of projects as provided in Section 5691
21 of Article VIII, Ohio Constitution." 5692

(E) The proceeds of the obligations, except for any 5693
portion to be deposited in special funds, or in escrow funds for 5694
the purpose of refunding outstanding obligations, all as may be 5695
provided in the bond proceedings, shall be deposited in the Ohio 5696
parks and natural resources fund established by section 1557.02 5697
of the Revised Code. 5698

(F) The commissioners of the sinking fund may appoint 5699
paying agents, bond registrars, securities depositories, and 5700
transfer agents, and may retain the services of financial 5701
advisers and accounting experts, and retain or contract for the 5702
services of marketing, remarketing, indexing, and administrative 5703
agents, other consultants, and independent contractors, 5704
including printing services, as are necessary in the judgment of 5705
the commissioners to carry out this chapter of the Revised Code. 5706
Financing costs are payable, as provided in the bond 5707
proceedings, from the proceeds of the obligations, from special 5708
funds, or from other moneys available for the purpose. 5709

(G) The bond proceedings, including any trust agreement, 5710
may contain additional provisions customary or appropriate to 5711
the financing or to the obligations or to particular 5712
obligations, including, but not limited to: 5713

(1) The redemption of obligations prior to maturity at the 5714
option of the state or of the holder or upon the occurrence of 5715
certain conditions at such price or prices and under such terms 5716
and conditions as are provided in the bond proceedings; 5717

(2) The form of and other terms of the obligations; 5718

(3) The establishment, deposit, investment, and 5719
application of special funds, and the safeguarding of moneys on 5720
hand or on deposit, without regard to Chapter 131. or 135. of 5721
the Revised Code, provided that any bank or trust company that 5722
acts as a depository of any moneys in special funds may furnish 5723
such indemnifying bonds or may pledge such securities as 5724
required by the commissioners of the sinking fund; 5725

(4) Any or every provision of the bond proceedings binding 5726
upon the commissioners of the sinking fund and such state agency 5727

or local government entities, officer, board, commission, 5728
authority, agency, department, or other person or body as may 5729
from time to time have the authority under law to take such 5730
actions as may be necessary to perform all or any part of the 5731
duty required by such provision; 5732

(5) The maintenance of each pledge, any trust agreement, 5733
or other instrument composing part of the bond proceedings until 5734
the state has fully paid or provided for the payment of the debt 5735
charges on the obligations or met other stated conditions; 5736

(6) In the event of default in any payments required to be 5737
made by the bond proceedings, or any other agreement of the 5738
commissioners of the sinking fund made as part of a contract 5739
under which the obligations were issued or secured, the 5740
enforcement of such payments or agreements by mandamus, suit in 5741
equity, action at law, or any combination of the foregoing; 5742

(7) The rights and remedies of the holders of obligations 5743
and of the trustee under any trust agreement, and provisions for 5744
protecting and enforcing them, including limitations on rights 5745
of individual holders of obligations; 5746

(8) The replacement of any obligations that become 5747
mutilated or are destroyed, lost, or stolen; 5748

(9) Provision for the funding, refunding, or advance 5749
refunding or other provision for payment of obligations which 5750
will then no longer be or be deemed to be outstanding for 5751
purposes of this section or of the bond proceedings; 5752

(10) Any provision that may be made in bond proceedings or 5753
a trust agreement, including provision for amendment of the bond 5754
proceedings; 5755

(11) Such other provisions as the commissioners of the 5756

sinking fund determine, including limitations, conditions, or 5757
qualifications relating to any of the foregoing; 5758

(12) Any other or additional agreements with the holders 5759
of the obligations relating to the obligations or the security 5760
for the obligations. 5761

(H) The great seal of the state or a facsimile of that 5762
seal may be affixed to or printed on the obligations. The 5763
obligations shall be signed by or bear the facsimile signatures 5764
of two or more of the commissioners of the sinking fund as 5765
provided in the bond proceedings. Any obligations may be signed 5766
by the person who, on the date of execution, is the authorized 5767
signer although on the date of such obligations such person was 5768
not a commissioner. In case the individual whose signature or a 5769
facsimile of whose signature appears on any obligation ceases to 5770
be a commissioner before delivery of the obligation, such 5771
signature or facsimile is nevertheless valid and sufficient for 5772
all purposes as if the individual had remained the member until 5773
such delivery, and in case the seal to be affixed to or printed 5774
on obligations has been changed after the seal has been affixed 5775
to or a facsimile of the seal has been printed on the 5776
obligations, that seal or facsimile seal shall continue to be 5777
sufficient as to those obligations and obligations issued in 5778
substitution or exchange therefor. 5779

(I) Obligations may be issued in coupon or in fully 5780
registered form, or both, as the commissioners of the sinking 5781
fund determine. Provision may be made for the registration of 5782
any obligations with coupons attached as to principal alone or 5783
as to both principal and interest, their exchange for 5784
obligations so registered, and for the conversion or 5785
reconversion into obligations with coupons attached of any 5786

obligations registered as to both principal and interest, and 5787
for reasonable charges for such registration, exchange, 5788
conversion, and reconversion. Pending preparation of definitive 5789
obligations, the commissioners of the sinking fund may issue 5790
interim receipts or certificates which shall be exchanged for 5791
such definitive obligations. 5792

(J) Obligations may be sold at public sale or at private 5793
sale, and at such price at, above, or below par, as determined 5794
by the commissioners of the sinking fund in the bond 5795
proceedings. 5796

(K) In the discretion of the commissioners of the sinking 5797
fund, obligations may be secured additionally by a trust 5798
agreement between the state and a corporate trustee which may be 5799
any trust company or bank having a place of business within the 5800
state. Any trust agreement may contain the resolution 5801
authorizing the issuance of the obligations, any provisions that 5802
may be contained in the bond proceedings, and other provisions 5803
that are customary or appropriate in an agreement of the type. 5804

(L) Except to the extent that their rights are restricted 5805
by the bond proceedings, any holder of obligations, or a trustee 5806
under the bond proceedings, may by any suitable form of legal 5807
proceedings protect and enforce any rights under the laws of 5808
this state or granted by the bond proceedings. Such rights 5809
include the right to compel the performance of all duties of the 5810
commissioners and the state. Each duty of the commissioners and 5811
employees of the commissioners, and of each state agency and 5812
local public entity and its officers, members, or employees, 5813
undertaken pursuant to the bond proceedings, is hereby 5814
established as a duty of the commissioners, and of each such 5815
agency, local government entity, officer, member, or employee 5816

having authority to perform such duty, specifically enjoined by 5817
the law and resulting from an office, trust, or station within 5818
the meaning of section 2731.01 of the Revised Code. The persons 5819
who are at the time the commissioners, or employees of the 5820
commissioners, are not liable in their personal capacities on 5821
any obligations or any agreements of or with the commissioners 5822
relating to obligations or under the bond proceedings. 5823

(M) Obligations are lawful investments for banks, 5824
societies for savings, savings and loan associations, deposit 5825
guarantee associations, trust companies, trustees, fiduciaries, 5826
insurance companies, including domestic for life and domestic 5827
not for life, trustees or other officers having charge of 5828
sinking and bond retirement or other special funds of political 5829
subdivisions and taxing districts of this state, the 5830
commissioners of the sinking fund, the ~~administrator of workers'~~ 5831
~~compensation~~ director of workforce insurance and safety, the 5832
state teachers retirement system, the public employees 5833
retirement system, the school employees retirement system, and 5834
the Ohio police and fire pension fund, notwithstanding any other 5835
provisions of the Revised Code or rules adopted pursuant thereto 5836
by any state agency with respect to investments by them, and are 5837
also acceptable as security for the deposit of public moneys. 5838

(N) Unless otherwise provided in any applicable bond 5839
proceedings, moneys to the credit of or in the special funds 5840
established by or pursuant to this section may be invested by or 5841
on behalf of the commissioners of the sinking fund only in 5842
notes, bonds, or other direct obligations of the United States 5843
or of any agency or instrumentality of the United States, in 5844
obligations of this state or any political subdivision of this 5845
state, in certificates of deposit of any national bank located 5846
in this state and any bank, as defined in section 1101.01 of the 5847

Revised Code, subject to inspection by the superintendent of 5848
financial institutions, in the Ohio subdivision's fund 5849
established pursuant to section 135.45 of the Revised Code, in 5850
no-front-end-load money market mutual funds consisting 5851
exclusively of direct obligations of the United States or of an 5852
agency or instrumentality of the United States, and in 5853
repurchase agreements, including those issued by any fiduciary, 5854
secured by direct obligations of the United States or an agency 5855
or instrumentality of the United States, and in collective 5856
investment funds established in accordance with section 1111.14 5857
of the Revised Code and consisting exclusively of direct 5858
obligations of the United States or of an agency or 5859
instrumentality of the United States, notwithstanding division 5860
(A)(1)(c) of that section. The income from investments shall be 5861
credited to such special funds or otherwise as the commissioners 5862
of the sinking fund determine in the bond proceedings, and the 5863
investments may be sold or exchanged at such times as the 5864
commissioners determine or authorize. 5865

(O) Unless otherwise provided in any applicable bond 5866
proceedings, moneys to the credit of or in a special fund shall 5867
be disbursed on the order of the commissioners of the sinking 5868
fund, provided that no such order is required for the payment 5869
from the bond service fund or other special fund when due of 5870
debt charges or required payments under credit enhancement 5871
facilities. 5872

(P) The commissioners of the sinking fund may covenant in 5873
the bond proceedings, and any such covenants shall be 5874
controlling notwithstanding any other provision of law, that the 5875
state and the applicable officers and agencies of the state, 5876
including the general assembly, so long as any obligations are 5877
outstanding in accordance with their terms, shall maintain 5878

statutory authority for and cause to be charged and collected 5879
taxes, excises, and other receipts of the state so that the 5880
receipts to the bond service fund shall be sufficient in amounts 5881
to meet debt charges and for the establishment and maintenance 5882
of any reserves and other requirements, including payment of the 5883
costs of credit enhancement facilities, provided for in the bond 5884
proceedings. 5885

(Q) The obligations, the transfer thereof, and the 5886
interest, other accreted amounts, and other income therefrom, 5887
including any profit made on the sale thereof, at all times 5888
shall be free from taxation, direct or indirect, within the 5889
state. 5890

(R) This section applies only with respect to obligations 5891
issued and delivered before September 30, 2000. 5892

Sec. 1561.04. The director of natural resources or the 5893
director's designee shall annually make a report to the 5894
governor, which shall include: 5895

(A) A summary of the activities and of the reports of the 5896
deputy mine inspectors; 5897

(B) A statement of the condition and the operation of the 5898
mines of the state; 5899

(C) A statement of the number of accidents in and about 5900
the mines, the manner in which they occurred, and any other data 5901
and facts bearing upon the prevention of accidents and the 5902
preservation of life, health, and property, and any suggestions 5903
relative to the better preservation of the life, health, and 5904
property of those engaged in the mining industry. 5905

The records of the ~~bureau of workers' compensation~~ 5906
department of workforce insurance and safety shall be available 5907

to the director or the director's designee for information 5908
concerning such a report. The director or the director's 5909
designee shall send by mail to each coal operator in the state, 5910
to a duly designated representative of the miners at each mine, 5911
and to such other persons as the director or the director's 5912
designee deems proper, a copy of such report. The director or 5913
the director's designee may have as many copies of such report 5914
printed as are needed to make the distribution thereof as 5915
provided in this section. 5916

The director or the director's designee shall also prepare 5917
and publish for public distribution quarterly reports, including 5918
therein information relative to the items enumerated in this 5919
section that is pertinent or available at such times. 5920

Sec. 1701.86. (A) A corporation may be dissolved 5921
voluntarily in the manner provided in this section, provided the 5922
provisions of Chapter 1704. of the Revised Code do not prevent 5923
the dissolution from being effected. 5924

(B) A resolution of dissolution for a corporation shall 5925
set forth that the corporation elects to be dissolved. The 5926
resolution also may include any of the following: 5927

(1) The date on which the certificate of dissolution is to 5928
be filed or the conditions or events that will result in the 5929
filing of the certificate; 5930

(2) Authorization for the officers or directors to abandon 5931
the proposed dissolution before the filing of the certificate of 5932
dissolution; 5933

(3) Any additional provision considered necessary with 5934
respect to the proposed dissolution and winding up. 5935

(C) If an initial stated capital is not set forth in the 5936

articles then before the corporation begins business, or if an 5937
initial stated capital is set forth in the articles then before 5938
subscriptions to shares shall have been received in the amount 5939
of that initial stated capital, the incorporators or a majority 5940
of them may adopt, by a writing signed by each of them, a 5941
resolution of dissolution. 5942

(D) The directors may adopt a resolution of dissolution in 5943
any of the following cases: 5944

(1) When the corporation has been adjudged bankrupt or has 5945
made a general assignment for the benefit of creditors; 5946

(2) By leave of the court, when a receiver has been 5947
appointed in a general creditors' suit or in any suit in which 5948
the affairs of the corporation are to be wound up; 5949

(3) When substantially all of the assets have been sold at 5950
judicial sale or otherwise; 5951

(4) When the articles have been canceled for failure to 5952
file annual franchise or excise tax returns or for failure to 5953
pay franchise or excise taxes and the corporation has not been 5954
reinstated or does not desire to be reinstated; 5955

(5) When the period of existence of the corporation 5956
specified in its articles has expired. 5957

(E) The shareholders at a meeting held for such purpose 5958
may adopt a resolution of dissolution by the affirmative vote of 5959
the holders of shares entitling them to exercise two-thirds of 5960
the voting power of the corporation on such proposal or, if the 5961
articles provide or permit, by the affirmative vote of a greater 5962
or lesser proportion, though not less than a majority, of such 5963
voting power, and by such affirmative vote of the holders of 5964
shares of any particular class as is required by the articles. 5965

Notice of the meeting of the shareholders shall be given to all 5966
the shareholders whether or not entitled to vote at it. 5967

(F) Upon the adoption of a resolution of dissolution, a 5968
certificate shall be prepared, on a form prescribed by the 5969
secretary of state, setting forth all of the following: 5970

(1) The name of the corporation; 5971

(2) A statement that a resolution of dissolution has been 5972
adopted; 5973

(3) A statement of the manner of adoption of such 5974
resolution, and, in the case of its adoption by the 5975
incorporators or directors, a statement of the basis for such 5976
adoption; 5977

(4) The place in this state where its principal office is 5978
or is to be located; 5979

(5) The internet address of each domain name held or 5980
maintained by or on behalf of the corporation; 5981

(6) The name and address of its statutory agent; 5982

(7) The date of dissolution, if other than the filing 5983
date. The date of dissolution shall not be more than ninety days 5984
after the filing of the certificate of dissolution. 5985

(G) When the resolution of dissolution is adopted by the 5986
incorporators, the certificate shall be signed by not less than 5987
a majority of them. In all other cases, the certificate shall be 5988
signed by any authorized officer, unless the officer fails to 5989
execute and file such certificate within thirty days after the 5990
date upon which such certificate is to be filed. In that latter 5991
event, the certificate of dissolution may be signed by any three 5992
shareholders or, if there are less than three shareholders, all 5993

of the shareholders and shall set forth a statement that the 5994
persons signing the certificate are shareholders and are filing 5995
the certificate because of the failure of the officers to do so. 5996

(H) Except as otherwise provided in division (I) of this 5997
section, a certificate of dissolution, filed with the secretary 5998
of state, shall be accompanied by all of the following: 5999

(1) An affidavit of one or more of the persons executing 6000
the certificate of dissolution or of an officer of the 6001
corporation containing a statement of the counties, if any, in 6002
this state in which the corporation has personal property or a 6003
statement that the corporation is of a type required to pay 6004
personal property taxes to state authorities only; 6005

(2) A certificate or other evidence from the department of 6006
taxation showing that the corporation has paid all taxes 6007
administered by and required to be paid to the tax commissioner 6008
that are or will be due from the corporation on the date of the 6009
dissolution, or that the department has received an adequate 6010
guarantee for the payment of all such taxes; 6011

(3) A certificate or other evidence showing the payment of 6012
all personal property taxes accruing up to the date of 6013
dissolution or showing that such payment has been adequately 6014
guaranteed, or an affidavit of one or more of the persons 6015
executing the certificate of dissolution or of an officer of the 6016
corporation containing a statement that the corporation is not 6017
required to pay or the department of taxation has not assessed 6018
any tax for which such a certificate or other evidence is not 6019
provided; 6020

(4) A receipt, certificate, or other evidence from the 6021
director of job and family services showing that all 6022

contributions due from the corporation as an employer have been 6023
paid, or that such payment has been adequately guaranteed, or 6024
that the corporation is not subject to such contributions; 6025

(5) A receipt, certificate, or other evidence from the 6026
~~bureau of workers' compensation department of workforce~~ 6027
insurance and safety showing that all premiums due from the 6028
corporation as an employer have been paid, or that such payment 6029
has been adequately guaranteed, or that the corporation is not 6030
subject to such premium payments. 6031

(I) In lieu of the receipt, certificate, or other evidence 6032
described in division (H) (3), (4), or (5) of this section, an 6033
affidavit of one or more persons executing the certificate of 6034
dissolution or of an officer of the corporation containing a 6035
statement of the date upon which the particular department, 6036
agency, or authority was advised in writing of the scheduled 6037
effective date of the dissolution and was advised in writing of 6038
the acknowledgment by the corporation of the applicability of 6039
the provisions of section 1701.95 of the Revised Code. 6040

(J) Upon the filing of a certificate of dissolution and 6041
such accompanying documents or on a later date specified in the 6042
certificate that is not more than ninety days after the filing, 6043
the corporation shall be dissolved. 6044

Sec. 1707.01. As used in this chapter: 6045

(A) Whenever the context requires it, "division" or 6046
"division of securities" may be read as "director of commerce" 6047
or as "commissioner of securities." 6048

(B) "Security" means any certificate or instrument, or any 6049
oral, written, or electronic agreement, understanding, or 6050
opportunity, that represents title to or interest in, or is 6051

secured by any lien or charge upon, the capital, assets, 6052
profits, property, or credit of any person or of any public or 6053
governmental body, subdivision, or agency. It includes shares of 6054
stock, certificates for shares of stock, an uncertificated 6055
security, membership interests in limited liability companies, 6056
voting-trust certificates, warrants and options to purchase 6057
securities, subscription rights, interim receipts, interim 6058
certificates, promissory notes, all forms of commercial paper, 6059
evidences of indebtedness, bonds, debentures, land trust 6060
certificates, fee certificates, leasehold certificates, 6061
syndicate certificates, endowment certificates, interests in or 6062
under profit-sharing or participation agreements, interests in 6063
or under oil, gas, or mining leases, preorganization or 6064
reorganization subscriptions, preorganization certificates, 6065
reorganization certificates, interests in any trust or pretended 6066
trust, any investment contract, any life settlement interest, 6067
any instrument evidencing a promise or an agreement to pay 6068
money, warehouse receipts for intoxicating liquor, and the 6069
currency of any government other than those of the United States 6070
and Canada, but sections 1707.01 to 1707.50 of the Revised Code 6071
do not apply to the sale of real estate. 6072

(C) (1) "Sale" has the full meaning of "sale" as applied by 6073
or accepted in courts of law or equity, and includes every 6074
disposition, or attempt to dispose, of a security or of an 6075
interest in a security. "Sale" also includes a contract to sell, 6076
an exchange, an attempt to sell, an option of sale, a 6077
solicitation of a sale, a solicitation of an offer to buy, a 6078
subscription, or an offer to sell, directly or indirectly, by 6079
agent, circular, pamphlet, advertisement, or otherwise. 6080

(2) "Sell" means any act by which a sale is made. 6081

(3) The use of advertisements, circulars, or pamphlets in 6082
connection with the sale of securities in this state exclusively 6083
to the purchasers specified in division (D) of section 1707.03 6084
of the Revised Code is not a sale when the advertisements, 6085
circulars, and pamphlets describing and offering those 6086
securities bear a readily legible legend in substance as 6087
follows: "This offer is made on behalf of dealers licensed under 6088
sections 1707.01 to 1707.50 of the Revised Code, and is confined 6089
in this state exclusively to institutional investors and 6090
licensed dealers." 6091

(4) The offering of securities by any person in 6092
conjunction with a licensed dealer by use of advertisement, 6093
circular, or pamphlet is not a sale if that person does not 6094
otherwise attempt to sell securities in this state. 6095

(5) Any security given with, or as a bonus on account of, 6096
any purchase of securities is conclusively presumed to 6097
constitute a part of the subject of that purchase and has been 6098
"sold." 6099

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 6100
person acting in a representative capacity, includes sale on 6101
behalf of such party by an agent, including a licensed dealer or 6102
salesperson. 6103

(D) "Person," except as otherwise provided in this 6104
chapter, means a natural person, firm, partnership, limited 6105
partnership, partnership association, syndicate, joint-stock 6106
company, unincorporated association, trust or trustee except 6107
where the trust was created or the trustee designated by law or 6108
judicial authority or by a will, and a corporation or limited 6109
liability company organized under the laws of any state, any 6110
foreign government, or any political subdivision of a state or 6111

foreign government. 6112

(E) (1) "Dealer," except as otherwise provided in this 6113
chapter, means every person, other than a salesperson, who 6114
engages or professes to engage, in this state, for either all or 6115
part of the person's time, directly or indirectly, either in the 6116
business of the sale of securities for the person's own account, 6117
or in the business of the purchase or sale of securities for the 6118
account of others in the reasonable expectation of receiving a 6119
commission, fee, or other remuneration as a result of engaging 6120
in the purchase and sale of securities. "Dealer" does not mean 6121
any of the following: 6122

(a) Any issuer, including any officer, director, employee, 6123
or trustee of, or member or manager of, or partner in, or any 6124
general partner of, any issuer, that sells, offers for sale, or 6125
does any act in furtherance of the sale of a security that 6126
represents an economic interest in that issuer, provided no 6127
commission, fee, or other similar remuneration is paid to or 6128
received by the issuer for the sale; 6129

(b) Any licensed attorney, public accountant, or firm of 6130
such attorneys or accountants, whose activities are incidental 6131
to the practice of the attorney's, accountant's, or firm's 6132
profession; 6133

(c) Any person that, for the account of others, engages in 6134
the purchase or sale of securities that are issued and 6135
outstanding before such purchase and sale, if a majority or more 6136
of the equity interest of an issuer is sold in that transaction, 6137
and if, in the case of a corporation, the securities sold in 6138
that transaction represent a majority or more of the voting 6139
power of the corporation in the election of directors; 6140

(d) Any person that brings an issuer together with a 6141
potential investor and whose compensation is not directly or 6142
indirectly based on the sale of any securities by the issuer to 6143
the investor; 6144

(e) Any bank; 6145

(f) Any person that the division of securities by rule 6146
exempts from the definition of "dealer" under division (E) (1) of 6147
this section. 6148

(2) "Licensed dealer" means a dealer licensed under this 6149
chapter. 6150

(F) (1) "Salesman" or "salesperson" means every natural 6151
person, other than a dealer, who is employed, authorized, or 6152
appointed by a dealer to sell securities within this state. 6153

(2) The general partners of a partnership, and the 6154
executive officers of a corporation or unincorporated 6155
association, licensed as a dealer are not salespersons within 6156
the meaning of this definition, nor are clerical or other 6157
employees of an issuer or dealer that are employed for work to 6158
which the sale of securities is secondary and incidental; but 6159
the division of securities may require a license from any such 6160
partner, executive officer, or employee if it determines that 6161
protection of the public necessitates the licensing. 6162

(3) "Licensed salesperson" means a salesperson licensed 6163
under this chapter. 6164

(G) "Issuer" means every person who has issued, proposes 6165
to issue, or issues any security. 6166

(H) "Director" means each director or trustee of a 6167
corporation, each trustee of a trust, each general partner of a 6168

partnership, except a partnership association, each manager of a 6169
partnership association, and any person vested with managerial 6170
or directory power over an issuer not having a board of 6171
directors or trustees. 6172

(I) "Incorporator" means any incorporator of a corporation 6173
and any organizer of, or any person participating, other than in 6174
a representative or professional capacity, in the organization 6175
of an unincorporated issuer. 6176

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 6177
practices," or "fraudulent transactions" means anything 6178
recognized on or after July 22, 1929, as such in courts of law 6179
or equity; any device, scheme, or artifice to defraud or to 6180
obtain money or property by means of any false pretense, 6181
representation, or promise; any fictitious or pretended purchase 6182
or sale of securities; and any act, practice, transaction, or 6183
course of business relating to the purchase or sale of 6184
securities that is fraudulent or that has operated or would 6185
operate as a fraud upon the seller or purchaser. 6186

(K) Except as otherwise specifically provided, whenever 6187
any classification or computation is based upon "par value," as 6188
applied to securities without par value, the average of the 6189
aggregate consideration received or to be received by the issuer 6190
for each class of those securities shall be used as the basis 6191
for that classification or computation. 6192

(L) (1) "Intangible property" means patents, copyrights, 6193
secret processes, formulas, services, good will, promotion and 6194
organization fees and expenses, trademarks, trade brands, trade 6195
names, licenses, franchises, any other assets treated as 6196
intangible according to generally accepted accounting 6197
principles, and securities, accounts receivable, or contract 6198

rights having no readily determinable value. 6199

(2) "Tangible property" means all property other than 6200
intangible property and includes securities, accounts 6201
receivable, and contract rights, when the securities, accounts 6202
receivable, or contract rights have a readily determinable 6203
value. 6204

(M) "Public utilities" means those utilities defined in 6205
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 6206
Code; in the case of a foreign corporation, it means those 6207
utilities defined as public utilities by the laws of its 6208
domicile; and in the case of any other foreign issuer, it means 6209
those utilities defined as public utilities by the laws of the 6210
situs of its principal place of business. The term always 6211
includes railroads whether or not they are so defined as public 6212
utilities. 6213

(N) "State" means any state of the United States, any 6214
territory or possession of the United States, the District of 6215
Columbia, and any province of Canada. 6216

(O) "Bank" means any bank, trust company, savings and loan 6217
association, savings bank, or credit union that is incorporated 6218
or organized under the laws of the United States, any state of 6219
the United States, Canada, or any province of Canada and that is 6220
subject to regulation or supervision by that country, state, or 6221
province. 6222

(P) "Include," when used in a definition, does not exclude 6223
other things or persons otherwise within the meaning of the term 6224
defined. 6225

(Q) (1) "Registration by description" means that the 6226
requirements of section 1707.08 of the Revised Code have been 6227

complied with. 6228

(2) "Registration by qualification" means that the 6229
requirements of sections 1707.09 and 1707.11 of the Revised Code 6230
have been complied with. 6231

(3) "Registration by coordination" means that there has 6232
been compliance with section 1707.091 of the Revised Code. 6233
Reference in this chapter to registration by qualification also 6234
includes registration by coordination unless the context 6235
otherwise indicates. 6236

(R) "Intoxicating liquor" includes all liquids and 6237
compounds that contain more than three and two-tenths per cent 6238
of alcohol by weight and are fit for use for beverage purposes. 6239

(S) "Institutional investor" means any of the following, 6240
whether acting for itself or for others in a fiduciary capacity: 6241

(1) A bank or international banking institution; 6242

(2) An insurance company; 6243

(3) A separate account of an insurance company; 6244

(4) An investment company as defined in the "Investment 6245
Company Act of 1940," 15 U.S.C. 80a-3; 6246

(5) A broker-dealer registered under the "Securities 6247
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 6248
the division of securities as a dealer; 6249

(6) An employee pension, profit-sharing, or benefit plan 6250
if the plan has total assets in excess of ten million dollars or 6251
its investment decisions are made by a named fiduciary, as 6252
defined in the "Employee Retirement Income Security Act of 6253
1974," 29 U.S.C. 1001, that is one of the following: 6254

(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	6255 6256
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	6257 6258 6259
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	6260 6261
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	6262 6263 6264 6265 6266 6267 6268 6269 6270
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	6271 6272
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	6273 6274 6275
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	6276 6277
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S) (6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	6278 6279 6280 6281 6282 6283

- (9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;
- (10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;
- (11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;
- (12) A federal covered investment adviser acting for its own account;
- (13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);
- (14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i);
- (15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this chapter;
- (16) Any other person specified by rule adopted or order issued under this chapter.
- (T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and

exchange commission or by another federal agency means the 6312
statute, rule, regulation, or form as it exists at the time of 6313
the act, omission, event, or transaction to which it is applied 6314
under this chapter. 6315

(U) "Securities and exchange commission" means the 6316
securities and exchange commission established by the Securities 6317
Exchange Act of 1934. 6318

(V) (1) "Control bid" means the purchase of or offer to 6319
purchase any equity security of a subject company from a 6320
resident of this state if either of the following applies: 6321

(a) After the purchase of that security, the offeror would 6322
be directly or indirectly the beneficial owner of more than ten 6323
per cent of any class of the issued and outstanding equity 6324
securities of the issuer. 6325

(b) The offeror is the subject company, there is a pending 6326
control bid by a person other than the issuer, and the number of 6327
the issued and outstanding shares of the subject company would 6328
be reduced by more than ten per cent. 6329

(2) For purposes of division (V) (1) of this section, 6330
"control bid" does not include any of the following: 6331

(a) A bid made by a dealer for the dealer's own account in 6332
the ordinary course of business of buying and selling 6333
securities; 6334

(b) An offer to acquire any equity security solely in 6335
exchange for any other security, or the acquisition of any 6336
equity security pursuant to an offer, for the sole account of 6337
the offeror, in good faith and not for the purpose of avoiding 6338
the provisions of this chapter, and not involving any public 6339
offering of the other security within the meaning of Section 4 6340

of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 6341
U.S.C.A. 77d(2), as amended; 6342

(c) Any other offer to acquire any equity security, or the 6343
acquisition of any equity security pursuant to an offer, for the 6344
sole account of the offeror, from not more than fifty persons, 6345
in good faith and not for the purpose of avoiding the provisions 6346
of this chapter. 6347

(W) "Offeror" means a person who makes, or in any way 6348
participates or aids in making, a control bid and includes 6349
persons acting jointly or in concert, or who intend to exercise 6350
jointly or in concert any voting rights attached to the 6351
securities for which the control bid is made and also includes 6352
any subject company making a control bid for its own securities. 6353

(X) (1) "Investment adviser" means any person who, for 6354
compensation, engages in the business of advising others, either 6355
directly or through publications or writings, as to the value of 6356
securities or as to the advisability of investing in, 6357
purchasing, or selling securities, or who, for compensation and 6358
as a part of regular business, issues or promulgates analyses or 6359
reports concerning securities. 6360

(2) "Investment adviser" does not mean any of the 6361
following: 6362

(a) Any attorney, accountant, engineer, or teacher, whose 6363
performance of investment advisory services described in 6364
division (X) (1) of this section is solely incidental to the 6365
practice of the attorney's, accountant's, engineer's, or 6366
teacher's profession; 6367

(b) A publisher of any bona fide newspaper, news magazine, 6368
or business or financial publication of general and regular 6369

circulation; 6370

(c) A person who acts solely as an investment adviser 6371
representative; 6372

(d) A bank holding company, as defined in the "Bank 6373
Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that 6374
is not an investment company; 6375

(e) A bank, or any receiver, conservator, or other 6376
liquidating agent of a bank; 6377

(f) Any licensed dealer or licensed salesperson whose 6378
performance of investment advisory services described in 6379
division (X)(1) of this section is solely incidental to the 6380
conduct of the dealer's or salesperson's business as a licensed 6381
dealer or licensed salesperson and who receives no special 6382
compensation for the services; 6383

(g) Any person, the advice, analyses, or reports of which 6384
do not relate to securities other than securities that are 6385
direct obligations of, or obligations guaranteed as to principal 6386
or interest by, the United States, or securities issued or 6387
guaranteed by corporations in which the United States has a 6388
direct or indirect interest, and that have been designated by 6389
the secretary of the treasury as exempt securities as defined in 6390
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 6391
78c; 6392

(h) Any person that is excluded from the definition of 6393
investment adviser pursuant to section 202(a)(11)(A) to (E) of 6394
the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), 6395
or that has received an order from the securities and exchange 6396
commission under section 202(a)(11)(F) of the "Investment 6397
Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that 6398

the person is not within the intent of section 202(a)(11) of the 6399
Investment Advisers Act of 1940. 6400

(i) A person who acts solely as a state retirement system 6401
investment officer or as a ~~bureau of workers' compensation~~ 6402
department of workforce insurance and safety chief investment 6403
officer; 6404

(j) Any other person that the division designates by rule, 6405
if the division finds that the designation is necessary or 6406
appropriate in the public interest or for the protection of 6407
investors or clients and consistent with the purposes fairly 6408
intended by the policy and provisions of this chapter. 6409

(Y)(1) "Subject company" means an issuer that satisfies 6410
both of the following: 6411

(a) Its principal place of business or its principal 6412
executive office is located in this state, or it owns or 6413
controls assets located within this state that have a fair 6414
market value of at least one million dollars. 6415

(b) More than ten per cent of its beneficial or record 6416
equity security holders are resident in this state, more than 6417
ten per cent of its equity securities are owned beneficially or 6418
of record by residents in this state, or more than one thousand 6419
of its beneficial or record equity security holders are resident 6420
in this state. 6421

(2) The division of securities may adopt rules to 6422
establish more specific application of the provisions set forth 6423
in division (Y)(1) of this section. Notwithstanding the 6424
provisions set forth in division (Y)(1) of this section and any 6425
rules adopted under this division, the division, by rule or in 6426
an adjudicatory proceeding, may make a determination that an 6427

issuer does not constitute a "subject company" under division 6428
(Y) (1) of this section if appropriate review of control bids 6429
involving the issuer is to be made by any regulatory authority 6430
of another jurisdiction. 6431

(Z) "Beneficial owner" includes any person who directly or 6432
indirectly through any contract, arrangement, understanding, or 6433
relationship has or shares, or otherwise has or shares, the 6434
power to vote or direct the voting of a security or the power to 6435
dispose of, or direct the disposition of, the security. 6436
"Beneficial ownership" includes the right, exercisable within 6437
sixty days, to acquire any security through the exercise of any 6438
option, warrant, or right, the conversion of any convertible 6439
security, or otherwise. Any security subject to any such option, 6440
warrant, right, or conversion privilege held by any person shall 6441
be deemed to be outstanding for the purpose of computing the 6442
percentage of outstanding securities of the class owned by that 6443
person, but shall not be deemed to be outstanding for the 6444
purpose of computing the percentage of the class owned by any 6445
other person. A person shall be deemed the beneficial owner of 6446
any security beneficially owned by any relative or spouse or 6447
relative of the spouse residing in the home of that person, any 6448
trust or estate in which that person owns ten per cent or more 6449
of the total beneficial interest or serves as trustee or 6450
executor, any corporation or entity in which that person owns 6451
ten per cent or more of the equity, and any affiliate or 6452
associate of that person. 6453

(AA) "Offeree" means the beneficial or record owner of any 6454
security that an offeror acquires or offers to acquire in 6455
connection with a control bid. 6456

(BB) "Equity security" means any share or similar 6457

security, or any security convertible into any such security, or 6458
carrying any warrant or right to subscribe to or purchase any 6459
such security, or any such warrant or right, or any other 6460
security that, for the protection of security holders, is 6461
treated as an equity security pursuant to rules of the division 6462
of securities. 6463

(CC) (1) "Investment adviser representative" means a 6464
supervised person of an investment adviser, provided that the 6465
supervised person has more than five clients who are natural 6466
persons other than excepted persons defined in division (EE) of 6467
this section, and that more than ten per cent of the supervised 6468
person's clients are natural persons other than excepted persons 6469
defined in division (EE) of this section. "Investment adviser 6470
representative" does not mean any of the following: 6471

(a) A supervised person that does not on a regular basis 6472
solicit, meet with, or otherwise communicate with clients of the 6473
investment adviser; 6474

(b) A supervised person that provides only investment 6475
advisory services described in division (X) (1) of this section 6476
by means of written materials or oral statements that do not 6477
purport to meet the objectives or needs of specific individuals 6478
or accounts; 6479

(c) Any other person that the division designates by rule, 6480
if the division finds that the designation is necessary or 6481
appropriate in the public interest or for the protection of 6482
investors or clients and is consistent with the provisions 6483
fairly intended by the policy and provisions of this chapter. 6484

(2) For the purpose of the calculation of clients in 6485
division (CC) (1) of this section, a natural person and the 6486

following persons are deemed a single client: Any minor child of 6487
the natural person; any relative, spouse, or relative of the 6488
spouse of the natural person who has the same principal 6489
residence as the natural person; all accounts of which the 6490
natural person or the persons referred to in division (CC) (2) of 6491
this section are the only primary beneficiaries; and all trusts 6492
of which the natural person or persons referred to in division 6493
(CC) (2) of this section are the only primary beneficiaries. 6494
Persons who are not residents of the United States need not be 6495
included in the calculation of clients under division (CC) (1) of 6496
this section. 6497

(3) If subsequent to March 18, 1999, amendments are 6498
enacted or adopted defining "investment adviser representative" 6499
for purposes of the Investment Advisers Act of 1940 or 6500
additional rules or regulations are promulgated by the 6501
securities and exchange commission regarding the definition of 6502
"investment adviser representative" for purposes of the 6503
Investment Advisers Act of 1940, the division of securities 6504
shall, by rule, adopt the substance of the amendments, rules, or 6505
regulations, unless the division finds that the amendments, 6506
rules, or regulations are not necessary for the protection of 6507
investors or in the public interest. 6508

(DD) "Supervised person" means a natural person who is any 6509
of the following: 6510

(1) A partner, officer, or director of an investment 6511
adviser, or other person occupying a similar status or 6512
performing similar functions with respect to an investment 6513
adviser; 6514

(2) An employee of an investment adviser; 6515

(3) A person who provides investment advisory services 6516
described in division (X) (1) of this section on behalf of the 6517
investment adviser and is subject to the supervision and control 6518
of the investment adviser. 6519

(EE) "Excepted person" means a natural person to whom any 6520
of the following applies: 6521

(1) Immediately after entering into the investment 6522
advisory contract with the investment adviser, the person has at 6523
least seven hundred fifty thousand dollars under the management 6524
of the investment adviser. 6525

(2) The investment adviser reasonably believes either of 6526
the following at the time the investment advisory contract is 6527
entered into with the person: 6528

(a) The person has a net worth, together with assets held 6529
jointly with a spouse, of more than one million five hundred 6530
thousand dollars. 6531

(b) The person is a qualified purchaser as defined in 6532
division (FF) of this section. 6533

(3) Immediately prior to entering into an investment 6534
advisory contract with the investment adviser, the person is 6535
either of the following: 6536

(a) An executive officer, director, trustee, general 6537
partner, or person serving in a similar capacity, of the 6538
investment adviser; 6539

(b) An employee of the investment adviser, other than an 6540
employee performing solely clerical, secretarial, or 6541
administrative functions or duties for the investment adviser, 6542
which employee, in connection with the employee's regular 6543

functions or duties, participates in the investment activities 6544
of the investment adviser, provided that, for at least twelve 6545
months, the employee has been performing such nonclerical, 6546
nonsecretarial, or nonadministrative functions or duties for or 6547
on behalf of the investment adviser or performing substantially 6548
similar functions or duties for or on behalf of another company. 6549

If subsequent to March 18, 1999, amendments are enacted or 6550
adopted defining "excepted person" for purposes of the 6551
Investment Advisers Act of 1940 or additional rules or 6552
regulations are promulgated by the securities and exchange 6553
commission regarding the definition of "excepted person" for 6554
purposes of the Investment Advisers Act of 1940, the division of 6555
securities shall, by rule, adopt the substance of the 6556
amendments, rules, or regulations, unless the division finds 6557
that the amendments, rules, or regulations are not necessary for 6558
the protection of investors or in the public interest. 6559

(FF) (1) "Qualified purchaser" means either of the 6560
following: 6561

(a) A natural person who owns not less than five million 6562
dollars in investments as defined by rule by the division of 6563
securities; 6564

(b) A natural person, acting for the person's own account 6565
or accounts of other qualified purchasers, who in the aggregate 6566
owns and invests on a discretionary basis, not less than twenty- 6567
five million dollars in investments as defined by rule by the 6568
division of securities. 6569

(2) If subsequent to March 18, 1999, amendments are 6570
enacted or adopted defining "qualified purchaser" for purposes 6571
of the Investment Advisers Act of 1940 or additional rules or 6572

regulations are promulgated by the securities and exchange 6573
commission regarding the definition of "qualified purchaser" for 6574
purposes of the Investment Advisers Act of 1940, the division of 6575
securities shall, by rule, adopt the amendments, rules, or 6576
regulations, unless the division finds that the amendments, 6577
rules, or regulations are not necessary for the protection of 6578
investors or in the public interest. 6579

(GG) (1) "Purchase" has the full meaning of "purchase" as 6580
applied by or accepted in courts of law or equity and includes 6581
every acquisition of, or attempt to acquire, a security or an 6582
interest in a security. "Purchase" also includes a contract to 6583
purchase, an exchange, an attempt to purchase, an option to 6584
purchase, a solicitation of a purchase, a solicitation of an 6585
offer to sell, a subscription, or an offer to purchase, directly 6586
or indirectly, by agent, circular, pamphlet, advertisement, or 6587
otherwise. 6588

(2) "Purchase" means any act by which a purchase is made. 6589

(3) Any security given with, or as a bonus on account of, 6590
any purchase of securities is conclusively presumed to 6591
constitute a part of the subject of that purchase. 6592

(HH) "Life settlement interest" means the entire interest 6593
or any fractional interest in an insurance policy or certificate 6594
of insurance, or in an insurance benefit under such a policy or 6595
certificate, that is the subject of a life settlement contract. 6596

For purposes of this division, "life settlement contract" 6597
means an agreement for the purchase, sale, assignment, transfer, 6598
devise, or bequest of any portion of the death benefit or 6599
ownership of any life insurance policy or contract, in return 6600
for consideration or any other thing of value that is less than 6601

the expected death benefit of the life insurance policy or 6602
contract. "Life settlement contract" includes a viatical 6603
settlement contract as defined in section 3916.01 of the Revised 6604
Code, but does not include any of the following: 6605

(1) A loan by an insurer under the terms of a life 6606
insurance policy, including, but not limited to, a loan secured 6607
by the cash value of the policy; 6608

(2) An agreement with a bank that takes an assignment of a 6609
life insurance policy as collateral for a loan; 6610

(3) The provision of accelerated benefits as defined in 6611
section 3915.21 of the Revised Code; 6612

(4) Any agreement between an insurer and a reinsurer; 6613

(5) An agreement by an individual to purchase an existing 6614
life insurance policy or contract from the original owner of the 6615
policy or contract, if the individual does not enter into more 6616
than one life settlement contract per calendar year; 6617

(6) The initial purchase of an insurance policy or 6618
certificate of insurance from its owner by a viatical settlement 6619
provider, as defined in section 3916.01 of the Revised Code, 6620
that is licensed under Chapter 3916. of the Revised Code. 6621

(II) "State retirement system" means the public employees 6622
retirement system, Ohio police and fire pension fund, state 6623
teachers retirement system, school employees retirement system, 6624
and state highway patrol retirement system. 6625

(JJ) "State retirement system investment officer" means an 6626
individual employed by a state retirement system as a chief 6627
investment officer, assistant investment officer, or the person 6628
in charge of a class of assets or in a position that is 6629

substantially equivalent to chief investment officer, assistant 6630
investment officer, or person in charge of a class of assets. 6631

(KK) "~~Bureau of workers' compensation~~ Department of 6632
workforce insurance and safety chief investment officer" means 6633
an individual employed by the ~~administrator of workers'~~ 6634
~~compensation~~ director of workforce insurance and safety as a 6635
chief investment officer or in a position that is substantially 6636
equivalent to a chief investment officer. 6637

Sec. 1707.164. (A) No person shall act as a ~~bureau of~~ 6638
~~workers' compensation~~ department of workforce insurance and 6639
safety chief investment officer unless the person is licensed as 6640
a ~~bureau of workers' compensation~~ department of workforce 6641
insurance and safety chief investment officer by the division of 6642
securities. 6643

(B) No ~~bureau of workers' compensation~~ department of 6644
workforce insurance and safety chief investment officer shall 6645
act as a dealer, salesperson, investment advisor, or investment 6646
advisor representative. 6647

Sec. 1707.165. (A) Application for a ~~bureau of workers'~~ 6648
~~compensation~~ department of workforce insurance and safety chief 6649
investment officer's license shall be made in accordance with 6650
this section by filing with the division of securities the 6651
information, materials, and forms specified in rules adopted by 6652
the division. 6653

(B) The division may investigate any applicant for a 6654
license and may require any additional information as it 6655
considers necessary to determine the applicant's business repute 6656
and qualifications to act as a chief investment officer. If the 6657
application for a ~~bureau of workers' compensation~~ department of 6658

workforce insurance and safety chief investment officer's 6659
license involves investigation outside of this state, the 6660
applicant may be required by the division to advance sufficient 6661
funds to pay any of the actual expenses of the investigation. 6662
The division shall furnish the applicant with an itemized 6663
statement of the expenses the applicant is required to pay. 6664

(C) The division shall by rule require an applicant for a 6665
~~bureau of workers' compensation department of workforce~~ 6666
insurance and safety chief investment officer's license to pass 6667
an examination designated by the division or achieve a specified 6668
professional designation unless the applicant meets both of the 6669
following requirements: 6670

(1) Acts as a ~~bureau of workers' compensation department~~ 6671
of workforce insurance and safety chief investment officer on 6672
~~the effective date of this section~~ September 29, 2005; 6673

(2) Has experience or education acceptable to the 6674
division. 6675

(D) If the division finds that the applicant is of good 6676
business repute, appears to be qualified to act as a ~~bureau of~~ 6677
~~workers' compensation department of workforce insurance and~~ 6678
safety chief investment officer, and has complied with this 6679
chapter and rules adopted by the division under this chapter, 6680
the division, upon receipt of the fees prescribed by division 6681
(B) of section 1707.17 of the Revised Code, shall issue to the 6682
applicant a license authorizing the applicant to act as a ~~bureau~~ 6683
~~of workers' compensation department of workforce insurance and~~ 6684
safety chief investment officer. 6685

Sec. 1707.17. (A) (1) The license of every dealer in and 6686
salesperson of securities shall expire on the thirty-first day 6687

of December of each year, and may be renewed upon the filing 6688
with the division of securities of an application for renewal, 6689
and the payment of the fee prescribed in this section. The 6690
division shall give notice, without unreasonable delay, of its 6691
action on any application for renewal of a dealer's or 6692
salesperson's license. 6693

(2) The license of every investment adviser and investment 6694
adviser representative licensed under section 1707.141 or 6695
1707.161 of the Revised Code shall expire on the thirty-first 6696
day of December of each year. The licenses may be renewed upon 6697
the filing with the division of an application for renewal, and 6698
the payment of the fee prescribed in division (B) of this 6699
section. The division shall give notice, without unreasonable 6700
delay, of its action on any application for renewal. 6701

(3) An investment adviser required to make a notice filing 6702
under division (B) of section 1707.141 of the Revised Code 6703
annually shall file with the division the notice filing and the 6704
fee prescribed in division (B) of this section, no later than 6705
the thirty-first day of December of each year. 6706

(4) The license of every state retirement system 6707
investment officer licensed under section 1707.163 of the 6708
Revised Code and the license of a ~~bureau of workers'~~ 6709
~~compensation~~ department of workforce insurance and safety chief 6710
investment officer issued under section 1707.165 of the Revised 6711
Code shall expire on the thirtieth day of June of each year. The 6712
licenses may be renewed on the filing with the division of an 6713
application for renewal, and the payment of the fee prescribed 6714
in division (B) of this section. The division shall give notice, 6715
without unreasonable delay, of its action on any application for 6716
renewal. 6717

(5) The license of every portal operator licensed under section 1707.054 of the Revised Code shall expire on the thirty-first day of December of each year. The license may be renewed upon the filing with the division an application for renewal, and payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(B) (1) The fee for each dealer's license, and for each annual renewal thereof, shall be two hundred dollars.

(2) The fee for each salesperson's license, and for each annual renewal thereof, shall be sixty dollars.

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be one hundred dollars.

(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be one hundred dollars.

(5) The fee for each investment adviser representative's license, and for each annual renewal thereof, shall be thirty-five dollars.

(6) The fee for each state retirement system investment officer's license, and for each annual renewal thereof, shall be fifty dollars.

(7) The fee for a ~~bureau of workers' compensation~~ department of workforce insurance and safety chief investment officer's license, and for each annual renewal thereof, shall be fifty dollars.

(8) The fee for a portal operator license, and for each annual renewal thereof, shall be one hundred dollars.

(C) A dealer's, salesperson's, investment adviser's, 6746
investment adviser representative's, ~~bureau of workers'~~ 6747
~~compensation department of workforce insurance and safety chief~~ 6748
investment officer's, state retirement system investment 6749
officer's, or portal operator's license may be issued at any 6750
time for the remainder of the calendar year. In that event, the 6751
annual fee shall not be reduced. 6752

(D) The division may, by rule or order, waive, in whole or 6753
in part, any of the fee requirements of this section for any 6754
person or class of persons if, in the same calendar year, the 6755
person or class of persons is required to pay an additional fee 6756
as a result of changes in federal law and regulations 6757
implemented under Title IV of the "Dodd-Frank Wall Street Reform 6758
and Consumer Protection Act of 2010," 124 Stat. 1576 (2010), 15 6759
U.S.C. 80b-3a(a), under which a person or class of persons 6760
formerly subject to regulation under the United States 6761
securities and exchange commission is subject to state 6762
regulation under Chapter 1707. of the Revised Code. 6763

Sec. 1707.19. (A) (1) An original license, or a renewal 6764
thereof, applied for by a dealer or salesperson of securities, 6765
or by an investment adviser, investment adviser representative, 6766
~~bureau of workers' compensation department of workforce~~ 6767
~~insurance and safety chief~~ investment officer, state retirement 6768
system investment officer, or portal operator as defined in 6769
section 1707.05 of the Revised Code may, except as provided in 6770
division (A) (2) of this section, be refused, and any such 6771
license granted may be suspended and, after notice and hearing 6772
in accordance with Chapter 119. of the Revised Code, may be 6773
revoked, by the division of securities, if the division 6774
determines that the applicant or the licensed dealer, 6775
salesperson, investment adviser, investment adviser 6776

representative, ~~bureau of workers' compensation department of~~ 6777
~~workforce insurance and safety~~ chief investment officer, or 6778
state retirement system investment officer: 6779

(a) Is not of good business repute; 6780

(b) Is conducting an illegitimate or fraudulent business; 6781

(c) Is, in the case of a dealer, investment adviser, or 6782
portal operator, insolvent; 6783

(d) Has knowingly violated any provision of sections 6784
1707.01 to 1707.50 of the Revised Code, or any regulation or 6785
order made thereunder; 6786

(e) Has knowingly made a false statement of a material 6787
fact or an omission of a material fact in an application for a 6788
license, in a description or application that has been filed, or 6789
in any statement made to the division under such sections; 6790

(f) Has refused to comply with any lawful order or 6791
requirement of the division under section 1707.23 of the Revised 6792
Code; 6793

(g) Has been guilty of any fraudulent act in connection 6794
with the sale of any securities or in connection with acting as 6795
an investment adviser, investment adviser representative, ~~bureau~~ 6796
~~of workers' compensation department of workforce insurance and~~ 6797
~~safety~~ chief investment officer, state retirement system 6798
investment officer, or portal operator; 6799

(h) Conducts business in purchasing or selling securities 6800
at such variations from the existing market as in the light of 6801
all the circumstances are unconscionable; 6802

(i) Conducts business in violation of such rules and 6803
regulations as the division prescribes for the protection of 6804

investors, clients, or prospective clients; 6805

(j) Has failed to furnish to the division any information 6806
with respect to the purchases or sales of securities within this 6807
state that may be reasonably requested by the division as 6808
pertinent to the protection of investors in this state. 6809

(k) Has failed to furnish to the division any information 6810
with respect to acting as an investment adviser, investment 6811
adviser representative, ~~bureau of workers' compensation~~ 6812
department of workforce insurance and safety chief investment 6813
officer, state retirement system investment officer, or portal 6814
operator within this state that may be reasonably requested by 6815
the division. 6816

(2) The division of securities shall not refuse to issue 6817
an original license to an applicant under division (A)(1) of 6818
this section because of a criminal conviction unless the refusal 6819
is in accordance with section 9.79 of the Revised Code. 6820

(B) For the protection of investors the division may 6821
prescribe reasonable rules defining fraudulent, evasive, 6822
deceptive, or grossly unfair practices or devices in the 6823
purchase or sale of securities. 6824

(C) For the protection of investors, clients, or 6825
prospective clients, the division may prescribe reasonable rules 6826
regarding the acts and practices of an investment adviser or an 6827
investment adviser representative. 6828

(D) For the protection of investors, the division may 6829
prescribe reasonable rules regarding the acts and practices of a 6830
portal operator. 6831

(E) Pending any investigation or hearing provided for in 6832
sections 1707.01 to 1707.50 of the Revised Code, the division 6833

may order the suspension of any dealer's, salesperson's, 6834
investment adviser's, investment adviser representative's, 6835
~~bureau of workers' compensation department of workforce~~ 6836
insurance and safety chief investment officer's, state 6837
retirement system investment officer's, or portal operator's 6838
license by notifying the party concerned of such suspension and 6839
the cause for it. If it is a salesperson whose license is 6840
suspended, the division shall also notify the dealer employing 6841
the salesperson. If it is an investment adviser representative 6842
whose license is suspended, the division also shall notify the 6843
investment adviser with whom the investment adviser 6844
representative is employed or associated. If it is a state 6845
retirement system investment officer whose license is suspended, 6846
the division shall also notify the state retirement system with 6847
whom the state retirement system investment officer is employed. 6848
If it is a ~~bureau of workers' compensation department of~~ 6849
workforce insurance and safety chief investment officer whose 6850
license is suspended, the division shall also notify the ~~bureau-~~ 6851
~~of workers' compensation~~department of workforce insurance and 6852
safety. 6853

(F) (1) The suspension or revocation of the dealer's 6854
license suspends the licenses of all the dealer's salespersons. 6855

(2) The suspension or revocation of the investment 6856
adviser's license suspends the licenses of all the investment 6857
adviser's investment adviser representatives. The suspension or 6858
revocation of an investment adviser's registration under section 6859
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 6860
suspends the licenses of all the investment adviser's investment 6861
adviser representatives. 6862

(G) It is sufficient cause for refusal, revocation, or 6863

suspension of the license in case of a partnership, partnership 6864
association, corporation, or unincorporated association if any 6865
general partner of the partnership, manager of the partnership 6866
association, or executive officer of the corporation or 6867
unincorporated association is not of good business repute or has 6868
been guilty of any act or omission which would be cause for 6869
refusing or revoking the license of an individual dealer, 6870
salesperson, investment adviser, investment adviser 6871
representative, or portal operator. 6872

Sec. 1707.22. Whenever a dealer's, salesperson's, 6873
investment adviser's, investment adviser representative's, 6874
~~bureau of workers' compensation department of workforce~~ 6875
~~insurance and safety~~ chief investment officer's, or state 6876
retirement system investment officer's license has been refused, 6877
suspended, or revoked, or a renewal thereof has been denied, by 6878
the division of securities, or whenever the division has refused 6879
to qualify securities or has suspended or revoked the 6880
registration of any particular security by description or by 6881
qualification, or the right to buy, sell, or deal in any 6882
particular security whether it is registered or qualified or 6883
exempt, or whether the transactions in it are registered or 6884
exempt, the aggrieved party may appeal in accordance with 6885
Chapter 119. of the Revised Code. 6886

An order sustaining the refusal of the division to grant 6887
or renew a dealer's, salesperson's, investment adviser's, 6888
investment adviser representative's, ~~bureau of workers'~~ 6889
~~compensation department of workforce insurance and safety~~ chief 6890
investment officer's, or state retirement system investment 6891
officer's license or to grant qualification of securities, or an 6892
order sustaining the division in suspending or revoking a 6893
dealer's, salesperson's, investment adviser's, investment 6894

adviser representative's, ~~bureau of workers' compensation-~~ 6895
department of workforce insurance and safety chief investment 6896
officer's, or state retirement system investment officer's 6897
license, the registration of any particular security by 6898
description or by qualification, or the right to buy, sell, or 6899
deal in any particular security, shall not bar, after ten days 6900
from the order, a new registration by description, or a new 6901
application of the plaintiff for such a license or qualification 6902
or for a withdrawal of a revocation or suspension; nor shall an 6903
order in favor of the plaintiff prevent the division, after 6904
proper notice and hearing, from thereafter revoking or 6905
suspending such license, registration, or right to buy, sell, or 6906
deal in a particular security, for any proper cause which may, 6907
after the order, accrue or be discovered. 6908

Sec. 1707.23. Whenever it appears to the division of 6909
securities, from its files, upon complaint, or otherwise, that 6910
any person has engaged in, is engaged in, or is about to engage 6911
in any practice declared to be illegal or prohibited by this 6912
chapter or rules adopted under this chapter by the division, or 6913
defined as fraudulent in this chapter or rules adopted under 6914
this chapter by the division, or any other deceptive scheme or 6915
practice in connection with the sale of securities, or acting as 6916
a dealer, a salesperson, an investment adviser, investment 6917
adviser representative, ~~bureau of workers' compensation-~~ 6918
department of workforce insurance and safety chief investment 6919
officer, state retirement system investment officer, or portal 6920
operator as defined in section 1707.05 of the Revised Code or 6921
when the division believes it to be in the best interests of the 6922
public and necessary for the protection of investors, the 6923
division may do any of the following: 6924

(A) Require any person to file with it, on such forms as 6925

it prescribes, an original or additional statement or report in 6926
writing, under oath or otherwise, as to any facts or 6927
circumstances concerning the issuance, sale, or offer for sale 6928
of securities within this state by the person, as to the 6929
person's acts or practices as a dealer, a salesperson, an 6930
investment adviser, investment adviser representative, ~~bureau of~~ 6931
~~workers' compensation department of workforce insurance and~~ 6932
~~safety~~ chief investment officer, state retirement system 6933
investment officer, or portal operator within this state, and as 6934
to other information as it deems material or relevant thereto; 6935

(B) Examine any investment adviser, investment adviser 6936
representative, state retirement system investment officer, 6937
~~bureau of workers' compensation department of workforce~~ 6938
~~insurance and safety~~ chief investment officer, or any seller, 6939
dealer, salesperson, or issuer of any securities, or any portal 6940
operator, and any of their agents, employees, partners, 6941
officers, directors, members, or shareholders, wherever located, 6942
under oath; and examine and produce records, books, documents, 6943
accounts, and papers as the division deems material or relevant 6944
to the inquiry; 6945

(C) Require the attendance of witnesses, and the 6946
production of books, records, and papers, as are required either 6947
by the division or by any party to a hearing before the 6948
division, and for that purpose issue a subpoena for any witness, 6949
or a subpoena duces tecum to compel the production of any books, 6950
records, or papers. The subpoena shall be served by personal 6951
service or by certified mail, return receipt requested. If the 6952
subpoena is returned because of inability to deliver, or if no 6953
return is received within thirty days of the date of mailing, 6954
the subpoena may be served by ordinary mail. If no return of 6955
ordinary mail is received within thirty days after the date of 6956

mailing, service shall be deemed to have been made. If the 6957
subpoena is returned because of inability to deliver, the 6958
division may designate a person or persons to effect either 6959
personal or residence service upon the witness. The person 6960
designated to effect personal or residence service under this 6961
division may be the sheriff of the county in which the witness 6962
resides or may be found or any other duly designated person. The 6963
fees and mileage of the person serving the subpoena shall be the 6964
same as those allowed by the courts of common pleas in criminal 6965
cases, and shall be paid from the funds of the division. Fees 6966
and mileage for the witness shall be determined under section 6967
119.094 of the Revised Code, and shall be paid from the funds of 6968
the division upon request of the witness following the hearing. 6969

(D) Initiate criminal proceedings under section 1707.042 6970
or 1707.44 of the Revised Code or rules adopted under those 6971
sections by the division by laying before the prosecuting 6972
attorney of the proper county any evidence of criminality which 6973
comes to its knowledge; and in the event of the neglect or 6974
refusal of the prosecuting attorney to prosecute such 6975
violations, or at the request of the prosecuting attorney, the 6976
division shall submit the evidence to the attorney general, who 6977
may proceed in the prosecution with all the rights, privileges, 6978
and powers conferred by law on prosecuting attorneys, including 6979
the power to appear before grand juries and to interrogate 6980
witnesses before such grand juries. 6981

(E) Require any dealers immediately to furnish to the 6982
division copies of prospectuses, circulars, or advertisements 6983
respecting securities that they publish or generally distribute, 6984
or require any investment advisers immediately to furnish to the 6985
division copies of brochures, advertisements, publications, 6986
analyses, reports, or other writings that they publish or 6987

distribute; 6988

(F) Require any dealers to mail to the division, prior to 6989
sale, notices of intention to sell, in respect to all securities 6990
which are not exempt under section 1707.02 of the Revised Code, 6991
or which are sold in transactions not exempt under section 6992
1707.03 or 1707.04 of the Revised Code; 6993

(G) Issue and cause to be served by certified mail upon 6994
all persons affected an order requiring the person or persons to 6995
cease and desist from the acts or practices appearing to the 6996
division to constitute violations of this chapter or rules 6997
adopted under this chapter by the division. The order shall 6998
state specifically the section or sections of this chapter or 6999
the rule or rules adopted under this chapter by the division 7000
that appear to the division to have been violated and the facts 7001
constituting the violation. If after the issuance of the order 7002
it appears to the division that any person or persons affected 7003
by the order have engaged in any act or practice from which the 7004
person or persons shall have been required, by the order, to 7005
cease and desist, the director of commerce may apply to the 7006
court of common pleas of any county for, and upon proof of the 7007
validity of the order of the division, the delivery of the order 7008
to the person or persons affected, and of the illegality and the 7009
continuation of the acts or practices that are the subject of 7010
the order, the court may grant an injunction implementing the 7011
order of the division. 7012

(H) Issue and initiate contempt proceedings in this state 7013
regarding subpoenas and subpoenas duces tecum at the request of 7014
the securities administrator of another state, if it appears to 7015
the division that the activities for which the information is 7016
sought would violate this chapter if the activities had occurred 7017

in this state. 7018

(I) The remedies provided by this section are cumulative 7019
and concurrent with any other remedy provided in this chapter, 7020
and the exercise of one remedy does not preclude or require the 7021
exercise of any other remedy. 7022

Sec. 1707.25. In case any person fails to file any 7023
statement or report required by sections 1707.01 to 1707.50 of 7024
the Revised Code, to obey any subpoena the issuance of which is 7025
provided for in those sections, or to produce books, records, or 7026
papers, give testimony, or answer questions, as required by 7027
those sections, the director of commerce may apply to a court of 7028
common pleas of any county for, and upon proof of such failure 7029
the court may grant, an injunction restraining the acting as an 7030
investment adviser, investment adviser representative, ~~bureau of~~ 7031
~~workers' compensation department of workforce insurance and~~ 7032
safety chief investment officer, or state retirement system 7033
investment officer, or the issuance, sale, or offer for sale of 7034
any securities by the person or by its agents, employees, 7035
partners, officers, directors, or shareholders, until such 7036
failure has been remedied and other relief as the facts may 7037
warrant has been had. Such injunctive relief is available in 7038
addition to the other remedies provided for in sections 1707.01 7039
to 1707.50 of the Revised Code. 7040

Where the person refusing to comply with such order of 7041
court is an issuer of securities, the court may enjoin the sale 7042
by any dealer of any securities of the issuer, and the division 7043
of securities may revoke the qualification of the securities of 7044
the issuer, or suspend or revoke the sale of any securities of 7045
the issuer which have been registered by description, and such 7046
securities shall not thereafter be sold by any dealer until the 7047

order of the court or of the division is withdrawn. 7048

Sec. 1707.261. (A) If a court of common pleas grants an 7049
injunction pursuant to section 1707.26 of the Revised Code, 7050
after consultation with the attorney general the director of 7051
commerce may request that court to order the defendant or 7052
defendants that are subject to the injunction to make 7053
restitution or rescission to any purchaser or holder of 7054
securities damaged by the defendant's or defendants' violation 7055
of any provision of sections 1707.01 to 1707.50 of the Revised 7056
Code. 7057

(B) If the court of common pleas is satisfied with the 7058
sufficiency of the director's request for restitution or 7059
rescission under division (A) of this section and with the 7060
sufficiency of the proof of a substantial violation of any 7061
provision of sections 1707.01 to 1707.50 of the Revised Code, or 7062
of the use of any act, practice, or transaction declared to be 7063
illegal or prohibited or defined as fraudulent by those sections 7064
or rules adopted under those sections by the division of 7065
securities, to the material prejudice of a purchaser or holder 7066
of securities, the court may order the defendant or defendants 7067
subject to the injunction to make restitution or rescission to 7068
any purchaser or holder of securities damaged by the defendant's 7069
or defendants' violation of sections 1707.01 to 1707.50 of the 7070
Revised Code. 7071

(C) A court order granting restitution or rescission based 7072
upon a request made pursuant to division (A) of this section 7073
shall meet the requirements of division (B) of this section and 7074
may not be based solely upon a final order issued by the 7075
division of securities pursuant to Chapter 119. of the Revised 7076
Code or upon an action to enforce a final order issued by the 7077

division pursuant to that chapter. Notwithstanding the foregoing 7078
provision, a request for restitution or rescission pursuant to 7079
division (A) of this section may concern the same acts, 7080
practices, or transactions that were, or may later be, the 7081
subject of a division of securities action for a violation of 7082
any provision of sections 1707.01 to 1707.50 of the Revised 7083
Code. If a request for restitution or rescission pursuant to 7084
division (A) of this section concerns the same acts, practices, 7085
or transactions that were the subject of a final order issued by 7086
the division of securities pursuant to Chapter 119. of the 7087
Revised Code, the court shall review the request in accordance 7088
with division (B) of this section, and the standard of review in 7089
section 119.12 of the Revised Code shall not apply to the 7090
request. 7091

(D) No purchaser or holder of securities who is entitled 7092
to restitution or rescission under this section shall recover, 7093
pursuant to this section or any other proceeding, a total amount 7094
in excess of the person's purchase price for the securities sold 7095
in violation of sections 1707.01 to 1707.50 of the Revised Code. 7096

(E) (1) If a court of common pleas grants an injunction 7097
pursuant to section 1707.26 of the Revised Code against any 7098
state retirement system investment officer, after consultation 7099
with the attorney general, the director of commerce may request 7100
that court to order the state retirement system investment 7101
officer or officers that are subject to the injunction to make 7102
restitution to the state retirement system damaged by the state 7103
retirement system investment officer's or officers' violation of 7104
any provision of sections 1707.01 to 1707.50 of the Revised 7105
Code. 7106

(2) If the court of common pleas is satisfied with the 7107

sufficiency of the director's request for restitution under 7108
division (E) (1) of this section and with the sufficiency of the 7109
proof of a substantial violation of any provision of sections 7110
1707.01 to 1707.50 of the Revised Code, or of the use of any 7111
act, practice, or transaction declared to be illegal or 7112
prohibited or defined as fraudulent by those sections or rules 7113
adopted under those sections by the division of securities, to 7114
the material prejudice of a state retirement system, the court 7115
may order the state retirement system investment officer or 7116
officers subject to the injunction to make restitution to the 7117
state retirement system damaged by the state retirement system 7118
investment officer's or officers' violation of sections 1707.01 7119
to 1707.50 of the Revised Code. A request for restitution 7120
pursuant to division (E) (1) of this section may concern the same 7121
acts, practices, or transactions that were, or may later be, the 7122
subject of a division of securities action for a violation of 7123
any provision of section 1707.01 to 1707.50 of the Revised Code. 7124

(F) (1) If a court of common pleas grants an injunction 7125
pursuant to section 1707.26 of the Revised Code against a ~~bureau-~~ 7126
~~of workers' compensation department of workforce insurance and~~ 7127
safety chief investment officer, after consultation with the 7128
attorney general, the director of commerce may request that 7129
court to order the ~~bureau of workers' compensation department of~~ 7130
workforce insurance and safety chief investment officer who is 7131
subject to the injunction to make restitution to the ~~bureau of-~~ 7132
~~workers' compensation department of workforce insurance and~~ 7133
safety damaged by the ~~bureau of workers' compensation department~~ 7134
of workforce insurance and safety chief investment officer's 7135
violation of any provision of sections 1707.01 to 1707.50 of the 7136
Revised Code. 7137

(2) If the court of common pleas is satisfied with the 7138

sufficiency of the director's request for restitution under 7139
division (F) (1) of this section and with the sufficiency of the 7140
proof of a substantial violation of any provision of sections 7141
1707.01 to 1707.50 of the Revised Code, or of the use of any 7142
act, practice, or transaction declared to be illegal or 7143
prohibited or defined as fraudulent by those sections or rules 7144
adopted under those sections by the division of securities, to 7145
the material prejudice of the ~~bureau of workers'~~ 7146
~~compensation~~department of workforce insurance and safety, the 7147
court may order the ~~bureau of workers' compensation department~~ 7148
of workforce insurance and safety chief investment officer 7149
subject to the injunction to make restitution to the ~~bureau of~~ 7150
~~workers' compensation department of workforce insurance and~~ 7151
safety damaged by the ~~bureau of workers' compensation department~~ 7152
of workforce insurance and safety chief investment officer's 7153
violation of sections 1707.01 to 1707.50 of the Revised Code. A 7154
request for restitution pursuant to division (F) (1) of this 7155
section may concern the same acts, practices, or transactions 7156
that were, or may later be, the subject of a division of 7157
securities action for a violation of any provision of section 7158
1707.01 to 1707.50 of the Revised Code. 7159

Sec. 1707.431. For purposes of this section, the following 7160
persons shall not be deemed to have effected, participated in, 7161
or aided the seller in any way in making, a sale or contract of 7162
sale in violation of sections 1707.01 to 1707.50 of the Revised 7163
Code: 7164

(A) Any attorney, accountant, or engineer whose 7165
performance is incidental to the practice of the person's 7166
profession; 7167

(B) Any person, other than an investment adviser, 7168

investment adviser representative, ~~bureau of workers'~~ 7169
~~compensation department of workforce insurance and safety chief~~ 7170
investment officer, or state retirement system investment 7171
officer, who brings any issuer together with any potential 7172
investor, without receiving, directly or indirectly, a 7173
commission, fee, or other remuneration based on the sale of any 7174
securities by the issuer to the investor. Remuneration received 7175
by the person solely for the purpose of offsetting the 7176
reasonable out-of-pocket costs incurred by the person shall not 7177
be deemed a commission, fee, or other remuneration. 7178

Any person claiming exemption under this division for a 7179
publicly advertised meeting shall file a notice with the 7180
division of securities indicating an intent to cause or hold 7181
such a meeting at least twenty-one days prior to the meeting. 7182
The division may, upon receipt of such notice, issue an order 7183
denying the availability of an exemption under this division not 7184
more than fourteen days after receipt of the notice based on a 7185
finding that the applicant is not entitled to the exemption. 7186
Notwithstanding the notice described in this section, a failure 7187
to file the notice does not create a presumption that a person 7188
was participating in or aiding in the making of a sale or 7189
contract of sale in violation of this chapter. 7190

(C) Any person whom the division exempts from this 7191
provision by rule. 7192

Sec. 1707.44. (A) (1) No person shall engage in any act or 7193
practice that violates division (A), (B), or (C) of section 7194
1707.14 of the Revised Code, and no salesperson shall sell 7195
securities in this state without being licensed pursuant to 7196
section 1707.16 of the Revised Code. 7197

(2) No person shall engage in any act or practice that 7198

violates division (A) of section 1707.141 or section 1707.161 of the Revised Code. 7199
7200

(3) No person shall engage in any act or practice that violates section 1707.162 of the Revised Code. 7201
7202

(4) No person shall engage in any act or practice that violates section 1707.164 of the Revised Code. 7203
7204

(5) No person shall knowingly engage in any act or practice that violates division (A) of section 1707.054 or section 1707.055 of the Revised Code. 7205
7206
7207

(B) No person shall knowingly make or cause to be made any false representation concerning a material and relevant fact, in any oral statement or in any prospectus, circular, description, application, or written statement, for any of the following purposes: 7208
7209
7210
7211
7212

(1) Registering securities or transactions, or exempting securities or transactions from registration, under this chapter; 7213
7214
7215

(2) Securing the qualification of any securities under this chapter; 7216
7217

(3) Procuring the licensing of any dealer, salesperson, investment adviser, investment adviser representative, ~~bureau of workers' compensation~~ department of workforce insurance and safety chief investment officer, state retirement system investment officer, or portal operator as defined in section 1707.05 of the Revised Code under this chapter; 7218
7219
7220
7221
7222
7223

(4) Selling any securities in this state; 7224

(5) Advising for compensation, as to the value of securities or as to the advisability of investing in, 7225
7226

purchasing, or selling securities; 7227

(6) Submitting a notice filing to the division under 7228
division (X) of section 1707.03 or section 1707.092 or 1707.141 7229
of the Revised Code. 7230

(C) No person shall knowingly sell, cause to be sold, 7231
offer for sale, or cause to be offered for sale, any security 7232
which comes under any of the following descriptions: 7233

(1) Is not exempt under section 1707.02 of the Revised 7234
Code, nor the subject matter of one of the transactions exempted 7235
in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has 7236
not been registered by coordination or qualification, and is not 7237
the subject matter of a transaction that has been registered by 7238
description; 7239

(2) The prescribed fees for registering by description, by 7240
coordination, or by qualification have not been paid in respect 7241
to such security; 7242

(3) The person has been notified by the division, or has 7243
knowledge of the notice, that the right to buy, sell, or deal in 7244
such security has been suspended or revoked, or that the 7245
registration by description, by coordination, or by 7246
qualification under which it may be sold has been suspended or 7247
revoked; 7248

(4) The offer or sale is accompanied by a statement that 7249
the security offered or sold has been or is to be in any manner 7250
indorsed by the division. 7251

(D) No person who is an officer, director, or trustee of, 7252
or a dealer, or portal operator for, any issuer, and who knows 7253
such issuer to be insolvent in that the liabilities of the 7254
issuer exceed its assets, shall sell any securities of or for 7255

any such issuer, without disclosing the fact of the insolvency 7256
to the purchaser. 7257

(E) No person with intent to aid in the sale of any 7258
securities on behalf of the issuer, shall knowingly make any 7259
representation not authorized by such issuer or at material 7260
variance with statements and documents filed with the division 7261
by such issuer. 7262

(F) No person, with intent to deceive, shall sell, cause 7263
to be sold, offer for sale, or cause to be offered for sale, any 7264
securities of an insolvent issuer, with knowledge that such 7265
issuer is insolvent in that the liabilities of the issuer exceed 7266
its assets, taken at their fair market value. 7267

(G) No person in purchasing or selling securities shall 7268
knowingly engage in any act or practice that is, in this 7269
chapter, declared illegal, defined as fraudulent, or prohibited. 7270

(H) No licensed dealer shall refuse to buy from, sell to, 7271
or trade with any person because the person appears on a 7272
blacklist issued by, or is being boycotted by, any foreign 7273
corporate or governmental entity, nor sell any securities of or 7274
for any issuer who is known in relation to the issuance or sale 7275
of the securities to have engaged in such practices. 7276

(I) No dealer in securities, knowing that the dealer's 7277
liabilities exceed the reasonable value of the dealer's assets, 7278
shall accept money or securities, except in payment of or as 7279
security for an existing debt, from a customer who is ignorant 7280
of the dealer's insolvency, and thereby cause the customer to 7281
lose any part of the customer's securities or the value of those 7282
securities, by doing either of the following without the 7283
customer's consent: 7284

(1) Pledging, selling, or otherwise disposing of such securities, when the dealer has no lien on or any special property in such securities;

(2) Pledging such securities for more than the amount due, or otherwise disposing of such securities for the dealer's own benefit, when the dealer has a lien or indebtedness on such securities.

It is an affirmative defense to a charge under this division that, at the time the securities involved were pledged, sold, or disposed of, the dealer had in the dealer's possession or control, and available for delivery, securities of the same kinds and in amounts sufficient to satisfy all customers entitled to the securities, upon demand and tender of any amount due on the securities.

(J) No person, with purpose to deceive, shall make, issue, publish, or cause to be made, issued, or published any statement or advertisement as to the value of securities, or as to alleged facts affecting the value of securities, or as to the financial condition of any issuer of securities, when the person knows that the statement or advertisement is false in any material respect.

(K) No person, with purpose to deceive, shall make, record, or publish or cause to be made, recorded, or published, a report of any transaction in securities which is false in any material respect.

(L) No dealer shall engage in any act that violates the provisions of section 15(c) or 15(g) of the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any rule or regulation promulgated by the securities and exchange

commission thereunder. 7314

(M) (1) No investment adviser or investment adviser 7315
representative shall do any of the following: 7316

(a) Employ any device, scheme, or artifice to defraud any 7317
person; 7318

(b) Engage in any act, practice, or course of business 7319
that operates or would operate as a fraud or deceit upon any 7320
person; 7321

(c) In acting as principal for the investment adviser's or 7322
investment adviser representative's own account, knowingly sell 7323
any security to or purchase any security from a client, or in 7324
acting as salesperson for a person other than such client, 7325
knowingly effect any sale or purchase of any security for the 7326
account of such client, without disclosing to the client in 7327
writing before the completion of the transaction the capacity in 7328
which the investment adviser or investment adviser 7329
representative is acting and obtaining the consent of the client 7330
to the transaction. Division (M) (1) (c) of this section does not 7331
apply to any investment adviser registered with the securities 7332
and exchange commission under section 203 of the "Investment 7333
Advisers Act of 1940," 15 U.S.C. 80b-3, or to any transaction 7334
with a customer of a licensed dealer or salesperson if the 7335
licensed dealer or salesperson is not acting as an investment 7336
adviser or investment adviser representative in relation to the 7337
transaction. 7338

(d) Engage in any act, practice, or course of business 7339
that is fraudulent, deceptive, or manipulative. The division of 7340
securities may adopt rules reasonably designed to prevent acts, 7341
practices, or courses of business that are fraudulent, 7342

deceptive, or manipulative. 7343

(2) No investment adviser or investment adviser 7344
representative licensed or required to be licensed under this 7345
chapter shall take or have custody of any securities or funds of 7346
any person, except as provided in rules adopted by the division. 7347

(3) In the solicitation of clients or prospective clients, 7348
no person shall make any untrue statement of a material fact or 7349
omit to state a material fact necessary in order to make the 7350
statements made not misleading in light of the circumstances 7351
under which the statements were made. 7352

(N) No person knowingly shall influence, coerce, 7353
manipulate, or mislead any person engaged in the preparation, 7354
compilation, review, or audit of financial statements to be used 7355
in the purchase or sale of securities for the purpose of 7356
rendering the financial statements materially misleading. 7357

(O) No state retirement system investment officer shall do 7358
any of the following: 7359

(1) Employ any device, scheme, or artifice to defraud any 7360
state retirement system; 7361

(2) Engage in any act, practice, or course of business 7362
that operates or would operate as a fraud or deceit on any state 7363
retirement system; 7364

(3) Engage in any act, practice, or course of business 7365
that is fraudulent, deceptive, or manipulative. The division of 7366
securities may adopt rules reasonably designed to prevent such 7367
acts, practices, or courses of business as are fraudulent, 7368
deceptive, or manipulative; 7369

(4) Knowingly fail to comply with any policy adopted 7370

regarding the officer established pursuant to section 145.094, 7371
742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code. 7372

(P) No ~~bureau of workers' compensation department of~~ 7373
workforce insurance and safety chief investment officer shall do 7374
any of the following: 7375

(1) Employ any device, scheme, or artifice to defraud the 7376
workers' compensation system; 7377

(2) Engage in any act, practice, or course of business 7378
that operates or would operate as a fraud or deceit on the 7379
workers' compensation system; 7380

(3) Engage in any act, practice, or course of business 7381
that is fraudulent, deceptive, or manipulative. The division of 7382
securities may adopt rules reasonably designed to prevent such 7383
acts, practices, or courses of business as are fraudulent, 7384
deceptive, or manipulative; 7385

(4) Knowingly fail to comply with any policy adopted 7386
regarding the officer established pursuant to section 4123.441 7387
of the Revised Code. 7388

(Q) (1) No portal operator shall knowingly do any of the 7389
following: 7390

(a) Employ any device, scheme, or artifice to defraud; 7391

(b) Engage in any act, practice, or course of business 7392
that operates as a fraud or deceit; 7393

(c) Engage in any act, practice, or course of business 7394
that is fraudulent, deceptive, or manipulative. 7395

(2) The division of securities may adopt rules reasonably 7396
designed to prevent such acts, practices, or courses of business 7397

that are fraudulent, deceptive, or manipulative. 7398

Sec. 1707.46. The principal executive officer of the 7399
division of securities shall be the commissioner of securities, 7400
who shall be appointed by the director of commerce. The 7401
commissioner of securities shall enforce all the laws and 7402
administrative rules enacted or adopted to regulate the sale of 7403
bonds, stocks, and other securities and to prevent fraud in such 7404
sales. The commissioner also shall enforce all the laws and 7405
administrative rules enacted or adopted to regulate investment 7406
advisers, investment adviser representatives, state retirement 7407
system investment officers, and the ~~bureau of workers'~~ 7408
~~compensation~~ department of workforce insurance and safety chief 7409
investment officer and to prevent fraud in their acts, 7410
practices, and transactions. 7411

The commissioner shall be paid at a rate not less than pay 7412
range 47 set out in schedule E-2 of section 124.152 of the 7413
Revised Code, to be paid as other operating expenses of the 7414
division. 7415

Sec. 1729.55. (A) An association may be dissolved 7416
voluntarily in the manner provided in this section. 7417

(B) A resolution of dissolution for an association shall 7418
state both of the following: 7419

(1) That the association elects to be dissolved; 7420

(2) Any additional provision considered necessary with 7421
respect to the proposed dissolution and winding up. 7422

(C) Before subscriptions for membership and any stock or 7423
other ownership interest have been received, the incorporators 7424
or a majority of the incorporators may adopt, by a writing 7425
signed by them, a resolution of dissolution. 7426

(D) The directors may adopt a resolution of dissolution in 7427
the following cases: 7428

(1) When the association has been adjudged bankrupt or has 7429
made a general assignment for the benefit of creditors; 7430

(2) By leave of the court, when a receiver has been 7431
appointed in a general creditors' suit or in any suit in which 7432
the affairs of the association are to be wound up; 7433

(3) When substantially all of the assets have been sold at 7434
judicial sale or otherwise; 7435

(4) When the articles of incorporation have been canceled 7436
for failure to file annual franchise or excise tax returns or 7437
for failure to pay franchise or excise taxes and the association 7438
has not been reinstated or does not desire to be reinstated; 7439

(5) When the period of existence of the association 7440
specified in its articles has expired. 7441

(E) At a meeting held for such purpose, the members may 7442
adopt a resolution of dissolution by the affirmative vote of 7443
sixty per cent of the member votes cast on the proposal or, if 7444
the articles provide or permit, by the affirmative vote of a 7445
greater or lesser proportion though not less than a majority, of 7446
the voting power, of any particular class as is required by the 7447
articles of incorporation. Notice of the meeting of the members 7448
shall be given to all members and stockholders whether or not 7449
entitled to vote. 7450

(F) Upon the adoption of a resolution of dissolution, a 7451
certificate shall be filed with the secretary of state, on a 7452
form prescribed by the secretary of state, stating all of the 7453
following: 7454

- (1) The name of the association; 7455
- (2) A statement that a resolution of dissolution has been 7456
adopted, its manner of adoption, and, in the case of its 7457
adoption by the incorporators or directors, a statement of the 7458
basis for such adoption; 7459
- (3) The place where the association's principal place of 7460
business is located; 7461
- (4) The names and addresses of the association's directors 7462
and officers, or if the resolution of dissolution is adopted by 7463
the incorporators, the names and addresses of the incorporators; 7464
- (5) The name and address of the association's statutory 7465
agent. 7466
- (G) The certificate described in division (F) of this 7467
section shall be signed as follows: 7468
- (1) When the resolution of dissolution is adopted by the 7469
incorporators, the certificate shall be signed by not less than 7470
a majority of the incorporators; 7471
- (2) When the resolution is adopted by the directors or by 7472
the members, the certificate shall be signed by any authorized 7473
officer. However, if no authorized officer executes and files 7474
the certificate within thirty days after the adoption of the 7475
resolution or upon any date specified in the resolution as the 7476
date upon which the certificate is to be filed or upon the 7477
expiration of any period specified in the resolution as the 7478
period within which the certificate is to be filed, whichever is 7479
latest, the certificate of dissolution may be signed by any 7480
three members, or if there are less than three members, by all 7481
of the members, and shall set forth a statement that the persons 7482
signing the certificate are members and are filing the 7483

certificate because of the failure of an authorized officer to 7484
do so. 7485

(H) A certificate of dissolution, filed with the secretary 7486
of state, shall be accompanied by all of the following: 7487

(1) An affidavit of one or more of the persons executing 7488
the certificate of dissolution or of any authorized officer of 7489
the association containing a statement of the counties, if any, 7490
in this state in which the association has personal property or 7491
a statement that the association is of a type required to pay 7492
personal property taxes to state authorities only; 7493

(2) A receipt, certificate, or other evidence showing the 7494
payment of all franchise, sales, use, and highway use taxes 7495
accruing up to the date of the filing or that payment adequately 7496
has been guaranteed; 7497

(3) A receipt, certificate, or other evidence showing the 7498
payment of all personal property taxes accruing up to the date 7499
of the filing; 7500

(4) A receipt, certificate, or other evidence from the 7501
director of job and family services showing that all 7502
contributions due from the association as an employer have been 7503
paid, that payment adequately has been guaranteed, or that the 7504
association is not subject to such contributions; 7505

(5) A receipt, certificate, or other evidence from the 7506
~~bureau of workers' compensation department of workforce~~ 7507
insurance and safety showing that all premiums due from the 7508
association as an employer have been paid, that payment 7509
adequately has been guaranteed, or that the association is not 7510
subject to such premium payments; 7511

(6) In lieu of the receipt, certificate, or other evidence 7512

described in division (H) (2), (3), (4), or (5) of this section, 7513
an affidavit of one or more persons executing the certificate of 7514
dissolution or of any authorized officer of the association 7515
containing a statement of the date upon which the particular 7516
department, agency, or authority was advised in writing of the 7517
scheduled date of filing of the certificate of dissolution and 7518
was advised in writing of the acknowledgment by the association 7519
of the applicability of section 1729.25 of the Revised Code. 7520

(I) Upon the filing of a certificate of dissolution and 7521
the accompanying documents required by division (H) of this 7522
section, the association shall be dissolved. 7523

Sec. 2111.03. A person applying for appointment as a 7524
guardian, including, but not limited to, as a limited guardian, 7525
pursuant to section 2111.02 of the Revised Code, shall file with 7526
the probate court an application that contains a statement of 7527
the whole estate of the ward, its probable value, and the 7528
probable annual rents of the ward's real property, and that also 7529
contains the following: 7530

(A) A statement whether the applicant ever has been 7531
charged with or convicted of any crime involving theft, physical 7532
violence, or sexual, alcohol, or substance abuse, and, if the 7533
applicant has been so charged or convicted, the date and place 7534
of each charge and each conviction; 7535

(B) A statement whether a limited guardianship is sought 7536
and, if sought, a specification of the limited powers that are 7537
requested and a statement whether the limited guardianship is to 7538
be for a definite or indefinite period; 7539

(C) In the case of an application for the appointment of a 7540
guardian of a minor, all of the following: 7541

(1) Name, age, and residence of the minor;	7542
(2) Name and residence of each parent of the minor;	7543
(3) Name, degree of kinship, age, and address of next of kin of the minor, if no parent is living or if a parent of the minor is absent, under disability, or for other reason cannot be notified;	7544 7545 7546 7547
(4) Name and residence address of the person having custody of the minor.	7548 7549
(D) In the case of an application for the appointment of a guardian of an alleged incompetent, all of the following:	7550 7551
(1) Name, age, and residence of the person for whom such appointment is sought;	7552 7553
(2) Facts upon which the application is based;	7554
(3) Name, degree of kinship, age, and address of the next of kin of the alleged incompetent.	7555 7556
The court, on its own motion, shall proceed as provided in this chapter, upon suggestion by the bureau of workers' compensation department of workforce insurance and safety that any person who has made application for or been awarded compensation or death benefits as an employee or the dependent of a killed employee is a minor or incompetent. In that case, no application need be filed and the bureau department shall furnish the court with the name and residence of such person and the name, degree of kinship, age, and address of the father, mother, or next of kin of such person insofar as known by the bureau department.	7557 7558 7559 7560 7561 7562 7563 7564 7565 7566 7567
Sec. 2305.24. Any information, data, reports, or records made available to a quality assurance committee or utilization	7568 7569

committee of a hospital or long-term care facility or of any 7570
not-for-profit health care corporation that is a member of the 7571
hospital or long-term care facility or of which the hospital or 7572
long-term care facility is a member are confidential and shall 7573
be used by the committee and the committee members only in the 7574
exercise of the proper functions of the committee. Any 7575
information, data, reports, or records made available to a 7576
utilization committee of a state or local medical society 7577
composed of doctors of medicine or doctors of osteopathic 7578
medicine are confidential and shall be used by the committee and 7579
the committee members only in the exercise of the proper 7580
functions of the committee. A right of action similar to that a 7581
patient may have against an attending physician for misuse of 7582
information, data, reports, or records arising out of the 7583
physician-patient relationship shall accrue against a member of 7584
a quality assurance committee or utilization committee for 7585
misuse of any information, data, reports, or records furnished 7586
to the committee by an attending physician. No physician, 7587
institution, hospital, or long-term care facility furnishing 7588
information, data, reports, or records to a committee with 7589
respect to any patient examined or treated by the physician or 7590
confined in the institution, hospital, or long-term care 7591
facility shall, by reason of the furnishing, be deemed liable in 7592
damages to any person, or be held to answer for betrayal of a 7593
professional confidence within the meaning and intent of section 7594
4731.22 of the Revised Code. Information, data, or reports 7595
furnished to a utilization committee of a state or local medical 7596
society shall contain no name of any person involved therein. 7597

Any information, data, reports, or records made available 7598
to a quality assurance committee of the ~~bureau of workers'~~ 7599
~~compensation department of workforce insurance and safety~~ or the 7600

industrial commission that is responsible for reviewing the 7601
professional qualifications and the performance of providers 7602
conducting medical examinations or file reviews for the ~~bureau-~~ 7603
department or the commission are confidential and shall be used 7604
by the committee and the committee members only in the exercise 7605
of the proper functions of the committee. 7606

As used in this section, "utilization committee" is the 7607
committee established to administer a utilization review plan of 7608
a hospital, of a not-for-profit health care corporation which is 7609
a member of the hospital or of which the hospital is a member, 7610
or of a skilled nursing facility as provided in the "Health 7611
Insurance for the Aged Act," 79 Stat. 313 (1965), 42 U.S.C. 7612
1395x(k). 7613

Sec. 2305.25. As used in this section and sections 7614
2305.251 to 2305.253 of the Revised Code: 7615

(A) (1) "Health care entity" means an entity, whether 7616
acting on its own behalf or on behalf of or in affiliation with 7617
other health care entities, that conducts as part of its regular 7618
business activities professional credentialing or quality review 7619
activities involving the competence of, professional conduct of, 7620
or quality of care provided by health care providers, including 7621
both individuals who provide health care and entities that 7622
provide health care. 7623

(2) "Health care entity" includes any entity described in 7624
division (A) (1) of this section, regardless of whether it is a 7625
government entity; for-profit or nonprofit corporation; limited 7626
liability company; partnership; professional corporation; state 7627
or local society composed of physicians, dentists, optometrists, 7628
psychologists, or pharmacists; accountable care organization; 7629
other health care organization; or combination of any of the 7630

foregoing entities. 7631

(B) "Health insuring corporation" means an entity that 7632
holds a certificate of authority under Chapter 1751. of the 7633
Revised Code. "Health insuring corporation" includes wholly 7634
owned subsidiaries of a health insuring corporation. 7635

(C) "Hospital" means any of the following: 7636

(1) An institution that has been registered or licensed by 7637
the department of health as a hospital; 7638

(2) An entity, other than an insurance company authorized 7639
to do business in this state, that owns, controls, or is 7640
affiliated with an institution that has been registered or 7641
licensed by the department of health as a hospital; 7642

(3) A group of hospitals that are owned, sponsored, or 7643
managed by a single entity. 7644

(D) "Incident report or risk management report" means a 7645
report of an incident involving injury or potential injury to a 7646
patient as a result of patient care provided by health care 7647
providers, including both individuals who provide health care 7648
and entities that provide health care, that is prepared by or 7649
for the use of a peer review committee of a health care entity 7650
and is within the scope of the functions of that committee. 7651

(E) (1) "Peer review committee" means a utilization review 7652
committee, quality assessment committee, performance improvement 7653
committee, tissue committee, credentialing committee, or other 7654
committee that does either of the following: 7655

(a) Conducts professional credentialing or quality review 7656
activities involving the competence of, professional conduct of, 7657
or quality of care provided by health care providers, including 7658

both individuals who provide health care and entities that 7659
provide health care; 7660

(b) Conducts any other attendant hearing process initiated 7661
as a result of a peer review committee's recommendations or 7662
actions. 7663

(2) "Peer review committee" includes all of the following: 7664

(a) A peer review committee of a hospital or long-term 7665
care facility or a peer review committee of a nonprofit health 7666
care corporation that is a member of the hospital or long-term 7667
care facility or of which the hospital or facility is a member; 7668

(b) A peer review committee of a community mental health 7669
center; 7670

(c) A board or committee of a hospital, a long-term care 7671
facility, or other health care entity when reviewing 7672
professional qualifications or activities of health care 7673
providers, including both individuals who provide health care 7674
and entities that provide health care; 7675

(d) A peer review committee, professional standards review 7676
committee, or arbitration committee of a state or local society 7677
composed of members who are in active practice as physicians, 7678
dentists, optometrists, psychologists, or pharmacists; 7679

(e) A peer review committee of a health insuring 7680
corporation that has at least a two-thirds majority of member 7681
physicians in active practice and that conducts professional 7682
credentialing and quality review activities involving the 7683
competence or professional conduct of health care providers that 7684
adversely affects or could adversely affect the health or 7685
welfare of any patient; 7686

(f) A peer review committee of a health insuring corporation that has at least a two-thirds majority of member physicians in active practice and that conducts professional credentialing and quality review activities involving the competence or professional conduct of a health care facility that has contracted with the health insuring corporation to provide health care services to enrollees, which conduct adversely affects, or could adversely affect, the health or welfare of any patient;

(g) A peer review committee of a sickness and accident insurer that has at least a two-thirds majority of physicians in active practice and that conducts professional credentialing and quality review activities involving the competence or professional conduct of health care providers that adversely affects or could adversely affect the health or welfare of any patient;

(h) A peer review committee of a sickness and accident insurer that has at least a two-thirds majority of physicians in active practice and that conducts professional credentialing and quality review activities involving the competence or professional conduct of a health care facility that has contracted with the insurer to provide health care services to insureds, which conduct adversely affects, or could adversely affect, the health or welfare of any patient;

(i) A peer review committee of any insurer authorized under Title XXXIX of the Revised Code to do the business of medical professional liability insurance in this state that conducts professional quality review activities involving the competence or professional conduct of health care providers that adversely affects or could affect the health or welfare of any

patient; 7717

(j) A peer review committee of the ~~bureau of workers' compensation~~ department of workforce insurance and safety or the industrial commission that is responsible for reviewing the professional qualifications and the performance of providers certified by the ~~bureau department~~ to participate in the health partnership program or of providers conducting medical examinations or file reviews for the ~~bureau department~~ or the commission; 7718
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(k) Any other peer review committee of a health care entity. 7726
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(F) "Physician" means an individual authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 7728
7729
7730

(G) "Sickness and accident insurer" means an entity authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state. 7731
7732
7733

(H) "Tort action" means a civil action for damages for injury, death, or loss to a patient of a health care entity. 7734
7735
"Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for a breach of contract or another agreement between persons. 7736
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(I) "Accountable care organization" means such an organization as defined in 42 C.F.R. 425.20. 7741
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Sec. 2305.252. (A) Proceedings and records within the scope of a peer review committee of a health care entity shall be held in confidence and shall not be subject to discovery or 7743
7744
7745

introduction in evidence in any civil action against a health 7746
care entity or health care provider, including both individuals 7747
who provide health care and entities that provide health care, 7748
arising out of matters that are the subject of evaluation and 7749
review by the peer review committee. No individual who attends a 7750
meeting of a peer review committee, serves as a member of a peer 7751
review committee, works for or on behalf of a peer review 7752
committee, or provides information to a peer review committee 7753
shall be permitted or required to testify in any civil action as 7754
to any evidence or other matters produced or presented during 7755
the proceedings of the peer review committee or as to any 7756
finding, recommendation, evaluation, opinion, or other action of 7757
the committee or a member thereof. 7758

Information, documents, or records otherwise available 7759
from original sources are not to be construed as being 7760
unavailable for discovery or for use in any civil action merely 7761
because they were produced or presented during proceedings of a 7762
peer review committee, but the information, documents, or 7763
records are available only from the original sources and cannot 7764
be obtained from the peer review committee's proceedings or 7765
records. 7766

The release of any information, documents, or records that 7767
were produced or presented during proceedings of a peer review 7768
committee or created to document the proceedings does not affect 7769
the confidentiality of any other information, documents, or 7770
records produced or presented during those proceedings or 7771
created to document them. Only the information, documents, or 7772
records actually released cease to be privileged under this 7773
section. 7774

Nothing in this section precludes health care entities 7775

from sharing information, documents, or records that were 7776
produced or presented during proceedings of a peer review 7777
committee or created to document them as long as the 7778
information, documents, or records are used only for peer review 7779
purposes. 7780

An individual who testifies before a peer review 7781
committee, serves as a representative of a peer review 7782
committee, serves as a member of a peer review committee, works 7783
for or on behalf of a peer review committee, or provides 7784
information to a peer review committee shall not be prevented 7785
from testifying as to matters within the individual's knowledge, 7786
but the individual cannot be asked about the individual's 7787
testimony before the peer review committee, information the 7788
individual provided to the peer review committee, or any opinion 7789
the individual formed as a result of the peer review committee's 7790
activities. 7791

An order by a court to produce for discovery or for use at 7792
trial the proceedings or records described in this section is a 7793
final order. 7794

(B) Division (A) of this section applies to a peer review 7795
committee of the ~~bureau of workers' compensation department of~~ 7796
workforce insurance and safety that is responsible for reviewing 7797
the professional qualifications and the performance of providers 7798
certified by the ~~bureau department~~ to participate in the health 7799
partnership program created under sections 4121.44 and 4121.441 7800
of the Revised Code, except that the proceedings and records 7801
within the scope of the peer review committee are subject to 7802
discovery or court subpoena and may be admitted into evidence in 7803
any criminal action or administrative or civil action initiated, 7804
prosecuted, or adjudicated by the ~~bureau department~~ involving an 7805

alleged violation of applicable statutes or administrative 7806
rules. The ~~bureau~~-department may share proceedings and records 7807
within the scope of the peer review committee, including 7808
claimant records and claim file information, with law 7809
enforcement agencies, licensing boards, and other governmental 7810
agencies that are prosecuting, adjudicating, or investigating 7811
alleged violations of applicable statutes or administrative 7812
rules. If the ~~bureau~~-department shares proceedings or records 7813
with a law enforcement agency, licensing board, or another 7814
governmental agency pursuant to this division, that sharing does 7815
not affect the confidentiality of the record. Recipients of 7816
claimant records and claim file information provided by the 7817
~~bureau~~-department pursuant to this division shall take 7818
appropriate measures to maintain the confidentiality of the 7819
information. 7820

Sec. 2705.05. (A) In all contempt proceedings, the court 7821
shall conduct a hearing. At the hearing, the court shall 7822
investigate the charge and hear any answer or testimony that the 7823
accused makes or offers and shall determine whether the accused 7824
is guilty of the contempt charge. If the accused is found 7825
guilty, the court may impose any of the following penalties: 7826

(1) For a first offense, a fine of not more than two 7827
hundred fifty dollars, a definite term of imprisonment of not 7828
more than thirty days in jail, or both; 7829

(2) For a second offense, a fine of not more than five 7830
hundred dollars, a definite term of imprisonment of not more 7831
than sixty days in jail, or both; 7832

(3) For a third or subsequent offense, a fine of not more 7833
than one thousand dollars, a definite term of imprisonment of 7834
not more than ninety days in jail, or both. 7835

(B) In all contempt proceedings initiated pursuant to 7836
section 2705.031 of the Revised Code against an employer, the 7837
~~bureau of workers' compensation~~department of workforce insurance 7838
and safety, an employer that is paying workers' compensation 7839
benefits, a board, board of trustees, or other governing entity 7840
of a retirement system, person paying or distributing income to 7841
an obligor under a support order, or financial institution that 7842
is ordered to withhold or deduct an amount of money from the 7843
income or other assets of a person required to pay support and 7844
that fails to withhold or deduct the amount of money as ordered 7845
by the support order, the court also may require the employer, 7846
the ~~bureau of workers' compensation~~department of workforce 7847
insurance and safety, an employer that is paying workers' 7848
compensation benefits, a board, board of trustees, or other 7849
governing entity of a retirement system, person paying or 7850
distributing income to an obligor under a support order, or 7851
financial institution to pay the accumulated support arrearages. 7852

Sec. 2743.521. (A) For claims for medical, psychological, 7853
dental, chiropractic, hospital, physical therapy, and nursing 7854
services, the attorney general may audit fee bill payments and 7855
adjust fee bill reimbursements in accordance with appropriate 7856
cost containment and reimbursement guidelines adopted by the 7857
~~administrator of workers' compensation~~director of workforce 7858
insurance and safety. 7859

(B) A medical provider that accepts payment for medical 7860
care-related allowable expenses as part of an award of 7861
reparations shall not seek reimbursement for any part of those 7862
allowable expenses from the victim or the claimant who was 7863
granted the award. This division does not prohibit the medical 7864
provider from seeking reimbursement from a collateral source. 7865

Sec. 2913.48. (A) No person, with purpose to defraud or 7866
knowing that the person is facilitating a fraud, shall do any of 7867
the following: 7868

(1) Receive workers' compensation benefits to which the 7869
person is not entitled; 7870

(2) Make or present or cause to be made or presented a 7871
false or misleading statement with the purpose to secure payment 7872
for goods or services rendered under Chapter 4121., 4123., 7873
4127., or 4131. of the Revised Code or to secure workers' 7874
compensation benefits; 7875

(3) Alter, falsify, destroy, conceal, or remove any record 7876
or document that is necessary to fully establish the validity of 7877
any claim filed with, or necessary to establish the nature and 7878
validity of all goods and services for which reimbursement or 7879
payment was received or is requested from, the ~~bureau of~~ 7880
~~workers' compensation~~department of workforce insurance and 7881
safety, or a self-insuring employer under Chapter 4121., 4123., 7882
4127., or 4131. of the Revised Code; 7883

(4) Enter into an agreement or conspiracy to defraud the 7884
~~bureau~~department or a self-insuring employer by making or 7885
presenting or causing to be made or presented a false claim for 7886
workers' compensation benefits; 7887

(5) Make or present or cause to be made or presented a 7888
false statement concerning manual codes, classification of 7889
employees, payroll, paid compensation, or number of personnel, 7890
when information of that nature is necessary to determine the 7891
actual workers' compensation premium or assessment owed to the 7892
~~bureau~~department by an employer; 7893

(6) Alter, forge, or create a workers' compensation 7894

certificate to falsely show current or correct workers' 7895
compensation coverage; 7896

(7) Fail to secure or maintain workers' compensation 7897
coverage as required by Chapter 4123. of the Revised Code with 7898
the intent to defraud the ~~bureau of workers'~~ 7899
~~compensation~~department. 7900

(B) Whoever violates this section is guilty of workers' 7901
compensation fraud. Except as otherwise provided in this 7902
division, a violation of this section is a misdemeanor of the 7903
first degree. If the value of premiums and assessments unpaid 7904
pursuant to actions described in division (A) (5), (6), or (7) of 7905
this section, or of goods, services, property, or money stolen 7906
is one thousand dollars or more and is less than seven thousand 7907
five hundred dollars, a violation of this section is a felony of 7908
the fifth degree. If the value of premiums and assessments 7909
unpaid pursuant to actions described in division (A) (5), (6), or 7910
(7) of this section, or of goods, services, property, or money 7911
stolen is seven thousand five hundred dollars or more and is 7912
less than one hundred fifty thousand dollars, a violation of 7913
this section is a felony of the fourth degree. If the value of 7914
premiums and assessments unpaid pursuant to actions described in 7915
division (A) (5), (6), or (7) of this section, or of goods, 7916
services, property, or money stolen is one hundred fifty 7917
thousand dollars or more, a violation of this section is a 7918
felony of the third degree. 7919

(C) Upon application of the governmental body that 7920
conducted the investigation and prosecution of a violation of 7921
this section, the court shall order the person who is convicted 7922
of the violation to pay the governmental body its costs of 7923
investigating and prosecuting the case. These costs are in 7924

addition to any other costs or penalty provided in the Revised Code or any other section of law.

(D) The remedies and penalties provided in this section are not exclusive remedies and penalties and do not preclude the use of any other criminal or civil remedy or penalty for any act that is in violation of this section.

(E) As used in this section:

(1) "False" means wholly or partially untrue or deceptive.

(2) "Goods" includes, but is not limited to, medical supplies, appliances, rehabilitative equipment, and any other apparatus or furnishing provided or used in the care, treatment, or rehabilitation of a claimant for workers' compensation benefits.

(3) "Services" includes, but is not limited to, any service provided by any health care provider to a claimant for workers' compensation benefits and any and all services provided by the ~~bureau~~ department as part of workers' compensation insurance coverage.

(4) "Claim" means any attempt to cause the ~~bureau~~ department, an independent third party with whom the ~~administrator~~ director of workforce insurance and safety or an employer contracts under section 4121.44 of the Revised Code, or a self-insuring employer to make payment or reimbursement for workers' compensation benefits.

(5) "Employment" means participating in any trade, occupation, business, service, or profession for substantial gainful remuneration.

(6) "Employer," "employee," and "self-insuring employer"

have the same meanings as in section 4123.01 of the Revised Code. 7953
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(7) "Remuneration" includes, but is not limited to, wages, commissions, rebates, and any other reward or consideration. 7955
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(8) "Statement" includes, but is not limited to, any oral, written, electronic, electronic impulse, or magnetic communication notice, letter, memorandum, receipt for payment, invoice, account, financial statement, or bill for services; a diagnosis, prognosis, prescription, hospital, medical, or dental chart or other record; and a computer generated document. 7957
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(9) "Records" means any medical, professional, financial, or business record relating to the treatment or care of any person, to goods or services provided to any person, or to rates paid for goods or services provided to any person, or any record that the ~~administrator of workers' compensation director~~ requires pursuant to rule. 7963
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(10) "Workers' compensation benefits" means any compensation or benefits payable under Chapter 4121., 4123., 4127., or 4131. of the Revised Code. 7969
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Sec. 3121.01. As used in this chapter: 7972

(A) "Administrative child support order," "child support order," "court child support order," "court support order," "obligee," "obligor," "personal earnings," and "support order" have the same meanings as in section 3119.01 of the Revised Code. 7973
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(B) "Default" means any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month. 7978
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(C) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund.

(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments, including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code; and any other payment in money.

(E) "Payor" means any person or entity that pays or distributes income to an obligor, including an obligor if the obligor is self-employed; an employer; an employer paying an obligor's workers' compensation benefits; the public employees retirement board; the governing entity of a municipal retirement system; the board of trustees of the Ohio police and fire pension fund; the state teachers retirement board; the school employees retirement board; the state highway patrol retirement board; a provider, as defined in section 3305.01 of the Revised Code; the ~~bureau of workers' compensation~~department of workforce insurance and safety; or any other person or entity other than the department of job and family services with respect to unemployment compensation benefits paid pursuant to Chapter 4141. of the Revised Code.

Sec. 3121.0311. (A) If a lump sum payment referred to in 8012
division (A)(11) of section 3121.037 of the Revised Code 8013
consists of workers' compensation benefits and the obligor is 8014
represented by an attorney with respect to the obligor's 8015
workers' compensation claim, prior to issuing the notice to the 8016
child support enforcement agency required by that division, the 8017
~~administrator of workers' compensation~~director of workforce 8018
insurance and safety, for claims involving state fund employers, 8019
or a self-insuring employer, for that employer's claims, shall 8020
notify the obligor and the obligor's attorney in writing that 8021
the obligor is subject to a support order and that the 8022
~~administrator~~director or self-insuring employer, as 8023
appropriate, shall hold the lump sum payment for a period of 8024
thirty days after the ~~administrator~~director or self-insuring 8025
employer sends this written notice, pending receipt of the 8026
information referred to in division (B) of this section. 8027

(B) The ~~administrator~~director or self-insuring employer, 8028
as appropriate, shall instruct the obligor's attorney in writing 8029
to file a copy of the fee agreement signed by the obligor, along 8030
with an affidavit signed by the attorney setting forth the 8031
amount of the attorney's fee with respect to the lump sum 8032
payment award to the obligor and the amount of all necessary 8033
expenses, along with documentation of those expenses, incurred 8034
by the attorney with respect to obtaining the lump sum award. 8035
The obligor's attorney shall file the fee agreement and attorney 8036
affidavit with the ~~administrator~~director or self-insuring 8037
employer, as appropriate, within thirty days after the date the 8038
~~administrator~~director or self-insuring employer sends the 8039
notice required by division (A) of this section. 8040

(C) Upon receipt of the fee agreement and attorney 8041
affidavit, the ~~administrator~~director or self-insuring employer, 8042

as appropriate, shall deduct from the lump sum payment the 8043
amount of the attorney's fee and necessary expenses and pay that 8044
amount directly to and solely in the name of the attorney within 8045
fourteen days after the fee agreement and attorney affidavit 8046
have been filed with the ~~administrator~~director or self-insuring 8047
employer. 8048

(D) After deducting any attorney's fee and necessary 8049
expenses, if the lump sum payment is one hundred fifty dollars 8050
or more, the ~~administrator~~director or self-insuring employer, 8051
as appropriate, shall hold the balance of the lump sum award in 8052
accordance with division (A) (11) of section 3121.037 of the 8053
Revised Code. 8054

Sec. 3121.899. (A) The new hire reports filed with the 8055
department of job and family services pursuant to section 8056
3121.891 of the Revised Code shall not be considered public 8057
records for purposes of section 149.43 of the Revised Code. The 8058
director of job and family services may adopt rules under 8059
section 3125.51 of the Revised Code governing access to, and use 8060
and disclosure of, information contained in the new hire 8061
reports. 8062

(B) The department of job and family services may disclose 8063
information in the new hire reports to all of the following: 8064

(1) Any child support enforcement agency and any agent 8065
under contract with a child support enforcement agency for the 8066
purposes listed in division (A) of section 3121.898 of the 8067
Revised Code; 8068

(2) Any county department of job and family services and 8069
any agent under contract with a county department of job and 8070
family services for the purposes listed in division (B) of 8071

section 3121.898 of the Revised Code;	8072
(3) Employees of the department of job and family services	8073
and any agent under contract with the department of job and	8074
family services for the purposes listed in divisions (B) and (C)	8075
of section 3121.898 of the Revised Code;	8076
(4) The administrator of workers' compensation <u>director of</u>	8077
<u>workforce insurance and safety</u> for the purpose of administering	8078
the workers' compensation system pursuant to Chapters 4121.,	8079
4123., 4127., and 4131. of the Revised Code;	8080
(5) To state agencies operating employment security and	8081
workers compensation programs for the purpose of administering	8082
those programs, pursuant to division (D) of section 3121.898 of	8083
the Revised Code.	8084
Sec. 3313.643. Every student and teacher of a school,	8085
college, or other educational institution shall wear industrial	8086
quality eye protective devices at all times while participating	8087
in or observing any of the following courses:	8088
(A) Vocational, technical, industrial arts, fine arts,	8089
chemical, physical, or combined chemical-physical educational	8090
activities, involving exposure to:	8091
(1) Hot molten metals or other molten materials;	8092
(2) Milling, sawing, drilling, turning, shaping, cutting,	8093
grinding, buffing, or stamping of any solid materials;	8094
(3) Heat treatment, tempering, or kiln firing of any metal	8095
or other materials;	8096
(4) Gas or electric arc welding or other forms of welding	8097
processes;	8098

(5) Repair or servicing of any vehicle;	8099
(6) Caustic or explosive materials † .	8100
(B) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.	8101 8102 8103
Such devices may be furnished for all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories.	8104 8105 8106 8107
The superintendent of public instruction, or any other appropriate educational authority designated by the superintendent, shall prepare and circulate to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this section. The bureau of workers' compensation department of workforce insurance and safety shall ensure compliance with this section.	8108 8109 8110 8111 8112 8113 8114 8115
"Industrial quality eye protective devices" as used in this section, means devices meeting the standards of the American national standard practice for occupational and educational eye and face protection, Z87.1-1968, approved by the American national standards institute, inc., and subsequent revisions thereof, provided such revisions are approved and adopted by the industrial commission.	8116 8117 8118 8119 8120 8121 8122
Sec. 3318.26. (A) The provisions of this section apply only to obligations issued by the issuing authority prior to December 1, 1999.	8123 8124 8125
(B) Subject to the limitations provided in section 3318.29 of the Revised Code, the issuing authority, upon the	8126 8127

certification by the Ohio facilities construction commission to 8128
the issuing authority of the amount of moneys or additional 8129
moneys needed in the school building program assistance fund for 8130
the purposes of sections 3318.01 to 3318.20 and sections 3318.40 8131
to 3318.45 of the Revised Code, or needed for capitalized 8132
interest, for funding reserves, and for paying costs and 8133
expenses incurred in connection with the issuance, carrying, 8134
securing, paying, redeeming, or retirement of the obligations or 8135
any obligations refunded thereby, including payment of costs and 8136
expenses relating to letters of credit, lines of credit, 8137
insurance, put agreements, standby purchase agreements, 8138
indexing, marketing, remarketing and administrative 8139
arrangements, interest swap or hedging agreements, and any other 8140
credit enhancement, liquidity, remarketing, renewal, or 8141
refunding arrangements, all of which are authorized by this 8142
section, shall issue obligations of the state under this section 8143
in the required amount. The proceeds of such obligations, except 8144
for obligations issued to provide moneys for the school building 8145
program assistance fund shall be deposited by the treasurer of 8146
state in special funds, including reserve funds, as provided in 8147
the bond proceedings. The issuing authority may appoint 8148
trustees, paying agents, and transfer agents and may retain the 8149
services of financial advisors and accounting experts and retain 8150
or contract for the services of marketing, remarketing, 8151
indexing, and administrative agents, other consultants, and 8152
independent contractors, including printing services, as are 8153
necessary in the issuing authority's judgment to carry out this 8154
section. The costs of such services are payable from the school 8155
building program assistance fund or any special fund determined 8156
by the issuing authority. 8157

(C) The holders or owners of such obligations shall have 8158

no right to have moneys raised by taxation obligated or pledged, 8159
and moneys raised by taxation shall not be obligated or pledged, 8160
for the payment of bond service charges. Such holders or owners 8161
shall have no rights to payment of bond service charges from any 8162
money or property received by the commission, treasurer of 8163
state, or the state, or from any other use of the proceeds of 8164
the sale of the obligations, and no such moneys may be used for 8165
the payment of bond service charges, except for accrued 8166
interest, capitalized interest, and reserves funded from 8167
proceeds received upon the sale of the obligations and except as 8168
otherwise expressly provided in the applicable bond proceedings 8169
pursuant to written directions by the treasurer of state. The 8170
right of such holders and owners to payment of bond service 8171
charges shall be limited to all or that portion of the pledged 8172
receipts and those special funds pledged thereto pursuant to the 8173
bond proceedings in accordance with this section, and each such 8174
obligation shall bear on its face a statement to that effect. 8175

(D) Obligations shall be authorized by resolution or order 8176
of the issuing authority and the bond proceedings shall provide 8177
for the purpose thereof and the principal amount or amounts, and 8178
shall provide for or authorize the manner or agency for 8179
determining the principal maturity or maturities, not exceeding 8180
the limits specified in section 3318.29 of the Revised Code, the 8181
interest rate or rates or the maximum interest rate, the date of 8182
the obligations and the dates of payment of interest thereon, 8183
their denomination, and the establishment within or without the 8184
state of a place or places of payment of bond service charges. 8185
Sections 9.98 to 9.983 of the Revised Code are applicable to 8186
obligations issued under this section, subject to any applicable 8187
limitation under section 3318.29 of the Revised Code. The 8188
purpose of such obligations may be stated in the bond 8189

proceedings in terms describing the general purpose or purposes 8190
to be served. The bond proceedings shall also provide, subject 8191
to the provisions of any other applicable bond proceedings, for 8192
the pledge of all, or such part as the issuing authority may 8193
determine, of the pledged receipts and the applicable special 8194
fund or funds to the payment of bond service charges, which 8195
pledges may be made either prior or subordinate to other 8196
expenses, claims, or payments, and may be made to secure the 8197
obligations on a parity with obligations theretofore or 8198
thereafter issued, if and to the extent provided in the bond 8199
proceedings. The pledged receipts and special funds so pledged 8200
and thereafter received by the state are immediately subject to 8201
the lien of such pledge without any physical delivery thereof or 8202
further act, and the lien of any such pledges is valid and 8203
binding against all parties having claims of any kind against 8204
the state or any governmental agency of the state, irrespective 8205
of whether such parties have notice thereof, and shall create a 8206
perfected security interest for all purposes of Chapter 1309. of 8207
the Revised Code, without the necessity for separation or 8208
delivery of funds or for the filing or recording of the bond 8209
proceedings by which such pledge is created or any certificate, 8210
statement or other document with respect thereto; and the pledge 8211
of such pledged receipts and special funds is effective and the 8212
money therefrom and thereof may be applied to the purposes for 8213
which pledged without necessity for any act of appropriation, 8214
except as required by section 3770.06 of the Revised Code. Every 8215
pledge, and every covenant and agreement made with respect 8216
thereto, made in the bond proceedings may therein be extended to 8217
the benefit of the owners and holders of obligations authorized 8218
by this section, and to any trustee therefor, for the further 8219
security of the payment of the bond service charges. 8220

(E) The bond proceedings may contain additional provisions	8221
as to:	8222
(1) The redemption of obligations prior to maturity at the	8223
option of the issuing authority at such price or prices and	8224
under such terms and conditions as are provided in the bond	8225
proceedings;	8226
(2) Other terms of the obligations;	8227
(3) Limitations on the issuance of additional obligations;	8228
(4) The terms of any trust agreement or indenture securing	8229
the obligations or under which the same may be issued;	8230
(5) The deposit, investment and application of special	8231
funds, and the safeguarding of moneys on hand or on deposit,	8232
without regard to Chapter 131., 133., or 135. of the Revised	8233
Code, but subject to any special provisions of sections 3318.21	8234
to 3318.29 of the Revised Code, with respect to particular funds	8235
or moneys, provided that any bank or trust company that acts as	8236
depository of any moneys in the special funds may furnish such	8237
indemnifying bonds or may pledge such securities as required by	8238
the issuing authority;	8239
(6) Any or every provision of the bond proceedings being	8240
binding upon such officer, board, commission, authority, agency,	8241
department, or other person or body as may from time to time	8242
have the authority under law to take such actions as may be	8243
necessary to perform all or any part of the duty required by	8244
such provision;	8245
(7) Any provision that may be made in a trust agreement or	8246
indenture;	8247
(8) The lease or sublease of any interest of the school	8248

district or the state in one or more projects as defined in 8249
division (C) of section 3318.01 of the Revised Code, or in one 8250
or more permanent improvements, to or from the issuing 8251
authority, as provided in one or more lease or sublease 8252
agreements between the school or the state and the issuing 8253
authority; 8254

(9) Any other or additional agreements with the holders of 8255
the obligations, or the trustee therefor, relating to the 8256
obligations or the security therefor. 8257

(F) The obligations may have the great seal of the state 8258
or a facsimile thereof affixed thereto or printed thereon. The 8259
obligations and any coupons pertaining to obligations shall be 8260
signed or bear the facsimile signature of the issuing authority. 8261
Any obligations or coupons may be executed by the person who, on 8262
the date of execution, is the proper issuing authority although 8263
on the date of such bonds or coupons such person was not the 8264
issuing authority. In case the issuing authority whose signature 8265
or a facsimile of whose signature appears on any such obligation 8266
or coupon ceases to be the issuing authority before delivery 8267
thereof, such signature or facsimile is nevertheless valid and 8268
sufficient for all purposes as if the issuing authority had 8269
remained the issuing authority until such delivery; and in case 8270
the seal to be affixed to obligations has been changed after a 8271
facsimile of the seal has been imprinted on such obligations, 8272
such facsimile seal shall continue to be sufficient as to such 8273
obligations and obligations issued in substitution or exchange 8274
therefor. 8275

(G) All obligations are negotiable instruments and 8276
securities under Chapter 1308. of the Revised Code, subject to 8277
the provisions of the bond proceedings as to registration. The 8278

obligations may be issued in coupon or in registered form, or 8279
both, as the issuing authority determines. Provision may be made 8280
for the registration of any obligations with coupons attached 8281
thereto as to principal alone or as to both principal and 8282
interest, their exchange for obligations so registered, and for 8283
the conversion or reconversion into obligations with coupons 8284
attached thereto of any obligations registered as to both 8285
principal and interest, and for reasonable charges for such 8286
registration, exchange, conversion, and reconversion. 8287

(H) Obligations may be sold at public sale or at private 8288
sale, as determined in the bond proceedings. 8289

(I) Pending preparation of definitive obligations, the 8290
issuing authority may issue interim receipts or certificates 8291
which shall be exchanged for such definitive obligations. 8292

(J) In the discretion of the issuing authority, 8293
obligations may be secured additionally by a trust agreement or 8294
indenture between the issuing authority and a corporate trustee 8295
which may be any trust company or bank having a place of 8296
business within the state. Any such agreement or indenture may 8297
contain the resolution or order authorizing the issuance of the 8298
obligations, any provisions that may be contained in any bond 8299
proceedings, and other provisions that are customary or 8300
appropriate in an agreement or indenture of such type, 8301
including, but not limited to: 8302

(1) Maintenance of each pledge, trust agreement, 8303
indenture, or other instrument comprising part of the bond 8304
proceedings until the state has fully paid the bond service 8305
charges on the obligations secured thereby, or provision 8306
therefor has been made; 8307

(2) In the event of default in any payments required to be 8308
made by the bond proceedings, or any other agreement of the 8309
issuing authority made as a part of the contract under which the 8310
obligations were issued, enforcement of such payments or 8311
agreement by mandamus, the appointment of a receiver, suit in 8312
equity, action at law, or any combination of the foregoing; 8313

(3) The rights and remedies of the holders of obligations 8314
and of the trustee, and provisions for protecting and enforcing 8315
them, including limitations on rights of individual holders of 8316
obligations; 8317

(4) The replacement of any obligations that become 8318
mutilated or are destroyed, lost, or stolen; 8319

(5) Such other provisions as the trustee and the issuing 8320
authority agree upon, including limitations, conditions, or 8321
qualifications relating to any of the foregoing. 8322

(K) Any holder of obligations or a trustee under the bond 8323
proceedings, except to the extent that the holder's or trustee's 8324
rights are restricted by the bond proceedings, may by any 8325
suitable form of legal proceedings, protect and enforce any 8326
rights under the laws of this state or granted by such bond 8327
proceedings. Such rights include the right to compel the 8328
performance of all duties of the issuing authority, the 8329
commission, or the director of budget and management required by 8330
sections 3318.21 to 3318.29 of the Revised Code or the bond 8331
proceedings; to enjoin unlawful activities; and in the event of 8332
default with respect to the payment of any bond service charges 8333
on any obligations or in the performance of any covenant or 8334
agreement on the part of the issuing authority, the commission, 8335
or the director of budget and management in the bond 8336
proceedings, to apply to a court having jurisdiction of the 8337

cause to appoint a receiver to receive and administer the 8338
pledged receipts and special funds, other than those in the 8339
custody of the treasurer of state or the commission, which are 8340
pledged to the payment of the bond service charges on such 8341
obligations or which are the subject of the covenant or 8342
agreement, with full power to pay, and to provide for payment of 8343
bond service charges on, such obligations, and with such powers, 8344
subject to the direction of the court, as are accorded receivers 8345
in general equity cases, excluding any power to pledge 8346
additional revenues or receipts or other income or moneys of the 8347
issuing authority or the state or governmental agencies of the 8348
state to the payment of such principal and interest and 8349
excluding the power to take possession of, mortgage, or cause 8350
the sale or otherwise dispose of any permanent improvement. 8351

Each duty of the issuing authority and the issuing 8352
authority's officers and employees, and of each governmental 8353
agency and its officers, members, or employees, undertaken 8354
pursuant to the bond proceedings or any agreement or loan made 8355
under authority of sections 3318.21 to 3318.29 of the Revised 8356
Code, and in every agreement by or with the issuing authority, 8357
is hereby established as a duty of the issuing authority, and of 8358
each such officer, member, or employee having authority to 8359
perform such duty, specifically enjoined by the law resulting 8360
from an office, trust, or station within the meaning of section 8361
2731.01 of the Revised Code. 8362

The person who is at the time the issuing authority, or 8363
the issuing authority's officers or employees, are not liable in 8364
their personal capacities on any obligations issued by the 8365
issuing authority or any agreements of or with the issuing 8366
authority. 8367

(L) Obligations issued under this section are lawful 8368
investments for banks, societies for savings, savings and loan 8369
associations, deposit guarantee associations, trust companies, 8370
trustees, fiduciaries, insurance companies, including domestic 8371
for life and domestic not for life, trustees or other officers 8372
having charge of sinking and bond retirement or other special 8373
funds of political subdivisions and taxing districts of this 8374
state, the commissioners of the sinking fund of the state, the 8375
~~administrator of workers' compensation~~director of workforce 8376
insurance and safety, the state teachers retirement system, the 8377
public employees retirement system, the school employees 8378
retirement system, and the Ohio police and fire pension fund, 8379
notwithstanding any other provisions of the Revised Code or 8380
rules adopted pursuant thereto by any governmental agency of the 8381
state with respect to investments by them, and also are 8382
acceptable as security for the deposit of public moneys. 8383

(M) Unless otherwise provided in any applicable bond 8384
proceedings, moneys to the credit of or in the special funds 8385
established by or pursuant to this section may be invested by or 8386
on behalf of the issuing authority only in notes, bonds, or 8387
other obligations of the United States, or of any agency or 8388
instrumentality of the United States, obligations guaranteed as 8389
to principal and interest by the United States, obligations of 8390
this state or any political subdivision of this state, and 8391
certificates of deposit of any national bank located in this 8392
state and any bank, as defined in section 1101.01 of the Revised 8393
Code, subject to inspection by the superintendent of financial 8394
institutions. If the law or the instrument creating a trust 8395
pursuant to division (J) of this section expressly permits 8396
investment in direct obligations of the United States or an 8397
agency of the United States, unless expressly prohibited by the 8398

instrument, such moneys also may be invested in no front end 8399
load money market mutual funds consisting exclusively of 8400
obligations of the United States or an agency of the United 8401
States and in repurchase agreements, including those issued by 8402
the fiduciary itself, secured by obligations of the United 8403
States or an agency of the United States; and in collective 8404
investment funds established in accordance with section 1111.14 8405
of the Revised Code and consisting exclusively of any such 8406
securities, notwithstanding division (B)(1)(c) of that section. 8407
The income from such investments shall be credited to such funds 8408
as the issuing authority determines, and such investments may be 8409
sold at such times as the issuing authority determines or 8410
authorizes. 8411

(N) Provision may be made in the applicable bond 8412
proceedings for the establishment of separate accounts in the 8413
bond service fund and for the application of such accounts only 8414
to the specified bond service charges on obligations pertinent 8415
to such accounts and bond service fund and for other accounts 8416
therein within the general purposes of such fund. Unless 8417
otherwise provided in any applicable bond proceedings, moneys to 8418
the credit of or in the several special funds established 8419
pursuant to this section shall be disbursed on the order of the 8420
treasurer of state, provided that no such order is required for 8421
the payment from the bond service fund when due of bond service 8422
charges on obligations. 8423

(O) The issuing authority may pledge all, or such portion 8424
as the issuing authority determines, of the pledged receipts to 8425
the payment of bond service charges on obligations issued under 8426
this section, and for the establishment and maintenance of any 8427
reserves, as provided in the bond proceedings, and make other 8428
provisions therein with respect to pledged receipts as 8429

authorized by this chapter, which provisions shall be 8430
controlling notwithstanding any other provisions of law 8431
pertaining thereto. 8432

(P) The issuing authority may covenant in the bond 8433
proceedings, and any such covenants shall be controlling 8434
notwithstanding any other provision of law, that the state and 8435
applicable officers and governmental agencies of the state, 8436
including the general assembly, so long as any obligations are 8437
outstanding, shall: 8438

(1) Maintain statutory authority for and cause to be 8439
operated the state lottery, including the transfers to and from 8440
the lottery profits education fund created in section 3770.06 of 8441
the Revised Code so that the pledged receipts shall be 8442
sufficient in amount to meet bond service charges, and the 8443
establishment and maintenance of any reserves and other 8444
requirements provided for in the bond proceedings; 8445

(2) Take or permit no action, by statute or otherwise, 8446
that would impair the exclusion from gross income for federal 8447
income tax purposes of the interest on any obligations 8448
designated by the bond proceeding as tax-exempt obligations. 8449

(Q) There is hereby created the school building program 8450
bond service fund, which shall be in the custody of the 8451
treasurer of state but shall be separate and apart from and not 8452
a part of the state treasury. All moneys received by or on 8453
account of the issuing authority or state agencies and required 8454
by the applicable bond proceedings, consistent with this 8455
section, to be deposited, transferred, or credited to the school 8456
building program bond service fund, and all other moneys 8457
transferred or allocated to or received for the purposes of the 8458
fund, shall be deposited and credited to such fund and to any 8459

separate accounts therein, subject to applicable provisions of 8460
the bond proceedings, but without necessity for any act of 8461
appropriation, except as required by section 3770.06 of the 8462
Revised Code. During the period beginning with the date of the 8463
first issuance of obligations and continuing during such time as 8464
any such obligations are outstanding, and so long as moneys in 8465
the school building program bond service fund are insufficient 8466
to pay all bond service charges on such obligations becoming due 8467
in each year, a sufficient amount of the moneys from the lottery 8468
profits education fund included in pledged receipts, subject to 8469
appropriation for such purpose as provided in section 3770.06 of 8470
the Revised Code, are committed and shall be paid to the school 8471
building program bond service fund in each year for the purpose 8472
of paying the bond service charges becoming due in that year. 8473
The school building program bond service fund is a trust fund 8474
and is hereby pledged to the payment of bond service charges 8475
solely on obligations issued to provide moneys for the school 8476
building program assistance fund to the extent provided in the 8477
applicable bond proceedings, and payment thereof from such fund 8478
shall be made or provided for by the treasurer of state in 8479
accordance with such bond proceedings without necessity for any 8480
act of appropriation except as required by section 3770.06 of 8481
the Revised Code. 8482

(R) The obligations, the transfer thereof, and the income 8483
therefrom, including any profit made on the sale thereof, at all 8484
times shall be free from taxation within the state. 8485

Sec. 3335.61. There is hereby created a brain injury 8486
advisory committee, which shall advise the brain injury program 8487
with regard to unmet needs of survivors of brain injury, 8488
development of programs for survivors and their families, 8489
establishment of training programs for health care 8490

professionals, and any other matter within the province of the 8491
brain injury program. The committee shall consist of not fewer 8492
than nineteen and not more than twenty-one members as follows: 8493

(A) Not fewer than ten and not more than twelve members 8494
appointed by the dean of the college of medicine of the Ohio 8495
state university, including all of the following: a survivor of 8496
brain injury, a relative of a survivor of brain injury, a 8497
licensed physician recommended by the Ohio chapter of the 8498
American college of emergency physicians, a licensed physician 8499
recommended by the Ohio state medical association, one other 8500
health care professional, a rehabilitation professional, an 8501
individual who represents the brain injury association of Ohio, 8502
and not fewer than three nor more than five individuals who 8503
shall represent the public; 8504

(B) The directors of the departments of health, mental 8505
health and drug addiction services, developmental disabilities, 8506
aging, and public safety; the medicaid director; the 8507
~~administrator of workers' compensation~~director of workforce 8508
insurance and safety; the superintendent of public instruction; 8509
and the executive director of the opportunities for Ohioans with 8510
disabilities agency. Any of the officials specified in this 8511
division may designate an individual to serve in the official's 8512
place as a member of the committee. 8513

Terms of office of the appointed members shall be two 8514
years. Members may be reappointed. Vacancies shall be filled in 8515
the manner provided for original appointments. Any member 8516
appointed to fill a vacancy occurring prior to the expiration 8517
date of the term for which the member's predecessor was 8518
appointed shall hold office as a member for the remainder of 8519
that term. 8520

Members of the committee shall serve without compensation, 8521
but shall be reimbursed for actual and necessary expenses 8522
incurred in the performance of their duties. 8523

Sec. 3345.12. (A) As used in this section and sections 8524
3345.07 and 3345.11 of the Revised Code, in other sections of 8525
the Revised Code that make reference to this section unless the 8526
context does not permit, and in related bond proceedings unless 8527
otherwise expressly provided: 8528

(1) "State university or college" means each of the state 8529
universities identified in section 3345.011 of the Revised Code 8530
and the northeast Ohio medical university, and includes its 8531
board of trustees. 8532

(2) "Institution of higher education" or "institution" 8533
means a state university or college, or a community college 8534
district, technical college district, university branch 8535
district, or state community college, and includes the 8536
applicable board of trustees or, in the case of a university 8537
branch district, any other managing authority. 8538

(3) "Housing and dining facilities" means buildings, 8539
structures, and other improvements, and equipment, real estate, 8540
and interests in real estate therefor, to be used for or in 8541
connection with dormitories or other living quarters and 8542
accommodations, or related dining halls or other food service 8543
and preparation facilities, for students, members of the 8544
faculty, officers, or employees of the institution of higher 8545
education, and their spouses and families. 8546

(4) "Auxiliary facilities" means buildings, structures, 8547
and other improvements, and equipment, real estate, and 8548
interests in real estate therefor, to be used for or in 8549

connection with student activity or student service facilities, 8550
housing and dining facilities, dining halls, and other food 8551
service and preparation facilities, vehicular parking 8552
facilities, bookstores, athletic and recreational facilities, 8553
faculty centers, auditoriums, assembly and exhibition halls, 8554
hospitals, infirmaries and other medical and health facilities, 8555
research, and continuing education facilities. 8556

(5) "Education facilities" means buildings, structures, 8557
and other improvements, and equipment, real estate, and 8558
interests in real estate therefor, to be used for or in 8559
connection with, classrooms or other instructional facilities, 8560
libraries, administrative and office facilities, and other 8561
facilities, other than auxiliary facilities, to be used directly 8562
or indirectly for or in connection with the conduct of the 8563
institution of higher education. 8564

(6) "Facilities" means housing and dining facilities, 8565
auxiliary facilities, or education facilities, and includes any 8566
one, part of, or any combination of such facilities, and further 8567
includes site improvements, utilities, machinery, furnishings, 8568
and any separate or connected buildings, structures, 8569
improvements, sites, open space and green space areas, utilities 8570
or equipment to be used in, or in connection with the operation 8571
or maintenance of, or supplementing or otherwise related to the 8572
services or facilities to be provided by, such facilities. 8573

(7) "Obligations" means bonds or notes or other evidences 8574
of obligation, including interest coupons pertaining thereto, 8575
authorized to be issued under this section or section 3345.07, 8576
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 8577
Code. 8578

(8) "Bond service charges" means principal, including any 8579

mandatory sinking fund or redemption requirements for the 8580
retirement of obligations or assurances, interest, or interest 8581
equivalent and other accreted amounts, and any call premium 8582
required to be paid on obligations or assurances. 8583

(9) "Bond proceedings" means the resolutions, trust 8584
agreement, indenture, and other agreements and credit 8585
enhancement facilities, and amendments and supplements to the 8586
foregoing, or any one or more or combination thereof, 8587
authorizing, awarding, or providing for the terms and conditions 8588
applicable to, or providing for the security or liquidity of, 8589
obligations or assurances, and the provisions contained in those 8590
obligations or assurances. 8591

(10) "Costs of facilities" means the costs of acquiring, 8592
constructing, reconstructing, rehabilitating, remodeling, 8593
renovating, enlarging, improving, equipping, or furnishing 8594
facilities, and the financing thereof, including the cost of 8595
clearance and preparation of the site and of any land to be used 8596
in connection with facilities, the cost of any indemnity and 8597
surety bonds and premiums on insurance, all related direct 8598
administrative expenses and allocable portions of direct costs 8599
of the institution of higher education or state agency, cost of 8600
engineering, architectural services, design, plans, 8601
specifications and surveys, estimates of cost, legal fees, fees 8602
and expenses of trustees, depositories, bond registrars, and 8603
paying agents for the obligations, cost of issuance of the 8604
obligations and financing costs and fees and expenses of 8605
financial advisers and consultants in connection therewith, 8606
interest on the obligations from the date thereof to the time 8607
when interest is to be covered by available receipts or other 8608
sources other than proceeds of the obligations, amounts 8609
necessary to establish reserves as required by the bond 8610

proceedings, costs of audits, the reimbursements of all moneys 8611
advanced or applied by or borrowed from the institution or 8612
others, from whatever source provided, including any temporary 8613
advances from state appropriations, for the payment of any item 8614
or items of cost of facilities, and all other expenses necessary 8615
or incident to planning or determining feasibility or 8616
practicability with respect to facilities, and such other 8617
expenses as may be necessary or incident to the acquisition, 8618
construction, reconstruction, rehabilitation, remodeling, 8619
renovation, enlargement, improvement, equipment, and furnishing 8620
of facilities, the financing thereof and the placing of them in 8621
use and operation, including any one, part of, or combination of 8622
such classes of costs and expenses. 8623

(11) "Available receipts" means all moneys received by the 8624
institution of higher education, including income, revenues, and 8625
receipts from the operation, ownership, or control of facilities 8626
or entrepreneurial projects, grants, gifts, donations, and 8627
pledges and receipts therefrom, receipts from fees and charges, 8628
and the proceeds of the sale of obligations or assurances, 8629
including proceeds of obligations or assurances issued to refund 8630
obligations or assurances previously issued, but excluding any 8631
special fee, and receipts therefrom, charged pursuant to 8632
division (D) of section 154.21 of the Revised Code. 8633

(12) "Credit enhancement facilities" has the meaning given 8634
in division (H) of section 133.01 of the Revised Code. 8635

(13) "Financing costs" has the meaning given in division 8636
(K) of section 133.01 of the Revised Code. 8637

(14) "Interest" or "interest equivalent" has the meaning 8638
given in division (R) of section 133.01 of the Revised Code. 8639

(15) "Assurances" means bonds, notes, or other evidence of indebtedness, including interest coupons pertaining thereto, authorized to be issued under section 3345.36 of the Revised Code.

(16) "Entrepreneurial project" has the same meaning as in section 3345.36 of the Revised Code.

(17) "Costs of entrepreneurial projects" means any costs related to the establishment or development of entrepreneurial projects pursuant to a resolution adopted under section 3345.36 of the Revised Code.

(B) Obligations issued under section 3345.07 or 3345.11 of the Revised Code by a state university or college shall be authorized by resolution of its board of trustees. Obligations issued by any other institution of higher education shall be authorized by resolution of its board of trustees, or managing directors in the case of certain university branch districts, as applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code apply to obligations and assurances. Obligations and assurances may be issued to pay costs of facilities or entrepreneurial projects even if the institution anticipates the possibility of a future state appropriation to pay all or a portion of such costs.

(C) Obligations and assurances shall be secured by a pledge of and lien on all or such part of the available receipts of the institution of higher education as it provides for in the bond proceedings, excluding moneys raised by taxation and state appropriations except as permitted by section 3333.59 of the Revised Code. Such pledge and lien may be made prior to all other expenses, claims, or payments, excepting any pledge of such available receipts previously made to the contrary and

except as provided by any existing restrictions on the use 8670
thereof, or such pledge and lien may be made subordinate to such 8671
other expenses, claims, or payments, as provided in the bond 8672
proceedings. Obligations or assurances may be additionally 8673
secured by covenants of the institution to make, fix, adjust, 8674
collect, and apply such charges, rates, fees, rentals, and other 8675
items of available receipts as will produce pledged available 8676
receipts sufficient to meet bond service charges, reserve, and 8677
other requirements provided for in the bond proceedings. 8678
Notwithstanding this and any other sections of the Revised Code, 8679
the holders or owners of the obligations or assurances shall not 8680
be given the right and shall have no right to have excises or 8681
taxes levied by the general assembly for the payment of bond 8682
service charges thereon, and each such obligation or assurance 8683
shall bear on its face a statement to that effect and to the 8684
effect that the right to such payment is limited to the 8685
available receipts and special funds pledged to such purpose 8686
under the bond proceedings. 8687

All pledged available receipts and funds and the proceeds 8688
of obligations or assurances are trust funds and, subject to the 8689
provisions of this section and the applicable bond proceedings, 8690
shall be held, deposited, invested, reinvested, disbursed, 8691
applied, and used to such extent, in such manner, at such times, 8692
and for such purposes, as are provided in the bond proceedings. 8693

(D) The bond proceedings for obligations or assurances 8694
shall provide for the purpose thereof and the principal amount 8695
or maximum principal amount, and provide for or authorize the 8696
manner of determining the principal maturity or maturities, the 8697
sale price including any permitted discount, the interest rate 8698
or rates, which may be a variable rate or rates, or the maximum 8699
interest rate, the date of the obligations or assurances and the 8700

date or dates of payment of interest thereon, their 8701
denominations, the manner of sale thereof, and the establishment 8702
within or without the state of a place or places of payment of 8703
bond service charges. The bond proceedings also shall provide 8704
for a pledge of and lien on available receipts of the 8705
institution of higher education as provided in division (C) of 8706
this section, and a pledge of and lien on such fund or funds 8707
provided in the bond proceedings arising from available 8708
receipts, which pledges and liens may provide for parity with 8709
obligations or assurances theretofore or thereafter issued by 8710
the institution. The available receipts so pledged and 8711
thereafter received by the institution and the funds so pledged 8712
are immediately subject to the lien of such pledge without any 8713
physical delivery thereof or further act, and the lien of any 8714
such pledge is valid and binding against all parties having 8715
claims of any kind against the institution, irrespective of 8716
whether such parties have notice thereof, and shall create a 8717
perfected security interest for all purposes of Chapter 1309. of 8718
the Revised Code, without the necessity for separation or 8719
delivery of funds or for the filing or recording of the bond 8720
proceedings by which such pledge is created or any certificate, 8721
statement, or other document with respect thereto; and the 8722
pledge of such available receipts and funds shall be effective 8723
and the money therefrom and thereof may be applied to the 8724
purposes for which pledged without necessity for any act of 8725
appropriation. 8726

(E) The bond proceedings may contain additional provisions 8727
customary or appropriate to the financing or to the obligations 8728
or assurances or to particular obligations and assurances, 8729
including: 8730

(1) The acquisition, construction, reconstruction, 8731

equipment, furnishing, improvement, operation, alteration, 8732
enlargement, maintenance, insurance, and repair of facilities or 8733
entrepreneurial projects, and the duties of the institution of 8734
higher education with reference thereto; 8735

(2) The terms of the obligations or assurances, including 8736
provisions for their redemption prior to maturity at the option 8737
of the institution of higher education at such price or prices 8738
and under such terms and conditions as are provided in the bond 8739
proceedings; 8740

(3) Limitations on the purposes to which the proceeds of 8741
the obligations or assurances may be applied; 8742

(4) The rates or rentals or other charges for the use of 8743
or right to use the facilities or entrepreneurial projects 8744
financed by the obligations or assurances, or other properties 8745
the revenues or receipts from which are pledged to the 8746
obligations or assurances, and rules for assuring any applicable 8747
use and occupancy thereof, including limitations upon the right 8748
to modify such rates, rentals, other charges, or regulations; 8749

(5) The use and expenditure of the pledged available 8750
receipts in such manner and to such extent as shall be 8751
determined, which may include provision for the payment of the 8752
expenses of operation, maintenance, and repair of facilities or 8753
entrepreneurial projects so that such expenses, or part thereof, 8754
shall be paid or provided as a charge prior or subsequent to the 8755
payment of bond service charges and any other payments required 8756
to be made by the bond proceedings; 8757

(6) Limitations on the issuance of additional obligations 8758
or assurances; 8759

(7) The terms of any trust agreement or indenture securing 8760

the obligations or assurances or under which the same may be 8761
issued; 8762

(8) The deposit, investment, and application of funds, and 8763
the safeguarding of funds on hand or on deposit without regard 8764
to Chapter 131. or 135. of the Revised Code, and any bank or 8765
trust company or other financial institution that acts as 8766
depository of any moneys under the bond proceedings shall 8767
furnish such indemnifying bonds or pledge such securities as 8768
required by the bond proceedings or otherwise by the institution 8769
of higher education; 8770

(9) The binding effect of any or every provision of the 8771
bond proceedings upon such officer, board, commission, 8772
authority, agency, department, or other person or body as may 8773
from time to time have the authority under law to take such 8774
actions as may be necessary to perform all or any part of the 8775
duty required by such provision; 8776

(10) Any provision that may be made in a trust agreement 8777
or indenture; 8778

(11) Any other or additional agreements with respect to 8779
the facilities of the institution of higher education or its 8780
entrepreneurial projects, their operation, the available 8781
receipts and funds pledged, and insurance of facilities or 8782
entrepreneurial projects and of the institution, its officers 8783
and employees. 8784

(F) Such obligations or assurances may have the seal of 8785
the institution of higher education or a facsimile thereof 8786
affixed thereto or printed thereon and shall be executed by such 8787
officers as are designated in the bond proceedings, which 8788
execution may be by facsimile signatures. Any obligations or 8789

assurances may be executed by an officer who, on the date of 8790
execution, is the proper officer although on the date of such 8791
obligations or assurances such person was not the proper 8792
officer. In case any officer whose signature or a facsimile of 8793
whose signature appears on any such obligation or assurance 8794
ceases to be such officer before delivery thereof, such 8795
signature or facsimile is nevertheless valid and sufficient for 8796
all purposes as if the person had remained such officer until 8797
such delivery; and in case the seal of the institution has been 8798
changed after a facsimile of the seal has been imprinted on such 8799
obligations or assurances, such facsimile seal continues to be 8800
sufficient as to such obligations or assurances and obligations 8801
or assurances issued in substitution or exchange therefor. 8802

(G) All such obligations or assurances are negotiable 8803
instruments and securities under Chapter 1308. of the Revised 8804
Code, subject to the provisions of the bond proceedings as to 8805
registration. The obligations or assurances may be issued in 8806
coupon or in registered form, or both. Provision may be made for 8807
the registration of any obligations or assurances with coupons 8808
attached thereto as to principal alone or as to both principal 8809
and interest, their exchange for obligations or assurances so 8810
registered, and for the conversion or reconversion into 8811
obligations or assurances with coupons attached thereto of any 8812
obligations or assurances registered as to both principal and 8813
interest, and for reasonable charges for such registration, 8814
exchange, conversion, and reconversion. 8815

(H) Pending preparation of definitive obligations or 8816
assurances, the institution of higher education may issue 8817
interim receipts or certificates which shall be exchanged for 8818
such definitive obligations or assurances. 8819

(I) Such obligations or assurances may be secured 8820
additionally by a trust agreement or indenture between the 8821
institution of higher education and a corporate trustee, which 8822
may be any trust company or bank having the powers of a trust 8823
company within or without this state but authorized to exercise 8824
trust powers within this state. Any such agreement or indenture 8825
may contain the resolution authorizing the issuance of the 8826
obligations or assurances, any provisions that may be contained 8827
in the bond proceedings as authorized by this section, and other 8828
provisions which are customary or appropriate in an agreement or 8829
indenture of such type, including: 8830

(1) Maintenance of each pledge, trust agreement, and 8831
indenture, or other instrument comprising part of the bond 8832
proceedings until the institution of higher education has fully 8833
paid the bond service charges on the obligations or assurances 8834
secured thereby, or provision therefor has been made; 8835

(2) In the event of default in any payments required to be 8836
made by the bond proceedings, or any other agreement of the 8837
institution of higher education made as a part of the contract 8838
under which the obligations or assurances were issued, 8839
enforcement of such payments or agreement by mandamus, the 8840
appointment of a receiver, suit in equity, action at law, or any 8841
combination of the foregoing; 8842

(3) The rights and remedies of the holders of obligations 8843
or assurances and of the trustee, and provisions for protecting 8844
and enforcing them, including limitations on rights of 8845
individual holders of obligations or assurances; 8846

(4) The replacement of any obligations or assurances that 8847
become mutilated or are destroyed, lost, or stolen; 8848

(5) Such other provisions as the trustee and the 8849
institution of higher education agree upon, including 8850
limitations, conditions, or qualifications relating to any of 8851
the foregoing. 8852

(J) Each duty of the institution of higher education and 8853
its officers or employees, undertaken pursuant to the bond 8854
proceedings or any related agreement or lease made under 8855
authority of law, is hereby established as a duty of such 8856
institution, and of each such officer or employee having 8857
authority to perform such duty, specially enjoined by law 8858
resulting from an office, trust, or station within the meaning 8859
of section 2731.01 of the Revised Code. The persons who are at 8860
the time the members of the board of trustees or the managing 8861
directors of the institution or its officers or employees are 8862
not liable in their personal capacities on such obligations or 8863
assurances, or lease, or other agreement of the institution. 8864

(K) The authority to issue obligations or assurances 8865
includes authority to: 8866

(1) Issue obligations or assurances in the form of bond 8867
anticipation notes and to renew them from time to time by the 8868
issuance of new notes. Such notes are payable solely from the 8869
available receipts and funds that may be pledged to the payment 8870
of such bonds, or from the proceeds of such bonds or renewal 8871
notes, or both, as the institution of higher education provides 8872
in its resolution authorizing such notes. Such notes may be 8873
additionally secured by covenants of the institution to the 8874
effect that it will do such or all things necessary for the 8875
issuance of such bonds or renewal notes in appropriate amount, 8876
and either exchange such bonds or renewal notes therefor or 8877
apply the proceeds thereof to the extent necessary, to make full 8878

payment of the bond service charges on such notes at the time or 8879
times contemplated, as provided in such resolution. Subject to 8880
the provisions of this division, all references to obligations 8881
or assurances in this section apply to such anticipation notes. 8882

(2) Issue obligations or assurances to refund, including 8883
funding and retirement of, obligations or assurances previously 8884
issued to pay costs of facilities or entrepreneurial projects. 8885
Such obligations or assurances may be issued in amounts 8886
sufficient for payment of the principal amount of the 8887
obligations or assurances to be so refunded, any redemption 8888
premiums thereon, principal maturities of any obligations or 8889
assurances maturing prior to the redemption of any other 8890
obligations or assurances on a parity therewith to be so 8891
refunded, interest accrued or to accrue to the maturity date or 8892
dates of redemption of such obligations or assurances, and any 8893
expenses incurred or to be incurred in connection with such 8894
refunding or the issuance of the obligations or assurances. 8895

(L) Obligations and assurances are lawful investments for 8896
banks, societies for savings, savings and loan associations, 8897
deposit guarantee associations, trust companies, trustees, 8898
fiduciaries, insurance companies, including domestic for life 8899
and domestic not for life, trustees or other officers having 8900
charge of sinking and bond retirement or other special funds of 8901
political subdivisions and taxing districts of this state, the 8902
commissioners of the sinking fund, the ~~administrator of workers'~~ 8903
~~compensation~~ director of workforce insurance and safety in 8904
accordance with the investment policy approved by the ~~bureau of~~ 8905
~~workers' compensation~~ department of workforce insurance and 8906
safety board of directors pursuant to section 4121.12 of the 8907
Revised Code, the state teachers retirement system, the public 8908
employees retirement system, the school employees retirement 8909

system, and the Ohio police and fire pension fund, 8910
notwithstanding any other provisions of the Revised Code or 8911
rules adopted pursuant thereto by any state agency with respect 8912
to investments by them, and are also acceptable as security for 8913
the deposit of public moneys. 8914

(M) All facilities or entrepreneurial projects purchased, 8915
acquired, constructed, or owned by an institution of higher 8916
education, or financed in whole or in part by obligations or 8917
assurances issued by an institution, and used for the purposes 8918
of the institution or other publicly owned and controlled 8919
college or university, is public property used exclusively for a 8920
public purpose, and such property and the income therefrom is 8921
exempt from all taxation and assessment within this state, 8922
including ad valorem and excise taxes. The obligations or 8923
assurances, the transfer thereof, and the income therefrom, 8924
including any profit made on the sale thereof, are at all times 8925
free from taxation within the state. The transfer of tangible 8926
personal property by lease under authority of this section or 8927
section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, 8928
or 3358.10 of the Revised Code is not a sale as used in Chapter 8929
5739. of the Revised Code. 8930

(N) The authority granted by this section is cumulative 8931
with the authority granted to institutions of higher education 8932
under Chapter 154. of the Revised Code, and nothing in this 8933
section impairs or limits the authority granted by Chapter 154. 8934
of the Revised Code. In any lease, agreement, or commitment made 8935
by an institution of higher education under Chapter 154. of the 8936
Revised Code, it may agree to restrict or subordinate any pledge 8937
it may thereafter make under authority of this section. 8938

(O) Title to lands acquired under this section and 8939

sections 3345.07 and 3345.11 of the Revised Code by a state 8940
university or college shall be taken in the name of the state. 8941

(P) Except where costs of facilities or entrepreneurial 8942
projects are to be paid in whole or in part from funds 8943
appropriated by the general assembly, section 125.81 of the 8944
Revised Code and the requirement for certification with respect 8945
thereto under section 153.04 of the Revised Code do not apply to 8946
such facilities or entrepreneurial projects. 8947

(Q) A state university or college may sell or lease lands 8948
or interests in land owned by it or by the state for its use, or 8949
facilities authorized to be acquired or constructed by it under 8950
section 3345.07 or 3345.11 of the Revised Code, to permit the 8951
purchasers or lessees thereof to acquire, construct, equip, 8952
furnish, reconstruct, alter, enlarge, remodel, renovate, 8953
rehabilitate, improve, maintain, repair, or maintain and operate 8954
thereon and to provide by lease or otherwise to such 8955
institution, facilities authorized in section 3345.07 or 3345.11 8956
of the Revised Code or entrepreneurial projects authorized under 8957
section 3345.36 of the Revised Code. Such land or interests 8958
therein shall be sold for such appraised value, or leased, and 8959
on such terms as the board of trustees determines. All deeds or 8960
other instruments relating to such sales or leases shall be 8961
executed by such officer of the state university or college as 8962
the board of trustees designates. The state university or 8963
college shall hold, invest, or use the proceeds of such sales or 8964
leases for the same purposes for which proceeds of borrowings 8965
may be used under sections 3345.07 and 3345.11 of the Revised 8966
Code or, if the proceeds relate to the sale or lease of 8967
entrepreneurial projects, for purposes of section 3345.36 of the 8968
Revised Code. 8969

(R) An institution of higher education may pledge 8970
available receipts, to the extent permitted by division (C) of 8971
this section with respect to obligations, to secure the payments 8972
to be made by it under any lease, lease with option to purchase, 8973
or lease-purchase agreement authorized under this section or 8974
section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, 8975
or 3358.10 of the Revised Code. 8976

Sec. 3355.10. The ownership of the university branch 8977
campus, created and established pursuant to sections 3355.01 to 8978
3355.14 of the Revised Code, including all right, title, and 8979
interest in and to all property, both real and personal, 8980
pertaining thereto, shall be vested in the managing authority of 8981
the university branch district. The board may acquire by 8982
appropriation any land, rights, rights of way, franchises, 8983
easements, or other property necessary or proper for the 8984
construction or the efficient operation of any facility of the 8985
university branch district, pursuant to section 5537.06 of the 8986
Revised Code, with respect to the Ohio turnpike and 8987
infrastructure commission, and insofar as such procedure is 8988
applicable. 8989

University branch district bonds, issued pursuant to 8990
section 3355.08 of the Revised Code, are lawful investments of 8991
banks, savings banks, trust companies, trustees, boards of 8992
trustees of sinking funds of municipal corporations, school 8993
districts, counties, the ~~administrator of workers'~~ 8994
~~compensation~~ director of workforce insurance and safety, the 8995
state teachers retirement system, the public employees 8996
retirement system, and the school employees retirement system, 8997
and also are acceptable as security for the deposit of public 8998
moneys. 8999

Any instrument by which real property is acquired pursuant 9000
to this section shall identify the agency of the state that has 9001
the use and benefit of the real property as specified in section 9002
5301.012 of the Revised Code. 9003

Sec. 3366.04. (A) The issuing authority may issue 9004
obligations under this section to provide money to make proceeds 9005
loans to the designated administrator for the purpose of 9006
acquiring education loans, or needed for capitalized interest, 9007
for funding reserves, and for paying costs and expenses incurred 9008
in connection with the issuance, carrying, securing, paying, 9009
redeeming, or retirement of the obligations or any obligations 9010
refunded thereby, including payment of costs and expenses 9011
relating to letters of credit, lines of credit, insurance, put 9012
agreements, standby purchase agreements, indexing, marketing, 9013
remarketing and administrative arrangements, interest swap or 9014
hedging agreements, and any other credit enhancement facility as 9015
defined in division (H) of section 133.01 of the Revised Code, 9016
liquidity, remarketing, renewal, or refunding arrangements, all 9017
of which are authorized by this section. The proceeds thereof 9018
shall, as provided in the bond proceedings, be loaned, or 9019
otherwise made available as a proceeds loan, to the designated 9020
administrator. The issuing authority may appoint trustees, 9021
paying agents, and transfer agents and may retain the services 9022
of financial advisors, accounting experts, and attorneys, and 9023
retain or contract for the services of marketing, remarketing, 9024
indexing, and administrative agents, other consultants, and 9025
independent contractors, including printing services, as are 9026
necessary to carry out the provisions of this section. The costs 9027
of such services are allowable costs payable from the proceeds 9028
of such obligations. 9029

(B) The holders or owners of obligations shall have no 9030

right to have taxes levied by the general assembly, or any 9031
moneys other than pledged receipts obligated or pledged, and any 9032
moneys other than pledged receipts shall not be obligated or 9033
pledged, for the payment of bond service charges. The 9034
obligations are not debts of the state, bond service charges are 9035
payable solely from the revenues and funds pledged as pledged 9036
receipts for their payment, and the right of such holders and 9037
owners to payment of bond service charges is limited to pledged 9038
receipts as provided in the bond proceedings, and each such 9039
obligation shall bear on its face a statement to that effect. No 9040
money, including money from the general revenue fund, shall be 9041
appropriated, obligated, or used to pay bond service charges or 9042
the costs incurred in the administration of this chapter, other 9043
than pledged receipts. 9044

(C) Obligations shall be authorized by order of the 9045
issuing authority at the request of the designated administrator 9046
and with the approval of the director of development, and the 9047
bond proceedings shall provide for the purpose thereof and the 9048
principal amount or amounts, and shall provide for or authorize 9049
the manner for determining the principal maturity or maturities, 9050
the interest rate or rates or the maximum interest rate, the 9051
date of the obligations and the dates of payment of interest 9052
thereon, their denomination, and the establishment within or 9053
outside this state of a place or places of payment of bond 9054
service charges. Sections 9.98 to 9.983 of the Revised Code 9055
apply to obligations issued under this section. The purpose of 9056
such obligations may be stated in the bond proceedings in terms 9057
describing the general purpose to be served. The bond 9058
proceedings shall also provide, subject to the provisions of any 9059
other applicable bond proceedings, for the pledge of, and the 9060
granting of a security interest in, all, or such part as the 9061

issuing authority may determine, of the pledged receipts to the 9062
payment of bond service charges, which pledge may be made and 9063
security interest granted, subject to the provisions of any 9064
applicable prior bond proceedings, either prior to or on a 9065
parity with or subordinate to other expenses, claims, or 9066
payments, and may be made or granted to secure obligations 9067
senior or subordinate to, or on a parity with, obligations 9068
theretofore or thereafter issued, if and to the extent provided 9069
in the bond proceedings. The pledged receipts so pledged or 9070
subject to a security interest and thereafter received by the 9071
issuing authority or the designated administrator on behalf of 9072
the issuing authority or otherwise received are immediately 9073
subject to such pledge and security interest without any 9074
physical delivery thereof or further act, and such pledge and 9075
security interest are valid, binding, and enforceable against 9076
all parties having claims of any kind against the state or any 9077
governmental agency, or against the designated administrator, 9078
whether or not such parties have notice thereof, and shall 9079
create a perfected security interest for all purposes of Chapter 9080
1309. of the Revised Code, without the necessity for separation 9081
or delivery or possession of the pledged receipts, or for the 9082
filing or recording of the bond proceedings by which such pledge 9083
and security interest are created or any certificate, statement, 9084
or other document with respect thereto; and the pledge of such 9085
pledged receipts and the security interest are effective and the 9086
money therefrom and thereof may be applied to the purposes for 9087
which pledged without necessity for any act of appropriation. 9088
Every pledge made and security interest granted, and every 9089
covenant and agreement made with respect thereto in the bond 9090
proceedings may therein be extended to the benefit of the owners 9091
and holders of obligations authorized by this section, and to 9092
any trustee therefor, for the further security of the payment of 9093

the bond service charges.	9094
(D) The bond proceedings may contain additional provisions	9095
as to:	9096
(1) The redemption of obligations prior to maturity at	9097
such price or prices and under such terms and conditions as are	9098
provided in the bond proceedings;	9099
(2) Other terms of the obligations;	9100
(3) Limitations on the issuance of additional obligations;	9101
(4) The terms of any trust agreement or indenture securing	9102
the obligations or under which the same may be issued;	9103
(5) The investment of the proceeds of obligations and	9104
amounts on deposit in the special funds;	9105
(6) Any or every provision of the bond proceedings being	9106
binding upon such officer, board, commission, authority, agency,	9107
department, or other person or body as may from time to time	9108
have the authority under law to take such actions as may be	9109
necessary to perform all or any part of the duty required by	9110
such provision;	9111
(7) Any provision that may be made in a trust agreement or	9112
indenture;	9113
(8) Provisions for the use of the proceeds of repayment of	9114
education loans to acquire additional education loans;	9115
(9) Any other or additional agreements with the holders of	9116
the obligations, the trustee therefor, or the designated	9117
administrator, relating to the obligations or the security	9118
therefor, including the assignment of security obtained or to be	9119
obtained for education loans.	9120

(E) The obligations and any coupons pertaining to 9121
obligations shall be in the form specified in the bond 9122
proceedings and shall be signed by or bear the facsimile 9123
signature of the issuing authority. Any obligations or coupons 9124
may be executed by the person who, on the date of execution, is 9125
the proper issuing authority although on the date of such bonds 9126
or coupons such person was not the issuing authority. In case 9127
the issuing authority whose signature or a facsimile of whose 9128
signature appears on any such obligation or coupon ceases to be 9129
the issuing authority before delivery thereof, such signature or 9130
facsimile is nevertheless valid and sufficient for all purposes 9131
as if that official had remained the issuing authority until 9132
such delivery. 9133

(F) All obligations are negotiable instruments and 9134
securities under Chapter 1308. of the Revised Code, subject to 9135
the provisions of the bond proceedings as to registration. The 9136
obligations may be issued in coupon or in registered form, or 9137
both, as the issuing authority determines. Provision may be made 9138
for the registration of any obligations with coupons attached 9139
thereto as to principal alone or as to both principal and 9140
interest, their exchange for obligations so registered, and for 9141
the conversion or reconversion into obligations with coupons 9142
attached thereto of any obligations registered as to both 9143
principal and interest, and for reasonable charges for such 9144
registration, exchange, conversion, and reconversion. 9145

(G) Obligations may be sold at public sale or at private 9146
sale, as determined by the issuing authority in the bond 9147
proceedings. 9148

(H) Pending preparation of definitive obligations, the 9149
issuing authority may issue interim receipts or certificates 9150

which shall be exchanged for such definitive obligations. 9151

(I) In the discretion of the issuing authority, 9152
obligations may be secured additionally by a trust agreement or 9153
indenture between the issuing authority and a corporate trustee 9154
and, if so provided for in the bond proceedings, any other 9155
necessary or appropriate party. Any such trustee shall be a 9156
trust company, bank, or national banking association authorized 9157
to exercise trust powers within the state. Any such agreement or 9158
indenture may contain the order authorizing the issuance of the 9159
obligations, any provisions that may be contained in any bond 9160
proceedings, and other provisions which are customary or 9161
appropriate in an agreement or indenture of such type, 9162
including, but not limited to: 9163

(1) Maintenance of each pledge, security interest, and 9164
trust agreement, indenture, or other instrument comprising part 9165
of the bond proceedings until the bond service charges on the 9166
obligations secured thereby have been fully paid, or provision 9167
therefor has been made in accordance with the bond proceedings; 9168

(2) In the event of default in any payments required to be 9169
made by the bond proceedings, or any other agreement of the 9170
issuing authority made as a part of the contract under which the 9171
obligations were issued, enforcement of such payments or 9172
agreement by mandamus, the appointment of a receiver, suit in 9173
equity, action at law, or any combination of the foregoing; 9174

(3) The rights and remedies of the holders of obligations 9175
and of the trustee, and provisions for protecting and enforcing 9176
them, including limitations on rights of individual holders of 9177
obligations; 9178

(4) The replacement of any obligations that become 9179

mutilated or are destroyed, lost, or stolen; 9180

(5) Such other provisions as the trustee and the issuing 9181
authority agree upon, including limitations, conditions, or 9182
qualifications relating to the education loans that may be made 9183
or acquired pursuant to the trust agreement or indenture. 9184

(J) Any holder of obligations or a trustee under the bond 9185
proceedings, except to the extent that rights are restricted by 9186
the bond proceedings, may by any suitable form of legal 9187
proceedings, protect and enforce any rights under the laws of 9188
this state or granted by such bond proceedings. Such rights 9189
include the right to compel the performance of all duties of the 9190
issuing authority or the director of development required by 9191
this chapter or the bond proceedings; to enjoin unlawful 9192
activities; and, in the event of default with respect to the 9193
payment of any bond service charges on any obligations or in the 9194
performance of any covenant or agreement on the part of the 9195
issuing authority or the director of development in the bond 9196
proceedings, to apply to a court having jurisdiction to appoint 9197
a receiver to receive and administer the pledged receipts 9198
pledged to the payment of the bond service charges on such 9199
obligations or which are the subject of the covenant or 9200
agreement, with full power to pay and to provide for payment of 9201
bond service charges on such obligations and with such powers, 9202
subject to the direction of the court, as are accorded receivers 9203
in general equity cases, excluding any power to pledge revenues 9204
or receipts or other income or moneys, other than pledged 9205
receipts, and excluding any power to take possession of, or 9206
cause the sale or otherwise dispose of, any property other than 9207
the pledged receipts. 9208

Each duty of the issuing authority, of each governmental 9209

agency including the director of development, of the designated 9210
administrator, and of any of the officers, members, or employees 9211
of any of the foregoing, undertaken pursuant to the bond 9212
proceedings or any agreement made under authority of this 9213
chapter, and each duty in every agreement by or with the issuing 9214
authority under this chapter, each governmental agency including 9215
the director of development, and the designated administrator, 9216
is hereby established as a duty of the issuing authority, the 9217
governmental agency, or the designated administrator, 9218
respectively, and of each such officer, member, or employee 9219
having authority to perform such duty, specifically enjoined by 9220
the law resulting from an office, trust, or station within the 9221
meaning of section 2731.01 of the Revised Code. 9222

The person who is at the time the issuing authority or the 9223
director of development, or the officers or employees of either 9224
of them, are not liable in their personal capacities on any 9225
obligations or any agreements of or with the issuing authority 9226
or the director of development. 9227

(K) The issuing authority may issue obligations for the 9228
refunding, including funding and retirement, and advance 9229
refunding with or without payment or redemption prior to 9230
maturity, of any obligations previously issued. Such obligations 9231
may be issued in amounts sufficient for payment of the principal 9232
amount of the prior obligations, any redemption premiums 9233
thereon, principal maturities of any such obligations maturing 9234
prior to the redemption of the remaining obligations on a parity 9235
therewith, interest accrued or to accrue to the maturity dates 9236
or dates of redemption of such obligations, and expenses 9237
incurred or to be incurred in connection with such issuance and 9238
such refunding, funding, and retirement. Subject to the bond 9239
proceedings therefor, the portion of proceeds of the sale of 9240

obligations issued under this division to be applied to bond 9241
service charges on the prior obligations shall be credited to an 9242
appropriate account held by the trustee for such prior or new 9243
obligations or to the appropriate account in the bond service 9244
fund for such obligations. Obligations authorized under this 9245
division shall be deemed to be issued for those purposes for 9246
which such prior obligations were issued and are subject to the 9247
provisions of this section pertaining to other obligations, 9248
except as otherwise provided in this section. 9249

(L) The authority to issue obligations under this section 9250
includes authority to issue obligations in the form of bond 9251
anticipation notes and to renew the same from time to time by 9252
the issuance of new notes. The holders of such notes or interest 9253
coupons pertaining thereto shall have a right to be paid solely 9254
from the pledged receipts and special funds that may be pledged 9255
to the payment of the bonds anticipated, or from the proceeds of 9256
such anticipated bonds or renewal notes, or both, as the issuing 9257
authority provides in the order authorizing such notes. Such 9258
notes may be additionally secured by covenants of the issuing 9259
authority and the director of development to the effect that the 9260
issuing authority and the director of development will do such 9261
or all things necessary for the issuance of such bonds or 9262
renewal notes in appropriate amounts, and apply the proceeds 9263
thereof to the extent necessary, to make full payment of the 9264
principal of and interest on such notes at the time or times 9265
contemplated, as provided in such order. For this purpose, the 9266
issuing authority shall issue bonds or renewal notes in such 9267
principal amount and upon such terms as may be necessary to 9268
provide funds to pay, when required, the principal of and 9269
interest and any premium on such notes. Subject to this 9270
division, all provisions for and references to obligations in 9271

this section are applicable to notes authorized under this 9272
division. 9273

The issuing authority in the bond proceedings authorizing 9274
the issuance of bond anticipation notes shall set forth for such 9275
bonds an estimated interest rate and a schedule of principal 9276
payments for such bonds and the annual maturity dates thereof, 9277
but this provision does not modify any authority in this section 9278
to pledge receipts to, to grant a security interest in those 9279
receipts for the purpose of securing, and to covenant to issue 9280
bonds to fund, the payment of principal of and interest and any 9281
premium on such notes, or to provide in the bond proceedings 9282
authorizing the issuance of the anticipated bonds interest rates 9283
and a schedule of principal payments for such bonds and the 9284
annual maturity dates thereof which differ from the estimates in 9285
the bond proceedings authorizing the issuance of such bond 9286
anticipation notes. 9287

(M) Obligations issued under this section are lawful 9288
investments for banks; savings banks; savings and loan 9289
associations; credit union share guarantee corporations; trust 9290
companies; trustees; fiduciaries; insurance companies, including 9291
domestic for life and domestic not for life; trustees or other 9292
officers having charge of sinking and bond retirement or other 9293
special funds of the state and of subdivisions and taxing 9294
districts of the state; the commissioners of the sinking fund of 9295
the state; the ~~administrator of workers' compensation~~director of 9296
workforce insurance and safety, subject to the approval of the 9297
~~workers' compensation department of workforce insurance and~~ 9298
safety board of directors; the state teachers retirement system; 9299
the public employees retirement system; the school employees 9300
retirement system; and the Ohio police and fire pension fund, 9301
notwithstanding any other provisions of the Revised Code or 9302

rules adopted pursuant to those provisions by any agency of the 9303
state with respect to investments by them, and are also eligible 9304
as security for the repayment of the deposit of public moneys. 9305

(N) Provision may be made in the applicable bond 9306
proceedings for the establishment of separate accounts in the 9307
bond service fund and for the application of such accounts only 9308
to the specified bond service charges on obligations pertinent 9309
to such accounts and bond service fund and for other accounts 9310
therein within the general purposes of such fund. Unless 9311
otherwise provided in any applicable bond proceedings, moneys to 9312
the credit of or in the several special funds established 9313
pursuant to this section shall be invested and disbursed as 9314
provided in the bond proceedings. 9315

(O) The issuing authority shall pledge and grant a 9316
security interest in all, or such portion as the issuing 9317
authority determines, of the pledged receipts to the payment of 9318
bond service charges on obligations, and for the establishment 9319
and maintenance of any reserves, as provided in the bond 9320
proceedings, and make other provisions therein with respect to 9321
pledged receipts as authorized by this chapter, which provisions 9322
are controlling notwithstanding any other provisions of law 9323
pertaining thereto. 9324

(P) The obligations, the transfer thereof, and the 9325
interest, accreted amount, and other income therefrom, including 9326
any profit made on the sale thereof, shall at all times be free 9327
from taxation, direct or indirect, within this state. 9328

Sec. 3377.11. Bonds issued under this chapter are lawful 9329
investments of banks, societies for savings, savings and loan 9330
associations, deposit guarantee associations, trust companies, 9331
trustees, fiduciaries, insurance companies, including domestic 9332

for life and domestic not for life, trustees or other officers 9333
having charge of sinking and bond retirement or other special 9334
funds of political subdivisions and taxing districts of this 9335
state, the commissioners of the sinking fund of the state, the 9336
~~administrator of workers' compensation~~director of workforce 9337
insurance and safety, the state teachers retirement system, the 9338
public employees retirement system, the school employees 9339
retirement system, and the Ohio police and fire pension fund and 9340
also are acceptable as security for the deposit of public 9341
moneys. 9342

Sec. 3517.13. (A) (1) No campaign committee of a statewide 9343
candidate shall fail to file a complete and accurate statement 9344
required under division (A) (1) of section 3517.10 of the Revised 9345
Code. 9346

(2) No campaign committee of a statewide candidate shall 9347
fail to file a complete and accurate monthly statement, and no 9348
campaign committee of a statewide candidate or a candidate for 9349
the office of chief justice or justice of the supreme court 9350
shall fail to file a complete and accurate two-business-day 9351
statement, as required under section 3517.10 of the Revised 9352
Code. 9353

As used in this division, "statewide candidate" has the 9354
same meaning as in division (F) (2) of section 3517.10 of the 9355
Revised Code. 9356

(B) No campaign committee shall fail to file a complete 9357
and accurate statement required under division (A) (1) of section 9358
3517.10 of the Revised Code. 9359

(C) No campaign committee shall fail to file a complete 9360
and accurate statement required under division (A) (2) of section 9361

3517.10 of the Revised Code. 9362

(D) No campaign committee shall fail to file a complete 9363
and accurate statement required under division (A) (3) or (4) of 9364
section 3517.10 of the Revised Code. 9365

(E) No person other than a campaign committee shall 9366
knowingly fail to file a statement required under section 9367
3517.10 or 3517.107 of the Revised Code. 9368

(F) No person shall make cash contributions to any person 9369
totaling more than one hundred dollars in each primary, special, 9370
or general election. 9371

(G) (1) No person shall knowingly conceal or misrepresent 9372
contributions given or received, expenditures made, or any other 9373
information required to be reported by a provision in sections 9374
3517.08 to 3517.13 of the Revised Code. 9375

(2) (a) No person shall make a contribution to a campaign 9376
committee, political action committee, political contributing 9377
entity, legislative campaign fund, political party, or person 9378
making disbursements to pay the direct costs of producing or 9379
airing electioneering communications in the name of another 9380
person. 9381

(b) A person does not make a contribution in the name of 9382
another when either of the following applies: 9383

(i) An individual makes a contribution from a partnership 9384
or other unincorporated business account, if the contribution is 9385
reported by listing both the name of the partnership or other 9386
unincorporated business and the name of the partner or owner 9387
making the contribution as required under division (I) of 9388
section 3517.10 of the Revised Code. 9389

(ii) A person makes a contribution in that person's 9390
spouse's name or in both of their names. 9391

(H) No person within this state, publishing a newspaper or 9392
other periodical, shall charge a campaign committee for 9393
political advertising a rate in excess of the rate such person 9394
would charge if the campaign committee were a general rate 9395
advertiser whose advertising was directed to promoting its 9396
business within the same area as that encompassed by the 9397
particular office that the candidate of the campaign committee 9398
is seeking. The rate shall take into account the amount of space 9399
used, as well as the type of advertising copy submitted by or on 9400
behalf of the campaign committee. All discount privileges 9401
otherwise offered by a newspaper or periodical to general rate 9402
advertisers shall be available upon equal terms to all campaign 9403
committees. 9404

No person within this state, operating a radio or 9405
television station or network of stations in this state, shall 9406
charge a campaign committee for political broadcasts a rate that 9407
exceeds: 9408

(1) During the forty-five days preceding the date of a 9409
primary election and during the sixty days preceding the date of 9410
a general or special election in which the candidate of the 9411
campaign committee is seeking office, the lowest unit charge of 9412
the station for the same class and amount of time for the same 9413
period; 9414

(2) At any other time, the charges made for comparable use 9415
of that station by its other users. 9416

(I) Subject to divisions (K), (L), (M), and (N) of this 9417
section, no agency or department of this state or any political 9418

subdivision shall award any contract, other than one let by 9419
competitive bidding or a contract incidental to such contract or 9420
which is by force account, for the purchase of goods costing 9421
more than five hundred dollars or services costing more than 9422
five hundred dollars to any individual, partnership, 9423
association, including, without limitation, a professional 9424
association organized under Chapter 1785. of the Revised Code, 9425
estate, or trust if the individual has made or the individual's 9426
spouse has made, or any partner, shareholder, administrator, 9427
executor, or trustee or the spouse of any of them has made, as 9428
an individual, within the two previous calendar years, one or 9429
more contributions totaling in excess of one thousand dollars to 9430
the holder of the public office having ultimate responsibility 9431
for the award of the contract or to the public officer's 9432
campaign committee. 9433

(J) Subject to divisions (K), (L), (M), and (N) of this 9434
section, no agency or department of this state or any political 9435
subdivision shall award any contract, other than one let by 9436
competitive bidding or a contract incidental to such contract or 9437
which is by force account, for the purchase of goods costing 9438
more than five hundred dollars or services costing more than 9439
five hundred dollars to a corporation or business trust, except 9440
a professional association organized under Chapter 1785. of the 9441
Revised Code, if an owner of more than twenty per cent of the 9442
corporation or business trust or the spouse of that person has 9443
made, as an individual, within the two previous calendar years, 9444
taking into consideration only owners for all of that period, 9445
one or more contributions totaling in excess of one thousand 9446
dollars to the holder of a public office having ultimate 9447
responsibility for the award of the contract or to the public 9448
officer's campaign committee. 9449

(K) For purposes of divisions (I) and (J) of this section, 9450
if a public officer who is responsible for the award of a 9451
contract is appointed by the governor, whether or not the 9452
appointment is subject to the advice and consent of the senate, 9453
excluding members of boards, commissions, committees, 9454
authorities, councils, boards of trustees, task forces, and 9455
other such entities appointed by the governor, the office of the 9456
governor is considered to have ultimate responsibility for the 9457
award of the contract. 9458

(L) For purposes of divisions (I) and (J) of this section, 9459
if a public officer who is responsible for the award of a 9460
contract is appointed by the elected chief executive officer of 9461
a municipal corporation, or appointed by the elected chief 9462
executive officer of a county operating under an alternative 9463
form of county government or county charter, excluding members 9464
of boards, commissions, committees, authorities, councils, 9465
boards of trustees, task forces, and other such entities 9466
appointed by the chief executive officer, the office of the 9467
chief executive officer is considered to have ultimate 9468
responsibility for the award of the contract. 9469

(M) (1) Divisions (I) and (J) of this section do not apply 9470
to contracts awarded by the board of commissioners of the 9471
sinking fund, municipal legislative authorities, boards of 9472
education, boards of county commissioners, boards of township 9473
trustees, or other boards, commissions, committees, authorities, 9474
councils, boards of trustees, task forces, and other such 9475
entities created by law, by the supreme court or courts of 9476
appeals, by county courts consisting of more than one judge, 9477
courts of common pleas consisting of more than one judge, or 9478
municipal courts consisting of more than one judge, or by a 9479
division of any court if the division consists of more than one 9480

judge. This division shall apply to the specified entity only if 9481
the members of the entity act collectively in the award of a 9482
contract for goods or services. 9483

(2) Divisions (I) and (J) of this section do not apply to 9484
actions of the controlling board. 9485

(N) (1) Divisions (I) and (J) of this section apply to 9486
contributions made to the holder of a public office having 9487
ultimate responsibility for the award of a contract, or to the 9488
public officer's campaign committee, during the time the person 9489
holds the office and during any time such person was a candidate 9490
for the office. Those divisions do not apply to contributions 9491
made to, or to the campaign committee of, a candidate for or 9492
holder of the office other than the holder of the office at the 9493
time of the award of the contract. 9494

(2) Divisions (I) and (J) of this section do not apply to 9495
contributions of a partner, shareholder, administrator, 9496
executor, trustee, or owner of more than twenty per cent of a 9497
corporation or business trust made before the person held any of 9498
those positions or after the person ceased to hold any of those 9499
positions in the partnership, association, estate, trust, 9500
corporation, or business trust whose eligibility to be awarded a 9501
contract is being determined, nor to contributions of the 9502
person's spouse made before the person held any of those 9503
positions, after the person ceased to hold any of those 9504
positions, before the two were married, after the granting of a 9505
decree of divorce, dissolution of marriage, or annulment, or 9506
after the granting of an order in an action brought solely for 9507
legal separation. Those divisions do not apply to contributions 9508
of the spouse of an individual whose eligibility to be awarded a 9509
contract is being determined made before the two were married, 9510

after the granting of a decree of divorce, dissolution of 9511
marriage, or annulment, or after the granting of an order in an 9512
action brought solely for legal separation. 9513

(O) No beneficiary of a campaign fund or other person 9514
shall convert for personal use, and no person shall knowingly 9515
give to a beneficiary of a campaign fund or any other person, 9516
for the beneficiary's or any other person's personal use, 9517
anything of value from the beneficiary's campaign fund, 9518
including, without limitation, payments to a beneficiary for 9519
services the beneficiary personally performs, except as 9520
reimbursement for any of the following: 9521

(1) Legitimate and verifiable prior campaign expenses 9522
incurred by the beneficiary; 9523

(2) Legitimate and verifiable ordinary and necessary prior 9524
expenses incurred by the beneficiary in connection with duties 9525
as the holder of a public office, including, without limitation, 9526
expenses incurred through participation in nonpartisan or 9527
bipartisan events if the participation of the holder of a public 9528
office would normally be expected; 9529

(3) Legitimate and verifiable ordinary and necessary prior 9530
expenses incurred by the beneficiary while doing any of the 9531
following: 9532

(a) Engaging in activities in support of or opposition to 9533
a candidate other than the beneficiary, political party, or 9534
ballot issue; 9535

(b) Raising funds for a political party, political action 9536
committee, political contributing entity, legislative campaign 9537
fund, campaign committee, or other candidate; 9538

(c) Participating in the activities of a political party, 9539

political action committee, political contributing entity, 9540
legislative campaign fund, or campaign committee; 9541

(d) Attending a political party convention or other 9542
political meeting. 9543

For purposes of this division, an expense is incurred 9544
whenever a beneficiary has either made payment or is obligated 9545
to make payment, as by the use of a credit card or other credit 9546
procedure or by the use of goods or services received on 9547
account. 9548

(P) No beneficiary of a campaign fund shall knowingly 9549
accept, and no person shall knowingly give to the beneficiary of 9550
a campaign fund, reimbursement for an expense under division (O) 9551
of this section to the extent that the expense previously was 9552
reimbursed or paid from another source of funds. If an expense 9553
is reimbursed under division (O) of this section and is later 9554
paid or reimbursed, wholly or in part, from another source of 9555
funds, the beneficiary shall repay the reimbursement received 9556
under division (O) of this section to the extent of the payment 9557
made or reimbursement received from the other source. 9558

(Q) No candidate or public official or employee shall 9559
accept for personal or business use anything of value from a 9560
political party, political action committee, political 9561
contributing entity, legislative campaign fund, or campaign 9562
committee other than the candidate's or public official's or 9563
employee's own campaign committee, and no person shall knowingly 9564
give to a candidate or public official or employee anything of 9565
value from a political party, political action committee, 9566
political contributing entity, legislative campaign fund, or 9567
such a campaign committee, except for the following: 9568

(1) Reimbursement for legitimate and verifiable ordinary 9569
and necessary prior expenses not otherwise prohibited by law 9570
incurred by the candidate or public official or employee while 9571
engaged in any legitimate activity of the political party, 9572
political action committee, political contributing entity, 9573
legislative campaign fund, or such campaign committee. Without 9574
limitation, reimbursable expenses under this division include 9575
those incurred while doing any of the following: 9576

(a) Engaging in activities in support of or opposition to 9577
another candidate, political party, or ballot issue; 9578

(b) Raising funds for a political party, legislative 9579
campaign fund, campaign committee, or another candidate; 9580

(c) Attending a political party convention or other 9581
political meeting. 9582

(2) Compensation not otherwise prohibited by law for 9583
actual and valuable personal services rendered under a written 9584
contract to the political party, political action committee, 9585
political contributing entity, legislative campaign fund, or 9586
such campaign committee for any legitimate activity of the 9587
political party, political action committee, political 9588
contributing entity, legislative campaign fund, or such campaign 9589
committee. 9590

Reimbursable expenses under this division do not include, 9591
and it is a violation of this division for a candidate or public 9592
official or employee to accept, or for any person to knowingly 9593
give to a candidate or public official or employee from a 9594
political party, political action committee, political 9595
contributing entity, legislative campaign fund, or campaign 9596
committee other than the candidate's or public official's or 9597

employee's own campaign committee, anything of value for 9598
activities primarily related to the candidate's or public 9599
official's or employee's own campaign for election, except for 9600
contributions to the candidate's or public official's or 9601
employee's campaign committee. 9602

For purposes of this division, an expense is incurred 9603
whenever a candidate or public official or employee has either 9604
made payment or is obligated to make payment, as by the use of a 9605
credit card or other credit procedure, or by the use of goods or 9606
services on account. 9607

(R) (1) Division (O) or (P) of this section does not 9608
prohibit a campaign committee from making direct advance or post 9609
payment from contributions to vendors for goods and services for 9610
which reimbursement is permitted under division (O) of this 9611
section, except that no campaign committee shall pay its 9612
candidate or other beneficiary for services personally performed 9613
by the candidate or other beneficiary. 9614

(2) If any expense that may be reimbursed under division 9615
(O), (P), or (Q) of this section is part of other expenses that 9616
may not be paid or reimbursed, the separation of the two types 9617
of expenses for the purpose of allocating for payment or 9618
reimbursement those expenses that may be paid or reimbursed may 9619
be by any reasonable accounting method, considering all of the 9620
surrounding circumstances. 9621

(3) For purposes of divisions (O), (P), and (Q) of this 9622
section, mileage allowance at a rate not greater than that 9623
allowed by the internal revenue service at the time the travel 9624
occurs may be paid instead of reimbursement for actual travel 9625
expenses allowable. 9626

(S) (1) As used in division (S) of this section:	9627
(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.	9628 9629
(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.	9630 9631
(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.	9632 9633 9634
(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.	9635 9636 9637 9638 9639 9640
(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.	9641 9642 9643 9644 9645
(T) (1) Except as otherwise provided in division (B) (6) (c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make contributions to any of the following:	9646 9647 9648 9649 9650
(a) A state candidate fund;	9651
(b) A legislative campaign fund;	9652
(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of	9653 9654

state, treasurer of state, attorney general, member of the state 9655
board of education, or member of the general assembly. 9656

(2) No state candidate fund, legislative campaign fund, or 9657
campaign committee of a candidate for any office described in 9658
division (T) (1) (c) of this section shall knowingly accept a 9659
contribution in violation of division (T) (1) of this section. 9660

(U) No person shall fail to file a statement required 9661
under section 3517.12 of the Revised Code. 9662

(V) No campaign committee shall fail to file a statement 9663
required under division (K) (3) of section 3517.10 of the Revised 9664
Code. 9665

(W) (1) No foreign national shall, directly or indirectly 9666
through any other person or entity, make a contribution, 9667
expenditure, or independent expenditure or promise, either 9668
expressly or implicitly, to make a contribution, expenditure, or 9669
independent expenditure in support of or opposition to a 9670
candidate for any elective office in this state, including an 9671
office of a political party. 9672

(2) No candidate, campaign committee, political action 9673
committee, political contributing entity, legislative campaign 9674
fund, state candidate fund, political party, or separate 9675
segregated fund shall solicit or accept a contribution, 9676
expenditure, or independent expenditure from a foreign national. 9677
The secretary of state may direct any candidate, committee, 9678
entity, fund, or party that accepts a contribution, expenditure, 9679
or independent expenditure in violation of this division to 9680
return the contribution, expenditure, or independent expenditure 9681
or, if it is not possible to return the contribution, 9682
expenditure, or independent expenditure, then to return instead 9683

the value of it, to the contributor. 9684

(3) As used in division (W) of this section, "foreign 9685
national" has the same meaning as in section 441e(b) of the 9686
Federal Election Campaign Act. 9687

(X) (1) No state or county political party shall transfer 9688
any moneys from its restricted fund to any account of the 9689
political party into which contributions may be made or from 9690
which contributions or expenditures may be made. 9691

(2) (a) No state or county political party shall deposit a 9692
contribution or contributions that it receives into its 9693
restricted fund. 9694

(b) No state or county political party shall make a 9695
contribution or an expenditure from its restricted fund. 9696

(3) (a) No corporation or labor organization shall make a 9697
gift or gifts from the corporation's or labor organization's 9698
money or property aggregating more than ten thousand dollars to 9699
any one state or county political party for the party's 9700
restricted fund in a calendar year. 9701

(b) No state or county political party shall accept a gift 9702
or gifts for the party's restricted fund aggregating more than 9703
ten thousand dollars from any one corporation or labor 9704
organization in a calendar year. 9705

(4) No state or county political party shall transfer any 9706
moneys in the party's restricted fund to any other state or 9707
county political party. 9708

(5) No state or county political party shall knowingly 9709
fail to file a statement required under section 3517.1012 of the 9710
Revised Code. 9711

(Y) The ~~administrator of workers' compensation~~ director of workforce insurance and safety and the employees of the ~~bureau of workers' compensation~~ department of workforce insurance and safety shall not conduct any business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if the individual has made, or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee, or the spouses of any of those individuals has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

(Z) The ~~administrator of workers' compensation~~ director of workforce insurance and safety and the employees of the ~~bureau of workers' compensation~~ department of workforce insurance and safety shall not conduct business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust, or the spouse of the owner, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of such period, one or more contributions

totaling in excess of one thousand dollars to the campaign 9743
committee of the governor or lieutenant governor or to the 9744
campaign committee of any candidate for the office of governor 9745
or lieutenant governor. 9746

Sec. 3701.741. (A) Each health care provider and medical 9747
records company shall provide copies of medical records in 9748
accordance with this section. 9749

(B) Except as provided in divisions (C) and (E) of this 9750
section, a health care provider or medical records company that 9751
receives a request for a copy of a patient's medical record 9752
shall charge not more than the amounts set forth in this 9753
section. 9754

(1) If the request is made by the patient or the patient's 9755
personal representative, total costs for copies and all services 9756
related to those copies shall not exceed the sum of the 9757
following: 9758

(a) Except as provided in division (B) (1) (b) of this 9759
section, with respect to data recorded on paper or 9760
electronically, the following amounts adjusted in accordance 9761
with section 3701.742 of the Revised Code: 9762

(i) Two dollars and seventy-four cents per page for the 9763
first ten pages; 9764

(ii) Fifty-seven cents per page for pages eleven through 9765
fifty; 9766

(iii) Twenty-three cents per page for pages fifty-one and 9767
higher. 9768

(b) With respect to data resulting from an x-ray, magnetic 9769
resonance imaging (MRI), or computed axial tomography (CAT) scan 9770

and recorded on paper or film, one dollar and eighty-seven cents 9771
per page; 9772

(c) The actual cost of any related postage incurred by the 9773
health care provider or medical records company. 9774

(2) If the request is made other than by the patient or 9775
the patient's personal representative, total costs for copies 9776
and all services related to those copies shall not exceed the 9777
sum of the following: 9778

(a) An initial fee of sixteen dollars and eighty-four 9779
cents adjusted in accordance with section 3701.742 of the 9780
Revised Code, which shall compensate for the records search; 9781

(b) Except as provided in division (B) (2) (c) of this 9782
section, with respect to data recorded on paper or 9783
electronically, the following amounts adjusted in accordance 9784
with section 3701.742 of the Revised Code: 9785

(i) One dollar and eleven cents per page for the first ten 9786
pages; 9787

(ii) Fifty-seven cents per page for pages eleven through 9788
fifty; 9789

(iii) Twenty-three cents per page for pages fifty-one and 9790
higher. 9791

(c) With respect to data resulting from an x-ray, magnetic 9792
resonance imaging (MRI), or computed axial tomography (CAT) scan 9793
and recorded on paper or film, one dollar and eighty-seven cents 9794
per page; 9795

(d) The actual cost of any related postage incurred by the 9796
health care provider or medical records company. 9797

(C) (1) On request, a health care provider or medical records company shall provide one copy of the patient's medical record and one copy of any records regarding treatment performed subsequent to the original request, not including copies of records already provided, without charge to the following:

(a) The ~~bureau of workers' compensation~~department of workforce insurance and safety, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;

(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;

(c) The department of medicaid or a county department of job and family services, in accordance with Chapters 5160., 5161., 5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code and the rules adopted under those chapters;

(d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;

(e) A patient, patient's personal representative, or authorized person if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.

(2) Nothing in division (C) (1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C) (1) of this section.

(D) Division (C) of this section shall not be construed to 9827
supersede any rule of the ~~bureau of workers'~~ 9828
~~compensation~~department of workforce insurance and safety, the 9829
industrial commission, or the department of medicaid. 9830

(E) A health care provider or medical records company may 9831
enter into a contract with either of the following for the 9832
copying of medical records at a fee other than as provided in 9833
division (B) of this section: 9834

(1) A patient, a patient's personal representative, or an 9835
authorized person; 9836

(2) An insurer authorized under Title XXXIX of the Revised 9837
Code to do the business of sickness and accident insurance in 9838
this state or health insuring corporations holding a certificate 9839
of authority under Chapter 1751. of the Revised Code. 9840

(F) This section does not apply to medical records the 9841
copying of which is covered by section 173.20 of the Revised 9842
Code or by 42 C.F.R. 483.10. 9843

Sec. 3706.14. All air quality revenue bonds issued under 9844
this chapter are lawful investments of banks, societies for 9845
savings, savings and loan associations, deposit guarantee 9846
associations, trust companies, trustees, fiduciaries, insurance 9847
companies, including domestic for life and domestic not for 9848
life, trustees or other officers having charge of sinking and 9849
bond retirement or other special funds of political subdivisions 9850
and taxing districts of this state, the commissioners of the 9851
sinking fund of the state, the ~~administrator of workers'~~ 9852
~~compensation~~director of workforce insurance and safety, the 9853
state teachers retirement system, the public employees 9854
retirement system, the school employees retirement system, and 9855

the Ohio police and fire pension fund, and are acceptable as 9856
security for the deposit of public moneys. 9857

Sec. 3737.947. All revenue bonds issued under sections 9858
3737.90 to 3737.948 of the Revised Code are lawful investments 9859
of banks, societies for savings, savings and loan associations, 9860
trust companies, trustees, fiduciaries, insurance companies, 9861
including domestic for life and domestic not for life, trustees 9862
or other officers having charge of sinking and bond retirement 9863
or other special funds of political subdivisions and taxing 9864
districts of this state, the commissioners of the sinking fund 9865
of the state, the ~~administrator of workers' compensation~~director 9866
of workforce insurance and safety, the state teachers retirement 9867
system, the public employees retirement system, the school 9868
employees retirement system, and the Ohio police and fire 9869
pension fund, and are acceptable as security for the deposit of 9870
public moneys. 9871

Sec. 3781.10. (A) (1) The board of building standards shall 9872
formulate and adopt rules governing the erection, construction, 9873
repair, alteration, and maintenance of all buildings or classes 9874
of buildings specified in section 3781.06 of the Revised Code, 9875
including land area incidental to those buildings, the 9876
construction of industrialized units, the installation of 9877
equipment, and the standards or requirements for materials used 9878
in connection with those buildings. The board shall incorporate 9879
those rules into separate residential and nonresidential 9880
building codes. The standards shall relate to the conservation 9881
of energy and the safety and sanitation of those buildings. 9882

(2) The rules governing nonresidential buildings are the 9883
lawful minimum requirements specified for those buildings and 9884
industrialized units, except that no rule other than as provided 9885

in division (C) of section 3781.108 of the Revised Code that 9886
specifies a higher requirement than is imposed by any section of 9887
the Revised Code is enforceable. The rules governing residential 9888
buildings are uniform requirements for residential buildings in 9889
any area with a building department certified to enforce the 9890
state residential building code. In no case shall any local code 9891
or regulation differ from the state residential building code 9892
unless that code or regulation addresses subject matter not 9893
addressed by the state residential building code or is adopted 9894
pursuant to section 3781.01 of the Revised Code. 9895

(3) The rules adopted pursuant to this section are 9896
complete, lawful alternatives to any requirements specified for 9897
buildings or industrialized units in any section of the Revised 9898
Code. Except as otherwise provided in division (I) of this 9899
section, the board shall, on its own motion or on application 9900
made under sections 3781.12 and 3781.13 of the Revised Code, 9901
formulate, propose, adopt, modify, amend, or repeal the rules to 9902
the extent necessary or desirable to effectuate the purposes of 9903
sections 3781.06 to 3781.18 of the Revised Code. 9904

(B) The board shall report to the general assembly 9905
proposals for amendments to existing statutes relating to the 9906
purposes declared in section 3781.06 of the Revised Code that 9907
public health and safety and the development of the arts require 9908
and shall recommend any additional legislation to assist in 9909
carrying out fully, in statutory form, the purposes declared in 9910
that section. The board shall prepare and submit to the general 9911
assembly a summary report of the number, nature, and disposition 9912
of the petitions filed under sections 3781.13 and 3781.14 of the 9913
Revised Code. 9914

(C) On its own motion or on application made under 9915

sections 3781.12 and 3781.13 of the Revised Code, and after 9916
thorough testing and evaluation, the board shall determine by 9917
rule that any particular fixture, device, material, process of 9918
manufacture, manufactured unit or component, method of 9919
manufacture, system, or method of construction complies with 9920
performance standards adopted pursuant to section 3781.11 of the 9921
Revised Code. The board shall make its determination with regard 9922
to adaptability for safe and sanitary erection, use, or 9923
construction, to that described in any section of the Revised 9924
Code, wherever the use of a fixture, device, material, method of 9925
manufacture, system, or method of construction described in that 9926
section of the Revised Code is permitted by law. The board shall 9927
amend or annul any rule or issue an authorization for the use of 9928
a new material or manufactured unit on any like application. No 9929
department, officer, board, or commission of the state other 9930
than the board of building standards or the board of building 9931
appeals shall permit the use of any fixture, device, material, 9932
method of manufacture, newly designed product, system, or method 9933
of construction at variance with what is described in any rule 9934
the board of building standards adopts or issues or that is 9935
authorized by any section of the Revised Code. Nothing in this 9936
section shall be construed as requiring approval, by rule, of 9937
plans for an industrialized unit that conforms with the rules 9938
the board of building standards adopts pursuant to section 9939
3781.11 of the Revised Code. 9940

(D) The board shall recommend rules, codes, and standards 9941
to help carry out the purposes of section 3781.06 of the Revised 9942
Code and to help secure uniformity of state administrative 9943
rulings and local legislation and administrative action to the 9944
~~bureau of workers' compensation~~department of workforce insurance 9945
and safety, the director of commerce, any other department, 9946

officer, board, or commission of the state, and to legislative 9947
authorities and building departments of counties, townships, and 9948
municipal corporations, and shall recommend that they audit 9949
those recommended rules, codes, and standards by any appropriate 9950
action that they are allowed pursuant to law or the 9951
constitution. 9952

(E) (1) The board shall certify municipal, township, and 9953
county building departments, the personnel of those building 9954
departments, persons described in division (E) (7) of this 9955
section, and employees of individuals, firms, the state, or 9956
corporations described in division (E) (7) of this section to 9957
exercise enforcement authority, to accept and approve plans and 9958
specifications, and to make inspections, pursuant to sections 9959
3781.03, 3791.04, and 4104.43 of the Revised Code. 9960

(2) The board shall certify departments, personnel, and 9961
persons to enforce the state residential building code, to 9962
enforce the nonresidential building code, or to enforce both the 9963
residential and the nonresidential building codes. Any 9964
department, personnel, or person may enforce only the type of 9965
building code for which certified. 9966

(3) The board shall not require a building department, its 9967
personnel, or any persons that it employs to be certified for 9968
residential building code enforcement if that building 9969
department does not enforce the state residential building code. 9970
The board shall specify, in rules adopted pursuant to Chapter 9971
119. of the Revised Code, the requirements for certification for 9972
residential and nonresidential building code enforcement, which 9973
shall be consistent with this division. The requirements for 9974
residential and nonresidential certification may differ. Except 9975
as otherwise provided in this division, the requirements shall 9976

include, but are not limited to, the satisfactory completion of 9977
an initial examination and, to remain certified, the completion 9978
of a specified number of hours of continuing building code 9979
education within each three-year period following the date of 9980
certification which shall be not less than thirty hours. The 9981
rules shall provide that continuing education credits and 9982
certification issued by the council of American building 9983
officials, national model code organizations, and agencies or 9984
entities the board recognizes are acceptable for purposes of 9985
this division. The rules shall specify requirements that are 9986
consistent with the provisions of section 5903.12 of the Revised 9987
Code relating to active duty military service and are 9988
compatible, to the extent possible, with requirements the 9989
council of American building officials and national model code 9990
organizations establish. 9991

(4) The board shall establish and collect a certification 9992
and renewal fee for building department personnel, and persons 9993
and employees of persons, firms, or corporations as described in 9994
this section, who are certified pursuant to this division. 9995

(5) Any individual certified pursuant to this division 9996
shall complete the number of hours of continuing building code 9997
education that the board requires or, for failure to do so, 9998
forfeit certification. 9999

(6) This division does not require or authorize the board 10000
to certify personnel of municipal, township, and county building 10001
departments, and persons and employees of persons, firms, or 10002
corporations as described in this section, whose 10003
responsibilities do not include the exercise of enforcement 10004
authority, the approval of plans and specifications, or making 10005
inspections under the state residential and nonresidential 10006

building codes. 10007

(7) Enforcement authority for approval of plans and 10008
specifications and enforcement authority for inspections may be 10009
exercised, and plans and specifications may be approved and 10010
inspections may be made on behalf of a municipal corporation, 10011
township, or county, by any of the following who the board of 10012
building standards certifies: 10013

(a) Officers or employees of the municipal corporation, 10014
township, or county; 10015

(b) Persons, or employees of persons, firms, or 10016
corporations, pursuant to a contract to furnish architectural, 10017
engineering, or other services to the municipal corporation, 10018
township, or county; 10019

(c) Officers or employees of, and persons under contract 10020
with, a municipal corporation, township, county, health 10021
district, or other political subdivision, pursuant to a contract 10022
to furnish architectural, engineering, or other services; 10023

(d) Officers or employees of the division of industrial 10024
compliance in the department of commerce pursuant to a contract 10025
authorized by division (B) of section 121.083 of the Revised 10026
Code. 10027

(8) Municipal, township, and county building departments 10028
have jurisdiction within the meaning of sections 3781.03, 10029
3791.04, and 4104.43 of the Revised Code, only with respect to 10030
the types of buildings and subject matters for which they are 10031
certified under this section. 10032

(9) A certified municipal, township, or county building 10033
department may exercise enforcement authority, accept and 10034
approve plans and specifications, and make inspections pursuant 10035

to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 10036
for a park district created pursuant to Chapter 1545. of the 10037
Revised Code upon the approval, by resolution, of the board of 10038
park commissioners of the park district requesting the 10039
department to exercise that authority and conduct those 10040
activities, as applicable. 10041

(10) Certification shall be granted upon application by 10042
the municipal corporation, the board of township trustees, or 10043
the board of county commissioners and approval of that 10044
application by the board of building standards. The application 10045
shall set forth: 10046

(a) Whether the certification is requested for residential 10047
or nonresidential buildings, or both; 10048

(b) The number and qualifications of the staff composing 10049
the building department; 10050

(c) The names, addresses, and qualifications of persons, 10051
firms, or corporations contracting to furnish work or services 10052
pursuant to division (E) (7) (b) of this section; 10053

(d) The names of any other municipal corporation, 10054
township, county, health district, or political subdivision 10055
under contract to furnish work or services pursuant to division 10056
(E) (7) of this section; 10057

(e) The proposed budget for the operation of the building 10058
department. 10059

(11) The board of building standards shall adopt rules 10060
governing all of the following: 10061

(a) The certification of building department personnel and 10062
persons and employees of persons, firms, or corporations 10063

exercising authority pursuant to division (E) (7) of this 10064
section. The rules shall disqualify any employee of the 10065
department or person who contracts for services with the 10066
department from performing services for the department when that 10067
employee or person would have to pass upon, inspect, or 10068
otherwise exercise authority over any labor, material, or 10069
equipment the employee or person furnishes for the construction, 10070
alteration, or maintenance of a building or the preparation of 10071
working drawings or specifications for work within the 10072
jurisdictional area of the department. The department shall 10073
provide other similarly qualified personnel to enforce the 10074
residential and nonresidential building codes as they pertain to 10075
that work. 10076

(b) The minimum services to be provided by a certified 10077
building department. 10078

(12) The board of building standards may revoke or suspend 10079
certification to enforce the residential and nonresidential 10080
building codes, on petition to the board by any person affected 10081
by that enforcement or approval of plans, or by the board on its 10082
own motion. Hearings shall be held and appeals permitted on any 10083
proceedings for certification or revocation or suspension of 10084
certification in the same manner as provided in section 3781.101 10085
of the Revised Code for other proceedings of the board of 10086
building standards. 10087

(13) Upon certification, and until that authority is 10088
revoked, any county or township building department shall 10089
enforce the residential and nonresidential building codes for 10090
which it is certified without regard to limitation upon the 10091
authority of boards of county commissioners under Chapter 307. 10092
of the Revised Code or boards of township trustees under Chapter 10093

505. of the Revised Code. 10094

(F) In addition to hearings sections 3781.06 to 3781.18 10095
and 3791.04 of the Revised Code require, the board of building 10096
standards shall make investigations and tests, and require from 10097
other state departments, officers, boards, and commissions 10098
information the board considers necessary or desirable to assist 10099
it in the discharge of any duty or the exercise of any power 10100
mentioned in this section or in sections 3781.06 to 3781.18, 10101
3791.04, and 4104.43 of the Revised Code. 10102

(G) The board shall adopt rules and establish reasonable 10103
fees for the review of all applications submitted where the 10104
applicant applies for authority to use a new material, assembly, 10105
or product of a manufacturing process. The fee shall bear some 10106
reasonable relationship to the cost of the review or testing of 10107
the materials, assembly, or products and for the notification of 10108
approval or disapproval as provided in section 3781.12 of the 10109
Revised Code. 10110

(H) The residential construction advisory committee shall 10111
provide the board with a proposal for a state residential 10112
building code that the committee recommends pursuant to division 10113
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 10114
recommendation from the committee that is acceptable to the 10115
board, the board shall adopt rules establishing that code as the 10116
state residential building code. 10117

(I) (1) The committee may provide the board with proposed 10118
rules to update or amend the state residential building code 10119
that the committee recommends pursuant to division (E) of 10120
section 4740.14 of the Revised Code. 10121

(2) If the board receives a proposed rule to update or 10122

amend the state residential building code as provided in 10123
division (I)(1) of this section, the board either may accept or 10124
reject the proposed rule for incorporation into the residential 10125
building code. If the board does not act to either accept or 10126
reject the proposed rule within ninety days after receiving the 10127
proposed rule from the committee as described in division (I)(1) 10128
of this section, the proposed rule shall become part of the 10129
residential building code. 10130

(J) The board shall cooperate with the director of job and 10131
family services when the director promulgates rules pursuant to 10132
section 5104.05 of the Revised Code regarding safety and 10133
sanitation in type A family day-care homes. 10134

(K) The board shall adopt rules to implement the 10135
requirements of section 3781.108 of the Revised Code. 10136

Sec. 3781.16. Sections 3781.06 to 3781.18 and section 10137
3791.04 of the Revised Code do not limit any of the powers of 10138
the public utilities commission, the ~~bureau of workers'~~ 10139
~~compensation~~ department of workforce insurance and safety, or the 10140
department of commerce, or the division of fire marshal, except 10141
as specifically provided in those sections, nor exempt any 10142
officer or department from the obligation of enforcing all laws. 10143
Those sections do not limit any of the powers conferred upon 10144
municipal corporations by the constitution or the laws of this 10145
state. 10146

Sec. 3783.02. Nothing in sections 3783.01 to 3783.08 of 10147
the Revised Code shall apply to inspection of the design, 10148
construction, maintenance, or replacement of any of the 10149
following: 10150

(A) Installations in ships, watercraft, railway rolling 10151

stock, aircraft, or automotive vehicles;	10152
(B) Installations underground in mines;	10153
(C) Installations of railways for the generation,	10154
transformation, transmission, or distribution of power used	10155
exclusively for operation of rolling stock or installations used	10156
exclusively for signaling and communication purposes;	10157
(D) Installations of communication equipment under control	10158
of communication utilities, located outdoors or in building	10159
spaces used for such installations;	10160
(E) Installations under the control of electric utilities	10161
for the purpose of communication, metering, or for the	10162
generation, control, transformation, transmission, and	10163
distribution of electric energy located in building spaces used	10164
by utilities for such purposes or located on property owned or	10165
leased by the utility or on public highways, streets, roads,	10166
etc., or by established rights on private property;	10167
(F) Installations of elevators, dumbwaiters, and	10168
escalators as regulated by the bureau of workers'	10169
compensation <u>department of workforce insurance and safety.</u>	10170
Sec. 3796.28. (A) Nothing in this chapter does any of the	10171
following:	10172
(1) Requires an employer to permit or accommodate an	10173
employee's use, possession, or distribution of medical	10174
marijuana;	10175
(2) Prohibits an employer from refusing to hire,	10176
discharging, disciplining, or otherwise taking an adverse	10177
employment action against a person with respect to hire, tenure,	10178
terms, conditions, or privileges of employment because of that	10179

person's use, possession, or distribution of medical marijuana; 10180

(3) Prohibits an employer from establishing and enforcing 10181
a drug testing policy, drug-free workplace policy, or zero- 10182
tolerance drug policy; 10183

(4) Interferes with any federal restrictions on 10184
employment, including the regulations adopted by the United 10185
States department of transportation in Title 49 of the Code of 10186
Federal Regulations, as amended; 10187

(5) Permits a person to commence a cause of action against 10188
an employer for refusing to hire, discharging, disciplining, 10189
discriminating, retaliating, or otherwise taking an adverse 10190
employment action against a person with respect to hire, tenure, 10191
terms, conditions, or privileges of employment related to 10192
medical marijuana; 10193

(6) Affects the authority of the ~~administrator of workers'~~ 10194
~~compensation~~ director of workforce insurance and safety to grant 10195
rebates or discounts on premium rates to employers that 10196
participate in a drug-free workplace program established in 10197
accordance with rules adopted by the ~~administrator~~ director 10198
under Chapter 4123. of the Revised Code. 10199

(B) A person who is discharged from employment because of 10200
that person's use of medical marijuana shall be considered to 10201
have been discharged for just cause for purposes of division (D) 10202
of section 4141.29 of the Revised Code if the person's use of 10203
medical marijuana was in violation of an employer's drug-free 10204
workplace policy, zero-tolerance policy, or other formal program 10205
or policy regulating the use of medical marijuana. 10206

(C) It is not a violation of division (A), (D), or (E) of 10207
section 4112.02 of the Revised Code if an employer discharges, 10208

refuses to hire, or otherwise discriminates against a person 10209
because of that person's use of medical marijuana if the 10210
person's use of medical marijuana is in violation of the 10211
employer's drug-free workplace policy, zero-tolerance policy, or 10212
other formal program or policy regulating the use of medical 10213
marijuana. 10214

Sec. 3798.01. As used in this chapter: 10215

(A) "Administrative safeguards," "physical safeguards," 10216
and "technical safeguards" have the same meanings as in 45 10217
C.F.R. 164.304. 10218

(B) "Covered entity," "disclosure," "health care 10219
provider," "health information," "individually identifiable 10220
health information," "protected health information," and "use" 10221
have the same meanings as in 45 C.F.R. 160.103. 10222

(C) "Designated record set" has the same meaning as in 45 10223
C.F.R. 164.501. 10224

(D) "Direct exchange" means the activity of electronic 10225
transmission of health information through a direct connection 10226
between the electronic record systems of health care providers 10227
without the use of a health information exchange. 10228

(E) "Health care component" and "hybrid entity" have the 10229
same meanings as in 45 C.F.R. 164.103. 10230

(F) "Health information exchange" means any person or 10231
governmental entity that provides in this state a technical 10232
infrastructure to connect computer systems or other electronic 10233
devices used by covered entities to facilitate the secure 10234
transmission of health information. "Health information 10235
exchange" excludes health care providers engaged in direct 10236
exchange, including direct exchange through the use of a health 10237

information service provider. 10238

(G) "HIPAA privacy rule" means the standards for privacy 10239
of individually identifiable health information in 45 C.F.R. 10240
part 160 and in 45 C.F.R. part 164, subparts A and E. 10241

(H) "Interoperability" means the capacity of two or more 10242
information systems to exchange information in an accurate, 10243
effective, secure, and consistent manner. 10244

(I) "Minor" means an unemancipated person under eighteen 10245
years of age or a mentally or physically disabled person under 10246
twenty-one years of age who meets criteria specified in rules 10247
adopted by the medicaid director under section 3798.13 of the 10248
Revised Code. 10249

(J) "More stringent" has the same meaning as in 45 C.F.R. 10250
160.202. 10251

(K) "Personal representative" means a person who has 10252
authority under applicable law to make decisions related to 10253
health care on behalf of an adult or emancipated minor, or the 10254
parent, legal guardian, or other person acting in loco parentis 10255
who is authorized under law to make health care decisions on 10256
behalf of an unemancipated minor. "Personal representative" does 10257
not include the parent or legal guardian of, or another person 10258
acting in loco parentis to, a minor who consents to the minor's 10259
own receipt of health care or a minor who makes medical 10260
decisions on the minor's own behalf pursuant to law, court 10261
approval, or because the minor's parent, legal guardian, or 10262
other person acting in loco parentis has assented to an 10263
agreement of confidentiality between the provider and the minor. 10264

(L) "Political subdivision" means a municipal corporation, 10265
township, county, school district, or other body corporate and 10266

politic responsible for governmental activities in a geographic area smaller than that of the state.	10267 10268
(M) "State agency" means any one or more of the following:	10269
(1) The department of administrative services;	10270
(2) The department of aging;	10271
(3) The department of mental health and addiction services;	10272 10273
(4) The department of developmental disabilities;	10274
(5) The department of education;	10275
(6) The department of health;	10276
(7) The department of insurance;	10277
(8) The department of job and family services;	10278
(9) The department of medicaid;	10279
(10) The department of rehabilitation and correction;	10280
(11) The department of youth services;	10281
(12) The bureau of workers' compensation <u>department of workforce insurance and safety</u> ;	10282 10283
(13) The opportunities for Ohioans with disabilities agency;	10284 10285
(14) The office of the attorney general;	10286
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	10287 10288 10289
Sec. 4101.15. No employer, employee, or other person shall	10290

violate this chapter or Chapter 4121. of the Revised Code, do 10291
any act prohibited by such chapters, fail to perform any duty 10292
lawfully enjoined, within the time prescribed by the ~~bureau of~~ 10293
~~workers' compensation~~ department of workforce insurance and 10294
safety, for which violation no penalty has been specifically 10295
provided, or fail to obey any lawful order given or made by the 10296
~~bureau~~ department, or any judgment or decree made by any court in 10297
connection with such chapters. 10298

Sec. 4101.16. Every day during which any person, or 10299
corporation, or any officer, agent, or employee thereof fails to 10300
observe and comply with any order of the ~~bureau of workers'~~ 10301
~~compensation~~ department of workforce insurance and safety, or to 10302
perform any duty enjoined by this chapter and Chapter 4121. of 10303
the Revised Code, constitutes a separate violation of the order 10304
or chapters. 10305

Sec. 4112.31. The new African immigrants commission shall 10306
do all of the following: 10307

(A) Gather and disseminate information and conduct 10308
hearings, conferences, investigations, and special studies on 10309
problems and programs concerning sub-Saharan African people; 10310

(B) Secure appropriate recognition of the accomplishments 10311
and contributions of sub-Saharan African people to this state; 10312

(C) Stimulate public awareness of the problems of sub- 10313
Saharan African people by conducting a program of public 10314
education; 10315

(D) Develop, coordinate, and assist other public and 10316
private organizations that serve sub-Saharan African people, 10317
including the conducting of training programs for community 10318
leadership and service project staff; 10319

- (E) Advise the governor, general assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of sub-Saharan African people; 10320
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- (F) Advise the governor, general assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of sub-Saharan African people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation; 10323
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- (G) Propose new programs concerning sub-Saharan African people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning sub-Saharan African people; 10330
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- (H) Review and approve grants to be made from federal, state, or private funds that are administered or subcontracted by the commission; 10334
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- (I) Prepare, review, and approve an annual report; 10337
- (J) Serve as a clearinghouse to review and comment on all proposals to meet the needs of sub-Saharan African people that are submitted to it by public and private agencies; 10338
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10340
- (K) Apply for and accept grants and gifts from governmental and private sources to be administered by the commission or subcontracted to local agencies; 10341
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- (L) Monitor and evaluate all programs subcontracted to local agencies by the commission; 10344
10345
- (M) Endeavor to assure that sub-Saharan African people have access to decision-making bodies in all state and local 10346
10347

governmental departments and agencies; 10348

(N) Establish advisory committees on special subjects as 10349
needed to facilitate and maximize community participation in the 10350
operation of the commission; 10351

(O) Establish with state and local governments and private 10352
business and industry relationships that promote and assure 10353
equal opportunity for sub-Saharan African people in government, 10354
education, and employment. 10355

(P) Create an interagency council consisting of the 10356
following persons or their authorized representatives: one 10357
member of the senate appointed by the president of the senate; 10358
one member of the house of representatives appointed by the 10359
speaker of the house of representatives; the directors of 10360
administrative services, agriculture, education, development 10361
services, health, highway safety, job and family services, 10362
liquor control, mental health and addiction services, and 10363
developmental disabilities, natural resources, rehabilitation 10364
and correction, youth services, transportation, environmental 10365
protection, and budget and management; the chairperson of the 10366
Ohio civil rights commission, the ~~administrator of the bureau of~~ 10367
~~workers' compensation~~ director of workforce insurance and safety, 10368
the executive director of the opportunities for Ohioans with 10369
disabilities agency, and an additional member of the governor's 10370
cabinet appointed by the governor. The new African immigrants 10371
commission, by rule, may designate other state officers or their 10372
representatives to be members of the council. The director of 10373
the commission shall be the chairperson of the council. 10374

The interagency council shall provide and coordinate the 10375
exchange of information relative to the needs of sub-Saharan 10376
African people and promote the delivery of state services to 10377

such people. The council shall meet at the call of the 10378
chairperson. 10379

Advisory committees shall be composed of persons 10380
representing community organizations and charitable 10381
institutions, public officials, and such other persons as the 10382
commission determines. 10383

Sec. 4113.21. (A) No private employer shall require any 10384
prospective employee or applicant for employment to pay the cost 10385
of a medical examination required by the employer as a condition 10386
of employment. 10387

(B) No public employer or private employer furnishing 10388
services to a public employer in accordance with a contract 10389
subject to the "Service Contract Act of 1965," 41 U.S.C. 6701 et 10390
seq., shall require any employee, prospective employee, or 10391
applicant for employment to pay the cost of an initial or any 10392
subsequent medical examinations required by the public employer 10393
or private employer as a condition of employment or continued 10394
employment. 10395

(C) As used in this section: 10396

(1) "Private employer" means any individual, partnership, 10397
trust, estate, joint-stock company, insurance company, common 10398
carrier, public utility, or corporation, whether domestic or 10399
foreign, or the receiver, trustee in bankruptcy, trustee, or the 10400
successor thereof, who has in employment three or more 10401
individuals at any one time within a calendar year. 10402

(2) "Public employer" means the United States, the state, 10403
any political subdivision of the state, and any agency of the 10404
United States, the state, or a political subdivision of the 10405
state. 10406

(3) "Employee" means any person who may be permitted, 10407
required, or directed by any employer in consideration of direct 10408
or indirect gain or profit, to engage in any employment. 10409

(D) Any employer who violates this section shall forfeit 10410
not more than one hundred dollars for each violation. The ~~bureau~~ 10411
~~of workers' compensation department of workforce insurance and~~ 10412
safety and the public utilities commission shall enforce this 10413
section. 10414

Sec. 4113.23. (A) No employer or physician, other health 10415
care professional, hospital, or laboratory that contracts with 10416
the employer to provide medical information pertaining to 10417
employees shall refuse upon written request of an employee to 10418
furnish to the employee or former employee or their designated 10419
representative a copy of any medical report pertaining to the 10420
employee. The requirements of this section extend to any medical 10421
report arising out of any physical examination by a physician or 10422
other health care professional and any hospital or laboratory 10423
tests which examinations or tests are required by the employer 10424
as a condition of employment or arising out of any injury or 10425
disease related to the employee's employment. However, if a 10426
physician concludes that presentation of all or any part of an 10427
employee's medical record directly to the employee will result 10428
in serious medical harm to the employee, ~~he~~ the physician shall 10429
so indicate on the medical record, in which case a copy thereof 10430
shall be given to a physician designated in writing by the 10431
employee. 10432

(B) The employer may require the employee to pay the cost 10433
of furnishing copies of the medical reports described in 10434
division (A) of this section but in no case shall the employer 10435
charge more than twenty-five cents for each page of a report. 10436

(C) As used in this section, "employer" has the same meaning as contained in the definition of that term found in section 4123.01 of the Revised Code.

(D) Any employer who refuses to furnish the reports to which an employee is entitled is guilty of a minor misdemeanor for each violation. The ~~bureau of workers' compensation~~ department of workforce insurance and safety shall enforce this section.

Sec. 4117.10. (A) An agreement between a public employer and an exclusive representative entered into pursuant to this chapter governs the wages, hours, and terms and conditions of public employment covered by the agreement. If the agreement provides for a final and binding arbitration of grievances, public employers, employees, and employee organizations are subject solely to that grievance procedure and the state personnel board of review or civil service commissions have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding grievance procedure. Where no agreement exists or where an agreement makes no specification about a matter, the public employer and public employees are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees. All of the following prevail over conflicting provisions of agreements between employee organizations and public employers:

(1) Laws pertaining to any of the following subjects:

(a) Civil rights;

(b) Affirmative action;

(c) Unemployment compensation;

(d) Workers' compensation;	10466
(e) The retirement of public employees;	10467
(f) Residency requirements;	10468
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	10469 10470 10471 10472
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	10473 10474 10475
(i) The minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	10476 10477 10478
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	10479 10480 10481 10482 10483 10484 10485 10486 10487 10488
(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;	10489 10490 10491 10492
(4) The law pertaining to excess benefits prohibited under	10493

section 3345.311 of the Revised Code with respect to an 10494
agreement between an employee organization and a public employer 10495
entered into on or after ~~the effective date of this amendment~~ 10496
September 29, 2015. 10497

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 10498
the Revised Code and arrangements entered into thereunder, and 10499
section 4981.21 of the Revised Code as necessary to comply with 10500
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 10501
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 10502
entered into thereunder, this chapter prevails over any and all 10503
other conflicting laws, resolutions, provisions, present or 10504
future, except as otherwise specified in this chapter or as 10505
otherwise specified by the general assembly. Nothing in this 10506
section prohibits or shall be construed to invalidate the 10507
provisions of an agreement establishing supplemental workers' 10508
compensation or unemployment compensation benefits or exceeding 10509
minimum requirements contained in the Revised Code pertaining to 10510
public education or the minimum standards promulgated by the 10511
state board of education pursuant to division (D) of section 10512
3301.07 of the Revised Code. 10513

(B) The public employer shall submit a request for funds 10514
necessary to implement an agreement and for approval of any 10515
other matter requiring the approval of the appropriate 10516
legislative body to the legislative body within fourteen days of 10517
the date on which the parties finalize the agreement, unless 10518
otherwise specified, but if the appropriate legislative body is 10519
not in session at the time, then within fourteen days after it 10520
convenes. The legislative body must approve or reject the 10521
submission as a whole, and the submission is deemed approved if 10522
the legislative body fails to act within thirty days after the 10523
public employer submits the agreement. The parties may specify 10524

that those provisions of the agreement not requiring action by a legislative body are effective and operative in accordance with the terms of the agreement, provided there has been compliance with division (C) of this section. If the legislative body rejects the submission of the public employer, either party may reopen all or part of the entire agreement.

As used in this section, "legislative body" includes the governing board of a municipal corporation, school district, college or university, village, township, or board of county commissioners or any other body that has authority to approve the budget of their public jurisdiction and, with regard to the state, "legislative body" means the controlling board.

(C) The chief executive officer, or the chief executive officer's representative, of each municipal corporation, the designated representative of the board of education of each school district, college or university, or any other body that has authority to approve the budget of their public jurisdiction, the designated representative of the board of county commissioners and of each elected officeholder of the county whose employees are covered by the collective negotiations, and the designated representative of the village or the board of township trustees of each township is responsible for negotiations in the collective bargaining process; except that the legislative body may accept or reject a proposed collective bargaining agreement. When the matters about which there is agreement are reduced to writing and approved by the employee organization and the legislative body, the agreement is binding upon the legislative body, the employer, and the employee organization and employees covered by the agreement.

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the ~~bureau of workers' compensation department of workforce insurance and safety~~ and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as separate public employers for the purposes of this chapter; however, the office may negotiate on behalf of these officials or trustees where authorized by the officials or trustees. The staff of the office of collective bargaining are in the unclassified service. The director of administrative services shall fix the compensation of the staff.

The office of collective bargaining shall:

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;

(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	10584 10585
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	10586 10587
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	10588 10589 10590 10591
Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of the Revised Code:	10592 10593
(1) "Place of employment" means every place, whether indoors or out, or underground, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.	10594 10595 10596 10597 10598 10599 10600 10601 10602 10603
(2) "Employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.	10604 10605 10606 10607 10608
(3) "Employer" means every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment, or employee. "Employer" does not include a franchisor with respect to the	10609 10610 10611 10612

franchisor's relationship with a franchisee or an employee of a 10613
franchisee, unless the franchisor agrees to assume that role in 10614
writing or a court of competent jurisdiction determines that the 10615
franchisor exercises a type or degree of control over the 10616
franchisee or the franchisee's employees that is not customarily 10617
exercised by a franchisor for the purpose of protecting the 10618
franchisor's trademark, brand, or both. For purposes of this 10619
division, "franchisor" and "franchisee" have the same meanings 10620
as in 16 C.F.R. 436.1. 10621

(4) (a) "Employee" means a person who may be required or 10622
directed by any employer, in consideration of direct or indirect 10623
gain or profit, to engage in any employment, or to go, or work, 10624
or be at any time in any place of employment, including a person 10625
described in division (A) (4) (b) of this section if a motor 10626
carrier elects to consider the person to be an employee. 10627

(b) "Employee" does not include a person who operates a 10628
vehicle or vessel in the performance of services for or on 10629
behalf of a motor carrier transporting property and to whom all 10630
of the following factors apply: 10631

(i) The person owns the vehicle or vessel that is used in 10632
performing the services for or on behalf of the carrier, or the 10633
person leases the vehicle or vessel under a bona fide lease 10634
agreement that is not a temporary replacement lease agreement. 10635
For purposes of this division, a bona fide lease agreement does 10636
not include an agreement between the person and the motor 10637
carrier transporting property for which, or on whose behalf, the 10638
person provides services. 10639

(ii) The person is responsible for supplying the necessary 10640
personal services to operate the vehicle or vessel used to 10641
provide the service. 10642

(iii) The compensation paid to the person is based on 10643
factors related to work performed, including on a mileage-based 10644
rate or a percentage of any schedule of rates, and not solely on 10645
the basis of the hours or time expended. 10646

(iv) The person substantially controls the means and 10647
manner of performing the services, in conformance with 10648
regulatory requirements and specifications of the shipper. 10649

(v) The person enters into a written contract with the 10650
carrier for whom the person is performing the services that 10651
describes the relationship between the person and the carrier to 10652
be that of an independent contractor and not that of an 10653
employee. 10654

(vi) The person is responsible for substantially all of 10655
the principal operating costs of the vehicle or vessel and 10656
equipment used to provide the services, including maintenance, 10657
fuel, repairs, supplies, vehicle or vessel insurance, and 10658
personal expenses, except that the person may be paid by the 10659
carrier the carrier's fuel surcharge and incidental costs, 10660
including tolls, permits, and lumper fees. 10661

(vii) The person is responsible for any economic loss or 10662
economic gain from the arrangement with the carrier. 10663

(5) "Frequenter" means every person, other than an 10664
employee, who may go in or be in a place of employment under 10665
circumstances which render the person other than a trespasser. 10666

(6) "Deputy" means any person employed by the industrial 10667
commission or the ~~bureau of workers' compensation~~department of 10668
workforce insurance and safety, designated as a deputy by the 10669
commission or the ~~administrator of workers' compensation~~director 10670
of workforce insurance and safety, who possesses special, 10671

technical, scientific, managerial, professional, or personal 10672
abilities or qualities in matters within the jurisdiction of the 10673
commission or the ~~bureau~~department, and who may be engaged in 10674
the performance of duties under the direction of the commission 10675
or the ~~bureau~~department calling for the exercise of such 10676
abilities or qualities. 10677

(7) "Order" means any decision, rule, regulation, 10678
direction, requirement, or standard, or any other determination 10679
or decision that the ~~bureau~~department is empowered to and does 10680
make. 10681

(8) "General order" means an order that applies generally 10682
throughout the state to all persons, employments, or places of 10683
employment, or all persons, employments, or places of employment 10684
of a class under the jurisdiction of the ~~bureau~~department. All 10685
other orders shall be considered special orders. 10686

(9) "Local order" means any ordinance, order, rule, or 10687
determination of the legislative authority of any municipal 10688
corporation, or any trustees, or board or officers of any 10689
municipal corporation upon any matter over which the ~~bureau~~- 10690
department has jurisdiction. 10691

(10) "Welfare" means comfort, decency, and moral well- 10692
being. 10693

(11) "Safe" or "safety," as applied to any employment or a 10694
place of employment, means such freedom from danger to the life, 10695
health, safety, or welfare of employees or frequenters as the 10696
nature of the employment will reasonably permit, including 10697
requirements as to the hours of labor with relation to the 10698
health and welfare of employees. 10699

(12) "Employee organization" means any labor or bona fide 10700

organization in which employees participate and that exists for 10701
the purpose, in whole or in part, of dealing with employers 10702
concerning grievances, labor disputes, wages, hours, terms, and 10703
other conditions of employment. 10704

(13) "Motor carrier" has the same meaning as in section 10705
4923.01 of the Revised Code. 10706

(B) As used in the Revised Code: 10707

(1) "Industrial commission" means the chairperson of the 10708
three-member industrial commission created pursuant to section 10709
4121.02 of the Revised Code when the context refers to the 10710
authority vested in the chairperson as the chief executive 10711
officer of the three-member industrial commission pursuant to 10712
divisions (A), (B), (C), and (D) of section 4121.03 of the 10713
Revised Code. 10714

(2) "Industrial commission" means the three-member 10715
industrial commission created pursuant to section 4121.02 of the 10716
Revised Code when the context refers to the authority vested in 10717
the three-member industrial commission pursuant to division (E) 10718
of section 4121.03 of the Revised Code. 10719

(3) "Industrial commission" means the industrial 10720
commission as a state agency when the context refers to the 10721
authority vested in the industrial commission as a state agency. 10722

Sec. 4121.021. The industrial commission operating fund is 10723
hereby created in the state treasury. The fund shall consist of 10724
all moneys transferred to the fund pursuant to division ~~(C)~~(B) 10725
of section 4123.342 of the Revised Code. Revenues credited to 10726
the fund shall be used for those costs solely attributable to 10727
the activities of the commission. 10728

Sec. 4121.03. (A) The governor shall appoint from among 10729

the members of the industrial commission the chairperson of the 10730
industrial commission. The chairperson shall serve as 10731
chairperson at the pleasure of the governor. The chairperson is 10732
the head of the commission and its chief executive officer. 10733

(B) The chairperson shall appoint, after consultation with 10734
other commission members and obtaining the approval of at least 10735
one other commission member, an executive director of the 10736
commission. The executive director shall serve at the pleasure 10737
of the chairperson. The executive director, under the direction 10738
of the chairperson, shall perform all of the following duties: 10739

(1) Act as chief administrative officer for the 10740
commission; 10741

(2) Ensure that all commission personnel follow the rules 10742
of the commission; 10743

(3) Ensure that all orders, awards, and determinations are 10744
properly heard and signed, prior to attesting to the documents; 10745

(4) Coordinate, to the fullest extent possible, commission 10746
activities with the ~~bureau of workers' compensation department~~ 10747
of workforce insurance and safety activities; 10748

(5) Do all things necessary for the efficient and 10749
effective implementation of the duties of the commission. 10750

The responsibilities assigned to the executive director of 10751
the commission do not relieve the chairperson from final 10752
responsibility for the proper performance of the acts specified 10753
in this division. 10754

(C) The chairperson shall do all of the following: 10755

(1) Except as otherwise provided in this division, employ, 10756
promote, supervise, remove, and establish the compensation of 10757

all employees as needed in connection with the performance of 10758
the commission's duties under this chapter and Chapters 4123., 10759
4127., and 4131. of the Revised Code and may assign to them 10760
their duties to the extent necessary to achieve the most 10761
efficient performance of its functions, and to that end may 10762
establish, change, or abolish positions, and assign and reassign 10763
duties and responsibilities of every employee of the commission. 10764
The civil service status of any person employed by the 10765
commission prior to November 3, 1989, is not affected by this 10766
section. Personnel employed by the ~~bureau~~-department or the 10767
commission who are subject to Chapter 4117. of the Revised Code 10768
shall retain all of their rights and benefits conferred pursuant 10769
to that chapter as it presently exists or is hereafter amended 10770
and nothing in this chapter or Chapter 4123. of the Revised Code 10771
shall be construed as eliminating or interfering with Chapter 10772
4117. of the Revised Code or the rights and benefits conferred 10773
under that chapter to public employees or to any bargaining 10774
unit. 10775

(2) Hire district and staff hearing officers after 10776
consultation with other commission members and obtaining the 10777
approval of at least one other commission member; 10778

(3) Fire staff and district hearing officers when the 10779
chairperson finds appropriate after obtaining the approval of at 10780
least one other commission member; 10781

(4) Maintain the office for the commission in Columbus; 10782

(5) To the maximum extent possible, use electronic data 10783
processing equipment for the issuance of orders immediately 10784
following a hearing, scheduling of hearings and medical 10785
examinations, tracking of claims, retrieval of information, and 10786
any other matter within the commission's jurisdiction, and shall 10787

provide and input information into the electronic data 10788
processing equipment as necessary to effect the success of the 10789
claims tracking system established pursuant to division (B) (14) 10790
of section 4121.121 of the Revised Code; 10791

(6) Exercise all administrative and nonadjudicatory powers 10792
and duties conferred upon the commission by Chapters 4121., 10793
4123., 4127., and 4131. of the Revised Code; 10794

(7) Approve all contracts for special services. 10795

(D) The chairperson is responsible for all administrative 10796
matters and may secure for the commission facilities, equipment, 10797
and supplies necessary to house the commission, any employees, 10798
and files and records under the commission's control and to 10799
discharge any duty imposed upon the commission by law, the 10800
expense thereof to be audited and paid in the same manner as 10801
other state expenses. For that purpose, the chairperson, 10802
separately from the budget prepared by the ~~administrator of~~ 10803
~~workers' compensation~~ director of workforce insurance and safety, 10804
shall prepare and submit to the office of budget and management 10805
a budget for each biennium according to sections 101.532 and 10806
107.03 of the Revised Code. The budget submitted shall cover the 10807
costs of the commission and staff and district hearing officers 10808
in the discharge of any duty imposed upon the chairperson, the 10809
commission, and hearing officers by law. 10810

(E) A majority of the commission constitutes a quorum to 10811
transact business. No vacancy impairs the rights of the 10812
remaining members to exercise all of the powers of the 10813
commission, so long as a majority remains. Any investigation, 10814
inquiry, or hearing that the commission may hold or undertake 10815
may be held or undertaken by or before any one member of the 10816
commission, or before one of the deputies of the commission, 10817

except as otherwise provided in this chapter and Chapters 4123., 10818
4127., and 4131. of the Revised Code. Every order made by a 10819
member, or by a deputy, when approved and confirmed by a 10820
majority of the members, and so shown on its record of 10821
proceedings, is the order of the commission. The commission may 10822
hold sessions at any place within the state. The commission is 10823
responsible for all of the following: 10824

(1) Establishing the overall adjudicatory policy and 10825
management of the commission under this chapter and Chapters 10826
4123., 4127., and 4131. of the Revised Code, except for those 10827
administrative matters within the jurisdiction of the 10828
chairperson, ~~bureau of workers' compensation~~department of 10829
workforce insurance and safety, and the ~~administrator of~~ 10830
~~workers' compensation~~director of workforce insurance and safety 10831
under those chapters; 10832

(2) Hearing appeals and reconsiderations under this 10833
chapter and Chapters 4123., 4127., and 4131. of the Revised 10834
Code; 10835

(3) Engaging in rulemaking where required by this chapter 10836
or Chapter 4123., 4127., or 4131. of the Revised Code. 10837

Sec. 4121.08. The members of the industrial commission, 10838
the ~~administrator of workers' compensation~~director of workforce 10839
insurance and safety, and employees and deputies of the 10840
commission and the ~~bureau of workers' compensation~~department of 10841
workforce insurance and safety are entitled to receive from the 10842
state their necessary and actual expenses while traveling on 10843
business of the commission or the ~~bureau~~department, either 10844
within or without the state. The expenses shall be presented in 10845
an account verified by the person who incurred the expense, 10846
approved by the ~~chairman~~chairperson of the commission for 10847

commission personnel and the ~~administrator-director~~ for ~~bureau-~~ 10848
~~department~~ personnel, and shall be audited and paid as other 10849
similar expenses are audited and paid. 10850

Sec. 4121.11. Subject to any applicable sections of 10851
sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 10852
Revised Code, the ~~bureau of workers' compensation department of~~ 10853
~~workforce insurance and safety~~ may adopt its own rules of 10854
procedure and may change the same in its discretion. 10855

Sec. 4121.12. (A) There is hereby created the ~~bureau of-~~ 10856
~~workers' compensation department of workforce insurance and~~ 10857
~~safety~~ board of directors consisting of eleven members to be 10858
appointed by the governor with the advice and consent of the 10859
senate. One member shall be an individual who, on account of the 10860
individual's previous vocation, employment, or affiliations, can 10861
be classed as a representative of employees; two members shall 10862
be individuals who, on account of their previous vocation, 10863
employment, or affiliations, can be classed as representatives 10864
of employee organizations and at least one of these two 10865
individuals shall be a member of the executive committee of the 10866
largest statewide labor federation; three members shall be 10867
individuals who, on account of their previous vocation, 10868
employment, or affiliations, can be classed as representatives 10869
of employers, one of whom represents self-insuring employers, 10870
one of whom is a state fund employer who employs one hundred or 10871
more employees, and one of whom is a state fund employer who 10872
employs less than one hundred employees; two members shall be 10873
individuals who, on account of their vocation, employment, or 10874
affiliations, can be classed as investment and securities 10875
experts who have direct experience in the management, analysis, 10876
supervision, or investment of assets and are residents of this 10877
state; one member who shall be a certified public accountant; 10878

one member who shall be an actuary who is a member in good 10879
standing with the American academy of actuaries or who is an 10880
associate or fellow with the casualty actuarial society; and one 10881
member shall represent the public and also be an individual who, 10882
on account of the individual's previous vocation, employment, or 10883
affiliations, cannot be classed as either predominantly 10884
representative of employees or of employers. The governor shall 10885
select the chairperson of the board who shall serve as 10886
chairperson at the pleasure of the governor. 10887

None of the members of the board, within one year 10888
immediately preceding the member's appointment, shall have been 10889
employed by the ~~bureau of workers' compensation department of~~ 10890
workforce insurance and safety or by any person, partnership, or 10891
corporation that has provided to the ~~bureau department~~ services 10892
of a financial or investment nature, including the management, 10893
analysis, supervision, or investment of assets. 10894

(B) Of the initial appointments made to the board, the 10895
governor shall appoint the member who represents employees, one 10896
member who represents employers, and the member who represents 10897
the public to a term ending one year after June 11, 2007; one 10898
member who represents employers, one member who represents 10899
employee organizations, one member who is an investment and 10900
securities expert, and the member who is a certified public 10901
accountant to a term ending two years after June 11, 2007; and 10902
one member who represents employers, one member who represents 10903
employee organizations, one member who is an investment and 10904
securities expert, and the member who is an actuary to a term 10905
ending three years after June 11, 2007. Thereafter, terms of 10906
office shall be for three years, with each term ending on the 10907
same day of the same month as did the term that it succeeds. 10908
Each member shall hold office from the date of the member's 10909

appointment until the end of the term for which the member was 10910
appointed. 10911

Members may be reappointed. Any member appointed to fill a 10912
vacancy occurring prior to the expiration date of the term for 10913
which the member's predecessor was appointed shall hold office 10914
as a member for the remainder of that term. A member shall 10915
continue in office subsequent to the expiration date of the 10916
member's term until a successor takes office or until a period 10917
of sixty days has elapsed, whichever occurs first. 10918

(C) In making appointments to the board, the governor 10919
shall select the members from the list of names submitted by the 10920
~~workers' compensation department of workforce insurance and~~ 10921
safety board of directors nominating committee pursuant to this 10922
division. The nominating committee shall submit to the governor 10923
a list containing four separate names for each of the members on 10924
the board. Within fourteen days after the submission of the 10925
list, the governor shall appoint individuals from the list. 10926

At least thirty days prior to a vacancy occurring as a 10927
result of the expiration of a term and within thirty days after 10928
other vacancies occurring on the board, the nominating committee 10929
shall submit an initial list containing four names for each 10930
vacancy. Within fourteen days after the submission of the 10931
initial list, the governor either shall appoint individuals from 10932
that list or request the nominating committee to submit another 10933
list of four names for each member the governor has not 10934
appointed from the initial list, which list the nominating 10935
committee shall submit to the governor within fourteen days 10936
after the governor's request. The governor then shall appoint, 10937
within seven days after the submission of the second list, one 10938
of the individuals from either list to fill the vacancy for 10939

which the governor has not made an appointment from the initial 10940
list. If the governor appoints an individual to fill a vacancy 10941
occurring as a result of the expiration of a term, the 10942
individual appointed shall begin serving as a member of the 10943
board when the term for which the individual's predecessor was 10944
appointed expires or immediately upon appointment by the 10945
governor, whichever occurs later. With respect to the filling of 10946
vacancies, the nominating committee shall provide the governor 10947
with a list of four individuals who are, in the judgment of the 10948
nominating committee, the most fully qualified to accede to 10949
membership on the board. 10950

In order for the name of an individual to be submitted to 10951
the governor under this division, the nominating committee shall 10952
approve the individual by an affirmative vote of a majority of 10953
its members. 10954

(D) All members of the board shall receive their 10955
reasonable and necessary expenses pursuant to section 126.31 of 10956
the Revised Code while engaged in the performance of their 10957
duties as members and also shall receive an annual salary not to 10958
exceed sixty thousand dollars in total, payable on the following 10959
basis: 10960

(1) Except as provided in division (D) (2) of this section, 10961
a member shall receive two thousand five hundred dollars during 10962
a month in which the member attends one or more meetings of the 10963
board and shall receive no payment during a month in which the 10964
member attends no meeting of the board. 10965

(2) A member may receive no more than thirty thousand 10966
dollars per year to compensate the member for attending meetings 10967
of the board, regardless of the number of meetings held by the 10968
board during a year or the number of meetings in excess of 10969

twelve within a year that the member attends. 10970

(3) Except as provided in division (D) (4) of this section, 10971
if a member serves on the ~~workers' compensation workforce~~ 10972
insurance and safety audit committee, workers' compensation 10973
workforce insurance and safety actuarial committee, or the 10974
~~workers' compensation workforce insurance and safety investment~~ 10975
committee, the member shall receive two thousand five hundred 10976
dollars during a month in which the member attends one or more 10977
meetings of the committee on which the member serves and shall 10978
receive no payment during any month in which the member attends 10979
no meeting of that committee. 10980

(4) A member may receive no more than thirty thousand 10981
dollars per year to compensate the member for attending meetings 10982
of any of the committees specified in division (D) (3) of this 10983
section, regardless of the number of meetings held by a 10984
committee during a year or the number of committees on which a 10985
member serves. 10986

The chairperson of the board shall set the meeting dates 10987
of the board as necessary to perform the duties of the board 10988
under this chapter and Chapters 4123., 4125., 4127., 4131., 10989
4133., and 4167. of the Revised Code. The board shall meet at 10990
least twelve times a year. The ~~administrator of workers'~~ 10991
~~compensation~~ director of workforce insurance and safety shall 10992
provide professional and clerical assistance to the board, as 10993
the board considers appropriate. 10994

(E) Before entering upon the duties of office, each 10995
appointed member of the board shall take an oath of office as 10996
required by sections 3.22 and 3.23 of the Revised Code and file 10997
in the office of the secretary of state the bond required under 10998
section 4121.127 of the Revised Code. 10999

(F) The board shall:	11000
(1) Establish the overall administrative policy for the bureau <u>department</u> for the purposes of this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the Revised Code;	11001 11002 11003 11004
(2) Review progress of the bureau <u>department</u> in meeting its cost and quality objectives and in complying with this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the Revised Code;	11005 11006 11007 11008
(3) Submit an annual report to the president of the senate, the speaker of the house of representatives, and the governor and include all of the following in that report:	11009 11010 11011
(a) An evaluation of the cost and quality objectives of the bureau <u>department</u> ;	11012 11013
(b) A statement of the net assets available for the provision of compensation and benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as of the last day of the fiscal year;	11014 11015 11016 11017
(c) A statement of any changes that occurred in the net assets available, including employer premiums and net investment income, for the provision of compensation and benefits and payment of administrative expenses, between the first and last day of the fiscal year immediately preceding the date of the report;	11018 11019 11020 11021 11022 11023
(d) The following information for each of the six consecutive fiscal years occurring previous to the report:	11024 11025
(i) A schedule of the net assets available for compensation and benefits;	11026 11027

(ii) The annual cost of the payment of compensation and benefits;	11028 11029
(iii) Annual administrative expenses incurred;	11030
(iv) Annual employer premiums allocated for the provision of compensation and benefits.	11031 11032
(e) A description of any significant changes that occurred during the six years for which the board provided the information required under division (F) (3) (d) of this section that affect the ability of the board to compare that information from year to year.	11033 11034 11035 11036 11037
(4) Review all independent financial audits of the bureau <u>department</u> . The administrator <u>director</u> shall provide access to records of the bureau <u>department</u> to facilitate the review required under this division.	11038 11039 11040 11041
(5) Study issues as requested by the administrator <u>director</u> or the governor;	11042 11043
(6) Contract with all of the following:	11044
(a) An independent actuarial firm to assist the board in making recommendations to the administrator <u>director</u> regarding premium rates;	11045 11046 11047
(b) An outside investment counsel to assist the workers' <u>compensation workforce insurance and safety</u> investment committee in fulfilling its duties;	11048 11049 11050
(c) An independent fiduciary counsel to assist the board in the performance of its duties.	11051 11052
(7) Approve the investment policy developed by the workers' <u>compensation workforce insurance and safety</u> investment	11053 11054

committee pursuant to section 4121.129 of the Revised Code if 11055
the policy satisfies the requirements specified in section 11056
4123.442 of the Revised Code; 11057

(8) Review and publish the investment policy no less than 11058
annually and make copies available to interested parties; 11059

(9) Prohibit, on a prospective basis, any specific 11060
investment it finds to be contrary to the investment policy 11061
approved by the board; 11062

(10) Vote to open each investment class and allow the 11063
~~administrator~~ director to invest in an investment class only if 11064
the board, by a majority vote, opens that class; 11065

(11) After opening a class but prior to the ~~administrator~~ 11066
director investing in that class, adopt rules establishing due 11067
diligence standards for employees of the ~~bureau~~ department to 11068
follow when investing in that class and establish policies and 11069
procedures to review and monitor the performance and value of 11070
each investment class; 11071

(12) Submit a report annually on the performance and value 11072
of each investment class to the governor, the president and 11073
minority leader of the senate, and the speaker and minority 11074
leader of the house of representatives; 11075

(13) Advise and consent on all of the following: 11076

(a) Administrative rules the ~~administrator~~ director 11077
submits to it pursuant to division (B) (5) of section 4121.121 of 11078
the Revised Code for the classification of occupations or 11079
industries, for premium rates and contributions, for the amount 11080
to be credited to the surplus fund, for rules and systems of 11081
rating, rate revisions, and merit rating; 11082

(b) The duties and authority conferred upon the ~~administrator~~director pursuant to section 4121.37 of the Revised Code; 11083
11084
11085

(c) Rules the ~~administrator~~director adopts for the health partnership program and the qualified health plan system, as provided in sections 4121.44, 4121.441, and 4121.442 of the Revised Code; 11086
11087
11088
11089

(d) Rules the ~~administrator~~director submits to it pursuant to Chapter 4167. of the Revised Code regarding the public employment risk reduction program and the protection of public health care workers from exposure incidents. 11090
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11092
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As used in this division, "public health care worker" and "exposure incident" have the same meanings as in section 4167.25 of the Revised Code. 11094
11095
11096

(14) Perform all duties required under this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the Revised Code; 11097
11098
11099

(15) Meet with the governor on an annual basis to discuss the ~~administrator's~~director's performance of the duties specified in this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the Revised Code; 11100
11101
11102
11103

(16) Develop and participate in a ~~bureau of workers' compensation~~department of workforce insurance and safety board of directors education program that consists of all of the following: 11104
11105
11106
11107

(a) An orientation component for newly appointed members; 11108

(b) A continuing education component for board members who have served for at least one year; 11109
11110

(c) A curriculum that includes education about each of the following topics:	11111 11112
(i) Board member duties and responsibilities;	11113
(ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;	11114 11115 11116
(iii) Ethics;	11117
(iv) Governance processes and procedures;	11118
(v) Actuarial soundness;	11119
(vi) Investments;	11120
(vii) Any other subject matter the board believes is reasonably related to the duties of a board member.	11121 11122
(17) Hold all sessions, classes, and other events for the program developed pursuant to division (F)(16) of this section in this state.	11123 11124 11125
(G) The board may do both of the following:	11126
(1) Vote to close any investment class;	11127
(2) Create any committees in addition to the workers' compensation-workforce insurance and safety audit committee, the workers' compensation-workforce insurance and safety actuarial committee, and the workers' compensation-workforce insurance and safety investment committee that the board determines are necessary to assist the board in performing its duties.	11128 11129 11130 11131 11132 11133
(H) The office of a member of the board who is convicted of or pleads guilty to a felony, a theft offense as defined in section 2913.01 of the Revised Code, or a violation of section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31,	11134 11135 11136 11137

2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall 11138
be deemed vacant. The vacancy shall be filled in the same manner 11139
as the original appointment. A person who has pleaded guilty to 11140
or been convicted of an offense of that nature is ineligible to 11141
be a member of the board. A member who receives a bill of 11142
indictment for any of the offenses specified in this section 11143
shall be automatically suspended from the board pending 11144
resolution of the criminal matter. 11145

(I) For the purposes of division (G) (1) of section 121.22 11146
of the Revised Code, the meeting between the governor and the 11147
board to review the ~~administrator's~~ director's performance as 11148
required under division (F) (15) of this section shall be 11149
considered a meeting regarding the employment of the 11150
~~administrator~~ director. 11151

(J) As used in the Revised Code, the "bureau of workers' 11152
compensation board of directors" means the department of 11153
workforce insurance and safety board of directors. Whenever the 11154
bureau of workers' compensation board of directors is referred 11155
to or designated in any statute, rule, contract, grant, or other 11156
document, the reference or designation shall be deemed to refer 11157
to the department of workforce insurance and safety board of 11158
directors. 11159

Sec. 4121.121. (A) There is hereby created the ~~bureau of~~ 11160
~~workers' compensation~~ department of workforce insurance and 11161
safety, which shall be administered by the ~~administrator of~~ 11162
~~workers' compensation~~ director of workforce insurance and safety. 11163
A person appointed to the position of ~~administrator~~ director 11164
shall possess significant management experience in effectively 11165
managing an organization or organizations of substantial size 11166
and complexity. A person appointed to the position of 11167

~~administrator-director~~ also shall possess a minimum of five 11168
years of experience in the field of workers' compensation 11169
insurance or in another insurance industry, except as otherwise 11170
provided when the conditions specified in division (C) of this 11171
section are satisfied. The governor shall appoint the 11172
~~administrator-director~~ as provided in section 121.03 of the 11173
Revised Code, and the ~~administrator-director~~ shall serve at the 11174
pleasure of the governor. The governor shall fix the 11175
~~administrator's-director's~~ salary on the basis of the 11176
~~administrator's-director's~~ experience and the ~~administrator's-~~ 11177
~~director's~~ responsibilities and duties under this chapter and 11178
Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the 11179
Revised Code. The governor shall not appoint to the position of 11180
~~administrator-director~~ any person who has, or whose spouse has, 11181
given a contribution to the campaign committee of the governor 11182
in an amount greater than one thousand dollars during the two- 11183
year period immediately preceding the date of the appointment of 11184
the ~~administrator-director~~. 11185

The ~~administrator-director~~ shall hold no other public 11186
office and shall devote full time to the duties of 11187
~~administrator-director~~. Before entering upon the duties of the 11188
office, the ~~administrator-director~~ shall take an oath of office 11189
as required by sections 3.22 and 3.23 of the Revised Code, and 11190
shall file in the office of the secretary of state, a bond 11191
signed by the ~~administrator-director~~ and by surety approved by 11192
the governor, for the sum of fifty thousand dollars payable to 11193
the state, conditioned upon the faithful performance of the 11194
~~administrator's-director's~~ duties. 11195

(B) The ~~administrator-director~~ is responsible for the 11196
management of the ~~bureau-department~~ and for the discharge of all 11197
administrative duties imposed upon the ~~administrator-director~~ in 11198

this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 11199
4167. of the Revised Code, and in the discharge thereof shall do 11200
all of the following: 11201

(1) Perform all acts and exercise all authorities and 11202
powers, discretionary and otherwise that are required of or 11203
vested in the ~~bureau-department~~ or any of its employees in this 11204
chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 11205
4167. of the Revised Code, except the acts and the exercise of 11206
authority and power that is required of and vested in the ~~bureau-~~ 11207
~~of workers' compensation~~ department of workforce insurance and 11208
safety board of directors or the industrial commission pursuant 11209
to those chapters. The treasurer of state shall honor all 11210
warrants signed by the ~~administrator~~director, or by one or more 11211
of the ~~administrator's~~director's employees, authorized by the 11212
~~administrator~~director in writing, or bearing the facsimile 11213
signature of the ~~administrator~~director or such employee under 11214
sections 4123.42 and 4123.44 of the Revised Code. 11215

(2) Employ, direct, and supervise all employees required 11216
in connection with the performance of the duties assigned to the 11217
~~bureau-department~~ by this chapter and Chapters 4123., 4125., 11218
4127., 4131., 4133., and 4167. of the Revised Code, including an 11219
actuary, and may establish job classification plans and 11220
compensation for all employees of the ~~bureau-department~~ provided 11221
that this grant of authority shall not be construed as affecting 11222
any employee for whom the state employment relations board has 11223
established an appropriate bargaining unit under section 4117.06 11224
of the Revised Code. All positions of employment in the ~~bureau-~~ 11225
department are in the classified civil service except those 11226
employees the ~~administrator~~director may appoint to serve at the 11227
~~administrator's~~director's pleasure in the unclassified civil 11228
service pursuant to section 124.11 of the Revised Code. The 11229

~~administrator-director~~ shall fix the salaries of employees the 11230
~~administrator-director~~ appoints to serve at the ~~administrator's-~~ 11231
director's pleasure, including the chief operating officer, 11232
staff physicians, and other senior management personnel of the 11233
~~bureau-department~~ and shall establish the compensation of staff 11234
attorneys of the ~~bureau's-department's~~ legal section and their 11235
immediate supervisors, and take whatever steps are necessary to 11236
provide adequate compensation for other staff attorneys. 11237

The ~~administrator-director~~ may appoint a person who holds 11238
a certified position in the classified service within the ~~bureau-~~ 11239
department to a position in the unclassified service within the 11240
~~bureau~~department. A person appointed pursuant to this division 11241
to a position in the unclassified service shall retain the right 11242
to resume the position and status held by the person in the 11243
classified service immediately prior to the person's appointment 11244
in the unclassified service, regardless of the number of 11245
positions the person held in the unclassified service. An 11246
employee's right to resume a position in the classified service 11247
may only be exercised when the ~~administrator-director~~ demotes 11248
the employee to a pay range lower than the employee's current 11249
pay range or revokes the employee's appointment to the 11250
unclassified service. An employee who holds a position in the 11251
classified service and who is appointed to a position in the 11252
unclassified service on or after January 1, 2016, shall have the 11253
right to resume a position in the classified service under this 11254
division only within five years after the effective date of the 11255
employee's appointment in the unclassified service. An employee 11256
forfeits the right to resume a position in the classified 11257
service when the employee is removed from the position in the 11258
unclassified service due to incompetence, inefficiency, 11259
dishonesty, drunkenness, immoral conduct, insubordination, 11260

discourteous treatment of the public, neglect of duty, violation 11261
of this chapter or Chapter 124., 4123., 4125., 4127., 4131., 11262
4133., or 4167. of the Revised Code, violation of the rules of 11263
the director of administrative services or the 11264
~~administrator~~director of workforce insurance and safety, any 11265
other failure of good behavior, any other acts of misfeasance, 11266
malfeasance, or nonfeasance in office, or conviction of a felony 11267
while employed in the civil service. An employee also forfeits 11268
the right to resume a position in the classified service upon 11269
transfer to a different agency. 11270

Reinstatement to a position in the classified service 11271
shall be to a position substantially equal to that position in 11272
the classified service held previously, as certified by the 11273
department of administrative services. If the position the 11274
person previously held in the classified service has been placed 11275
in the unclassified service or is otherwise unavailable, the 11276
person shall be appointed to a position in the classified 11277
service within the ~~bureau~~department of workforce insurance and 11278
safety that the director of administrative services certifies is 11279
comparable in compensation to the position the person previously 11280
held in the classified service. Service in the position in the 11281
unclassified service shall be counted as service in the position 11282
in the classified service held by the person immediately prior 11283
to the person's appointment in the unclassified service. When a 11284
person is reinstated to a position in the classified service as 11285
provided in this division, the person is entitled to all rights, 11286
status, and benefits accruing to the position during the 11287
person's time of service in the position in the unclassified 11288
service. 11289

(3) Reorganize the work of the ~~bureau~~department of 11290
workforce insurance and safety, its sections, departments, and 11291

offices to the extent necessary to achieve the most efficient 11292
performance of its functions and to that end may establish, 11293
change, or abolish positions and assign and reassign duties and 11294
responsibilities of every employee of the ~~bureau~~department of 11295
workforce insurance and safety. All persons employed by the 11296
commission in positions that, after November 3, 1989, are 11297
supervised and directed by the ~~administrator~~director of 11298
workforce insurance and safety under this section are 11299
transferred to the ~~bureau~~department of workforce insurance and 11300
safety in their respective classifications but subject to 11301
reassignment and reclassification of position and compensation 11302
as the ~~administrator~~director of workforce insurance and safety 11303
determines to be in the interest of efficient administration. 11304
The civil service status of any person employed by the 11305
commission is not affected by this section. Personnel employed 11306
by the ~~bureau~~department of workforce insurance and safety or 11307
the commission who are subject to Chapter 4117. of the Revised 11308
Code shall retain all of their rights and benefits conferred 11309
pursuant to that chapter as it presently exists or is hereafter 11310
amended and nothing in this chapter or Chapter 4123. of the 11311
Revised Code shall be construed as eliminating or interfering 11312
with Chapter 4117. of the Revised Code or the rights and 11313
benefits conferred under that chapter to public employees or to 11314
any bargaining unit. 11315

(4) Provide offices, equipment, supplies, and other 11316
facilities for the ~~bureau~~department of workforce insurance and 11317
safety. 11318

(5) Prepare and submit to the board information the 11319
~~administrator~~director of workforce insurance and safety 11320
considers pertinent or the board requires, together with the 11321
~~administrator's~~director's recommendations, in the form of 11322

administrative rules, for the advice and consent of the board, 11323
for classifications of occupations or industries, for premium 11324
rates and contributions, for the amount to be credited to the 11325
surplus fund, for rules and systems of rating, rate revisions, 11326
and merit rating. The ~~administrator~~director shall obtain, 11327
prepare, and submit any other information the board requires for 11328
the prompt and efficient discharge of its duties. 11329

(6) Keep the accounts required by division (A) of section 11330
4123.34 of the Revised Code and all other accounts and records 11331
necessary to the collection, administration, and distribution of 11332
the workers' compensation funds and shall obtain the statistical 11333
and other information required by section 4123.19 of the Revised 11334
Code. 11335

(7) Exercise the investment powers vested in the 11336
~~administrator~~director of workforce insurance and safety by 11337
section 4123.44 of the Revised Code in accordance with the 11338
investment policy approved by the board pursuant to section 11339
4121.12 of the Revised Code and in consultation with the chief 11340
investment officer of the ~~bureau of workers'~~ 11341
~~compensation~~department of workforce insurance and safety. The 11342
~~administrator~~director shall not engage in any prohibited 11343
investment activity specified by the board pursuant to division 11344
(F) (9) of section 4121.12 of the Revised Code and shall not 11345
invest in any type of investment specified in divisions (B) (1) 11346
to (10) of section 4123.442 of the Revised Code. All business 11347
shall be transacted, all funds invested, all warrants for money 11348
drawn and payments made, and all cash and securities and other 11349
property held, in the name of the ~~bureau~~department of workforce 11350
insurance and safety, or in the name of its nominee, provided 11351
that nominees are authorized by the ~~administrator~~director 11352
solely for the purpose of facilitating the transfer of 11353

securities, and restricted to the ~~administrator~~director and 11354
designated employees. 11355

(8) In accordance with Chapter 125. of the Revised Code, 11356
purchase supplies, materials, equipment, and services. 11357

(9) Prepare and submit to the board an annual budget for 11358
internal operating purposes for the board's approval. The 11359
~~administrator~~director of workforce insurance and safety also 11360
shall, separately from the budget the industrial commission 11361
submits, prepare and submit to the director of budget and 11362
management a budget for each biennium. The budgets submitted to 11363
the board and the director of budget and management shall 11364
include estimates of the costs and necessary expenditures of the 11365
~~bureau~~department of workforce insurance and safety in the 11366
discharge of any duty imposed by law. 11367

(10) As promptly as possible in the course of efficient 11368
administration, decentralize and relocate such of the personnel 11369
and activities of the ~~bureau~~department of workforce insurance 11370
and safety as is appropriate to the end that the receipt, 11371
investigation, determination, and payment of claims may be 11372
undertaken at or near the place of injury or the residence of 11373
the claimant and for that purpose establish regional offices, in 11374
such places as the ~~administrator~~director of workforce insurance 11375
and safety considers proper, capable of discharging as many of 11376
the functions of the ~~bureau~~department as is practicable so as 11377
to promote prompt and efficient administration in the processing 11378
of claims. All active and inactive lost-time claims files shall 11379
be held at the service office responsible for the claim. A 11380
claimant, at the claimant's request, shall be provided with 11381
information by telephone as to the location of the file 11382
pertaining to the claimant's claim. The ~~administrator~~director 11383

of workforce insurance and safety shall ensure that all service 11384
office employees report directly to the director ~~for~~of their 11385
service office. 11386

(11) Provide a written binder on new coverage where the 11387
~~administrator~~director of workforce insurance and safety 11388
considers it to be in the best interest of the risk. The 11389
~~administrator~~director, or any other person authorized by the 11390
~~administrator~~director, shall grant the binder upon submission of 11391
a request for coverage by the employer. A binder is effective 11392
for a period of thirty days from date of issuance and is 11393
nonrenewable. Payroll reports and premium charges shall coincide 11394
with the effective date of the binder. 11395

(12) Set standards for the reasonable and maximum handling 11396
time of claims payment functions, ensure, by rules, the 11397
impartial and prompt treatment of all claims and employer risk 11398
accounts, and establish a secure, accurate method of time 11399
stamping all incoming mail and documents hand delivered to 11400
~~bureau~~department of workforce insurance and safety employees. 11401

(13) Ensure that all employees of the ~~bureau~~department of 11402
workforce insurance and safety follow the orders and rules of 11403
the commission as such orders and rules relate to the 11404
commission's overall adjudicatory policy-making and management 11405
duties under this chapter and Chapters 4123., 4127., and 4131. 11406
of the Revised Code. 11407

(14) Manage and operate a data processing system with a 11408
common data base for the use of both the ~~bureau~~department of 11409
workforce insurance and safety and the commission and, in 11410
consultation with the commission, using electronic data 11411
processing equipment, shall develop a claims tracking system 11412
that is sufficient to monitor the status of a claim at any time 11413

and that lists appeals that have been filed and orders or 11414
determinations that have been issued pursuant to section 11415
4123.511 or 4123.512 of the Revised Code, including the dates of 11416
such filings and issuances. 11417

(15) Establish and maintain a medical section within the 11418
~~bureau~~department of workforce insurance and safety. The medical 11419
section shall do all of the following: 11420

(a) Assist the ~~administrator~~director of workforce 11421
insurance and safety in establishing standard medical fees, 11422
approving medical procedures, and determining eligibility and 11423
reasonableness of the compensation payments for medical, 11424
hospital, and nursing services, and in establishing guidelines 11425
for payment policies which recognize usual, customary, and 11426
reasonable methods of payment for covered services; 11427

(b) Provide a resource to respond to questions from claims 11428
examiners for employees of the ~~bureau~~department of workforce 11429
insurance and safety; 11430

(c) Audit fee bill payments; 11431

(d) Implement a program to utilize, to the maximum extent 11432
possible, electronic data processing equipment for storage of 11433
information to facilitate authorizations of compensation 11434
payments for medical, hospital, drug, and nursing services; 11435

(e) Perform other duties assigned to it by the 11436
~~administrator~~director. 11437

(16) Appoint, as the ~~administrator~~director of workforce 11438
insurance and safety determines necessary, panels to review and 11439
advise the ~~administrator~~director on disputes arising over a 11440
determination that a health care service or supply provided to a 11441
claimant is not covered under this chapter or Chapter 4123., 11442

4127., or 4131. of the Revised Code or is medically unnecessary. 11443
If an individual health care provider is involved in the 11444
dispute, the panel shall consist of individuals licensed 11445
pursuant to the same section of the Revised Code as such health 11446
care provider. 11447

(17) Pursuant to section 4123.65 of the Revised Code, 11448
approve applications for the final settlement of claims for 11449
compensation or benefits under this chapter and Chapters 4123., 11450
4127., and 4131. of the Revised Code as the ~~administrator~~ 11451
director of workforce insurance and safety determines 11452
appropriate, except in regard to the applications of self- 11453
insuring employers and their employees. 11454

(18) Comply with section 3517.13 of the Revised Code, and 11455
except in regard to contracts entered into pursuant to the 11456
authority contained in section 4121.44 of the Revised Code, 11457
comply with the competitive bidding procedures set forth in the 11458
Revised Code for all contracts into which the ~~administrator~~ 11459
director of workforce insurance and safety enters provided that 11460
those contracts fall within the type of contracts and dollar 11461
amounts specified in the Revised Code for competitive bidding 11462
and further provided that those contracts are not otherwise 11463
specifically exempt from the competitive bidding procedures 11464
contained in the Revised Code. 11465

(19) Adopt, with the advice and consent of the board, 11466
rules for the operation of the ~~bureau~~department of workforce 11467
insurance and safety. 11468

(20) Prepare and submit to the board information the 11469
~~administrator~~director of workforce insurance and safety 11470
considers pertinent or the board requires, together with the 11471
~~administrator's~~director's recommendations, in the form of 11472

administrative rules, for the advice and consent of the board, 11473
for the health partnership program and the qualified health plan 11474
system, as provided in sections 4121.44, 4121.441, and 4121.442 11475
of the Revised Code. 11476

(C) The ~~administrator~~director of workforce insurance and 11477
safety, with the advice and consent of the senate, shall appoint 11478
a chief operating officer who has a minimum of five years of 11479
experience in the field of workers' compensation insurance or in 11480
another similar insurance industry if the ~~administrator~~director 11481
does not possess such experience. The chief operating officer 11482
shall not commence the chief operating officer's duties until 11483
after the senate consents to the chief operating officer's 11484
appointment. The chief operating officer shall serve in the 11485
unclassified civil service of the state. 11486

(D) As used in the Revised Code, the "bureau of workers' 11487
compensation" means the department of workforce insurance and 11488
safety and "administrator of workers' compensation" means the 11489
director of workforce insurance and safety. Whenever the bureau 11490
of workers' compensation or administrator of workers' 11491
compensation is referred to or designated in any statute, rule, 11492
contract, grant, or other document, the reference or designation 11493
shall be deemed to refer to the department of workforce 11494
insurance and safety or director of workforce insurance and 11495
safety, as the case may be. 11496

Sec. 4121.122. (A) The ~~administrator of workers'~~ 11497
~~compensation~~director of workforce insurance and safety, for 11498
employees of the ~~bureau of workers' compensation~~department of 11499
workforce insurance and safety, and the industrial commission, 11500
for employees of the commission may discipline, suspend, demote 11501
or discharge any employee for misfeasance, malfeasance, or 11502

nonfeasance. In the case of any deputy ~~administrator~~director, or 11503
of any employee assigned to the investigation or determination 11504
of claims, and finding of the ~~administrator~~director of 11505
workforce insurance and safety or the commission that such 11506
person is not efficient, impartial, or judicious, if supported 11507
by any evidence and not promoted by personal, political, racial, 11508
or religious discrimination shall be accepted as a fact 11509
justifying the action taken by the ~~administrator~~director or 11510
commission. 11511

(B) The ~~administrator~~director and the commission shall 11512
jointly adopt, in the form of a rule, a code of ethics for all 11513
employees of the ~~bureau~~department and the commission and post 11514
copies of the rule in a conspicuous place in every ~~bureau~~ 11515
department and commission office. 11516

(C) The ~~administrator~~director and the commission shall 11517
jointly adopt rules setting forth procedures designed to 11518
eliminate outside influence on ~~bureau~~department and commission 11519
employees, produce an impartial workers' compensation claims 11520
handling process, and avoid favoritism in the claims handling 11521
process. Failure to adopt and enforce these rules constitutes 11522
grounds for removal of the ~~administrator~~director and the 11523
members of the commission. 11524

Sec. 4121.123. (A) There is hereby created the ~~workers'~~ 11525
~~compensation~~department of workforce insurance and safety board 11526
of directors nominating committee consisting of the following: 11527

(1) Three individuals who are members of affiliated 11528
employee organizations of the Ohio chapter of the American 11529
federation of labor-congress of industrial organizations, who 11530
are selected by the Ohio chapter of the American federation of 11531
labor-congress of industrial organizations and who, on account 11532

of their previous vocation, employment, or affiliations, can be 11533
classed as representative of employees who are members of an 11534
employee organization. Terms of office shall be for one year, 11535
with each term ending on the same day of the same month as did 11536
the term that it succeeds. 11537

(2) Two individuals who, on account of their previous 11538
vocation, employment, or affiliations, can be classed as 11539
representative of employees, one of whom shall be an injured 11540
worker with a valid, open, and active workers' compensation 11541
claim and at least one of these two representatives also shall 11542
represent employees who are not members of an employee 11543
organization. The president of the senate and the speaker of the 11544
house of representatives each shall appoint annually one of 11545
these members. The member who is an injured worker shall serve 11546
for a full term even if the member's workers' compensation claim 11547
is invalidated, closed, or inactivated during the member's term. 11548

(3) The chief executive officer, or the equivalent of the 11549
chief executive officer, of the Ohio chamber of commerce, the 11550
Ohio manufacturers' association, the Ohio self-insurers' 11551
association, the Ohio council of retail merchants, the national 11552
federation of independent business, and the Ohio farm bureau; 11553

(4) The director of development; 11554

(5) The president of the Ohio township association and the 11555
president of the Ohio county commissioners association, or if 11556
any of the following circumstances apply: 11557

(a) In the event of a vacancy in either presidency, a 11558
designee appointed by the governing body authorized to appoint 11559
the president. A designee so appointed shall serve on the 11560
nominating committee only until the vacancy in the presidency is 11561

filled. 11562

(b) In the event that the president of the Ohio township
association is unavailable, a designee selected by the
president; 11563
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11565

(c) In the event that the president of the Ohio county
commissioners association is unavailable, a designee selected by
the president. 11566
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(B) Each member appointed under divisions (A) (1) and (2)
of this section shall hold office from the date of the member's
appointment until the end of the term for which the member was
appointed. Such members may be reappointed. Vacancies shall be
filled in the manner provided for original appointments. Any
such member appointed to fill a vacancy occurring prior to the
expiration date of the term for which the member's predecessor
was appointed shall hold office as a member for the remainder of
that term. Such a member shall continue in office subsequent to
the expiration date of the member's term until the member's
successor takes office or until a period of sixty days has
elapsed, whichever occurs first. 11569
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(C) The nominating committee shall meet at the request of
the governor or as the nominating committee determines
appropriate in order to make recommendations to the governor for
the appointment of members of the ~~bureau of workers'~~
~~compensation department of workforce insurance and safety board~~
of directors under section 4121.12 of the Revised Code. 11581
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(D) The director of development shall serve as chairperson
of the nominating committee and have no voting rights on matters
coming before the nominating committee, except that the director
may vote in the event of a tie vote of the nominating committee. 11587
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Annually, the nominating committee shall select a secretary from 11591
among its members. The nominating committee may adopt by-laws 11592
governing its proceedings. 11593

(E) Members of the nominating committee shall be paid 11594
their reasonable and necessary expenses pursuant to section 11595
126.31 of the Revised Code while engaged in the performance of 11596
their duties as members of the nominating committee. 11597

(F) The nominating committee shall: 11598

(1) Review and evaluate possible appointees for the board. 11599
In reviewing and evaluating possible appointees for the board, 11600
the nominating committee may accept comments from, cooperate 11601
with, and request information from any person. 11602

(2) Make recommendations to the governor for the 11603
appointment of members to the board as provided in division (C) 11604
of section 4121.12 of the Revised Code. 11605

(G) The nominating committee may make recommendations to 11606
the general assembly concerning changes in legislation that will 11607
assist the nominating committee in the performance of its 11608
duties. 11609

(H) As used in the Revised Code, the "bureau of workers' 11610
compensation board of directors nominating committee" means the 11611
department of workforce insurance and safety board of directors 11612
nominating committee. Whenever the bureau of workers' 11613
compensation board of directors nominating committee is referred 11614
to or designated in any statute, rule, contract, grant, or other 11615
document, the reference or designation shall be deemed to refer 11616
to the department of workforce insurance and safety board of 11617
directors nominating committee. 11618

Sec. 4121.125. (A) ~~The bureau of workers' compensation~~ 11619

department of workforce insurance and safety board of directors, 11620
based upon recommendations of the ~~workers' compensation~~ 11621
workforce insurance and safety actuarial committee, may contract 11622
with one or more outside actuarial firms and other professional 11623
persons, as the board determines necessary, to assist the board 11624
in maintaining and monitoring the performance of Ohio's workers' 11625
compensation system. The board, actuarial firm or firms, and 11626
professional persons shall perform analyses using accepted 11627
insurance industry standards, including, but not limited to, 11628
standards promulgated by the actuarial standards board of the 11629
American academy of actuaries or techniques used by the National 11630
Council on Compensation Insurance. 11631

(B) The board may contract with one or more outside firms 11632
to conduct management and financial audits of the workers' 11633
compensation system, including analyses of the reserve fund 11634
belonging to the state insurance fund, and to establish 11635
objective quality management principles and methods by which to 11636
review the performance of the workers' compensation system. 11637

(C) The board shall do all of the following: 11638

(1) Contract to have prepared annually by or under the 11639
supervision of an actuary a report that meets the requirements 11640
specified under division (E) of this section and that consists 11641
of an actuarial estimate of the unpaid liabilities of the state 11642
insurance fund and all other funds specified in this chapter and 11643
Chapters 4123., 4127., and 4131. of the Revised Code; 11644

(2) Require that the actuary or person supervised by an 11645
actuary referred to in division (C) (1) of this section complete 11646
the estimate of unpaid liabilities in accordance with the 11647
actuarial standards of practice promulgated by the actuarial 11648
standards board of the American academy of actuaries; 11649

(3) Submit the report referred to in division (C) (1) of this section to the standing committees of the house of representatives and the senate with primary responsibility for workers' compensation legislation on or before the first day of November following the year for which the estimate of unpaid liabilities was made;

(4) Have an actuary or a person who provides actuarial services under the supervision of an actuary, at such time as the board determines, and at least once during the five-year period that commences on September 10, 2007, and once within each five-year period thereafter, conduct an actuarial analysis of the mortality experience used in estimating the future costs of awards for survivor benefits and permanent total disability under sections 4123.56 to 4123.58 of the Revised Code to be used in the experience rating of an employer for purposes of premium calculation and to update the claim level reserves used in the report required by division (C) (1) of this section;

(5) Submit the report required under division (F) of this section to the standing committees of the house of representatives and the senate with primary responsibility for workers' compensation legislation not later than the first day of November following the fifth year of the period that the report covers;

(6) Have prepared by or under the supervision of an actuary an actuarial analysis of any introduced legislation expected to have a measurable financial impact on the workers' compensation system;

(7) Submit the report required under division (G) of this section to the legislative service commission and the standing committees of the house of representatives and the senate with

primary responsibility for workers' compensation legislation not 11680
later than sixty days after the date of introduction of the 11681
legislation. 11682

(D) The ~~administrator of workers' compensation director of~~ 11683
workforce insurance and safety and the industrial commission 11684
shall compile information and provide access to records of the 11685
~~bureau department of workforce insurance and safety~~ and the 11686
industrial commission to the board to the extent necessary for 11687
fulfillment of both of the following requirements: 11688

(1) Conduct of the monitoring described in division (A) of 11689
this section; 11690

(2) Conduct of the management and financial audits and 11691
establishment of the principles and methods described in 11692
division (B) of this section. 11693

(E) The firm or person with whom the board contracts 11694
pursuant to division (C) (1) of this section shall prepare a 11695
report of the analysis of the unpaid liabilities and submit the 11696
report to the board. The firm or person shall include all of the 11697
following information in the report that is required under 11698
division (C) (1) of this section: 11699

(1) A summary of the funds and components evaluated; 11700

(2) A description of the actuarial methods and assumptions 11701
used in the analysis of the unpaid liabilities; 11702

(3) A schedule showing the impact of changes in the 11703
estimates of the unpaid liabilities since the previous annual 11704
actuarial analysis report was submitted to the board. 11705

(F) The actuary or person whom the board designates to 11706
conduct an actuarial investigation under division (C) (4) of this 11707

section shall prepare a report of the actuarial investigation 11708
and shall submit the report to the board. The actuary or person 11709
shall prepare the report and make any recommended changes to the 11710
actuarial mortality assumptions in accordance with the actuarial 11711
standards of practice promulgated by the actuarial standards 11712
board of the American academy of actuaries. 11713

(G) The actuary or person whom the board designates to 11714
conduct the actuarial analysis under division (C) (6) of this 11715
section shall prepare a report of the actuarial analysis and 11716
shall submit that report to the board. The actuary or person 11717
shall complete the analysis in accordance with the actuarial 11718
standards of practice promulgated by the actuarial standards 11719
board of the American academy of actuaries. The actuary or 11720
person shall include all of the following information in the 11721
report: 11722

(1) A summary of the statutory changes being evaluated; 11723

(2) A description of or reference to the actuarial 11724
assumptions and actuarial cost method used in the report; 11725

(3) A statement of the financial impact of the 11726
legislation, including the resulting increase, if any, in 11727
employer premiums and in current estimates of unpaid 11728
liabilities. 11729

(H) The board may, at any time, request an actuary to 11730
perform actuarial analyses to determine the adequacy of the 11731
premium rates established by the ~~administrator~~ director in 11732
accordance with sections 4123.29 and 4123.34 of the Revised 11733
Code, and may adjust those rates as recommended by the actuary. 11734

(I) The board shall have an independent auditor, at least 11735
once every ten years, conduct a fiduciary performance audit of 11736

the investment program of the ~~bureau of workers' compensation~~ department of workforce insurance and safety. That
audit shall include an audit of the investment policies approved
by the board and investment procedures of the ~~bureau~~ department.
The board shall submit a copy of that audit to the auditor of
state.

(J) The ~~administrator~~ director, with the advice and consent
of the board, shall employ an internal auditor who shall report
findings directly to the board, ~~workers' compensation~~ workforce insurance and safety audit committee, and ~~administrator~~ director,
except that the internal auditor shall not report findings
directly to the ~~administrator~~ director when those findings
involve malfeasance, misfeasance, or nonfeasance on the part of
the ~~administrator~~ director. The board and the ~~workers' compensation~~ workforce insurance and safety audit committee may
request and review internal audits conducted by the internal
auditor.

(K) The ~~administrator~~ director shall pay the expenses
incurred by the board to effectively fulfill its duties and
exercise its powers under this section as the ~~administrator~~ director pays other operating expenses of the ~~bureau~~ department.

Sec. 4121.126. Except as provided in this chapter, no
member of the ~~bureau of workers' compensation~~ department of workforce insurance and safety board of directors or employee of
the ~~bureau of workers' compensation~~ department of workforce insurance and safety shall have any direct or indirect interest
in the gains or profits of any investment made by the
~~administrator of workers' compensation~~ director of workforce insurance and safety or shall receive directly or indirectly any
pay or emolument for the member's or employee's services. No

member or person connected with the ~~bureau~~department directly 11767
or indirectly, for self or as an agent or partner of others, 11768
shall borrow any of its funds or deposits or in any manner use 11769
the funds or deposits except to make current and necessary 11770
payments that are authorized by the ~~administrator~~director. No 11771
member of the board or employee of the ~~bureau~~department shall 11772
become an indorser or surety or become in any manner an obligor 11773
for moneys loaned by or borrowed from the ~~bureau~~department. 11774

The ~~administrator~~director shall make no investments 11775
through or purchases from, or otherwise do any business with, 11776
any individual who is, or any partnership, association, or 11777
corporation that is owned or controlled by, a person who within 11778
the preceding three years was employed by the ~~bureau~~department, 11779
a board member of, or an officer of the board, or a person who 11780
within the preceding three years was employed by or was an 11781
officer holding a fiduciary, administrative, supervisory, or 11782
trust position, or any other position in which such person would 11783
be involved, on behalf of the person's employer, in decisions or 11784
recommendations affecting the investment policy of the 11785
~~bureau~~department, and in which such person would benefit by any 11786
monetary gain. 11787

Sec. 4121.127. (A) Except as provided in division (B) of 11788
this section, a fiduciary shall not cause the ~~bureau of workers'~~ 11789
~~compensation~~department of workforce insurance and safety to 11790
engage in a transaction, if the fiduciary knows or should know 11791
that such transaction constitutes any of the following, whether 11792
directly or indirectly: 11793

(1) The sale, exchange, or leasing of any property between 11794
the ~~bureau~~department and a party in interest; 11795

(2) Lending of money or other extension of credit between 11796

the ~~bureau~~department and a party in interest; 11797

(3) Furnishing of goods, services, or facilities between 11798
the ~~bureau~~department and a party in interest; 11799

(4) Transfer to, or use by or for the benefit of a party 11800
in interest, of any assets of the ~~bureau~~department; 11801

(5) Acquisition, on behalf of the ~~bureau~~department, of any 11802
employer security or employer real property. 11803

(B) Nothing in this section shall prohibit any transaction 11804
between the ~~bureau~~department and any fiduciary or party in 11805
interest if both of the following occur: 11806

(1) All the terms and conditions of the transaction are 11807
comparable to the terms and conditions that might reasonably be 11808
expected in a similar transaction between similar parties who 11809
are not parties in interest. 11810

(2) The transaction is consistent with fiduciary duties 11811
under this chapter and Chapters 4123., 4127., and 4131. of the 11812
Revised Code. 11813

(C) A fiduciary shall not do any of the following: 11814

(1) Deal with the assets of the ~~bureau~~department in the 11815
fiduciary's own interest or for the fiduciary's own account; 11816

(2) In the fiduciary's individual capacity or in any other 11817
capacity, act in any transaction involving the ~~bureau~~department 11818
on behalf of a party, or represent a party, whose interests are 11819
adverse to the interests of the ~~bureau~~department or to the 11820
injured employees served by the ~~bureau~~department; 11821

(3) Receive any consideration for the fiduciary's own 11822
personal account from any party dealing with the ~~bureau~~ 11823

department in connection with a transaction involving the assets 11824
of the ~~bureau~~department. 11825

(D) In addition to any liability that a fiduciary may have 11826
under any other provision, a fiduciary, with respect to 11827
~~bureau~~the department, shall be liable for a breach of fiduciary 11828
responsibility in any of the following circumstances: 11829

(1) If the fiduciary knowingly participates in or 11830
knowingly undertakes to conceal an act or omission of another 11831
fiduciary, knowing such act or omission is a breach; 11832

(2) If, by the fiduciary's failure to comply with this 11833
chapter or Chapter 4123., 4127., or 4131. of the Revised Code, 11834
the fiduciary has enabled another fiduciary to commit a breach; 11835

(3) If the fiduciary has knowledge of a breach by another 11836
fiduciary of that fiduciary's duties under this chapter and 11837
Chapters 4123., 4127., and 4131. of the Revised Code, unless the 11838
fiduciary makes reasonable efforts under the circumstances to 11839
remedy the breach. 11840

(E) Every fiduciary of the ~~bureau~~department shall be 11841
bonded or insured for an amount of not less than one million 11842
dollars for loss by reason of acts of fraud or dishonesty. 11843

(F) As used in this section, "fiduciary" means a person 11844
who does any of the following: 11845

(1) Exercises discretionary authority or control with 11846
respect to the management of the ~~bureau~~department or with 11847
respect to the management or disposition of its assets; 11848

(2) Renders investment advice for a fee, directly or 11849
indirectly, with respect to money or property of the 11850
~~bureau~~department; 11851

(3) Has discretionary authority or responsibility in the 11852
administration of the ~~bureau~~department. 11853

Sec. 4121.128. The attorney general shall be the legal 11854
adviser of the ~~bureau of workers' compensation department of~~ 11855
workforce insurance and safety board of directors. 11856

Sec. 4121.129. (A) There is hereby created the ~~workers'~~ 11857
~~compensation~~workforce insurance and safety audit committee 11858
consisting of at least three members. One member shall be the 11859
member of the ~~bureau of workers' compensation department of~~ 11860
workforce insurance and safety board of directors who is a 11861
certified public accountant. The board, by majority vote, shall 11862
appoint two additional members of the board to serve on the 11863
audit committee and may appoint additional members who are not 11864
board members, as the board determines necessary. Members of the 11865
audit committee serve at the pleasure of the board, and the 11866
board, by majority vote, may remove any member except the member 11867
of the committee who is the certified public accountant member 11868
of the board. The board, by majority vote, shall determine how 11869
often the audit committee shall meet and report to the board. If 11870
the audit committee meets on the same day as the board holds a 11871
meeting, no member shall be compensated for more than one 11872
meeting held on that day. The audit committee shall do all of 11873
the following: 11874

(1) Recommend to the board an accounting firm to perform 11875
the annual audits required under division (B) of section 4123.47 11876
of the Revised Code; 11877

(2) Recommend an auditing firm for the board to use when 11878
conducting audits under section 4121.125 of the Revised Code; 11879

(3) Review the results of each annual audit and management 11880

review and, if any problems exist, assess the appropriate course 11881
of action to correct those problems and develop an action plan 11882
to correct those problems; 11883

(4) Monitor the implementation of any action plans created 11884
pursuant to division (A) (3) of this section; 11885

(5) Review all internal audit reports on a regular basis. 11886

(B) There is hereby created the ~~workers' compensation~~ 11887
workforce insurance and safety actuarial committee consisting of 11888
at least three members. One member shall be the member of the 11889
board who is an actuary. The board, by majority vote, shall 11890
appoint two additional members of the board to serve on the 11891
actuarial committee and may appoint additional members who are 11892
not board members, as the board determines necessary. Members of 11893
the actuarial committee serve at the pleasure of the board and 11894
the board, by majority vote, may remove any member except the 11895
member of the committee who is the actuary member of the board. 11896
The board, by majority vote, shall determine how often the 11897
actuarial committee shall meet and report to the board. If the 11898
actuarial committee meets on the same day as the board holds a 11899
meeting, no member shall be compensated for more than one 11900
meeting held on that day. The actuarial committee shall do both 11901
of the following: 11902

(1) Recommend actuarial consultants for the board to use 11903
for the funds specified in this chapter and Chapters 4123., 11904
4127., and 4131. of the Revised Code; 11905

(2) Review and approve the various rate schedules prepared 11906
and presented by the actuarial division of the ~~bureau department~~ 11907
of workforce insurance and safety or by actuarial consultants 11908
with whom the board enters into a contract. 11909

(C) (1) There is hereby created the ~~workers' compensation-~~ 11910
workforce insurance and safety investment committee consisting 11911
of at least four members. Two of the members shall be the 11912
members of the board who serve as the investment and securities 11913
experts on the board. The board, by majority vote, shall appoint 11914
two additional members of the board to serve on the investment 11915
committee and may appoint additional members who are not board 11916
members. Each additional member the board appoints shall have at 11917
least one of the following qualifications: 11918

(a) Experience managing another state's pension funds or 11919
workers' compensation funds; 11920

(b) Expertise that the board determines is needed to make 11921
investment decisions. 11922

Members of the investment committee serve at the pleasure 11923
of the board and the board, by majority vote, may remove any 11924
member except the members of the committee who are the 11925
investment and securities expert members of the board. The 11926
board, by majority vote, shall determine how often the 11927
investment committee shall meet and report to the board. If the 11928
investment committee meets on the same day as the board holds a 11929
meeting, no member shall be compensated for more than one 11930
meeting held on that day. 11931

(2) The investment committee shall do all of the 11932
following: 11933

(a) Develop the investment policy for the administration 11934
of the investment program for the funds specified in this 11935
chapter and Chapters 4123., 4127., and 4131. of the Revised Code 11936
in accordance with the requirements specified in section 11937
4123.442 of the Revised Code; 11938

- (b) Submit the investment policy developed pursuant to 11939
division (C) (2) (a) of this section to the board for approval; 11940
- (c) Monitor implementation by the ~~administrator of~~ 11941
~~workers' compensation director of workforce insurance and safety~~ 11942
and the ~~bureau of workers' compensation department of workforce~~ 11943
~~insurance and safety chief~~ investment officer of the investment 11944
policy approved by the board; 11945
- (d) Recommend outside investment counsel with whom the 11946
board may contract to assist the investment committee in 11947
fulfilling its duties; 11948
- (e) Review the performance of the ~~bureau of workers'~~ 11949
~~compensation department of workforce insurance and safety chief~~ 11950
investment officer and any investment consultants retained by 11951
the ~~administrator director~~ to assure that the investments of the 11952
assets of the funds specified in this chapter and Chapters 11953
4123., 4127., and 4131. of the Revised Code are made in 11954
accordance with the investment policy approved by the board and 11955
to assure compliance with the investment policy and effective 11956
management of the funds. 11957
- (D) (1) As used in the Revised Code: 11958
- (a) "Workers' compensation audit committee" means the 11959
workforce insurance and safety audit committee. 11960
- (b) "Workers' compensation actuarial committee" means the 11961
workforce insurance and safety actuarial committee. 11962
- (c) "Workers' compensation investment committee" means the 11963
workforce insurance and safety investment committee. 11964
- (2) Whenever the workers' compensation audit committee, 11965
workers' compensation actuarial committee, or workers' 11966

compensation investment committee is referred to or designated 11967
in any statute, rule, contract, grant, or other document, the 11968
reference or designation shall be deemed to refer to the 11969
workforce insurance and safety audit committee, workforce 11970
insurance and safety actuarial committee, or workforce insurance 11971
and safety investment committee, respectively. 11972

Sec. 4121.13. ~~The administrator of workers' compensation~~ 11973
director of workforce insurance and safety shall: 11974

(A) Investigate, ascertain, and declare and prescribe what 11975
hours of labor, safety devices, safeguards, or other means or 11976
methods of protection are best adapted to render the employees 11977
of every employment and place of employment and frequenters of 11978
every place of employment safe, and to protect their welfare as 11979
required by law or lawful orders, and establish and maintain 11980
museums of safety and hygiene in which shall be exhibited safety 11981
devices, safeguards, and other means and methods for the 11982
protection of life, health, safety, and welfare of employees; 11983

(B) Ascertain and fix reasonable standards and prescribe, 11984
modify, and enforce reasonable orders for the adoption of safety 11985
devices, safeguards, and other means or methods of protection to 11986
be as nearly uniform as possible as may be necessary to carry 11987
out all laws and lawful orders relative to the protection of the 11988
life, health, safety, and welfare of employees in employments 11989
and places of employment or frequenters of places of employment; 11990

(C) Ascertain, fix, and order reasonable standards for the 11991
construction, repair, and maintenance of places of employment as 11992
shall render them safe; 11993

(D) Investigate, ascertain, and determine reasonable 11994
classifications of persons, employments, and places of 11995

employment as are necessary to carry out the applicable sections 11996
of sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 11997
Revised Code; 11998

(E) Adopt reasonable and proper rules relative to the 11999
exercise of ~~his~~the director's powers and authorities, and proper 12000
rules to govern ~~his~~the director's proceedings and to regulate 12001
the mode and manner of all investigations and hearings, which 12002
rules shall not be effective until ten days after their 12003
publication; a copy of the rules shall be delivered at cost to 12004
every citizen making application therefor; 12005

(F) Investigate all cases of fraud or other illegalities 12006
pertaining to the operation of the workers' compensation system 12007
and its several insurance funds and for that purpose, the 12008
~~administrator~~director has every power of an inquisitorial 12009
nature granted to the industrial commission in this chapter and 12010
Chapter 4123. of the Revised Code; 12011

(G) Do all things convenient and necessary to accomplish 12012
the purposes directed in sections 4101.01 to 4101.16 and 4121.01 12013
to 4121.28 of the Revised Code; 12014

(H) Nothing in this section shall be construed to 12015
supersede section 4105.011 of the Revised Code in particular, or 12016
Chapter 4105. of the Revised Code in general. 12017

Sec. 4121.131. ~~The bureau of workers' compensation~~ 12018
department of workforce insurance and safety special 12019
investigation department is a criminal justice agency in 12020
investigating reported violations of law relating to workers' 12021
compensation, and as such may apply for access to the 12022
computerized databases administered by the national crime 12023
information center or the law enforcement automated data system 12024

in Ohio and to other computerized databases administered for the 12025
purpose of making criminal justice information accessible to 12026
state and criminal justice agencies. 12027

Sec. 4121.14. For the purpose of making any investigation 12028
with regard to any employment or place of employment, the 12029
~~administrator of workers' compensation~~ director of workforce 12030
insurance and safety may appoint, by an order in writing, any 12031
employee of the ~~bureau of workers' compensation~~ department of 12032
workforce insurance and safety, any deputy, who is a citizen of 12033
the state, or any other competent person who is a resident of 12034
the state, as an agent whose duty shall be prescribed in the 12035
order. 12036

In the discharge of ~~his~~ official duties the agent shall 12037
have every power whatsoever of an inquisitorial nature granted 12038
in sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 12039
Revised Code to the ~~bureau~~ department, and the same powers as a 12040
master commissioner appointed by a court of common pleas with 12041
regard to taking testimony. 12042

The ~~bureau~~ department may conduct any number of 12043
investigations contemporaneously through different agents, and 12044
may delegate to agents the taking of all testimony bearing upon 12045
any investigation or hearing. 12046

The decision of the ~~bureau~~ department shall be based upon 12047
its examination of all testimony and records. The 12048
recommendations made by agents shall be advisory only and shall 12049
not preclude the taking of further testimony if the ~~bureau~~ 12050
department orders, nor further investigation. 12051

Sec. 4121.15. The ~~administrator of workers' compensation~~ 12052
director of workforce insurance and safety and ~~his~~ the director's 12053

designees, for the purposes mentioned in sections 4121.01 to 12054
4121.29 of the Revised Code may administer oaths, certify to 12055
official acts, issue subpoenas, and compel attendance of 12056
witnesses and the production of papers, books, accounts, 12057
documents, and testimony. In case of the failure of any person 12058
to comply with any order of the ~~bureau of workers' compensation~~ 12059
department of workforce insurance and safety or any subpoena 12060
lawfully issued, or upon the refusal of any witness to testify 12061
to any matter regarding which ~~he~~the witness may be lawfully 12062
interrogated, the judge of the court of common pleas of any 12063
county in this state, on the application of the 12064
~~bureau~~department, shall compel obedience by attachment 12065
proceedings for contempt as in the case of disobedience of the 12066
requirements of a subpoena issued from the court or a refusal to 12067
testify therein. 12068

Sec. 4121.16. Each witness who appears before the ~~bureau~~ 12069
~~of workers' compensation~~ department of workforce insurance and 12070
safety by its order shall receive for the witness's attendance 12071
the fees and mileage provided for under section 119.094 of the 12072
Revised Code, which shall be paid from the state insurance fund 12073
on the approval of the ~~administrator of workers'~~ 12074
~~compensation~~director of workforce insurance and safety. No 12075
witnesses subpoenaed at the instance of the parties other than 12076
the ~~bureau is~~department are entitled to compensation from the 12077
state for attendance or travel unless the ~~bureau~~ department 12078
certifies that the witness's testimony was material to the 12079
matter investigated. 12080

Sec. 4121.17. (A) Upon petition by any person that any 12081
employment or place of employment is not safe or is injurious to 12082
the welfare of any employee or frequenter, the ~~bureau of~~ 12083
~~workers' compensation~~ department of workforce insurance and 12084

safety shall proceed with or without notice to make an 12085
investigation as is necessary to determine the matter complained 12086
of. 12087

(B) After such hearing as is necessary, the 12088
~~bureau~~department may enter any necessary order relative thereto 12089
to render the employment or place of employment safe and not 12090
injurious to the welfare of the employees therein or frequenters 12091
thereof. 12092

(C) Whenever the ~~bureau~~department learns that any 12093
employment or place of employment is not safe or is injurious to 12094
the welfare of any employee or frequenter, it may of its own 12095
motion summarily investigate the same, with or without notice, 12096
and issue such order as is necessary thereto. 12097

Sec. 4121.19. A full and complete record shall be kept of 12098
all proceedings had before the ~~bureau of workers' compensation~~
department of workforce insurance and safety on any 12099
investigation, and all testimony shall be taken down by a 12100
stenographer appointed by the ~~bureau~~department. 12101
12102

Sec. 4121.20. The ~~bureau of workers' compensation~~
department of workforce insurance and safety or any party may in 12103
any investigation cause depositions of witnesses residing within 12104
or without the state to be taken in the manner prescribed by law 12105
for like depositions in civil actions. 12106
12107

Sec. 4121.21. (A) All general orders of the ~~bureau of~~
~~workers' compensation~~department of workforce insurance and
safety shall take effect within thirty days after their 12108
publication. Special orders shall take effect as therein 12109
directed. 12110
12111
12112

(B) The ~~bureau~~department shall, upon application of any 12113

employer, grant such time as is reasonably necessary for 12114
compliance with any order. 12115

(C) Any person may petition the ~~bureau~~department for an 12116
extension of time, which the ~~bureau~~department shall grant if it 12117
finds the extension of time necessary. 12118

Sec. 4121.22. Sections 4101.01 to 4101.16 and 4121.01 to 12119
4121.29 of the Revised Code do not deprive the legislative 12120
authority of any municipal corporation or any board of trustees 12121
or officer of any municipal corporation of any power or 12122
jurisdiction over or relative to any place of employment, 12123
provided that whenever the ~~bureau of workers'~~ 12124
~~compensation~~department of workforce insurance and safety, by an 12125
order, fixes a standard of safety or any hygienic condition for 12126
employments or places of employment, the order shall, upon the 12127
filing by the ~~bureau~~department of a copy thereof with the clerk 12128
of the municipal corporation to which it applies, be held to 12129
amend or modify any similar conflicting local order in any 12130
particular matters governed by the order. Thereafter, no local 12131
officer shall make or enforce any order to the contrary. 12132

Any person affected by any local order in conflict with an 12133
order of the ~~bureau~~department may petition the ~~bureau~~ 12134
department for a hearing on the ground that the local order is 12135
unreasonable and in conflict with the order of the 12136
~~bureau~~department. The petition for hearing shall conform to the 12137
requirements set forth for a petition in section 4121.23 of the 12138
Revised Code. 12139

Upon receipt of the petition, the ~~bureau~~department shall 12140
order a hearing to consider and determine the issues raised by 12141
the appeal, which hearing shall be held in the municipal 12142
corporation where the local order appealed from was made. Notice 12143

of the time and place of the hearing shall be given to the 12144
petitioner and such other persons as the ~~bureau~~department finds 12145
directly interested in the decision, including the clerk of the 12146
village or the mayor of the municipal corporation from which the 12147
appeal came. 12148

If upon investigation the ~~bureau~~department finds that the 12149
local order appealed from is unreasonable and in conflict with 12150
the order of the ~~bureau~~department, the ~~bureau~~department may 12151
modify its order and shall substitute for the local order 12152
appealed from such order as is reasonable and legal in the 12153
premises, and thereafter the local order, in such particulars, 12154
is void. 12155

Sec. 4121.23. Any employer or other person interested 12156
either because of ownership in or occupation of any property 12157
affected by any order of the ~~bureau of workers'~~ 12158
~~compensation~~department of workforce insurance and safety, or 12159
otherwise, may petition for a hearing on the reasonableness and 12160
lawfulness of any ~~bureau~~department order. 12161

The petition for hearing shall be by verified petition, 12162
filed with the ~~bureau~~department, setting out specifically and in 12163
full detail the order upon which a hearing is desired and every 12164
reason why the order is unreasonable or unlawful, and every 12165
issue to be considered by the ~~bureau~~department on the hearing. 12166
The petitioner shall be deemed to have finally waived all 12167
objection to any irregularities and illegalities in the order 12168
upon which a hearing is sought other than those set forth in the 12169
petition. All hearings of the ~~bureau~~department shall be open to 12170
the public. 12171

Upon receipt of the petition, if the issues raised in the 12172
petition have theretofore been adequately considered, the ~~bureau~~ 12173

department shall determine the same by confirming, without 12174
hearing, its previous determination, or if a hearing is 12175
necessary to determine the issues raised, the ~~bureau~~department 12176
shall order a hearing thereon and consider and determine the 12177
matters in question at the time prescribed. 12178

Notice of the time and place of the hearing shall be given 12179
to the petitioner and to such other persons as the ~~bureau~~ 12180
department finds directly interested in the decision. 12181

Upon an investigation, if it is found that the order 12182
complained of is unlawful or unreasonable, the ~~bureau~~department 12183
shall substitute a lawful and reasonable order therefor. 12184

Whenever at the time of final determination upon hearing 12185
it is found that further time is reasonably necessary for 12186
compliance with the order of the ~~bureau~~department, the ~~bureau~~ 12187
department shall grant such time as is reasonably necessary for 12188
compliance. 12189

Sec. 4121.24. No action, proceeding, or suit to set aside, 12190
vacate, or amend any order of the ~~bureau of workers'~~ 12191
~~compensation~~department of workforce insurance and safety, or to 12192
enjoin the enforcement thereof, shall be brought unless the 12193
plaintiff has applied to the ~~bureau~~department for a hearing 12194
thereon at the time and as provided in section 4121.23 of the 12195
Revised Code and in the petition therefor has raised every issue 12196
raised in the action. 12197

Every order of the ~~bureau~~department is, in every 12198
prosecution for a violation thereof, conclusively presumed to be 12199
just, reasonable, and lawful, unless prior to the institution of 12200
the prosecution for the violation an action has been brought to 12201
vacate and set aside the order as provided in section 4121.28 of 12202

the Revised Code. 12203

Sec. 4121.25. Any employer or other person in interest who 12204
is dissatisfied with any order of the ~~bureau of workers'~~ 12205
~~compensation department of workforce insurance and safety~~ may 12206
commence an action in the supreme court, against the ~~bureau-~~ 12207
~~department~~ as defendant, to set aside, vacate, or amend any 12208
order on the ground that the order is unreasonable or unlawful 12209
and the supreme court has exclusive jurisdiction to hear and 12210
determine the action. The ~~bureau department~~ shall be served with 12211
summons as in other civil cases. 12212

The answer of the ~~bureau department~~ shall be filed within 12213
ten days after service of summons upon it and with its answer it 12214
shall file a certified transcript of its record in the matter. 12215
Upon the filing of the answer the action shall be at issue and 12216
shall be advanced and assigned for trial by the court, upon the 12217
application of either party, at the earliest possible date. 12218

Sec. 4121.26. If upon the trial of an action under section 12219
4121.25 of the Revised Code it appears that all issues arising 12220
in the action have not theretofore been presented to the ~~bureau-~~ 12221
~~of workers' compensation department of workforce insurance and~~ 12222
~~safety~~ in the petition filed as provided in section 4121.23 of 12223
the Revised Code, or that the ~~bureau department~~ has not 12224
theretofore had ample opportunity to hear and determine any of 12225
the issues raised in the action, or has for any reason not in 12226
fact heard and determined the issues raised, the court shall, 12227
before proceeding to render judgment, unless the parties to the 12228
action stipulate to the contrary, transmit to the ~~bureau-~~ 12229
~~department~~ a full statement of the issues not adequately 12230
considered and shall stay further proceedings in the action for 12231
fifteen days from the date of transmission and may thereafter 12232

grant such further stay as is necessary. 12233

Upon the receipt of the statement the ~~bureau~~department 12234
shall consider the issues not theretofore considered, and may 12235
alter, modify, amend, or rescind its order complained of in the 12236
action, and shall report its order thereon to the court within 12237
ten days from the receipt of the statement from the court for 12238
further hearing and consideration. 12239

The court shall thereupon order such amendment or other 12240
proceeding as is necessary to raise the issues as changed by the 12241
modification of order as has been made by the ~~bureau~~department 12242
upon the hearing, if any modification has in fact been made, and 12243
shall thereupon proceed with the action in the manner provided 12244
by law for other civil actions. 12245

Sec. 4121.27. No court of this state, except the supreme 12246
court to the extent specified by sections 4101.01 to 4101.16 and 12247
4121.01 to 4121.29 of the Revised Code has jurisdiction to 12248
review, vacate, set aside, reverse, revise, correct, amend, or 12249
annul any order of the ~~bureau of workers' compensation~~department 12250
of workforce insurance and safety, or to suspend or delay the 12251
execution or operation thereof or to enjoin, restrain, or 12252
interfere with the ~~bureau~~department in the performance of its 12253
official duties. The writ of mandamus shall lie from the supreme 12254
court to the ~~bureau~~department in all proper cases. 12255

Sec. 4121.28. The pendency of an action to set aside, 12256
vacate, or amend an order of the ~~bureau of workers' compensation~~department 12257
of workforce insurance and safety shall not of itself 12258
stay or suspend the operation of an order of the 12259
~~bureau~~department, but during the pendency of the action the 12260
supreme court may stay or suspend, in whole or in part, the 12261
operation of the ~~bureau's~~department's order. No order so 12262

staying or suspending an order of the ~~bureau~~department shall be 12263
made by the supreme court otherwise than upon three days' notice 12264
and after hearing. 12265

In case the order is stayed or suspended the order of the 12266
supreme court shall not become effective until a suspending bond 12267
has first been executed and filed with and approved by the 12268
~~bureau~~department, or by the supreme court or the clerk thereof, 12269
payable to the state and sufficient in amount and security to 12270
insure the prompt payment by the party petitioning to set aside, 12271
vacate, or amend the order of all damages caused by the delay in 12272
the enforcement of the order of the ~~bureau~~department. 12273

Sec. 4121.29. All actions and proceedings under sections 12274
4101.01 to 4101.16 and 4121.01 to 4121.29 of the Revised Code 12275
and all actions or proceedings to which the ~~bureau of workers'~~ 12276
~~compensation~~department of workforce insurance and safety or the 12277
state is a party, and in which any question arises under such 12278
sections, or under or concerning any order of the 12279
~~bureau~~department, shall be preferred over all other civil cases, 12280
except election causes and causes involving or affecting the 12281
public utilities commission, irrespective of position on the 12282
calendar. The same preference shall be granted upon application 12283
of the attorney of the ~~bureau~~department in any action or 12284
proceeding in which ~~he~~the attorney of the department may be 12285
allowed to intervene. 12286

Sec. 4121.30. (A) All rules governing the operating 12287
procedure of the ~~bureau of workers' compensation~~department of 12288
workforce insurance and safety and the industrial commission 12289
shall be adopted in accordance with Chapter 119. of the Revised 12290
Code, except that determinations of the ~~bureau~~department, 12291
district hearing officers, staff hearing officers, and the 12292

commission, with respect to an individual employee's claim to 12293
participate in the state insurance fund are governed only by 12294
Chapter 4123. of the Revised Code. 12295

The ~~administrator of workers' compensation~~ director of 12296
workforce insurance and safety and commission shall proceed 12297
jointly, in accordance with Chapter 119. of the Revised Code, 12298
including a joint hearing, to adopt joint rules governing the 12299
operating procedures of the ~~bureau~~ department and commission. 12300

(B) Upon submission to the ~~bureau~~ department or the 12301
commission of a petition containing not less than fifteen 12302
hundred signatures of adult residents of the state, any 12303
individual may propose a rule for adoption, amendment, or 12304
rescission by the ~~bureau~~ department or the commission. If, upon 12305
investigation, the ~~bureau~~ department or commission is satisfied 12306
that the signatures upon the petition are valid, it shall 12307
proceed, in accordance with Chapter 119. of the Revised Code, to 12308
consider adoption, amendment, or rescission of the rule. 12309

(C) The ~~administrator~~ director shall make available 12310
electronically all rules adopted by the ~~bureau~~ department and 12311
the commission and shall make available in a timely manner all 12312
rules adopted by the ~~bureau~~ department and the commission that 12313
are currently in force. 12314

(D) The rule-making authority granted to the ~~administrator~~ 12315
director under this section does not limit the commission's 12316
rule-making authority relative to its overall adjudicatory 12317
policy-making and management duties under this chapter and 12318
Chapters 4123., 4127., and 4131. of the Revised Code. The 12319
~~administrator~~ director shall not disregard any rule adopted by 12320
the commission, provided that the rule is within the 12321
commission's rule-making authority. 12322

Sec. 4121.31. (A) The ~~administrator of workers' compensation~~ director of workforce insurance and safety and the industrial commission jointly shall adopt rules covering the following general topics with respect to this chapter and Chapter 4123. of the Revised Code:

(1) Rules that set forth any general policy and the principal operating procedures of the ~~bureau of workers' compensation~~ department of workforce insurance and safety or commission, including but not limited to:

(a) Assignment to various operational units of any duties placed upon the ~~administrator~~ director or the commission by statute;

(b) Procedures for decision-making;

(c) Procedures governing the appearances of a claimant, employer, or their representatives before the agency in a hearing;

(d) Procedures that inform claimants, on request, of the status of a claim and any actions necessary to maintain the claim;

(e) Time goals for activities of the ~~bureau~~ department or commission;

(f) Designation of the person or persons authorized to issue directives with directives numbered and distributed from a central distribution point to persons on a list maintained for that purpose.

(2) A rule barring any employee of the ~~bureau~~ department or commission from having a workers' compensation claims file in the employee's possession unless the file is necessary to the

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performance of the employee's duties. 12351

(3) All claims, whether of a state fund or self-insuring 12352
employer, be processed in an orderly, uniform, and timely 12353
fashion. 12354

(4) Rules governing the submission and sending of 12355
applications, notices, evidence, and other documents by 12356
electronic means. The rules shall provide that where this 12357
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 12358
requires that a document be in writing or requires a signature, 12359
the ~~administrator-director~~ and the commission, to the extent of 12360
their respective jurisdictions, may approve of and provide for 12361
the electronic submission and sending of those documents, and 12362
the use of an electronic signature on those documents. 12363

(B) As used in this section: 12364

(1) "Electronic" includes electrical, digital, magnetic, 12365
optical, electromagnetic, facsimile, or any other form of 12366
technology that entails capabilities similar to these 12367
technologies. 12368

(2) "Electronic record" means a record generated, 12369
communicated, received, or stored by electronic means for use in 12370
an information system or for transmission from one information 12371
system to another. 12372

(3) "Electronic signature" means a signature in electronic 12373
form attached to or logically associated with an electronic 12374
record. 12375

Sec. 4121.32. (A) The rules covering operating procedure 12376
and criteria for decision-making that the ~~administrator of~~ 12377
~~workers' compensation~~ director of workforce insurance and safety 12378
and the industrial commission are required to adopt pursuant to 12379

section 4121.31 of the Revised Code shall be supplemented with 12380
operating manuals setting forth the procedural steps in detail 12381
for performing each of the assigned tasks of each section of the 12382
~~bureau of workers' compensation~~ department of workforce 12383
insurance and safety and commission. The ~~administrator~~ director 12384
and commission jointly shall adopt such manuals. No employee may 12385
deviate from manual procedures without authorization of the 12386
section chief. 12387

(B) Manuals shall set forth the procedure for the 12388
assignment and transfer of claims within sections and be 12389
designed to provide performance objectives and may require 12390
employees to record sufficient data to reasonably measure the 12391
efficiency of functions in all sections. The ~~bureau~~ department 12392
shall perform periodic cost-effectiveness analyses that shall be 12393
made available to the general assembly, the governor, and to the 12394
public during normal working hours. 12395

(C) The ~~bureau~~ department and commission jointly shall 12396
develop, adopt, and use a policy manual setting forth the 12397
guidelines and bases for decision-making for any decision which 12398
is the responsibility of the ~~bureau~~ department, district hearing 12399
officers, staff hearing officers, or the commission. Guidelines 12400
shall be set forth in the policy manual by the ~~bureau~~ department 12401
and commission to the extent of their respective jurisdictions 12402
for deciding at least the following specific matters: 12403

- (1) Reasonable ambulance services; 12404
- (2) Relationship of drugs to injury; 12405
- (3) Awarding lump-sum advances for creditors; 12406
- (4) Awarding lump-sum advances for attorney's fees; 12407
- (5) Placing a claimant into rehabilitation; 12408

(6) Transferring costs of a claim from employer costs to the statutory surplus fund pursuant to section 4123.343 of the Revised Code; 12409
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(7) Utilization of physician specialist reports; 12412

(8) Determining the percentage of permanent partial disability, temporary partial disability, temporary total disability, violations of specific safety requirements, an award under division (B) of section 4123.57 of the Revised Code, and permanent total disability. 12413
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(D) The ~~bureau~~department shall establish, adopt, and implement policy guidelines and bases for decisions involving reimbursement issues including, but not limited to, the adjustment of invoices, the reduction of payments for future services when an internal audit concludes that a health care provider was overpaid or improperly paid for past services, reimbursement fees, or other adjustments to payments. These policy guidelines and bases for decisions, and any changes to the guidelines and bases, shall be set forth in a reimbursement manual and provider bulletins. 12418
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Neither the policy guidelines nor the bases set forth in the reimbursement manual or provider bulletins referred to in this division is a rule as defined in section 119.01 of the Revised Code. 12428
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(E) With respect to any determination of disability under Chapter 4123. of the Revised Code, when the physician makes a determination based upon statements or information furnished by the claimant or upon subjective evidence, the physician shall clearly indicate this fact in the physician's report. 12432
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(F) The ~~administrator~~director shall publish the manuals 12437

and make copies of all manuals available to interested parties 12438
at cost. 12439

Sec. 4121.34. (A) District hearing officers shall hear the 12440
matters listed in division (B) of this section. District hearing 12441
officers are in the classified civil service of the state, are 12442
full-time employees of the industrial commission, and shall be 12443
persons admitted to the practice of law in this state. District 12444
hearing officers shall not engage in any other activity that 12445
interferes with their full-time employment by the commission 12446
during normal working hours. 12447

(B) District hearing officers shall have original 12448
jurisdiction on all of the following matters: 12449

(1) Determinations under section 4123.57 of the Revised 12450
Code; 12451

(2) All appeals from a decision of the ~~administrator of~~ 12452
~~workers' compensation~~ director of workforce insurance and safety 12453
under division (B) of section 4123.511 of the Revised Code; 12454

(3) All other contested claims matters under this chapter 12455
and Chapters 4123., 4127., and 4131. of the Revised Code, except 12456
those matters over which staff hearing officers have original 12457
jurisdiction. 12458

(C) The ~~administrator of workers' compensation~~ director 12459
shall make available to each district hearing officer the 12460
facilities and assistance of ~~bureau~~ department of workforce 12461
insurance and safety employees and furnish all information 12462
necessary to the performance of the district hearing officer's 12463
duties. 12464

Sec. 4121.35. (A) Staff hearing officers shall consider 12465
and decide all matters specified in division (B) of this 12466

section. All staff hearing officers are full-time employees of 12467
the industrial commission and shall be admitted to the practice 12468
of law in this state. Staff hearing officers shall not engage in 12469
any other activity that interferes with their full-time 12470
employment by the commission during normal working hours. 12471

(B) Except as provided in division (D) of this section, 12472
staff hearing officers have original jurisdiction to hear and 12473
decide the following matters: 12474

(1) Applications for permanent, total disability awards 12475
pursuant to section 4123.58 of the Revised Code; 12476

(2) Appeals from an order of a district hearing officer 12477
issued under division (C) of section 4123.511 of the Revised 12478
Code; 12479

(3) Applications for additional awards for violation of a 12480
specific safety rule of the ~~administrator of workers'~~ 12481
~~compensation~~ director of workforce insurance and safety pursuant 12482
to Section 35 of Article II of the Ohio Constitution; 12483

(4) Applications for reconsideration pursuant to division 12484
(A) of section 4123.57 of the Revised Code. Decisions of the 12485
staff hearing officers on reconsideration pursuant to division 12486
(A) of section 4123.57 of the Revised Code are final. 12487

(5) Reviews of settlement agreements pursuant to section 12488
4123.65 of the Revised Code. Decisions of the staff hearing 12489
officer under that section are final and not appealable to the 12490
commission or to court under section 4123.511 or 4123.512 of the 12491
Revised Code. 12492

(C) The decision of a staff hearing officer under division 12493
(D) of section 4123.511 of the Revised Code is the decision of 12494
the commission for the purposes of section 4123.512 of the 12495

Revised Code unless the commission hears an appeal under 12496
division (E) of section 4123.511 of the Revised Code. 12497

(D) Staff hearing officers shall hold hearings on all 12498
matters referred to them for hearing. Hearing procedures shall 12499
conform to the rules the commission adopts pursuant to section 12500
4121.36 of the Revised Code. 12501

Sec. 4121.36. (A) The industrial commission shall adopt 12502
rules as to the conduct of all hearings before the commission 12503
and its staff and district hearing officers and the rendering of 12504
a decision and shall focus such rules on managing, directing, 12505
and otherwise ensuring a fair, equitable, and uniform hearing 12506
process. These rules shall provide for at least the following 12507
steps and procedures: 12508

(1) Adequate notice to all parties and their 12509
representatives to ensure that no hearing is conducted unless 12510
all parties have the opportunity to be present and to present 12511
evidence and arguments in support of their positions or in 12512
rebuttal to the evidence or arguments of other parties; 12513

(2) A public hearing; 12514

(3) Written decisions; 12515

(4) Impartial assignment of staff and district hearing 12516
officers and assignment of appeals from a decision of the 12517
~~administrator of workers' compensation~~ director of workforce 12518
insurance and safety to a district hearing officer located at 12519
the commission service office that is the closest in geographic 12520
proximity to the claimant's residence; 12521

(5) Publication of a docket; 12522

(6) The securing of the attendance or testimony of 12523

witnesses;	12524
(7) Prehearing rules, including rules relative to	12525
discovery, the taking of depositions, and exchange of	12526
information relevant to a claim prior to the conduct of a	12527
hearing;	12528
(8) The issuance of orders by the district or staff	12529
hearing officer who renders the decision.	12530
(B) Every decision by a staff or district hearing officer	12531
or the commission shall be in writing and contain all of the	12532
following elements:	12533
(1) A concise statement of the order or award;	12534
(2) A notation as to notice provided and as to appearance	12535
of parties;	12536
(3) Signatures of each commissioner or appropriate hearing	12537
officer on the original copy of the decision only, verifying the	12538
commissioner's or hearing officer's vote;	12539
(4) Description of the part of the body and nature of the	12540
disability recognized in the claim.	12541
(C) The commission shall adopt rules that require the	12542
regular rotation of district hearing officers with respect to	12543
the types of matters under consideration and that ensure that no	12544
district or staff hearing officer or the commission hears a	12545
claim unless all interested and affected parties have the	12546
opportunity to be present and to present evidence and arguments	12547
in support of their positions or in rebuttal to the evidence or	12548
arguments of other parties.	12549
(D) All matters which, at the request of one of the	12550
parties or on the initiative of the administrator <u>director</u> and	12551

any commissioner, are to be expedited, shall require at least 12552
forty-eight hours' notice, a public hearing, and a statement in 12553
any order of the circumstances that justified such expeditious 12554
hearings. 12555

(E) All meetings of the commission and district and staff 12556
hearing officers shall be public with adequate notice, including 12557
if necessary, to the claimant, the employer, their 12558
representatives, and the ~~administrator~~director. Confidentiality 12559
of medical evidence presented at a hearing does not constitute a 12560
sufficient ground to relieve the requirement of a public 12561
hearing, but the presentation of privileged or confidential 12562
evidence shall not create any greater right of public inspection 12563
of evidence than presently exists. 12564

(F) The commission shall compile all of its original 12565
memorandums, orders, and decisions in a journal and make the 12566
journal available to the public with sufficient indexing to 12567
allow orderly review of documents. The journal shall indicate 12568
the vote of each commissioner. 12569

(G) (1) All original orders, rules, and memoranda, and 12570
decisions of the commission shall contain the signatures of two 12571
of the three commissioners and state whether adopted at a 12572
meeting of the commission or by circulation to individual 12573
commissioners. Any facsimile or secretarial signature, initials 12574
of commissioners, and delegated employees, and any printed 12575
record of the "yes" and "no" vote of a commission member or of a 12576
hearing officer on such original is invalid. 12577

(2) Written copies of final decisions of district or staff 12578
hearing officers or the commission that are mailed to the 12579
~~administrator~~director, employee, employer, and their respective 12580
representatives need not contain the signatures of the hearing 12581

officer or commission members if the hearing officer or 12582
commission members have complied with divisions (B) (3) and (G) 12583
(1) of this section. 12584

(H) The commission shall do both of the following: 12585

(1) Appoint an individual as a hearing officer trainer who 12586
is in the unclassified civil service of the state and who serves 12587
at the pleasure of the commission. The trainer shall be an 12588
attorney registered to practice law in this state and have 12589
experience in training or education, and the ability to furnish 12590
the necessary training for district and staff hearing officers. 12591

The hearing officer trainer shall develop and periodically 12592
update a training manual and such other training materials and 12593
courses as will adequately prepare district and staff hearing 12594
officers for their duties under this chapter and Chapter 4123. 12595
of the Revised Code. All district and staff hearing officers 12596
shall undergo the training courses developed by the hearing 12597
officer trainer, the cost of which the commission shall pay. The 12598
commission shall make the hearing officer manual and all 12599
revisions thereto available to the public at cost. 12600

The commission shall have the final right of approval over 12601
all training manuals, courses, and other materials the hearing 12602
officer trainer develops and updates. 12603

(2) Appoint a hearing administrator, who shall be in the 12604
classified civil service of the state, for each ~~bureau~~ 12605
department service office, and sufficient support personnel for 12606
each hearing administrator, which support personnel shall be 12607
under the direct supervision of the hearing administrator. The 12608
hearing administrator shall do all of the following: 12609

(a) Assist the commission in ensuring that district 12610

hearing officers comply with the time limitations for the 12611
holding of hearings and issuance of orders under section 12612
4123.511 of the Revised Code. For that purpose, each hearing 12613
administrator shall prepare a monthly report identifying the 12614
status of all claims in its office and identifying specifically 12615
the claims which have not been decided within the time limits 12616
set forth in section 4123.511 of the Revised Code. The 12617
commission shall submit an annual report of all such reports to 12618
the standing committees of the house of representatives and of 12619
the state to which matters concerning workers' compensation are 12620
normally referred. 12621

(b) Provide information to requesting parties or their 12622
representatives on the status of their claim; 12623

(c) Issue compliance letters, upon a finding of good cause 12624
and without a formal hearing in all of the following areas: 12625

(i) Divisions (B) and (C) of section 4123.651 of the 12626
Revised Code; 12627

(ii) Requests for the taking of depositions of ~~bureau~~ 12628
department and commission physicians; 12629

(iii) The issuance of subpoenas; 12630

(iv) The granting or denying of requests for continuances; 12631

(v) Matters involving section 4123.522 of the Revised 12632
Code; 12633

(vi) Requests for conducting telephone pre-hearing 12634
conferences; 12635

(vii) Any other matter that will cause a free exchange of 12636
information prior to the formal hearing. 12637

(d) Ensure that claim files are reviewed by the district hearing officer prior to the hearing to ensure that there is sufficient information to proceed to a hearing;

(e) Ensure that for occupational disease claims under section 4123.68 of the Revised Code that require a medical examination the medical examination is conducted prior to the hearing;

(f) Take the necessary steps to prepare a claim to proceed to a hearing where the parties agree and advise the hearing administrator that the claim is not ready for a hearing.

(I) The commission shall permit any person direct access to information contained in electronic data processing equipment regarding the status of a claim in the hearing process. The information shall indicate the number of days that the claim has been in process, the number of days the claim has been in its current location, and the number of days in the current point of the process within that location.

(J) (1) The industrial commission may establish an alternative dispute resolution process for workers' compensation claims that are within the commission's jurisdiction under Chapters 4121., 4123., 4127., and 4131. of the Revised Code when the commission determines that such a process is necessary. Notwithstanding sections 4121.34 and 4121.35 of the Revised Code, the commission may enter into personal service contracts with individuals who are qualified because of their education and experience to act as facilitators in the commission's alternative dispute resolution process.

(2) The parties' use of the alternative dispute resolution process is voluntary, and requires the agreement of all

necessary parties. The use of the alternative dispute resolution process does not alter the rights or obligations of the parties, nor does it delay the timelines set forth in section 4123.511 of the Revised Code.

(3) The commission shall prepare monthly reports and submit those reports to the governor, the president of the senate, and the speaker of the house of representatives describing all of the following:

(a) The names of each facilitator employed under a personal service contract;

(b) The hourly amount of money and the total amount of money paid to each facilitator;

(c) The number of disputed issues resolved during that month by each facilitator;

(d) The number of decisions of each facilitator that were appealed by a party;

(e) A certification by the commission that the alternative dispute resolution process did not delay any hearing timelines as set forth in section 4123.511 of the Revised Code for any disputed issue.

(4) The commission may adopt rules in accordance with Chapter 119. of the Revised Code for the administration of any alternative dispute resolution process that the commission establishes.

Sec. 4121.37. ~~The administrator of workers' compensation~~
director of workforce insurance and safety having, by virtue of Section 35 of Article II, Ohio Constitution, the expenditure of the fund therein created for the investigation and prevention of

industrial accidents and diseases, shall, with the advice and 12695
consent of the ~~bureau of workers' compensation department of~~ 12696
workforce insurance and safety board of directors, in the 12697
exercise of the ~~administrator's~~ director's authority and in the 12698
performance of the ~~administrator's~~ director's duty, employ a 12699
superintendent and the necessary experts, engineers, 12700
occupational safety and health professionals, and support staff 12701
for the efficient operation of a division of safety and hygiene 12702
of the ~~bureau of workers' compensation department of workforce~~ 12703
insurance and safety, which is hereby created. 12704

The ~~administrator~~ director, with the advice and consent of 12705
the board, shall pay into the safety and hygiene fund, which is 12706
hereby created in the state treasury, the portion of the 12707
contributions paid by employers, calculated as though all 12708
employers paid premiums based upon payroll, not to exceed one 12709
per cent thereof in any year, as is necessary for the payment of 12710
the salary of the superintendent of the division of safety and 12711
hygiene and the compensation of the other employees of the 12712
division of safety and hygiene and for the expenses of 12713
investigations and researches for the prevention of industrial 12714
accidents and diseases. All investment earnings of the fund 12715
shall be credited to the fund. The ~~administrator~~ director has 12716
the same powers to invest any of the funds belonging to the fund 12717
as are delegated to the ~~administrator~~ director under section 12718
4123.44 of the Revised Code with respect to the state insurance 12719
fund. The superintendent, under the direction of the 12720
~~administrator~~ director, with the advice and consent of the board, 12721
shall conduct investigations and researches for the prevention 12722
of industrial accidents and diseases, conduct loss prevention 12723
programs and courses for employers, establish and administrate 12724
cooperative programs with employers for the purchase of 12725

individual safety equipment for employees, and print and 12726
distribute information as may be of benefit to employers and 12727
employees. The ~~administrator~~director shall pay from the safety 12728
and hygiene fund the salary of the superintendent of the 12729
division of safety and hygiene, the compensation of the other 12730
employees of the division of safety and hygiene, the expenses 12731
necessary or incidental to investigations and researches for the 12732
prevention of industrial accidents and diseases, and the cost of 12733
printing and distributing such information. 12734

The superintendent, under the direction of the 12735
~~administrator~~director, shall prepare an annual report, addressed 12736
to the governor, on the amount of the expenditures and the 12737
purposes for which they have been made, and the results of the 12738
investigations and researches. The ~~administrator~~director of 12739
workforce insurance and safety shall include the administrative 12740
costs, salaries, and other expenses of the division of safety 12741
and hygiene as a part of the budget of the ~~bureau of workers'~~ 12742
~~compensation~~department of workforce insurance and safety that 12743
is submitted to the director of budget and management and shall 12744
identify those expenditures separately from other ~~bureau~~ 12745
department expenditures. 12746

The superintendent shall be a competent person with at 12747
least five years' experience in industrial accident or disease 12748
prevention work. The superintendent shall be in the unclassified 12749
civil service of the state. 12750

The ~~administrator~~director of workforce insurance and 12751
safety may designate positions in the division that are in the 12752
unclassified civil service of the state as long as the 12753
~~administrator~~director determines the positions are primarily 12754
and distinctively administrative, managerial, or professional in 12755

character. All other full-time employees of the division of 12756
safety and hygiene are in the classified civil service of the 12757
state. 12758

As used in the Revised Code, the "division of safety and 12759
hygiene of the bureau of workers' compensation" means the 12760
division of safety and hygiene of the department of workforce 12761
insurance and safety. Whenever the division of safety and 12762
hygiene of the bureau of workers' compensation is referred to or 12763
designated in any statute, rule, contract, grant, or other 12764
document, the reference or designation shall be deemed to refer 12765
to the division of safety and hygiene of the department of 12766
workforce insurance and safety. 12767

Sec. 4121.39. ~~The administrator of workers' compensation~~ 12768
director of workforce insurance and safety shall do all of the 12769
following: 12770

(A) Except as provided in section 4123.402 of the Revised 12771
Code, review and process all applications for claims; 12772

(B) Award compensation and make payment on all 12773
noncontested claims; 12774

(C) Make payment on orders of the industrial commission 12775
and district and staff hearing officers as provided in section 12776
4123.511 of the Revised Code; 12777

(D) Serve as representative of the state insurance fund; 12778

(E) Establish a legal section within the ~~bureau department~~ 12779
of workforce insurance and safety to provide legal advice and 12780
assistance to the ~~administrator director~~ and the ~~administrator's~~ 12781
director's staff as to claims procedure and policy; appeals to 12782
be lodged on behalf of the state insurance fund; and other legal 12783
issues. The ~~bureau department~~ legal section shall act as 12784

attorney for the state fund in administrative appeals. 12785

(F) Establish a program for quality control, systems 12786
design, and internal auditing. In the operation of the program, 12787
the ~~administrator~~director shall ensure that audits are 12788
performed at least annually to determine whether or not the 12789
~~bureau~~department meets the performance goals the ~~administrator~~director 12790
establishes. 12791

(G) Ensure that there exists the coordination between the 12792
central office and the service offices necessary to facilitate 12793
open lines of communication and the standardized procedures in 12794
conformity with the requirements set forth in the operating 12795
manuals of the ~~bureau~~department. The ~~administrator~~director 12796
shall establish a line of authority from the central office to 12797
the service offices of the ~~bureau~~department sufficient to avoid 12798
ambiguity in the performance of any management or policy 12799
function. 12800

Sec. 4121.40. (A) The ~~administrator of workers'~~ 12801
~~compensation~~director of workforce insurance and safety shall 12802
appoint a service director for each service office who shall 12803
have all of the following duties: 12804

(1) Provide each claimant and employer fair, impartial, 12805
and equal treatment; 12806

(2) Recommend any needed improvements for changes in staff 12807
size and accessibility to service offices; 12808

(3) Recommend to the ~~administrator~~director of workforce 12809
insurance and safety appropriate action concerning any 12810
allegations of misconduct, abuse of authority, or fraud 12811
committed in ~~his~~the service director's office; 12812

(4) Ensure that all current ~~bureau~~department of workforce 12813

insurance and safety rules and operating procedures are carried 12814
out by all employees under ~~his~~the service director's direction; 12815

(5) Assist claimants and employers who contact the service 12816
office for information or assistance with respect to claims 12817
processing and coverage. 12818

(B) The ~~administrator~~director of workforce insurance and 12819
safety shall assign to each service office an adequate number of 12820
investigators and field auditors. 12821

Service directors shall make investigators available to 12822
district hearing officers as needed. 12823

In addition to other duties the ~~administrator~~director of 12824
workforce insurance and safety may assign to investigators, they 12825
shall, at the service directors' direction, investigate alleged 12826
instances of persons receiving compensation pursuant to section 12827
4123.58 of the Revised Code and engaging in remunerative 12828
employment that is incompatible with the terms of that section. 12829

Sec. 4121.41. (A) The ~~administrator of workers'~~ 12830
~~compensation~~director of workforce insurance and safety shall 12831
operate a program designed to inform employees and employers of 12832
their rights and responsibilities under Chapter 4123. of the 12833
Revised Code and as part of that program prepare and distribute 12834
pamphlets, which clearly and simply explain at least all of the 12835
following: 12836

(1) The rights and responsibilities of claimants and 12837
employers; 12838

(2) The procedures for processing claims; 12839

(3) The procedure for fulfilling employer responsibility; 12840

(4) All applicable statutes of limitation; 12841

(5) The availability of services and benefits; 12842

(6) The claimant's right to representation in the 12843
processing of a claim or to elect no representation. 12844

The ~~administrator~~director shall ensure that the 12845
provisions of this section are faithfully and speedily 12846
implemented. 12847

(B) The ~~bureau of workers' compensation~~department of 12848
workforce insurance and safety shall maintain an ongoing program 12849
to identify employers subject to Chapter 4123. of the Revised 12850
Code and to audit employers to ensure an optimum level of 12851
premium payment. The ~~bureau~~department shall coordinate such 12852
efforts with other governmental agencies which have information 12853
as to employers who are subject to Chapter 4123. of the Revised 12854
Code. 12855

(C) The ~~administrator~~director shall handle complaints 12856
through the service offices, the claims section, and the 12857
ombudsperson program. The ~~administrator~~director shall provide 12858
toll free telephone lines for employers and claimants in order 12859
to expedite the handling of complaints. The ~~bureau~~department 12860
shall monitor complaint traffic to ensure an adequacy of 12861
telephone service to ~~bureau~~department offices and shall compile 12862
statistics on complaint subjects. Based upon those compilations, 12863
the ~~bureau~~department shall revise procedures and rules to 12864
correct major problem areas and submit data and recommendations 12865
annually to the appropriate committees of the general assembly. 12866

Sec. 4121.42. (A) The ~~administrator of workers'~~ 12867
~~compensation~~director of workforce insurance and safety and the 12868
industrial commission shall cooperatively implement with 12869
adequate staff a comprehensive in-service training program for 12870

their respective personnel that provides training with respect 12871
to the workers' compensation system in at least all of the 12872
following areas: 12873

(1) General policies; 12874

(2) Organization; 12875

(3) Regulations; 12876

(4) Management training, including supervision, system 12877
design, and budget drafting. 12878

(B) The in-service training programs may be conducted by 12879
the permanent staff of the commission and the ~~bureau~~department 12880
or by any public or private person the commission or ~~bureau~~department 12881
department designates. 12882

(C) Personnel of each administrative section of the ~~bureau~~department 12883
department and the commission shall receive training programs 12884
adequate to ensure all of the following: 12885

(1) Familiarity with section duties and policy; 12886

(2) Familiarity with duties and policy of sections which 12887
directly relate to their section; 12888

(3) Continuous updating of policy and techniques for 12889
accomplishing section duties. 12890

Sec. 4121.43. The ~~administrator of workers' compensation~~ 12891
director of workforce insurance and safety shall: 12892

(A) Adopt rules to ensure that all compensation payments 12893
are accompanied by information which clearly indicates the 12894
source of payment, type of payment, method of computation, 12895
inclusive days of payment, reason for changes in payment, and 12896
telephone number or address for inquiries; 12897

(B) Adopt rules to govern the method of issuing and 12898
delivering checks, including time limits for issuance of checks; 12899

(C) Set standards and inform claimant of procedure for 12900
attorney or other representative pick-up of compensation payment 12901
check, and ensure that claimant has recently executed a proper 12902
authorization to pick up the check; 12903

(D) Implement a written procedure for effectively 12904
obtaining notices of death of claimant and terminating 12905
compensation payments; 12906

(E) Adopt rules to require that a claimant of whom medical 12907
examinations have been requested by the claimant's employer 12908
shall submit to such examinations and shall be reimbursed by the 12909
employer for reasonable expenses incurred in submitting to the 12910
examination and provide that the claimant shall be reimbursed by 12911
the employer in an amount equal to the wages lost during the 12912
time required to attend any such examination, in the event said 12913
claimant sustains lost wages as a result of any such 12914
examination. 12915

Sec. 4121.44. (A) The ~~administrator of workers'~~ 12916
~~compensation~~ director of workforce insurance and safety shall 12917
oversee the implementation of the Ohio workers' compensation 12918
qualified health plan system as established under section 12919
4121.442 of the Revised Code. 12920

(B) The ~~administrator~~ director shall direct the 12921
implementation of the health partnership program administered by 12922
the ~~bureau~~ department of workforce insurance and safety as set 12923
forth in section 4121.441 of the Revised Code. To implement the 12924
health partnership program and to ensure the efficiency and 12925
effectiveness of the public services provided through the 12926

program, the ~~bureau~~department: 12927

(1) Shall certify one or more external vendors, which 12928
shall be known as "managed care organizations," to provide 12929
medical management and cost containment services in the health 12930
partnership program for a period of two years beginning on the 12931
date of certification, consistent with the standards established 12932
under this section; 12933

(2) May recertify managed care organizations for 12934
additional periods of two years; and 12935

(3) May integrate the certified managed care organizations 12936
with ~~bureau~~department staff and existing ~~bureau~~department 12937
services for purposes of operation and training to allow the 12938
~~bureau~~department to assume operation of the health partnership 12939
program at the conclusion of the certification periods set forth 12940
in division (B) (1) or (2) of this section; 12941

(4) May enter into a contract with any managed care 12942
organization that is certified by the ~~bureau~~department, pursuant 12943
to division (B) (1) or (2) of this section, to provide medical 12944
management and cost containment services in the health 12945
partnership program. 12946

(C) A contract entered into pursuant to division (B) (4) of 12947
this section shall include both of the following: 12948

(1) Incentives that may be awarded by the 12949
~~administrator~~director, at the ~~administrator's~~director's 12950
discretion, based on compliance and performance of the managed 12951
care organization; 12952

(2) Penalties that may be imposed by the 12953
~~administrator~~director, at the ~~administrator's~~director's 12954
discretion, based on the failure of the managed care 12955

organization to reasonably comply with or perform terms of the 12956
contract, which may include termination of the contract. 12957

(D) Notwithstanding section 119.061 of the Revised Code, a 12958
contract entered into pursuant to division (B)(4) of this 12959
section may include provisions limiting, restricting, or 12960
regulating any marketing or advertising by the managed care 12961
organization, or by any individual or entity that is affiliated 12962
with or acting on behalf of the managed care organization, under 12963
the health partnership program. 12964

(E) No managed care organization shall receive 12965
compensation under the health partnership program unless the 12966
managed care organization has entered into a contract with the 12967
~~bureau-department~~ pursuant to division (B)(4) of this section. 12968

(F) Any managed care organization selected shall 12969
demonstrate all of the following: 12970

(1) Arrangements and reimbursement agreements with a 12971
substantial number of the medical, professional and pharmacy 12972
providers currently being utilized by claimants. 12973

(2) Ability to accept a common format of medical bill data 12974
in an electronic fashion from any provider who wishes to submit 12975
medical bill data in that form. 12976

(3) A computer system able to handle the volume of medical 12977
bills and willingness to customize that system to the ~~bureau's-~~ 12978
department's needs and to be operated by the managed care 12979
organization's staff, ~~bureau-department~~ staff, or some 12980
combination of both staffs. 12981

(4) A prescription drug system where pharmacies on a 12982
statewide basis have access to the eligibility and pricing, at a 12983
discounted rate, of all prescription drugs. 12984

- (5) A tracking system to record all telephone calls from claimants and providers regarding the status of submitted medical bills so as to be able to track each inquiry. 12985
12986
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- (6) Data processing capacity to absorb all of the ~~bureau's~~ department's medical bill processing or at least that part of the processing which the ~~bureau~~ department arranges to delegate. 12988
12989
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- (7) Capacity to store, retrieve, array, simulate, and model in a relational mode all of the detailed medical bill data so that analysis can be performed in a variety of ways and so that the ~~bureau~~ department and its governing authority can make informed decisions. 12991
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- (8) Wide variety of software programs which translate medical terminology into standard codes, and which reveal if a provider is manipulating the procedures codes, commonly called "unbundling." 12996
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- (9) Necessary professional staff to conduct, at a minimum, authorizations for treatment, medical necessity, utilization review, concurrent review, post-utilization review, and have the attendant computer system which supports such activity and measures the outcomes and the savings. 13000
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- (10) Management experience and flexibility to be able to react quickly to the needs of the ~~bureau~~ department in the case of required change in federal or state requirements. 13005
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- (G) (1) The ~~administrator~~ director may decertify a managed care organization if the managed care organization does any of the following: 13008
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- (a) Fails to maintain any of the requirements set forth in division (F) of this section; 13011
13012

(b) Fails to reasonably comply with or to perform in accordance with the terms of a contract entered into under division (B) (4) of this section;

(c) Violates a rule adopted under section 4121.441 of the Revised Code.

(2) The ~~administrator~~director shall provide each managed care organization that is being decertified pursuant to division (G) (1) of this section with written notice of the pending decertification and an opportunity for a hearing pursuant to rules adopted by the ~~administrator~~director.

(H) (1) Information contained in a managed care organization's application for certification in the health partnership program, and other information furnished to the ~~bureau~~department by a managed care organization for purposes of obtaining certification or to comply with performance and financial auditing requirements established by the ~~administrator~~director, is for the exclusive use and information of the ~~bureau~~department in the discharge of its official duties, and shall not be open to the public or be used in any court in any proceeding pending therein, unless the ~~bureau~~department is a party to the action or proceeding, but the information may be tabulated and published by the ~~bureau~~department in statistical form for the use and information of other state departments and the public. No employee of the ~~bureau~~department, except as otherwise authorized by the ~~administrator~~director, shall divulge any information secured by the employee while in the employ of the ~~bureau~~department in respect to a managed care organization's application for certification or in respect to the business or other trade processes of any managed care organization to any person other

than the ~~administrator-director~~ or to the employee's superior. 13043

(2) Notwithstanding the restrictions imposed by division 13044
(H)(1) of this section, the governor, members of select or 13045
standing committees of the senate or house of representatives, 13046
the auditor of state, the attorney general, or their designees, 13047
pursuant to the authority granted in this chapter and Chapter 13048
4123. of the Revised Code, may examine any managed care 13049
organization application or other information furnished to the 13050
~~bureau-department~~ by the managed care organization. None of 13051
those individuals shall divulge any information secured in the 13052
exercise of that authority in respect to a managed care 13053
organization's application for certification or in respect to 13054
the business or other trade processes of any managed care 13055
organization to any person. 13056

(I) On and after January 1, 2001, a managed care 13057
organization shall not be an insurance company holding a 13058
certificate of authority issued pursuant to Title XXXIX of the 13059
Revised Code or a health insuring corporation holding a 13060
certificate of authority under Chapter 1751. of the Revised 13061
Code. 13062

(J) The ~~administrator-director~~ may limit freedom of choice 13063
of health care provider or supplier by requiring, beginning with 13064
the period set forth in division (B)(1) or (2) of this section, 13065
that claimants shall pay an appropriate out-of-plan copayment 13066
for selecting a medical provider not within the health 13067
partnership program as provided for in this section. 13068

(K) The ~~administrator-director~~, six months prior to the 13069
expiration of the ~~bureau's-department's~~ certification or 13070
recertification of the managed care organizations as set forth 13071
in division (B)(1) or (2) of this section, may certify and 13072

provide evidence to the governor, the speaker of the house of 13073
representatives, and the president of the senate that the 13074
existing ~~bureau~~-department staff is able to match or exceed the 13075
performance and outcomes of the managed care organizations and 13076
that the ~~bureau~~-department should be permitted to internally 13077
administer the health partnership program upon the expiration of 13078
the certification or recertification as set forth in division 13079
(B) (1) or (2) of this section. 13080

(L) The ~~administrator~~-director shall establish and operate 13081
a ~~bureau of workers' compensation~~-department of workforce 13082
insurance and safety health care data program. The ~~administrator~~- 13083
director shall develop reporting requirements from all 13084
employees, employers, medical providers, managed care 13085
organizations, and plans that participate in the workers' 13086
compensation system. The ~~administrator~~-director shall do all of 13087
the following: 13088

(1) Utilize the collected data to measure and perform 13089
comparison analyses of costs, quality, appropriateness of 13090
medical care, and effectiveness of medical care delivered by all 13091
components of the workers' compensation system. 13092

(2) Compile data to support activities of the selected 13093
managed care organizations and to measure the outcomes and 13094
savings of the health partnership program. 13095

(3) Publish and report compiled data on the measures of 13096
outcomes and savings of the health partnership program and 13097
submit the report to the president of the senate, the speaker of 13098
the house of representatives, and the governor with the annual 13099
report prepared under division (F) (3) of section 4121.12 of the 13100
Revised Code. The ~~administrator~~-director shall protect the 13101
confidentiality of all proprietary pricing data. 13102

(M) Any rehabilitation facility the ~~bureau~~department 13103
operates is eligible for inclusion in the Ohio workers' 13104
compensation qualified health plan system or the health 13105
partnership program under the same terms as other providers 13106
within health care plans or the program. 13107

(N) In areas outside the state or within the state where 13108
no qualified health plan or an inadequate number of providers 13109
within the health partnership program exist, the ~~administrator~~ 13110
director shall permit employees to use a nonplan or nonprogram 13111
health care provider and shall pay the provider for the services 13112
or supplies provided to or on behalf of an employee for an 13113
injury or occupational disease that is compensable under this 13114
chapter or Chapter 4123., 4127., or 4131. of the Revised Code on 13115
a fee schedule the ~~administrator~~director adopts. 13116

(O) No health care provider, whether certified or not, 13117
shall charge, assess, or otherwise attempt to collect from an 13118
employee, employer, a managed care organization, or the ~~bureau~~ 13119
department any amount for covered services or supplies that is 13120
in excess of the allowed amount paid by a managed care 13121
organization, the ~~bureau~~department, or a qualified health plan. 13122

(P) The ~~administrator~~director shall permit any employer 13123
or group of employers who agree to abide by the rules adopted 13124
under this section and sections 4121.441 and 4121.442 of the 13125
Revised Code to provide services or supplies to or on behalf of 13126
an employee for an injury or occupational disease that is 13127
compensable under this chapter or Chapter 4123., 4127., or 4131. 13128
of the Revised Code through qualified health plans of the Ohio 13129
workers' compensation qualified health plan system pursuant to 13130
section 4121.442 of the Revised Code or through the health 13131
partnership program pursuant to section 4121.441 of the Revised 13132

Code. No amount paid under the qualified health plan system 13133
pursuant to section 4121.442 of the Revised Code by an employer 13134
who is a state fund employer shall be charged to the employer's 13135
experience or otherwise be used in merit-rating or determining 13136
the risk of that employer for the purpose of the payment of 13137
premiums under this chapter, and if the employer is a self- 13138
insuring employer, the employer shall not include that amount in 13139
the paid compensation the employer reports under section 4123.35 13140
of the Revised Code. 13141

(Q) The ~~administrator~~director, in consultation with the 13142
health care quality assurance advisory committee created by the 13143
~~administrator~~director or its successor committee, shall develop 13144
and periodically revise standards for maintaining an adequate 13145
number of providers certified by the ~~bureau~~department for each 13146
service currently being used by claimants. The standards shall 13147
ensure both of the following: 13148

(1) That a claimant has access to a choice of providers 13149
for similar services within the geographic area that the 13150
claimant resides; 13151

(2) That the providers within a geographic area are 13152
actively accepting new claimants as required in rules adopted by 13153
the ~~administrator~~director. 13154

Sec. 4121.441. (A) The ~~administrator of workers'-~~ 13155
~~compensation~~director of workforce insurance and safety, with the 13156
advice and consent of the ~~bureau of workers' compensation-~~ 13157
department of workforce insurance and safety board of directors, 13158
shall adopt rules under Chapter 119. of the Revised Code for the 13159
health care partnership program administered by the ~~bureau of-~~ 13160
~~workers' compensation~~department of workforce insurance and 13161
safety to provide medical, surgical, nursing, drug, hospital, 13162

and rehabilitation services and supplies to an employee for an 13163
injury or occupational disease that is compensable under this 13164
chapter or Chapter 4123., 4127., or 4131. of the Revised Code, 13165
and to regulate contracts with managed care organizations 13166
pursuant to this chapter. 13167

(1) The rules shall include, but are not limited to, the 13168
following: 13169

(a) Procedures for the resolution of medical disputes 13170
between an employer and an employee, an employee and a provider, 13171
or an employer and a provider, prior to an appeal under section 13172
4123.511 of the Revised Code. Rules the ~~administrator~~director 13173
adopts pursuant to division (A)(1)(a) of this section may 13174
specify that the resolution procedures shall not be used to 13175
resolve disputes concerning medical services rendered that have 13176
been approved through standard treatment guidelines, pathways, 13177
or presumptive authorization guidelines. 13178

(b) Prohibitions against discrimination against any 13179
category of health care providers; 13180

(c) Procedures for reporting injuries to employers and the 13181
~~bureau~~department by providers; 13182

(d) Appropriate financial incentives to reduce service 13183
cost and insure proper system utilization without sacrificing 13184
the quality of service; 13185

(e) Adequate methods of peer review, utilization review, 13186
quality assurance, and dispute resolution to prevent, and 13187
provide sanctions for, inappropriate, excessive or not medically 13188
necessary treatment; 13189

(f) A timely and accurate method of collection of 13190
necessary information regarding medical and health care service 13191

and supply costs, quality, and utilization to enable the 13192
~~administrator-director~~ to determine the effectiveness of the 13193
program; 13194

(g) Provisions for necessary emergency medical treatment 13195
for an injury or occupational disease provided by a health care 13196
provider who is not part of the program; 13197

(h) Discounted pricing for all in-patient and out-patient 13198
medical services, all professional services, and all 13199
pharmaceutical services; 13200

(i) Provisions for provider referrals, pre-admission and 13201
post-admission approvals, second surgical opinions, and other 13202
cost management techniques; 13203

(j) Antifraud mechanisms; 13204

(k) Standards and criteria for the ~~bureau-department~~ to 13205
utilize in certifying or recertifying a health care provider or 13206
a managed care organization for participation in the health 13207
partnership program; 13208

(l) Standards for the ~~bureau-department~~ to utilize in 13209
penalizing or decertifying a health care provider from 13210
participation in the health partnership program. 13211

(2) Notwithstanding section 119.061 of the Revised Code, 13212
the rules may include provisions limiting, restricting, or 13213
regulating any marketing or advertising by a managed care 13214
organization, or by any individual or entity that is affiliated 13215
with or acting on behalf of the managed care organization, under 13216
the health partnership program. 13217

(B) The ~~administrator-director~~ shall implement the health 13218
partnership program according to the rules the ~~administrator-~~ 13219

director adopts under this section for the provision and payment 13220
of medical, surgical, nursing, drug, hospital, and 13221
rehabilitation services and supplies to an employee for an 13222
injury or occupational disease that is compensable under this 13223
chapter or Chapter 4123., 4127., or 4131. of the Revised Code." 13224

Sec. 4121.442. (A) The ~~administrator of workers'~~ 13225
~~compensation~~ director of workforce insurance and safety shall 13226
develop standards for qualification of health care plans of the 13227
Ohio workers' compensation qualified health plan system to 13228
provide medical, surgical, nursing, drug, hospital, and 13229
rehabilitation services and supplies to an employee for an 13230
injury or occupational disease that is compensable under this 13231
chapter or Chapter 4123., 4127., or 4131. of the Revised Code. 13232
In adopting the standards, the ~~administrator~~ director shall use 13233
nationally recognized accreditation standards. The standards the 13234
~~administrator~~ director adopts must provide that a qualified plan 13235
provides for all of the following: 13236

(1) Criteria for selective contracting of health care 13237
providers; 13238

(2) Adequate plan structure and financial stability; 13239

(3) Procedures for the resolution of medical disputes 13240
between an employee and an employer, an employee and a provider, 13241
or an employer and a provider, prior to an appeal under section 13242
4123.511 of the Revised Code; 13243

(4) Authorize employees who are dissatisfied with the 13244
health care services of the employer's qualified plan and do not 13245
wish to obtain treatment under the provisions of this section, 13246
to request the ~~administrator~~ director for referral to a health 13247
care provider in the ~~bureau's~~ department of workforce insurance 13248

and safety's health care partnership program. The ~~administrator~~ 13249
director must refer all requesting employees into the health 13250
care partnership program. 13251

(5) Does not discriminate against any category of health 13252
care provider; 13253

(6) Provide a procedure for reporting injuries to the 13254
~~bureau of workers' compensation~~ department of workforce 13255
insurance and safety and to employers by providers within the 13256
qualified plan; 13257

(7) Provide appropriate financial incentives to reduce 13258
service costs and utilization without sacrificing the quality of 13259
service; 13260

(8) Provide adequate methods of peer review, utilization 13261
review, quality assurance, and dispute resolution to prevent and 13262
provide sanctions for inappropriate, excessive, or not medically 13263
necessary treatment; 13264

(9) Provide a timely and accurate method of reporting to 13265
the ~~administrator~~ director necessary information regarding 13266
medical and health care service and supply costs, quality, and 13267
utilization to enable the ~~administrator~~ director to determine 13268
the effectiveness of the plan; 13269

(10) Authorize necessary emergency medical treatment for 13270
an injury or occupational disease provided by a health care 13271
provider who is not a part of the qualified health care plan; 13272

(11) Provide an employee the right to change health care 13273
providers within the qualified health care plan; 13274

(12) Provide for standardized data and reporting 13275
requirements; 13276

(13) Authorize necessary medical treatment for employees 13277
who work in Ohio but reside in another state. 13278

(B) Health care plans that meet the approved qualified 13279
health plan standards shall be considered qualified plans and 13280
are eligible to become part of the Ohio workers' compensation 13281
qualified health plan system. Any employer or group of employers 13282
may provide medical, surgical, nursing, drug, hospital, and 13283
rehabilitation services and supplies to an employee for an 13284
injury or occupational disease that is compensable under this 13285
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 13286
through a qualified health plan. 13287

Sec. 4121.443. (A) ~~The bureau of workers' compensation~~ 13288
department of workforce insurance and safety may summarily 13289
suspend the certification of a provider to participate in the 13290
health partnership program created under sections 4121.44 and 13291
4121.441 of the Revised Code without a prior hearing if the 13292
~~bureau department~~ determines any of the following apply to the 13293
provider: 13294

(1) The professional license, certification, or 13295
registration held by the provider to practice the provider's 13296
profession has been revoked or suspended for an indefinite 13297
period of time or for a period of more than thirty days, 13298
subsequent to the provider's certification to participate in the 13299
health partnership program. 13300

(2) The provider has been convicted of or has pleaded 13301
guilty to a violation of section 2913.48 or sections 2923.31 to 13302
2923.36 of the Revised Code or has been convicted of or pleaded 13303
guilty to any other criminal offense related to the delivery of 13304
or billing for health care services. 13305

(3) The ~~bureau~~department determines, by clear and 13306
convincing evidence, that the continued participation by the 13307
provider in the health partnership program presents a danger of 13308
immediate and serious harm to claimants. 13309

(B) The ~~bureau~~department shall issue a written order of 13310
summary suspension by certified mail or in person in accordance 13311
with section 119.07 of the Revised Code. If the provider subject 13312
to the summary suspension requests an adjudicatory hearing by 13313
the ~~bureau~~department, the date set for the hearing shall be not 13314
later than fifteen days, but not earlier than seven days, after 13315
the provider requests the hearing, unless otherwise agreed to by 13316
both the ~~bureau~~department and the provider. 13317

(C) If an order issued pursuant to this section is 13318
appealed, the court may stay execution of the order and fix the 13319
terms of the stay, if the court finds both of the following: 13320

(1) That an unusual hardship to the appellant will result 13321
from execution of the order pending appeal; 13322

(2) That the health, safety, and welfare of the public 13323
will not be threatened by staying execution of the order pending 13324
appeal. 13325

(D) A court or agency order staying the suspension of a 13326
professional license, certification, or registration shall not 13327
affect the ability of the ~~bureau~~department to suspend the 13328
certification of a provider to participate in the health 13329
partnership program under this section. 13330

(E) The summary suspension of a certification of a 13331
provider under this section shall not affect the ability of that 13332
provider to receive payment for services rendered prior to the 13333
effective date of the suspension. 13334

(F) Any summary suspension imposed under this section 13335
shall remain in effect, unless reversed on appeal, until a final 13336
adjudication order issued by the ~~bureau~~ department pursuant to 13337
this section and Chapter 119. of the Revised Code takes effect. 13338
The ~~bureau~~ department shall issue its final adjudication order 13339
within seventy-five days after completion of its hearing. A 13340
failure to issue the order within the seventy-five-day time 13341
period shall result in dissolution of the summary suspension 13342
order but shall not invalidate any subsequent, final 13343
adjudication order. 13344

(G) As used in this section, "provider" does not include a 13345
hospital. 13346

Sec. 4121.444. (A) No person, health care provider, 13347
managed care organization, or owner of a health care provider or 13348
managed care organization shall obtain or attempt to obtain 13349
payments by deception under Chapter 4121., 4123., 4127., or 13350
4131. of the Revised Code to which the person, health care 13351
provider, managed care organization, or owner is not entitled 13352
under rules of the ~~bureau of workers' compensation~~ department of 13353
workforce insurance and safety adopted pursuant to sections 13354
4121.441 and 4121.442 of the Revised Code. 13355

(B) Any person, health care provider, managed care 13356
organization, or owner that violates division (A) of this 13357
section is liable, in addition to any other penalties provided 13358
by law, for all of the following penalties: 13359

(1) Payment of interest on the amount of the excess 13360
payments at the maximum interest rate allowable for real estate 13361
mortgages under section 1343.01 of the Revised Code. The 13362
interest shall be calculated from the date the payment was made 13363
to the person, owner, health care provider, or managed care 13364

organization through the date upon which repayment is made to 13365
the ~~bureau~~department or the self-insuring employer. 13366

(2) Payment of an amount equal to three times the amount 13367
of any excess payments; 13368

(3) Payment of a sum of not less than five thousand 13369
dollars and not more than ten thousand dollars for each act of 13370
deception; 13371

(4) All reasonable and necessary expenses that the court 13372
determines have been incurred by the ~~bureau~~department or the 13373
self-insuring employer in the enforcement of this section. 13374

All moneys collected by the ~~bureau~~department pursuant to 13375
this section shall be deposited into the state insurance fund 13376
created in section 4123.30 of the Revised Code. All moneys 13377
collected by a self-insuring employer pursuant to this section 13378
shall be awarded to the self-insuring employer. 13379

(C) (1) In addition to the monetary penalties provided in 13380
division (B) of this section and except as provided in division 13381
(C) (3) of this section, the ~~administrator~~director of workforce 13382
insurance and safety may terminate any agreement between the 13383
~~bureau~~department and a person or a health care provider or 13384
managed care organization or its owner and cease reimbursement 13385
to that person, provider, organization, or owner for services 13386
rendered if any of the following apply: 13387

(a) The person, health care provider, managed care 13388
organization, or its owner, or an officer, authorized agent, 13389
associate, manager, or employee of a person, provider, or 13390
organization is convicted of or pleads guilty to a violation of 13391
sections 2913.48 or 2923.31 to 2923.36 of the Revised Code or 13392
any other criminal offense related to the delivery of or billing 13393

for health care benefits. 13394

(b) There exists an entry of judgment against the person, 13395
health care provider, managed care organization, or its owner, 13396
or an officer, authorized agent, associate, manager, or employee 13397
of a person, provider, or organization and proof of the specific 13398
intent of the person, health care provider, managed care 13399
organization, or owner to defraud, in a civil action brought 13400
pursuant to this section. 13401

(c) There exists an entry of judgment against the person, 13402
health care provider, managed care organization, or its owner, 13403
or an officer, authorized agent, associate, manager, or employee 13404
of a person, provider, or organization in a civil action brought 13405
pursuant to sections 2923.31 to 2923.36 of the Revised Code. 13406

(2) No person, health care provider, or managed care 13407
organization that has had its agreement with and reimbursement 13408
from the ~~bureau~~ department terminated by the ~~administrator~~ 13409
director pursuant to division (C) (1) of this section, or an 13410
owner, officer, authorized agent, associate, manager, or 13411
employee of that person, health care provider, or managed care 13412
organization shall do either of the following: 13413

(a) Directly provide services to any other ~~bureau~~ 13414
department provider or have an ownership interest in a provider 13415
of services that furnishes services to any other ~~bureau~~ 13416
department provider; 13417

(b) Arrange for, render, or order services for claimants 13418
during the period that the agreement of the person, health care 13419
provider, managed care organization, or its owner is terminated 13420
as described in division (C) (1) of this section; 13421

(3) The ~~administrator~~ director shall not terminate the 13422

agreement or reimbursement if the person, health care provider, 13423
managed care organization, or owner demonstrates that the 13424
person, provider, organization, or owner did not directly or 13425
indirectly sanction the action of the authorized agent, 13426
associate, manager, or employee that resulted in the conviction, 13427
plea of guilty, or entry of judgment as described in division 13428
(C) (1) of this section. 13429

(4) Nothing in division (C) of this section prohibits an 13430
owner, officer, authorized agent, associate, manager, or 13431
employee of a person, health care provider, or managed care 13432
organization from entering into an agreement with the ~~bureau-~~ 13433
department if the provider, organization, owner, officer, 13434
authorized agent, associate, manager, or employee demonstrates 13435
absence of knowledge of the action of the person, health care 13436
provider, or managed care organization with which that 13437
individual or organization was formerly associated that resulted 13438
in a conviction, plea of guilty, or entry of judgment as 13439
described in division (C) (1) of this section. 13440

(D) The attorney general may bring an action on behalf of 13441
the state and a self-insuring employer may bring an action on 13442
its own behalf to enforce this section in any court of competent 13443
jurisdiction. The attorney general may settle or compromise any 13444
action brought under this section with the approval of the 13445
~~administrator~~director. 13446

Notwithstanding any other law providing a shorter period 13447
of limitations, the attorney general or a self-insuring employer 13448
may bring an action to enforce this section at any time within 13449
six years after the conduct in violation of this section 13450
terminates. 13451

(E) The availability of remedies under this section and 13452

sections 2913.48 and 2923.31 to 2923.36 of the Revised Code for 13453
recovering benefits paid on behalf of claimants for medical 13454
assistance does not limit the authority of the ~~bureau~~ department 13455
or a self-insuring employer to recover excess payments made to 13456
an owner, health care provider, managed care organization, or 13457
person under state and federal law. 13458

(F) As used in this section: 13459

(1) "Deception" means acting with actual knowledge in 13460
order to deceive another or cause another to be deceived by 13461
means of any of the following: 13462

(a) A false or misleading representation; 13463

(b) The withholding of information; 13464

(c) The preventing of another from acquiring information; 13465

(d) Any other conduct, act, or omission that creates, 13466
confirms, or perpetuates a false impression as to a fact, the 13467
law, the value of something, or a person's state of mind. 13468

(2) "Owner" means any person having at least a five per 13469
cent ownership interest in a health care provider or managed 13470
care organization. 13471

Sec. 4121.447. Each contract the ~~administrator of workers'~~ 13472
~~compensation~~ director of workforce insurance and safety enters 13473
into with a managed care organization under division (B)(4) of 13474
section 4121.44 of the Revised Code shall require the managed 13475
care organization to enter into a data security agreement with 13476
the state board of pharmacy governing the managed care 13477
organization's use of the board's drug database established and 13478
maintained under section 4729.75 of the Revised Code. 13479

This section does not apply if the board no longer 13480

maintains the drug database. 13481

Sec. 4121.45. (A) There is hereby created a workers' 13482
compensation ombudsperson system to assist claimants and 13483
employers in matters dealing with the ~~bureau of workers'~~ 13484
~~compensation~~ department of workforce insurance and safety and 13485
the industrial commission. The industrial commission nominating 13486
council shall appoint a chief ombudsperson. The chief 13487
ombudsperson, with the advice and consent of the nominating 13488
council, may appoint such assistant ombudspersons as the 13489
nominating council deems necessary. The position of chief 13490
ombudsperson is for a term of six years. A person appointed to 13491
the position of chief ombudsperson shall serve at the pleasure 13492
of the nominating council. The chief ombudsperson may not be 13493
transferred, demoted, or suspended during the person's tenure 13494
and may be removed by the nominating council only upon a vote of 13495
not fewer than nine members of the nominating council. The chief 13496
ombudsperson shall devote the chief ombudsperson's full time and 13497
attention to the duties of the ombudsperson's office. The 13498
~~administrator of workers' compensation~~ director of workforce 13499
insurance and safety shall furnish the chief ombudsperson with 13500
the office space, supplies, and clerical assistance that will 13501
enable the chief ombudsperson and the ombudsperson system staff 13502
to perform their duties effectively. The ombudsperson program 13503
shall be funded out of the budget of the ~~bureau department~~ and 13504
the chief ombudsperson and the ombudsperson system staff shall 13505
be carried on the ~~bureau department~~ payroll. The chief 13506
ombudsperson and the ombudsperson system shall be under the 13507
direction of the nominating council. The ~~administrator~~ director 13508
and all employees of the ~~bureau department~~ and the commission 13509
shall give the ~~the~~ ombudsperson system staff full and prompt 13510
cooperation in all matters relating to the duties of the chief 13511

ombudsperson. 13512

(B) The ombudsperson system staff shall: 13513

(1) Answer inquiries or investigate complaints made by 13514
employers or claimants under this chapter and Chapter 4123. of 13515
the Revised Code as they relate to the processing of a claim for 13516
workers' compensation benefits; 13517

(2) Provide claimants and employers with information 13518
regarding problems which arise out of the functions of the 13519
~~bureau~~department, commission hearing officers, and the 13520
commission and the procedures employed in the processing of 13521
claims; 13522

(3) Answer inquiries or investigate complaints of an 13523
employer as they relate to reserves established and premiums 13524
charged in connection with the employer's account; 13525

(4) Comply with Chapter 102. and sections 2921.42 and 13526
2921.43 of the Revised Code and the nominating council's human 13527
resource and ethics policies; 13528

(5) Not express any opinions as to the merit of a claim or 13529
the correctness of a decision by the various officers or 13530
agencies as the decision relates to a claim for benefits or 13531
compensation. 13532

For the purpose of carrying out the chief ombudsperson's 13533
duties, the chief ombudsperson or the ombudsperson system staff, 13534
notwithstanding sections 4123.27 and 4123.88 of the Revised 13535
Code, has the right at all reasonable times to examine the 13536
contents of a claim file and discuss with parties in interest 13537
the contents of the file as long as the ombudsperson does not 13538
divulge information that would tend to prejudice the case of 13539
either party to a claim or that would tend to compromise a 13540

privileged attorney-client or doctor-patient relationship. 13541

(C) The chief ombudsperson shall: 13542

(1) Assist any service office in its duties whenever it 13543
requires assistance or information that can best be obtained 13544
from central office personnel or records; 13545

(2) Annually assemble reports from each assistant 13546
ombudsperson as to their activities for the preceding year 13547
together with their recommendations as to changes or 13548
improvements in the operations of the workers' compensation 13549
system. The chief ombudsperson shall prepare a written report 13550
summarizing the activities of the ombudsperson system together 13551
with a digest of recommendations. The chief ombudsperson shall 13552
transmit the report to the nominating council. 13553

(3) Comply with Chapter 102. and sections 2921.42 and 13554
2921.43 of the Revised Code and the nominating council's human 13555
resource and ethics policies. 13556

(D) No ombudsperson or assistant ombudsperson shall: 13557

(1) Represent a claimant or employer in claims pending 13558
before or to be filed with the ~~administrator~~director, a district 13559
or staff hearing officer, the commission, or the courts of the 13560
state, nor shall an ombudsperson or assistant ombudsperson 13561
undertake any such representation for a period of one year after 13562
the ombudsperson's or assistant ombudsperson's employment 13563
terminates or be eligible for employment by the ~~bureau~~ 13564
department or the commission or as a district or staff hearing 13565
officer for one year; 13566

(2) Express any opinions as to the merit of a claim or the 13567
correctness of a decision by the various officers or agencies as 13568
the decision relates to a claim for benefits or compensation. 13569

(E) The chief ombudsperson and assistant ombudspersons 13570
shall receive compensation at a level established by the 13571
nominating council commensurate with the individual's 13572
background, education, and experience in workers' compensation 13573
or related fields. The chief ombudsperson and assistant 13574
ombudspersons are full-time permanent employees in the 13575
unclassified service of the state and are entitled to all 13576
benefits that accrue to such employees, including, without 13577
limitation, sick, vacation, and personal leaves. Assistant 13578
ombudspersons serve at the pleasure of the chief ombudsperson. 13579

(F) In the event of a vacancy in the position of chief 13580
ombudsperson, the nominating council may appoint a person to 13581
serve as acting chief ombudsperson until a chief ombudsperson is 13582
appointed. The acting chief ombudsperson shall be under the 13583
direction and control of the nominating council and may be 13584
removed by the nominating council with or without just cause. 13585

Sec. 4121.47. (A) No employer shall violate a specific 13586
safety rule adopted by the ~~administrator of workers'~~ 13587
~~compensation~~ director of workforce insurance and safety pursuant 13588
to section 4121.13 of the Revised Code or an act of the general 13589
assembly to protect the lives, health, and safety of employees 13590
pursuant to Section 35 of Article II, Ohio Constitution. Chapter 13591
4167. of the Revised Code and rules and standards adopted 13592
thereunder are not the rules or enactment referred to in this 13593
division and shall not be considered as such for purposes of 13594
this section. 13595

(B) If a staff hearing officer, in the course of the staff 13596
hearing officer's determination of a claim for an additional 13597
award under Section 35 of Article II, Ohio Constitution, finds 13598
the employer guilty of violating division (A) of this section, 13599

the staff hearing officer shall, in addition to any award paid 13600
to the claimant, issue an order to the employer to correct the 13601
violation within the period of time the staff hearing officer 13602
fixes. For any violation occurring within twenty-four months of 13603
the last violation, the staff hearing officer shall assess 13604
against the employer a civil penalty in an amount the staff 13605
hearing officer determines up to a maximum of fifty thousand 13606
dollars for each violation. In fixing the exact penalty, the 13607
staff hearing officer shall base the decision upon the size of 13608
the employer as measured by the number of employees, assets, and 13609
earnings of the employer. 13610

(C) An employer dissatisfied with the imposition of a 13611
civil penalty pursuant to division (B) of this section may 13612
appeal the staff hearing officer's decision, if the commission 13613
refuses to hear the appeal under division (E) of section 13614
4123.511 of the Revised Code, or a decision of the commission, 13615
if the commission hears the appeal under that division, to a 13616
court of common pleas pursuant to the Rules of Civil Procedure. 13617
An appeal operates to stay the payment of the fine pending the 13618
appeal. 13619

(D) The ~~administrator-director~~ shall deposit all penalties 13620
collected pursuant to this section in the safety and hygiene 13621
fund established pursuant to section 4121.37 of the Revised 13622
Code. 13623

Sec. 4121.50. Not later than July 1, 2012, the 13624
~~administrator of workers' compensation-director of workforce~~ 13625
insurance and safety shall adopt rules in accordance with 13626
Chapter 119. of the Revised Code to implement a coordinated 13627
services program for claimants under this chapter or Chapter 13628
4123., 4127., or 4131. of the Revised Code who are found to have 13629

obtained prescription drugs that were reimbursed pursuant to an 13630
order of the ~~administrator~~director or of the industrial 13631
commission or by a self-insuring employer but were obtained at a 13632
frequency or in an amount that is not medically necessary. The 13633
program shall be implemented in a manner that is substantially 13634
similar to the coordinated services programs established for the 13635
medicaid program under sections 5164.758 and 5167.13 of the 13636
Revised Code. 13637

Sec. 4121.61. (A) As used in sections 4121.61 to 4121.69 13638
of the Revised Code, "self-insuring employer" has the same 13639
meaning as in section 4123.01 of the Revised Code. 13640

(B) The ~~administrator of workers' compensation~~director of 13641
workforce insurance and safety, with the advice and consent of 13642
the ~~bureau of workers' compensation~~department of workforce 13643
insurance and safety board of directors, shall adopt rules, take 13644
measures, and make expenditures as it deems necessary to aid 13645
claimants who have sustained compensable injuries or incurred 13646
compensable occupational diseases pursuant to Chapter 4123., 13647
4127., or 4131. of the Revised Code to return to work or to 13648
assist in lessening or removing any resulting handicap. 13649

Sec. 4121.62. (A) The authority granted to the 13650
~~administrator of workers' compensation~~director of workforce 13651
insurance and safety pursuant to sections 4121.61 to 4121.69 of 13652
the Revised Code includes the authority to do all of the 13653
following: 13654

(1) Contract with any public or private person for the 13655
rendition of rehabilitation services; 13656

(2) Take actions and utilize money in the state insurance 13657
fund as necessary to obtain federal funds and assistance in the 13658

maximum amounts and most advantageous proportions and terms 13659
possible; 13660

(3) Conduct rehabilitation educational programs for 13661
employers and employees. 13662

(B) Nothing in sections 4121.61 to 4121.69 of the Revised 13663
Code shall be interpreted to grant authority to the 13664
~~administrator~~ director to require a claimant to utilize a public 13665
provider of rehabilitation services, counseling, or training. 13666

Sec. 4121.63. Claimants who the ~~administrator of workers'~~ 13667
~~compensation~~ director of workforce insurance and safety 13668
determines could probably be rehabilitated to achieve the goals 13669
established by section 4121.61 of the Revised Code and who agree 13670
to undergo rehabilitation shall be paid living maintenance 13671
payments for a period or periods which do not exceed six months 13672
in the aggregate, unless review by the ~~administrator~~ director or 13673
the ~~administrator's~~ director's designee reveals that the 13674
claimant will be benefited by an extension of such payments. 13675

Living maintenance payments shall be paid in weekly 13676
amounts, not to exceed the amount the claimant would receive if 13677
the claimant were being compensated for temporary total 13678
disability, but not less than fifty per cent of the current 13679
state average weekly wage. Living maintenance payments shall 13680
commence at the time the claimant begins to participate in an 13681
approved rehabilitation program. 13682

A claimant receiving living maintenance payments shall be 13683
deemed to be temporarily totally disabled and shall receive no 13684
payment of any type of compensation except as provided by 13685
division (B) of section 4123.57 of the Revised Code for the 13686
periods during which the claimant is receiving living 13687

maintenance payments. 13688

Sec. 4121.65. Self-insuring employers may furnish 13689
rehabilitation services as long as the quality and content of 13690
the services are equal to or greater than that provided by the 13691
~~bureau of workers' compensation~~department of workforce insurance 13692
and safety. 13693

Sec. 4121.66. (A) Except as provided in division (D) of 13694
this section, the ~~administrator of workers' compensation~~ 13695
director of workforce insurance and safety shall pay the expense 13696
of providing rehabilitation services, counseling, training, and 13697
living maintenance payments from the surplus fund established by 13698
section 4123.34 of the Revised Code. 13699

(B) Living maintenance payments are not subject to 13700
garnishment, levy, or attachment. 13701

(C) Sections 4123.343, 4123.63, and 4123.64 of the Revised 13702
Code do not apply to living maintenance payments. 13703

(D) A self-insuring employer shall pay directly to a 13704
claimant or to the provider of the rehabilitation services, 13705
counseling, or training the expenses listed in division (A) of 13706
this section. 13707

Sec. 4121.67. (A) The ~~administrator of workers' compensation~~ 13708
director of workforce insurance and safety, with the 13709
advice and consent of the ~~bureau of workers' compensation~~ 13710
department of workforce insurance and safety board of directors, 13711
shall adopt rules: 13712

(1) For the encouragement of reemployment of claimants who 13713
have successfully completed prescribed rehabilitation programs 13714
by payment from the surplus fund established by section 4123.34 13715
of the Revised Code to employers who employ or re-employ the 13716

claimants. The period or periods of payments shall not exceed 13717
six months in the aggregate, unless the ~~administrator-director~~ 13718
or the ~~administrator's-director's~~ designee determines that the 13719
claimant will be benefited by an extension of payments. 13720

(2) Requiring payment, in the same manner as living 13721
maintenance payments are made pursuant to section 4121.63 of the 13722
Revised Code, to the claimant who completes a rehabilitation 13723
training program and returns to employment, but who suffers a 13724
wage loss compared to the wage the claimant was receiving at the 13725
time of injury. Payments per week shall be sixty-six and two- 13726
thirds per cent of the difference, if any, between the 13727
claimant's weekly wage at the time of injury and the weekly wage 13728
received while employed, up to a maximum payment per week equal 13729
to the statewide average weekly wage. The payments may continue 13730
for up to a maximum of two hundred weeks but shall be reduced by 13731
the corresponding number of weeks in which the claimant receives 13732
payments pursuant to division (B) of section 4123.56 of the 13733
Revised Code. 13734

(B) A self-insuring employer shall make the payments 13735
described in division (A) of this section directly as part of a 13736
claim. 13737

Sec. 4121.69. (A) The ~~administrator of workers'~~ 13738
~~compensation~~ director of workforce insurance and safety may 13739
establish compensation plans, including schedules of hourly 13740
rates, for the compensation of professional, administrative, and 13741
managerial employees who are employed to fulfill the duties 13742
placed upon the ~~bureau of workers' compensation department of~~ 13743
workforce insurance and safety pursuant to sections 4121.61 to 13744
4121.69 of the Revised Code. The ~~administrator-director~~ may 13745
establish rules or policies for the administration of the 13746

respective compensation plans. 13747

This division does not apply to employees for whom the 13748
state employment relations board establishes appropriate 13749
bargaining units pursuant to section 4117.06 of the Revised 13750
Code. 13751

(B) The ~~administrator~~director of workforce insurance and 13752
safety may employ the services and resources of any public 13753
entity or private person, business, or association in fulfilling 13754
the duties placed upon the ~~bureau of workers' compensation~~
department of workforce insurance and safety by sections 4121.61 13755
to 4121.69 of the Revised Code. The opportunities for Ohioans 13756
with disabilities agency, the director of job and family 13757
services, and any other public officer, employee, or agency 13758
shall give to the ~~bureau of workers' compensation~~department of 13759
workforce insurance and safety full cooperation and, at the 13760
request of the ~~administrator~~director of workforce insurance and 13761
safety, enter into a written agreement stating the procedures 13762
and criteria for referring, accepting, and providing services to 13763
claimants in the job placement and rehabilitation efforts of the 13764
~~bureau of workers' compensation~~department of workforce 13765
insurance and safety on behalf of a claimant when referred by 13766
the ~~bureau of workers' compensation~~department of workforce 13767
insurance and safety. 13768
13769

(C) In appropriate cases, the ~~bureau~~department may refer 13770
a candidate to the opportunities for Ohioans with disabilities 13771
agency for participation in a program of the agency. For that 13772
purpose, the ~~bureau of workers' compensation~~department shall 13773
compensate the agency for the nonfederal portion of its 13774
services. 13775

Sec. 4123.01. As used in this chapter: 13776

(A) (1) "Employee" means:	13777
(a) Every person in the service of the state, or of any county, municipal corporation, township, or school district therein, including regular members of lawfully constituted police and fire departments of municipal corporations and townships, whether paid or volunteer, and wherever serving within the state or on temporary assignment outside thereof, and executive officers of boards of education, under any appointment or contract of hire, express or implied, oral or written, including any elected official of the state, or of any county, municipal corporation, or township, or members of boards of education.	13778 13779 13780 13781 13782 13783 13784 13785 13786 13787 13788
As used in division (A) (1) (a) of this section, the term "employee" includes the following persons when responding to an inherently dangerous situation that calls for an immediate response on the part of the person, regardless of whether the person is within the limits of the jurisdiction of the person's regular employment or voluntary service when responding, on the condition that the person responds to the situation as the person otherwise would if the person were on duty in the person's jurisdiction:	13789 13790 13791 13792 13793 13794 13795 13796 13797
(i) Off-duty peace officers. As used in division (A) (1) (a) (i) of this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.	13798 13799 13800
(ii) Off-duty firefighters, whether paid or volunteer, of a lawfully constituted fire department.	13801 13802
(iii) Off-duty first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic, whether paid or	13803 13804 13805

volunteer, of an ambulance service organization or emergency 13806
medical service organization pursuant to Chapter 4765. of the 13807
Revised Code. 13808

(b) Every person in the service of any person, firm, or 13809
private corporation, including any public service corporation, 13810
that (i) employs one or more persons regularly in the same 13811
business or in or about the same establishment under any 13812
contract of hire, express or implied, oral or written, including 13813
aliens and minors, household workers who earn one hundred sixty 13814
dollars or more in cash in any calendar quarter from a single 13815
household and casual workers who earn one hundred sixty dollars 13816
or more in cash in any calendar quarter from a single employer, 13817
or (ii) is bound by any such contract of hire or by any other 13818
written contract, to pay into the state insurance fund the 13819
premiums provided by this chapter. 13820

(c) Every person who performs labor or provides services 13821
pursuant to a construction contract, as defined in section 13822
4123.79 of the Revised Code, if at least ten of the following 13823
criteria apply: 13824

(i) The person is required to comply with instructions 13825
from the other contracting party regarding the manner or method 13826
of performing services; 13827

(ii) The person is required by the other contracting party 13828
to have particular training; 13829

(iii) The person's services are integrated into the 13830
regular functioning of the other contracting party; 13831

(iv) The person is required to perform the work 13832
personally; 13833

(v) The person is hired, supervised, or paid by the other 13834

contracting party;	13835
(vi) A continuing relationship exists between the person	13836
and the other contracting party that contemplates continuing or	13837
recurring work even if the work is not full time;	13838
(vii) The person's hours of work are established by the	13839
other contracting party;	13840
(viii) The person is required to devote full time to the	13841
business of the other contracting party;	13842
(ix) The person is required to perform the work on the	13843
premises of the other contracting party;	13844
(x) The person is required to follow the order of work set	13845
by the other contracting party;	13846
(xi) The person is required to make oral or written	13847
reports of progress to the other contracting party;	13848
(xii) The person is paid for services on a regular basis	13849
such as hourly, weekly, or monthly;	13850
(xiii) The person's expenses are paid for by the other	13851
contracting party;	13852
(xiv) The person's tools and materials are furnished by	13853
the other contracting party;	13854
(xv) The person is provided with the facilities used to	13855
perform services;	13856
(xvi) The person does not realize a profit or suffer a	13857
loss as a result of the services provided;	13858
(xvii) The person is not performing services for a number	13859
of employers at the same time;	13860

(xviii) The person does not make the same services available to the general public; 13861
13862

(xix) The other contracting party has a right to discharge the person; 13863
13864

(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement. 13865
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Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the ~~administrator of workers' compensation~~ director of workforce insurance and safety for the person's employment or occupation or who is a self-insuring employer and who has failed to pay compensation and benefits directly to the employer's injured and to the dependents of the employer's killed employees as required by section 4123.35 of the Revised Code, shall be considered as the employee of the person who has entered into a contract, whether written or verbal, with such independent contractor unless such employees or their legal representatives or beneficiaries elect, after injury or death, to regard such independent contractor as the employer. 13868
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(d) Every person who operates a vehicle or vessel in the performance of services for or on behalf of a motor carrier transporting property, unless all of the following factors apply to the person: 13882
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(i) The person owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the person leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. 13886
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For purposes of this division, a bona fide lease agreement does 13890
not include an agreement between the person and the motor 13891
carrier transporting property for which, or on whose behalf, the 13892
person provides services. 13893

(ii) The person is responsible for supplying the necessary 13894
personal services to operate the vehicle or vessel used to 13895
provide the service. 13896

(iii) The compensation paid to the person is based on 13897
factors related to work performed, including on a mileage-based 13898
rate or a percentage of any schedule of rates, and not solely on 13899
the basis of the hours or time expended. 13900

(iv) The person substantially controls the means and 13901
manner of performing the services, in conformance with 13902
regulatory requirements and specifications of the shipper. 13903

(v) The person enters into a written contract with the 13904
carrier for whom the person is performing the services that 13905
describes the relationship between the person and the carrier to 13906
be that of an independent contractor and not that of an 13907
employee. 13908

(vi) The person is responsible for substantially all of 13909
the principal operating costs of the vehicle or vessel and 13910
equipment used to provide the services, including maintenance, 13911
fuel, repairs, supplies, vehicle or vessel insurance, and 13912
personal expenses, except that the person may be paid by the 13913
carrier the carrier's fuel surcharge and incidental costs, 13914
including tolls, permits, and lumper fees. 13915

(vii) The person is responsible for any economic loss or 13916
economic gain from the arrangement with the carrier. 13917

(2) "Employee" does not mean any of the following: 13918

(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry;	13919 13920 13921
(b) Any officer of a family farm corporation;	13922
(c) An individual incorporated as a corporation;	13923
(d) An officer of a nonprofit corporation, as defined in section 1702.01 of the Revised Code, who volunteers the person's services as an officer;	13924 13925 13926
(e) An individual who otherwise is an employee of an employer but who signs the waiver and affidavit specified in section 4123.15 of the Revised Code on the condition that the administrator <u>director</u> has granted a waiver and exception to the individual's employer under section 4123.15 of the Revised Code;	13927 13928 13929 13930 13931
(f) (i) A qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code when the qualifying employee is performing disaster work in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;	13932 13933 13934 13935 13936
(ii) A qualifying employee described in division (A) (14) (b) of section 5703.94 of the Revised Code when the qualifying employee is performing disaster work in this state during a disaster response period on critical infrastructure owned or used by the employee's employer;	13937 13938 13939 13940 13941
(iii) As used in division (A) (2) (f) of this section, "critical infrastructure," "disaster response period," "disaster work," and "qualifying employee" have the same meanings as in section 5703.94 of the Revised Code.	13942 13943 13944 13945
Any employer may elect to include as an "employee" within	13946

this chapter, any person excluded from the definition of 13947
"employee" pursuant to division (A) (1) (d) or (A) (2) (a), (b), 13948
(c), or (e) of this section in accordance with rules adopted by 13949
the ~~administrator~~director, with the advice and consent of the 13950
~~bureau of workers' compensation~~ department of workforce 13951
insurance and safety board of directors. If an employer is a 13952
partnership, sole proprietorship, individual incorporated as a 13953
corporation, or family farm corporation, such employer may elect 13954
to include as an "employee" within this chapter, any member of 13955
such partnership, the owner of the sole proprietorship, the 13956
individual incorporated as a corporation, or the officers of the 13957
family farm corporation. Nothing in this section shall prohibit 13958
a partner, sole proprietor, or any person excluded from the 13959
definition of "employee" pursuant to division (A) (2) (a), (b), 13960
(c), or (e) of this section from electing to be included as an 13961
"employee" under this chapter in accordance with rules adopted 13962
by the ~~administrator~~director, with the advice and consent of the 13963
board. 13964

In the event of an election, the employer or person 13965
electing coverage shall serve upon the ~~bureau of workers'~~ 13966
~~compensation~~ department of workforce insurance and safety 13967
written notice naming the person to be covered and include the 13968
person's remuneration for premium purposes in all future payroll 13969
reports. No partner, sole proprietor, or person excluded from 13970
the definition of "employee" pursuant to division (A) (1) (d) or 13971
(A) (2) (a), (b), (c), or (e) of this section, shall receive 13972
benefits or compensation under this chapter until the ~~bureau-~~ 13973
department receives written notice of the election permitted by 13974
this section. 13975

For informational purposes only, the ~~bureau-~~department 13976
shall prescribe such language as it considers appropriate, on 13977

such of its forms as it considers appropriate, to advise 13978
employers of their right to elect to include as an "employee" 13979
within this chapter a sole proprietor, any member of a 13980
partnership, or a person excluded from the definition of 13981
"employee" under division (A)(1)(d) or (A)(2)(a), (b), (c), or 13982
(e) of this section, that they should check any health and 13983
disability insurance policy, or other form of health and 13984
disability plan or contract, presently covering them, or the 13985
purchase of which they may be considering, to determine whether 13986
such policy, plan, or contract excludes benefits for illness or 13987
injury that they might have elected to have covered by workers' 13988
compensation. 13989

(B)(1) "Employer" means: 13990

(a) The state, including state hospitals, each county, 13991
municipal corporation, township, school district, and hospital 13992
owned by a political subdivision or subdivisions other than the 13993
state; 13994

(b) Every person, firm, professional employer 13995
organization, alternate employer organization, and private 13996
corporation, including any public service corporation, that (i) 13997
has in service one or more employees or shared employees 13998
regularly in the same business or in or about the same 13999
establishment under any contract of hire, express or implied, 14000
oral or written, or (ii) is bound by any such contract of hire 14001
or by any other written contract, to pay into the insurance fund 14002
the premiums provided by this chapter. 14003

All such employers are subject to this chapter. Any member 14004
of a firm or association, who regularly performs manual labor in 14005
or about a mine, factory, or other establishment, including a 14006
household establishment, shall be considered an employee in 14007

determining whether such person, firm, or private corporation, 14008
or public service corporation, has in its service, one or more 14009
employees and the employer shall report the income derived from 14010
such labor to the ~~bureau~~ department as part of the payroll of 14011
such employer, and such member shall thereupon be entitled to 14012
all the benefits of an employee. 14013

(2) "Employer" does not include a franchisor with respect 14014
to the franchisor's relationship with a franchisee or an 14015
employee of a franchisee, unless the franchisor agrees to assume 14016
that role in writing or a court of competent jurisdiction 14017
determines that the franchisor exercises a type or degree of 14018
control over the franchisee or the franchisee's employees that 14019
is not customarily exercised by a franchisor for the purpose of 14020
protecting the franchisor's trademark, brand, or both. For 14021
purposes of this division, "franchisor" and "franchisee" have 14022
the same meanings as in 16 C.F.R. 436.1. 14023

(C) "Injury" includes any injury, whether caused by 14024
external accidental means or accidental in character and result, 14025
received in the course of, and arising out of, the injured 14026
employee's employment. "Injury" does not include: 14027

(1) Psychiatric conditions except where the claimant's 14028
psychiatric conditions have arisen from an injury or 14029
occupational disease sustained by that claimant or where the 14030
claimant's psychiatric conditions have arisen from sexual 14031
conduct in which the claimant was forced by threat of physical 14032
harm to engage or participate; 14033

(2) Injury or disability caused primarily by the natural 14034
deterioration of tissue, an organ, or part of the body; 14035

(3) Injury or disability incurred in voluntary 14036

participation in an employer-sponsored recreation or fitness 14037
activity if the employee signs a waiver of the employee's right 14038
to compensation or benefits under this chapter prior to engaging 14039
in the recreation or fitness activity; 14040

(4) Injury or disability sustained by an employee who 14041
performs the employee's duties in a work area that is located 14042
within the employee's home and that is separate and distinct 14043
from the location of the employer, unless all of the following 14044
apply: 14045

(a) The employee's injury or disability arises out of the 14046
employee's employment. 14047

(b) The employee's injury or disability was caused by a 14048
special hazard of the employee's employment activity. 14049

(c) The employee's injury or disability is sustained in 14050
the course of an activity undertaken by the employee for the 14051
exclusive benefit of the employer. 14052

(5) A condition that pre-existed an injury unless that 14053
pre-existing condition is substantially aggravated by the 14054
injury. Such a substantial aggravation must be documented by 14055
objective diagnostic findings, objective clinical findings, or 14056
objective test results. Subjective complaints may be evidence of 14057
such a substantial aggravation. However, subjective complaints 14058
without objective diagnostic findings, objective clinical 14059
findings, or objective test results are insufficient to 14060
substantiate a substantial aggravation. 14061

(D) "Child" includes a posthumous child and a child 14062
legally adopted prior to the injury. 14063

(E) "Family farm corporation" means a corporation founded 14064
for the purpose of farming agricultural land in which the 14065

majority of the voting stock is held by and the majority of the
stockholders are persons or the spouse of persons related to
each other within the fourth degree of kinship, according to the
rules of the civil law, and at least one of the related persons
is residing on or actively operating the farm, and none of whose
stockholders are a corporation. A family farm corporation does
not cease to qualify under this division where, by reason of any
devise, bequest, or the operation of the laws of descent or
distribution, the ownership of shares of voting stock is
transferred to another person, as long as that person is within
the degree of kinship stipulated in this division.

(F) "Occupational disease" means a disease contracted in
the course of employment, which by its causes and the
characteristics of its manifestation or the condition of the
employment results in a hazard which distinguishes the
employment in character from employment generally, and the
employment creates a risk of contracting the disease in greater
degree and in a different manner from the public in general.

(G) "Self-insuring employer" means an employer who is
granted the privilege of paying compensation and benefits
directly under section 4123.35 of the Revised Code, including a
board of county commissioners for the sole purpose of
constructing a sports facility as defined in section 307.696 of
the Revised Code, provided that the electors of the county in
which the sports facility is to be built have approved
construction of a sports facility by ballot election no later
than November 6, 1997.

(H) "Private employer" means an employer as defined in
division (B) (1) (b) of this section.

(I) "Professional employer organization" has the same

meaning as in section 4125.01 of the Revised Code. 14096

(J) "Public employer" means an employer as defined in 14097
division (B)(1)(a) of this section. 14098

(K) "Sexual conduct" means vaginal intercourse between a 14099
male and female; anal intercourse, fellatio, and cunnilingus 14100
between persons regardless of gender; and, without privilege to 14101
do so, the insertion, however slight, of any part of the body or 14102
any instrument, apparatus, or other object into the vaginal or 14103
anal cavity of another. Penetration, however slight, is 14104
sufficient to complete vaginal or anal intercourse. 14105

(L) "Other-states' insurer" means an insurance company 14106
that is authorized to provide workers' compensation insurance 14107
coverage in any of the states that permit employers to obtain 14108
insurance for workers' compensation claims through insurance 14109
companies. 14110

(M) "Other-states' coverage" means both of the following: 14111

(1) Insurance coverage secured by an eligible employer for 14112
workers' compensation claims of employees who are in employment 14113
relationships localized in a state other than this state or 14114
those employees' dependents; 14115

(2) Insurance coverage secured by an eligible employer for 14116
workers' compensation claims that arise in a state other than 14117
this state where an employer elects to obtain coverage through 14118
either the ~~administrator~~ director or an other-states' insurer. 14119

(N) "Limited other-states coverage" means insurance 14120
coverage provided by the ~~administrator~~ director to an eligible 14121
employer for workers' compensation claims of employees who are 14122
in an employment relationship localized in this state but are 14123
temporarily working in a state other than this state, or those 14124

employees' dependents. 14125

(O) "Motor carrier" has the same meaning as in section 14126
4923.01 of the Revised Code. 14127

(P) "Alternate employer organization" has the same meaning 14128
as in section 4133.01 of the Revised Code. 14129

Sec. 4123.02. This chapter does not apply to ~~policemen_~~ 14130
~~police officers~~ or ~~firemen_firefighters~~ in municipal 14131
corporations where the injured ~~policemen~~ ~~police officers~~ or 14132
~~firemen_firefighters~~ are eligible to participate in any 14133
~~policemen's~~ ~~police officers'~~ or ~~firemen's~~ ~~firefighters'~~ pension 14134
funds established and maintained by a municipal corporation, 14135
unless the amount of the pension funds provided by the municipal 14136
corporation through taxation and paid to the ~~policemen~~ ~~police~~ 14137
~~officers~~ or ~~firemen~~ ~~firefighters~~ is less than they would have 14138
received if the municipal corporation had no pension fund. In 14139
such event ~~policemen~~ ~~police officers~~ and ~~firemen~~ ~~firefighters~~ 14140
shall receive the regular state compensation for ~~policemen_~~ 14141
~~police officers~~ and ~~firemen~~ ~~firefighters~~ in municipal 14142
corporations where no pension funds have been created, less the 14143
sum received by the ~~policemen~~ ~~police officers~~ or ~~firemen_~~ 14144
~~firefighters~~ from the pension funds provided by the municipal 14145
corporation through taxation. The sum paid from the pension fund 14146
shall be certified to the ~~bureau of workers' compensation~~ 14147
~~department of workforce insurance and safety~~ by the treasurer or 14148
other officer controlling the pension fund. 14149

Sec. 4123.024. Sections 4123.021 to 4123.024 and 4123.031 14150
to 4123.037 of the Revised Code shall be administered by the 14151
~~bureau of workers' compensation~~ department of workforce insurance 14152
and safety. Administrative and other costs, including awards of 14153
benefits and compensation, whether lump sum or recurring 14154

payments, shall be disbursed from the state insurance fund. 14155

At the end of each six months of each fiscal year, the 14156
~~administrator of workers' compensation~~ director of workforce 14157
insurance and safety shall certify to the adjutant general the 14158
amounts paid for compensation and benefits for accidental 14159
injuries and death compensable pursuant to sections 4123.021 to 14160
4123.024 and 4123.031 to 4123.037 of the Revised Code and for 14161
costs of administration. 14162

Sec. 4123.026. (A) The ~~administrator of workers'~~ 14163
~~compensation~~ director of workforce insurance and safety, a self- 14164
insuring public employer for the peace officers, firefighters, 14165
and emergency medical workers employed by or volunteering for 14166
that self-insuring public employer, or a detention facility that 14167
is a self-insuring employer for the facility's employees, 14168
including corrections officers, shall pay the costs of 14169
conducting post-exposure medical diagnostic services, consistent 14170
with the standards of medical care existing at the time of the 14171
exposure, to investigate whether an injury or occupational 14172
disease was sustained by a peace officer, firefighter, emergency 14173
medical worker, or detention facility employee, including a 14174
corrections officer, when coming into contact with the blood or 14175
other body fluid of another person in the course of and arising 14176
out of the peace officer's, firefighter's, emergency medical 14177
worker's, or detention facility employee's employment, or when 14178
responding to an inherently dangerous situation in the manner 14179
described in, and in accordance with the conditions specified 14180
under, division (A)(1)(a) of section 4123.01 of the Revised 14181
Code, through any of the following means: 14182

(1) Splash or spatter in the eye or mouth, including when 14183
received in the course of conducting mouth-to-mouth 14184

resuscitation;	14185
(2) A puncture in the skin;	14186
(3) A cut in the skin or another opening in the skin such as an open sore, wound, lesion, abrasion, or ulcer.	14187 14188
(B) The administrator <u>director</u> , a self-insuring public employer, or a detention facility that is a self-insuring employer shall pay the costs of conducting post-exposure medical diagnostic services to investigate whether an employee described in division (A) of this section sustained an injury or occupational disease if both of the following apply:	14189 14190 14191 14192 14193 14194
(1) In the course of employment the employee is exposed to a drug or other chemical substance.	14195 14196
(2) The post-exposure medical diagnostic service is consistent with the standards of medical care existing at the time of exposure.	14197 14198 14199
(C) As used in this section:	14200
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	14201 14202
(2) "Firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department.	14203 14204
(3) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician- paramedic, certified under Chapter 4765. of the Revised Code, whether paid or volunteer.	14205 14206 14207 14208 14209
(4) "Corrections officer" means a person employed by a detention facility as a corrections officer.	14210 14211

(5) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

Sec. 4123.03. If the state or any political subdivision thereof, including any county, township, municipal corporation, school district, and any institution or agency of the state, employs, enlists, recruits, solicits, or otherwise secures the services of any organization, association, or group of persons and the members thereof, including volunteer ~~firemen~~ firefighters, and auxiliary ~~policemen~~ police officers and ~~patrolmen~~ patrol troopers, the individual members of which are not, by reason of such service, employees as defined in division (A) (1) of section 4123.01 of the Revised Code, or if the state or any political subdivision thereof desires to secure workers' compensation coverage in respect of any volunteer ~~fireman~~ firefighter, ~~policeman~~ police officer, deputy sheriff, marshal or deputy marshal, constable, or other person in its service in the event of the injury, disease, or death of such person while engaged in activities called for by ~~his~~ the person's position but not such as would entitle the person to compensation as an employee as so defined, subject to the limitations contained in section 4123.02 of the Revised Code, the state or the political subdivision may contract with the ~~bureau of workers' compensation~~ department of workforce insurance and safety for coverage of such persons under this chapter, while in the performance of such service. The contract shall contain provisions for the determination of premiums, average weekly wages or their equivalent, the identity of the persons covered,

and such other provisions as are necessary in each case to 14243
establish or define the risk and determine claims arising 14244
thereunder. Payment of premiums by the state or a political 14245
subdivision shall be made in the same manner as is provided with 14246
respect to workers' compensation premiums payable by the state 14247
or a political subdivision and at the times as provided by the 14248
contract. Upon execution of a contract, the persons covered 14249
thereby are entitled to the same benefits, payable from the 14250
public insurance fund, which are accorded to employees as 14251
defined in division (A) of section 4123.01 of the Revised Code. 14252

For the purpose of statistical and like information, the 14253
~~bureau~~ ~~department~~ shall keep a separate record of the experience 14254
of the individual risks and groups of similar risks under such 14255
contracts. 14256

Sec. 4123.039. For the purposes of sections 4123.038 and 14257
4123.039 of the Revised Code, every apprentice with respect to 14258
~~his~~ ~~the apprentice's~~ related and supplemental instructions, and 14259
every pre-apprentice, entry-level trainee, or ~~journeyman~~ 14260
journeyperson trainee shall be in the employment of whichever of 14261
the following desires to secure workers' compensation in respect 14262
to the apprentice: 14263

(A) A joint apprenticeship committee; 14264

(B) Any sponsoring organization offering, conducting, 14265
supervising, or giving training to apprentices. 14266

If any joint apprenticeship committee, or any other 14267
sponsoring organization offering, conducting, supervising, or 14268
giving training to apprentices, pre-apprentices, entry-level 14269
trainees, or ~~journeyman~~ journeyperson trainees desires to secure 14270
workers' compensation coverage for those persons in the event of 14271

their injury, disease, or death while engaged in related 14272
training activities, but not such as would entitle them to 14273
compensation as an employee as defined in division (A) of 14274
section 4123.01 of the Revised Code, any joint apprenticeship 14275
committee, or other sponsoring organization may contract with 14276
the ~~bureau of workers' compensation~~ department of workforce 14277
insurance and safety for coverage of those persons under this 14278
chapter, while in the performance of the related training 14279
activities. The contract shall contain provisions for the 14280
determination of premiums, average weekly wages or their 14281
equivalent, the identity of the persons covered, and other 14282
provisions as are necessary in each case to establish or define 14283
the risk and determine claims arising thereunder. Upon execution 14284
of a contract, the persons covered thereby are entitled to the 14285
same benefits, payable from the state insurance fund, which are 14286
accorded to employees as defined in division (A) of section 14287
4123.01 of the Revised Code. 14288

Sec. 4123.04. This chapter applies to employers and their 14289
employees engaged in intrastate commerce and also in interstate 14290
and foreign commerce, for whom a rule of liability or method of 14291
compensation has been or may be established by congress, only to 14292
the extent that their mutual connection with intrastate work may 14293
be and is clearly separable and distinguishable from interstate 14294
or foreign commerce, and then only when such employer and any of 14295
~~his~~ the employer's employees working only in this state, with 14296
the approval of the ~~bureau of workers' compensation~~ department of 14297
workforce insurance and safety, and so far as not forbidden by 14298
any act of congress, voluntarily accept the provisions of this 14299
chapter by filing written acceptances, which, when filed with 14300
and approved by the ~~bureau~~ department, subject the acceptors 14301
irrevocably to this chapter to all intents and purposes as if 14302

they had been originally included in its terms, during the 14303
periods for which the premiums provided in this chapter have 14304
been paid. Payment of premium shall be on the basis of the 14305
payroll of the employees who accept. 14306

Sec. 4123.05. ~~The bureau of workers' compensation~~ 14307
department of workforce insurance and safety shall adopt rules 14308
to regulate and provide for the kind and character of notices, 14309
and the services thereof, in cases of injury, occupational 14310
disease, or death resulting from either, to employees, the 14311
nature and extent of the proofs and evidence, and the method of 14312
taking and furnishing the same, and to establish the right to 14313
benefits or compensation from the state insurance fund, the 14314
forms of application of those claiming to be entitled to 14315
benefits or compensation, and the method of making 14316
investigations, physical examinations, and inspections. Nothing 14317
in this section shall be interpreted as affecting or limiting 14318
the rule-making authority of the industrial commission under 14319
this chapter or Chapter 4121. of the Revised Code. 14320

Sec. 4123.06. The industrial commission shall adopt rules 14321
concerning the payment of attorney's fees and shall protect 14322
parties against unfair fees. The commission shall fix the amount 14323
of fees in the event of a controversy in respect thereto. The 14324
commission and the ~~bureau of workers' compensation~~ department of 14325
workforce insurance and safety shall prominently display in all 14326
areas of an office which claimants frequent a notice to the 14327
effect that the commission has statutory authority to resolve 14328
fee disputes. The commission shall adopt rules designed to 14329
prevent the solicitation of employment in the prosecution or 14330
defense of claims and make and adopt reasonable rules designed 14331
to promote the orderly and expeditious submission, hearing, and 14332
determination of claims and may inquire into the amounts of fees 14333

charged employers or claimants by attorneys, agents, or 14334
representatives for services in matters before the commission. 14335

The commission shall set reasonable standards for those 14336
attorneys, agents, or representatives who practice before the 14337
~~bureau~~department, district or staff hearing officers, or the 14338
commission. 14339

With respect to payment of fees to attorneys for services 14340
in securing an award under section 4123.64 of the Revised Code, 14341
the commission shall: 14342

(A) Approve, disapprove, or modify applications for lump 14343
sum payment for attorney's fees; 14344

(B) Allow payment of a reasonable fee after review of the 14345
application; 14346

(C) Require the attorney to disclose all fees received in 14347
obtaining the award under which the fee is requested and certify 14348
that the client is liable for no further fee with respect to 14349
continuing compensation, except if a later dispute arises in the 14350
claim requiring additional services; 14351

(D) Require such supporting evidence as the commission 14352
deems necessary to justify any such application. 14353

The commission shall suspend from practice before the 14354
~~bureau~~department, district or staff hearing officers, or the 14355
commission for such period of time as the commission determines, 14356
or reprimand, as the nature of the offense warrants, 14357
representatives of claimants or employers who violate any 14358
reasonable rule the commission adopts under authority of law. If 14359
the commission suspends or reprimands any person admitted to 14360
practice law, the commission shall notify the Ohio state bar 14361
association and the bar association of the community in which 14362

the person resides of the action taken by the commission. 14363

Before a representative is suspended or reprimanded, the 14364
commission or a person directly interested in the results of the 14365
services of a representative shall file written charges against 14366
~~him~~ the representative stating distinctly the grounds of 14367
complaint, and a copy thereof certified by the secretary of the 14368
commission, shall be served upon the representative. After 14369
service, the representative shall be allowed a reasonable time 14370
to appear and make a defense, introduce evidence, and be heard 14371
either in person or by counsel, or both. 14372

If the commission makes an order to suspend or reprimand a 14373
representative, the order may be reviewed on appeal on questions 14374
of law in the supreme court, which may affirm or modify the 14375
order of the commission or dismiss the complaint. Appeal 14376
proceedings shall be filed in the supreme court within forty 14377
days after the order of the commission. 14378

The commission may readmit any person suspended upon its 14379
own motion or upon the written application of the person 14380
suspended. 14381

The head of the legal department of the commission shall 14382
make the investigations contemplated by this section and enforce 14383
this section and the rules adopted by the commission pursuant to 14384
this section. The commission shall assign to the head of the 14385
legal department one of its employees to assist in the 14386
administration and supervision of this section and of the rules 14387
adopted under this section. 14388

Sec. 4123.07. ~~The administrator of the bureau of workers'~~ 14389
~~compensation~~ director of workforce insurance and safety shall 14390
prepare and furnish blank forms of application for benefits or 14391

compensation from the state insurance fund, reports of injury, 14392
disability or occupational disease, notices to employers and 14393
employees, proofs of injury, disease, disability or death, 14394
proofs of medical attendance and hospital and nursing care, and 14395
proofs of employment and wage earnings, and other necessary 14396
blanks, and shall provide in ~~his~~ the director's rules for their 14397
preparation and distribution so that they may be readily 14398
available and so prepared that the furnishing of information 14399
required of any person with respect to any aspect of a claim 14400
shall not be delayed by a requirement that information with 14401
respect to another aspect of such claim shall be furnished on 14402
the form by the same or another person. Insured employers shall 14403
keep on hand a sufficient supply of such blanks. 14404

Sec. 4123.08. Each member of the industrial commission, 14405
and its deputies, supervisors, directors, and secretaries, 14406
appointed by the commission, and employees of the ~~bureau of~~ 14407
~~workers' compensation department of workforce insurance and~~ 14408
~~safety~~ designated by the ~~administrator of workers'~~ 14409
~~compensation~~ director of workforce insurance and safety, may for 14410
the purposes contemplated by this chapter, administer oaths, 14411
certify to official acts, take testimony or depositions, conduct 14412
hearings, inquiries, and investigations, issue subpoenas, and 14413
compel the attendance of witnesses and the production of books, 14414
accounts, papers, records, documents, evidence, and testimony. 14415

Sec. 4123.09. In claims filed before the industrial 14416
commission or the ~~bureau of workers' compensation department of~~ 14417
~~workforce insurance and safety~~ by injured employees and the 14418
dependents of killed employees on account of injury or death 14419
sustained by such employees in the course of their employment, 14420
the commission and ~~bureau department~~ may cause depositions of 14421
witnesses residing within or without the state to be taken in 14422

the manner prescribed by law for the taking of depositions in 14423
civil actions in the court of common pleas. 14424

Sec. 4123.12. In case any person fails to comply with an 14425
order of the industrial commission or subpoena issued by the 14426
commission or its secretary or the ~~bureau of workers'~~ 14427
~~compensation~~department of workforce insurance and safety, or any 14428
of their inspectors, or examiners, or on the refusal of a 14429
witness to testify to any matter regarding which ~~he~~ the witness 14430
may be lawfully interrogated, or if any person refuses to permit 14431
an inspection, the probate judge of the county in which the 14432
person resides, on application of any member of the commission 14433
or its secretary or the ~~bureau~~department, or any inspector, or 14434
examiner appointed by the ~~bureau~~department, shall compel 14435
obedience by attachment proceedings as for contempt, as in the 14436
case of disobedience of the requirements of subpoena issued from 14437
such court on a refusal to testify therein. 14438

Sec. 4123.13. Each officer who serves a subpoena issued 14439
under section 4123.08 of the Revised Code shall receive the same 14440
fees as a sheriff, and each witness who appears, in obedience to 14441
a subpoena, before the industrial commission or its secretary or 14442
district or staff hearing officers, the ~~administrator of~~ 14443
~~workers' compensation~~director of workforce insurance and safety, 14444
or any inspector or examiner of the commission or 14445
~~administrator~~director, shall receive the fees and mileage 14446
provided for under section 119.094 of the Revised Code, which 14447
shall be paid from the state insurance fund on the approval of 14448
any two members of the commission, if the witness is subpoenaed 14449
by the commission or its secretary, district or staff hearing 14450
officer, inspector, or examiner, or on the approval of the 14451
~~administrator~~director, if the witness is subpoenaed by the 14452
~~administrator~~director or the ~~administrator's~~director's 14453

inspector or examiner. No witness subpoenaed at the instance of 14454
a party other than the persons listed in this section is 14455
entitled to compensation under this section unless the 14456
~~administrator~~ director or commission certifies that the 14457
witness's testimony was material to the matter investigated. 14458

Sec. 4123.15. (A) An employer who is a member of a 14459
recognized religious sect or division of a recognized religious 14460
sect and who is an adherent of established tenets or teachings 14461
of that sect or division by reason of which the employer is 14462
conscientiously opposed to benefits to employers and employees 14463
from any public or private insurance that makes payment in the 14464
event of death, disability, impairment, old age, or retirement 14465
or makes payments toward the cost of, or provides services in 14466
connection with the payment for, medical services, including the 14467
benefits from any insurance system established by the "Social 14468
Security Act," 42 U.S.C.A. 301, et seq., may apply to the 14469
~~administrator of workers' compensation~~ director of workforce 14470
insurance and safety to be excepted from payment of premiums and 14471
other charges assessed under this chapter and Chapter 4121. of 14472
the Revised Code with respect to, or if the employer is a self- 14473
insuring employer, from payment of direct compensation and 14474
benefits to and assessments required by this chapter and Chapter 14475
4121. of the Revised Code on account of, an individual employee 14476
who meets the requirements of this section. The employer shall 14477
make an application on forms provided by the ~~bureau of workers'~~ 14478
~~compensation~~ department of workforce insurance and safety which 14479
forms may be those used by or similar to those used by the 14480
United States internal revenue service for the purpose of 14481
granting an exemption from payment of social security taxes 14482
under 26 U.S.C.A. 1402(g) of the Internal Revenue Code, and 14483
shall include a written waiver signed by the individual employee 14484

to be excepted from all the benefits and compensation provided 14485
in this chapter and Chapter 4121. of the Revised Code. 14486

The application also shall include affidavits signed by 14487
the employer and the individual employee that the employer and 14488
the individual employee are members of a recognized religious 14489
sect or division of a recognized religious sect and are 14490
adherents of established tenets or teaching of that sect or 14491
division by reason of which the employer and the individual 14492
employee are conscientiously opposed to benefits to employers 14493
and employees received from any public or private insurance that 14494
makes payments in the event of death, disability, impairment, 14495
old age, or retirement or makes payments toward the cost of, or 14496
provides services in connection with the payment for, medical 14497
services, including the benefits from any insurance system 14498
established by the "Social Security Act," 42 U.S.C.A. 301, et 14499
seq. If the individual is a minor, the guardian of the minor 14500
shall complete the waiver and affidavit required by this 14501
division. 14502

(B) The ~~administrator-director~~ shall grant the waiver and 14503
exception to the employer for a particular individual employee 14504
if the ~~administrator-director~~ finds that the employer and the 14505
individual employee are members of a sect or division having the 14506
established tenets or teachings described in division (A) of 14507
this section, that it is the practice, and has been for a 14508
substantial number of years, for members of the sect or division 14509
of the sect to make provision for their dependent members which, 14510
in the ~~administrator's-director's~~ judgment, is reasonable in 14511
view of their general level of hiring, and that the sect or 14512
division of the sect has been in existence at all times since 14513
December 31, 1950. 14514

(C) A waiver and exception under division (B) of this section is effective on the date the ~~administrator~~director grants the waiver and exception. An employer who complies with this chapter and the employer's other employees, with respect to an individual employee for whom the ~~administrator~~director grants the waiver and exception, are entitled, as to that individual employee and as to all injuries and occupational diseases of the individual employee that occurred prior to the effective date of the waiver and exception, to the protections of sections 4123.74 and 4123.741 of the Revised Code. On and after the effective date of the waiver and exception, the employer is not liable for the payment of any premiums or other charges assessed under this chapter or Chapter 4121. of the Revised Code, or if the individual is a self-insuring employer, the employer is not liable for the payment of any compensation or benefits directly or other charges assessed under this chapter or Chapter 4121. of the Revised Code in regard to that individual employee, and is considered a complying employer under those chapters, and the employer and the employer's other employees are entitled to the protections of sections 4123.74 and 4123.741 of the Revised Code, as to that individual employee, and as to injuries and occupational diseases of that individual employee that occur on and after the effective date of the waiver and exception.

(D) A waiver and exception granted in regard to a specific employer and individual employee are valid for all future years unless the ~~administrator~~director determines that the employer, individual employee, or sect or division ceases to meet the requirements of this section. If the ~~administrator~~director makes this determination, the employer is liable for the payment of premiums and other charges assessed under this chapter and

Chapter 4121. of the Revised Code, or if the employer is a self- 14546
insuring employer, the employer is liable for the payment of 14547
compensation and benefits directly and other charges assessed 14548
under those chapters, in regard to the individual employee for 14549
all injuries and occupational diseases of that individual that 14550
occur on and after the date of the ~~administrator's~~director's 14551
determination, and the individual employee is entitled to all of 14552
the benefits and compensation provided in those chapters for an 14553
injury or occupational disease that occurs on or after the date 14554
of the ~~administrator's~~director's determination. 14555

Sec. 4123.19. The ~~bureau of workers' compensation~~ 14556
department of workforce insurance and safety may make necessary 14557
expenditures to obtain statistical and other information to 14558
establish the classes provided for in section 4123.29 of the 14559
Revised Code. 14560

The salaries and compensation of all of the actuaries, 14561
accountants, inspectors, examiners, experts, clerks, physicians, 14562
stenographers, and other assistants of the ~~bureau~~department, and 14563
all other expenses of the ~~bureau~~department, including the 14564
premium to be paid for the bond to be furnished by the treasurer 14565
of state pursuant to section 4123.42 of the Revised Code, shall 14566
be paid out of the workers' compensation fund pursuant to 14567
warrants signed by the ~~administrator of workers'~~ 14568
~~compensation~~director of workforce insurance and safety. 14569

Sec. 4123.20. The ~~administrator of workers' compensation~~ 14570
director of workforce insurance and safety shall make available 14571
electronically to the public, its classifications, rates, rules, 14572
and rules of procedure, and shall furnish the same to any person 14573
upon request. 14574

Sec. 4123.21. No injunction shall issue suspending or 14575

restraining any order, classification, or rate adopted by the 14576
industrial commission or the ~~bureau of workers'~~ 14577
~~compensation~~department of workforce insurance and safety, or any 14578
action of the auditor of state, treasurer of state, attorney 14579
general, or the county auditor or county treasurer of any 14580
county, required to be taken by them or any of them by this 14581
chapter. This section does not effect any right or defense in 14582
any action brought by the commission, the ~~bureau~~department, or 14583
the state in pursuance of authority contained in this chapter. 14584

Sec. 4123.22. The ~~administrator of workers' compensation~~ 14585
~~director of workforce insurance and safety~~ shall prepare and 14586
publish annually a complete report of the ~~bureau of workers'~~ 14587
~~compensation's~~department of workforce insurance and safety and 14588
the industrial commission's operations for the preceding year. 14589
The annual report shall be submitted to the governor and shall 14590
be made available to all employees, employers, and the general 14591
public upon request. As a part of its annual report the ~~bureau~~ 14592
department shall make a report for the preceding fiscal year of 14593
the number of awards made by the commission, a general statement 14594
of the causes of accidents leading to the injuries for which 14595
awards were made, a general statement of the causes of 14596
occupational diseases for which awards were made, and a detailed 14597
statement of the condition of its respective funds. In such 14598
report, ~~he~~ the director may bring to the attention of the 14599
governor the diseases arising out of and due to industrial 14600
processes as ~~he~~ the director believes should be made compensable 14601
as occupational diseases. 14602

The ~~bureau~~department may collate general information as 14603
to the business transacted by the ~~bureau~~department and 14604
commission as in its judgment is desirable for distribution to 14605
employers and employees. 14606

Sec. 4123.23. All books, records, and payrolls of the 14607
employers of the state, showing or reflecting in any way upon 14608
the amount of wage expenditure of such employers, shall always 14609
be open for inspection by the ~~bureau of workers'~~ 14610
~~compensation~~department of workforce insurance and safety, or any 14611
of its traveling auditors, inspectors, or assistants, for the 14612
purpose of ascertaining the correctness of the wage expenditure, 14613
the number of ~~men~~persons employed, and such other information 14614
as is necessary for the uses and purposes of the ~~bureau-~~ 14615
department in its administration of the law. 14616

Refusal on the part of any employer to submit ~~his~~the 14617
employer's books, records, and payrolls for the inspection of 14618
the ~~bureau~~department or any traveling auditor, inspector, or 14619
assistant presenting written authority from the ~~bureau-~~ 14620
department shall subject the employer to a forfeiture of one 14621
hundred dollars for each offense, to be collected by civil 14622
action in the name of the state, and paid into the state 14623
insurance fund. 14624

Sec. 4123.24. Every employer amenable to this chapter 14625
shall keep, preserve, and maintain complete records showing in 14626
detail all expenditures for payroll and the division of such 14627
expenditures into the various divisions and classifications of 14628
the employer's business. The records shall be preserved for at 14629
least five years after the respective times of the transactions 14630
upon which the records are based. 14631

All books, records, papers, and documents reflecting upon 14632
the amount and the classifications of the payroll expenditures 14633
of an employer shall be kept available for inspection at any 14634
time by the ~~bureau of workers' compensation~~department of 14635
workforce insurance and safety or any of its assistants, agents, 14636

representatives, or employees. If an employer fails to keep, 14637
preserve, and maintain the records and other information 14638
reflecting upon payroll expenditures, fails to make the records 14639
and information available for inspection, or fails to furnish to 14640
the ~~bureau~~ department or any of its assistants, agents, 14641
representatives, or employees, full and complete information in 14642
reference to expenditures for payroll when the information is 14643
requested, the ~~bureau~~ department may determine the amount of 14644
premium due from the employer upon such information as is 14645
available to it, and its findings are prima-facie evidence of 14646
the amount of premium due from the employer. 14647

Sec. 4123.25. (A) No employer shall knowingly misrepresent 14648
to the ~~bureau of workers' compensation~~ department of workforce 14649
insurance and safety the amount or classification of payroll 14650
upon which the premium under this chapter is based. Whoever 14651
violates this division shall be liable to the state in an amount 14652
determined by the ~~administrator of workers' compensation~~ 14653
director of workforce insurance and safety for not more than ten 14654
times the amount of the difference between the premium paid and 14655
the amount the employer should have paid. The liability to the 14656
state under this division may be enforced in a civil action in 14657
the name of the state, and all sums collected under this 14658
division shall be paid into the state insurance fund. 14659

(B) No self-insuring employer shall knowingly misrepresent 14660
the amount of paid compensation paid by such employer for 14661
purposes of the assessments provided under this chapter and 14662
Chapter 4121. of the Revised Code as required by section 4123.35 14663
of the Revised Code. Whoever violates this division is liable to 14664
the state in an amount determined by the self-insuring employers 14665
evaluation board pursuant to division (C) of section 4123.352 of 14666
the Revised Code or for an amount the board determines that is 14667

not more than ten times the amount of the difference between the 14668
assessment paid and the amount of the assessment that should 14669
have been paid. The liability to the state under this division 14670
may be enforced in a civil action in the name of the state and 14671
all sums collected under this division shall be paid into the 14672
self-insurance assessment fund created pursuant to division (K) 14673
of section 4123.35 of the Revised Code. 14674

(C) The ~~administrator of workers' compensation~~director of 14675
workforce insurance and safety, with the advice and consent of 14676
the ~~bureau of workers' compensation~~department of workforce 14677
insurance and safety board of directors, shall adopt rules 14678
establishing criteria for determining both of the following: 14679

(1) The amount of the penalty assessed against an employer 14680
for a violation of division (A) of this section; 14681

(2) Acts or omissions that do not constitute a violation 14682
of division (A) or (B) of this section. 14683

Sec. 4123.26. (A) Every employer shall keep records of, 14684
and furnish to the ~~bureau of workers' compensation~~department of 14685
workforce insurance and safety upon request, all information 14686
required by the ~~administrator of workers' compensation~~director 14687
of workforce insurance and safety to carry out this chapter. 14688

(B) Except as otherwise provided in division (C) of this 14689
section, every private employer employing one or more employees 14690
regularly in the same business, or in or about the same 14691
establishment, shall submit a payroll report to the 14692
~~bureau~~department. Until the policy year commencing July 1, 2015, 14693
a private employer shall submit the payroll report in January of 14694
each year. For a policy year commencing on or after July 1, 14695
2015, the employer shall submit the payroll report on or before 14696

August fifteenth of each year unless otherwise specified by the 14697
~~administrator-director~~ in rules the ~~administrator-director~~ 14698
adopts. The employer shall include all of the following 14699
information in the payroll report, as applicable: 14700

(1) For payroll reports submitted prior to July 1, 2015, 14701
the number of employees employed during the preceding year from 14702
the first day of January through the thirty-first day of 14703
December who are localized in this state; 14704

(2) For payroll reports submitted on or after July 1, 14705
2015, the number of employees localized in this state employed 14706
during the preceding policy year from the first day of July 14707
through the thirtieth day of June; 14708

(3) The number of such employees localized in this state 14709
employed at each kind of employment and the aggregate amount of 14710
wages paid to such employees; 14711

(4) If an employer elects to secure other-states' coverage 14712
or limited other-states' coverage pursuant to section 4123.292 14713
of the Revised Code through either the ~~administrator-director~~, if 14714
the ~~administrator-director~~ elects to offer such coverage, or an 14715
other-states' insurer the information required under divisions 14716
(B)(1) to (3) of this section and any additional information 14717
required by the ~~administrator-director~~ in rules the 14718
~~administrator-director~~ adopts, with the advice and consent of 14719
the ~~bureau of workers' compensation department of workforce~~ 14720
insurance and safety board of directors, to allow the employer 14721
to secure other-states' coverage or limited other-states' 14722
coverage. 14723

(5) (a) In accordance with the rules adopted by the 14724
~~administrator-director~~ pursuant to division (C) of section 14725

4123.32 of the Revised Code, if the employer employs employees 14726
who are covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and 14727
under this chapter and Chapter 4121. of the Revised Code, both 14728
of the following amounts: 14729
14730

(i) The amount of wages the employer pays to those 14731
employees when the employees perform labor and provide services 14732
for which the employees are eligible to receive compensation and 14733
benefits under the federal "Longshore and Harbor Workers'
Compensation Act"; 14734
14735

(ii) The amount of wages the employer pays to those 14736
employees when the employees perform labor and provide services 14737
for which the employees are eligible to receive compensation and 14738
benefits under this chapter and Chapter 4121. of the Revised 14739
Code. 14740

(b) The allocation of wages identified by the employer 14741
pursuant to divisions (B) (5) (a) (i) and (ii) of this section 14742
shall not be presumed to be an indication of the law under which 14743
an employee is eligible to receive compensation and benefits. 14744

(C) Each employer that is recognized by the ~~administrator~~ 14745
director as a professional employer organization or alternate 14746
employer organization shall submit a monthly payroll report 14747
containing the number of employees employed during the preceding 14748
calendar month, the number of those employees employed at each 14749
kind of employment, and the aggregate amount of wages paid to 14750
those employees. 14751

(D) An employer described in division (B) of this section 14752
shall submit the payroll report required under this section to 14753
the ~~bureau~~ department on a form prescribed by the 14754

~~bureau~~department. The ~~bureau~~department may require that the 14755
information required to be furnished be verified under oath. The 14756
~~bureau~~department or any person employed by the ~~bureau~~ 14757
department for that purpose, may examine, under oath, any 14758
employer, or the officer, agent, or employee thereof, for the 14759
purpose of ascertaining any information which the employer is 14760
required to furnish to the ~~bureau~~department. 14761

(E) No private employer shall fail to furnish to the 14762
~~bureau~~department the payroll report required by this section, 14763
nor shall any employer fail to keep records of or furnish such 14764
other information as may be required by the ~~bureau~~department 14765
under this section. 14766

(F) The ~~administrator~~director may adopt rules setting 14767
forth penalties for failure to submit the payroll report 14768
required by this section, including but not limited to exclusion 14769
from alternative rating plans and discount programs. 14770

Sec. 4123.27. Information contained in the payroll report 14771
provided for in section 4123.26 of the Revised Code, and such 14772
other information as may be furnished to the ~~bureau of workers'~~ 14773
~~compensation~~department of workforce insurance and safety by 14774
employers in pursuance of that section, is for the exclusive use 14775
and information of the ~~bureau~~department in the discharge of its 14776
official duties, and shall not be open to the public nor be used 14777
in any court in any action or proceeding pending therein unless 14778
the ~~bureau~~department is a party to the action or proceeding. 14779
The information contained in the payroll report may be tabulated 14780
and published by the ~~bureau~~department in statistical form for 14781
the use and information of other state departments and the 14782
public. No person in the employ of the ~~bureau~~department, except 14783
those who are authorized by the ~~administrator of workers'~~ 14784

~~compensation~~director of workforce insurance and safety, shall 14785
divulge any information secured by the person while in the 14786
employ of the ~~bureau~~department in respect to the transactions, 14787
property, claim files, records, or papers of the ~~bureau~~department 14788
department or in respect to the business or mechanical, 14789
chemical, or other industrial process of any company, firm, 14790
corporation, person, association, partnership, or public utility 14791
to any person other than the ~~administrator~~director or to the 14792
superior of such employee of the ~~bureau~~department. 14793

Notwithstanding the restrictions imposed by this section, 14794
the governor, select or standing committees of the general 14795
assembly, the auditor of state, the attorney general, or their 14796
designees, pursuant to the authority granted in this chapter and 14797
Chapter 4121. of the Revised Code, may examine any records, 14798
claim files, or papers in possession of the industrial 14799
commission or the ~~bureau~~department. They also are bound by the 14800
privilege that attaches to these papers. 14801

The ~~administrator~~director of workforce insurance and 14802
safety shall report to the director of job and family services 14803
or to the county director of job and family services the name, 14804
address, and social security number or other identification 14805
number of any person receiving workers' compensation whose name 14806
or social security number or other identification number is the 14807
same as that of a person required by a court or child support 14808
enforcement agency to provide support payments to a recipient or 14809
participant of public assistance, as that term is defined in 14810
section 5101.181 of the Revised Code, and whose name is 14811
submitted to the ~~administrator~~director of workforce insurance 14812
and safety by the director of job and family services under 14813
section 5101.36 of the Revised Code. The ~~administrator~~director 14814
of workforce insurance and safety also shall inform the director 14815

of job and family services of the amount of workers' 14816
compensation paid to the person during such period as the 14817
director of job and family services specifies. 14818

Within fourteen days after receiving from the director of 14819
job and family services a list of the names and social security 14820
numbers of recipients or participants of public assistance 14821
pursuant to section 5101.181 of the Revised Code, the 14822
~~administrator~~ director of workforce insurance and safety shall 14823
inform the auditor of state of the name, current or most recent 14824
address, and social security number of each person receiving 14825
workers' compensation pursuant to this chapter whose name and 14826
social security number are the same as that of a person whose 14827
name or social security number was submitted by the director of 14828
job and family services. The ~~administrator~~ director of workforce 14829
insurance and safety also shall inform the auditor of state of 14830
the amount of workers' compensation paid to the person during 14831
such period as the director specifies. 14832

The ~~bureau~~ department of workforce insurance and safety 14833
and its employees, except for purposes of furnishing the auditor 14834
of state with information required by this section, shall 14835
preserve the confidentiality of recipients or participants of 14836
public assistance in compliance with section 5101.181 of the 14837
Revised Code. 14838

Sec. 4123.271. The ~~administrator of workers' compensation~~ 14839
director of workforce insurance and safety may furnish to the 14840
tax commissioner, on a quarterly basis, a list in a format 14841
approved by the tax commissioner containing the name and social 14842
security number or employer identification number of any 14843
employer, and may request that the tax commissioner, on a 14844
quarterly basis, report the total amount of compensation paid 14845

that the employer reported for the period for which the annual 14846
return is made pursuant to division (F) (3) of section 5747.07 of 14847
the Revised Code, for each employer contained on the 14848
~~administrator's~~director's list. 14849

Upon receipt of this list and request, the tax 14850
commissioner shall provide to the ~~administrator~~director, in a 14851
format designed by the tax commissioner, information identifying 14852
any employer listed by the ~~administrator~~director who reported 14853
compensation paid to employees on the most recent return filed 14854
by the person pursuant to section 5747.07 of the Revised Code 14855
and the total amount of compensation paid that the employer 14856
reported for the period for which the annual return is made 14857
pursuant to division (F) (3) of section 5747.07 of the Revised 14858
Code. 14859

Sec. 4123.28. Every employer in this state shall keep a 14860
record of all injuries and occupational diseases, fatal or 14861
otherwise, received or contracted by ~~his~~the employer's 14862
employees in the course of their employment and resulting in 14863
seven days or more of total disability. Within a week after 14864
acquiring knowledge of an injury or death therefrom, and in the 14865
event of occupational disease or death therefrom, within one 14866
week after acquiring knowledge of or diagnosis of or death from 14867
an occupational disease or of a report to the employer of the 14868
occupational disease or death, a report thereof shall be made in 14869
writing to the ~~bureau of workers' compensation~~department of 14870
workforce insurance and safety upon blanks to be procured from 14871
the ~~bureau~~department for that purpose. The report shall state 14872
the name and nature of the business of the employer, the 14873
location of ~~his~~the employer's establishment or place of work, 14874
the name, address, nature and duration of occupation of the 14875
injured, disabled, or deceased employee and the time, the 14876

nature, and the cause of injury, occupational disease, or death, 14877
and such other information as is required by the 14878
~~bureau~~department. 14879

The employer shall give a copy of each report to the 14880
employee it concerns or ~~his~~the employee's surviving dependents. 14881

No employer shall refuse or neglect to make any report 14882
required by this section. 14883

Each day that an employer fails to file a report required 14884
by this section constitutes an additional day within the time 14885
period given to a claimant by the applicable statute of 14886
limitations for the filing of a claim based on the injury or 14887
occupational disease, provided that a failure to file a report 14888
shall not extend the applicable statute of limitations for more 14889
than two additional years. 14890

Sec. 4123.29. (A) The ~~administrator of workers'~~ 14891
~~compensation~~director of workforce insurance and safety, subject 14892
to the approval of the ~~bureau of workers' compensation~~ 14893
department of workforce insurance and safety board of directors, 14894
shall do all of the following: 14895

(1) Classify occupations or industries with respect to 14896
their degree of hazard and determine the risks of the different 14897
classes according to the categories the national council on 14898
compensation insurance establishes that are applicable to 14899
employers in this state; 14900

(2) (a) Fix the rates of premium of the risks of the 14901
classes based upon the total payroll in each of the classes of 14902
occupation or industry sufficiently large to provide a fund for 14903
the compensation provided for in this chapter and to maintain a 14904
state insurance fund from year to year. The ~~administrator~~ 14905

director shall set the rates at a level that assures the 14906
solvency of the fund. Where the payroll cannot be obtained or, 14907
in the opinion of the ~~administrator~~director, is not an adequate 14908
measure for determining the premium to be paid for the degree of 14909
hazard, the ~~administrator~~director may determine the rates of 14910
premium upon such other basis, consistent with insurance 14911
principles, as is equitable in view of the degree of hazard, and 14912
whenever in this chapter reference is made to payroll or 14913
expenditure of wages with reference to fixing premiums, the 14914
reference shall be construed to have been made also to such 14915
other basis for fixing the rates of premium as the ~~administrator~~ 14916
director may determine under this section. 14917

(b) If an employer elects to obtain other-states' 14918
coverage, including limited other-states' coverage, pursuant to 14919
section 4123.292 of the Revised Code through the 14920
~~administrator~~director, if the ~~administrator~~director elects to 14921
offer such coverage, calculate the employer's premium for the 14922
state insurance fund in the same manner as otherwise required 14923
under division (A) of this section and section 4123.34 of the 14924
Revised Code, except that the ~~administrator~~director may 14925
establish in rule an alternative calculation of the employer's 14926
premium to appropriately account for the expenditure of wages, 14927
payroll, or both attributable to the labor performed and 14928
services provided by that employer's employees when those 14929
employees performed labor and provided services in this state 14930
and in the other state or states for which the employer elects 14931
to secure other-states' coverage. 14932

(c) If an employer elects to obtain other-states' coverage 14933
pursuant to section 4123.292 of the Revised Code through an 14934
other-states' insurer, calculate the employer's premium for the 14935
state insurance fund in the same manner as otherwise required 14936

under division (A) of this section and section 4123.34 of the Revised Code, except that when the ~~administrator~~director determines the expenditure of wages, payroll, or both upon which to base the employer's premium, the ~~administrator~~director shall use only the expenditure of wages, payroll, or both attributable to the labor performed and services provided by that employer's employees when those employees performed labor and provided services in this state only and to which the other-states' coverage does not apply. The ~~administrator~~director may adopt rules setting forth the information that an employer electing to obtain other-states' coverage through an other-states' insurer shall report for purposes of determining the expenditure of wages, payroll, or both attributable to the labor performed and services provided in this state.

(d) The ~~administrator~~director in setting or revising rates shall furnish to employers an adequate explanation of the basis for the rates set.

(3) Develop and make available to employers who are paying premiums to the state insurance fund alternative premium plans. Alternative premium plans shall include retrospective rating plans. The ~~administrator~~director may make available plans under which an advanced deposit may be applied against a specified deductible amount per claim.

(4) (a) Offer to insure the obligations of employers under this chapter under a plan that groups, for rating purposes, employers, and pools the risk of the employers within the group provided that the employers meet all of the following conditions:

(i) All of the employers within the group are members of an organization that has been in existence for at least two

years prior to the date of application for group coverage; 14967

(ii) The organization was formed for purposes other than 14968
that of obtaining group workers' compensation under this 14969
division; 14970

(iii) The employers' business in the organization is 14971
substantially similar such that the risks which are grouped are 14972
substantially homogeneous; 14973

(iv) The group of employers consists of at least one 14974
hundred members or the aggregate workers' compensation premiums 14975
of the members, as determined by the ~~administrator~~director, are 14976
estimated to exceed one hundred fifty thousand dollars during 14977
the coverage period; 14978

(v) The formation and operation of the group program in 14979
the organization will substantially improve accident prevention 14980
and claims handling for the employers in the group; 14981

(vi) Each employer seeking to enroll in a group for 14982
workers' compensation coverage has an account in good standing 14983
with the ~~bureau of workers' compensation~~department of workforce 14984
insurance and safety. The ~~administrator~~director shall adopt 14985
rules setting forth the criteria by which the ~~administrator~~ 14986
director will determine whether an employer's account is in good 14987
standing. 14988

(b) If an organization sponsors more than one employer 14989
group to participate in group plans established under this 14990
section, that organization may submit a single application that 14991
supplies all of the information necessary for each group of 14992
employers that the organization wishes to sponsor. 14993

(c) In providing employer group plans under division (A) 14994
(4) of this section, the ~~administrator~~director shall consider 14995

an employer group as a single employing entity for purposes of 14996
group rating. No employer may be a member of more than one group 14997
for the purpose of obtaining workers' compensation coverage 14998
under this division. 14999

(d) At the time the ~~administrator~~director revises premium 15000
rates pursuant to this section and section 4123.34 of the 15001
Revised Code, if the premium rate of an employer who 15002
participates in a group plan established under this section 15003
changes from the rate established for the previous year, the 15004
~~administrator~~director, in addition to sending the invoice with 15005
the rate revision to that employer, shall provide an explanation 15006
of the rate revision to the third-party administrator that 15007
administers the group plan for that employer's group. 15008

(e) In providing employer group plans under division (A) 15009
(4) of this section, the ~~administrator~~director shall establish 15010
a program designed to mitigate the impact of a significant claim 15011
that would come into the experience of a private, state fund 15012
group-rated employer or a taxing district employer for the first 15013
time and be a contributing factor in that employer being 15014
excluded from a group-rated plan. The ~~administrator~~director 15015
shall establish eligibility criteria and requirements that such 15016
employers must satisfy in order to participate in this program. 15017
For purposes of this program, the ~~administrator~~director shall 15018
establish a discount on premium rates applicable to employers 15019
who qualify for the program. 15020

(f) In no event shall division (A) (4) of this section be 15021
construed as granting to an employer status as a self-insuring 15022
employer. 15023

(g) The ~~administrator~~director shall develop 15024
classifications of occupations or industries that are 15025

sufficiently distinct so as not to group employers in 15026
classifications that unfairly represent the risks of employment 15027
with the employer. 15028

(5) Generally promote employer participation in the state 15029
insurance fund through the regular dissemination of information 15030
to all classes of employers describing the advantages and 15031
benefits of opting to make premium payments to the fund. To that 15032
end, the ~~administrator-director~~ shall regularly make employers 15033
aware of the various workers' compensation premium packages 15034
developed and offered pursuant to this section. 15035

(6) Make available to every employer who is paying 15036
premiums to the state insurance fund a program whereby the 15037
employer or the employer's agent pays to the claimant or on 15038
behalf of the claimant the first fifteen thousand dollars of a 15039
compensable workers' compensation medical-only claim filed by 15040
that claimant that is related to the same injury or occupational 15041
disease. No formal application is required; however, an employer 15042
must elect to participate by telephoning the ~~bureau-department~~ 15043
after July 1, 1995. Once an employer has elected to participate 15044
in the program, the employer will be responsible for all bills 15045
in all medical-only claims with a date of injury the same or 15046
later than the election date, unless the employer notifies the 15047
~~bureau-department~~ within fourteen days of receipt of the 15048
notification of a claim being filed that it does not wish to pay 15049
the bills in that claim, or the employer notifies the ~~bureau-~~ 15050
~~department~~ that the fifteen thousand dollar maximum has been 15051
paid, or the employer notifies the ~~bureau-department~~ of the last 15052
day of service on which it will be responsible for the bills in 15053
a particular medical-only claim. If an employer elects to enter 15054
the program, the ~~administrator-director~~ shall not reimburse the 15055
employer for such amounts paid and shall not charge the first 15056

fifteen thousand dollars of any medical-only claim paid by an 15057
employer to the employer's experience or otherwise use it in 15058
merit rating or determining the risks of any employer for the 15059
purpose of payment of premiums under this chapter. A certified 15060
health care provider shall extend to an employer who 15061
participates in this program the same rates for services 15062
rendered to an employee of that employer as the provider bills 15063
the ~~administrator~~director for the same type of medical claim 15064
processed by the ~~bureau~~department and shall not charge, assess, 15065
or otherwise attempt to collect from an employee any amount for 15066
covered services or supplies that is in excess of that rate. If 15067
an employer elects to enter the program and the employer fails 15068
to pay a bill for a medical-only claim included in the program, 15069
the employer shall be liable for that bill and the employee for 15070
whom the employer failed to pay the bill shall not be liable for 15071
that bill. The ~~administrator~~director shall adopt rules to 15072
implement and administer division (A) (6) of this section. Upon 15073
written request from the ~~bureau~~department, the employer shall 15074
provide documentation to the ~~bureau~~department of all medical- 15075
only bills that they are paying directly. Such requests from the 15076
~~bureau~~department may not be made more frequently than on a 15077
semiannual basis. Failure to provide such documentation to the 15078
~~bureau~~department within thirty days of receipt of the request 15079
may result in the employer's forfeiture of participation in the 15080
program for such injury. The provisions of this section shall 15081
not apply to claims in which an employer with knowledge of a 15082
claimed compensable injury or occupational disease, has paid 15083
wages in lieu of compensation or total disability. 15084

(B) The ~~administrator~~director, with the advice and consent 15085
of the board, by rule, may do both of the following: 15086

(1) Grant an employer who pays the employer's annual 15087

estimated premium in full prior to the start of the policy year 15088
for which the estimated premium is due, a discount as the 15089
~~administrator~~ director fixes from time to time; 15090

(2) Levy a minimum annual administrative charge upon risks 15091
where premium reports develop a charge less than the 15092
~~administrator~~ director considers adequate to offset 15093
administrative costs of processing. 15094

Sec. 4123.291. (A) An adjudicating committee appointed by 15095
the ~~administrator of workers' compensation~~ director of workforce 15096
insurance and safety to hear any matter specified in divisions 15097
(B) (1) to (7) of this section shall hear the matter within sixty 15098
days of the date on which an employer files the request, 15099
protest, or petition. An employer desiring to file a request, 15100
protest, or petition regarding any matter specified in divisions 15101
(B) (1) to (7) of this section shall file the request, protest, 15102
or petition to the adjudicating committee on or before twenty- 15103
four months after the ~~administrator~~ director sends notice of the 15104
determination about which the employer is filing the request, 15105
protest, or petition. 15106

(B) An employer who is adversely affected by a decision of 15107
an adjudicating committee appointed by the ~~administrator~~ 15108
director may appeal the decision of the committee to the 15109
~~administrator~~ director or the ~~administrator's~~ director's 15110
designee. The employer shall file the appeal in writing within 15111
thirty days after the employer receives the decision of the 15112
adjudicating committee. Except as otherwise provided in this 15113
division, the ~~administrator~~ director or the designee shall hold 15114
a hearing and consider and issue a decision on the appeal if the 15115
decision of the adjudicating committee relates to one of the 15116
following: 15117

(1) An employer request for a waiver of a default in the payment of premiums pursuant to section 4123.37 of the Revised Code;	15118 15119 15120
(2) An employer request for the settlement of liability as a noncomplying employer under section 4123.75 of the Revised Code;	15121 15122 15123
(3) An employer petition objecting to an assessment made pursuant to section 4123.37 of the Revised Code and the rules adopted pursuant to that section;	15124 15125 15126
(4) An employer request for the abatement of penalties assessed pursuant to section 4123.32 of the Revised Code and the rules adopted pursuant to that section;	15127 15128 15129
(5) An employer protest relating to an audit finding or a determination of a manual classification, experience rating, or transfer or combination of risk experience;	15130 15131 15132
(6) Any decision relating to any other risk premium matter under Chapters 4121., 4123., and 4131. of the Revised Code;	15133 15134
(7) An employer petition objecting to the amount of security required under division (D) of section 4125.05 of the Revised Code and the rules adopted pursuant to that section or under division (D) of section 4133.07 of the Revised Code and the rules adopted pursuant to that section.	15135 15136 15137 15138 15139
An employer may request, in writing, that the administrator-director waive the hearing before the administrator-director or the administrator's-director's designee. The administrator-director shall decide whether to grant or deny a request to waive a hearing.	15140 15141 15142 15143 15144
(C) The bureau of workers' compensation department of	15145

workforce insurance and safety board of directors, based upon 15146
recommendations of the workers' compensation actuarial 15147
committee, shall establish the policy for all adjudicating 15148
committee procedures, including, but not limited to, specific 15149
criteria for manual premium rate adjustment. 15150

Sec. 4123.292. (A) Notwithstanding sections 4123.35 and 15151
4123.82 of the Revised Code, an employer may elect to obtain 15152
other-states' coverage through an other-states' insurer or, if 15153
the ~~administrator of workers' compensation~~ director of workforce 15154
insurance and safety elects to offer such coverage, through the 15155
~~administrator~~ director pursuant to division (B) of this section. 15156
An employer who elects to obtain other-states' coverage shall 15157
submit a written notice to the ~~administrator~~ director stating 15158
that election on a form prescribed by the ~~administrator~~ director 15159
and, if the employer elects to obtain that coverage through an 15160
other-states' insurer, the name of the other-states' insurer 15161
through whom the employer has obtained that coverage. If an 15162
employer fails to pay the employer's premium for other-states' 15163
coverage, the ~~administrator~~ director shall consider the employer 15164
to be noncompliant for the purposes of having other-states' 15165
coverage and the employer's premiums in this state for any and 15166
all noncompliant periods of time shall be calculated in the same 15167
manner as otherwise required under division (A) of section 15168
4123.29 and section 4123.34 of the Revised Code, using both the 15169
wages reported in this state and the wages that the employer 15170
claimed would be reported to the other-states' insurer for 15171
securing coverage. 15172

(B) The ~~administrator~~ director may offer other-states' 15173
coverage to allow an employer who wishes to obtain other-states' 15174
coverage pursuant to this section and who elects to secure that 15175
coverage through the ~~administrator~~ director for workers' 15176

compensation claims. If the ~~administrator-director~~ elects to 15177
secure a vehicle through which the ~~administrator-director~~ will 15178
provide other-states' coverage, the ~~administrator-director~~ shall 15179
follow the competitive bidding requirements specified in Chapter 15180
125. of the Revised Code to select one or more other-states' 15181
insurers, and the ~~administrator-director~~, with the advice and 15182
consent of the ~~bureau of workers' compensation department of~~ 15183
~~workforce insurance and safety~~ board of directors, shall award a 15184
contract to provide other-states' coverage for employers located 15185
in this state to one or more other-states' insurers that are the 15186
lowest and best bidders. 15187

(C) Notwithstanding sections 4123.35 and 4123.82 of the 15188
Revised Code, the ~~administrator-director~~ may offer limited 15189
other-states' coverage to allow an employer who wishes to obtain 15190
limited other-states' coverage pursuant to this section. An 15191
employer who elects to obtain limited other-states' coverage 15192
shall submit a written notice to the ~~administrator-director~~ 15193
stating that election on a form prescribed by the 15194
~~administrator-director~~. 15195

If the ~~administrator-director~~ elects to secure a vehicle 15196
through which the ~~administrator-director~~ will provide limited 15197
other-states' coverage, the ~~administrator-director~~ shall follow 15198
the competitive bidding requirements specified in Chapter 125. 15199
of the Revised Code to select one or more other-states' insurers 15200
and, with the advice and consent of the board, award a contract 15201
to provide limited other-states' coverage to the lowest and best 15202
bidders. 15203

(D) If the ~~administrator-director~~ elects to offer other 15204
states' coverage or limited other-states' coverage, the 15205
~~administrator-director~~, with the advice and consent of the board, 15206

shall adopt rules to implement divisions (B) and (C) of this section. 15207
15208

(E) The board and the individual members thereof, the 15209
~~administrator~~director, and the ~~bureau of workers' compensation~~ 15210
~~department of workforce insurance and safety~~ shall not incur any 15211
obligation or liability if another state determines that the 15212
other-states' coverage or limited other-states' coverage 15213
provided under this section does not satisfy the requirements 15214
specified in that state's workers' compensation law for 15215
obtaining workers' compensation coverage in that state. 15216

Sec. 4123.30. Money contributed by public employers 15217
constitutes the "public fund" and the money contributed by 15218
private employers constitutes the "private fund." Each such fund 15219
shall be collected, distributed, and its solvency maintained 15220
without regard to or reliance upon the other. Whenever in this 15221
chapter reference is made to the state insurance fund, the 15222
reference is to such two separate funds but such two separate 15223
funds and the net premiums contributed thereto by employers 15224
after adjustments and dividends, except for the amount thereof 15225
which is set aside for the investigation and prevention of 15226
industrial accidents and diseases pursuant to Section 35 of 15227
Article II, Ohio Constitution, any amounts set aside for 15228
actuarial services authorized or required by sections 4123.44 15229
and 4123.47 of the Revised Code, and any amounts set aside to 15230
reinsure the liability of the respective insurance funds for the 15231
following payments, constitute a trust fund for the benefit of 15232
employers and employees mentioned in sections 4123.01, 4123.03, 15233
and 4123.73 of the Revised Code for the payment of compensation, 15234
medical services, examinations, recommendations and 15235
determinations, nursing and hospital services, medicine, 15236
rehabilitation, death benefits, funeral expenses, and like 15237

benefits for loss sustained on account of injury, disease, or 15238
death provided for by this chapter, the administrative costs of 15239
the industrial commission, department of workforce insurance and 15240
safety board of directors, and department of workforce insurance 15241
and safety to administer Chapters 4121., 4123., 4125., 4127., 15242
4133., and 4167. of the Revised Code pursuant to section 15243
4123.342 of the Revised Code, and for no other purpose. This 15244
section does not prevent the deposit or investment of all such 15245
moneys intermingled for such purpose but such funds shall be 15246
separate and distinct for all other purposes, and the rights and 15247
duties created in this chapter shall be construed to have been 15248
made with respect to two separate funds and so as to maintain 15249
and continue such funds separately except for deposit or 15250
investment. Disbursements shall not be made on account of 15251
injury, disease, or death of employees of employers who 15252
contribute to one of such funds unless the moneys to the credit 15253
of such fund are sufficient therefor and no such disbursements 15254
shall be made for moneys or credits paid or credited to the 15255
other fund. 15256

Sec. 4123.31. The moneys in the state treasury for the use 15257
of the ~~bureau of workers' compensation~~ department of workforce 15258
insurance and safety and the industrial commission shall be 15259
known as the workers' compensation fund group. The moneys from 15260
each fund shall be disbursed respectively pursuant to vouchers 15261
approved by the ~~administrator of workers' compensation~~ director 15262
of workforce insurance and safety or the ~~administrator's~~ 15263
director's designee, or by the chairperson of the commission or 15264
the chairperson's designee. 15265

The ~~bureau~~ department and the commission shall provide for 15266
the custody, safekeeping, and deposit of all moneys, checks, and 15267
drafts received by the ~~bureau~~ department or commission or any 15268

employees or agents prior to paying the moneys, checks, and 15269
drafts to the treasurer of state as provided by section 113.08 15270
of the Revised Code. 15271

Sec. 4123.311. (A) The ~~administrator of workers'~~ 15272
~~compensation~~ director of workforce insurance and safety may do 15273
all of the following: 15274

(1) Utilize direct deposit of funds by electronic transfer 15275
for all disbursements the ~~administrator~~ director is authorized 15276
to pay under this chapter and Chapters 4121., 4127., and 4131. 15277
of the Revised Code; 15278

(2) Require any payee to provide a written authorization 15279
designating a financial institution and an account number to 15280
which a payment made according to division (A) (1) of this 15281
section is to be credited, notwithstanding division (B) of 15282
section 9.37 of the Revised Code; 15283

(3) Contract with an agent to do both of the following: 15284

(a) Supply debit cards for claimants to access payments 15285
made to them pursuant to this chapter and Chapters 4121., 4127., 15286
and 4131. of the Revised Code; 15287

(b) Credit the debit cards described in division (A) (3) (a) 15288
of this section with the amounts specified by the ~~administrator~~ 15289
director pursuant to this chapter and Chapters 4121., 4127., and 15290
4131. of the Revised Code by utilizing direct deposit of funds 15291
by electronic transfer. 15292

(4) Enter into agreements with financial institutions to 15293
credit the debit cards described in division (A) (3) (a) of this 15294
section with the amounts specified by the ~~administrator~~ director 15295
pursuant to this chapter and Chapters 4121., 4127., and 4131. of 15296
the Revised Code by utilizing direct deposit of funds by 15297

electronic transfer. 15298

(B) The ~~administrator~~director shall inform claimants 15299
about the ~~administrator's~~director's utilization of direct 15300
deposit of funds by electronic transfer under this section and 15301
section 9.37 of the Revised Code, furnish debit cards to 15302
claimants as appropriate, and provide claimants with 15303
instructions regarding use of those debit cards. 15304

(C) The ~~administrator~~director, with the advice and consent 15305
of the ~~bureau of workers' compensation~~department of workforce
insurance and safety board of directors, shall adopt rules in 15306
accordance with Chapter 119. of the Revised Code regarding 15307
utilization of the direct deposit of funds by electronic 15308
transfer under this section and section 9.37 of the Revised 15309
Code. 15310
15311

Sec. 4123.32. The ~~administrator of workers'~~ 15312
~~compensation~~director of workforce insurance and safety, with the 15313
advice and consent of the ~~bureau of workers' compensation~~
department of workforce insurance and safety board of directors, 15314
shall adopt rules with respect to the collection, maintenance, 15315
and disbursements of the state insurance fund including all of 15316
the following: 15317
15318

(A) A rule providing for ascertaining the correctness of 15319
any employer's report of estimated or actual expenditure of 15320
wages and the determination and adjustment of proper premiums 15321
and the payment of those premiums by the employer; 15322

(B) Such special rules as the ~~administrator~~director 15323
considers necessary to safeguard the fund and that are just in 15324
the circumstances, covering the rates to be applied where one 15325
employer takes over the occupation or industry of another or 15326

where an employer first makes application for state insurance, 15327
and the ~~administrator~~director may require that if any employer 15328
transfers a business in whole or in part or otherwise 15329
reorganizes the business, the successor in interest shall 15330
assume, in proportion to the extent of the transfer, as 15331
determined by the ~~administrator~~director, the employer's account 15332
and shall continue the payment of all contributions due under 15333
this chapter; 15334

(C) A rule providing that an employer who employs an 15335
employee covered under the federal "Longshore and Harbor 15336
Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 15337
seq., and this chapter and Chapter 4121. of the Revised Code 15338
shall be assessed a premium in accordance with the expenditure 15339
of wages, payroll, or both attributable to only labor performed 15340
and services provided by such an employee when the employee 15341
performs labor and provides services for which the employee is 15342
not eligible to receive compensation and benefits under that 15343
federal act. 15344

(D) A rule providing for all of the following: 15345

(1) If an employer fails to file a report of the 15346
employer's actual payroll expenditures pursuant to section 15347
4123.26 of the Revised Code for private employers or pursuant to 15348
section 4123.41 of the Revised Code for public employers, the 15349
premium and assessments due from the employer for the period 15350
shall be calculated based on the estimated payroll of the 15351
employer used in calculating the estimated premium due, 15352
increased by ten per cent; 15353

(2) (a) If an employer fails to pay the premium or 15354
assessments when due for a policy year commencing prior to July 15355
1, 2015, the ~~administrator~~director may add a late fee penalty 15356

of not more than thirty dollars to the premium plus an 15357
additional penalty amount as follows: 15358

(i) For a premium from sixty-one to ninety days past due, 15359
the prime interest rate, multiplied by the premium due; 15360

(ii) For a premium from ninety-one to one hundred twenty 15361
days past due, the prime interest rate plus two per cent, 15362
multiplied by the premium due; 15363

(iii) For a premium from one hundred twenty-one to one 15364
hundred fifty days past due, the prime interest rate plus four 15365
per cent, multiplied by the premium due; 15366

(iv) For a premium from one hundred fifty-one to one 15367
hundred eighty days past due, the prime interest rate plus six 15368
per cent, multiplied by the premium due; 15369

(v) For a premium from one hundred eighty-one to two 15370
hundred ten days past due, the prime interest rate plus eight 15371
per cent, multiplied by the premium due; 15372

(vi) For each additional thirty-day period or portion 15373
thereof that a premium remains past due after it has remained 15374
past due for more than two hundred ten days, the prime interest 15375
rate plus eight per cent, multiplied by the premium due. 15376

(b) For purposes of division (D) (2) (a) of this section, 15377
"prime interest rate" means the average bank prime rate, and the 15378
~~administrator~~director shall determine the prime interest rate 15379
in the same manner as a county auditor determines the average 15380
bank prime rate under section 929.02 of the Revised Code. 15381

(c) If an employer fails to pay the premium or assessments 15382
when due for a policy year commencing on or after July 1, 2015, 15383
the ~~administrator~~director may assess a penalty at the interest 15384

rate established by the state tax commissioner pursuant to 15385
section 5703.47 of the Revised Code. 15386

(3) Notwithstanding the interest rates specified in 15387
division (D) (2) (a) or (c) of this section, at no time shall the 15388
additional penalty amount assessed under division (D) (2) (a) or 15389
(c) of this section exceed fifteen per cent of the premium due. 15390

(4) If an employer recognized by the ~~administrator~~ 15391
director as a professional employer organization or alternate 15392
employer organization fails to make a timely payment of premiums 15393
or assessments as required by section 4123.35 of the Revised 15394
Code, the ~~administrator~~director shall revoke the organization's 15395
registration pursuant to section 4125.06 or 4133.09 of the 15396
Revised Code, as applicable. 15397

(5) An employer may appeal a late fee penalty or 15398
additional penalty to an adjudicating committee pursuant to 15399
section 4123.291 of the Revised Code. 15400

(6) If the employer files an appropriate payroll report 15401
within the time provided by law, the employer shall not be in 15402
default and division (D) (2) of this section shall not apply if 15403
the employer pays the premiums within fifteen days after being 15404
first notified by the ~~administrator~~director of the amount due. 15405

(7) Any deficiencies in the amounts of the premium 15406
security deposit paid by an employer prior to July 1, 2015, 15407
shall be subject to an interest charge of six per cent per annum 15408
from the date the premium obligation is incurred. In determining 15409
the interest due on deficiencies in premium security deposit 15410
payments, a charge in each case shall be made against the 15411
employer in an amount equal to interest at the rate of six per 15412
cent per annum on the premium security deposit due but remaining 15413

unpaid sixty days after notice by the ~~administrator~~director. 15414

(8) Any interest charges or penalties provided for in 15415
divisions (D) (2) and (7) of this section shall be credited to 15416
the employer's account for rating purposes in the same manner as 15417
premiums. 15418

(E) A rule providing that each employer, on the occasion 15419
of instituting coverage under this chapter for an effective date 15420
prior to July 1, 2015, shall submit a premium security deposit. 15421
The deposit shall be calculated equivalent to thirty per cent of 15422
the semiannual premium obligation of the employer based upon the 15423
employer's estimated expenditure for wages for the ensuing six- 15424
month period plus thirty per cent of an additional adjustment 15425
period of two months but only up to a maximum of one thousand 15426
dollars and not less than ten dollars. The ~~administrator~~ 15427
director shall review the security deposit of every employer who 15428
has submitted a deposit which is less than the one-thousand- 15429
dollar maximum. The ~~administrator~~director may require any such 15430
employer to submit additional money up to the maximum of one 15431
thousand dollars that, in the ~~administrator's~~director's 15432
opinion, reflects the employer's current payroll expenditure for 15433
an eight-month period. 15434

(F) A rule providing that each employer, on the occasion 15435
of instituting coverage under this chapter, shall submit an 15436
application fee and an application for coverage that completely 15437
provides all of the information required for the ~~administrator~~ 15438
director to establish coverage for that employer, and that the 15439
employer's failure to pay the application fee or to provide all 15440
of the information requested on the application may be grounds 15441
for the ~~administrator~~director to deny coverage for that 15442
employer. 15443

(G) A rule providing that, in addition to any other 15444
remedies permitted in this chapter, the ~~administrator-director~~ 15445
may discontinue an employer's coverage if the employer fails to 15446
pay the premium due on or before the premium's due date. 15447

(H) A rule providing that if after a final adjudication it 15448
is determined that an employer has failed to pay an obligation, 15449
billing, account, or assessment that is greater than one 15450
thousand dollars on or before its due date, the ~~administrator-~~ 15451
director may discontinue the employer's coverage in addition to 15452
any other remedies permitted in this chapter, and that the 15453
~~administrator-director~~ shall not discontinue an employer's 15454
coverage pursuant to this division prior to a final adjudication 15455
regarding the employer's failure to pay such obligation, 15456
billing, account, or assessment on or before its due date. 15457

(I) As used in divisions (G) and (H) of this section: 15458

(1) "Employer" has the same meaning as in section 4123.01 15459
of the Revised Code except that "employer" does not include the 15460
state, a state hospital, or a state university or college. 15461

(2) "State university or college" has the same meaning as 15462
in section 3345.12 of the Revised Code and also includes the 15463
Ohio agricultural research and development center and OSU 15464
extension. 15465

(3) "State hospital" means the Ohio state university 15466
hospital and its ancillary facilities and the medical university 15467
of Ohio at Toledo hospital. 15468

Sec. 4123.321. The ~~bureau of workers' compensation-~~ 15469
department of workforce insurance and safety board of directors, 15470
based upon recommendations of the workers' compensation 15471
actuarial committee, shall adopt a rule with respect to the 15472

collection, maintenance, and disbursements of the state 15473
insurance fund providing that in the event there is developed as 15474
of any given rate revision date a surplus of earned premium over 15475
all losses that, in the judgment of the board, is larger than is 15476
necessary adequately to safeguard the solvency of the fund, the 15477
board may return such excess surplus to the subscribers to the 15478
fund in either the form of cash refunds or a reduction of 15479
premiums, regardless of when the premium obligations have 15480
accrued. 15481

Sec. 4123.322. (A) The ~~administrator of workers'~~ 15482
~~compensation~~director of workforce insurance and safety, with the 15483
advice and consent of the ~~bureau of workers' compensation~~ 15484
department of workforce insurance and safety board of directors, 15485
shall adopt rules establishing a prospective payment system, 15486
which shall include all of the following: 15487

(1) A requirement that upon an initial application for 15488
coverage, a private employer shall file with the application an 15489
estimate of the employer's payroll for the period the 15490
~~administrator~~director determines pursuant to rules the 15491
~~administrator~~director adopts, and shall pay the amount the 15492
~~administrator~~director determines by rule in order to establish 15493
coverage for the employer as described in division (B)(12) of 15494
section 4121.121 of the Revised Code; 15495

(2) A requirement that upon an initial application for 15496
coverage, a public employer, except for a state agency or state 15497
university or college, shall file with the application an 15498
estimate of the employer's payroll for the period the 15499
~~administrator~~director determines pursuant to rules the 15500
~~administrator~~director adopts, and shall pay the amount the 15501
~~administrator~~director determines by rule in order to establish 15502

coverage for the employer as described in division (B) (11) of 15503
section 4121.121 of the Revised Code; 15504

(3) A requirement that an employer complete periodic 15505
payroll reports of actual expenditures for previous coverage 15506
periods for reconciliation with estimated payroll reports; 15507

(4) The assessment of a penalty for late payroll 15508
reconciliation reports and for late payment of any 15509
reconciliation premium; 15510

(5) The establishment of a transition period during which 15511
time the ~~bureau~~department shall determine the adequacy of 15512
existing premium security deposits of employers, the 15513
establishment of provisions for additional premium payments 15514
during that transition, the provision of a credit of those 15515
deposits toward the first premium due from an employer under the 15516
rules adopted under divisions (A) (1) to (4) of this section, and 15517
the establishment of penalties for late payment or failure to 15518
comply with the rules. 15519

(B) For purposes of division (A) (3) of this section, an 15520
employer shall make timely payment of any premium owed when 15521
actual payroll expenditures exceeded estimated payroll, and the 15522
employer shall receive premium credit when the estimated payroll 15523
exceeded the actual payroll. 15524

(C) For purposes of division (A) (4) of this section, if 15525
the employer's actual payroll substantially exceeds the 15526
estimated payroll, the ~~administrator~~director may assess 15527
additional penalties specified in rules the ~~administrator~~ 15528
director adopts on the reconciliation premium. 15529

(D) As used in this section, "state university or college" 15530
has the same meaning as in section 4123.32 of the Revised Code. 15531

Sec. 4123.323. (A) Except as provided in division (B) of 15532
this section, a payment required under this chapter or Chapter 15533
4121. of the Revised Code, including a payment due for purposes 15534
of continuing coverage, is due on the date specified in those 15535
chapters, unless otherwise provided in a rule adopted by the 15536
~~administrator of workers' compensation~~director of workforce 15537
insurance and safety, with the advice and consent of the ~~bureau~~ 15538
~~of workers' compensation department of workforce insurance and~~ 15539
safety board of directors. 15540

(B) For purposes of collection referrals to the attorney 15541
general under section 131.02 of the Revised Code, a premium 15542
payment is due thirty days after the date upon which a private 15543
employer must submit the payroll report for the corresponding 15544
policy year pursuant to section 4123.26 of the Revised Code or 15545
the date upon which a public employer must submit the payroll 15546
report for the corresponding policy year pursuant to section 15547
4123.41 of the Revised Code, as applicable. 15548

Sec. 4123.324. (A) The ~~administrator of workers'~~ 15549
~~compensation~~director of workforce insurance and safety shall 15550
adopt rules, for the purpose of encouraging economic 15551
development, that establish conditions under which any negative 15552
experience to be transferred to the account of an employer who 15553
is successor in interest under division (B) of section 4123.32 15554
of the Revised Code may be reduced or waived. 15555

(B) The ~~administrator~~director, in adopting rules under 15556
division (A) of this section, may not permit a waiver or 15557
reduction in experience transfer if the succession transaction 15558
is entered into for the purpose of escaping obligations under 15559
this chapter or Chapter 4121., 4127., or 4131. of the Revised 15560
Code. 15561

Sec. 4123.33. Where, in the judgment of the ~~administrator~~ director of workforce insurance and
~~of workers' compensation~~ safety, the circumstances justify or require a certificate
entitling an employer to protection under this chapter for a
period of less than one year, the ~~administrator~~ director may,
upon such conditions as are just and for such premium as the
facts require, grant to the employer a certificate for the
length of time the ~~administrator~~ director designates in the
certificate.

Sec. 4123.34. It shall be the duty of the ~~bureau of~~
~~workers' compensation~~ department of workforce insurance and
safety board of directors and the ~~administrator of workers'~~
~~compensation~~ director of workforce insurance and safety to
safeguard and maintain the solvency of the state insurance fund
and all other funds specified in this chapter and Chapters
4121., 4127., and 4131. of the Revised Code. The
~~administrator~~ director, in the exercise of the powers and
discretion conferred upon the ~~administrator~~ director in section
4123.29 of the Revised Code, shall fix and maintain, with the
advice and consent of the board, for each class of occupation or
industry, the lowest possible rates of premium consistent with
the maintenance of a solvent state insurance fund and the
creation and maintenance of a reasonable surplus, after the
payment of legitimate claims for injury, occupational disease,
and death that the ~~administrator~~ director authorizes to be paid
from the state insurance fund for the benefit of injured,
diseased, and the dependents of killed employees. In
establishing rates, the ~~administrator~~ director shall take into
account the ~~necessity of ensuring sufficient money is set aside~~
~~in the premium payment security fund to cover any defaults in~~
~~premium obligations~~ administrative costs of the industrial

commission, board, and department of workforce insurance and 15593
safety to administer this chapter and Chapters 4121., 4125., 15594
4127., 4133., and 4167. of the Revised Code. The ~~administrator~~ 15595
director shall observe all of the following requirements in 15596
fixing the rates of premium for the risks of occupations or 15597
industries: 15598

(A) The ~~administrator~~director shall keep an accurate 15599
account of the money paid in premiums by each of the several 15600
classes of occupations or industries, and the losses on account 15601
of injuries, occupational disease, and death of employees 15602
thereof, and also keep an account of the money received from 15603
each individual employer and the amount of losses incurred 15604
against the state insurance fund on account of injuries, 15605
occupational disease, and death of the employees of the 15606
employer. 15607

(B) A portion of the money paid into the state insurance 15608
fund shall be set aside for the creation of a surplus fund 15609
account within the state insurance fund. Any references in this 15610
chapter or in Chapter 4121., 4125., 4127., or 4131. of the 15611
Revised Code to the surplus fund, the surplus created in this 15612
division, the statutory surplus fund, or the statutory surplus 15613
of the state insurance fund are hereby deemed to be references 15614
to the surplus fund account. The ~~administrator~~director may 15615
transfer the portion of the state insurance fund to the surplus 15616
fund account as the ~~administrator~~director determines is 15617
necessary to satisfy the needs of the surplus fund account and 15618
to guarantee the solvency of the state insurance fund and the 15619
surplus fund account. In addition to all statutory authority 15620
under this chapter and Chapter 4121. of the Revised Code, the 15621
~~administrator~~director has discretionary and contingency 15622
authority to make charges to the surplus fund account. The 15623

~~administrator~~director shall account for all charges, whether 15624
statutory, discretionary, or contingency, that the ~~administrator~~ 15625
director may make to the surplus fund account. A revision of 15626
basic rates shall be made annually on the first day of July. 15627

For policy years commencing prior to July 1, 2016, 15628
revisions of basic rates for private employers shall be in 15629
accordance with the oldest four of the last five calendar years 15630
of the combined accident and occupational disease experience of 15631
the ~~administrator~~director in the administration of this 15632
chapter, as shown by the accounts kept as provided in this 15633
section. For a policy year commencing on or after July 1, 2016, 15634
revisions of basic rates for private employers shall be in 15635
accordance with the oldest four of the last five policy years 15636
combined accident and occupational disease experience of the 15637
~~administrator~~director in the administration of this chapter, as 15638
shown by the accounts kept as provided in this section. 15639

Revisions of basic rates for public employers shall be in 15640
accordance with the oldest four of the last five policy years of 15641
the combined accident and occupational disease experience of the 15642
~~administrator~~director in the administration of this chapter, as 15643
shown by the accounts kept as provided in this section. 15644

In revising basic rates, the ~~administrator~~director shall 15645
exclude the experience of employers that are no longer active if 15646
the ~~administrator~~director determines that the inclusion of 15647
those employers would have a significant negative impact on the 15648
remainder of the employers in a particular manual 15649
classification. The ~~administrator~~director shall adopt rules, 15650
with the advice and consent of the board, governing rate 15651
revisions, the object of which shall be to make an equitable 15652
distribution of losses among the several classes of occupation 15653

or industry, which rules shall be general in their application. 15654

(C) The ~~administrator~~ director may apply that form of 15655
rating system that the ~~administrator~~ director finds is best 15656
calculated to merit rate or individually rate the risk more 15657
equitably, predicated upon the basis of its individual 15658
industrial accident and occupational disease experience, and may 15659
encourage and stimulate accident prevention. The ~~administrator~~ 15660
director shall develop fixed and equitable rules controlling the 15661
rating system, which rules shall conserve to each risk the basic 15662
principles of workers' compensation insurance. 15663

~~(D) The administrator, from the money paid into the state-~~ 15664
~~insurance fund, shall set aside into an account of the state-~~ 15665
~~insurance fund titled a premium payment security fund sufficient-~~ 15666
~~money to pay for any premiums due from an employer and-~~ 15667
~~uncollected.~~ 15668

~~The use of the moneys held by the premium payment security-~~ 15669
~~fund account is restricted to reimbursement to the state-~~ 15670
~~insurance fund of premiums due and uncollected.~~ 15671

~~(E)~~ The ~~administrator~~ director may grant discounts on 15672
premium rates for employers who meet either of the following 15673
requirements: 15674

(1) Have not incurred a compensable injury for one year or 15675
more and who maintain an employee safety committee or similar 15676
organization or make periodic safety inspections of the 15677
workplace. 15678

(2) Successfully complete a loss prevention program 15679
prescribed by the superintendent of the division of safety and 15680
hygiene and conducted by the division or by any other person 15681
approved by the superintendent. 15682

~~(F)(1)~~ (E)(1) In determining the premium rates for the 15683
construction industry the ~~administrator~~ director shall calculate 15684
the employers' premiums based upon the actual remuneration 15685
construction industry employees receive from construction 15686
industry employers, provided that the amount of remuneration the 15687
~~administrator~~ director uses in calculating the premiums shall 15688
not exceed an average weekly wage equal to one hundred fifty per 15689
cent of the statewide average weekly wage as defined in division 15690
(C) of section 4123.62 of the Revised Code. 15691

(2) Division ~~(F)(1)~~ (E)(1) of this section shall not be 15692
construed as affecting the manner in which benefits to a 15693
claimant are awarded under this chapter. 15694

(3) As used in division ~~(F)~~ (E) of this section, 15695
"construction industry" includes any activity performed in 15696
connection with the erection, alteration, repair, replacement, 15697
renovation, installation, or demolition of any building, 15698
structure, highway, or bridge. 15699

~~(G)~~ (F) The ~~administrator~~ director shall not place a limit 15700
on the length of time that an employer may participate in the 15701
~~bureau of workers' compensation department of workforce~~ 15702
insurance and safety drug free workplace and workplace safety 15703
programs. 15704

Sec. 4123.341. The administrative costs of the industrial 15705
commission, the ~~bureau of workers' compensation department of~~ 15706
workforce insurance and safety board of directors, and the 15707
~~bureau of workers' compensation department of workforce~~ 15708
insurance and safety shall be those costs and expenses that are 15709
incident to the discharge of the duties and performance of the 15710
activities of the industrial commission, the board, and the 15711
~~bureau department~~ under this chapter and Chapters 4121., 4125., 15712

4127., ~~4131.,~~ 4133., and 4167. of the Revised Code, and all such 15713
costs shall be borne by the state and by other employers 15714
amenable to this chapter as follows: 15715

(A) In addition to the contribution required of the state 15716
under sections 4123.39 and 4123.40 of the Revised Code, the 15717
state shall contribute the sum determined to be necessary under 15718
section 4123.342 of the Revised Code. 15719

(B) The director of budget and management may allocate the 15720
state's share of contributions in the manner the director finds 15721
most equitably apportions the costs. 15722

(C) The counties and taxing districts therein shall 15723
contribute such sum as may be required under ~~section~~ sections 15724
4123.34, 4123.342, and 4123.41 of the Revised Code. 15725

(D) The private employers shall contribute the sum 15726
required under ~~section~~ sections 4123.34 and 4123.342 of the 15727
Revised Code. 15728

Sec. 4123.342. (A) The ~~administrator of workers'~~ 15729
~~compensation~~ director of workforce insurance and safety shall 15730
allocate among counties and taxing districts therein as a class, 15731
the state and its instrumentalities as a class, private 15732
employers who are insured under the private fund as a class, and 15733
self-insuring employers as a class their fair shares of the 15734
administrative costs which are to be borne by such employers 15735
under ~~division (D) of section 4123.341 of the Revised Code,~~ 15736
separately allocating to each class those costs solely 15737
attributable to the activities of the industrial commission and 15738
those costs solely attributable to the activities of the ~~bureau~~ 15739
~~of workers' compensation~~ department of workforce insurance and 15740
safety board of directors, and the ~~bureau of workers'~~ 15741

~~compensation department of workforce insurance and safety in~~ 15742
respect of the class, allocating to any combination of classes 15743
those costs attributable to the activities of the industrial 15744
commission, board, or ~~bureau department~~ in respect of the 15745
classes, and allocating to all four classes those costs 15746
attributable to the activities of the industrial commission, 15747
board, and ~~bureau department~~ in respect of all classes. ~~The~~ 15748
~~administrator shall separately calculate each employer's~~ 15749
~~assessment in the class, except self-insuring employers, on the~~ 15750
~~basis of the following three factors: payroll, paid~~ 15751
~~compensation, and paid medical costs of the employer for those~~ 15752
~~costs solely attributable to the activities of the board and the~~ 15753
~~bureau. The administrator shall separately calculate each~~ 15754
~~employer's assessment in the class, except self-insuring~~ 15755
~~employers, on the basis of the following three factors: payroll,~~ 15756
~~paid compensation, and paid medical costs of the employer for~~ 15757
~~those costs solely attributable to the activities of the~~ 15758
~~industrial commission. The administrator shall separately~~ 15759
~~calculate each self-insuring employer's assessment in accordance~~ 15760
~~with section 4123.35 of the Revised Code for those costs solely~~ 15761
~~attributable to the activities of the board and the bureau. The~~ 15762
~~administrator~~ director shall separately calculate each self- 15763
insuring employer's ~~assessment~~ administrative costs in 15764
accordance with section 4123.35 of the Revised Code ~~for those~~ 15765
~~costs solely attributable to the activities of the industrial~~ 15766
~~commission~~. In a timely manner, the industrial commission shall 15767
provide to the ~~administrator~~ director, the information necessary 15768
for the ~~administrator~~ director to allocate and calculate, with 15769
the approval of the chairperson of the industrial commission, 15770
for each class of employer as described in this division, the 15771
costs solely attributable to the activities of the industrial 15772
commission. 15773

(B) ~~The administrator shall divide the administrative cost-~~ 15774
~~assessments collected by the administrator into two-~~ 15775
~~administrative assessment accounts within the state insurance-~~ 15776
~~fund. One of the administrative assessment accounts shall-~~ 15777
~~consist of the administrative cost assessment collected by the-~~ 15778
~~administrator for the industrial commission. One of the-~~ 15779
~~administrative assessment accounts shall consist of the-~~ 15780
~~administrative cost assessments collected by the administrator-~~ 15781
~~for the bureau and the board. The administrator may invest the-~~ 15782
~~administrative cost assessments in these accounts on behalf of-~~ 15783
~~the bureau and the industrial commission as authorized in-~~ 15784
~~section 4123.44 of the Revised Code. In a timely manner, the-~~ 15785
~~administrator shall provide to the industrial commission the-~~ 15786
~~information and reports the commission deems necessary for the-~~ 15787
~~commission to monitor the receipts and the disbursements from-~~ 15788
~~the administrative assessment account for the industrial-~~ 15789
~~commission.~~ 15790

~~(C) The administrator~~ director ~~or the administrator's-~~ 15791
director's designee shall transfer moneys from the state 15792
insurance fund as necessary ~~from the~~ for the administrative 15793
~~assessment account identified for costs of the bureau~~ department 15794
and the board to the workers' compensation fund for the use of 15795
the ~~bureau~~ department and the board. As necessary and upon the 15796
authorization of the industrial commission, the ~~administrator-~~ 15797
director ~~or the administrator's~~ director's designee shall 15798
transfer moneys from ~~the administrative assessment account-~~ 15799
~~identified for the industrial commission~~ state insurance fund 15800
for the commission's administrative costs to the industrial 15801
commission operating fund created under section 4121.021 of the 15802
Revised Code. ~~To the extent that the moneys collected by the-~~ 15803
~~administrator in any fiscal biennium of the state equal the sum-~~ 15804

~~appropriated by the general assembly for administrative costs of 15805
the industrial commission, board, and bureau for the biennium, 15806
the moneys shall be paid into the workers' compensation fund and 15807
the industrial commission operating fund of the state, as 15808
appropriate, and any remainder shall be retained in those funds 15809
and applied to reduce the amount collected during the next 15810
biennium. 15811~~

(C) Sections 4123.41, 4123.35, and 4123.37 of the Revised 15812
Code apply to the collection of assessments from public and 15813
private employers respectively, except that for boards of county 15814
hospital trustees that are self-insuring employers, only those 15815
provisions applicable to the collection of assessments for 15816
private employers apply. 15817

Sec. 4123.343. This section shall be construed liberally 15818
to the end that employers shall be encouraged to employ and 15819
retain in their employment handicapped employees as defined in 15820
this section. 15821

(A) As used in this section, "handicapped employee" means 15822
an employee who is afflicted with or subject to any physical or 15823
mental impairment, or both, whether congenital or due to an 15824
injury or disease of such character that the impairment 15825
constitutes a handicap in obtaining employment or would 15826
constitute a handicap in obtaining reemployment if the employee 15827
should become unemployed and whose handicap is due to any of the 15828
following diseases or conditions: 15829

- (1) Epilepsy; 15830
- (2) Diabetes; 15831
- (3) Cardiac disease; 15832
- (4) Arthritis; 15833

(5) Amputated foot, leg, arm, or hand;	15834
(6) Loss of sight of one or both eyes or a partial loss of uncorrected vision of more than seventy-five per cent bilaterally;	15835 15836 15837
(7) Residual disability from poliomyelitis;	15838
(8) Cerebral palsy;	15839
(9) Multiple sclerosis;	15840
(10) Parkinson's disease;	15841
(11) Cerebral vascular accident;	15842
(12) Tuberculosis;	15843
(13) Silicosis;	15844
(14) Psycho-neurotic disability following treatment in a recognized medical or mental institution;	15845 15846
(15) Hemophilia;	15847
(16) Chronic osteomyelitis;	15848
(17) Ankylosis of joints;	15849
(18) Hyper insulinism;	15850
(19) Muscular dystrophies;	15851
(20) Arterio-sclerosis;	15852
(21) Thrombo-phlebitis;	15853
(22) Varicose veins;	15854
(23) Cardiovascular, pulmonary, or respiratory diseases of a firefighter or police officer employed by a municipal corporation or township as a regular member of a lawfully	15855 15856 15857

constituted police department or fire department; 15858

(24) Coal miners' pneumoconiosis, commonly referred to as 15859
"black lung disease"; 15860

(25) Disability with respect to which an individual has 15861
completed a rehabilitation program conducted pursuant to 15862
sections 4121.61 to 4121.69 of the Revised Code. 15863

(B) Under the circumstances set forth in this section all 15864
or such portion as the ~~administrator~~director of workforce 15865
insurance and safety determines of the compensation and benefits 15866
paid in any claim arising hereafter shall be charged to and paid 15867
from the statutory surplus fund created under section 4123.34 of 15868
the Revised Code and only the portion remaining shall be merit- 15869
rated or otherwise treated as part of the accident or 15870
occupational disease experience of the employer. The provisions 15871
of this section apply only in cases of death, total disability, 15872
whether temporary or permanent, and all disabilities compensated 15873
under division (B) of section 4123.57 of the Revised Code. The 15874
~~administrator~~director shall adopt rules specifying the grounds 15875
upon which charges to the statutory surplus fund are to be made. 15876
The ~~administrator~~director, in those rules, shall require that a 15877
settlement agreement approved pursuant to section 4123.65 of the 15878
Revised Code or a settlement agreement approved by a court of 15879
competent jurisdiction in this state be treated as an award of 15880
compensation granted by the ~~administrator~~director for the 15881
purpose of making a determination under this section. 15882

(C) Any employer who has in its employ a handicapped 15883
employee is entitled, in the event the person is injured, to a 15884
determination under this section. 15885

An employer shall file an application under this section 15886

for a determination with the ~~bureau~~department or commission in 15887
the same manner as other claims. An application only may be made 15888
in cases where a handicapped employee or a handicapped 15889
employee's dependents claim or are receiving an award of 15890
compensation as a result of an injury or occupational disease 15891
occurring or contracted on or after the date on which division 15892
(A) of this section first included the handicap of such 15893
employee. 15894

(D) The circumstances under and the manner in which an 15895
apportionment under this section shall be made are: 15896

(1) Whenever a handicapped employee is injured or disabled 15897
or dies as the result of an injury or occupational disease 15898
sustained in the course of and arising out of a handicapped 15899
employee's employment in this state and the ~~administrator~~ 15900
director awards compensation therefor and when it appears to the 15901
satisfaction of the ~~administrator~~director that the injury or 15902
occupational disease or the death resulting therefrom would not 15903
have occurred but for the pre-existing physical or mental 15904
impairment of the handicapped employee, all compensation and 15905
benefits payable on account of the disability or death shall be 15906
paid from the surplus fund. 15907

(2) Whenever a handicapped employee is injured or disabled 15908
or dies as a result of an injury or occupational disease and the 15909
~~administrator~~director finds that the injury or occupational 15910
disease would have been sustained or suffered without regard to 15911
the employee's pre-existing impairment but that the resulting 15912
disability or death was caused at least in part through 15913
aggravation of the employee's pre-existing disability, the 15914
~~administrator~~director shall determine in a manner that is 15915
equitable and reasonable and based upon medical evidence the 15916

amount of disability or proportion of the cost of the death 15917
award that is attributable to the employee's pre-existing 15918
disability and the amount found shall be charged to the 15919
statutory surplus fund. 15920

(E) The benefits and provisions of this section apply only 15921
to employers who have complied with this chapter through 15922
insurance with the state fund. 15923

(F) No employer shall in any year receive credit under 15924
this section in an amount greater than the premium the employer 15925
paid. 15926

(G) An order issued by the ~~administrator-director~~ pursuant 15927
to this section is appealable under section 4123.511 of the 15928
Revised Code but is not appealable to court under section 15929
4123.512 of the Revised Code. 15930

Sec. 4123.344. In the case of any institution of higher 15931
education that has sustained claims arising from deaths and 15932
injuries of a catastrophic nature arising from a motor vehicle 15933
accident occurring outside of this state, the ~~Administrator of~~
~~Workers' Compensation~~ director of workforce insurance and safety 15934
shall suspend the imposition of any premium increase or any 15935
change in the experience of such an institution of higher 15936
education until after the conclusion of any subrogation claims 15937
that are brought by the ~~Administrator-director~~ in relation to 15938
those deaths and injuries. 15939
15940

Sec. 4123.35. (A) Except as provided in this section, and 15941
until the policy year commencing July 1, 2015, every private 15942
employer and every publicly owned utility shall pay semiannually 15943
in the months of January and July into the state insurance fund 15944
the amount of annual premium the ~~administrator of workers'~~ 15945

~~compensation~~ director of workforce insurance and safety fixes 15946
for the employment or occupation of the employer, the amount of 15947
which premium to be paid by each employer to be determined by 15948
the classifications, rules, and rates made and published by the 15949
~~administrator~~ director. The employer shall pay semiannually a 15950
further sum of money into the state insurance fund as may be 15951
ascertained to be due from the employer by applying the rules of 15952
the ~~administrator~~ director. 15953

Except as otherwise provided in this section, for a policy 15954
year commencing on or after July 1, 2015, every private employer 15955
and every publicly owned utility shall pay annually in the month 15956
of June immediately preceding the policy year into the state 15957
insurance fund the amount of estimated annual premium the 15958
~~administrator~~ director fixes for the employment or occupation of 15959
the employer, the amount of which estimated premium to be paid 15960
by each employer to be determined by the classifications, rules, 15961
and rates made and published by the ~~administrator~~ director. The 15962
employer shall pay a further sum of money into the state 15963
insurance fund as may be ascertained to be due from the employer 15964
by applying the rules of the ~~administrator~~ director. Upon receipt 15965
of the payroll report required by division (B) of section 15966
4123.26 of the Revised Code, the ~~administrator~~ director shall 15967
adjust the premium and assessments charged to each employer for 15968
the difference between estimated gross payrolls and actual gross 15969
payrolls, and any balance due to the ~~administrator~~ director 15970
shall be immediately paid by the employer. Any balance due the 15971
employer shall be credited to the employer's account. 15972

For a policy year commencing on or after July 1, 2015, 15973
each employer that is recognized by the ~~administrator~~ director 15974
as a professional employer organization or alternate employer 15975
organization shall pay monthly into the state insurance fund the 15976

amount of premium the ~~administrator~~director fixes for the 15977
employer for the prior month based on the actual payroll of the 15978
employer reported pursuant to division (C) of section 4123.26 of 15979
the Revised Code. 15980

A receipt certifying that payment has been made shall be 15981
issued to the employer by the ~~bureau of workers'~~ 15982
~~compensation~~department of workforce insurance and safety. The 15983
receipt is prima-facie evidence of the payment of the premium. 15984
The ~~administrator~~director shall provide each employer written 15985
proof of workers' compensation coverage as is required in 15986
section 4123.83 of the Revised Code. Proper posting of the 15987
notice constitutes the employer's compliance with the notice 15988
requirement mandated in section 4123.83 of the Revised Code. 15989

The ~~bureau~~department shall verify with the secretary of 15990
state the existence of all corporations and organizations making 15991
application for workers' compensation coverage and shall require 15992
every such application to include the employer's federal 15993
identification number. 15994

A private employer who has contracted with a subcontractor 15995
is liable for the unpaid premium due from any subcontractor with 15996
respect to that part of the payroll of the subcontractor that is 15997
for work performed pursuant to the contract with the employer. 15998

Division (A) of this section providing for the payment of 15999
premiums semiannually does not apply to any employer who was a 16000
subscriber to the state insurance fund prior to January 1, 1914, 16001
or, until July 1, 2015, who may first become a subscriber to the 16002
fund in any month other than January or July. Instead, the 16003
semiannual premiums shall be paid by those employers from time 16004
to time upon the expiration of the respective periods for which 16005
payments into the fund have been made by them. After July 1, 16006

2015, an employer who first becomes a subscriber to the fund on 16007
any day other than the first day of July shall pay premiums 16008
according to rules adopted by the ~~administrator~~director, with 16009
the advice and consent of the ~~bureau of workers' compensation~~ 16010
department of workforce insurance and safety board of directors, 16011
for the remainder of the policy year for which the coverage is 16012
effective. 16013

The ~~administrator~~director, with the advice and consent of 16014
the board, shall adopt rules to permit employers to make 16015
periodic payments of the premium and assessment due under this 16016
division. The rules shall include provisions for the assessment 16017
of interest charges, where appropriate, and for the assessment 16018
of penalties when an employer fails to make timely premium 16019
payments. The ~~administrator~~director, in the rules the 16020
~~administrator~~director adopts, may set an administrative fee for 16021
these periodic payments. An employer who timely pays the amounts 16022
due under this division is entitled to all of the benefits and 16023
protections of this chapter. Upon receipt of payment, the ~~bureau~~ 16024
department shall issue a receipt to the employer certifying that 16025
payment has been made, which receipt is prima-facie evidence of 16026
payment. Workers' compensation coverage under this chapter 16027
continues uninterrupted upon timely receipt of payment under 16028
this division. 16029

Every public employer, except public employers that are 16030
self-insuring employers under this section, shall comply with 16031
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 16032
regard to the contribution of moneys to the public insurance 16033
fund. 16034

(B) Employers who will abide by the rules of the 16035
~~administrator~~director and who may be of sufficient financial 16036

ability to render certain the payment of compensation to injured 16037
employees or the dependents of killed employees, and the 16038
furnishing of medical, surgical, nursing, and hospital attention 16039
and services and medicines, and funeral expenses, equal to or 16040
greater than is provided for in sections 4123.52, 4123.55 to 16041
4123.62, and 4123.64 to 4123.67 of the Revised Code, and who do 16042
not desire to insure the payment thereof or indemnify themselves 16043
against loss sustained by the direct payment thereof, upon a 16044
finding of such facts by the ~~administrator~~director, may be 16045
granted the privilege to pay individually compensation, and 16046
furnish medical, surgical, nursing, and hospital services and 16047
attention and funeral expenses directly to injured employees or 16048
the dependents of killed employees, thereby being granted status 16049
as a self-insuring employer. The ~~administrator~~director may 16050
charge employers who apply for the status as a self-insuring 16051
employer a reasonable application fee to cover the ~~bureau's~~
department's costs in connection with processing and making a 16052
determination with respect to an application. 16053
16054

All employers granted status as self-insuring employers 16055
shall demonstrate sufficient financial and administrative 16056
ability to assure that all obligations under this section are 16057
promptly met. The ~~administrator~~director shall deny the 16058
privilege where the employer is unable to demonstrate the 16059
employer's ability to promptly meet all the obligations imposed 16060
on the employer by this section. 16061

(1) The ~~administrator~~director shall consider, but is not 16062
limited to, the following factors, where applicable, in 16063
determining the employer's ability to meet all of the 16064
obligations imposed on the employer by this section: 16065

(a) The employer has operated in this state for a minimum 16066

of two years, provided that an employer who has purchased, 16067
acquired, or otherwise succeeded to the operation of a business, 16068
or any part thereof, situated in this state that has operated 16069
for at least two years in this state, also shall qualify; 16070

(b) Where the employer previously contributed to the state 16071
insurance fund or is a successor employer as defined by ~~bureau-~~ 16072
department rules, the amount of the buyout, as defined by ~~bureau-~~ 16073
department rules; 16074

(c) The sufficiency of the employer's assets located in 16075
this state to insure the employer's solvency in paying 16076
compensation directly; 16077

(d) The financial records, documents, and data, certified 16078
by a certified public accountant, necessary to provide the 16079
employer's full financial disclosure. The records, documents, 16080
and data include, but are not limited to, balance sheets and 16081
profit and loss history for the current year and previous four 16082
years. 16083

(e) The employer's organizational plan for the 16084
administration of the workers' compensation law; 16085

(f) The employer's proposed plan to inform employees of 16086
the change from a state fund insurer to a self-insuring 16087
employer, the procedures the employer will follow as a self- 16088
insuring employer, and the employees' rights to compensation and 16089
benefits; and 16090

(g) The employer has either an account in a financial 16091
institution in this state, or if the employer maintains an 16092
account with a financial institution outside this state, ensures 16093
that workers' compensation checks are drawn from the same 16094
account as payroll checks or the employer clearly indicates that 16095

payment will be honored by a financial institution in this 16096
state. 16097

The ~~administrator~~director may waive the requirements of 16098
division (B) (1) (a) of this section and the requirement of 16099
division (B) (1) (d) of this section that the financial records, 16100
documents, and data be certified by a certified public 16101
accountant. The ~~administrator~~director shall adopt rules 16102
establishing the criteria that an employer shall meet in order 16103
for the ~~administrator~~director to waive the requirements of 16104
divisions (B) (1) (a) and (d) of this section. Such rules may 16105
require additional security of that employer pursuant to 16106
division (E) of section 4123.351 of the Revised Code. 16107

The ~~administrator~~director shall not grant the status of 16108
self-insuring employer to the state, except that the 16109
~~administrator~~director may grant the status of self-insuring 16110
employer to a state institution of higher education, including 16111
its hospitals, that meets the requirements of division (B) (2) of 16112
this section. 16113

(2) When considering the application of a public employer, 16114
except for a board of county commissioners described in division 16115
(G) of section 4123.01 of the Revised Code, a board of a county 16116
hospital, or a publicly owned utility, the ~~administrator~~director 16117
shall verify that the public employer satisfies all of 16118
the following requirements as the requirements apply to that 16119
public employer: 16120

(a) For the two-year period preceding application under 16121
this section, the public employer has maintained an unvoted debt 16122
capacity equal to at least two times the amount of the current 16123
annual premium established by the ~~administrator~~director under 16124
this chapter for that public employer for the year immediately 16125

preceding the year in which the public employer makes 16126
application under this section. 16127

(b) For each of the two fiscal years preceding application 16128
under this section, the unreserved and undesignated year-end 16129
fund balance in the public employer's general fund is equal to 16130
at least five per cent of the public employer's general fund 16131
revenues for the fiscal year computed in accordance with 16132
generally accepted accounting principles. 16133

(c) For the five-year period preceding application under 16134
this section, the public employer, to the extent applicable, has 16135
complied fully with the continuing disclosure requirements 16136
established in rules adopted by the United States securities and 16137
exchange commission under 17 C.F.R. 240.15c 2-12. 16138

(d) For the five-year period preceding application under 16139
this section, the public employer has not had its local 16140
government fund distribution withheld on account of the public 16141
employer being indebted or otherwise obligated to the state. 16142

(e) For the five-year period preceding application under 16143
this section, the public employer has not been under a fiscal 16144
watch or fiscal emergency pursuant to section 118.023, 118.04, 16145
or 3316.03 of the Revised Code. 16146

(f) For the public employer's fiscal year preceding 16147
application under this section, the public employer has obtained 16148
an annual financial audit as required under section 117.10 of 16149
the Revised Code, which has been released by the auditor of 16150
state within seven months after the end of the public employer's 16151
fiscal year. 16152

(g) On the date of application, the public employer holds 16153
a debt rating of Aa3 or higher according to Moody's investors 16154

service, inc., or a comparable rating by an independent rating 16155
agency similar to Moody's investors service, inc. 16156

(h) The public employer agrees to generate an annual 16157
accumulating book reserve in its financial statements reflecting 16158
an actuarially generated reserve adequate to pay projected 16159
claims under this chapter for the applicable period of time, as 16160
determined by the ~~administrator~~director. 16161

(i) For a public employer that is a hospital, the public 16162
employer shall submit audited financial statements showing the 16163
hospital's overall liquidity characteristics, and the 16164
~~administrator~~director shall determine, on an individual basis, 16165
whether the public employer satisfies liquidity standards 16166
equivalent to the liquidity standards of other public employers. 16167

(j) Any additional criteria that the ~~administrator~~ 16168
director adopts by rule pursuant to division (E) of this 16169
section. 16170

The ~~administrator~~director may adopt rules establishing 16171
the criteria that a public employer shall satisfy in order for 16172
the ~~administrator~~director to waive any of the requirements 16173
listed in divisions (B) (2) (a) to (j) of this section. The rules 16174
may require additional security from that employer pursuant to 16175
division (E) of section 4123.351 of the Revised Code. The 16176
~~administrator~~director shall not waive any of the requirements 16177
listed in divisions (B) (2) (a) to (j) of this section for a 16178
public employer who does not satisfy the criteria established in 16179
the rules the ~~administrator~~director adopts. 16180

(C) A board of county commissioners described in division 16181
(G) of section 4123.01 of the Revised Code, as an employer, that 16182
will abide by the rules of the ~~administrator~~director and that 16183

may be of sufficient financial ability to render certain the 16184
payment of compensation to injured employees or the dependents 16185
of killed employees, and the furnishing of medical, surgical, 16186
nursing, and hospital attention and services and medicines, and 16187
funeral expenses, equal to or greater than is provided for in 16188
sections 4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of 16189
the Revised Code, and that does not desire to insure the payment 16190
thereof or indemnify itself against loss sustained by the direct 16191
payment thereof, upon a finding of such facts by the 16192
~~administrator~~director, may be granted the privilege to pay 16193
individually compensation, and furnish medical, surgical, 16194
nursing, and hospital services and attention and funeral 16195
expenses directly to injured employees or the dependents of 16196
killed employees, thereby being granted status as a self- 16197
insuring employer. The ~~administrator~~director may charge a board 16198
of county commissioners described in division (G) of section 16199
4123.01 of the Revised Code that applies for the status as a 16200
self-insuring employer a reasonable application fee to cover the 16201
~~bureau's~~department's costs in connection with processing and 16202
making a determination with respect to an application. All 16203
employers granted such status shall demonstrate sufficient 16204
financial and administrative ability to assure that all 16205
obligations under this section are promptly met. The 16206
~~administrator~~director shall deny the privilege where the 16207
employer is unable to demonstrate the employer's ability to 16208
promptly meet all the obligations imposed on the employer by 16209
this section. The ~~administrator~~director shall consider, but is 16210
not limited to, the following factors, where applicable, in 16211
determining the employer's ability to meet all of the 16212
obligations imposed on the board as an employer by this section: 16213

(1) The board has operated in this state for a minimum of 16214

two years; 16215

(2) Where the board previously contributed to the state 16216
insurance fund or is a successor employer as defined by ~~bureau-~~ 16217
department rules, the amount of the buyout, as defined by ~~bureau-~~ 16218
department rules; 16219

(3) The sufficiency of the board's assets located in this 16220
state to insure the board's solvency in paying compensation 16221
directly; 16222

(4) The financial records, documents, and data, certified 16223
by a certified public accountant, necessary to provide the 16224
board's full financial disclosure. The records, documents, and 16225
data include, but are not limited to, balance sheets and profit 16226
and loss history for the current year and previous four years. 16227

(5) The board's organizational plan for the administration 16228
of the workers' compensation law; 16229

(6) The board's proposed plan to inform employees of the 16230
proposed self-insurance, the procedures the board will follow as 16231
a self-insuring employer, and the employees' rights to 16232
compensation and benefits; 16233

(7) The board has either an account in a financial 16234
institution in this state, or if the board maintains an account 16235
with a financial institution outside this state, ensures that 16236
workers' compensation checks are drawn from the same account as 16237
payroll checks or the board clearly indicates that payment will 16238
be honored by a financial institution in this state; 16239

(8) The board shall provide the ~~administrator~~director a 16240
surety bond in an amount equal to one hundred twenty-five per 16241
cent of the projected losses as determined by the 16242
~~administrator~~director. 16243

(D) The ~~administrator-director~~ shall require a surety bond 16244
from all self-insuring employers, issued pursuant to section 16245
4123.351 of the Revised Code, that is sufficient to compel, or 16246
secure to injured employees, or to the dependents of employees 16247
killed, the payment of compensation and expenses, which shall in 16248
no event be less than that paid or furnished out of the state 16249
insurance fund in similar cases to injured employees or to 16250
dependents of killed employees whose employers contribute to the 16251
fund, except when an employee of the employer, who has suffered 16252
the loss of a hand, arm, foot, leg, or eye prior to the injury 16253
for which compensation is to be paid, and thereafter suffers the 16254
loss of any other of the members as the result of any injury 16255
sustained in the course of and arising out of the employee's 16256
employment, the compensation to be paid by the self-insuring 16257
employer is limited to the disability suffered in the subsequent 16258
injury, additional compensation, if any, to be paid by the 16259
~~bureau-department~~ out of the surplus created by section 4123.34 16260
of the Revised Code. 16261

(E) In addition to the requirements of this section, the 16262
~~administrator-director~~ shall make and publish rules governing 16263
the manner of making application and the nature and extent of 16264
the proof required to justify a finding of fact by the 16265
~~administrator-director~~ as to granting the status of a self- 16266
insuring employer, which rules shall be general in their 16267
application, one of which rules shall provide that all self- 16268
insuring employers shall pay into the state insurance fund such 16269
amounts as are required to be credited to the surplus fund in 16270
division (B) of section 4123.34 of the Revised Code. The 16271
~~administrator-director~~ may adopt rules establishing requirements 16272
in addition to the requirements described in division (B) (2) of 16273
this section that a public employer shall meet in order to 16274

qualify for self-insuring status. 16275

Employers shall secure directly from the ~~bureau~~ department 16276
central offices application forms upon which the ~~bureau~~ 16277
department shall stamp a designating number. Prior to submission 16278
of an application, an employer shall make available to the 16279
~~bureau~~ department, and the ~~bureau~~ department shall review, the 16280
information described in division (B) (1) of this section, and 16281
public employers shall make available, and the ~~bureau~~ department 16282
shall review, the information necessary to verify whether the 16283
public employer meets the requirements listed in division (B) (2) 16284
of this section. An employer shall file the completed 16285
application forms with an application fee, which shall cover the 16286
costs of processing the application, as established by the 16287
~~administrator~~ director, by rule, with the ~~bureau~~ department at 16288
least ninety days prior to the effective date of the employer's 16289
new status as a self-insuring employer. The application form is 16290
not deemed complete until all the required information is 16291
attached thereto. The ~~bureau~~ department shall only accept 16292
applications that contain the required information. 16293

(F) The ~~bureau~~ department shall review completed 16294
applications within a reasonable time. If the ~~bureau~~ department 16295
determines to grant an employer the status as a self-insuring 16296
employer, the ~~bureau~~ department shall issue a statement, 16297
containing its findings of fact, that is prepared by the ~~bureau~~ 16298
department and signed by the ~~administrator~~ director. If the 16299
~~bureau~~ department determines not to grant the status as a self- 16300
insuring employer, the ~~bureau~~ department shall notify the 16301
employer of the determination and require the employer to 16302
continue to pay its full premium into the state insurance fund. 16303
The ~~administrator~~ director also shall adopt rules establishing a 16304
minimum level of performance as a criterion for granting and 16305

maintaining the status as a self-insuring employer and fixing 16306
time limits beyond which failure of the self-insuring employer 16307
to provide for the necessary medical examinations and 16308
evaluations may not delay a decision on a claim. 16309

(G) The ~~administrator~~director shall adopt rules setting 16310
forth procedures for auditing the program of self-insuring 16311
employers. The ~~bureau~~department shall conduct the audit upon a 16312
random basis or whenever the ~~bureau~~department has grounds for 16313
believing that a self-insuring employer is not in full 16314
compliance with ~~bureau~~department rules or this chapter. 16315

The ~~administrator~~director shall monitor the programs 16316
conducted by self-insuring employers, to ensure compliance with 16317
~~bureau~~department requirements and for that purpose, shall 16318
develop and issue to self-insuring employers standardized forms 16319
for use by the self-insuring employer in all aspects of the 16320
self-insuring employers' direct compensation program and for 16321
reporting of information to the ~~bureau~~department. 16322

The ~~bureau~~department shall receive and transmit to the 16323
self-insuring employer all complaints concerning any self- 16324
insuring employer. In the case of a complaint against a self- 16325
insuring employer, the ~~administrator~~director shall handle the 16326
complaint through the self-insurance division of the 16327
~~bureau~~department. The ~~bureau~~department shall maintain a file by 16328
employer of all complaints received that relate to the employer. 16329
The ~~bureau~~department shall evaluate each complaint and take 16330
appropriate action. 16331

The ~~administrator~~director shall adopt as a rule a 16332
prohibition against any self-insuring employer from harassing, 16333
dismissing, or otherwise disciplining any employee making a 16334
complaint, which rule shall provide for a financial penalty to 16335

be levied by the ~~administrator~~director payable by the offending self-insuring employer. 16336
16337

(H) For the purpose of making determinations as to whether 16338
to grant status as a self-insuring employer, the ~~administrator~~ 16339
director may subscribe to and pay for a credit reporting service 16340
that offers financial and other business information about 16341
individual employers. The costs in connection with the ~~bureau's~~ 16342
department's subscription or individual reports from the service 16343
about an applicant may be included in the application fee 16344
charged employers under this section. 16345

(I) A self-insuring employer that returns to the state 16346
insurance fund as a state fund employer shall provide the 16347
~~administrator~~director with medical costs and indemnity costs by 16348
claim, and payroll by manual classification and year, and such 16349
other information the ~~administrator~~director may require. The 16350
self-insuring employer shall submit this information by dates 16351
and in a format determined by the ~~administrator~~director. The 16352
~~administrator~~director shall develop a state fund experience 16353
modification factor for a self-insuring employer that returns to 16354
the state insurance fund based in whole or in part on the 16355
employer's self-insured experience and the information 16356
submitted. 16357

(J) On the first day of July of each year, the 16358
~~administrator~~director shall calculate separately each self- 16359
insuring employer's assessments for the safety and hygiene fund, 16360
administrative costs pursuant to section 4123.342 of the Revised 16361
Code, and for the surplus fund under division (B) of section 16362
4123.34 of the Revised Code, on the basis of the paid 16363
compensation attributable to the individual self-insuring 16364
employer according to the following calculation: 16365

(1) The total assessment against all self-insuring employers as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the ~~administrator~~director, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

(2) Multiply the quotient in division (J)(1) of this section by the total amount of paid compensation for the previous calendar year that is attributable to the individual self-insuring employer for whom the assessment is being determined. Each self-insuring employer shall pay the assessment that results from this calculation, unless the assessment resulting from this calculation falls below a minimum assessment, which minimum assessment the ~~administrator~~director shall determine on the first day of July of each year with the advice and consent of the ~~bureau of workers' compensation~~ department of workforce insurance and safety board of directors, in which event, the self-insuring employer shall pay the minimum assessment.

In determining the total amount due for the total assessment against all self-insuring employers as a class for each fund and the administrative assessment, the ~~administrator~~director shall reduce proportionately the total for each fund and assessment by the amount of money in the self-insurance assessment fund as of the date of the computation of the assessment.

The ~~administrator~~director shall calculate the assessment for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is used for reimbursement to a self-insuring employer under division (H) of

section 4123.512 of the Revised Code in the same manner as set 16396
forth in divisions (J) (1) and (2) of this section except that 16397
the ~~administrator~~ director shall calculate the total assessment 16398
for this portion of the surplus fund only on the basis of those 16399
self-insuring employers that retain participation in 16400
reimbursement to the self-insuring employer under division (H) 16401
of section 4123.512 of the Revised Code and the individual self- 16402
insuring employer's proportion of paid compensation shall be 16403
calculated only for those self-insuring employers who retain 16404
participation in reimbursement to the self-insuring employer 16405
under division (H) of section 4123.512 of the Revised Code. 16406

An employer who no longer is a self-insuring employer in 16407
this state or who no longer is operating in this state, shall 16408
continue to pay assessments for administrative costs and for the 16409
surplus fund under division (B) of section 4123.34 of the 16410
Revised Code based upon paid compensation attributable to claims 16411
that occurred while the employer was a self-insuring employer 16412
within this state. 16413

(K) There is hereby created in the state treasury the 16414
self-insurance assessment fund. All investment earnings of the 16415
fund shall be deposited in the fund. The ~~administrator~~ director 16416
shall use the money in the self-insurance assessment fund only 16417
for administrative costs as specified in section 4123.341 of the 16418
Revised Code. 16419

(L) Every self-insuring employer shall certify, in 16420
affidavit form subject to the penalty for perjury, to the ~~bureau~~ 16421
department the amount of the self-insuring employer's paid 16422
compensation for the previous calendar year. In reporting paid 16423
compensation paid for the previous year, a self-insuring 16424
employer shall exclude from the total amount of paid 16425

compensation any reimbursement the self-insuring employer 16426
receives in the previous calendar year from the surplus fund 16427
pursuant to section 4123.512 of the Revised Code for any paid 16428
compensation. The self-insuring employer also shall exclude from 16429
the paid compensation reported any amount recovered under 16430
section 4123.931 of the Revised Code and any amount that is 16431
determined not to have been payable to or on behalf of a 16432
claimant in any final administrative or judicial proceeding. The 16433
self-insuring employer shall exclude such amounts from the paid 16434
compensation reported in the reporting period subsequent to the 16435
date the determination is made. The ~~administrator~~director shall 16436
adopt rules, in accordance with Chapter 119. of the Revised 16437
Code, that provide for all of the following: 16438

(1) Establishing the date by which self-insuring employers 16439
must submit such information and the amount of the assessments 16440
provided for in division (J) of this section for employers who 16441
have been granted self-insuring status within the last calendar 16442
year; 16443

(2) If an employer fails to pay the assessment when due, 16444
the ~~administrator~~director may add a late fee penalty of not 16445
more than five hundred dollars to the assessment plus an 16446
additional penalty amount as follows: 16447

(a) For an assessment from sixty-one to ninety days past 16448
due, the prime interest rate, multiplied by the assessment due; 16449

(b) For an assessment from ninety-one to one hundred 16450
twenty days past due, the prime interest rate plus two per cent, 16451
multiplied by the assessment due; 16452

(c) For an assessment from one hundred twenty-one to one 16453
hundred fifty days past due, the prime interest rate plus four 16454

per cent, multiplied by the assessment due; 16455

(d) For an assessment from one hundred fifty-one to one 16456
hundred eighty days past due, the prime interest rate plus six 16457
per cent, multiplied by the assessment due; 16458

(e) For an assessment from one hundred eighty-one to two 16459
hundred ten days past due, the prime interest rate plus eight 16460
per cent, multiplied by the assessment due; 16461

(f) For each additional thirty-day period or portion 16462
thereof that an assessment remains past due after it has 16463
remained past due for more than two hundred ten days, the prime 16464
interest rate plus eight per cent, multiplied by the assessment 16465
due. 16466

(3) An employer may appeal a late fee penalty and penalty 16467
assessment to the ~~administrator~~director. 16468

For purposes of division (L) (2) of this section, "prime 16469
interest rate" means the average bank prime rate, and the 16470
~~administrator~~director shall determine the prime interest rate 16471
in the same manner as a county auditor determines the average 16472
bank prime rate under section 929.02 of the Revised Code. 16473

The ~~administrator~~director shall include any assessment 16474
and penalties that remain unpaid for previous assessment periods 16475
in the calculation and collection of any assessments due under 16476
this division or division (J) of this section. 16477

(M) As used in this section, "paid compensation" means all 16478
amounts paid by a self-insuring employer for living maintenance 16479
benefits, all amounts for compensation paid pursuant to sections 16480
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, 16481
and 4123.64 of the Revised Code, all amounts paid as wages in 16482
lieu of such compensation, all amounts paid in lieu of such 16483

compensation under a nonoccupational accident and sickness 16484
program fully funded by the self-insuring employer, and all 16485
amounts paid by a self-insuring employer for a violation of a 16486
specific safety standard pursuant to Section 35 of Article II, 16487
Ohio Constitution and section 4121.47 of the Revised Code. 16488

(N) Should any section of this chapter or Chapter 4121. of 16489
the Revised Code providing for self-insuring employers' 16490
assessments based upon compensation paid be declared 16491
unconstitutional by a final decision of any court, then that 16492
section of the Revised Code declared unconstitutional shall 16493
revert back to the section in existence prior to November 3, 16494
1989, providing for assessments based upon payroll. 16495

(O) The ~~administrator-director~~ may grant a self-insuring 16496
employer the privilege to self-insure a construction project 16497
entered into by the self-insuring employer that is scheduled for 16498
completion within six years after the date the project begins, 16499
and the total cost of which is estimated to exceed one hundred 16500
million dollars or, for employers described in division (R) of 16501
this section, if the construction project is estimated to exceed 16502
twenty-five million dollars. The ~~administrator-director~~ may 16503
waive such cost and time criteria and grant a self-insuring 16504
employer the privilege to self-insure a construction project 16505
regardless of the time needed to complete the construction 16506
project and provided that the cost of the construction project 16507
is estimated to exceed fifty million dollars. A self-insuring 16508
employer who desires to self-insure a construction project shall 16509
submit to the ~~administrator-director~~ an application listing the 16510
dates the construction project is scheduled to begin and end, 16511
the estimated cost of the construction project, the contractors 16512
and subcontractors whose employees are to be self-insured by the 16513
self-insuring employer, the provisions of a safety program that 16514

is specifically designed for the construction project, and a 16515
statement as to whether a collective bargaining agreement 16516
governing the rights, duties, and obligations of each of the 16517
parties to the agreement with respect to the construction 16518
project exists between the self-insuring employer and a labor 16519
organization. 16520

A self-insuring employer may apply to self-insure the 16521
employees of either of the following: 16522

(1) All contractors and subcontractors who perform labor 16523
or work or provide materials for the construction project; 16524

(2) All contractors and, at the ~~administrator's~~director's 16525
discretion, a substantial number of all the subcontractors who 16526
perform labor or work or provide materials for the construction 16527
project. 16528

Upon approval of the application, the ~~administrator~~ 16529
director shall mail a certificate granting the privilege to 16530
self-insure the construction project to the self-insuring 16531
employer. The certificate shall contain the name of the self- 16532
insuring employer and the name, address, and telephone number of 16533
the self-insuring employer's representatives who are responsible 16534
for administering workers' compensation claims for the 16535
construction project. The self-insuring employer shall post the 16536
certificate in a conspicuous place at the site of the 16537
construction project. 16538

The ~~administrator~~director shall maintain a record of the 16539
contractors and subcontractors whose employees are covered under 16540
the certificate issued to the self-insured employer. A self- 16541
insuring employer immediately shall notify the ~~administrator~~ 16542
director when any contractor or subcontractor is added or 16543

eliminated from inclusion under the certificate. 16544

Upon approval of the application, the self-insuring 16545
employer is responsible for the administration and payment of 16546
all claims under this chapter and Chapter 4121. of the Revised 16547
Code for the employees of the contractor and subcontractors 16548
covered under the certificate who receive injuries or are killed 16549
in the course of and arising out of employment on the 16550
construction project, or who contract an occupational disease in 16551
the course of employment on the construction project. For 16552
purposes of this chapter and Chapter 4121. of the Revised Code, 16553
a claim that is administered and paid in accordance with this 16554
division is considered a claim against the self-insuring 16555
employer listed in the certificate. A contractor or 16556
subcontractor included under the certificate shall report to the 16557
self-insuring employer listed in the certificate, all claims 16558
that arise under this chapter and Chapter 4121. of the Revised 16559
Code in connection with the construction project for which the 16560
certificate is issued. 16561

A self-insuring employer who complies with this division 16562
is entitled to the protections provided under this chapter and 16563
Chapter 4121. of the Revised Code with respect to the employees 16564
of the contractors and subcontractors covered under a 16565
certificate issued under this division for death or injuries 16566
that arise out of, or death, injuries, or occupational diseases 16567
that arise in the course of, those employees' employment on that 16568
construction project, as if the employees were employees of the 16569
self-insuring employer, provided that the self-insuring employer 16570
also complies with this section. No employee of the contractors 16571
and subcontractors covered under a certificate issued under this 16572
division shall be considered the employee of the self-insuring 16573
employer listed in that certificate for any purposes other than 16574

this chapter and Chapter 4121. of the Revised Code. Nothing in 16575
this division gives a self-insuring employer authority to 16576
control the means, manner, or method of employment of the 16577
employees of the contractors and subcontractors covered under a 16578
certificate issued under this division. 16579

The contractors and subcontractors included under a 16580
certificate issued under this division are entitled to the 16581
protections provided under this chapter and Chapter 4121. of the 16582
Revised Code with respect to the contractor's or subcontractor's 16583
employees who are employed on the construction project which is 16584
the subject of the certificate, for death or injuries that arise 16585
out of, or death, injuries, or occupational diseases that arise 16586
in the course of, those employees' employment on that 16587
construction project. 16588

The contractors and subcontractors included under a 16589
certificate issued under this division shall identify in their 16590
payroll records the employees who are considered the employees 16591
of the self-insuring employer listed in that certificate for 16592
purposes of this chapter and Chapter 4121. of the Revised Code, 16593
and the amount that those employees earned for employment on the 16594
construction project that is the subject of that certificate. 16595
Notwithstanding any provision to the contrary under this chapter 16596
and Chapter 4121. of the Revised Code, the ~~administrator~~ 16597
director shall exclude the payroll that is reported for 16598
employees who are considered the employees of the self-insuring 16599
employer listed in that certificate, and that the employees 16600
earned for employment on the construction project that is the 16601
subject of that certificate, when determining those contractors' 16602
or subcontractors' premiums or assessments required under this 16603
chapter and Chapter 4121. of the Revised Code. A self-insuring 16604
employer issued a certificate under this division shall include 16605

in the amount of paid compensation it reports pursuant to 16606
division (L) of this section, the amount of paid compensation 16607
the self-insuring employer paid pursuant to this division for 16608
the previous calendar year. 16609

Nothing in this division shall be construed as altering 16610
the rights of employees under this chapter and Chapter 4121. of 16611
the Revised Code as those rights existed prior to September 17, 16612
1996. Nothing in this division shall be construed as altering 16613
the rights devolved under sections 2305.31 and 4123.82 of the 16614
Revised Code as those rights existed prior to September 17, 16615
1996. 16616

As used in this division, "privilege to self-insure a 16617
construction project" means privilege to pay individually 16618
compensation, and to furnish medical, surgical, nursing, and 16619
hospital services and attention and funeral expenses directly to 16620
injured employees or the dependents of killed employees. 16621

(P) A self-insuring employer whose application is granted 16622
under division (O) of this section shall designate a safety 16623
professional to be responsible for the administration and 16624
enforcement of the safety program that is specifically designed 16625
for the construction project that is the subject of the 16626
application. 16627

A self-insuring employer whose application is granted 16628
under division (O) of this section shall employ an ombudsperson 16629
for the construction project that is the subject of the 16630
application. The ombudsperson shall have experience in workers' 16631
compensation or the construction industry, or both. The 16632
ombudsperson shall perform all of the following duties: 16633

(1) Communicate with and provide information to employees 16634

who are injured in the course of, or whose injury arises out of 16635
employment on the construction project, or who contract an 16636
occupational disease in the course of employment on the 16637
construction project; 16638

(2) Investigate the status of a claim upon the request of 16639
an employee to do so; 16640

(3) Provide information to claimants, third party 16641
administrators, employers, and other persons to assist those 16642
persons in protecting their rights under this chapter and 16643
Chapter 4121. of the Revised Code. 16644

A self-insuring employer whose application is granted 16645
under division (O) of this section shall post the name of the 16646
safety professional and the ombudsperson and instructions for 16647
contacting the safety professional and the ombudsperson in a 16648
conspicuous place at the site of the construction project. 16649

(Q) The ~~administrator~~director may consider all of the 16650
following when deciding whether to grant a self-insuring 16651
employer the privilege to self-insure a construction project as 16652
provided under division (O) of this section: 16653

(1) Whether the self-insuring employer has an 16654
organizational plan for the administration of the workers' 16655
compensation law; 16656

(2) Whether the safety program that is specifically 16657
designed for the construction project provides for the safety of 16658
employees employed on the construction project, is applicable to 16659
all contractors and subcontractors who perform labor or work or 16660
provide materials for the construction project, and has as a 16661
component, a safety training program that complies with 16662
standards adopted pursuant to the "Occupational Safety and 16663

Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, and 16664
provides for continuing management and employee involvement; 16665

(3) Whether granting the privilege to self-insure the 16666
construction project will reduce the costs of the construction 16667
project; 16668

(4) Whether the self-insuring employer has employed an 16669
ombudsperson as required under division (P) of this section; 16670

(5) Whether the self-insuring employer has sufficient 16671
surety to secure the payment of claims for which the self- 16672
insuring employer would be responsible pursuant to the granting 16673
of the privilege to self-insure a construction project under 16674
division (O) of this section. 16675

(R) As used in divisions (O), (P), and (Q), "self-insuring 16676
employer" includes the following employers, whether or not they 16677
have been granted the status of being a self-insuring employer 16678
under division (B) of this section: 16679

(1) A state institution of higher education; 16680

(2) A school district; 16681

(3) A county school financing district; 16682

(4) An educational service center; 16683

(5) A community school established under Chapter 3314. of 16684
the Revised Code; 16685

(6) A municipal power agency as defined in section 16686
3734.058 of the Revised Code. 16687

(S) As used in this section: 16688

(1) "Unvoted debt capacity" means the amount of money that 16689
a public employer may borrow without voter approval of a tax 16690

levy; 16691

(2) "State institution of higher education" means the 16692
state universities listed in section 3345.011 of the Revised 16693
Code, community colleges created pursuant to Chapter 3354. of 16694
the Revised Code, university branches created pursuant to 16695
Chapter 3355. of the Revised Code, technical colleges created 16696
pursuant to Chapter 3357. of the Revised Code, and state 16697
community colleges created pursuant to Chapter 3358. of the 16698
Revised Code. 16699

Sec. 4123.351. (A) ~~The administrator of workers'~~ 16700
~~compensation~~ director of workforce insurance and safety shall 16701
require every self-insuring employer, including any self- 16702
insuring employer that is indemnified by a captive insurance 16703
company granted a certificate of authority under Chapter 3964. 16704
of the Revised Code, to pay a contribution, calculated under 16705
this section, to the self-insuring employers' guaranty fund 16706
established pursuant to this section. The fund shall provide for 16707
payment of compensation and benefits to employees of the self- 16708
insuring employer in order to cover any default in payment by 16709
that employer. 16710

(B) ~~The bureau of workers' compensation~~ department of 16711
workforce insurance and safety shall operate the self-insuring 16712
employers' guaranty fund for self-insuring employers. The 16713
~~administrator~~ director annually shall establish the 16714
contributions due from self-insuring employers for the fund at 16715
rates as low as possible but such as will assure sufficient 16716
moneys to guarantee the payment of any claims against the fund. 16717
The ~~bureau's~~ department's operation of the fund is not subject 16718
to sections 3929.10 to 3929.18 of the Revised Code or to 16719
regulation by the superintendent of insurance. 16720

(C) If a self-insuring employer defaults, the ~~bureau-~~ 16721
department shall recover the amounts paid as a result of the 16722
default from the self-insuring employers' guaranty fund. If a 16723
self-insuring employer defaults and is in compliance with this 16724
section for the payment of contributions to the fund, such self- 16725
insuring employer is entitled to the immunity conferred by 16726
section 4123.74 of the Revised Code for any claim arising during 16727
any period the employer is in compliance with this section. 16728

(D) (1) There is hereby established a self-insuring 16729
employers' guaranty fund, which shall be in the custody of the 16730
treasurer of state and which shall be separate from the other 16731
funds established and administered pursuant to this chapter. The 16732
fund shall consist of contributions and other payments made by 16733
self-insuring employers under this section. All investment 16734
earnings of the fund shall be credited to the fund. The ~~bureau-~~ 16735
department shall make disbursements from the fund pursuant to 16736
this section. 16737

(2) The ~~administrator-director~~ has the same powers to 16738
invest any of the surplus or reserve belonging to the fund as 16739
are delegated to the ~~administrator-director~~ under section 16740
4123.44 of the Revised Code with respect to the state insurance 16741
fund. The ~~administrator-director~~ shall apply interest earned 16742
solely to the reduction of assessments for contributions from 16743
self-insuring employers and to the payments required due to 16744
defaults. 16745

(3) If the ~~bureau of workers' compensation department of~~ 16746
workforce insurance and safety board of directors determines 16747
that reinsurance of the risks of the fund is necessary to assure 16748
solvency of the fund, the board may: 16749

(a) Enter into contracts for the purchase of reinsurance 16750

coverage of the risks of the fund with any company or agency 16751
authorized by law to issue contracts of reinsurance; 16752

(b) Require the ~~administrator~~director to pay the cost of 16753
reinsurance from the fund; 16754

(c) Include the costs of reinsurance as a liability and 16755
estimated liability of the fund. 16756

(E) The ~~administrator~~director, with the advice and consent 16757
of the board, may adopt rules pursuant to Chapter 119. of the 16758
Revised Code for the implementation of this section, including a 16759
rule, notwithstanding division (C) of this section, requiring 16760
self-insuring employers to provide security in addition to the 16761
contribution to the self-insuring employers' guaranty fund 16762
required by this section. The additional security required by 16763
the rule, as the ~~administrator~~director determines appropriate, 16764
shall be sufficient and adequate to provide for financial 16765
assurance to meet the obligations of self-insuring employers 16766
under this chapter and Chapter 4121. of the Revised Code. 16767

(F) The purchase of coverage under this section by self- 16768
insuring employers is valid notwithstanding the prohibitions 16769
contained in division (A) of section 4123.82 of the Revised Code 16770
and is in addition to the indemnity contracts that self-insuring 16771
employers may purchase pursuant to division (B) of section 16772
4123.82 of the Revised Code. 16773

(G) The ~~administrator~~director, on behalf of the self- 16774
insuring employers' guaranty fund, has the rights of 16775
reimbursement and subrogation and shall collect from a 16776
defaulting self-insuring employer or other liable person all 16777
amounts the ~~administrator~~director has paid or reasonably 16778
expects to pay from the fund on account of the defaulting self- 16779

insuring employer. 16780

(H) The assessments for contributions, the administration 16781
of the self-insuring employers' guaranty fund, the investment of 16782
the money in the fund, and the payment of liabilities incurred 16783
by the fund do not create any liability upon the state. 16784

Except for a gross abuse of discretion, neither the board, 16785
nor the individual members thereof, nor the ~~administrator~~ 16786
director shall incur any obligation or liability respecting the 16787
assessments for contributions, the administration of the self- 16788
insuring employers' guaranty fund, the investment of the fund, 16789
or the payment of liabilities therefrom. 16790

Sec. 4123.352. (A) There is hereby created the self- 16791
insuring employers evaluation board consisting of three members. 16792
The member of the industrial commission representing the public 16793
shall be a member of the self-insuring employers evaluation 16794
board and shall serve, ex officio, as ~~chairman~~ chairperson. The 16795
governor shall appoint the remaining two members with the advice 16796
and consent of the senate. One member shall be a member of the 16797
Ohio self-insurance association and one member shall be a 16798
representative of labor. Not more than two of the three members 16799
of the board may be of the same political party. 16800

Of the two members originally appointed by the governor 16801
pursuant to this section, one shall serve an initial term of two 16802
years and one an initial term of four years. Thereafter, terms 16803
of office of the two members are for four years, each term 16804
ending on the same date as the original date of appointment. Any 16805
member appointed to fill a vacancy occurring prior to the 16806
expiration of the term for which ~~his~~ the member's predecessor 16807
was appointed shall hold office for the remainder of such term. 16808
Any member shall continue in office subsequent to the expiration 16809

date of ~~his~~ the member's term until ~~his~~ the member's successor 16810
takes office, or until a period of sixty days has elapsed, 16811
whichever occurs first. A vacancy in an unexpired term shall be 16812
filled in the same manner as the original appointment. The 16813
governor may remove any member pursuant to section 3.05 of the 16814
Revised Code. 16815

The board member who also is a member of the commission 16816
shall receive no additional compensation but shall be reimbursed 16817
for actual and necessary expenses in the performance of ~~his~~ the 16818
board member's duties. The two remaining members of the board 16819
shall receive per diem compensation fixed pursuant to division 16820
(J) of section 124.15 of the Revised Code and actual and 16821
necessary expenses incurred in the performance of their duties. 16822

For administrative purposes, the board is a part of the 16823
~~bureau of workers' compensation~~department of workforce insurance 16824
and safety, and the ~~bureau~~ department shall furnish the board 16825
with necessary office space, staff, and supplies. The board 16826
shall meet as required by the ~~administrator of workers'~~ 16827
~~compensation~~director of workforce insurance and safety. 16828

(B) In addition to the grounds listed in section 4123.35 16829
of the Revised Code pertaining to criteria for being granted the 16830
status as a self-insuring employer, the grounds upon which the 16831
~~administrator~~ director may revoke or refuse to renew the status 16832
includes failure to comply with any rules or orders of the 16833
~~administrator~~ director or to pay contributions to the self- 16834
insuring employers' guaranty fund established by section 16835
4123.351 of the Revised Code, continued failure to file medical 16836
reports bearing upon the injury of the claimant, and failure to 16837
pay compensation or benefits in accordance with law in a timely 16838
manner. A deficiency in any of the grounds listed in this 16839

division is sufficient to justify the ~~administrator's~~ director's 16840
revocation or refusal to renew the employer's status as a self- 16841
insuring employer. The ~~administrator~~ director need not revoke or 16842
refuse to renew an employer's status as a self-insuring employer 16843
if adequate corrective action is taken by the employer pursuant 16844
to division (C) of this section. 16845

(C) The ~~administrator~~ director shall refer to the board 16846
all complaints or allegations of misconduct against a self- 16847
insuring employer or questions as to whether a self-insuring 16848
employer continues to meet minimum standards. The board shall 16849
investigate and may order the employer to take corrective action 16850
in accordance with the schedule the board fixes. The board's 16851
determination in this regard need not be made by formal hearing 16852
but shall be issued in written form and contain the signature of 16853
at least two board members. If the board determines, after a 16854
hearing conducted pursuant to Chapter 119. of the Revised Code 16855
and the rules of the ~~bureau~~ department, that the employer has 16856
failed to correct the deficiencies within the time fixed by the 16857
board or is otherwise in violation of this chapter, the board 16858
shall recommend to the ~~administrator~~ director revocation of an 16859
employer's status as a self-insuring employer or such other 16860
penalty which may include, but is not limited to, probation, or 16861
a civil penalty not to exceed ten thousand dollars for each 16862
failure. A board recommendation to revoke an employer's status 16863
as a self-insuring employer shall be by unanimous vote. A 16864
recommendation for any other penalty shall be by majority vote. 16865
Where the board makes recommendations to the ~~administrator~~ 16866
director for disciplining a self-insuring employer, the 16867
~~administrator~~ director promptly and fully shall implement the 16868
recommendations. 16869

Sec. 4123.353. (A) A public employer, except for a board 16870

of county commissioners described in division (G) of section 16871
4123.01 of the Revised Code, a board of a county hospital, or a 16872
publicly owned utility, who is granted the status of self- 16873
insuring employer pursuant to section 4123.35 of the Revised 16874
Code shall do all of the following: 16875

(1) Reserve funds as necessary, in accordance with sound 16876
and prudent actuarial judgment, to cover the costs the public 16877
employer may potentially incur to remain in compliance with this 16878
chapter and Chapter 4121. of the Revised Code; 16879

(2) Include all activity under this chapter and Chapter 16880
4121. of the Revised Code in a single fund on the public 16881
employer's accounting records; 16882

(3) Within ninety days after the last day of each fiscal 16883
year, prepare and maintain a report of the reserved funds 16884
described in division (A) (1) of this section and disbursements 16885
made from those reserved funds. 16886

(B) A public employer who is subject to division (A) of 16887
this section shall make the reports required by that division 16888
available for inspection by the ~~administrator of workers'~~ 16889
~~compensation~~ director of workforce insurance and safety and any 16890
other person at all reasonable times during regular business 16891
hours. 16892

Sec. 4123.36. Whenever an employer fails to pay a premium 16893
due and the ~~administrator of workers' compensation~~ director of 16894
workforce insurance and safety determines the employer's account 16895
to be uncollectible, the ~~administrator~~ director shall cover the 16896
default ~~by transfer of money from the premium payment security~~ 16897
~~fund account to the~~ state insurance fund. Thereafter, the 16898
employer shall be considered a noncomplying employer under this 16899

chapter and shall not be entitled to the benefits and protection 16900
of this chapter. 16901

Sec. 4123.37. In this section "amenable employer" has the 16902
same meaning as "employer" as defined in division (I) of section 16903
4123.32 of the Revised Code. 16904

If the ~~administrator of workers' compensation~~ director of 16905
workforce insurance and safety finds that any person, firm, or 16906
private corporation, including any public service corporation, 16907
is, or has been at any time after January 1, 1923, an amenable 16908
employer and has not complied with section 4123.35 of the 16909
Revised Code the ~~administrator~~ director shall determine the 16910
period during which the person, firm, or corporation was an 16911
amenable employer and shall forthwith give notice of the 16912
determination to the employer. Within twenty days thereafter the 16913
employer shall furnish the ~~bureau~~ department of workforce 16914
insurance and safety with the payroll covering the period 16915
included in the determination and, if the employer is an 16916
amenable employer at the time of the determination, shall pay 16917
into the state insurance fund the amount of premium and 16918
assessments applicable to such payroll. If the ~~administrator~~ 16919
director determines that the employer is an amenable employer 16920
prior to the policy year commencing July 1, 2015, the 16921
~~administrator~~ director may require the employer to pay a premium 16922
security deposit. 16923

If the employer does not furnish the payroll and pay the 16924
applicable premium, assessments, and, if applicable, the premium 16925
security deposit within the twenty days, the ~~administrator~~ 16926
director shall forthwith make an assessment of the amounts due 16927
from the employer for the period the ~~administrator~~ director 16928
determined the employer to be an amenable employer if the 16929

employer is an amenable employer at the time of the 16930
determination, basing the assessment upon the information in the 16931
possession of the ~~administrator~~director. 16932

The ~~administrator~~director shall give to the employer 16933
assessed written notice of the assessment. The notice shall be 16934
mailed to the employer at the employer's residence or usual 16935
place of business by certified mail. Unless the employer to whom 16936
the notice of assessment is directed files with the ~~bureau~~
department within twenty days after receipt thereof, a petition 16937
in writing, verified under oath by the employer, or the 16938
employer's authorized agent having knowledge of the facts, 16939
setting forth with particularity the items of the assessment 16941
objected to, together with the reason for the objections, the 16942
assessment shall become conclusive and the amount thereof shall 16943
be due and payable from the employer so assessed to the state 16944
insurance fund. When a petition objecting to an assessment is 16945
filed the ~~bureau~~department shall assign a time and place for 16946
the hearing of the same and shall notify the petitioner thereof 16947
by certified mail. When an employer files a petition the 16948
assessment made by the ~~administrator~~director shall become due 16949
and payable ten days after notice of the finding made at the 16950
hearing has been sent by certified mail to the party assessed. 16951
An appeal may be taken from any finding to the court of common 16952
pleas of Franklin county upon the execution by the party 16953
assessed of a bond to the state in double the amount found due 16954
and ordered paid by the ~~bureau~~department conditioned that the 16955
party will pay any judgment and costs rendered against it for 16956
the premium. 16957

When no petition objecting to an assessment is filed or 16958
when a finding is made affirming or modifying an assessment 16959
after hearing, a certified copy of the assessment as affirmed or 16960

modified may be filed by the ~~administrator~~director in the 16961
office of the clerk of the court of common pleas in any county 16962
in which the employer has property or in which the employer has 16963
a place of business. The clerk, immediately upon the filing of 16964
the assessment, shall enter a judgment for the state against the 16965
employer in the amount shown on the assessment. The judgment may 16966
be filed by the clerk in a loose leaf book entitled "special 16967
judgments for state insurance fund." The judgment shall bear the 16968
same rate of interest, have the same effect as other judgments, 16969
and be given the same preference allowed by law on other 16970
judgments rendered for claims for taxes. An assessment or 16971
judgment under this section shall not be a bar to the adjustment 16972
of the employer's account upon the employer furnishing the 16973
employer's payroll records to the ~~bureau~~department. 16974

The ~~administrator~~director, for good cause shown, may waive 16975
a default in the payment of premium where the default is of less 16976
than sixty days' duration, and upon payment by the employer of 16977
the premium for the period, the employer and the employer's 16978
employees are entitled to all of the benefits and immunities 16979
provided by this chapter. 16980

Sec. 4123.38. Every public employer, except for boards of 16981
county hospital trustees that are self-insurers under section 16982
4123.35 of the Revised Code, shall contribute to the public 16983
insurance fund the amount of money determined by the 16984
~~administrator of workers' compensation~~director of workforce 16985
insurance and safety, and the manner of determining 16986
contributions and the classifications of employers is as 16987
provided in sections 4123.39 to 4123.41 and 4123.48 of the 16988
Revised Code. 16989

Sec. 4123.39. The ~~administrator of workers' compensation~~ 16990

director of workforce insurance and safety shall determine the amount of money to be contributed under section 4123.38 of the Revised Code by the state itself and each county and each taxing district within each county. In fixing the amount of contribution to be made by the county, for such county and for the taxing districts therein, the ~~administrator~~director shall classify counties and other taxing districts into such groups as will equitably determine the contributions in accordance with the relative degree of hazard, and also merit rate such individual counties, taxing districts, or groups of taxing districts in accordance with their individual accident experience so as ultimately to provide for each taxing subdivision contributing an amount sufficient to meet its individual obligations and to maintain a solvent public insurance fund.

The ~~administrator~~director shall classify hospitals owned by a political subdivision or subdivisions as a group and merit rate each individual hospital according to its individual accident experience as provided in the rules of the ~~administrator~~director.

A children's home or other such public institution, or any other public activity maintained and operated by two or more counties or parts of counties, shall be considered as a county for the purpose of this chapter.

The contribution to the state insurance fund of the state and its departments, agencies, and instrumentalities shall be paid from appropriations made by the general assembly for that purpose.

The ~~administrator~~director shall develop and make available to counties and taxing districts and the district

activities and institutions mentioned in this section a plan 17021
that groups, for rating purposes, counties, districts, and such 17022
activities and institutions of similar size and risk, and pools 17023
the risks of those counties, districts, activities, and 17024
institutions within the group. In no event shall this be 17025
construed as granting to such counties, districts, activities, 17026
or institutions status as self-insuring employers. 17027

Sec. 4123.391. (A) For purposes of this section, "learn to 17028
earn program" has the same meaning as in section 4141.293 of the 17029
Revised Code. 17030

(B) Solely for the purpose of providing compensation and 17031
benefits as set forth in this section, a participant in a learn 17032
to earn program is an employee of the department, and not an 17033
employee of the entity conducting the training. 17034

(C) A learn to earn program participant who suffers an 17035
injury or contracts an occupational disease in the course of and 17036
arising out of participation in the learn to earn program is 17037
entitled to compensation and benefits under this chapter. 17038

(D) (1) This chapter is the exclusive remedy for a learn to 17039
earn program participant or the participant's dependents 17040
resulting from the participant's injury or occupational disease 17041
received in the course of and arising out of the participant's 17042
participation in the program. Pursuant to section 4123.74 of the 17043
Revised Code, neither the department nor the designated worksite 17044
training provider shall be liable to respond in damages at 17045
common law or by statute for any injury, occupational disease, 17046
or bodily condition suffered or contracted by a participant in 17047
the course of or arising out of participation in the program. 17048

(2) Notwithstanding division (D) (1) of this section, a 17049

participant or the participant's dependents do not waive any 17050
cause of action for an intentional tort under section 2745.01 of 17051
the Revised Code against the department or the designated 17052
worksite training provider. 17053

(E) The department may include a learn to earn program 17054
participant in its department workers' compensation coverage, or 17055
may establish a separate workers' compensation coverage policy 17056
with the ~~bureau of workers' compensation department of workforce~~ 17057
insurance and safety upon the terms and conditions for insurance 17058
to be established by the ~~bureau department~~ consistent with 17059
insurance principles, as is equitable in the view of degree and 17060
hazard. 17061

Sec. 4123.40. On or before the first day of July of every 17062
year, the ~~administrator of workers' compensation director of~~ 17063
workforce insurance and safety shall estimate the gross payroll 17064
of all state employers for the succeeding biennium or fiscal 17065
year. 17066

The ~~administrator director~~ shall determine and certify for 17067
the office of budget and management that rate or rates which, 17068
when applied to the gross payroll estimate, will produce an 17069
amount equal to the estimated cost of awards or claim payments 17070
to be made during the like fiscal period, as determined by the 17071
~~administrator~~director. 17072

The rate certified shall be applied and made a part of the 17073
gross payroll calculation for the period for which the foregoing 17074
estimates have been made, in conformity with section 125.21 of 17075
the Revised Code. The amounts collected shall be remitted to the 17076
~~bureau of workers' compensation department of workforce~~ 17077
insurance and safety as provided in section 125.21 of the 17078
Revised Code. 17079

If the historical amounts remitted to the ~~bureau-~~ 17080
department are greater or less than historical awards or claim 17081
payments, the difference shall be returned to the state employer 17082
or recovered by the ~~bureau-~~department in a manner determined by 17083
the ~~administrator~~director. 17084

In fixing the amount of contribution to be made by the 17085
state and each of its departments, agencies, and 17086
instrumentalities, the ~~administrator-~~director shall classify 17087
departments, agencies, and instrumentalities into such groups as 17088
will equitably determine the contributions in accordance with 17089
their expected individual accident experience so that the state 17090
and its departments, agencies, and instrumentalities contribute 17091
an amount sufficient to meet individual obligations and the 17092
obligations of the participants in total. 17093

Moneys collected from state employers shall not be used to 17094
pay compensation or other benefits attributable to service of 17095
persons as employees of counties or taxing districts therein, 17096
nor shall moneys collected from counties and taxing districts 17097
therein be used to pay compensation or other benefits 17098
attributable to service of persons as employees of the state. 17099

Sec. 4123.401. On or before the first day of November 17100
preceding each biennium, the officer or employee of each state 17101
department, division, subdivision, bureau, commission, or any 17102
other state agency required to submit a budget request to the 17103
director of budget and management for any biennium shall provide 17104
the ~~bureau of workers' compensation-~~department of workforce 17105
insurance and safety with the estimated number of employees of 17106
the state department, division, subdivision, bureau, commission, 17107
or other state agency for the ensuing biennium along with the 17108
estimated payroll of personal services. 17109

Sec. 4123.41. (A) (1) For policy years that begin prior to 17110
January 1, 2016, by the first day of January of each year, the 17111
~~bureau of workers' compensation~~ department of workforce 17112
insurance and safety shall furnish to the county auditor of each 17113
county and the chief fiscal officer of each taxing district in a 17114
county and of each district activity and institution mentioned 17115
in section 4123.39 of the Revised Code forms containing the 17116
premium rates applicable to the county, district, district 17117
activity, or institution as an employer, on which to report the 17118
amount of money expended by the county, district, district 17119
activity, or institution during the previous twelve calendar 17120
months for the services of employees under this chapter. 17121

Each county auditor and each fiscal officer of a district, 17122
district activity, and institution shall calculate on the form 17123
it receives from the ~~bureau~~ department under division (A) of 17124
this section the premium due as its proper contribution to the 17125
public insurance fund and issue a warrant in favor of the ~~bureau~~ 17126
department for the amount due from the county, district, 17127
district activity, or institution to the public insurance fund. 17128

(2) For a policy year commencing on or after January 1, 17129
2016, by the first day of November of each year, the ~~bureau~~ 17130
department shall furnish to the county auditor of each county 17131
and the chief fiscal officer of each taxing district in a county 17132
and of each district activity and institution mentioned in 17133
section 4123.39 of the Revised Code forms showing the estimated 17134
premium due from the county, district, district activity, or 17135
institution for the forthcoming policy year. 17136

After the conclusion of each policy year, the county 17137
auditor of each county and the chief fiscal officer of each 17138
taxing district in a county and of each district activity and 17139

institution mentioned in section 4123.39 of the Revised Code 17140
shall, on or before the fifteenth day of February immediately 17141
following the conclusion of the policy year, report the amount 17142
of money expended by the county, district, district activity, or 17143
institution during the policy year for the services of employees 17144
under this chapter. The ~~bureau~~ department shall adjust the 17145
premium and assessments charged to the employer for the 17146
difference between estimated gross payrolls and actual gross 17147
payrolls, and the employer immediately shall pay any balance due 17148
to the ~~bureau~~ department. Any balance due the employer shall be 17149
credited to the employer's account. 17150

The ~~administrator~~ director may adopt rules setting forth 17151
penalties for failure to submit the report of money expended as 17152
required by this division, including, but not limited to, 17153
exclusion from alternative rating plans and discount programs. 17154

(B) (1) Except as otherwise provided in division (B) of 17155
this section, payments due under this section shall be made 17156
according to the following schedule: 17157

(a) For payments of premium and assessments due for a 17158
policy year that commences on or before January 1, 2014: 17159

(i) On or before the fifteenth day of May immediately 17160
following the conclusion of the policy year, no less than forty- 17161
five per cent of the annual amount due for the policy year; 17162

(ii) On or before the first day of September immediately 17163
following the conclusion of the policy year, no less than the 17164
total amount due for the policy year. 17165

(b) For the policy year commencing January 1, 2015: 17166

(i) On or before the fifteenth day of May immediately 17167
following the conclusion of the policy year, no less than fifty 17168

per cent of the annual amount due for the policy year; 17169

(ii) On or before the first day of September immediately 17170
following the conclusion of the policy year, no less than the 17171
total amount due for the policy year. 17172

(c) For the policy year commencing January 1, 2016: 17173

(i) On or before the fifteenth day of May in that policy 17174
year, no less than fifty per cent of the annual premium 17175
estimated by the ~~bureau~~department. 17176

(ii) On or before the first day of September in that 17177
policy year, no less than the total amount of annual premium 17178
estimated by the ~~bureau~~department. 17179

(d) For a policy year commencing on or after January 1, 17180
2017, the total amount of annual premium estimated by the ~~bureau-~~ 17181
department on or before the thirty-first day of December 17182
immediately preceding the start of the policy year. 17183

(2) The ~~administrator~~director, with the advice and consent 17184
of the ~~bureau of workers' compensation~~department of workforce 17185
insurance and safety board of directors, shall adopt rules to 17186
permit employers to make periodic payments of the premium and 17187
assessments due under this section. The rules shall include 17188
provisions for the assessment of interest charges, if 17189
appropriate, and for the assessment of penalties when an 17190
employer fails to make timely premium payments. The 17191
~~administrator~~director may adopt rules to establish an 17192
administrative fee for those periodic payments. 17193

(C) The legislative body of any county, district, district 17194
activity, or institution may reimburse the fund from which the 17195
workers' compensation payments are made by transferring to the 17196
fund from any other fund of the county, district, district 17197

activity, or institution, the proportionate amount of the 17198
payments that should be chargeable to the fund, whether the fund 17199
is derived from taxation or otherwise. The proportionate amount 17200
of the payments chargeable to the fund may be based on payroll, 17201
relative exposure, relative loss experience, or any combination 17202
of these factors, as determined by the legislative body. 17203

(1) The workers' compensation program payments of any 17204
county, district, district activity, or institution may include 17205
all payments required by any ~~bureau of workers' compensation~~ 17206
department of workforce insurance and safety rating plan. 17207

(2) The workers' compensation program payments of any 17208
county, district, district activity, or institution, except for 17209
a county board of developmental disabilities, a board of 17210
alcohol, drug addiction, and mental health services, a board of 17211
mental health services, and a board of alcohol and drug 17212
addiction services, also may include any of the following: 17213

(a) Direct administrative costs incurred in the management 17214
of the county, district, district activity, or institution's 17215
workers' compensation program; 17216

(b) Indirect costs that are necessary and reasonable for 17217
the proper and efficient administration of the workers' 17218
compensation program as documented in a cost allocation plan. 17219
The indirect cost plan shall conform to the United States office 17220
of management and budget circular A-87 "cost principles for 17221
state and local governments," 2 C.F.R. 225, as most recently 17222
amended on May 10, 2004. The plan shall not authorize payment 17223
from the fund of any general government expense required to 17224
carry out the overall governmental responsibilities. 17225

(3) Within sixty days before a legislative body changes 17226

the method used for calculating the proportionate amount of the 17227
payments chargeable to the fund, it shall notify, consult with, 17228
and give information supporting the change to any elected 17229
official affected by the change. A transfer made pursuant to 17230
division (B) (2) of this section is not subject to section 17231
5705.16 of the Revised Code. 17232

(D) Any county board of developmental disabilities, board 17233
of alcohol, drug addiction, and mental health services, board of 17234
mental health services, or board of alcohol and drug addiction 17235
services whose workers' compensation payments, on or before 17236
September 28, 2012, includes costs referred to in division (C) 17237
(2) of this section may continue to do so on and after September 17238
28, 2012. 17239

(E) The ~~bureau-department~~ may investigate the correctness 17240
of the information provided by the county auditor and chief 17241
fiscal officer under division (A) of this section, and if the 17242
~~bureau-department~~ determines at any time that the county, 17243
district, district activity, or institution has not reported the 17244
correct information, the ~~administrator of workers' compensation-~~ 17245
director of workforce insurance and safety may make deductions 17246
or additions as the facts warrant and take those facts into 17247
consideration in determining the current or future contributions 17248
to be made by the county, district, district activity, or 17249
institution. If the county, district, district activity, or 17250
institution does not furnish the report in the time required by 17251
this section, the ~~administrator~~ director may fix the amount of 17252
contribution the county, district, district activity, or 17253
institution must make and certify that amount for payment. 17254

(F) For payments of premium and assessments for a policy 17255
year prior to the policy year commencing January 1, 2015, the 17256

~~administrator~~director shall provide a discount to any county, district, district activity, or institution that pays its total amount due to the public insurance fund on or before the fifteenth day of May of each year as its proper contribution for premiums. The ~~administrator~~director shall base the discount provided under this division on the savings generated by the early payment to the public insurance fund. The ~~administrator~~director may provide the discount through a refund to the county, district, district activity, or institution or an offset against the future contributions due to the public insurance fund from the county, district, district activity, or institution.

(G) The ~~administrator~~director may impose an interest penalty for late payment of any amount due from a county, district, district activity, and institution at the interest rate established by the state tax commissioner pursuant to section 5703.47 of the Revised Code.

Sec. 4123.411. (A) For all injuries and disabilities occurring before January 1, 1987, the ~~administrator of workers' compensation~~director of workforce insurance and safety, for the purpose of carrying out sections 4123.412 to 4123.418 of the Revised Code and with the advice and consent of the ~~bureau of workers' compensation~~department of workforce insurance and safety board of directors, may levy an assessment against all employers at a rate not to exceed ten cents per one hundred dollars of payroll. If the ~~administrator~~director levies an assessment under this division, the rate of that assessment shall be determined annually for each employer group listed in divisions (A) (1) to (3) of this section. The rates determined under this division shall be sufficient to produce an amount no greater than the amount the ~~administrator~~director estimates to

be necessary to carry out such sections for the period for which 17288
the assessment is levied. In the event the amount produced by 17289
the assessment is not sufficient to carry out such sections the 17290
additional amount necessary shall be provided, pursuant to 17291
section 4123.419 of the Revised Code, from the income produced 17292
as a result of investments made pursuant to section 4123.44 of 17293
the Revised Code. 17294

If levied, assessments shall be according to the following 17295
schedule: 17296

(1) For private fund employers, except self-insuring 17297
employers: 17298

(a) For policy years commencing prior to July 1, 2015, in 17299
January and July of each year upon gross payrolls of the 17300
preceding six months; 17301

(b) For policy years commencing on or after July 1, 2015, 17302
in the month of June immediately preceding each policy year upon 17303
gross payrolls estimated for that policy year. 17304

(2) For counties and taxing district employers therein, 17305
except county hospitals that are self-insuring employers: 17306

(a) For policy years commencing prior to January 1, 2016, 17307
in January of each year upon gross payrolls of the preceding 17308
twelve months; 17309

(b) For policy years commencing on or after January 1, 17310
2016, in the month of December immediately preceding each policy 17311
year upon gross payrolls estimated for that policy year. 17312

(3) For the state as an employer--in January, April, July, 17313
and October of each year upon gross payrolls of the preceding 17314
three months or at other intervals as the ~~administrator~~director 17315

establishes. 17316

After the completion of each policy year that commences on 17317
or after July 1, 2015, for private fund employers or that 17318
commences on or after January 1, 2016, for counties and taxing 17319
district employers therein, the assessments levied under this 17320
section shall be adjusted for the difference between estimated 17321
gross payrolls and actual gross payrolls reported by the 17322
employer on the payroll report submitted by a private employer 17323
pursuant to section 4123.26 of the Revised Code, or, for a 17324
public employer, submitted pursuant to section 4123.41 of the 17325
Revised Code. 17326

Amounts assessed in accordance with this section shall be 17327
collected from each employer as prescribed in rules the 17328
~~administrator~~director adopts. 17329

The moneys derived from the assessment provided for in 17330
this section shall be credited to the disabled workers' relief 17331
fund created by section 4123.412 of the Revised Code. The 17332
~~administrator~~director shall establish by rule classifications 17333
of employers within divisions (A) (1) to (3) of this section and 17334
shall determine rates for each class so as to fairly apportion 17335
the costs of carrying out sections 4123.412 to 4123.418 of the 17336
Revised Code. 17337

(B) For all injuries and disabilities occurring on or 17338
after January 1, 1987, the ~~administrator~~director, for the 17339
purposes of carrying out sections 4123.412 to 4123.418 of the 17340
Revised Code, shall levy an assessment against all employers at 17341
a rate per one hundred dollars of payroll, such rate to be 17342
determined annually for each classification of employer in each 17343
employer group listed in divisions (A) (1) to (3) of this 17344
section, which will produce an amount no greater than the amount 17345

the ~~administrator~~director estimates to be necessary to carry 17346
out such sections for the period for which the assessment is 17347
levied. The ~~administrator~~director annually shall establish the 17348
contributions due from employers for the disabled workers' 17349
relief fund at rates as low as possible but that will assure 17350
sufficient moneys to guarantee the payment of any claims against 17351
that fund. 17352

Amounts assessed in accordance with this division shall be 17353
billed at the same time premiums are billed and credited to the 17354
disabled workers' relief fund created by section 4123.412 of the 17355
Revised Code. The ~~administrator~~director shall determine the 17356
rates for each class in the same manner as the ~~administrator~~ 17357
director fixes the rates for premiums pursuant to section 17358
4123.29 of the Revised Code. 17359

(C) For a self-insuring employer, the ~~bureau of workers'~~ 17360
~~compensation~~ department of workforce insurance and safety shall 17361
pay to employees who are participants regardless of the date of 17362
injury, any amounts due to the participants under section 17363
4123.414 of the Revised Code and shall bill the self-insuring 17364
employer, semiannually, for all amounts paid to a participant. 17365

Sec. 4123.412. For the relief of persons who are 17366
permanently and totally disabled as the result of injury or 17367
disease sustained in the course of their employment and who are 17368
receiving workers' compensation which is payable to them by 17369
virtue of and under the laws of this state in amounts, the total 17370
of which, when combined with disability benefits received 17371
pursuant to the Social Security Act is less than three hundred 17372
forty-two dollars per month adjusted annually as provided in 17373
division (B) of section 4123.62 of the Revised Code, there is 17374
hereby created a separate fund to be known as the disabled 17375

workers' relief fund, which fund shall consist of the sums that 17376
are from time to time appropriated by the general assembly and 17377
made available to the order of the ~~bureau of workers'~~ 17378
~~compensation~~ department of workforce insurance and safety to 17379
carry out the objects and purposes of sections 4123.412 to 17380
4123.418 of the Revised Code. The fund shall be in the custody 17381
of the treasurer of the state. Disbursements from the fund shall 17382
be made by the ~~bureau~~ department to those persons entitled to 17383
participate therein and in amounts to each participant as is 17384
provided in section 4123.414 of the Revised Code. All investment 17385
earnings of the fund shall be credited to the fund. 17386

Sec. 4123.416. The ~~administrator of workers' compensation~~ 17387
~~director of workforce insurance and safety~~ shall promptly 17388
require of each employer who has elected to pay compensation 17389
direct under the provisions of section 4123.35 of the Revised 17390
Code a verified list of the names and addresses of all persons 17391
to whom the employer is paying workers' compensation on account 17392
of permanent and total disability and the evidence respecting 17393
such persons as the ~~administrator~~ director reasonably deems 17394
necessary to determine the eligibility of any such person to 17395
participate in the disabled workers' relief fund. The 17396
superintendent of insurance shall promptly require of each 17397
insurance company which is organized or licensed to do business 17398
in this state and which has at any time written workers' 17399
compensation insurance in this state a like verified list and 17400
like evidence respecting persons to whom the insurance companies 17401
are paying workers' compensation under the Ohio workers' 17402
compensation laws and contracts of insurance in respect thereof; 17403
and the superintendent of insurance shall promptly transmit all 17404
such lists and evidence to the ~~bureau of workers'~~ 17405
~~compensation~~ department of workforce insurance and safety. Any 17406

person claiming the right to participate in the fund may file 17407
~~his~~ the person's application therefor with the ~~bureau~~ department 17408
and shall be accorded a hearing thereon. 17409

Sec. 4123.417. In the investigation and determination of 17410
the right of persons to participate in the disabled workers'
relief fund, the ~~administrator of workers' compensation~~ director 17411
of workforce insurance and safety shall have and exercise all 17412
the powers that ~~he~~ the director possesses under this chapter and 17413
Chapter 4121. of the Revised Code. An order issued by the 17414
~~administrator~~ director relative to an individual's right to 17415
participate in the disabled workers' relief fund is appealable 17416
pursuant to section 4123.511 of the Revised Code but is not 17417
appealable to court under section 4123.512 of the Revised Code. 17418
No attorney, representative, or agent of any claimant or 17419
participant is entitled to charge or receive a fee or 17420
compensation or gratuity in any form for representing or 17421
assisting or pretending to represent or assist any person to 17422
become a participant in the fund. 17423
17424

Sec. 4123.418. The ~~administrator of workers' compensation~~ 17425
director of workforce insurance and safety shall employ 17426
employees as is necessary to the discharge of the 17427
~~administrator's~~ director's duties and responsibilities 17428
hereunder. The salaries and expenses of the employees shall be 17429
paid by the treasurer of the state from the fund created by 17430
section 4123.412 of the Revised Code as provided in section 17431
4123.42 of the Revised Code. 17432

Sec. 4123.419. The assessment rate established pursuant to 17433
section 4123.411 of the Revised Code, subject to the limits set 17434
forth in that section, shall be adequate to provide the amounts 17435
estimated as necessary by the ~~administrator of workers'~~ 17436

~~compensation~~ director of workforce insurance and safety to carry 17437
out the provisions of sections 4123.412 to 4123.418 of the 17438
Revised Code. 17439

For all injuries and disabilities occurring before January 17440
1, 1987, the ~~administrator~~ director, for the purpose of carrying 17441
out those sections and with the advice and consent of the ~~bureau-~~ 17442
~~of workers' compensation~~ department of workforce insurance and 17443
safety board of directors, may transfer to the disabled workers' 17444
relief fund from the income produced as a result of investments 17445
made pursuant to section 4123.44 of the Revised Code amounts 17446
necessary to carry out those sections with respect to claims 17447
related to private and public taxing district employers, rather 17448
than levying an assessment against those employers under section 17449
4123.411 of the Revised Code. 17450

Sec. 4123.42. The treasurer of state shall be custodian of 17451
the state insurance fund, ~~and~~ the occupational disease fund. The 17452
treasurer shall pay disbursements from the funds upon warrants 17453
drawn by the ~~bureau of workers' compensation~~ department of 17454
workforce insurance and safety and signed by the ~~administrator-~~ 17455
~~of workers' compensation~~ director of workforce insurance and 17456
safety. The warrants may bear the facsimile signature of the 17457
~~administrator~~ director printed thereon, or the facsimile 17458
signature printed thereon of the employee of the ~~bureau-~~ 17459
department charged with the duty of keeping the account of the 17460
funds and with the preparation of warrants for the payment of 17461
compensation to the persons entitled thereto. 17462

The treasurer of state shall give a separate and 17463
additional bond, in the amount fixed by the governor and with 17464
sureties to ~~his~~ the governor's approval, conditioned for the 17465
faithful performance of ~~his~~ the treasurer of state's duties as 17466

custodian of the state insurance fund. The bond shall be 17467
deposited with the secretary of state and kept in ~~his~~ the 17468
secretary of state's office. The ~~bureau~~ department shall pay the 17469
premium on the bond. 17470

Sec. 4123.44. The members of the ~~bureau of workers'~~ 17471
~~compensation department of workforce insurance and safety board~~ 17472
of directors, the ~~administrator of workers' compensation~~ director 17473
of workforce insurance and safety, and the ~~bureau of workers'~~ 17474
~~compensation department of workforce insurance and safety~~ chief 17475
investment officer are the trustees of the state insurance fund. 17476
The ~~administrator~~ director, in accordance with sections 4121.126 17477
and 4121.127 of the Revised Code and the investment policy 17478
approved by the board pursuant to section 4121.12 of the Revised 17479
Code, and in consultation with the ~~bureau of workers'~~ 17480
~~compensation department of workforce insurance and safety~~ chief 17481
investment officer, may invest any of the surplus or reserve 17482
belonging to the state insurance fund. The ~~administrator~~ 17483
director and the ~~bureau of workers' compensation department of~~ 17484
workforce insurance and safety chief investment officer shall 17485
not deviate from the investment policy approved by the board 17486
without the approval of the ~~workers' compensation workforce~~ 17487
insurance and safety investment committee and the board. 17488

The ~~administrator~~ director shall not invest in any type of 17489
investment specified in divisions (B) (1) to (10) of section 17490
4123.442 of the Revised Code. 17491

The ~~administrator~~ director and other fiduciaries shall 17492
discharge their duties with respect to the funds with the care, 17493
skill, prudence, and diligence under the circumstances then 17494
prevailing that a prudent person acting in a like capacity and 17495
familiar with such matters would use in the conduct of an 17496

enterprise of a like character and with like aims, and by 17497
diversifying the investments of the assets of the funds so as to 17498
minimize the risk of large losses, unless under the 17499
circumstances it is clearly prudent not to do so. 17500

To facilitate investment of the funds, the ~~administrator~~ 17501
director may establish a partnership, trust, limited liability 17502
company, corporation, including a corporation exempt from 17503
taxation under the Internal Revenue Code, 100 Stat. 2085, 26 17504
U.S.C. 1, as amended, or any other legal entity authorized to 17505
transact business in this state. 17506

When reporting on the performance of investments, the 17507
~~administrator~~ director shall comply with the performance 17508
presentation standards established by the association for 17509
investment management and research. 17510

All investments shall be purchased at current market 17511
prices and the evidences of title to the investments shall be 17512
placed in the custody of the treasurer of state, who is hereby 17513
designated as custodian, or in the custody of the treasurer of 17514
state's authorized agent. Evidences of title of the investments 17515
so purchased may be deposited by the treasurer of state for 17516
safekeeping with an authorized agent selected by the treasurer 17517
of state who is a qualified trustee under section 135.18 of the 17518
Revised Code. The treasurer of state or the agent shall collect 17519
the principal, dividends, distributions, and interest as they 17520
become due and payable and place them when collected into the 17521
state insurance fund. 17522

The treasurer of state shall pay for investments purchased 17523
by the ~~administrator~~ director on receipt of written or 17524
electronic instructions from the ~~administrator~~ director or the 17525
~~administrator's~~ director's designated agent authorizing the 17526

purchase, and pending receipt of the evidence of title of the 17527
investment by the treasurer of state or the treasurer of state's 17528
authorized agent. The ~~administrator~~director may sell 17529
investments held by the ~~administrator~~director, and the treasurer 17530
of state or the treasurer of state's authorized agent shall 17531
accept payment from the purchaser and deliver evidence of title 17532
of the investment to the purchaser, on receipt of written or 17533
electronic instructions from the ~~administrator~~director or the 17534
~~administrator's~~director's designated agent authorizing the 17535
sale, and pending receipt of the moneys for the investments. The 17536
amount received shall be placed in the state insurance fund. The 17537
~~administrator~~director and the treasurer of state may enter into 17538
agreements to establish procedures for the purchase and sale of 17539
investments under this division and the custody of the 17540
investments. 17541

No purchase or sale of any investment shall be made under 17542
this section, except as authorized by the ~~administrator~~director. 17543

Any statement of financial position distributed by the 17544
~~administrator~~director shall include the fair value, as of the 17545
statement date, of all investments held by the ~~administrator~~director 17546
director under this section. 17547

When in the judgment of the ~~administrator~~director it is 17548
necessary to provide available funds for the payment of 17549
compensation or benefits under this chapter, the ~~administrator~~director 17550
director may borrow money from any available source and pledge 17551
as security a sufficient amount of bonds or other securities in 17552
which the state insurance fund is invested. The aggregate unpaid 17553
amount of loans existing at any one time for money so borrowed 17554
shall not exceed ten million dollars. The bonds or other 17555
securities so pledged as security for such loans to the 17556

~~administrator-director~~ shall be the sole security for the 17557
payment of the principal and interest of any such loan. The 17558
~~administrator-director~~ shall not be personally liable for the 17559
payment of the principal or the interest of any such loan. No 17560
such loan shall be made for a longer period of time than one 17561
year. Such loans may be renewed but no one renewal shall be for 17562
a period in excess of one year. Such loans shall bear such rate 17563
of interest as the ~~administrator-director~~ determines and in 17564
negotiating the loans, the ~~administrator-director~~ shall endeavor 17565
to secure as favorable interest rates and terms as circumstances 17566
will permit. 17567

The treasurer of state may deliver to the person or 17568
governmental agency making such loan, the bonds or other 17569
securities which are to be pledged by the ~~administrator-director~~ 17570
as security for such loan, upon receipt by the treasurer of 17571
state of an order of the ~~administrator-director~~ authorizing such 17572
loan. Upon payment of any such loan by the 17573
~~administrator-director~~, the bonds or other securities pledged as 17574
security therefor shall be returned to the treasurer of state as 17575
custodian of such bonds. 17576

The ~~administrator-director~~ may pledge with the treasurer 17577
of state such amount of bonds or other securities in which the 17578
state insurance fund is invested as is reasonably necessary as 17579
security for any certificates issued, or paid out, by the 17580
treasurer of state upon any warrants drawn by the 17581
~~administrator-director~~. 17582

The ~~administrator-director~~ may secure investment 17583
information services, consulting services, and other like 17584
services to facilitate investment of the surplus and reserve 17585
belonging to the state insurance fund. The ~~administrator-~~ 17586

director shall pay the expense of securing such services from 17587
the state insurance fund. 17588

Sec. 4123.441. (A) The ~~administrator of workers'~~ 17589
~~compensation~~director of workforce insurance and safety, with the 17590
advice and consent of the ~~bureau of workers' compensation~~ 17591
department of workforce insurance and safety board of directors 17592
shall employ a person or designate an employee of the ~~bureau of~~ 17593
~~workers' compensation~~ department of workforce insurance and 17594
safety who is designated as a chartered financial analyst by the 17595
CFA institute and who is licensed by the division of securities 17596
in the department of commerce as a ~~bureau of workers'~~ 17597
~~compensation~~ department of workforce insurance and safety chief 17598
investment officer to be the chief investment officer for the 17599
~~bureau of workers' compensation~~ department of workforce insurance 17600
and safety. After ninety days after September 29, 2005, the 17601
~~bureau of workers' compensation~~ department of workforce 17602
insurance and safety may not employ a ~~bureau of workers'~~ 17603
~~compensation~~ department of workforce insurance and safety chief 17604
investment officer, as defined in section 1707.01 of the Revised 17605
Code, who does not hold a valid ~~bureau of workers' compensation~~ 17606
department of workforce insurance and safety chief investment 17607
officer license issued by the division of securities in the 17608
department of commerce. The board shall notify the division of 17609
securities of the department of commerce in writing of its 17610
designation and of any change in its designation within ten 17611
calendar days after the designation or change. 17612

(B) The ~~bureau of workers' compensation~~ department of 17613
workforce insurance and safety chief investment officer shall 17614
reasonably supervise employees of the ~~bureau~~ department who 17615
handle investment of assets of funds specified in this chapter 17616
and Chapters 4121., 4127., and 4131. of the Revised Code with a 17617

view toward preventing violations of Chapter 1707. of the 17618
Revised Code, the "Commodity Exchange Act," 42 Stat. 998, 7 17619
U.S.C. 1, the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C. 17620
77a, the "Securities Exchange Act of 1934," 48 Stat. 881, 15 17621
U.S.C. 78a, and the rules and regulations adopted under those 17622
statutes. This duty of reasonable supervision shall include the 17623
adoption, implementation, and enforcement of written policies 17624
and procedures reasonably designed to prevent employees of the 17625
bureau who handle investment of assets of the funds specified in 17626
this chapter and Chapters 4121., 4127., and 4131. of the Revised 17627
Code, from misusing material, nonpublic information in violation 17628
of those laws, rules, and regulations. 17629

For purposes of this division, no ~~bureau of workers'~~ 17630
~~compensation department of workforce insurance and safety~~ chief 17631
investment officer shall be considered to have failed to satisfy 17632
the officer's duty of reasonable supervision if the officer has 17633
done all of the following: 17634

(1) Adopted and implemented written procedures, and a 17635
system for applying the procedures, that would reasonably be 17636
expected to prevent and detect, insofar as practicable, any 17637
violation by employees handling investments of assets of the 17638
funds specified in this chapter and Chapters 4121., 4127., and 17639
4131. of the Revised Code; 17640

(2) Reasonably discharged the duties and obligations 17641
incumbent on the ~~bureau of workers' compensation department of~~ 17642
~~workforce insurance and safety~~ chief investment officer by 17643
reason of the established procedures and the system for applying 17644
the procedures when the officer had no reasonable cause to 17645
believe that there was a failure to comply with the procedures 17646
and systems; 17647

(3) Reviewed, at least annually, the adequacy of the policies and procedures established pursuant to this section and the effectiveness of their implementation.

(C) The ~~bureau of workers' compensation department of workforce insurance and safety~~ chief investment officer shall establish and maintain a policy to monitor and evaluate the effectiveness of securities transactions executed on behalf of the ~~bureau department~~.

Sec. 4123.442. When developing the investment policy for the investment of the assets of the funds specified in this chapter and Chapters 4121., 4127., and 4131. of the Revised Code, the ~~workers' compensation workforce insurance and safety~~ investment committee shall do all of the following:

(A) Specify the asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines;

(B) Prohibit investing the assets of those funds, directly or indirectly, in vehicles that target any of the following:

- (1) Coins;
- (2) Artwork;
- (3) Horses;
- (4) Jewelry or gems;
- (5) Stamps;
- (6) Antiques;
- (7) Artifacts;
- (8) Collectibles;

(9) Memorabilia; 17674

(10) Similar unregulated investments that are not commonly 17675
part of an institutional portfolio, that lack liquidity, and 17676
that lack readily determinable valuation. 17677

(C) Specify that the ~~administrator of workers'~~ 17678
~~compensation~~ director of workforce insurance and safety may 17679
invest in an investment class only if the ~~bureau of workers'~~ 17680
~~compensation~~ department of workforce insurance and safety board 17681
of directors, by a majority vote, opens that class; 17682

(D) Prohibit investing the assets of those funds in any 17683
class of investments the board, by majority vote, closed, or any 17684
specific investment in which the board prohibits the 17685
~~administrator~~ director from investing; 17686

(E) Not specify in the investment policy that the 17687
~~administrator~~ director or employees of the ~~bureau of workers'~~ 17688
~~compensation~~ department of workforce insurance and safety are 17689
prohibited from conducting business with an investment 17690
management firm, any investment management professional 17691
associated with that firm, any third party solicitor associated 17692
with that firm, or any political action committee controlled by 17693
that firm or controlled by an investment management professional 17694
of that firm based on criteria that are more restrictive than 17695
the restrictions described in divisions (Y) and (Z) of section 17696
3517.13 of the Revised Code. 17697

Sec. 4123.443. Rental payments by the ~~bureau of workers'~~ 17698
~~compensation~~ department of workforce insurance and safety or the 17699
industrial commission to or for the benefit of the state 17700
insurance fund for each building owned by the ~~bureau~~ department 17701
that was constructed or acquired as an investment in productive 17702

real estate, shall be made pursuant to a lease agreement for a 17703
term that shall not exceed two years. Beginning July 1, 1991, 17704
the rental payments to be made under each such lease agreement 17705
shall include the amount needed to amortize the construction or 17706
acquisition costs for the building over a period not to exceed 17707
twenty-five years, and, until such costs are amortized, an 17708
amount representing return on investment to the state insurance 17709
fund determined by multiplying the unamortized acquisition or 17710
construction costs of the building by a rate that is not more 17711
than three per cent below the rate determined by the tax 17712
commissioner under division (B) of section 5703.47 of the 17713
Revised Code. 17714

Sec. 4123.444. (A) As used in this section and section 17715
4123.445 of the Revised Code: 17716

(1) "~~Bureau of workers' compensation~~ Department of 17717
workforce insurance and safety funds" means any fund specified 17718
in Chapter 4121., 4123., 4127., or 4131. of the Revised Code 17719
that the ~~administrator of workers' compensation~~ director of 17720
workforce insurance and safety has the authority to invest, in 17721
accordance with the ~~administrator's~~ director's investment 17722
authority under section 4123.44 of the Revised Code. 17723

(2) "Investment manager" means any person with whom the 17724
~~administrator of workers' compensation~~ director of workforce 17725
insurance and safety contracts pursuant to section 4123.44 of 17726
the Revised Code to facilitate the investment of assets of 17727
~~bureau of workers' compensation~~ department of workforce 17728
insurance and safety funds. 17729

(3) "Business entity" means any person with whom an 17730
investment manager contracts for the investment of assets of 17731
~~bureau of workers' compensation~~ department of workforce 17732

insurance and safety funds. 17733

(4) "Financial or investment crime" means any criminal 17734
offense involving theft, receiving stolen property, 17735
embezzlement, forgery, fraud, passing bad checks, money 17736
laundering, drug trafficking, or any criminal offense involving 17737
money or securities, as set forth in Chapters 2909., 2911., 17738
2913., 2915., 2921., 2923., and 2925. of the Revised Code or 17739
other law of this state, or the laws of any other state or the 17740
United States that are substantially equivalent to those 17741
offenses. 17742

(B) (1) Before entering into a contract with an investment 17743
manager to invest ~~bureau of workers' compensation department of~~ 17744
workforce insurance and safety funds, the ~~administrator-director~~ 17745
shall do both of the following: 17746

(a) Request from any investment manager with whom the 17747
~~administrator-director~~ wishes to contract for those investments 17748
a list of all employees who will be investing assets of ~~bureau-~~ 17749
~~of workers' compensation department of workforce insurance and~~ 17750
safety funds. The list shall specify each employee's state of 17751
residence for the five years prior to the date of the 17752
~~administrator's-director's~~ request. 17753

(b) Request that the superintendent of the bureau of 17754
criminal investigation and identification conduct a criminal 17755
records check in accordance with this section and section 17756
109.579 of the Revised Code with respect to every employee the 17757
investment manager names in that list. 17758

(2) After an investment manager enters into a contract 17759
with the ~~administrator-director~~ to invest ~~bureau of workers'~~ 17760
~~compensation department of workforce insurance and safety funds~~ 17761

and before an investment manager enters into a contract with a 17762
business entity to facilitate those investments, the investment 17763
manager shall request from any business entity with whom the 17764
investment manager wishes to contract to make those investments 17765
a list of all employees who will be investing assets of the 17766
~~bureau of workers' compensation department of workforce~~ 17767
insurance and safety funds. The list shall specify each 17768
employee's state of residence for the five years prior to the 17769
investment manager's request. The investment manager shall 17770
forward to the ~~administrator~~ director the list received from the 17771
business entity. The ~~administrator~~ director shall request the 17772
superintendent to conduct a criminal records check in accordance 17773
with this section and section 109.579 of the Revised Code with 17774
respect to every employee the business entity names in that 17775
list. Upon receipt of the results of the criminal records check, 17776
the ~~administrator~~ director shall advise the investment manager 17777
whether the results were favorable or unfavorable. 17778

(3) If, after a contract has been entered into between the 17779
~~administrator~~ director and an investment manager or between an 17780
investment manager and a business entity for the investment of 17781
assets of ~~bureau of workers' compensation department of~~ 17782
workforce insurance and safety funds, the investment manager or 17783
business entity wishes to have an employee who was not the 17784
subject of a criminal records check under division (B) (1) or (B) 17785
(2) of this section invest assets of the ~~bureau of workers'~~ 17786
~~compensation department of workforce insurance and safety funds~~, 17787
that employee shall be the subject of a criminal records check 17788
pursuant to this section and section 109.579 of the Revised Code 17789
prior to handling the investment of assets of those funds. The 17790
investment manager shall submit to the ~~administrator~~ director 17791
the name of that employee along with the employee's state of 17792

residence for the five years prior to the date in which the ~~administrator~~director requests the criminal records check. The ~~administrator~~director shall request that the superintendent conduct a criminal records check on that employee pursuant to this section and section 109.579 of the Revised Code.

(C) (1) If an employee who is the subject of a criminal records check pursuant to division (B) of this section has not been a resident of this state for the five-year period immediately prior to the time the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the employee from the federal bureau of investigation in a criminal records check, the ~~administrator~~director shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the employee. If the employee has been a resident of this state for at least that five-year period, the ~~administrator~~director may, but is not required to, request that the superintendent request and include in the criminal records check information about that employee from the federal bureau of investigation.

(2) The ~~administrator~~director shall provide to an investment manager a copy of the form prescribed pursuant to division (C) (1) of section 109.579 of the Revised Code and a standard impression sheet for each employee for whom a criminal records check must be performed, to obtain fingerprint impressions as prescribed pursuant to division (C) (2) of section 109.579 of the Revised Code. The investment manager shall obtain the completed form and impression sheet either directly from each employee or from a business entity and shall forward the completed form and sheet to the ~~administrator~~director, who shall

forward these forms and sheets to the superintendent. 17824

(3) Any employee who receives a copy of the form and the 17825
impression sheet pursuant to division (C)(2) of this section and 17826
who is requested to complete the form and provide a set of 17827
fingerprint impressions shall complete the form or provide all 17828
the information necessary to complete the form and shall 17829
complete the impression sheets in the manner prescribed in 17830
division (C)(2) of section 109.579 of the Revised Code. 17831

(D) For each criminal records check the ~~administrator~~ 17832
director requests under this section, at the time the 17833
~~administrator~~ director makes a request the ~~administrator~~ 17834
director shall pay to the superintendent the fee the 17835
superintendent prescribes pursuant to division (E) of section 17836
109.579 of the Revised Code. 17837

Sec. 4123.445. (A) The ~~administrator of workers'~~ 17838
~~compensation~~ director of workforce insurance and safety shall 17839
not enter into a contract with an investment manager for the 17840
investment of assets of the ~~bureau of workers' compensation~~ 17841
department of workforce insurance and safety funds if any 17842
employee of that investment manager who will be investing assets 17843
of ~~bureau of workers' compensation~~ department of workforce 17844
insurance and safety funds has been convicted of or pleaded 17845
guilty to a financial or investment crime. 17846

(B) An investment manager who has entered into a contract 17847
with the ~~bureau of workers' compensation~~ department of workforce 17848
insurance and safety for the investment of assets of ~~bureau of~~ 17849
~~workers' compensation~~ department of workforce insurance and 17850
safety funds shall not contract with a business entity for the 17851
investment of those assets if any employee of that business 17852
manager who will be investing assets of ~~bureau of workers'~~ 17853

~~compensation department of workforce insurance and safety funds~~ 17854
has been convicted of or pleaded guilty to a financial or 17855
investment crime. 17856

(C) The ~~administrator~~director shall not enter into a 17857
contract with an investment manager who refuses to submit the 17858
list of the investment manager's employees required under 17859
division (B) of section 4123.444 of the Revised Code. An 17860
investment manager shall not enter into a contract with a 17861
business entity who refuses to submit the list of the business 17862
entity's employees required under division (B) of section 17863
4123.444 of the Revised Code. 17864

(D) If, after a contract has been awarded to an investment 17865
manager or business entity for the investment of assets of 17866
~~bureau of workers' compensation department of workforce~~ 17867
insurance and safety funds, the investment manager or business 17868
entity discovers that an employee who is handling the investment 17869
of those assets has been convicted of or pleaded guilty to a 17870
financial or investment crime, the investment manager or 17871
business entity immediately shall notify the 17872
~~administrator~~director. 17873

Sec. 4123.446. (A) As used in this section: 17874

(1) "Minority business enterprise" has the meaning defined 17875
in section 122.71 of the Revised Code. 17876

(2) "Women's business enterprise" means a business, or a 17877
partnership, corporation, limited liability company, or joint 17878
venture of any kind, that is owned and controlled by women who 17879
are United States citizens and residents of this state. 17880

(B) The ~~administrator of workers' compensation~~director of 17881
workforce insurance and safety shall submit annually to the 17882

governor and to the general assembly (under section 101.68 of
the Revised Code) a report containing the following information:

(1) The name of each investment manager that is a minority
business enterprise or a women's business enterprise with which
the ~~administrator~~director contracts;

(2) The amount of assets managed by investment managers
that are minority business enterprises or women's business
enterprises, expressed as a percentage of assets managed by
investment managers with which the ~~administrator~~director has
contracted;

(3) Efforts by the ~~administrator~~director to increase
utilization of investment managers that are minority business
enterprises or women's business enterprises.

Sec. 4123.45. All bonds of any taxing district of this
state purchased by the ~~administrator of workers' compensation~~
director of workforce insurance and safety shall be printed or
lithographed upon paper of the size required by the
~~administrator~~director. Interest coupons on the bonds shall be
attached to the bonds in a manner required by the
~~administrator~~director. The principal and interest of the bonds
shall be payable at the office of the treasurer of state.

The bonds shall be of the denomination required by the
~~administrator~~director in ~~his~~ the director's resolution to
purchase, or the ~~administrator~~director may in ~~his~~ the
resolution to purchase require that all bonds of any series of
bonds purchased by ~~him~~ the director from any taxing district
shall be consolidated and issued as one bond, the principal
amount of which shall be equal to the aggregate amount of all
the bonds of the series, which principal together with the

interest thereon shall be payable in installments evidenced by 17912
and payable upon the surrender of combined principal and 17913
interest coupons attached thereto, which coupons shall each 17914
separately state the amounts of principal and interest included 17915
therein. 17916

The proper officers of each taxing district issuing bonds 17917
are hereby authorized and required without additional procedure 17918
or legislation on their part to comply with this chapter, except 17919
that the proper accounting officer of the taxing district and 17920
the secretary of its sinking fund shall make and keep a detailed 17921
record of any changes required by the ~~administrator~~director. The 17922
~~administrator~~director shall not change the date of maturity of 17923
any part of the principal or interest of any bond issue, nor 17924
shall ~~he~~ the director require a bond of any issue to be of a 17925
larger denomination, nor any partial payment of principal to be 17926
of greater amount than the aggregate amount of the issue falling 17927
due at any date. 17928

Sec. 4123.46. (A) (1) Except as provided in division (A) (2) 17929
of this section, the ~~bureau of workers' compensation~~ department 17930
of workforce insurance and safety shall disburse the state 17931
insurance fund to employees of employers who have paid into the 17932
fund the premiums applicable to the classes to which they belong 17933
when the employees have been injured in the course of their 17934
employment, wherever the injuries have occurred, and provided 17935
the injuries have not been purposely self-inflicted, or to the 17936
dependents of the employees in case death has ensued. 17937

(2) As long as injuries have not been purposely self- 17938
inflicted, the ~~bureau~~ department shall disburse the surplus fund 17939
created under section 4123.34 of the Revised Code to off-duty 17940
peace officers, firefighters, emergency medical technicians, and 17941

first responders, or to their dependents if death ensues, who 17942
are injured while responding to inherently dangerous situations 17943
that call for an immediate response on the part of the person, 17944
regardless of whether the person was within the limits of the 17945
person's jurisdiction when responding, on the condition that the 17946
person responds to the situation as the person otherwise would 17947
if the person were on duty in the person's jurisdiction. 17948

As used in division (A) (2) of this section, "peace 17949
officer," "firefighter," "emergency medical technician," "first 17950
responder," and "jurisdiction" have the same meanings as in 17951
section 4123.01 of the Revised Code. 17952

(B) All self-insuring employers, in compliance with this 17953
chapter, shall pay the compensation to injured employees, or to 17954
the dependents of employees who have been killed in the course 17955
of their employment, unless the injury or death of the employee 17956
was purposely self-inflicted, and shall furnish the medical, 17957
surgical, nurse, and hospital care and attention or funeral 17958
expenses as would have been paid and furnished by virtue of this 17959
chapter under a similar state of facts by the ~~bureau~~department 17960
out of the state insurance fund if the employer had paid the 17961
premium into the fund. 17962

If any rule or regulation of a self-insuring employer 17963
provides for or authorizes the payment of greater compensation 17964
or more complete or extended medical care, nursing, surgical, 17965
and hospital attention, or funeral expenses to the injured 17966
employees, or to the dependents of the employees as may be 17967
killed, the employer shall pay to the employees, or to the 17968
dependents of employees killed, the amount of compensation and 17969
furnish the medical care, nursing, surgical, and hospital 17970
attention or funeral expenses provided by the self-insuring 17971

employer's rules and regulations. 17972

(C) Payment to injured employees, or to their dependents 17973
in case death has ensued, is in lieu of any and all rights of 17974
action against the employer of the injured or killed employees. 17975

Sec. 4123.47. (A) The ~~administrator of workers'~~ 17976
~~compensation~~ director of workforce insurance and safety shall 17977
have an actuarial analysis of the state insurance fund and all 17978
other funds specified in this chapter and Chapters 4121., 4127., 17979
and 4131. of the Revised Code made at least once each year. The 17980
analysis shall be made and certified by recognized, credentialed 17981
property or casualty actuaries who shall be selected by the 17982
~~bureau of workers' compensation~~ department of workforce 17983
insurance and safety board of directors. The expense of the 17984
analysis shall be paid from the state insurance fund. The 17985
~~administrator~~ director shall make copies of the analysis 17986
available to the workers' compensation audit committee at no 17987
charge and to the public at cost. 17988

(B) The auditor of state annually shall conduct an audit 17989
of the administration of this chapter by the industrial 17990
commission and the ~~bureau of workers' compensation~~ department of 17991
workforce insurance and safety and the safety and hygiene fund. 17992
The cost of the audit shall be charged to the administrative 17993
costs of the ~~bureau~~ department as defined in section 4123.341 of 17994
the Revised Code. The audit shall include audits of all fiscal 17995
activities, claims processing and handling, and employer premium 17996
collections. The auditor shall prepare a report of the audit 17997
together with recommendations and transmit copies of the report 17998
to the industrial commission, the board, the 17999
~~administrator~~ director, the governor, and to the general 18000
assembly. The auditor shall make copies of the report available 18001

to the public at cost. 18002

(C) The ~~administrator~~ director may retain the services of 18003
a recognized actuary on a consulting basis for the purpose of 18004
evaluating the actuarial soundness of premium rates and 18005
classifications and all other matters involving the 18006
administration of the state insurance fund. The expense of 18007
services provided by the actuary shall be paid from the state 18008
insurance fund. 18009

Sec. 4123.48. The ~~bureau of workers' compensation~~ 18010
department of workforce insurance and safety shall keep, for the 18011
state and each county, taxing district, district activity, and 18012
institution, an individual account showing the amount of money 18013
paid into the public insurance fund and the amount of losses 18014
incurred against the fund. When any default is made in the 18015
payment of the sums required to be contributed to the public 18016
insurance fund, or when any official fails to perform any act 18017
required to be performed by him the official in reference to the 18018
making of payments, the ~~administrator of workers' compensation~~ 18019
director of workforce insurance and safety shall institute the 18020
proper proceedings in court to compel such payment. 18021

Sec. 4123.50. (A) Each member of a firm, and the 18022
president, secretary, general manager, or managing agent of each 18023
private corporation, including any public service corporation 18024
mentioned in section 4123.01 of the Revised Code or publicly 18025
owned utility, shall cause the firm or corporation to comply 18026
with section 4123.35 of the Revised Code and, for self-insuring 18027
employers, to comply with the assessment based upon paid 18028
compensation provisions of this chapter and Chapter 4121. of the 18029
Revised Code. No person mentioned in section 4123.01 of the 18030
Revised Code and no member of the firms and no officer of the 18031

corporations or publicly owned utilities referred to in this 18032
section shall fail to comply with section 4123.35 of the Revised 18033
Code and, for self-insuring employers, to comply with the 18034
assessment based upon paid compensation provisions of this 18035
chapter and Chapter 4121. of the Revised Code. All fines 18036
collected for a violation of this section shall be paid to the 18037
general fund of the political subdivision where the case is 18038
prosecuted. 18039

(B) The ~~administrator of workers' compensation~~director of 18040
workforce insurance and safety, with the advice and consent of 18041
the ~~bureau of workers' compensation~~department of workforce 18042
insurance and safety board of directors, shall adopt rules 18043
governing treatment of employers found in violation of division 18044
(A) of this section. The rules shall cover enforcement and 18045
prosecution procedures and methods and grounds for settlement of 18046
liability of a noncomplying employer. 18047

Sec. 4123.51. The ~~administrator of workers' compensation~~ 18048
director of workforce insurance and safety shall by published 18049
notices and other appropriate means endeavor to cause claims to 18050
be filed in the service office of the ~~bureau of workers'~~ 18051
~~compensation~~department of workforce insurance and safety from 18052
which the investigation and determination of the claim may be 18053
made most expeditiously. A claim or appeal under this chapter or 18054
Chapter 4121., 4127., or 4131. of the Revised Code may be filed 18055
with any office of the ~~bureau of workers' compensation~~ 18056
department of workforce insurance and safety or the industrial 18057
commission, within the required statutory period, and is 18058
considered received for the purpose of processing the claims or 18059
appeals. 18060

The ~~administrator~~director, on the form an employee or an 18061

individual acting on behalf of the employee files with the 18062
~~administrator~~ director or a self-insuring employer to initiate a 18063
claim under this chapter or Chapter 4121., 4127., or 4131. of 18064
the Revised Code, shall include a statement that is 18065
substantially similar to the following statement in bold font 18066
and set apart from all other text in the form: 18067

"By signing this form, I elect to only receive 18068
compensation, benefits, or both that are provided for in this 18069
claim under Ohio's workers' compensation laws. I understand and 18070
I hereby waive and release my right to receive compensation and 18071
benefits under the workers' compensation laws of another state 18072
for the injury or occupational disease, or the death resulting 18073
from an injury or occupational disease, for which I am filing 18074
this claim. I have not received compensation and benefits under 18075
the workers' compensation laws of another state for this claim, 18076
and I will not file and have not filed a claim in another state 18077
for the injury or occupational disease or death resulting from 18078
an injury or occupational disease for which I am filing this 18079
claim." 18080

Sec. 4123.511. (A) Within seven days after receipt of any 18081
claim under this chapter, the ~~bureau of workers' compensation~~ 18082
department of workforce insurance and safety shall notify the 18083
claimant and the employer of the claimant of the receipt of the 18084
claim and of the facts alleged therein. If the ~~bureau~~ department 18085
receives from a person other than the claimant written or 18086
facsimile information or information communicated verbally over 18087
the telephone indicating that an injury or occupational disease 18088
has occurred or been contracted which may be compensable under 18089
this chapter, the ~~bureau~~ department shall notify the employee 18090
and the employer of the information. If the information is 18091
provided verbally over the telephone, the person providing the 18092

information shall provide written verification of the 18093
information to the ~~bureau-department~~ according to division (E) 18094
of section 4123.84 of the Revised Code. The receipt of the 18095
information in writing or facsimile, or if initially by 18096
telephone, the subsequent written verification, and the notice 18097
by the ~~bureau-department~~ shall be considered an application for 18098
compensation under section 4123.84 or 4123.85 of the Revised 18099
Code, provided that the conditions of division (E) of section 18100
4123.84 of the Revised Code apply to information provided 18101
verbally over the telephone. Upon receipt of a claim, the ~~bureau-~~ 18102
~~department~~ shall advise the claimant of the claim number 18103
assigned and the claimant's right to representation in the 18104
processing of a claim or to elect no representation. If the 18105
~~bureau-department~~ determines that a claim is determined to be a 18106
compensable lost-time claim, the ~~bureau-department~~ shall notify 18107
the claimant and the employer of the availability of 18108
rehabilitation services. No ~~bureau-department~~ or industrial 18109
commission employee shall directly or indirectly convey any 18110
information in derogation of this right. This section shall in 18111
no way abrogate the ~~bureau's-department's~~ responsibility to aid 18112
and assist a claimant in the filing of a claim and to advise the 18113
claimant of the claimant's rights under the law. 18114

The ~~administrator of workers' compensation director of~~ 18115
~~workforce insurance and safety~~ shall assign all claims and 18116
investigations to the ~~bureau-department~~ service office from 18117
which investigation and determination may be made most 18118
expeditiously. 18119

The ~~bureau-department~~ shall investigate the facts 18120
concerning an injury or occupational disease and ascertain such 18121
facts in whatever manner is most appropriate and may obtain 18122
statements of the employee, employer, attending physician, and 18123

witnesses in whatever manner is most appropriate. 18124

The ~~administrator~~director, with the advice and consent of 18125
the ~~bureau of workers' compensation~~ department of workforce 18126
insurance and safety board of directors, may adopt rules that 18127
identify specified medical conditions that have a historical 18128
record of being allowed whenever included in a claim. The 18129
~~administrator~~director may grant immediate allowance of any 18130
medical condition identified in those rules upon the filing of a 18131
claim involving that medical condition and may make immediate 18132
payment of medical bills for any medical condition identified in 18133
those rules that is included in a claim. If an employer contests 18134
the allowance of a claim involving any medical condition 18135
identified in those rules, and the claim is disallowed, payment 18136
for the medical condition included in that claim shall be 18137
charged to and paid from the surplus fund created under section 18138
4123.34 of the Revised Code. 18139

(B) (1) Except as provided in division (B) (2) of this 18140
section, in claims other than those in which the employer is a 18141
self-insuring employer, if the ~~administrator~~director determines 18142
under division (A) of this section that a claimant is or is not 18143
entitled to an award of compensation or benefits, the 18144
~~administrator~~director shall issue an order no later than 18145
twenty-eight days after the sending of the notice under division 18146
(A) of this section, granting or denying the payment of the 18147
compensation or benefits, or both as is appropriate to the 18148
claimant. Notwithstanding the time limitation specified in this 18149
division for the issuance of an order, if a medical examination 18150
of the claimant is required by statute, the ~~administrator~~ 18151
director promptly shall schedule the claimant for that 18152
examination and shall issue an order no later than twenty-eight 18153
days after receipt of the report of the examination. The 18154

~~administrator-director~~ shall notify the claimant and the 18155
employer of the claimant and their respective representatives in 18156
writing of the nature of the order and the amounts of 18157
compensation and benefit payments involved. The employer or 18158
claimant may appeal the order pursuant to division (C) of this 18159
section within fourteen days after the date of the receipt of 18160
the order. The employer and claimant may waive, in writing, 18161
their rights to an appeal under this division. 18162

(2) Notwithstanding the time limitation specified in 18163
division (B) (1) of this section for the issuance of an order, if 18164
the employer certifies a claim for payment of compensation or 18165
benefits, or both, to a claimant, and the ~~administrator-director~~ 18166
has completed the investigation of the claim, the payment of 18167
benefits or compensation, or both, as is appropriate, shall 18168
commence upon the later of the date of the certification or 18169
completion of the investigation and issuance of the order by the 18170
~~administrator-director~~, provided that the ~~administrator-director~~ 18171
shall issue the order no later than the time limitation 18172
specified in division (B) (1) of this section. 18173

(3) If an appeal is made under division (B) (1) or (2) of 18174
this section, the ~~administrator-director~~ shall forward the claim 18175
file to the appropriate district hearing officer within seven 18176
days of the appeal. In contested claims other than state fund 18177
claims, the ~~administrator-director~~ shall forward the claim 18178
within seven days of the ~~administrator's-director's~~ receipt of 18179
the claim to the industrial commission, which shall refer the 18180
claim to an appropriate district hearing officer for a hearing 18181
in accordance with division (C) of this section. 18182

(C) If an employer or claimant timely appeals the order of 18183
the ~~administrator-director~~ issued under division (B) of this 18184

section or in the case of other contested claims other than 18185
state fund claims, the commission shall refer the claim to an 18186
appropriate district hearing officer according to rules the 18187
commission adopts under section 4121.36 of the Revised Code. The 18188
district hearing officer shall notify the parties and their 18189
respective representatives of the time and place of the hearing. 18190

The district hearing officer shall hold a hearing on a 18191
disputed issue or claim within forty-five days after the filing 18192
of the appeal under this division and issue a decision within 18193
seven days after holding the hearing. The district hearing 18194
officer shall notify the parties and their respective 18195
representatives in writing of the order. Any party may appeal an 18196
order issued under this division pursuant to division (D) of 18197
this section within fourteen days after receipt of the order 18198
under this division. 18199

(D) Upon the timely filing of an appeal of the order of 18200
the district hearing officer issued under division (C) of this 18201
section, the commission shall refer the claim file to an 18202
appropriate staff hearing officer according to its rules adopted 18203
under section 4121.36 of the Revised Code. The staff hearing 18204
officer shall hold a hearing within forty-five days after the 18205
filing of an appeal under this division and issue a decision 18206
within seven days after holding the hearing under this division. 18207
The staff hearing officer shall notify the parties and their 18208
respective representatives in writing of the staff hearing 18209
officer's order. Any party may appeal an order issued under this 18210
division pursuant to division (E) of this section within 18211
fourteen days after receipt of the order under this division. 18212

(E) Upon the filing of a timely appeal of the order of the 18213
staff hearing officer issued under division (D) of this section, 18214

the commission or a designated staff hearing officer, on behalf 18215
of the commission, shall determine whether the commission will 18216
hear the appeal. If the commission or the designated staff 18217
hearing officer decides to hear the appeal, the commission or 18218
the designated staff hearing officer shall notify the parties 18219
and their respective representatives in writing of the time and 18220
place of the hearing. The commission shall hold the hearing 18221
within forty-five days after the filing of the notice of appeal 18222
and, within seven days after the conclusion of the hearing, the 18223
commission shall issue its order affirming, modifying, or 18224
reversing the order issued under division (D) of this section. 18225
The commission shall notify the parties and their respective 18226
representatives in writing of the order. If the commission or 18227
the designated staff hearing officer determines not to hear the 18228
appeal, within fourteen days after the expiration of the period 18229
in which an appeal of the order of the staff hearing officer may 18230
be filed as provided in division (D) of this section, the 18231
commission or the designated staff hearing officer shall issue 18232
an order to that effect and notify the parties and their 18233
respective representatives in writing of that order. 18234

Except as otherwise provided in this chapter and Chapters 18235
4121., 4127., and 4131. of the Revised Code, any party may 18236
appeal an order issued under this division to the court pursuant 18237
to section 4123.512 of the Revised Code within sixty days after 18238
receipt of the order, subject to the limitations contained in 18239
that section. 18240

(F) Every notice of an appeal from an order issued under 18241
divisions (B), (C), (D), and (E) of this section shall state the 18242
names of the claimant and employer, the number of the claim, the 18243
date of the decision appealed from, and the fact that the 18244
appellant appeals therefrom. 18245

(G) All of the following apply to the proceedings under 18246
divisions (C), (D), and (E) of this section: 18247

(1) The parties shall proceed promptly and without 18248
continuances except for good cause; 18249

(2) The parties, in good faith, shall engage in the free 18250
exchange of information relevant to the claim prior to the 18251
conduct of a hearing according to the rules the commission 18252
adopts under section 4121.36 of the Revised Code; 18253

(3) The ~~administrator-director~~ is a party and may appear 18254
and participate at all administrative proceedings on behalf of 18255
the state insurance fund. However, in cases in which the 18256
employer is represented, the ~~administrator-director~~ shall 18257
neither present arguments nor introduce testimony that is 18258
cumulative to that presented or introduced by the employer or 18259
the employer's representative. The ~~administrator-director~~ may 18260
file an appeal under this section on behalf of the state 18261
insurance fund; however, except in cases arising under section 18262
4123.343 of the Revised Code, the ~~administrator-director~~ only 18263
may appeal questions of law or issues of fraud when the employer 18264
appears in person or by representative. 18265

(H) Except as provided in section 4121.63 of the Revised 18266
Code and division (K) of this section, payments of compensation 18267
to a claimant or on behalf of a claimant as a result of any 18268
order issued under this chapter shall commence upon the earlier 18269
of the following: 18270

(1) Fourteen days after the date the ~~administrator-~~ 18271
~~director~~ issues an order under division (B) of this section, 18272
unless that order is appealed; 18273

(2) The date when the employer has waived the right to 18274

appeal a decision issued under division (B) of this section;	18275
(3) If no appeal of an order has been filed under this section or to a court under section 4123.512 of the Revised Code, the expiration of the time limitations for the filing of an appeal of an order;	18276 18277 18278 18279
(4) The date of receipt by the employer of an order of a district hearing officer, a staff hearing officer, or the industrial commission issued under division (C), (D), or (E) of this section.	18280 18281 18282 18283
(I) Except as otherwise provided in division (B) of section 4123.66 of the Revised Code, payments of medical benefits payable under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code shall commence upon the earlier of the following:	18284 18285 18286 18287 18288
(1) The date of the issuance of the staff hearing officer's order under division (D) of this section;	18289 18290
(2) The date of the final administrative or judicial determination.	18291 18292
(J) The administrator <u>director</u> shall charge the compensation payments made in accordance with division (H) of this section or medical benefits payments made in accordance with division (I) of this section to an employer's experience immediately after the employer has exhausted the employer's administrative appeals as provided in this section or has waived the employer's right to an administrative appeal under division (B) of this section, subject to the adjustment specified in division (H) of section 4123.512 of the Revised Code.	18293 18294 18295 18296 18297 18298 18299 18300 18301
(K) Upon the final administrative or judicial determination under this section or section 4123.512 of the	18302 18303

Revised Code of an appeal of an order to pay compensation, if a
claimant is found to have received compensation pursuant to a
prior order which is reversed upon subsequent appeal, the
claimant's employer, if a self-insuring employer, or the
~~bureau~~department, shall withhold from any amount to which the
claimant becomes entitled pursuant to any claim, past, present,
or future, under Chapter 4121., 4123., 4127., or 4131. of the
Revised Code, the amount of previously paid compensation to the
claimant which, due to reversal upon appeal, the claimant is not
entitled, pursuant to the following criteria:

(1) No withholding for the first twelve weeks of temporary
total disability compensation pursuant to section 4123.56 of the
Revised Code shall be made;

(2) Forty per cent of all awards of compensation paid
pursuant to sections 4123.56 and 4123.57 of the Revised Code,
until the amount overpaid is refunded;

(3) Twenty-five per cent of any compensation paid pursuant
to section 4123.58 of the Revised Code until the amount overpaid
is refunded;

(4) If, pursuant to an appeal under section 4123.512 of
the Revised Code, the court of appeals or the supreme court
reverses the allowance of the claim, then no amount of any
compensation will be withheld.

The ~~administrator~~director and self-insuring employers, as
appropriate, are subject to the repayment schedule of this
division only with respect to an order to pay compensation that
was properly paid under a previous order, but which is
subsequently reversed upon an administrative or judicial appeal.
The ~~administrator~~director and self-insuring employers are not

subject to, but may utilize, the repayment schedule of this 18333
division, or any other lawful means, to collect payment of 18334
compensation made to a person who was not entitled to the 18335
compensation due to fraud as determined by the ~~administrator~~ 18336
director or the industrial commission. 18337

(L) If a staff hearing officer or the commission fails to 18338
issue a decision or the commission fails to refuse to hear an 18339
appeal within the time periods required by this section, 18340
payments to a claimant shall cease until the staff hearing 18341
officer or commission issues a decision or hears the appeal, 18342
unless the failure was due to the fault or neglect of the 18343
employer or the employer agrees that the payments should 18344
continue for a longer period of time. 18345

(M) Except as otherwise provided in this section or 18346
section 4123.522 of the Revised Code, no appeal is timely filed 18347
under this section unless the appeal is filed with the time 18348
limits set forth in this section. 18349

(N) No person who is not an employee of the ~~bureau~~ 18350
department or commission or who is not by law given access to 18351
the contents of a claims file shall have a file in the person's 18352
possession. 18353

(O) Upon application of a party who resides in an area in 18354
which an emergency or disaster is declared, the industrial 18355
commission and hearing officers of the commission may waive the 18356
time frame within which claims and appeals of claims set forth 18357
in this section must be filed upon a finding that the applicant 18358
was unable to comply with a filing deadline due to an emergency 18359
or a disaster. 18360

As used in this division: 18361

(1) "Emergency" means any occasion or instance for which the governor of Ohio or the president of the United States publicly declares an emergency and orders state or federal assistance to save lives and protect property, the public health and safety, or to lessen or avert the threat of a catastrophe.

(2) "Disaster" means any natural catastrophe or fire, flood, or explosion, regardless of the cause, that causes damage of sufficient magnitude that the governor of Ohio or the president of the United States, through a public declaration, orders state or federal assistance to alleviate damage, loss, hardship, or suffering that results from the occurrence.

Sec. 4123.512. (A) The claimant or the employer may appeal an order of the industrial commission made under division (E) of section 4123.511 of the Revised Code in any injury or occupational disease case, other than a decision as to the extent of disability to the court of common pleas of the county in which the injury was inflicted or in which the contract of employment was made if the injury occurred outside the state, or in which the contract of employment was made if the exposure occurred outside the state. If no common pleas court has jurisdiction for the purposes of an appeal by the use of the jurisdictional requirements described in this division, the appellant may use the venue provisions in the Rules of Civil Procedure to vest jurisdiction in a court. If the claim is for an occupational disease, the appeal shall be to the court of common pleas of the county in which the exposure which caused the disease occurred. Like appeal may be taken from an order of a staff hearing officer made under division (D) of section 4123.511 of the Revised Code from which the commission has refused to hear an appeal. Except as otherwise provided in this division, the appellant shall file the notice of appeal with a

court of common pleas within sixty days after the date of the receipt of the order appealed from or the date of receipt of the order of the commission refusing to hear an appeal of a staff hearing officer's decision under division (D) of section 4123.511 of the Revised Code. Either the claimant or the employer may file a notice of an intent to settle the claim within thirty days after the date of the receipt of the order appealed from or of the order of the commission refusing to hear an appeal of a staff hearing officer's decision. The claimant or employer shall file notice of intent to settle with the ~~administrator of workers' compensation~~director of workforce insurance and safety, and the notice shall be served on the opposing party and the party's representative. The filing of the notice of intent to settle extends the time to file an appeal to one hundred fifty days, unless the opposing party files an objection to the notice of intent to settle within fourteen days after the date of the receipt of the notice of intent to settle. The party shall file the objection with the ~~administrator~~director, and the objection shall be served on the party that filed the notice of intent to settle and the party's representative. The filing of the notice of the appeal with the court is the only act required to perfect the appeal.

If an action has been commenced in a court of a county other than a court of a county having jurisdiction over the action, the court, upon notice by any party or upon its own motion, shall transfer the action to a court of a county having jurisdiction.

Notwithstanding anything to the contrary in this section, if the commission determines under section 4123.522 of the Revised Code that an employee, employer, or their respective representatives have not received written notice of an order or

decision which is appealable to a court under this section and 18424
which grants relief pursuant to section 4123.522 of the Revised 18425
Code, the party granted the relief has sixty days from receipt 18426
of the order under section 4123.522 of the Revised Code to file 18427
a notice of appeal under this section. 18428

(B) The notice of appeal shall state the names of the 18429
~~administrator of workers' compensation~~director of workforce 18430
insurance and safety, the claimant, and the employer; the number 18431
of the claim; the date of the order appealed from; and the fact 18432
that the appellant appeals therefrom. 18433

The ~~administrator~~director, the claimant, and the employer 18434
shall be parties to the appeal and the court, upon the 18435
application of the commission, shall make the commission a 18436
party. The party filing the appeal shall serve a copy of the 18437
notice of appeal on the ~~administrator~~director at the central 18438
office of the ~~bureau of workers' compensation~~department of 18439
workforce insurance and safety in Columbus. The ~~administrator~~ 18440
director shall notify the employer that if the employer fails to 18441
become an active party to the appeal, then the ~~administrator~~ 18442
director may act on behalf of the employer and the results of 18443
the appeal could have an adverse effect upon the employer's 18444
premium rates or may result in a recovery from the employer if 18445
the employer is determined to be a noncomplying employer under 18446
section 4123.75 of the Revised Code. 18447

(C) The attorney general or one or more of the attorney 18448
general's assistants or special counsel designated by the 18449
attorney general shall represent the ~~administrator~~director and 18450
the commission. In the event the attorney general or the 18451
attorney general's designated assistants or special counsel are 18452
absent, the ~~administrator~~director or the commission shall 18453

select one or more of the attorneys in the employ of the 18454
~~administrator-director~~ or the commission as the ~~administrator's-~~ 18455
director's attorney or the commission's attorney in the appeal. 18456
Any attorney so employed shall continue the representation 18457
during the entire period of the appeal and in all hearings 18458
thereof except where the continued representation becomes 18459
impractical. 18460

(D) Upon receipt of notice of appeal, the clerk of courts 18461
shall provide notice to all parties who are appellees and to the 18462
commission. 18463

The claimant shall, within thirty days after the filing of 18464
the notice of appeal, file a petition containing a statement of 18465
facts in ordinary and concise language showing a cause of action 18466
to participate or to continue to participate in the fund and 18467
setting forth the basis for the jurisdiction of the court over 18468
the action. Further pleadings shall be had in accordance with 18469
the Rules of Civil Procedure, provided that service of summons 18470
on such petition shall not be required and provided that the 18471
claimant may not dismiss the complaint without the employer's 18472
consent if the employer is the party that filed the notice of 18473
appeal to court pursuant to this section. The clerk of the court 18474
shall, upon receipt thereof, transmit by certified mail a copy 18475
thereof to each party named in the notice of appeal other than 18476
the claimant. Any party may file with the clerk prior to the 18477
trial of the action a deposition of any physician taken in 18478
accordance with the provisions of the Revised Code, which 18479
deposition may be read in the trial of the action even though 18480
the physician is a resident of or subject to service in the 18481
county in which the trial is had. The ~~bureau of workers'~~ 18482
~~compensation~~ department of workforce insurance and safety shall 18483
pay the cost of the stenographic deposition filed in court and 18484

of copies of the stenographic deposition for each party from the 18485
surplus fund and charge the costs thereof against the 18486
unsuccessful party if the claimant's right to participate or 18487
continue to participate is finally sustained or established in 18488
the appeal. In the event the deposition is taken and filed, the 18489
physician whose deposition is taken is not required to respond 18490
to any subpoena issued in the trial of the action. The court, or 18491
the jury under the instructions of the court, if a jury is 18492
demanded, shall determine the right of the claimant to 18493
participate or to continue to participate in the fund upon the 18494
evidence adduced at the hearing of the action. 18495

(E) The court shall certify its decision to the commission 18496
and the certificate shall be entered in the records of the 18497
court. Appeals from the judgment are governed by the law 18498
applicable to the appeal of civil actions. 18499

(F) The cost of any legal proceedings authorized by this 18500
section, including an attorney's fee to the claimant's attorney 18501
to be fixed by the trial judge, based upon the effort expended, 18502
in the event the claimant's right to participate or to continue 18503
to participate in the fund is established upon the final 18504
determination of an appeal, shall be taxed against the employer 18505
or the commission if the commission or the ~~administrator~~ 18506
director rather than the employer contested the right of the 18507
claimant to participate in the fund. The attorney's fee shall 18508
not exceed five thousand dollars. 18509

(G) If the finding of the court or the verdict of the jury 18510
is in favor of the claimant's right to participate in the fund, 18511
the commission and the ~~administrator~~ director shall thereafter 18512
proceed in the matter of the claim as if the judgment were the 18513
decision of the commission, subject to the power of modification 18514

provided by section 4123.52 of the Revised Code. 18515

(H) (1) An appeal from an order issued under division (E) 18516
of section 4123.511 of the Revised Code or any action filed in 18517
court in a case in which an award of compensation or medical 18518
benefits has been made shall not stay the payment of 18519
compensation or medical benefits under the award, or payment for 18520
subsequent periods of total disability or medical benefits 18521
during the pendency of the appeal. If, in a final administrative 18522
or judicial action, it is determined that payments of 18523
compensation or benefits, or both, made to or on behalf of a 18524
claimant should not have been made, the amount thereof shall be 18525
charged to the surplus fund account under division (B) of 18526
section 4123.34 of the Revised Code. In the event the employer 18527
is a state risk, the amount shall not be charged to the 18528
employer's experience, and the ~~administrator~~director shall 18529
adjust the employer's account accordingly. In the event the 18530
employer is a self-insuring employer, the self-insuring employer 18531
shall deduct the amount from the paid compensation the self- 18532
insuring employer reports to the ~~administrator~~director under 18533
division (L) of section 4123.35 of the Revised Code. If an 18534
employer is a state risk and has paid an assessment for a 18535
violation of a specific safety requirement, and, in a final 18536
administrative or judicial action, it is determined that the 18537
employer did not violate the specific safety requirement, the 18538
~~administrator~~director shall reimburse the employer from the 18539
surplus fund account under division (B) of section 4123.34 of 18540
the Revised Code for the amount of the assessment the employer 18541
paid for the violation. 18542

(2) (a) Notwithstanding a final determination that payments 18543
of benefits made to or on behalf of a claimant should not have 18544
been made, the ~~administrator~~director or self-insuring employer 18545

shall award payment of medical or vocational rehabilitation 18546
services submitted for payment after the date of the final 18547
determination if all of the following apply: 18548

(i) The services were approved and were rendered by the 18549
provider in good faith prior to the date of the final 18550
determination. 18551

(ii) The services were payable under division (I) of 18552
section 4123.511 of the Revised Code prior to the date of the 18553
final determination. 18554

(iii) The request for payment is submitted within the time 18555
limit set forth in section 4123.52 of the Revised Code. 18556

(b) Payments made under division (H) (1) of this section 18557
shall be charged to the surplus fund account under division (B) 18558
of section 4123.34 of the Revised Code. If the employer of the 18559
employee who is the subject of a claim described in division (H) 18560
(2) (a) of this section is a state fund employer, the payments 18561
made under that division shall not be charged to the employer's 18562
experience. If that employer is a self-insuring employer, the 18563
self-insuring employer shall deduct the amount from the paid 18564
compensation the self-insuring employer reports to the 18565
~~administrator~~ director under division (L) of section 4123.35 of 18566
the Revised Code. 18567

(c) Division (H) (2) of this section shall apply only to a 18568
claim under this chapter or Chapter 4121., 4127., or 4131. of 18569
the Revised Code arising on or after July 29, 2011. 18570

(3) A self-insuring employer may elect to pay compensation 18571
and benefits under this section directly to an employee or an 18572
employee's dependents by filing an application with the ~~bureau~~ 18573
~~of workers' compensation~~ department of workforce insurance and 18574

safety not more than one hundred eighty days and not less than 18575
ninety days before the first day of the employer's next six- 18576
month coverage period. If the self-insuring employer timely 18577
files the application, the application is effective on the first 18578
day of the employer's next six-month coverage period, provided 18579
that the ~~administrator~~director shall compute the employer's 18580
assessment for the surplus fund account due with respect to the 18581
period during which that application was filed without regard to 18582
the filing of the application. On and after the effective date 18583
of the employer's election, the self-insuring employer shall pay 18584
directly to an employee or to an employee's dependents 18585
compensation and benefits under this section regardless of the 18586
date of the injury or occupational disease, and the employer 18587
shall receive no money or credits from the surplus fund account 18588
on account of those payments and shall not be required to pay 18589
any amounts into the surplus fund account on account of this 18590
section. The election made under this division is irrevocable. 18591

(I) All actions and proceedings under this section which 18592
are the subject of an appeal to the court of common pleas or the 18593
court of appeals shall be preferred over all other civil actions 18594
except election causes, irrespective of position on the 18595
calendar. 18596

This section applies to all decisions of the commission or 18597
the ~~administrator~~director on November 2, 1959, and all claims 18598
filed thereafter are governed by sections 4123.511 and 4123.512 18599
of the Revised Code. 18600

Any action pending in common pleas court or any other 18601
court on January 1, 1986, under this section is governed by 18602
former sections 4123.514, 4123.515, 4123.516, and 4123.519 and 18603
section 4123.522 of the Revised Code. 18604

Sec. 4123.52. (A) The jurisdiction of the industrial 18605
commission and the authority of the ~~administrator of workers'~~ 18606
~~compensation~~ director of workforce insurance and safety over 18607
each case is continuing, and the commission may make such 18608
modification or change with respect to former findings or orders 18609
with respect thereto, as, in its opinion is justified. No 18610
modification or change nor any finding or award in respect of 18611
any claim shall be made with respect to disability, 18612
compensation, dependency, or benefits, after five years from the 18613
date of injury in the absence of medical benefits being provided 18614
under this chapter or in the absence of payment of compensation 18615
under section 4123.57, 4123.58, or division (A) or (B) of 18616
section 4123.56 of the Revised Code or wages in lieu of 18617
compensation in a manner so as to satisfy the requirements of 18618
section 4123.84 of the Revised Code, in which event the 18619
modification, change, finding, or award shall be made within 18620
five years from the date of the last medical services being 18621
rendered or the date of the last payment of compensation or from 18622
the date of death, nor unless written notice of claim for the 18623
specific part or parts of the body injured or disabled has been 18624
given as provided in section 4123.84 or 4123.85 of the Revised 18625
Code. The commission shall not make any modification, change, 18626
finding, or award which shall award compensation for a back 18627
period in excess of two years prior to the date of filing 18628
application therefor. 18629

(B) Notwithstanding division (A) of this section, and 18630
except as otherwise provided in a rule that shall be adopted by 18631
the ~~administrator~~ director, with the advice and consent of the 18632
~~bureau of workers' compensation~~ department of workforce 18633
insurance and safety board of directors, neither the 18634
~~administrator~~ director nor the commission shall make any finding 18635

or award for payment of medical or vocational rehabilitation 18636
services submitted for payment more than one year after the date 18637
the services were rendered or more than one year after the date 18638
the services became payable under division (I) of section 18639
4123.511 of the Revised Code, whichever is later. No medical or 18640
vocational rehabilitation provider shall bill a claimant for 18641
services rendered if the ~~administrator-director~~ or commission is 18642
prohibited from making that payment under this division. 18643

(C) Division (B) of this section does not apply to 18644
requests made by the centers for medicare and medicaid services 18645
in the United States department of health and human services for 18646
reimbursement of conditional payments made pursuant to section 18647
1395y(b) (2) of title 42, United States Code (commonly known as 18648
the "Medicare Secondary Payer Act"). 18649

(D) This section does not affect the right of a claimant 18650
to compensation accruing subsequent to the filing of any such 18651
application, provided the application is filed within the time 18652
limit provided in this section. 18653

(E) This section does not deprive the commission of its 18654
continuing jurisdiction to determine the questions raised by any 18655
application for modification of award which has been filed with 18656
the commission after June 1, 1932, and prior to the expiration 18657
of the applicable period but in respect to which no award has 18658
been granted or denied during the applicable period. 18659

(F) The commission may, by general rules, provide for the 18660
destruction of files of cases in which no further action may be 18661
taken. 18662

(G) The commission and ~~administrator of workers'~~ 18663
~~compensation~~ director of workforce insurance and safety each 18664

may, by general rules, provide for the retention and destruction 18665
of all other records in their possession or under their control 18666
pursuant to section 121.211 and sections 149.34 to 149.36 of the 18667
Revised Code. The ~~bureau of workers' compensation department of~~ 18668
workforce insurance and safety may purchase or rent required 18669
equipment for the document retention media, as determined 18670
necessary to preserve the records. Photographs, 18671
microphotographs, microfilm, films, or other direct document 18672
retention media, when properly identified, have the same effect 18673
as the original record and may be offered in like manner and may 18674
be received as evidence in proceedings before the industrial 18675
commission, staff hearing officers, and district hearing 18676
officers, and in any court where the original record could have 18677
been introduced. 18678

Sec. 4123.522. The employee, employer, and their 18679
respective representatives are entitled to written notice of any 18680
hearing, determination, order, award, or decision under this 18681
chapter and the ~~administrator of workers' compensation director~~ 18682
of workforce insurance and safety and ~~his~~ the director's 18683
representative are entitled to like notice for orders issued 18684
under divisions (C) and (D) of section 4123.511 and section 18685
4123.512 of the Revised Code. An employee, employer, or the 18686
~~administrator director~~ is deemed not to have received notice 18687
until the notice is received from the industrial commission or 18688
its district or staff hearing officers, the 18689
~~administrator director~~, or the ~~bureau of workers' compensation~~ 18690
department of workforce insurance and safety by both the 18691
employee and ~~his~~ the employee's representative of record, both 18692
the employer and ~~his~~ the employer's representative of record, and 18693
by both the ~~administrator director~~ and ~~his~~ the director's 18694
representative. 18695

If any person to whom a notice is mailed fails to receive 18696
the notice and the commission, upon hearing, determines that the 18697
failure was due to cause beyond the control and without the 18698
fault or neglect of such person or ~~his~~the person's 18699
representative and that such person or ~~his~~the person's 18700
representative did not have actual knowledge of the import of 18701
the information contained in the notice, such person may take 18702
the action afforded to such person within twenty-one days after 18703
the receipt of the notice of such determination of the 18704
commission. Delivery of the notice to the address of the person 18705
or ~~his~~the person's representative is prima-facie evidence of 18706
receipt of the notice by the person. 18707

Sec. 4123.53. (A) The ~~administrator of workers'~~ 18708
~~compensation~~director of workforce insurance and safety or the 18709
industrial commission may require any employee claiming the 18710
right to receive compensation to submit to a medical 18711
examination, vocational evaluation, or vocational questionnaire 18712
at any time, and from time to time, at a place reasonably 18713
convenient for the employee, and as provided by the rules of the 18714
commission or the ~~administrator of workers' compensation~~director 18715
of workforce insurance and safety. A claimant required by the 18716
commission or ~~administrator~~director to submit to a medical 18717
examination or vocational evaluation, at a point outside of the 18718
place of permanent or temporary residence of the claimant, as 18719
provided in this section, is entitled to have paid to the 18720
claimant by the ~~bureau of workers' compensation~~department of 18721
workforce insurance and safety the necessary and actual expenses 18722
on account of the attendance for the medical examination or 18723
vocational evaluation after approval of the expense statement by 18724
the ~~bureau~~department. Under extraordinary circumstances and with 18725
the unanimous approval of the commission, if the commission 18726

requires the medical examination or vocational evaluation, or 18727
with the approval of the ~~administrator~~director, if the 18728
~~administrator~~director requires the medical examination or 18729
vocational evaluation, the ~~bureau~~department shall pay an 18730
injured or diseased employee the necessary, actual, and 18731
authorized expenses of treatment at a point outside the place of 18732
permanent or temporary residence of the claimant. 18733

(B) (1) Except as provided in divisions (B) (2) and (3) of 18734
this section, when an employee initially receives temporary 18735
total disability compensation pursuant to section 4123.56 of the 18736
Revised Code for a consecutive ninety-day period, the 18737
~~administrator~~director shall refer the employee to the ~~bureau~~department 18738
department medical section to schedule a medical examination to 18739
determine the employee's continued entitlement to such 18740
compensation, the employee's rehabilitation potential, and the 18741
appropriateness of the medical treatment the employee is 18742
receiving. The ~~bureau~~department medical section shall schedule 18743
the examination for a date not later than thirty days following 18744
the end of the initial ninety-day period. If the medical 18745
examiner, upon an initial or any subsequent examination 18746
recommended by the medical examiner under this division, 18747
determines that the employee is temporarily and totally 18748
impaired, the medical examiner shall recommend a date when the 18749
employee should be reexamined. Upon the issuance of the medical 18750
examination report containing a recommendation for 18751
reexamination, the ~~administrator~~director shall schedule an 18752
examination and, if at the date of reexamination the employee is 18753
receiving temporary total disability compensation, the employee 18754
shall be examined. 18755

(2) The ~~administrator~~director, for good cause, may waive 18756
the scheduling of a medical examination under division (B) (1) of 18757

this section. If the employee's employer objects to the 18758
~~administrator's-director's~~ waiver, the ~~administrator-director~~ 18759
shall refer the employee to the ~~bureau-department~~ medical 18760
section to schedule the examination or the ~~administrator-~~ 18761
~~director~~ shall schedule the examination. 18762

(3) The ~~administrator-director~~ shall adopt a rule, 18763
pursuant to Chapter 119. of the Revised Code, permitting 18764
employers to waive the ~~administrator's-director's~~ scheduling of 18765
any such examinations. 18766

(C) If an employee refuses to submit to any medical 18767
examination or vocational evaluation scheduled pursuant to this 18768
section or obstructs the same, or refuses to complete and submit 18769
to the ~~bureau-department~~ or commission a vocational 18770
questionnaire within thirty days after the ~~bureau-department~~ or 18771
commission mails the request to complete and submit the 18772
questionnaire the employee's right to have the employee's claim 18773
for compensation considered, if the claim is pending before the 18774
~~bureau-department~~ or commission, or to receive any payment for 18775
compensation theretofore granted, is suspended during the period 18776
of the refusal or obstruction. Notwithstanding this section, an 18777
employee's failure to submit to a medical examination or 18778
vocational evaluation, or to complete and submit a vocational 18779
questionnaire, shall not result in the dismissal of the 18780
employee's claim. 18781

(D) Medical examinations scheduled under this section do 18782
not limit medical examinations provided for in other provisions 18783
of this chapter or Chapter 4121. of the Revised Code. 18784

Sec. 4123.54. (A) Except as otherwise provided in this 18785
division or divisions (I) and (K) of this section, every 18786
employee, who is injured or who contracts an occupational 18787

disease, and the dependents of each employee who is killed, or 18788
dies as the result of an occupational disease contracted in the 18789
course of employment, wherever the injury has occurred or 18790
occupational disease has been contracted, is entitled to receive 18791
the compensation for loss sustained on account of the injury, 18792
occupational disease, or death, and the medical, nurse, and 18793
hospital services and medicines, and the amount of funeral 18794
expenses in case of death, as are provided by this chapter. The 18795
compensation and benefits shall be provided, as applicable, 18796
directly from the employee's self-insuring employer as provided 18797
in section 4123.35 of the Revised Code or from the state 18798
insurance fund. An employee or dependent is not entitled to 18799
receive compensation or benefits under this division if the 18800
employee's injury or occupational disease is either of the 18801
following: 18802

(1) Purposely self-inflicted; 18803

(2) Caused by the employee being intoxicated, under the 18804
influence of a controlled substance not prescribed by a 18805
physician, or under the influence of marihuana if being 18806
intoxicated, under the influence of a controlled substance not 18807
prescribed by a physician, or under the influence of marihuana 18808
was the proximate cause of the injury. 18809

(B) For the purpose of this section, provided that an 18810
employer has posted written notice to employees that the results 18811
of, or the employee's refusal to submit to, any chemical test 18812
described under this division may affect the employee's 18813
eligibility for compensation and benefits pursuant to this 18814
chapter and Chapter 4121. of the Revised Code, there is a 18815
rebuttable presumption that an employee is intoxicated, under 18816
the influence of a controlled substance not prescribed by the 18817

employee's physician, or under the influence of marihuana and 18818
that being intoxicated, under the influence of a controlled 18819
substance not prescribed by the employee's physician, or under 18820
the influence of marihuana is the proximate cause of an injury 18821
under either of the following conditions: 18822

(1) When any one or more of the following is true: 18823

(a) The employee, through a qualifying chemical test 18824
administered within eight hours of an injury, is determined to 18825
have an alcohol concentration level equal to or in excess of the 18826
levels established in divisions (A) (1) (b) to (i) of section 18827
4511.19 of the Revised Code. 18828

(b) The employee, through a qualifying chemical test 18829
administered within thirty-two hours of an injury, is determined 18830
to have a controlled substance not prescribed by the employee's 18831
physician or marihuana in the employee's system at a level equal 18832
to or in excess of the cutoff concentration level for the 18833
particular substance as provided in section 40.87 of Title 49 of 18834
the Code of Federal Regulations, 49 C.F.R. 40.87, as amended. 18835

(c) The employee, through a qualifying chemical test 18836
administered within thirty-two hours of an injury, is determined 18837
to have barbiturates, benzodiazepines, or methadone in the 18838
employee's system that tests above levels established by 18839
laboratories certified by the United States department of health 18840
and human services. 18841

(2) When the employee refuses to submit to a requested 18842
chemical test, on the condition that that employee is or was 18843
given notice that the refusal to submit to any chemical test 18844
described in division (B) (1) of this section may affect the 18845
employee's eligibility for compensation and benefits under this 18846

chapter and Chapter 4121. of the Revised Code. 18847

(C) (1) For purposes of division (B) of this section, a 18848
chemical test is a qualifying chemical test if it is 18849
administered to an employee after an injury under at least one 18850
of the following conditions: 18851

(a) When the employee's employer had reasonable cause to 18852
suspect that the employee may be intoxicated, under the 18853
influence of a controlled substance not prescribed by the 18854
employee's physician, or under the influence of marihuana; 18855

(b) At the request of a police officer pursuant to section 18856
4511.191 of the Revised Code, and not at the request of the 18857
employee's employer; 18858

(c) At the request of a licensed physician who is not 18859
employed by the employee's employer, and not at the request of 18860
the employee's employer. 18861

(2) As used in division (C) (1) (a) of this section, 18862
"reasonable cause" means, but is not limited to, evidence that 18863
an employee is or was using alcohol, a controlled substance, or 18864
marihuana drawn from specific, objective facts and reasonable 18865
inferences drawn from these facts in light of experience and 18866
training. These facts and inferences may be based on, but are 18867
not limited to, any of the following: 18868

(a) Observable phenomena, such as direct observation of 18869
use, possession, or distribution of alcohol, a controlled 18870
substance, or marihuana, or of the physical symptoms of being 18871
under the influence of alcohol, a controlled substance, or 18872
marihuana, such as but not limited to slurred speech; dilated 18873
pupils; odor of alcohol, a controlled substance, or marihuana; 18874
changes in affect; or dynamic mood swings; 18875

(b) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol, a controlled substance, or marihuana, and does not appear to be attributable to other factors; 18876
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(c) The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance or marihuana; 18882
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(d) A report of use of alcohol, a controlled substance, or marihuana provided by a reliable and credible source; 18885
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(e) Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol, a controlled substance, or marihuana and that do not appear attributable to other factors. 18887
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(D) Nothing in this section shall be construed to affect the rights of an employer to test employees for alcohol or controlled substance abuse. 18893
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(E) For the purpose of this section, laboratories certified by the United States department of health and human services or laboratories that meet or exceed the standards of that department for laboratory certification shall be used for processing the test results of a qualifying chemical test. 18896
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(F) The written notice required by division (B) of this section shall be the same size or larger than the proof of workers' compensation coverage furnished by the ~~bureau of~~ workers' compensation department of workforce insurance and 18901
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safety and shall be posted by the employer in the same location 18905
as the proof of workers' compensation coverage or the 18906
certificate of self-insurance. 18907

(G) If a condition that pre-existed an injury is 18908
substantially aggravated by the injury, and that substantial 18909
aggravation is documented by objective diagnostic findings, 18910
objective clinical findings, or objective test results, no 18911
compensation or benefits are payable because of the pre-existing 18912
condition once that condition has returned to a level that would 18913
have existed without the injury. 18914

(H) (1) Whenever, with respect to an employee of an 18915
employer who is subject to and has complied with this chapter, 18916
there is possibility of conflict with respect to the application 18917
of workers' compensation laws because the contract of employment 18918
is entered into and all or some portion of the work is or is to 18919
be performed in a state or states other than Ohio, the employer 18920
and the employee may agree to be bound by the laws of this state 18921
or by the laws of some other state in which all or some portion 18922
of the work of the employee is to be performed. The agreement 18923
shall be in writing and shall be filed with the ~~bureau of~~ 18924
~~workers' compensation department of workforce insurance and~~ 18925
safety within ten days after it is executed and shall remain in 18926
force until terminated or modified by agreement of the parties 18927
similarly filed. If the agreement is to be bound by the laws of 18928
this state and the employer has complied with this chapter, then 18929
the employee is entitled to compensation and benefits regardless 18930
of where the injury occurs or the disease is contracted and the 18931
rights of the employee and the employee's dependents under the 18932
laws of this state are the exclusive remedy against the employer 18933
on account of injury, disease, or death in the course of and 18934
arising out of the employee's employment. If the agreement is to 18935

be bound by the laws of another state and the employer has 18936
complied with the laws of that state, the rights of the employee 18937
and the employee's dependents under the laws of that state are 18938
the exclusive remedy against the employer on account of injury, 18939
disease, or death in the course of and arising out of the 18940
employee's employment without regard to the place where the 18941
injury was sustained or the disease contracted. If an employer 18942
and an employee enter into an agreement under this division, the 18943
fact that the employer and the employee entered into that 18944
agreement shall not be construed to change the status of an 18945
employee whose continued employment is subject to the will of 18946
the employer or the employee, unless the agreement contains a 18947
provision that expressly changes that status. 18948

(2) If an employee or the employee's dependents receive an 18949
award of compensation or benefits under this chapter or Chapter 18950
4121., 4127., or 4131. of the Revised Code for the same injury, 18951
occupational disease, or death for which the employee or the 18952
employee's dependents previously pursued or otherwise elected to 18953
accept workers' compensation benefits and received a decision on 18954
the merits as defined in section 4123.542 of the Revised Code 18955
under the laws of another state or recovered damages under the 18956
laws of another state, the claim shall be disallowed and the 18957
~~administrator~~ director of workforce insurance and safety or any 18958
self-insuring employer, by any lawful means, may collect from 18959
the employee or the employee's dependents any of the following: 18960

(a) The amount of compensation or benefits paid to or on 18961
behalf of the employee or the employee's dependents by the 18962
~~administrator~~ director or a self-insuring employer pursuant to 18963
this chapter or Chapter 4121., 4127., or 4131. of the Revised 18964
Code for that award; 18965

(b) Any interest, attorney's fees, and costs the 18966
~~administrator-director~~ or the self-insuring employer incurs in 18967
collecting that payment. 18968

(3) If an employee or the employee's dependents receive an 18969
award of compensation or benefits under this chapter or Chapter 18970
4121., 4127., or 4131. of the Revised Code and subsequently 18971
pursue or otherwise elect to accept workers' compensation 18972
benefits or damages under the laws of another state for the same 18973
injury, occupational disease, or death the claim under this 18974
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 18975
shall be disallowed. The ~~administrator-director~~ or a self- 18976
insuring employer, by any lawful means, may collect from the 18977
employee or the employee's dependents or other-states' insurer 18978
any of the following: 18979

(a) The amount of compensation or benefits paid to or on 18980
behalf of the employee or the employee's dependents by the 18981
~~administrator-director~~ or the self-insuring employer pursuant to 18982
this chapter or Chapter 4121., 4127., or 4131. of the Revised 18983
Code for that award; 18984

(b) Any interest, costs, and attorney's fees the 18985
~~administrator-director~~ or the self-insuring employer incurs in 18986
collecting that payment; 18987

(c) Any costs incurred by an employer in contesting or 18988
responding to any claim filed by the employee or the employee's 18989
dependents for the same injury, occupational disease, or death 18990
that was filed after the original claim for which the employee 18991
or the employee's dependents received a decision on the merits 18992
as described in section 4123.542 of the Revised Code. 18993

(4) If the employee's employer pays premiums into the 18994

state insurance fund, the ~~administrator~~director shall not 18995
charge the amount of compensation or benefits the ~~administrator~~director 18996
director collects pursuant to division (H) (2) or (3) of this 18997
section to the employer's experience. If the ~~administrator~~director 18998
director collects any costs incurred by an employer in 18999
contesting or responding to any claim pursuant to division (H) 19000
(2) or (3) of this section, the ~~administrator~~director shall 19001
forward the amount collected to that employer. If the employee's 19002
employer is a self-insuring employer, the self-insuring employer 19003
shall deduct the amount of compensation or benefits the self- 19004
insuring employer collects pursuant to this division from the 19005
paid compensation the self-insuring employer reports to the 19006
~~administrator~~director under division (L) of section 4123.35 of 19007
the Revised Code. 19008

(5) If an employee is a resident of a state other than 19009
this state and is insured under the workers' compensation law or 19010
similar laws of a state other than this state, the employee and 19011
the employee's dependents are not entitled to receive 19012
compensation or benefits under this chapter, on account of 19013
injury, disease, or death arising out of or in the course of 19014
employment while temporarily within this state, and the rights 19015
of the employee and the employee's dependents under the laws of 19016
the other state are the exclusive remedy against the employer on 19017
account of the injury, disease, or death. 19018

(6) An employee, or the dependent of an employee, who 19019
elects to receive compensation and benefits under this chapter 19020
or Chapter 4121., 4127., or 4131. of the Revised Code for a 19021
claim may not receive compensation and benefits under the 19022
workers' compensation laws of any state other than this state 19023
for that same claim. For each claim submitted by or on behalf of 19024
an employee, the ~~administrator~~director or, if the employee is 19025

employed by a self-insuring employer, the self-insuring 19026
employer, shall request the employee or the employee's dependent 19027
to sign an election that affirms the employee's or employee's 19028
dependent's acceptance of electing to receive compensation and 19029
benefits under this chapter or Chapter 4121., 4127., or 4131. of 19030
the Revised Code for that claim that also affirmatively waives 19031
and releases the employee's or the employee's dependent's right 19032
to file for and receive compensation and benefits under the laws 19033
of any state other than this state for that claim. The employee 19034
or employee's dependent shall sign the election form within 19035
twenty-eight days after the ~~administrator-director~~ or self- 19036
insuring employer submits the request or the ~~administrator-~~ 19037
director or self-insuring employer shall dismiss that claim. 19038

In the event a workers' compensation claim has been filed 19039
in another jurisdiction on behalf of an employee or the 19040
dependents of an employee, and the employee or dependents 19041
subsequently elect to receive compensation, benefits, or both 19042
under this chapter or Chapter 4121., 4127., or 4131. of the 19043
Revised Code, the employee or dependent shall withdraw or refuse 19044
acceptance of the workers' compensation claim filed in the other 19045
jurisdiction in order to pursue compensation or benefits under 19046
the laws of this state. If the employee or dependents were 19047
awarded workers' compensation benefits or had recovered damages 19048
under the laws of the other state, any compensation and benefits 19049
awarded under this chapter or Chapter 4121., 4127., or 4131. of 19050
the Revised Code shall be paid only to the extent to which those 19051
payments exceed the amounts paid under the laws of the other 19052
state. If the employee or dependent fails to withdraw or to 19053
refuse acceptance of the workers' compensation claim in the 19054
other jurisdiction within twenty-eight days after a request made 19055
by the ~~administrator-director~~ or a self-insuring employer, the 19056

~~administrator~~director or self-insuring employer shall dismiss 19057
the employee's or employee's dependents' claim made in this 19058
state. 19059

(I) If an employee who is covered under the federal 19060
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 19061
33 U.S.C. 901 et seq., is injured or contracts an occupational 19062
disease or dies as a result of an injury or occupational 19063
disease, and if that employee's or that employee's dependents' 19064
claim for compensation or benefits for that injury, occupational 19065
disease, or death is subject to the jurisdiction of that act, 19066
the employee or the employee's dependents are not entitled to 19067
apply for and shall not receive compensation or benefits under 19068
this chapter and Chapter 4121. of the Revised Code. The rights 19069
of such an employee and the employee's dependents under the 19070
federal "Longshore and Harbor Workers' Compensation Act," 98 19071
Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy 19072
against the employer for that injury, occupational disease, or 19073
death. 19074

(J) Compensation or benefits are not payable to a claimant 19075
or a dependent during the period of confinement of the claimant 19076
or dependent in any state or federal correctional institution, 19077
or in any county jail in lieu of incarceration in a state or 19078
federal correctional institution, whether in this or any other 19079
state for conviction of violation of any state or federal 19080
criminal law. 19081

(K) An employer, upon the approval of the 19082
~~administrator~~director, may provide for workers' compensation 19083
coverage for the employer's employees who are professional 19084
athletes and coaches by submitting to the ~~administrator~~director 19085
proof of coverage under a league policy issued under the laws of 19086

another state under either of the following circumstances: 19087

(1) The employer administers the payroll and workers' 19088
compensation insurance for a professional sports team subject to 19089
a collective bargaining agreement, and the collective bargaining 19090
agreement provides for the uniform administration of workers' 19091
compensation benefits and compensation for professional 19092
athletes. 19093

(2) The employer is a professional sports league, or is a 19094
member team of a professional sports league, and all of the 19095
following apply: 19096

(a) The professional sports league operates as a single 19097
entity, whereby all of the players and coaches of the sports 19098
league are employees of the sports league and not of the 19099
individual member teams. 19100

(b) The professional sports league at all times maintains 19101
workers' compensation insurance that provides coverage for the 19102
players and coaches of the sports league. 19103

(c) Each individual member team of the professional sports 19104
league, pursuant to the organizational or operating documents of 19105
the sports league, is obligated to the sports league to pay to 19106
the sports league any workers' compensation claims that are not 19107
covered by the workers' compensation insurance maintained by the 19108
sports league. 19109

If the ~~administrator~~ director approves the employer's 19110
proof of coverage submitted under division (K) of this section, 19111
a professional athlete or coach who is an employee of the 19112
employer and the dependents of the professional athlete or coach 19113
are not entitled to apply for and shall not receive compensation 19114
or benefits under this chapter and Chapter 4121. of the Revised 19115

Code. The rights of such an athlete or coach and the dependents 19116
of such an athlete or coach under the laws of the state where 19117
the policy was issued are the exclusive remedy against the 19118
employer for the athlete or coach if the athlete or coach 19119
suffers an injury or contracts an occupational disease in the 19120
course of employment, or for the dependents of the athlete or 19121
the coach if the athlete or coach is killed as a result of an 19122
injury or dies as a result of an occupational disease, 19123
regardless of the location where the injury was suffered or the 19124
occupational disease was contracted. 19125

Sec. 4123.56. (A) Except as provided in division (D) of 19126
this section, in the case of temporary disability, an employee 19127
shall receive sixty-six and two-thirds per cent of the 19128
employee's average weekly wage so long as such disability is 19129
total, not to exceed a maximum amount of weekly compensation 19130
which is equal to the statewide average weekly wage as defined 19131
in division (C) of section 4123.62 of the Revised Code, and not 19132
less than a minimum amount of compensation which is equal to 19133
thirty-three and one-third per cent of the statewide average 19134
weekly wage as defined in division (C) of section 4123.62 of the 19135
Revised Code unless the employee's wage is less than thirty- 19136
three and one-third per cent of the minimum statewide average 19137
weekly wage, in which event the employee shall receive 19138
compensation equal to the employee's full wages; provided that 19139
for the first twelve weeks of total disability the employee 19140
shall receive seventy-two per cent of the employee's full weekly 19141
wage, but not to exceed a maximum amount of weekly compensation 19142
which is equal to the lesser of the statewide average weekly 19143
wage as defined in division (C) of section 4123.62 of the 19144
Revised Code or one hundred per cent of the employee's net take- 19145
home weekly wage. In the case of a self-insuring employer, 19146

payments shall be for a duration based upon the medical reports 19147
of the attending physician. If the employer disputes the 19148
attending physician's report, payments may be terminated only 19149
upon application and hearing by a district hearing officer 19150
pursuant to division (C) of section 4123.511 of the Revised 19151
Code. Payments shall continue pending the determination of the 19152
matter, however payment shall not be made for the period when 19153
any employee has returned to work, when an employee's treating 19154
physician has made a written statement that the employee is 19155
capable of returning to the employee's former position of 19156
employment, when work within the physical capabilities of the 19157
employee is made available by the employer or another employer, 19158
or when the employee has reached the maximum medical 19159
improvement. Where the employee is capable of work activity, but 19160
the employee's employer is unable to offer the employee any 19161
employment, the employee shall register with the director of job 19162
and family services, who shall assist the employee in finding 19163
suitable employment. The termination of temporary total 19164
disability, whether by order or otherwise, does not preclude the 19165
commencement of temporary total disability at another point in 19166
time if the employee again becomes temporarily totally disabled. 19167

After two hundred weeks of temporary total disability 19168
benefits, the ~~bureau of workers' compensation department of~~ 19169
workforce insurance and safety may schedule the claimant for an 19170
examination for an evaluation to determine whether or not the 19171
temporary disability has become permanent. A self-insuring 19172
employer shall notify the ~~bureau department~~ immediately after 19173
payment of two hundred weeks of temporary total disability. The 19174
self-insuring employer may request that the ~~bureau department~~ 19175
schedule the claimant for an examination to determine whether 19176
the temporary disability has become permanent. 19177

When the employee is awarded compensation for temporary 19178
total disability for a period for which the employee has 19179
received benefits under Chapter 4141. of the Revised Code, the 19180
~~bureau~~ department shall pay an amount equal to the amount 19181
received from the award to the director of job and family 19182
services and the director shall credit the amount to the 19183
accounts of the employers to whose accounts the payment of 19184
benefits was charged or is chargeable to the extent it was 19185
charged or is chargeable. 19186

If any compensation under this section has been paid for 19187
the same period or periods for which temporary nonoccupational 19188
accident and sickness insurance is or has been paid pursuant to 19189
an insurance policy or program to which the employer has made 19190
the entire contribution or payment for providing insurance or 19191
under a nonoccupational accident and sickness program fully 19192
funded by the employer, except as otherwise provided in this 19193
division compensation paid under this section for the period or 19194
periods shall be paid only to the extent by which the payment or 19195
payments exceeds the amount of the nonoccupational insurance or 19196
program paid or payable. Offset of the compensation shall be 19197
made only upon the prior order of the ~~bureau~~ department or 19198
industrial commission or agreement of the claimant. If an 19199
employer provides supplemental sick leave benefits in addition 19200
to temporary total disability compensation paid under this 19201
section, and if the employer and an employee agree in writing to 19202
the payment of the supplemental sick leave benefits, temporary 19203
total disability benefits may be paid without an offset for 19204
those supplemental sick leave benefits. 19205

As used in this division, "net take-home weekly wage" 19206
means the amount obtained by dividing an employee's total 19207
remuneration, as defined in section 4141.01 of the Revised Code, 19208

paid to or earned by the employee during the first four of the 19209
last five completed calendar quarters which immediately precede 19210
the first day of the employee's entitlement to benefits under 19211
this division, by the number of weeks during which the employee 19212
was paid or earned remuneration during those four quarters, less 19213
the amount of local, state, and federal income taxes deducted 19214
for each such week. 19215

(B) (1) If an employee in a claim allowed under this 19216
chapter suffers a wage loss as a result of returning to 19217
employment other than the employee's former position of 19218
employment due to an injury or occupational disease, the 19219
employee shall receive compensation at sixty-six and two-thirds 19220
per cent of the difference between the employee's average weekly 19221
wage and the employee's present earnings not to exceed the 19222
statewide average weekly wage. The payments may continue for up 19223
to a maximum of two hundred weeks, but the payments shall be 19224
reduced by the corresponding number of weeks in which the 19225
employee receives payments pursuant to division (A) (2) of 19226
section 4121.67 of the Revised Code. 19227

(2) If an employee in a claim allowed under this chapter 19228
suffers a wage loss as a result of being unable to find 19229
employment consistent with the employee's disability resulting 19230
from the employee's injury or occupational disease, the employee 19231
shall receive compensation at sixty-six and two-thirds per cent 19232
of the difference between the employee's average weekly wage and 19233
the employee's present earnings, not to exceed the statewide 19234
average weekly wage. The payments may continue for up to a 19235
maximum of fifty-two weeks. The first twenty-six weeks of 19236
payments under division (B) (2) of this section shall be in 19237
addition to the maximum of two hundred weeks of payments allowed 19238
under division (B) (1) of this section. If an employee in a claim 19239

allowed under this chapter receives compensation under division 19240
(B) (2) of this section in excess of twenty-six weeks, the number 19241
of weeks of compensation allowable under division (B) (1) of this 19242
section shall be reduced by the corresponding number of weeks in 19243
excess of twenty-six, and up to fifty-two, that is allowable 19244
under division (B) (1) of this section. 19245

(3) The number of weeks of wage loss payable to an 19246
employee under divisions (B) (1) and (2) of this section shall 19247
not exceed two hundred and twenty-six weeks in the aggregate. 19248

(C) In the event an employee of a professional sports 19249
franchise domiciled in this state is disabled as the result of 19250
an injury or occupational disease, the total amount of payments 19251
made under a contract of hire or collective bargaining agreement 19252
to the employee during a period of disability is deemed an 19253
advanced payment of compensation payable under sections 4123.56 19254
to 4123.58 of the Revised Code. The employer shall be reimbursed 19255
the total amount of the advanced payments out of any award of 19256
compensation made pursuant to sections 4123.56 to 4123.58 of the 19257
Revised Code. 19258

(D) If an employee receives temporary total disability 19259
benefits pursuant to division (A) of this section and social 19260
security retirement benefits pursuant to the "Social Security 19261
Act," the weekly benefit amount under division (A) of this 19262
section shall not exceed sixty-six and two-thirds per cent of 19263
the statewide average weekly wage as defined in division (C) of 19264
section 4123.62 of the Revised Code. 19265

(E) If an employee is eligible for compensation under 19266
division (A) of this section, but the employee's full weekly 19267
wage has not been determined at the time payments are to 19268
commence under division (H) of section 4123.511 of the Revised 19269

Code, the employee shall receive thirty-three and one-third per 19270
cent of the statewide average weekly wage as defined in division 19271
(C) of section 4123.62 of the Revised Code. On determination of 19272
the employee's full weekly wage, the compensation an employee 19273
receives shall be adjusted pursuant to division (A) of this 19274
section. 19275

If the amount of compensation an employee receives under 19276
this division is greater than the adjusted amount the employee 19277
receives under division (A) of this section that is based on the 19278
employee's full weekly wage, the excess amount shall be 19279
recovered in the manner provided in division (K) of section 19280
4123.511 of the Revised Code. If the amount of compensation an 19281
employee receives under this division is less than the adjusted 19282
amount the employee receives under that division that is based 19283
on the employee's full weekly wage, the employee shall receive 19284
the difference between those two amounts. 19285

(F) If an employee is unable to work or suffers a wage 19286
loss as the direct result of an impairment arising from an 19287
injury or occupational disease, the employee is entitled to 19288
receive compensation under this section, provided the employee 19289
is otherwise qualified. If an employee is not working or has 19290
suffered a wage loss as the direct result of reasons unrelated 19291
to the allowed injury or occupational disease, the employee is 19292
not eligible to receive compensation under this section. It is 19293
the intent of the general assembly to supersede any previous 19294
judicial decision that applied the doctrine of voluntary 19295
abandonment to a claim brought under this section. 19296

Sec. 4123.57. Partial disability compensation shall be 19297
paid as follows. 19298

Except as provided in this section, not earlier than 19299

twenty-six weeks after the date of termination of the latest 19300
period of payments under section 4123.56 of the Revised Code or 19301
twenty-six weeks after the termination of wages in lieu of those 19302
payments, or not earlier than twenty-six weeks after the date of 19303
the injury or contraction of an occupational disease in the 19304
absence of payments under section 4123.56 of the Revised Code or 19305
wages in lieu of those payments, the employee may file an 19306
application with the ~~bureau of workers' compensation department~~ 19307
of workforce insurance and safety for the determination of the 19308
percentage of the employee's permanent partial disability 19309
resulting from an injury or occupational disease. 19310

Whenever the application is filed, the ~~bureau department~~ 19311
shall send a copy of the application to the employee's employer 19312
or the employer's representative and shall schedule the employee 19313
for a medical examination by the ~~bureau department~~ medical 19314
section. The ~~bureau department~~ shall send a copy of the report 19315
of the medical examination to the employee, the employer, and 19316
their representatives. Thereafter, the ~~administrator of workers'~~ 19317
~~compensation director of workforce insurance and safety~~ shall 19318
review the employee's claim file and make a tentative order as 19319
the evidence before the ~~administrator director~~ at the time of 19320
the making of the order warrants. If the ~~administrator director~~ 19321
determines that there is a conflict of evidence, the 19322
~~administrator director~~ shall send the application, along with 19323
the claimant's file, to the district hearing officer who shall 19324
set the application for a hearing. 19325

If an employee fails to respond to an attempt to schedule 19326
a medical examination by the ~~bureau department~~ medical section, 19327
or fails to attend a medical examination scheduled under this 19328
section without notice or explanation, the employee's 19329
application for a finding shall be dismissed without prejudice. 19330

The employee may refile the application. A dismissed application 19331
does not toll the continuing jurisdiction of the industrial 19332
commission under section 4123.52 of the Revised Code. The 19333
~~administrator~~director shall adopt rules addressing the manner 19334
in which an employee will be notified of a possible dismissal 19335
and how an employee may refile an application for a 19336
determination. 19337

The ~~administrator~~director shall notify the employee, the 19338
employer, and their representatives, in writing, of the 19339
tentative order and of the parties' right to request a hearing. 19340
Unless the employee, the employer, or their representative 19341
notifies the ~~administrator~~director, in writing, of an objection 19342
to the tentative order within twenty days after receipt of the 19343
notice thereof, the tentative order shall go into effect and the 19344
employee shall receive the compensation provided in the order. 19345
In no event shall there be a reconsideration of a tentative 19346
order issued under this division. 19347

If the employee, the employer, or their representatives 19348
timely notify the ~~administrator~~director of an objection to the 19349
tentative order, the matter shall be referred to a district 19350
hearing officer who shall set the application for hearing with 19351
written notices to all interested persons. Upon referral to a 19352
district hearing officer, the employer may obtain a medical 19353
examination of the employee, pursuant to rules of the industrial 19354
commission. 19355

(A) The district hearing officer, upon the application, 19356
shall determine the percentage of the employee's permanent 19357
disability, except as is subject to division (B) of this 19358
section, based upon that condition of the employee resulting 19359
from the injury or occupational disease and causing permanent 19360

impairment evidenced by medical or clinical findings reasonably 19361
demonstrable. The employee shall receive sixty-six and two- 19362
thirds per cent of the employee's average weekly wage, but not 19363
more than a maximum of thirty-three and one-third per cent of 19364
the statewide average weekly wage as defined in division (C) of 19365
section 4123.62 of the Revised Code, per week regardless of the 19366
average weekly wage, for the number of weeks which equals the 19367
percentage of two hundred weeks. Except on application for 19368
reconsideration, review, or modification, which is filed within 19369
ten days after the date of receipt of the decision of the 19370
district hearing officer, in no instance shall the former award 19371
be modified unless it is found from medical or clinical findings 19372
that the condition of the claimant resulting from the injury has 19373
so progressed as to have increased the percentage of permanent 19374
partial disability. A staff hearing officer shall hear an 19375
application for reconsideration filed and the staff hearing 19376
officer's decision is final. An employee may file an application 19377
for a subsequent determination of the percentage of the 19378
employee's permanent disability. If such an application is 19379
filed, the ~~bureau~~department shall send a copy of the 19380
application to the employer or the employer's representative. No 19381
sooner than sixty days from the date of the mailing of the 19382
application to the employer or the employer's representative, 19383
the ~~administrator~~director shall review the application. The 19384
~~administrator~~director may require a medical examination or 19385
medical review of the employee. The ~~administrator~~director shall 19386
issue a tentative order based upon the evidence before the 19387
~~administrator~~director, provided that if the ~~administrator~~ 19388
director requires a medical examination or medical review, the 19389
~~administrator~~director shall not issue the tentative order until 19390
the completion of the examination or review. 19391

The employer may obtain a medical examination of the 19392
employee and may submit medical evidence at any stage of the 19393
process up to a hearing before the district hearing officer, 19394
pursuant to rules of the commission. The ~~administrator~~director 19395
shall notify the employee, the employer, and their 19396
representatives, in writing, of the nature and amount of any 19397
tentative order issued on an application requesting a subsequent 19398
determination of the percentage of an employee's permanent 19399
disability. An employee, employer, or their representatives may 19400
object to the tentative order within twenty days after the 19401
receipt of the notice thereof. If no timely objection is made, 19402
the tentative order shall go into effect. In no event shall 19403
there be a reconsideration of a tentative order issued under 19404
this division. If an objection is timely made, the application 19405
for a subsequent determination shall be referred to a district 19406
hearing officer who shall set the application for a hearing with 19407
written notice to all interested persons. No application for 19408
subsequent percentage determinations on the same claim for 19409
injury or occupational disease shall be accepted for review by 19410
the district hearing officer unless supported by substantial 19411
evidence of new and changed circumstances developing since the 19412
time of the hearing on the original or last determination. 19413

No award shall be made under this division based upon a 19414
percentage of disability which, when taken with all other 19415
percentages of permanent disability, exceeds one hundred per 19416
cent. If the percentage of the permanent disability of the 19417
employee equals or exceeds ninety per cent, compensation for 19418
permanent partial disability shall be paid for two hundred 19419
weeks. 19420

Compensation payable under this division accrues and is 19421
payable to the employee from the date of last payment of 19422

compensation, or, in cases where no previous compensation has 19423
been paid, from the date of the injury or the date of the 19424
diagnosis of the occupational disease. 19425

When an award under this division has been made prior to 19426
the death of an employee, all unpaid installments accrued or to 19427
accrue under the provisions of the award are payable to the 19428
surviving spouse, or if there is no surviving spouse, to the 19429
dependent children of the employee, and if there are no children 19430
surviving, then to other dependents as the ~~administrator~~ 19431
director determines. 19432

(B) For purposes of this division, "payable per week" 19433
means the seven-consecutive-day period in which compensation is 19434
paid in installments according to the schedule associated with 19435
the applicable injury as set forth in this division. 19436

Compensation paid in weekly installments according to the 19437
schedule described in this division may only be commuted to one 19438
or more lump sum payments pursuant to the procedure set forth in 19439
section 4123.64 of the Revised Code. 19440

In cases included in the following schedule the 19441
compensation payable per week to the employee is the statewide 19442
average weekly wage as defined in division (C) of section 19443
4123.62 of the Revised Code per week and shall be paid in 19444
installments according to the following schedule: 19445

For the loss of a first finger, commonly known as a thumb, 19446
sixty weeks. 19447

For the loss of a second finger, commonly called index 19448
finger, thirty-five weeks. 19449

For the loss of a third finger, thirty weeks. 19450

For the loss of a fourth finger, twenty weeks.	19451
For the loss of a fifth finger, commonly known as the little finger, fifteen weeks.	19452 19453
The loss of a second, or distal, phalange of the thumb is considered equal to the loss of one half of such thumb; the loss of more than one half of such thumb is considered equal to the loss of the whole thumb.	19454 19455 19456 19457
The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.	19458 19459
The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.	19460 19461
The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.	19462 19463 19464 19465 19466
For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.	19467 19468 19469
For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same number of weeks apply to the members or parts thereof as given for the loss thereof.	19470 19471 19472 19473
If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the claimant's employment in the course of which the claimant was working at the time of the injury or occupational disease is such that the handicap or disability resulting from the loss of	19474 19475 19476 19477 19478

fingers, or loss of use of fingers, exceeds the normal handicap 19479
or disability resulting from the loss of fingers, or loss of use 19480
of fingers, the ~~administrator~~ director may take that fact into 19481
consideration and increase the award of compensation 19482
accordingly, but the award made shall not exceed the amount of 19483
compensation for loss of a hand. 19484

For the loss of a hand, one hundred seventy-five weeks. 19485

For the loss of an arm, two hundred twenty-five weeks. 19486

For the loss of a great toe, thirty weeks. 19487

For the loss of one of the toes other than the great toe, 19488
ten weeks. 19489

The loss of more than two-thirds of any toe is considered 19490
equal to the loss of the whole toe. 19491

The loss of less than two-thirds of any toe is considered 19492
no loss, except as to the great toe; the loss of the great toe 19493
up to the interphalangeal joint is co-equal to the loss of one- 19494
half of the great toe; the loss of the great toe beyond the 19495
interphalangeal joint is considered equal to the loss of the 19496
whole great toe. 19497

For the loss of a foot, one hundred fifty weeks. 19498

For the loss of a leg, two hundred weeks. 19499

For the loss of the sight of an eye, one hundred twenty- 19500
five weeks. 19501

For the permanent partial loss of sight of an eye, the 19502
portion of one hundred twenty-five weeks as the ~~administrator~~ 19503
director in each case determines, based upon the percentage of 19504
vision actually lost as a result of the injury or occupational 19505

disease, but, in no case shall an award of compensation be made 19506
for less than twenty-five per cent loss of uncorrected vision. 19507
"Loss of uncorrected vision" means the percentage of vision 19508
actually lost as the result of the injury or occupational 19509
disease. 19510

For the permanent and total loss of hearing of one ear, 19511
twenty-five weeks; but in no case shall an award of compensation 19512
be made for less than permanent and total loss of hearing of one 19513
ear. 19514

For the permanent and total loss of hearing, one hundred 19515
twenty-five weeks; but, except pursuant to the next preceding 19516
paragraph, in no case shall an award of compensation be made for 19517
less than permanent and total loss of hearing. 19518

In case an injury or occupational disease results in 19519
serious facial or head disfigurement which either impairs or may 19520
in the future impair the opportunities to secure or retain 19521
employment, the ~~administrator~~director shall make an award of 19522
compensation as it deems proper and equitable, in view of the 19523
nature of the disfigurement, and not to exceed the sum of ten 19524
thousand dollars. For the purpose of making the award, it is not 19525
material whether the employee is gainfully employed in any 19526
occupation or trade at the time of the ~~administrator's~~ 19527
director's determination. 19528

When an award under this division has been made prior to 19529
the death of an employee all unpaid installments accrued or to 19530
accrue under the provisions of the award shall be payable to the 19531
surviving spouse, or if there is no surviving spouse, to the 19532
dependent children of the employee and if there are no such 19533
children, then to such dependents as the ~~administrator~~director 19534
determines. 19535

When an employee has sustained the loss of a member by 19536
severance, but no award has been made on account thereof prior 19537
to the employee's death, the ~~administrator~~director shall make 19538
an award in accordance with this division for the loss which 19539
shall be payable to the surviving spouse, or if there is no 19540
surviving spouse, to the dependent children of the employee and 19541
if there are no such children, then to such dependents as the 19542
~~administrator~~director determines. 19543

(C) Compensation for partial impairment under divisions 19544
(A) and (B) of this section is in addition to the compensation 19545
paid the employee pursuant to section 4123.56 of the Revised 19546
Code. A claimant may receive compensation under divisions (A) 19547
and (B) of this section. 19548

In all cases arising under division (B) of this section, 19549
if it is determined by any one of the following: (1) the amputee 19550
clinic at University hospital, Ohio state university; (2) the 19551
opportunities for Ohioans with disabilities agency; (3) an 19552
amputee clinic or prescribing physician approved by the 19553
~~administrator~~director or the ~~administrator's~~director's 19554
designee, that an injured or disabled employee is in need of an 19555
artificial appliance, or in need of a repair thereof, regardless 19556
of whether the appliance or its repair will be serviceable in 19557
the vocational rehabilitation of the injured employee, and 19558
regardless of whether the employee has returned to or can ever 19559
again return to any gainful employment, the ~~bureau~~department 19560
shall pay the cost of the artificial appliance or its repair out 19561
of the surplus created by division (B) of section 4123.34 of the 19562
Revised Code. 19563

In those cases where an opportunities for Ohioans with 19564
disabilities agency's recommendation that an injured or disabled 19565

employee is in need of an artificial appliance would conflict 19566
with their state plan, adopted pursuant to the "Rehabilitation 19567
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the ~~administrator~~ 19568
director or the ~~administrator's~~ director's designee or the 19569
~~bureau~~ department may obtain a recommendation from an amputee 19570
clinic or prescribing physician that they determine appropriate. 19571

(D) If an employee of a state fund employer makes 19572
application for a finding and the ~~administrator~~ director finds 19573
that the employee has contracted silicosis as defined in 19574
division (Y), or coal miners' pneumoconiosis as defined in 19575
division (Z), or asbestosis as defined in division (BB) of 19576
section 4123.68 of the Revised Code, and that a change of such 19577
employee's occupation is medically advisable in order to 19578
decrease substantially further exposure to silica dust, 19579
asbestos, or coal dust and if the employee, after the finding, 19580
has changed or shall change the employee's occupation to an 19581
occupation in which the exposure to silica dust, asbestos, or 19582
coal dust is substantially decreased, the ~~administrator~~ director 19583
shall allow to the employee an amount equal to fifty per cent of 19584
the statewide average weekly wage per week for a period of 19585
thirty weeks, commencing as of the date of the discontinuance or 19586
change, and for a period of one hundred weeks immediately 19587
following the expiration of the period of thirty weeks, the 19588
employee shall receive sixty-six and two-thirds per cent of the 19589
loss of wages resulting directly and solely from the change of 19590
occupation but not to exceed a maximum of an amount equal to 19591
fifty per cent of the statewide average weekly wage per week. No 19592
such employee is entitled to receive more than one allowance on 19593
account of discontinuance of employment or change of occupation 19594
and benefits shall cease for any period during which the 19595
employee is employed in an occupation in which the exposure to 19596

silica dust, asbestos, or coal dust is not substantially less 19597
than the exposure in the occupation in which the employee was 19598
formerly employed or for any period during which the employee 19599
may be entitled to receive compensation or benefits under 19600
section 4123.68 of the Revised Code on account of disability 19601
from silicosis, asbestosis, or coal miners' pneumoconiosis. An 19602
award for change of occupation for a coal miner who has 19603
contracted coal miners' pneumoconiosis may be granted under this 19604
division even though the coal miner continues employment with 19605
the same employer, so long as the coal miner's employment 19606
subsequent to the change is such that the coal miner's exposure 19607
to coal dust is substantially decreased and a change of 19608
occupation is certified by the claimant as permanent. The 19609
~~administrator~~director may accord to the employee medical and 19610
other benefits in accordance with section 4123.66 of the Revised 19611
Code. 19612

(E) If a firefighter or police officer makes application 19613
for a finding and the ~~administrator~~director finds that the 19614
firefighter or police officer has contracted a cardiovascular 19615
and pulmonary disease as defined in division (W) of section 19616
4123.68 of the Revised Code, and that a change of the 19617
firefighter's or police officer's occupation is medically 19618
advisable in order to decrease substantially further exposure to 19619
smoke, toxic gases, chemical fumes, and other toxic vapors, and 19620
if the firefighter, or police officer, after the finding, has 19621
changed or changes occupation to an occupation in which the 19622
exposure to smoke, toxic gases, chemical fumes, and other toxic 19623
vapors is substantially decreased, the ~~administrator~~director 19624
shall allow to the firefighter or police officer an amount equal 19625
to fifty per cent of the statewide average weekly wage per week 19626
for a period of thirty weeks, commencing as of the date of the 19627

discontinuance or change, and for a period of seventy-five weeks 19628
immediately following the expiration of the period of thirty 19629
weeks the ~~administrator~~director shall allow the firefighter or 19630
police officer sixty-six and two-thirds per cent of the loss of 19631
wages resulting directly and solely from the change of 19632
occupation but not to exceed a maximum of an amount equal to 19633
fifty per cent of the statewide average weekly wage per week. No 19634
such firefighter or police officer is entitled to receive more 19635
than one allowance on account of discontinuance of employment or 19636
change of occupation and benefits shall cease for any period 19637
during which the firefighter or police officer is employed in an 19638
occupation in which the exposure to smoke, toxic gases, chemical 19639
fumes, and other toxic vapors is not substantially less than the 19640
exposure in the occupation in which the firefighter or police 19641
officer was formerly employed or for any period during which the 19642
firefighter or police officer may be entitled to receive 19643
compensation or benefits under section 4123.68 of the Revised 19644
Code on account of disability from a cardiovascular and 19645
pulmonary disease. The ~~administrator~~director may accord to the 19646
firefighter or police officer medical and other benefits in 19647
accordance with section 4123.66 of the Revised Code. 19648

(F) An order issued under this section is appealable 19649
pursuant to section 4123.511 of the Revised Code but is not 19650
appealable to court under section 4123.512 of the Revised Code. 19651

Sec. 4123.59. In case an injury to or an occupational 19652
disease contracted by an employee causes the employee's death, 19653
benefits shall be in the amount and to the persons following: 19654

(A) If there are no dependents, the disbursements from the 19655
state insurance fund is limited to the expenses provided for in 19656
section 4123.66 of the Revised Code. 19657

(B) If there are wholly dependent persons at the time of the death, the weekly payment is sixty-six and two-thirds per cent of the average weekly wage, but not to exceed a maximum aggregate amount of weekly compensation which is equal to sixty-six and two-thirds per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, and not in any event less than a minimum amount of weekly compensation which is equal to fifty per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, regardless of the average weekly wage; provided however, that if the death is due to injury received or occupational disease first diagnosed after January 1, 1976, the weekly payment is sixty-six and two-thirds per cent of the average weekly wage but not to exceed a maximum aggregate amount of weekly compensation which is equal to the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code; provided that when any claimant is receiving total disability compensation at the time of death the wholly dependent person is eligible for the maximum compensation provided for in this section. Where there is more than one person who is wholly dependent at the time of the death of the employee, the ~~administrator of workers' compensation~~ director of workforce insurance and safety shall promptly apportion the weekly amount of compensation payable under this section among the dependent persons as provided in division (D) of this section.

(1) The payment as provided in this section shall continue from the date of death of an injured or disabled employee until the death or remarriage of such dependent spouse. If the dependent spouse remarries, an amount equal to two years of compensation benefits at the weekly amount determined to be

applicable to and being paid to the dependent spouse shall be 19689
paid in a lump sum to such spouse and no further compensation 19690
shall be paid to such spouse. 19691

(2) That portion of the payment provided in division (B) 19692
of this section applicable to wholly dependent persons other 19693
than a spouse shall continue from the date of death of an 19694
injured or disabled employee to a dependent as of the date of 19695
death, other than a spouse, at the weekly amount determined to 19696
be applicable and being paid to such dependent other than a 19697
spouse, until the dependent: 19698

(a) Reaches eighteen years of age; 19699

(b) If pursuing a full time educational program while 19700
enrolled in an accredited educational institution and program, 19701
reaches twenty-five years of age; 19702

(c) If mentally or physically incapacitated from having 19703
any earnings, is no longer so incapacitated. 19704

(3) (a) Payments under division (B) of this section to a 19705
dependent described in division (B) (2) (c) of this section shall 19706
not be terminated due to the dependent's employment in a 19707
sheltered workshop if the dependent does not receive income, 19708
compensation, or remuneration from that employment in excess of 19709
two thousand dollars in any calendar quarter. 19710

(b) As used in division (B) (3) of this section, "sheltered 19711
workshop" has the same meaning as in section 4123.58 of the 19712
Revised Code. 19713

(C) If there are partly dependent persons at the time of 19714
the death the weekly payment is sixty-six and two-thirds per 19715
cent of the employee's average weekly wage, not to exceed sixty- 19716
six and two-thirds per cent of the statewide average weekly wage 19717

as defined in division (C) of section 4123.62 of the Revised Code, and shall continue for such time as the ~~administrator~~ director in each case determines.

(D) The following persons are presumed to be wholly dependent for their support upon a deceased employee:

(1) A surviving spouse who was living with the employee at the time of death or a surviving spouse who was separated from the employee at the time of death because of the aggression of the employee;

(2) A child under the age of eighteen years, or twenty-five years if pursuing a full-time educational program while enrolled in an accredited educational institution and program, or over said age if physically or mentally incapacitated from earning, upon only the one parent who is contributing more than one-half of the support for such child and with whom the child is living at the time of the death of such parent, or for whose maintenance such parent was legally liable at the time of the parent's death.

It is presumed that there is sufficient dependency to entitle a surviving natural parent or surviving natural parents, share and share alike, with whom the decedent was living at the time of the decedent's death, to a total minimum award of three thousand dollars.

The ~~administrator~~ director may take into consideration any circumstances which, at the time of the death of the decedent, clearly indicate prospective dependency on the part of the claimant and potential support on the part of the decedent. No person shall be considered a prospective dependent unless such person is a member of the family of the deceased employee and

bears to the deceased employee the relation of surviving spouse, 19747
lineal descendant, ancestor, or brother or sister. The total 19748
award for any or all prospective dependency to all such 19749
claimants, except to a natural parent or natural parents of the 19750
deceased, shall not exceed three thousand dollars to be 19751
apportioned among them as the ~~administrator~~director orders. 19752

In all other cases, the question of dependency, in whole 19753
or in part, shall be determined in accordance with the facts in 19754
each particular case existing at the time of the injury 19755
resulting in the death of such employee, but no person shall be 19756
considered as dependent unless such person is a member of the 19757
family of the deceased employee, or bears to the deceased 19758
employee the relation of surviving spouse, lineal descendant, 19759
ancestor, or brother or sister. 19760

(E) An order issued by the ~~administrator~~director under 19761
this section is appealable pursuant to sections 4123.511 to 19762
4123.512 of the Revised Code. 19763

Sec. 4123.591. The ~~administrator of workers'~~ compensation 19764
may furnish quarterly, to the tax commissioner, in a format 19765
approved by the tax commissioner, a list containing the name and 19766
social security number of any person receiving spousal death 19767
benefits. Upon receipt of this list, the commissioner shall 19768
return to the ~~administrator~~director, in a format designed by the 19769
commissioner, information identifying any person listed by the 19770
~~administrator~~director who, as reported on the most recent 19771
return filed by the person under section 5747.08 of the Revised 19772
Code, filed under the status "married filing joint return," or 19773
"married filing separately." 19774

Sec. 4123.60. Benefits in case of death shall be paid to 19775
such one or more of the dependents of the decedent, for the 19776

benefit of all the dependents as the ~~administrator of workers'~~ 19777
~~compensation director of workforce insurance and safety~~ 19778
determines. The ~~administrator~~ director may apportion the 19779
benefits among the dependents in such manner as ~~he~~ the director 19780
deems just and equitable. Payment to a dependent subsequent in 19781
right may be made, if the ~~administrator~~ director deems it 19782
proper, and operates to discharge all other claims therefor. The 19783
dependents or person to whom benefits are paid shall apply the 19784
same to the use of the several beneficiaries thereof according 19785
to their respective claims upon the decedent for support, in 19786
compliance with the finding and direction of the 19787
~~administrator~~ director. 19788

In all cases of death where the dependents are a surviving 19789
spouse and one or more children, it is sufficient for the 19790
surviving spouse to apply to the ~~administrator~~ director on 19791
behalf of the spouse and minor children. In cases where all the 19792
dependents are minors, a guardian or next friend of such minor 19793
dependents shall apply. 19794

In all cases where an award had been made on account of 19795
temporary, or permanent partial, or total disability, in which 19796
there remains an unpaid balance, representing payments accrued 19797
and due to the decedent at the time of ~~his~~ the decedent's death, 19798
the ~~administrator~~ director may, after satisfactory proof has 19799
been made warranting such action, award or pay any unpaid 19800
balance of such award to such of the dependents of the decedent, 19801
or for services rendered on account of the last illness or death 19802
of such decedent, as the ~~administrator~~ director determines in 19803
accordance with the circumstances in each such case. If the 19804
decedent would have been lawfully entitled to have applied for 19805
an award at the time of ~~his~~ the decedent's death the 19806
~~administrator~~ director may, after satisfactory proof to warrant 19807

an award and payment, award and pay an amount, not exceeding the 19808
compensation which the decedent might have received, but for 19809
~~his~~the decedent's death, for the period prior to the date of 19810
~~his~~the decedent's death, to such of the dependents of the 19811
decedent, or for services rendered on account of the last 19812
illness or death of such decedent, as the ~~administrator~~director 19813
determines in accordance with the circumstances in each such 19814
case, but such payments may be made only in cases in which 19815
application for compensation was made in the manner required by 19816
this chapter, during the lifetime of such injured or disabled 19817
person, or within one year after the death of such injured or 19818
disabled person. 19819

An order issued by the ~~administrator~~director under this 19820
section is appealable pursuant to section 4123.511 of the 19821
Revised Code but is not appealable to court under section 19822
4123.512 of the Revised Code. 19823

Sec. 4123.61. The average weekly wage of an injured 19824
employee at the time of the injury or at the time disability due 19825
to the occupational disease begins is the basis upon which to 19826
compute benefits. 19827

In cases of temporary total disability the compensation 19828
for the first twelve weeks for which compensation is payable 19829
shall be based on the full weekly wage of the claimant at the 19830
time of the injury or at the time of the disability due to 19831
occupational disease begins; when a factory, mine, or other 19832
place of employment is working short time in order to divide 19833
work among the employees, the ~~bureau of workers' compensation~~ 19834
department of workforce insurance and safety shall take that 19835
fact into consideration when determining the wage for the first 19836
twelve weeks of temporary total disability. 19837

Compensation for all further temporary total disability 19838
shall be based as provided for permanent disability claims. 19839

In death, permanent total disability claims, permanent 19840
partial disability claims, and impairment of earnings claims, 19841
the claimant's or the decedent's average weekly wage for the 19842
year preceding the injury or the date the disability due to the 19843
occupational disease begins is the weekly wage upon which 19844
compensation shall be based. In ascertaining the average weekly 19845
wage for the year previous to the injury, or the date the 19846
disability due to the occupational disease begins any period of 19847
unemployment due to sickness, industrial depression, strike, 19848
lockout, or other cause beyond the employee's control shall be 19849
eliminated. 19850

In cases where there are special circumstances under which 19851
the average weekly wage cannot justly be determined by applying 19852
this section, the ~~administrator of workers' compensation~~director 19853
of workforce insurance and safety, in determining the average 19854
weekly wage in such cases, shall use such method as will enable 19855
the ~~administrator~~director to do substantial justice to the 19856
claimants, provided that the ~~administrator~~director shall not 19857
recalculate the claimant's average weekly wage for awards for 19858
permanent total disability solely for the reason that the 19859
claimant continued working and the claimant's wages increased 19860
following the injury. 19861

Sec. 4123.62. (A) If it is established that an injured or 19862
disabled employee was of such age and experience when injured or 19863
disabled as that under natural conditions an injured or disabled 19864
employee's wages would be expected to increase, the 19865
~~administrator of workers' compensation~~director of workforce 19866
insurance and safety may consider that fact in arriving at an 19867

injured or disabled employee's average weekly wage. 19868

(B) On each first day of January, the current maximum 19869
monthly benefit amounts provided in sections 4123.412, 4123.413, 19870
and 4123.414 of the Revised Code in injury cases shall be 19871
adjusted based on the United States department of labor's 19872
national consumer price index. The percentage increase in the 19873
cost of living using the index figure for the first day of 19874
September of the preceding year and the first day of September 19875
of the year preceding that year shall be applied to the maximums 19876
in effect on the preceding thirty-first day of December to 19877
obtain the increase in the cost of living during that year. 19878

In determining the increase in the maximum benefits for 19879
any year after 1972, the base shall be the national consumer 19880
price index on the first day of September of the preceding year. 19881
The increase in the index for the applicable twelve-month period 19882
shall be determined and shall be divided by the base used. The 19883
resulting percentage shall be applied to the existing maximums 19884
to arrive at the new maximums. 19885

(C) Effective January 1, 1974, and each first day of 19886
January thereafter, the current maximum weekly benefit amounts 19887
provided in sections 4123.56, 4123.58, and 4123.59, and division 19888
(B) of section 4123.57 of the Revised Code shall be adjusted 19889
based on the increase or decrease in the statewide average 19890
weekly wage. 19891

"Statewide average weekly wage" means the average weekly 19892
earnings of all workers in Ohio employment subject to Chapter 19893
4141. of the Revised Code as determined as of the first day of 19894
September for the four full calendar quarters preceding the 19895
first day of July of each year, by the director of job and 19896
family services. 19897

The statewide average weekly wage to be used for the 19898
determination of compensation for any employee who sustains an 19899
injury, or death, or who contracts an occupational disease 19900
during the subsequent calendar year beginning with the first day 19901
of January, shall be the statewide average weekly wage so 19902
determined as of the prior first day of September adjusted to 19903
the next higher even multiple of one dollar. 19904

Any change in benefit amounts is effective with respect to 19905
injuries sustained, occupational diseases contracted, and deaths 19906
occurring during the calendar year for which adjustment is made. 19907

In determining the change in the maximum benefits for any 19908
year after 1978, the base shall be the statewide average weekly 19909
wage on the first day of September of the preceding year. 19910

Sec. 4123.63. If a person in active service in the armed 19911
forces of the United States at any time during a period of war 19912
as defined in the "Veterans' Pension and Readjustment Assistance 19913
Act of 1967," 81 Stat. 181, 38 U.S.C.A. 101 or the period 19914
beginning May 1, 1940, and ending December 7, 1941, sustained an 19915
injury or suffered a disease while in such service, and if the 19916
person is thereafter injured or suffers an occupational disease 19917
in the course of and arising out of ~~his~~-employment in this 19918
state, and the industrial commission or the ~~bureau of workers'~~ 19919
~~compensation~~ department of workforce insurance and safety awards 19920
compensation therefor, it shall determine what part, if any, of 19921
the compensation is attributable to the injury or disease which 19922
the person sustained or suffered while in the service and what 19923
part of the compensation is attributable to the injury or 19924
occupational disease sustained or suffered in the course of and 19925
arising out of ~~his~~-employment in this state. That part of the 19926
compensation attributable to the injury or disease sustained or 19927

suffered while in the service shall be paid out of the statutory 19928
surplus of the state insurance fund created under section 19929
4123.34 of the Revised Code, and shall not be merit rated or 19930
otherwise treated as part of the accident or occupational 19931
disease experience of the employer of the employee. That part of 19932
the compensation attributable to the injury or occupational 19933
disease sustained or suffered in the course of and arising out 19934
of ~~his~~ employment in this state shall be merit rated and treated 19935
as part of the accident or occupational disease experience of 19936
the employer of the employee, and shall be paid out of the state 19937
insurance fund, unless the employer is a self-insuring employer 19938
as provided for in section 4123.35 of the Revised Code, in which 19939
case payment shall be made by the self-insuring employer. In 19940
such case the ~~administrator of workers' compensation~~ director of 19941
workforce insurance and safety may order the employer to pay the 19942
employee the full amount of compensation awarded the employee by 19943
the commission or the ~~bureau~~ department, and in such event it 19944
shall order the employer reimbursed out of the statutory surplus 19945
of the state insurance fund for that part of the compensation 19946
paid which the commission or ~~bureau~~ department determines to be 19947
attributable to the injury or disease sustained or suffered in 19948
the service. Nothing in this section is applicable in connection 19949
with any award of compensation made by the commission or ~~bureau~~ 19950
department to an employee of an employer who has neither 19951
contributed to the state insurance fund nor elected to pay 19952
compensation directly under section 4123.35 of the Revised Code. 19953

The records of any agency of the United States authorized 19954
to keep or preserve the records of service of persons in active 19955
service in the armed forces of the United States at any time 19956
during a period of war as defined in the "Veterans' Pension and 19957
Readjustment Assistance Act of 1967," 81 Stat. 181, 38 U.S.C.A. 19958

101 or the period beginning May 1, 1940, and ending December 7, 1941, or to determine the fact of injury or disease of the person sustained or suffered while in service, when made available to the commission and the ~~bureau~~ department in such manner and form as it deems proper, shall be deemed by the commission and the ~~bureau~~ department to establish prima facie the facts of the service and the fact as to whether or not the person sustained or suffered an injury or disease while in the service, and if so, the nature thereof, and the prima-facie establishment may be deemed by the commission and the ~~bureau~~ department to be overcome only upon clear and convincing evidence to the contrary.

The ~~administrator~~ director may accept and credit to the statutory surplus of the state insurance fund any sum of money that may at any time be contributed to or made available to the state by the United States under any act of congress, or otherwise, to which the state is, or may become, entitled by reason of any payments made to employees out of the statutory surplus in accordance with this chapter.

Sec. 4123.64. (A) The ~~administrator of workers' compensation~~ director of workforce insurance and safety, under special circumstances, and when the same is deemed advisable for the purpose of rendering the injured or disabled employee financial relief or for the purpose of furthering the injured or disabled employee's rehabilitation, may commute payments of compensation or benefits to one or more lump-sum payments.

(B) The ~~administrator~~ director shall adopt rules which set forth the policy for awarding lump sum payments. The rules shall:

(1) Enumerate the allowable purposes for payments and the

conditions for making such awards;	19989
(2) Enumerate the maximum reduction in compensation allowable;	19990 19991
(3) Enumerate the documentation necessary to award a lump-sum payment;	19992 19993
(4) Require that all checks include the claimant as a payee, except where the check is for the payment of attorney's fees in accordance with section 4123.06 of the Revised Code, in which case the attorney shall be named as the only payee on the check;	19994 19995 19996 19997 19998
(5) Require a fully completed and current application; and	19999
(6) Specify procedures to make a claimant aware of the reduction in amount of compensation which will occur.	20000 20001
(C) An order of the administrator <u>director</u> issued under this section is appealable pursuant to section 4123.511 of the Revised Code but is not appealable to court under section 4123.512 of the Revised Code.	20002 20003 20004 20005
Sec. 4123.65. (A) A state fund employer or the employee of such an employer may file an application with the administrator of workers' compensation <u>director of workforce insurance and safety</u> for approval of a final settlement of a claim under this chapter. The application shall include the settlement agreement, and except as otherwise specified in this division, be signed by the claimant and employer, and clearly set forth the circumstances by reason of which the proposed settlement is deemed desirable and that the parties agree to the terms of the settlement agreement. A claimant may file an application without an employer's signature in the following situations:	20006 20007 20008 20009 20010 20011 20012 20013 20014 20015 20016

(1) The employer is no longer doing business in Ohio;	20017
(2) The claim no longer is in the employer's industrial accident or occupational disease experience as provided in division (B) of section 4123.34 of the Revised Code and the claimant no longer is employed with that employer;	20018 20019 20020 20021
(3) The employer has failed to comply with section 4123.35 of the Revised Code.	20022 20023
If a claimant files an application without an employer's signature, and the employer still is doing business in this state, the administrator <u>director</u> shall send written notice of the application to the employer immediately upon receipt of the application. If the employer fails to respond to the notice within thirty days after the notice is sent, the application need not contain the employer's signature.	20024 20025 20026 20027 20028 20029 20030
If a state fund employer or an employee of such an employer has not filed an application for a final settlement under this division, the administrator <u>director</u> may file an application on behalf of the employer or the employee, provided that the administrator <u>director</u> gives notice of the filing to the employer and the employee and to the representative of record of the employer and of the employee immediately upon the filing. An application filed by the administrator <u>director</u> shall contain all of the information and signatures required of an employer or an employee who files an application under this division. Every self-insuring employer that enters into a final settlement agreement with an employee shall mail, within seven days of executing the agreement, a copy of the agreement to the administrator <u>director</u> and the employee's representative. The administrator <u>director</u> shall place the agreement into the claimant's file.	20031 20032 20033 20034 20035 20036 20037 20038 20039 20040 20041 20042 20043 20044 20045 20046

(B) Except as provided in divisions (C) and (D) of this section, a settlement agreed to under this section is binding upon all parties thereto and as to items, injuries, and occupational diseases to which the settlement applies.

(C) No settlement agreed to under division (A) of this section or agreed to by a self-insuring employer and the self-insuring employer's employee shall take effect until thirty days after the ~~administrator~~director approves the settlement for state fund employees and employers, or after the self-insuring employer and employee sign the final settlement agreement. Except as provided in division (G) of this section, during the thirty-day period, the employer, employee, or ~~administrator~~director, for state fund settlements, and the employer or employee, for self-insuring settlements, may withdraw consent to the settlement by an employer providing written notice to the employer's employee and the ~~administrator~~director or by an employee providing written notice to the employee's employer and the ~~administrator~~director, or by the ~~administrator~~director providing written notice to the state fund employer and employee. If an employee dies during the thirty-day waiting period following the approval of a settlement, the settlement can be voided by any party for good cause shown.

(D) At the time of agreement to any final settlement agreement under division (A) of this section or agreement between a self-insuring employer and the self-insuring employer's employee, the ~~administrator~~director, for state fund settlements, and the self-insuring employer, for self-insuring settlements, immediately shall send a copy of the agreement to the industrial commission who shall assign the matter to a staff hearing officer. The staff hearing officer shall determine,

within the time limitations specified in division (C) of this 20078
section, whether the settlement agreement is or is not a gross 20079
miscarriage of justice. If the staff hearing officer determines 20080
within that time period that the settlement agreement is clearly 20081
unfair, the staff hearing officer shall issue an order 20082
disapproving the settlement agreement. If the staff hearing 20083
officer determines that the settlement agreement is not clearly 20084
unfair or fails to act within those time limits, the settlement 20085
agreement is approved. 20086

(E) A settlement entered into under this section may 20087
pertain to one or more claims of a claimant, or one or more 20088
parts of a claim, or the compensation or benefits pertaining to 20089
either, or any combination thereof, provided that nothing in 20090
this section shall be interpreted to require a claimant to enter 20091
into a settlement agreement for every claim that has been filed 20092
with the ~~bureau of workers' compensation department of workforce~~ 20093
insurance and safety by that claimant under Chapter 4121., 20094
4123., 4127., or 4131. of the Revised Code. 20095

(F) A settlement entered into under this section is not 20096
appealable under section 4123.511 or 4123.512 of the Revised 20097
Code. 20098

(G) Notwithstanding any provision of the Revised Code to 20099
the contrary, an employer shall not deny or withdraw consent to 20100
a settlement application filed under this section if both of the 20101
following apply to the claim that is the subject of the 20102
application: 20103

(1) The claim is no longer within the date of impact 20104
pursuant to the employer's industrial accident or occupational 20105
disease experience as provided in division (B) of section 20106
4123.34 of the Revised Code; 20107

(2) The employee named in the claim is no longer employed 20108
by the employer. 20109

Sec. 4123.651. (A) The employer of a claimant who is 20110
injured or disabled in the course of ~~his~~the claimant's 20111
employment may require, without the approval of the 20112
~~administrator~~director of workforce insurance and safety or the 20113
industrial commission, that the claimant be examined by a 20114
physician of the employer's choice one time upon any issue 20115
asserted by the employee or a physician of the employee's choice 20116
or which is to be considered by the commission. Any further 20117
requests for medical examinations shall be made to the 20118
commission which shall consider and rule on the request. The 20119
employer shall pay the cost of any examinations initiated by the 20120
employer. 20121

(B) The ~~bureau of workers' compensation~~department of 20122
workforce insurance and safety shall prepare a form for the 20123
release of medical information, records, and reports relative to 20124
the issues necessary for the administration of a claim under 20125
this chapter. The claimant promptly shall provide a current 20126
signed release of the information, records, and reports when 20127
requested by the employer. The employer promptly shall provide 20128
copies of all medical information, records, and reports to the 20129
~~bureau~~department and to the claimant or ~~his~~the claimant's 20130
representative upon request. 20131

(C) If, without good cause, an employee refuses to submit 20132
to any examination scheduled under this section or refuses to 20133
release or execute a release for any medical information, 20134
record, or report that is required to be released under this 20135
section and involves an issue pertinent to the condition alleged 20136
in the claim, ~~his~~the employee's right to have ~~his~~the employee's 20137

claim for compensation or benefits considered, if ~~his~~the 20138
employee's claim is pending before the ~~administrator~~director, 20139
commission, or a district or staff hearing officer, or to 20140
receive any payment for compensation or benefits previously 20141
granted, is suspended during the period of refusal. 20142

(D) No ~~bureau~~department or commission employee shall 20143
alter any medical report obtained from a health care provider 20144
the ~~bureau~~department or commission has selected or cause or 20145
request the health care provider to alter or change a report. 20146
The ~~bureau~~department and commission shall make any request for 20147
clarification of a health care provider's report in writing and 20148
shall provide a copy of the request to the affected parties and 20149
their representatives at the time of making the request. 20150

Sec. 4123.66. (A) In addition to the compensation provided 20151
for in this chapter, the ~~administrator of workers' compensation~~ 20152
director of workforce insurance and safety shall disburse and 20153
pay from the state insurance fund the amounts for medical, 20154
nurse, and hospital services and medicine as the ~~administrator~~ 20155
director deems proper and, in case death ensues from the injury 20156
or occupational disease, the ~~administrator~~director shall 20157
disburse and pay from the fund reasonable funeral expenses in an 20158
amount not to exceed seven thousand five hundred dollars. The 20159
~~bureau of workers' compensation~~ department of workforce 20160
insurance and safety shall reimburse anyone, whether dependent, 20161
volunteer, or otherwise, who pays the funeral expenses of any 20162
employee whose death ensues from any injury or occupational 20163
disease as provided in this section. The ~~administrator~~director 20164
may adopt rules, with the advice and consent of the ~~bureau of~~ 20165
~~workers' compensation~~ department of workforce insurance and 20166
safety board of directors, with respect to furnishing medical, 20167
nurse, and hospital service and medicine to injured or disabled 20168

employees entitled thereto, and for the payment therefor. In 20169
case an injury or industrial accident that injures an employee 20170
also causes damage to the employee's eyeglasses, artificial 20171
teeth or other denture, or hearing aid, or in the event an 20172
injury or occupational disease makes it necessary or advisable 20173
to replace, repair, or adjust the same, the ~~bureau~~ department 20174
shall disburse and pay a reasonable amount to repair or replace 20175
the same. 20176

(B) The ~~administrator~~ director, in the rules the 20177
~~administrator~~ director adopts pursuant to division (A) of this 20178
section, may adopt rules specifying the circumstances under 20179
which the ~~bureau~~ department may make immediate payment for the 20180
first fill of prescription drugs for medical conditions 20181
identified in an application for compensation or benefits under 20182
section 4123.84 or 4123.85 of the Revised Code that occurs prior 20183
to the date the ~~administrator~~ director issues an initial 20184
determination order under division (B) of section 4123.511 of 20185
the Revised Code. If the claim is ultimately disallowed in a 20186
final administrative or judicial order, and if the employer is a 20187
state fund employer who pays assessments into the surplus fund 20188
account created under section 4123.34 of the Revised Code, the 20189
payments for medical services made pursuant to this division for 20190
the first fill of prescription drugs shall be charged to and 20191
paid from the surplus fund account and not charged through the 20192
state insurance fund to the employer against whom the claim was 20193
filed. 20194

(C) (1) If an employer or a welfare plan has provided to or 20195
on behalf of an employee any benefits or compensation for an 20196
injury or occupational disease and that injury or occupational 20197
disease is determined compensable under this chapter, the 20198
employer or a welfare plan may request that the ~~administrator~~ 20199

director reimburse the employer or welfare plan for the amount 20200
the employer or welfare plan paid to or on behalf of the 20201
employee in compensation or benefits. The ~~administrator~~ director 20202
shall reimburse the employer or welfare plan for the 20203
compensation and benefits paid if, at the time the employer or 20204
welfare plan provides the benefits or compensation to or on 20205
behalf of employee, the injury or occupational disease had not 20206
been determined to be compensable under this chapter and if the 20207
employee was not receiving compensation or benefits under this 20208
chapter for that injury or occupational disease. The 20209
~~administrator~~ director shall reimburse the employer or welfare 20210
plan in the amount that the ~~administrator~~ director would have 20211
paid to or on behalf of the employee under this chapter if the 20212
injury or occupational disease originally would have been 20213
determined compensable under this chapter. If the employer is a 20214
merit-rated employer, the ~~administrator~~ director shall adjust 20215
the amount of premium next due from the employer according to 20216
the amount the ~~administrator~~ director pays the employer. The 20217
~~administrator~~ director shall adopt rules, in accordance with 20218
Chapter 119. of the Revised Code, to implement this division. 20219

(2) As used in this division, "welfare plan" has the same 20220
meaning as in division (1) of 29 U.S.C.A. 1002. 20221

(D) (1) Subject to the requirements of division (D) (2) of 20222
this section, the ~~administrator~~ director may make a payment of 20223
up to five hundred dollars to either of the following: 20224

(a) The centers of medicare and medicaid services, for 20225
reimbursement of conditional payments made pursuant to the 20226
"Medicare Secondary Payer Act," 42 U.S.C. 1395y; 20227

(b) The Ohio department of medicaid, or a medical 20228
assistance provider to whom the department has assigned a right 20229

of recovery for a claim for which the department has notified 20230
the provider that the department intends to recoup the 20231
department's prior payment for the claim, for reimbursement 20232
under sections 5160.35 to 5160.43 of the Revised Code for the 20233
cost of medical assistance paid on behalf of a medical 20234
assistance recipient. 20235

(2) The ~~administrator~~director may make a payment under 20236
division (D)(1) of this section if the ~~administrator~~director 20237
makes a reasonable determination that both of the following 20238
apply: 20239

(a) The payment is for reimbursement of benefits for an 20240
injury or occupational disease. 20241

(b) The injury or occupational disease is compensable, or 20242
is likely to be compensable, under this chapter or Chapter 20243
4121., 4127., or 4131. of the Revised Code. 20244

(3) Any payment made pursuant to this division shall be 20245
charged to and paid from the surplus fund account created under 20246
section 4123.34 of the Revised Code. 20247

(4) Nothing in this division shall be construed as 20248
limiting the centers of medicare and medicaid services, the 20249
department, or any other entity with a lawful right to 20250
reimbursement from recovering sums greater than five hundred 20251
dollars. 20252

(5) The ~~administrator~~director may adopt rules, with the 20253
advice and consent of the ~~bureau of workers' compensation~~ 20254
department of workforce insurance and safety board of directors, 20255
to implement this division. 20256

Sec. 4123.67. Except as otherwise provided in sections 20257
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 20258

Code, compensation before payment shall be exempt from all 20259
claims of creditors and from any attachment or execution, and 20260
shall be paid only to the employees or their dependents. In all 20261
cases where property of an employer is placed in the hands of an 20262
assignee, receiver, or trustee, claims arising under any award 20263
or finding of the industrial commission or ~~bureau of workers'~~ 20264
~~compensation~~department of workforce insurance and safety, 20265
pursuant to this chapter, including claims for premiums, and any 20266
judgment recovered thereon shall first be paid out of the trust 20267
fund in preference to all other claims, except claims for taxes 20268
and the cost of administration, and with the same preference 20269
given to claims for taxes. 20270

Sec. 4123.68. Every employee who is disabled because of 20271
the contraction of an occupational disease or the dependent of 20272
an employee whose death is caused by an occupational disease, is 20273
entitled to the compensation provided by sections 4123.55 to 20274
4123.59 and 4123.66 of the Revised Code subject to the 20275
modifications relating to occupational diseases contained in 20276
this chapter. An order of the ~~administrator~~director of 20277
workforce insurance and safety issued under this section is 20278
appealable pursuant to sections 4123.511 and 4123.512 of the 20279
Revised Code. 20280

The following diseases are occupational diseases and 20281
compensable as such when contracted by an employee in the course 20282
of the employment in which such employee was engaged and due to 20283
the nature of any process described in this section. A disease 20284
which meets the definition of an occupational disease is 20285
compensable pursuant to this chapter though it is not 20286
specifically listed in this section. 20287

SCHEDULE 20288

Description of disease or injury and description of process:	20289
	20290
(A) Anthrax: Handling of wool, hair, bristles, hides, and skins.	20291
	20292
(B) Glanders: Care of any equine animal suffering from glanders; handling carcass of such animal.	20293
	20294
(C) Lead poisoning: Any industrial process involving the use of lead or its preparations or compounds.	20295
	20296
(D) Mercury poisoning: Any industrial process involving the use of mercury or its preparations or compounds.	20297
	20298
(E) Phosphorous poisoning: Any industrial process involving the use of phosphorous or its preparations or compounds.	20299
	20300
	20301
(F) Arsenic poisoning: Any industrial process involving the use of arsenic or its preparations or compounds.	20302
	20303
(G) Poisoning by benzol or by nitro-derivatives and amido-derivatives of benzol (dinitro-benzol, anilin, and others): Any industrial process involving the use of benzol or nitro-derivatives or amido-derivatives of benzol or its preparations or compounds.	20304
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	20306
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(H) Poisoning by gasoline, benzine, naphtha, or other volatile petroleum products: Any industrial process involving the use of gasoline, benzine, naphtha, or other volatile petroleum products.	20309
	20310
	20311
	20312
(I) Poisoning by carbon bisulphide: Any industrial process involving the use of carbon bisulphide or its preparations or compounds.	20313
	20314
	20315

(J) Poisoning by wood alcohol: Any industrial process involving the use of wood alcohol or its preparations.	20316 20317
(K) Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases, or vapors: Any industrial process involving the handling or use of oils, cutting compounds or lubricants, or involving contact with dust, liquids, fumes, gases, or vapors.	20318 20319 20320 20321 20322 20323
(L) Epithelion cancer or ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar, or tarry compounds: Handling or industrial use of carbon, pitch, or tarry compounds.	20324 20325 20326 20327
(M) Compressed air illness: Any industrial process carried on in compressed air.	20328 20329
(N) Carbon dioxide poisoning: Any process involving the evolution or resulting in the escape of carbon dioxide.	20330 20331
(O) Brass or zinc poisoning: Any process involving the manufacture, founding, or refining of brass or the melting or smelting of zinc.	20332 20333 20334
(P) Manganese dioxide poisoning: Any process involving the grinding or milling of manganese dioxide or the escape of manganese dioxide dust.	20335 20336 20337
(Q) Radium poisoning: Any industrial process involving the use of radium and other radioactive substances in luminous paint.	20338 20339 20340
(R) Tenosynovitis and prepatellar bursitis: Primary tenosynovitis characterized by a passive effusion or crepitus into the tendon sheath of the flexor or extensor muscles of the	20341 20342 20343

hand, due to frequently repetitive motions or vibrations, or 20344
prepatellar bursitis due to continued pressure. 20345

(S) Chrome ulceration of the skin or nasal passages: Any 20346
industrial process involving the use of or direct contact with 20347
chromic acid or bichromates of ammonium, potassium, or sodium or 20348
their preparations. 20349

(T) Potassium cyanide poisoning: Any industrial process 20350
involving the use of or direct contact with potassium cyanide. 20351

(U) Sulphur dioxide poisoning: Any industrial process in 20352
which sulphur dioxide gas is evolved by the expansion of liquid 20353
sulphur dioxide. 20354

(V) Berylliosis: Berylliosis means a disease of the lungs 20355
caused by breathing beryllium in the form of dust or fumes, 20356
producing characteristic changes in the lungs and demonstrated 20357
by x-ray examination, by biopsy or by autopsy. 20358

This chapter does not entitle an employee or the 20359
employee's dependents to compensation, medical treatment, or 20360
payment of funeral expenses for disability or death from 20361
berylliosis unless the employee has been subjected to injurious 20362
exposure to beryllium dust or fumes in the employee's employment 20363
in this state preceding the employee's disablement and only in 20364
the event of such disability or death resulting within eight 20365
years after the last injurious exposure; provided that such 20366
eight-year limitation does not apply to disability or death from 20367
exposure occurring after January 1, 1976. In the event of death 20368
following continuous total disability commencing within eight 20369
years after the last injurious exposure, the requirement of 20370
death within eight years after the last injurious exposure does 20371
not apply. 20372

Before awarding compensation for partial or total 20373
disability or death due to berylliosis, the ~~administrator of~~ 20374
~~workers' compensation director of workforce insurance and safety~~ 20375
shall refer the claim to a qualified medical specialist for 20376
examination and recommendation with regard to the diagnosis, the 20377
extent of the disability, the nature of the disability, whether 20378
permanent or temporary, the cause of death, and other medical 20379
questions connected with the claim. An employee shall submit to 20380
such examinations, including clinical and x-ray examinations, as 20381
the ~~administrator~~ director requires. In the event that an 20382
employee refuses to submit to examinations, including clinical 20383
and x-ray examinations, after notice from the 20384
~~administrator~~ director, or in the event that a claimant for 20385
compensation for death due to berylliosis fails to produce 20386
necessary consents and permits, after notice from the 20387
~~administrator~~ director, so that such autopsy examination and 20388
tests may be performed, then all rights for compensation are 20389
forfeited. The reasonable compensation of such specialist and 20390
the expenses of examinations and tests shall be paid, if the 20391
claim is allowed, as part of the expenses of the claim, 20392
otherwise they shall be paid from the surplus fund. 20393

(W) Cardiovascular, pulmonary, or respiratory diseases 20394
incurred by firefighters or police officers following exposure 20395
to heat, smoke, toxic gases, chemical fumes and other toxic 20396
substances: Any cardiovascular, pulmonary, or respiratory 20397
disease of a firefighter or police officer caused or induced by 20398
the cumulative effect of exposure to heat, the inhalation of 20399
smoke, toxic gases, chemical fumes and other toxic substances in 20400
the performance of the firefighter's or police officer's duty 20401
constitutes a presumption, which may be refuted by affirmative 20402
evidence, that such occurred in the course of and arising out of 20403

the firefighter's or police officer's employment. For the 20404
purpose of this section, "firefighter" means any regular member 20405
of a lawfully constituted fire department of a municipal 20406
corporation or township, whether paid or volunteer, and "police 20407
officer" means any regular member of a lawfully constituted 20408
police department of a municipal corporation, township or 20409
county, whether paid or volunteer. 20410

This chapter does not entitle a firefighter, or police 20411
officer, or the firefighter's or police officer's dependents to 20412
compensation, medical treatment, or payment of funeral expenses 20413
for disability or death from a cardiovascular, pulmonary, or 20414
respiratory disease, unless the firefighter or police officer 20415
has been subject to injurious exposure to heat, smoke, toxic 20416
gases, chemical fumes, and other toxic substances in the 20417
firefighter's or police officer's employment in this state 20418
preceding the firefighter's or police officer's disablement, 20419
some portion of which has been after January 1, 1967, except as 20420
provided in division (E) of section 4123.57 of the Revised Code. 20421

Compensation on account of cardiovascular, pulmonary, or 20422
respiratory diseases of firefighters and police officers is 20423
payable only in the event of temporary total disability, 20424
permanent total disability, or death, in accordance with section 20425
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 20426
hospital, and nursing expenses are payable in accordance with 20427
this chapter. Compensation, medical, hospital, and nursing 20428
expenses are payable only in the event of such disability or 20429
death resulting within eight years after the last injurious 20430
exposure; provided that such eight-year limitation does not 20431
apply to disability or death from exposure occurring after 20432
January 1, 1976. In the event of death following continuous 20433
total disability commencing within eight years after the last 20434

injurious exposure, the requirement of death within eight years 20435
after the last injurious exposure does not apply. 20436

This chapter does not entitle a firefighter or police 20437
officer, or the firefighter's or police officer's dependents, to 20438
compensation, medical, hospital, and nursing expenses, or 20439
payment of funeral expenses for disability or death due to a 20440
cardiovascular, pulmonary, or respiratory disease in the event 20441
of failure or omission on the part of the firefighter or police 20442
officer truthfully to state, when seeking employment, the place, 20443
duration, and nature of previous employment in answer to an 20444
inquiry made by the employer. 20445

Before awarding compensation for disability or death under 20446
this division, the ~~administrator~~director shall refer the claim 20447
to a qualified medical specialist for examination and 20448
recommendation with regard to the diagnosis, the extent of 20449
disability, the cause of death, and other medical questions 20450
connected with the claim. A firefighter or police officer shall 20451
submit to such examinations, including clinical and x-ray 20452
examinations, as the ~~administrator~~director requires. In the 20453
event that a firefighter or police officer refuses to submit to 20454
examinations, including clinical and x-ray examinations, after 20455
notice from the ~~administrator~~director, or in the event that a 20456
claimant for compensation for death under this division fails to 20457
produce necessary consents and permits, after notice from the 20458
~~administrator~~director, so that such autopsy examination and 20459
tests may be performed, then all rights for compensation are 20460
forfeited. The reasonable compensation of such specialists and 20461
the expenses of examination and tests shall be paid, if the 20462
claim is allowed, as part of the expenses of the claim, 20463
otherwise they shall be paid from the surplus fund. 20464

(X) (1) Cancer contracted by a firefighter: Cancer 20465
contracted by a firefighter who has been assigned to at least 20466
six years of hazardous duty as a firefighter constitutes a 20467
presumption that the cancer was contracted in the course of and 20468
arising out of the firefighter's employment if the firefighter 20469
was exposed to an agent classified by the international agency 20470
for research on cancer or its successor organization as a group 20471
1 or 2A carcinogen. 20472

(2) The presumption described in division (X) (1) of this 20473
section is rebuttable in any of the following situations: 20474

(a) There is evidence that the firefighter's exposure, 20475
outside the scope of the firefighter's official duties, to 20476
cigarettes, tobacco products, or other conditions presenting an 20477
extremely high risk for the development of the cancer alleged, 20478
was probably a significant factor in the cause or progression of 20479
the cancer. 20480

(b) There is evidence that shows, by a preponderance of 20481
competent scientific evidence, that exposure to the type of 20482
carcinogen alleged did not or could not have caused the cancer 20483
being alleged. 20484

(c) There is evidence that the firefighter was not exposed 20485
to an agent classified by the international agency for research 20486
on cancer as a group 1 or 2A carcinogen. 20487

(d) There is evidence that the firefighter incurred the 20488
type of cancer alleged before becoming a member of the fire 20489
department. 20490

(e) The firefighter is seventy years of age or older. 20491

(3) The presumption described in division (X) (1) of this 20492
section does not apply if it has been more than fifteen years 20493

since the firefighter was last assigned to hazardous duty as a firefighter. 20494
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(4) Compensation for cancer contracted by a firefighter in the course of hazardous duty under division (X) of this section is payable only in the event of temporary total disability, working wage loss, permanent total disability, or death, in accordance with division (A) or (B) (1) of section 4123.56 and sections 4123.58 and 4123.59 of the Revised Code. 20496
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(5) As used in division (X) of this section, "hazardous duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 20502
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(Y) Silicosis: Silicosis means a disease of the lungs caused by breathing silica dust (silicon dioxide) producing fibrous nodules distributed through the lungs and demonstrated by x-ray examination, by biopsy or by autopsy. 20504
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(Z) Coal miners' pneumoconiosis: Coal miners' pneumoconiosis, commonly referred to as "black lung disease," resulting from working in the coal mine industry and due to exposure to the breathing of coal dust, and demonstrated by x-ray examination, biopsy, autopsy or other medical or clinical tests. 20508
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This chapter does not entitle an employee or the employee's dependents to compensation, medical treatment, or payment of funeral expenses for disability or death from silicosis, asbestosis, or coal miners' pneumoconiosis unless the employee has been subject to injurious exposure to silica dust (silicon dioxide), asbestos, or coal dust in the employee's employment in this state preceding the employee's disablement, some portion of which has been after October 12, 1945, except as provided in division (E) of section 4123.57 of the Revised Code. 20514
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Compensation on account of silicosis, asbestosis, or coal miners' pneumoconiosis are payable only in the event of temporary total disability, permanent total disability, or death, in accordance with sections 4123.56, 4123.58, and 4123.59 of the Revised Code. Medical, hospital, and nursing expenses are payable in accordance with this chapter. Compensation, medical, hospital, and nursing expenses are payable only in the event of such disability or death resulting within eight years after the last injurious exposure; provided that such eight-year limitation does not apply to disability or death occurring after January 1, 1976, and further provided that such eight-year limitation does not apply to any asbestosis cases. In the event of death following continuous total disability commencing within eight years after the last injurious exposure, the requirement of death within eight years after the last injurious exposure does not apply.

This chapter does not entitle an employee or the employee's dependents to compensation, medical, hospital and nursing expenses, or payment of funeral expenses for disability or death due to silicosis, asbestosis, or coal miners' pneumoconiosis in the event of the failure or omission on the part of the employee truthfully to state, when seeking employment, the place, duration, and nature of previous employment in answer to an inquiry made by the employer.

Before awarding compensation for disability or death due to silicosis, asbestosis, or coal miners' pneumoconiosis, the ~~administrator~~ director shall refer the claim to a qualified medical specialist for examination and recommendation with regard to the diagnosis, the extent of disability, the cause of death, and other medical questions connected with the claim. An employee shall submit to such examinations, including clinical

and x-ray examinations, as the ~~administrator~~director requires. 20554
In the event that an employee refuses to submit to examinations, 20555
including clinical and x-ray examinations, after notice from the 20556
~~administrator~~director, or in the event that a claimant for 20557
compensation for death due to silicosis, asbestosis, or coal 20558
miners' pneumoconiosis fails to produce necessary consents and 20559
permits, after notice from the commission, so that such autopsy 20560
examination and tests may be performed, then all rights for 20561
compensation are forfeited. The reasonable compensation of such 20562
specialist and the expenses of examinations and tests shall be 20563
paid, if the claim is allowed, as a part of the expenses of the 20564
claim, otherwise they shall be paid from the surplus fund. 20565

(AA) Radiation illness: Any industrial process involving 20566
the use of radioactive materials. 20567

Claims for compensation and benefits due to radiation 20568
illness are payable only in the event death or disability 20569
occurred within eight years after the last injurious exposure 20570
provided that such eight-year limitation does not apply to 20571
disability or death from exposure occurring after January 1, 20572
1976. In the event of death following continuous disability 20573
which commenced within eight years of the last injurious 20574
exposure the requirement of death within eight years after the 20575
last injurious exposure does not apply. 20576

(BB) Asbestosis: Asbestosis means a disease caused by 20577
inhalation or ingestion of asbestos, demonstrated by x-ray 20578
examination, biopsy, autopsy, or other objective medical or 20579
clinical tests. 20580

All conditions, restrictions, limitations, and other 20581
provisions of this section, with reference to the payment of 20582
compensation or benefits on account of silicosis or coal miners' 20583

pneumoconiosis apply to the payment of compensation or benefits 20584
on account of any other occupational disease of the respiratory 20585
tract resulting from injurious exposures to dust. 20586

The refusal to produce the necessary consents and permits 20587
for autopsy examination and testing shall not result in 20588
forfeiture of compensation provided the ~~administrator~~director 20589
finds that such refusal was the result of bona fide religious 20590
convictions or teachings to which the claimant for compensation 20591
adhered prior to the death of the decedent. 20592

Sec. 4123.69. Every employee mentioned in section 4123.68 20593
of the Revised Code and the dependents and the employer or 20594
employers of such employee shall be entitled to all the rights, 20595
benefits, and immunities and shall be subject to all the 20596
liabilities, penalties, and regulations provided for injured 20597
employees and their employers by this chapter. 20598

The ~~administrator of workers' compensation~~director of 20599
workforce insurance and safety shall have all of the powers, 20600
authority, and duties with respect to the collection, 20601
administration, and disbursement of the state occupational 20602
disease fund as are provided for in this chapter, providing for 20603
the collection, administration, and disbursement of the state 20604
insurance fund for the compensation of injured employees. 20605

Sec. 4123.70. No compensation shall be awarded on account 20606
of disability or death from disease suffered by an employee who, 20607
at the time of entering into the employment from which the 20608
disease is claimed to have resulted, willfully and falsely 20609
represented ~~himself~~self as not having previously suffered from 20610
such disease. Compensation shall not be awarded on account of 20611
both injury and disease, except when the disability is caused by 20612
a disease and an injury, in which event the ~~administrator of~~ 20613

~~workers' compensation director of workforce insurance and safety~~ 20614
may apportion the payment of compensation provided for in 20615
sections 4123.56 to 4123.59 of the Revised Code between the 20616
funds as in ~~his~~ the director's judgment seems just and proper. 20617

If an employee is suffering from both occupational disease 20618
and an injury, and the ~~administrator~~ director can determine 20619
which is causing ~~his~~ the employee's disability, the ~~administrator~~ 20620
director shall pay compensation therefor from the proper fund. 20621

Compensation for loss sustained on account of occupational 20622
disease by an employee mentioned in division (A) (1) of section 20623
4123.01 of the Revised Code, or the dependents of such employee, 20624
shall be paid from the fund provided for in sections 4123.38 to 20625
4123.41 and 4123.48 of the Revised Code. 20626

Compensation for loss sustained on account of a disease by 20627
an employee mentioned in division (A) (2) of section 4123.01 of 20628
the Revised Code, or the dependents of the employee, shall be 20629
paid from the occupational disease fund or by the employer of 20630
the employee, if the employer is a self-insuring employer. 20631

Sec. 4123.71. Every physician in this state attending on 20632
or called in to visit a patient whom the physician believes to 20633
be suffering from an occupational disease as defined in section 20634
4123.68 of the Revised Code shall, within forty-eight hours from 20635
the time of making such diagnosis, send to the ~~bureau of~~ 20636
~~workers' compensation department of workforce insurance and~~ 20637
safety a report stating: 20638

(A) Name, address, and occupation of patient; 20639

(B) Name and address of business in which employed; 20640

(C) Nature of disease; 20641

(D) Name and address of employer of patient; 20642

(E) Such other information as is reasonably required by 20643
the ~~bureau~~department. 20644

The reports shall be made on blanks to be furnished by the 20645
~~bureau~~department. A physician who sends the report within the 20646
time stated to the ~~bureau~~department is in compliance with this 20647
section. 20648

Reports made under this section shall not be evidence of 20649
the facts therein stated in any action arising out of a disease 20650
therein reported. 20651

The ~~bureau~~department shall, within twenty-four hours 20652
after the receipt of the report, send a copy thereof to the 20653
employer of the patient named in the report. 20654

Sec. 4123.75. Any employee whose employer has failed to 20655
comply with section 4123.35 of the Revised Code, who has been 20656
injured or has suffered an occupational disease in the course of 20657
~~his~~the employee's employment, which was not purposely self- 20658
inflicted, or ~~his~~the employee's dependents in case death has 20659
ensued, may file ~~his~~the employee's application with the 20660
industrial commission or the ~~bureau of workers' compensation~~
department of workforce insurance and safety for compensation 20661
and the ~~administrator of workers' compensation~~director of
workforce insurance and safety shall determine the application 20662
for compensation in like manner as in other claims and shall 20663
make an award to the claimant as ~~he~~the claimant would be 20664
entitled to receive if the employer had complied with section 20665
4123.35 of the Revised Code. Payment of the claim shall be made 20666
promptly from the statutory surplus fund. Payment shall not bar 20667
any action under section 4123.77 of the Revised Code. If a 20668
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recovery is made in an action under section 4123.77 of the Revised Code any funds paid from the state insurance fund under this section shall be repaid by the claimant. The ~~administrator~~ director shall institute proceedings to recover from the employer any moneys paid from the surplus fund and to secure the employer's payment of the award. The employer shall pay the award in the manner and amount fixed thereby or shall furnish to the ~~bureau~~ department a bond, in an amount and with sureties as the ~~bureau~~ department requires, to pay the employee the award in the manner and amount fixed thereby.

An order of the ~~administrator~~ director issued under this section is appealable pursuant to ~~section~~ sections 4123.511 and 4123.512 of the Revised Code. In the event payments are made to a claimant which should not have been made under the final decision in the appeal of the claim, the amount of the payments shall be charged to the surplus fund created under division (B) of section 4123.34 of the Revised Code. In the event recovery is made from the noncomplying employer, the sums that are recovered shall be paid into the surplus fund.

If the employer fails to pay the compensation to the person entitled thereto, or fails to furnish the bond, within a period of ten days after notification of the award, the award constitutes a liquidated claim for damages against the employer in the amount ascertained and fixed by the ~~administrator~~ director or commission, and the ~~administrator~~ director shall certify the same to the attorney general who shall forthwith institute a civil action against the employer in the name of the state for the collection of the award. In the action it is sufficient for the plaintiff to set forth a copy of the record of proceedings of the commission or ~~bureau~~ department relative to the claims certified by the ~~administrator~~ director to the

attorney general and to state that there is due to plaintiff on 20702
account of the finding and award of the commission or ~~bureau-~~ 20703
department a specified sum which plaintiff claims with interest. 20704
A certified copy of the record of proceedings in the claim shall 20705
be attached to the complaint and constitutes prima-facie 20706
evidence of the truth of the facts therein contained. Further 20707
proceedings shall be as provided in the Rules of Civil 20708
Procedure. As soon as the issues are made up in any such case, 20709
it shall be placed at the head of the trial docket and shall be 20710
first in order for trial. The cause of action provided in this 20711
section and the cause of action provided by section 4123.37 of 20712
the Revised Code may be joined in one action against an 20713
employer, and the amount of any premium paid or recovered from 20714
the employer for the period not exceeding six months during 20715
which the injury or disease, or injury or disease resulting in 20716
death, occurred shall be credited against the amount of any 20717
judgment for compensation recovered pursuant to this section. 20718
The amount recovered in the action from the employer shall be 20719
paid into the surplus fund created under division (B) of section 20720
4123.34 of the Revised Code up to the amount paid out of the 20721
surplus fund and the balance into the state insurance fund. Any 20722
employee of a self-insuring employer, in the event of the 20723
failure of ~~his~~the employee's employer to pay the compensation or 20724
furnish the medical, surgical, nursing, and hospital services 20725
and attention or funeral expenses, may file ~~his~~the employee's 20726
application with the commission or the ~~bureau-~~department for the 20727
purpose of having the amount of the compensation and the 20728
medical, surgical, nursing, and hospital services and attention 20729
or funeral expenses determined; and thereupon like proceedings 20730
shall be had before the ~~bureau-~~department and with like effect 20731
as provided in this section. 20732

The ~~administrator-director~~ shall adopt and publish rules 20733
governing the procedure before the ~~bureau-department~~ and 20734
commission provided in this section and shall prescribe the form 20735
of notices and the manner of serving the same in all claims for 20736
compensation arising under this section. Any suit, action, 20737
proceeding, or award brought or made against any employer under 20738
this section may be compromised by the ~~administrator-director~~, or 20739
the suit, action, or proceeding may be prosecuted to final 20740
judgment as in the ~~administrator's-director's~~ discretion may 20741
best subserve the interests of the state insurance fund. 20742

A final judgment against the employer recovered in the 20743
manner provided in this section entitles the claimant to the 20744
compensation provided in this chapter for the injury, 20745
occupational disease, or death and the compensation shall be 20746
paid from the surplus fund created by section 4123.34 of the 20747
Revised Code, and any sum recovered on account of the judgment 20748
shall be paid to the ~~bureau-department~~ and credited to the fund 20749
the ~~administrator-director~~ designates. 20750

Sec. 4123.751. Any nonresident person, firm, or 20751
corporation of this state who engages in any activity or 20752
maintains any establishment in this state so as to be an 20753
employer, as defined in division (B) of section 4123.01 of the 20754
Revised Code, or any resident of this state, being an employer 20755
as so defined, who has engaged in any such activity or 20756
maintained any such establishment in this state, who 20757
subsequently becomes a nonresident or conceals ~~his~~the resident's 20758
whereabouts, or, after due diligence, whose whereabouts cannot 20759
be ascertained and no forwarding address can be found, shall, by 20760
engagement in the activity or by maintenance of the 20761
establishment, make and constitute the secretary of state ~~his~~the 20762
person's, firm's, or corporation's agent for the service of 20763

process in any proceeding before the ~~bureau of workers'~~ 20764
~~compensation department of workforce insurance and safety~~ or the 20765
industrial commission or in any civil suit resulting therefrom, 20766
against the employer, arising out of or by reason of any injury 20767
or occupational disease as defined in this chapter, occurring 20768
within this state and involving employment in the activity or 20769
within the maintenance of the establishment. 20770

Sec. 4123.756. In the event an employer, under the purview 20771
of sections 4123.751 to 4123.755 of the Revised Code, has died 20772
prior to the commencement of any civil suit or proceeding before 20773
the ~~bureau of workers'~~ department of workforce insurance and 20774
safety compensation or industrial commission, such sections 20775
shall likewise apply to any executor or administrator or the 20776
employer, and the employer shall be deemed to have constituted 20777
the secretary of state as ~~his~~ the employer's agent for such 20778
purpose, and the agency shall not terminate by reason of the 20779
death of the employer. 20780

Sec. 4123.76. When an application for compensation or 20781
benefits or an application for further compensation or benefits 20782
is filed with the industrial commission or the ~~bureau of~~ 20783
~~workers' compensation department of workforce insurance and~~ 20784
safety under section 4123.75 of the Revised Code against an 20785
employer who has not complied with section 4123.35 of the 20786
Revised Code, the ~~bureau~~ department shall make and file for 20787
record in the office of the county recorder in the counties 20788
where the employer's property is located, an affidavit showing 20789
the date on which the application was filed with the commission 20790
or the ~~bureau~~ department, the name and address of the employer 20791
against whom it was filed, and the fact that the employer had 20792
not complied with section 4123.35 of the Revised Code. The 20793
county recorder shall accept and file the affidavit and record 20794

and index the affidavit in the official record. A copy of the 20795
application or other ~~bureau~~department record documenting the 20796
claim shall be filed with the affidavit. A copy of the affidavit 20797
shall be served upon the employer by the ~~bureau~~department. The 20798
affidavit constitutes a valid lien from the time of filing, in 20799
favor of the ~~bureau~~department, upon the real property and 20800
personal property of the employer located within the county. The 20801
~~administrator of workers' compensation~~director of workforce 20802
insurance and safety shall have the lien canceled of record 20803
after the employer has paid to the claimant or to the ~~bureau~~ 20804
department the amount of the compensation or benefits which has 20805
been ordered paid to the claimant, or when the application has 20806
finally been denied after the claimant has exhausted the 20807
remedies provided by law in such cases, or when the employer has 20808
filed a bond in the amount and with surety as the ~~administrator~~ 20809
director approves conditioned on the payment of all sums ordered 20810
paid to the claimant. The recorder shall make no charge for the 20811
services provided by this section to be performed by the 20812
recorder. 20813

Sec. 4123.78. If any employer fails to comply with section 20814
4123.35 of the Revised Code in accordance with the rules of the 20815
~~administrator of workers' compensation~~director of workforce 20816
insurance and safety, the ~~administrator~~director shall file with 20817
the county recorder of any counties in which the employer's 20818
property is located, its certificate of the amount of premium 20819
due from the employer, and that amount shall be a lien from the 20820
date of filing against the real property and personal property 20821
of the employer within the county in which the certificate is 20822
filed. The county recorder shall record and index the 20823
certificate in the official record. The county recorder shall 20824
make no charge for the services provided by this section to be 20825

performed by the county recorder. 20826

Sec. 4123.79. (A) Any interested party may enjoin the 20827
further operation of an employer subject to this chapter who has 20828
failed to pay the employer's premium to the workers' 20829
compensation fund as prescribed in this chapter. The procedure 20830
to obtain an injunction is governed by Chapter 2727. of the 20831
Revised Code and the right to such relief is in addition to the 20832
rights described in section 2727.02 of the Revised Code. 20833

(B) (1) No construction contractor or subcontractor who, on 20834
the date of entering into a construction contract has not been 20835
in compliance with section 4123.35 of the Revised Code for a 20836
minimum of nine consecutive months, may bring an action to 20837
enforce rights arising from that construction contract. 20838

(2) Nothing in this section shall require the surety of a 20839
contractor or subcontractor described in division (B) (1) of this 20840
section to make payment of any workers' compensation obligation 20841
of that contractor or subcontractor or affect the surety's 20842
rights in the event that the contractor or subcontractor is in 20843
default or is declared by an obligee to be in default of its 20844
contractual obligations. 20845

(C) As used in this section: 20846

(1) "Interested party" means any of the following: 20847

(a) An employer who is in compliance with section 4123.35 20848
of the Revised Code and who is not a self-insuring employer; 20849

(b) The attorney general; 20850

(c) The administrator of workers' compensation director of 20851
workforce insurance and safety. 20852

(2) "Construction contract" means any oral or written 20853

agreement involving any activity in connection with the 20854
erection, alteration, repair, replacement, renovation, 20855
installation, or demolition of any building, structure, highway, 20856
or bridge. 20857

Sec. 4123.80. No agreement by an employee to waive an 20858
employee's rights to compensation under this chapter is valid, 20859
except that: 20860

(A) An employee who is blind may waive the compensation 20861
that may become due to the employee for injury or disability in 20862
cases where the injury or disability may be directly caused by 20863
or due to the employee's blindness. The ~~administrator of~~ 20864
~~workers' compensation~~ director of workforce insurance and safety, 20865
with the advice and consent of the ~~bureau of workers'~~ 20866
~~compensation~~ department of workforce insurance and safety board 20867
of directors, may adopt and enforce rules governing the 20868
employment of such persons and the inspection of their places of 20869
employment. 20870

(B) An employee may waive the employee's rights to 20871
compensation or benefits as authorized pursuant to division (C) 20872
(3) of section 4123.01 or section 4123.15 of the Revised Code. 20873

No agreement by an employee to pay any portion of the 20874
premium paid by the employee's employer into the state insurance 20875
fund is valid. 20876

Sec. 4123.82. (A) All contracts and agreements are void 20877
which undertake to indemnify or insure an employer against loss 20878
or liability for the payment of compensation to workers or their 20879
dependents for death, injury, or occupational disease occasioned 20880
in the course of the workers' employment, or which provide that 20881
the insurer shall pay the compensation, or which indemnify the 20882

employer against damages when the injury, disease, or death 20883
arises from the failure to comply with any lawful requirement 20884
for the protection of the lives, health, and safety of 20885
employees, or when the same is occasioned by the willful act of 20886
the employer or any of the employer's officers or agents, or by 20887
which it is agreed that the insurer shall pay any such damages. 20888
No license or authority to enter into any such agreements or 20889
issue any such policies of insurance shall be granted or issued 20890
by any public authority in this state. Any corporation organized 20891
or admitted under the laws of this state to transact liability 20892
insurance as defined in section 3929.01 of the Revised Code may 20893
by amendment of its articles of incorporation or by original 20894
articles of incorporation, provide therein for the authority and 20895
purpose to make insurance in states, territories, districts, and 20896
counties, other than the state of Ohio, and in the state of Ohio 20897
in respect of contracts permitted by division (B) of this 20898
section, indemnifying employers against loss or liability for 20899
payment of compensation to workers and employees and their 20900
dependents for death, injury, or occupational disease occasioned 20901
in the course of the employment and to insure and indemnify 20902
employers against loss, expense, and liability by risk of bodily 20903
injury or death by accident, disability, sickness, or disease 20904
suffered by workers and employees for which the employer may be 20905
liable or has assumed liability. 20906

(B) Notwithstanding division (A) of this section: 20907

(1) No contract because of that division is void which 20908
undertakes to indemnify a self-insuring employer against all or 20909
part of such employer's loss in excess of at least fifty 20910
thousand dollars from any one disaster or event arising out of 20911
the employer's liability under this chapter, but no insurance 20912
corporation shall, directly or indirectly, represent an employer 20913

in the settlement, adjudication, determination, allowance, or 20914
payment of claims. The superintendent of insurance shall enforce 20915
this prohibition by such disciplinary orders directed against 20916
the offending insurance corporation as the superintendent of 20917
insurance deems appropriate in the circumstances and the 20918
~~administrator of workers' compensation~~ director of workforce 20919
insurance and safety shall enforce this prohibition by such 20920
disciplinary orders directed against the offending employer as 20921
the ~~administrator~~ director deems appropriate in the 20922
circumstances, which orders may include revocation of the 20923
insurance corporation's right to enter into indemnity contracts 20924
and revocation of the employer's status as a self-insuring 20925
employer. 20926

(2) The ~~administrator~~ director may enter into a contract 20927
of indemnity with any such employer upon such terms, payment of 20928
such premium, and for such amount and form of indemnity as the 20929
~~administrator~~ director determines and the ~~bureau of workers'~~ 20930
~~compensation~~ department of workforce insurance and safety board 20931
of directors may procure reinsurance of the liability of the 20932
public and private funds under this chapter, or any part of the 20933
liability in respect of either or both of the funds, upon such 20934
terms and premiums or other payments from the fund or funds as 20935
the ~~administrator~~ director deems prudent in the maintenance of a 20936
solvent fund or funds from year to year. When making the finding 20937
of fact which the ~~administrator~~ director is required by section 20938
4123.35 of the Revised Code to make with respect to the 20939
financial ability of an employer, no contract of indemnity, or 20940
the ability of the employer to procure such a contract, shall be 20941
considered as increasing the financial ability of the employer. 20942

(C) Nothing in this section shall be construed to prohibit 20943
the ~~administrator~~ director or an other-states' insurer from 20944

providing to employers in this state other-states' coverage or 20945
limited other-states' coverage in accordance with section 20946
4123.292 of the Revised Code. 20947

(D) Notwithstanding any other section of the Revised Code, 20948
but subject to division (A) of this section, the superintendent 20949
of insurance shall have the sole authority to regulate any 20950
insurance products, except for the ~~bureau of workers'~~ 20951
~~compensation department of workforce insurance and safety~~ and 20952
those products offered by the ~~bureau~~ department, that indemnify 20953
or insure employers against workers' compensation losses in this 20954
state or that are sold to employers in this state. 20955

Sec. 4123.83. Each employer paying premiums into the state 20956
insurance fund or electing directly to pay compensation to the 20957
employer's injured employees or the dependents of the employer's 20958
killed employees as provided in section 4123.35 of the Revised 20959
Code, shall post conspicuously in the employer's place or places 20960
of employment notices, which shall be furnished at least 20961
annually by the ~~bureau of workers' compensation~~ department of 20962
workforce insurance and safety. The notice shall state that it 20963
is proof of workers' compensation coverage, or that the employer 20964
has complied with section 4123.35 of the Revised Code and has 20965
been authorized by the ~~administrator of workers' compensation~~ 20966
director of workforce insurance and safety directly to 20967
compensate employees or dependents, and the date of the 20968
authorization. The notice shall indicate that coverage is 20969
contingent on continued payment of premiums and assessments due. 20970
The notice, when posted, constitutes sufficient notice to the 20971
employer's employees of the fact that the employer carries 20972
workers' compensation coverage or that the employer has complied 20973
with the elective provisions of section 4123.35 of the Revised 20974
Code. 20975

Sec. 4123.84. (A) In all cases of injury or death, claims 20976
for compensation or benefits for the specific part or parts of 20977
the body injured shall be forever barred unless, within one year 20978
after the injury or death: 20979

(1) Written or facsimile notice of the specific part or 20980
parts of the body claimed to have been injured has been made to 20981
the industrial commission or the ~~bureau of workers'~~ 20982
compensation department of workforce insurance and safety; 20983

(2) The employer, with knowledge of a claimed compensable 20984
injury or occupational disease, has paid wages in lieu of 20985
compensation for total disability; 20986

(3) In the event the employer is a self-insuring employer, 20987
one of the following has occurred: 20988

(a) Written or facsimile notice of the specific part or 20989
parts of the body claimed to have been injured has been given to 20990
the commission or ~~bureau department~~ or the employer has 20991
furnished treatment by a licensed physician in the employ of an 20992
employer, provided, however, that the furnishing of such 20993
treatment shall not constitute a recognition of a claim as 20994
compensable, but shall do no more than satisfy the requirements 20995
of this section; 20996

(b) Compensation or benefits have been paid or furnished 20997
equal to or greater than is provided for in sections 4123.52, 20998
4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised Code. 20999

(4) Written or facsimile notice of death has been given to 21000
the commission or ~~bureau~~department. 21001

(B) The ~~bureau department~~ shall provide printed notices 21002
quoting in full division (A) of this section, and every self- 21003
insuring employer shall post and maintain at all times one or 21004

more of the notices in conspicuous places in the workshop or 21005
places of employment. 21006

(C) The commission has continuing jurisdiction as set 21007
forth in section 4123.52 of the Revised Code over a claim which 21008
meets the requirement of this section, including jurisdiction to 21009
award compensation or benefits for loss or impairment of bodily 21010
functions developing in a part or parts of the body not 21011
specified pursuant to division (A) (1) of this section, if the 21012
commission finds that the loss or impairment of bodily functions 21013
was due to and a result of or a residual of the injury to one of 21014
the parts of the body set forth in the written notice filed 21015
pursuant to division (A) (1) of this section. 21016

(D) Any claim pending before the ~~administrator~~director, 21017
the commission, or a court on December 11, 1967, in which the 21018
remedy is affected by this section is governed by this section. 21019

(E) Notwithstanding the requirement that the notice 21020
required to be given to the ~~bureau~~department, commission, or 21021
employer under this section is to be in writing or facsimile, 21022
the ~~bureau~~department may accept, assign a claim number, and 21023
process a claim when notice is provided verbally over the 21024
telephone. Immediately upon receipt of notice provided verbally 21025
over the telephone, the ~~bureau~~department shall send a written 21026
or facsimile notice to the employer of the ~~bureau's~~department's 21027
receipt of the verbal notice. Within fifteen days after receipt 21028
of the ~~bureau's~~department's written or facsimile notice, the 21029
employer may in writing or facsimile either verify or not verify 21030
the verbal notice. If the ~~bureau~~department does not receive the 21031
written or facsimile notification from the employer or receives 21032
a written or facsimile notification verifying the verbal notice 21033
within such time period, the claim is validly filed and such 21034

verbal notice tolls the statute of limitations in regard to the 21035
claim filed and is considered to meet the requirements of 21036
written or facsimile notice required by this section. 21037

(F) As used in division (A) (3) (b) of this section, 21038
"benefits" means payments by a self-insuring employer to, or on 21039
behalf of, an employee for a hospital bill, a medical bill to a 21040
licensed physician or hospital, or an orthopedic or prosthetic 21041
device. 21042

Sec. 4123.85. In all cases of occupational disease, or 21043
death resulting from occupational disease, claims for 21044
compensation or benefits are forever barred unless, within one 21045
year after the disability due to the disease began, or within 21046
such longer period as does not exceed six months after diagnosis 21047
of the occupational disease by a licensed physician or within 21048
one year after death occurs, application is made to the 21049
industrial commission or the ~~bureau of workers' compensation~~ 21050
department of workforce insurance and safety or to the employer 21051
if the employer is a self-insuring employer. 21052

Sec. 4123.86. (A) The ~~administrator of workers'~~ 21053
~~compensation~~ director of workforce insurance and safety shall 21054
prepare a report containing the following information regarding 21055
presumed cancer claims under division (D) (3) (b) of section 21056
742.38 and division (X) of section 4123.68 of the Revised Code: 21057

(1) The number of approved claims; 21058

(2) The number of disapproved claims; 21059

(3) The number of active claims; 21060

(4) The cost related to claims described in divisions (A) 21061

(1) and (3) of this section. 21062

(B) The ~~administrator~~director shall submit the initial 21063
report required under division (A) of this section not later 21064
than two years after ~~the effective date of this section~~ April 6, 21065
2017, and an updated report every two years thereafter, to all 21066
of the following: 21067

(1) The speaker and the minority leader of the house of 21068
representatives; 21069

(2) The president and minority leader of the senate; 21070

(3) The Ohio fire chiefs' association or its successor 21071
organization; 21072

(4) The Ohio association of professional fire fighters or 21073
its successor organization; 21074

(5) The Ohio municipal league or its successor 21075
organization. 21076

Sec. 4123.88. (A) No person shall orally or in writing, 21077
directly or indirectly, or through any agent or other person 21078
fraudulently hold the person's self out or represent the 21079
person's self or any of the person's partners or associates as 21080
authorized by a claimant or employer to take charge of, or 21081
represent the claimant or employer in respect of, any claim or 21082
matter in connection therewith before the ~~bureau of workers'~~ 21083
~~compensation~~ department of workforce insurance and safety or the 21084
industrial commission or its district or staff hearing officers. 21085
No person shall, without prior authority from the 21086
~~bureau~~department, a member of the commission, the claimant, or 21087
the employer, examine or directly or indirectly cause or employ 21088
another person to examine any claim file or any other file 21089
pertaining thereto. No person shall forge an authorization for 21090
the purpose of examining or cause another person to examine any 21091

such file. No district or staff hearing officer or other 21092
employee of the ~~bureau-department~~ or commission, notwithstanding 21093
the provisions of section 4123.27 of the Revised Code, shall 21094
divulge any information in respect of any claim or appeal which 21095
is or may be filed with a district or staff hearing officer, the 21096
~~bureau~~department, or commission to any person other than members 21097
of the commission or to the superior of the employee except upon 21098
authorization of the ~~administrator of workers' compensation-~~ 21099
director of workforce insurance and safety or a member of the 21100
commission or upon authorization of the claimant or employer. 21101

(B) The records described or referred to in division (A) 21102
of this section are not public records as defined in division 21103
(A) (1) of section 149.43 of the Revised Code. Any information 21104
directly or indirectly identifying the name, address, or 21105
telephone number of a claimant, regardless of whether the 21106
claimant's claim is active or closed, is not a public record. No 21107
person shall solicit or obtain any such information from any 21108
such employee without first having obtained an authorization 21109
therefor as provided in this section. 21110

(C) Except as otherwise specified in division (D) of this 21111
section, information kept by the commission or the ~~bureau-~~ 21112
department pursuant to this section is for the exclusive use and 21113
information of the commission and the ~~bureau-department~~ in the 21114
discharge of their official duties, and shall not be open to the 21115
public nor be used in any court in any action or proceeding 21116
pending therein, unless the commission or the ~~bureau-department~~ 21117
is a party to the action or proceeding. The information, 21118
however, may be tabulated and published by the commission or the 21119
~~bureau-department~~ in statistical form for the use and 21120
information of other state agencies and the public. 21121

(D) (1) Except as provided in division (G) of this section, 21122
upon receiving a written request made and signed by an 21123
individual whose primary occupation is as a journalist, the 21124
commission or the ~~bureau~~ department shall disclose to the 21125
individual the name or names, address or addresses, and 21126
telephone number or numbers of claimants, regardless of whether 21127
their claims are active or closed. 21128

(2) An individual described in division (D) (1) of this 21129
section is permitted to request the information described in 21130
that division for multiple claimants in one written request. 21131

(3) An individual described in division (D) (1) of this 21132
section shall include all of the following in the written 21133
request: 21134

(a) The individual's name, title, and signature; 21135

(b) The name and title of the individual's employer; 21136

(c) A statement that the disclosure of the information 21137
sought is in the public interest; 21138

(d) A statement that the individual acknowledges that the 21139
information is not a public record and that the individual will 21140
not disclose the information to any other person for any reason 21141
unrelated to journalism. 21142

(4) Neither the commission nor the ~~bureau~~ department may 21143
inquire as to the specific public interest served by the 21144
disclosure of information requested by an individual under 21145
division (D) of this section. 21146

(E) No person who receives information under division (D) 21147
of this section shall recklessly disclose the information to any 21148
other person for any reason unrelated to journalism. 21149

(F) No person who obtains or receives records in violation 21150
of this section shall recklessly use that information to 21151
solicit, directly or indirectly, authority from a claimant or 21152
employer to take charge of, or represent the claimant or 21153
employer in respect of, any claim or appeal that is or may be 21154
filed with the ~~bureau~~department or commission. 21155

(G) Neither the commission nor the ~~bureau~~department shall 21156
disclose to an individual described in division (D)(1) of this 21157
section the name, address, or telephone number of a claimant if 21158
the disclosure would reveal that the claim is for a condition 21159
that arose from sexual conduct in which the claimant was forced 21160
by threat of physical harm to engage or participate. 21161

(H) As used in this section, "journalist" has the same 21162
meaning as in division (B)(9) of section 149.43 of the Revised 21163
Code. 21164

Sec. 4123.90. The ~~bureau of workers'~~ 21165
~~compensation~~department of workforce insurance and safety, 21166
industrial commission, or any other body constituted by the 21167
statutes of this state, or any court of this state, in awarding 21168
compensation to the dependents of employees, or others killed in 21169
Ohio, shall not make any discrimination against the widows, 21170
children, or other dependents who reside in a foreign country. 21171
The ~~bureau~~department, commission, or any other board or court, 21172
in determining the amount of compensation to be paid to the 21173
dependents of killed employees, shall pay to the alien 21174
dependents residing in foreign countries the same benefits as to 21175
those dependents residing in this state. 21176

No employer shall discharge, demote, reassign, or take any 21177
punitive action against any employee because the employee filed 21178
a claim or instituted, pursued or testified in any proceedings 21179

under the workers' compensation act for an injury or 21180
occupational disease which occurred in the course of and arising 21181
out of ~~his~~the employee's employment with that employer. Any such 21182
employee may file an action in the common pleas court of the 21183
county of such employment in which the relief which may be 21184
granted shall be limited to reinstatement with back pay, if the 21185
action is based upon discharge, or an award for wages lost if 21186
based upon demotion, reassignment, or punitive action taken, 21187
offset by earnings subsequent to discharge, demotion, 21188
reassignment, or punitive action taken, and payments received 21189
pursuant to section 4123.56 and Chapter 4141. of the Revised 21190
Code plus reasonable attorney fees. The action shall be forever 21191
barred unless filed within one hundred eighty days immediately 21192
following the discharge, demotion, reassignment, or punitive 21193
action taken, and no action may be instituted or maintained 21194
unless the employer has received written notice of a claimed 21195
violation of this paragraph within the ninety days immediately 21196
following the discharge, demotion, reassignment, or punitive 21197
action taken. 21198

Sec. 4123.91. When the dependents of killed employees 21199
reside in a foreign country, the consul general, consul, vice- 21200
consul, or consular agent, accredited by the county wherein the 21201
dependents of the killed employee reside to the consular 21202
district within which the killed employee lived at the time of 21203
~~his deceased death~~, shall furnish the necessary information 21204
regarding the dependents of killed employees so that the ~~bureau~~ 21205
~~of workers' compensation department of workforce insurance and~~ 21206
~~safety~~ may transmit to the dependents the funds provided for in 21207
this chapter. 21208

Sec. 4123.92. Upon the request of the industrial 21209
commission or the ~~administrator of workers' compensation~~director 21210

of workforce insurance and safety, the attorney general, or 21211
under the attorney general's direction the prosecuting attorney 21212
of any county in cases arising within the county, shall 21213
institute and prosecute the necessary actions or proceedings for 21214
the enforcement of this chapter, or for the recovery of any 21215
money due the state insurance fund, or any penalty, and shall 21216
defend in like manner all suits, actions, or proceedings brought 21217
against the ~~administrator~~director, the ~~bureau of workers'~~ 21218
~~compensation~~department of workforce insurance and safety board 21219
of directors, industrial commission, or the members of the 21220
board, or industrial commission in their official capacity. 21221

Sec. 4123.93. As used in sections 4123.93 to 4123.932 of 21222
the Revised Code: 21223

(A) "Claimant" means a person who is eligible to receive 21224
compensation, medical benefits, or death benefits under this 21225
chapter or Chapter 4121., 4127., or 4131. of the Revised Code. 21226

(B) "Statutory subrogee" means the ~~administrator of~~ 21227
~~workers' compensation~~director of workforce insurance and safety, 21228
a self-insuring employer, or an employer that contracts for the 21229
direct payment of medical services pursuant to division (P) of 21230
section 4121.44 of the Revised Code. 21231

(C) "Third party" means an individual, private insurer, 21232
public or private entity, or public or private program that is 21233
or may be liable to make payments to a person without regard to 21234
any statutory duty contained in this chapter or Chapter 4121., 21235
4127., or 4131. of the Revised Code. 21236

(D) "Subrogation interest" includes past, present, and 21237
estimated future payments of compensation, medical benefits, 21238
rehabilitation costs, or death benefits, and any other costs or 21239

expenses paid to or on behalf of the claimant by the statutory 21240
subrogee pursuant to this chapter or Chapter 4121., 4127., or 21241
4131. of the Revised Code. 21242

(E) "Net amount recovered" means the amount of any award, 21243
settlement, compromise, or recovery by a claimant against a 21244
third party, minus the attorney's fees, costs, or other expenses 21245
incurred by the claimant in securing the award, settlement, 21246
compromise, or recovery. "Net amount recovered" does not include 21247
any punitive damages that may be awarded by a judge or jury. 21248

(F) "Uncompensated damages" means the claimant's 21249
demonstrated or proven damages minus the statutory subrogee's 21250
subrogation interest. 21251

Sec. 4123.931. (A) The payment of compensation or benefits 21252
pursuant to this chapter or Chapter 4121., 4127., or 4131., of 21253
the Revised Code creates a right of recovery in favor of a 21254
statutory subrogee against a third party, and the statutory 21255
subrogee is subrogated to the rights of a claimant against that 21256
third party. The net amount recovered is subject to a statutory 21257
subrogee's right of recovery. 21258

(B) If a claimant, statutory subrogee, and third party 21259
settle or attempt to settle a claimant's claim against a third 21260
party, the claimant shall receive an amount equal to the 21261
uncompensated damages divided by the sum of the subrogation 21262
interest plus the uncompensated damages, multiplied by the net 21263
amount recovered, and the statutory subrogee shall receive an 21264
amount equal to the subrogation interest divided by the sum of 21265
the subrogation interest plus the uncompensated damages, 21266
multiplied by the net amount recovered, except that the net 21267
amount recovered may instead be divided and paid on a more fair 21268
and reasonable basis that is agreed to by the claimant and 21269

statutory subrogee. If while attempting to settle, the claimant 21270
and statutory subrogee cannot agree to the allocation of the net 21271
amount recovered, the claimant and statutory subrogee may file a 21272
request with the ~~administrator of workers' compensation~~ director 21273
of workforce insurance and safety for a conference to be 21274
conducted by a designee appointed by the ~~administrator~~ director, 21275
or the claimant and statutory subrogee may agree to utilize any 21276
other binding or non-binding alternative dispute resolution 21277
process. 21278

The claimant and statutory subrogee shall pay equal shares 21279
of the fees and expenses of utilizing an alternative dispute 21280
resolution process, unless they agree to pay those fees and 21281
expenses in another manner. The ~~administrator~~ director shall not 21282
assess any fees to a claimant or statutory subrogee for a 21283
conference conducted by the ~~administrator's~~ director's designee. 21284

(C) If a claimant and statutory subrogee request that a 21285
conference be conducted by the ~~administrator's~~ director's 21286
designee pursuant to division (B) of this section, both of the 21287
following apply: 21288

(1) The ~~administrator's~~ director's designee shall schedule 21289
a conference on or before sixty days after the date that the 21290
claimant and statutory subrogee filed a request for the 21291
conference. 21292

(2) The determination made by the ~~administrator's~~ 21293
director's designee is not subject to Chapter 119. of the 21294
Revised Code. 21295

(D) When a claimant's action against a third party 21296
proceeds to trial and damages are awarded, both of the following 21297
apply: 21298

(1) The claimant shall receive an amount equal to the
uncompensated damages divided by the sum of the subrogation
interest plus the uncompensated damages, multiplied by the net
amount recovered, and the statutory subrogee shall receive an
amount equal to the subrogation interest divided by the sum of
the subrogation interest plus the uncompensated damages,
multiplied by the net amount recovered.

(2) The court in a nonjury action shall make findings of
fact, and the jury in a jury action shall return a general
verdict accompanied by answers to interrogatories that specify
the following:

(a) The total amount of the compensatory damages;

(b) The portion of the compensatory damages specified
pursuant to division (D) (2) (a) of this section that represents
economic loss;

(c) The portion of the compensatory damages specified
pursuant to division (D) (2) (a) of this section that represents
noneconomic loss.

(E) (1) After a claimant and statutory subrogee know the
net amount recovered, and after the means for dividing it has
been determined under division (B) or (D) of this section, a
claimant may establish an interest-bearing trust account for the
full amount of the subrogation interest that represents
estimated future payments of compensation, medical benefits,
rehabilitation costs, or death benefits, reduced to present
value, from which the claimant shall make reimbursement payments
to the statutory subrogee for the future payments of
compensation, medical benefits, rehabilitation costs, or death
benefits. If the workers' compensation claim associated with the

subrogation interest is settled, or if the claimant dies, or if 21328
any other circumstance occurs that would preclude any future 21329
payments of compensation, medical benefits, rehabilitation 21330
costs, and death benefits by the statutory subrogee, any amount 21331
remaining in the trust account after final reimbursement is paid 21332
to the statutory subrogee for all payments made by the statutory 21333
subrogee before the ending of future payments shall be paid to 21334
the claimant or the claimant's estate. 21335

(2) A claimant may use interest that accrues on the trust 21336
account to pay the expenses of establishing and maintaining the 21337
trust account, and all remaining interest shall be credited to 21338
the trust account. 21339

(3) If a claimant establishes a trust account, the 21340
statutory subrogee shall provide payment notices to the claimant 21341
on or before the thirtieth day of June and the thirty-first day 21342
of December every year listing the total amount that the 21343
statutory subrogee has paid for compensation, medical benefits, 21344
rehabilitation costs, or death benefits during the half of the 21345
year preceding the notice. The claimant shall make reimbursement 21346
payments to the statutory subrogee from the trust account on or 21347
before the thirty-first day of July every year for a notice 21348
provided by the thirtieth day of June, and on or before the 21349
thirty-first day of January every year for a notice provided by 21350
the thirty-first day of December. The claimant's reimbursement 21351
payment shall be in an amount that equals the total amount 21352
listed on the notice the claimant receives from the statutory 21353
subrogee. 21354

(F) If a claimant does not establish a trust account as 21355
described in division (E)(1) of this section, the claimant shall 21356
pay to the statutory subrogee, on or before thirty days after 21357

receipt of funds from the third party, the full amount of the 21358
subrogation interest that represents estimated future payments 21359
of compensation, medical benefits, rehabilitation costs, or 21360
death benefits. 21361

(G) A claimant shall notify a statutory subrogee and the 21362
attorney general of the identity of all third parties against 21363
whom the claimant has or may have a right of recovery, except 21364
that when the statutory subrogee is a self-insuring employer, 21365
the claimant need not notify the attorney general. No 21366
settlement, compromise, judgment, award, or other recovery in 21367
any action or claim by a claimant shall be final unless the 21368
claimant provides the statutory subrogee and, when required, the 21369
attorney general, with prior notice and a reasonable opportunity 21370
to assert its subrogation rights. If a statutory subrogee and, 21371
when required, the attorney general are not given that notice, 21372
or if a settlement or compromise excludes any amount paid by the 21373
statutory subrogee, the third party and the claimant shall be 21374
jointly and severally liable to pay the statutory subrogee the 21375
full amount of the subrogation interest. 21376

(H) The right of subrogation under this chapter is 21377
automatic, regardless of whether a statutory subrogee is joined 21378
as a party in an action by a claimant against a third party. A 21379
statutory subrogee may assert its subrogation rights through 21380
correspondence with the claimant and the third party or their 21381
legal representatives. A statutory subrogee may institute and 21382
pursue legal proceedings against a third party either by itself 21383
or in conjunction with a claimant. If a statutory subrogee 21384
institutes legal proceedings against a third party, the 21385
statutory subrogee shall provide notice of that fact to the 21386
claimant. If the statutory subrogee joins the claimant as a 21387
necessary party, or if the claimant elects to participate in the 21388

proceedings as a party, the claimant may present the claimant's 21389
case first if the matter proceeds to trial. If a claimant 21390
disputes the validity or amount of an asserted subrogation 21391
interest, the claimant shall join the statutory subrogee as a 21392
necessary party to the action against the third party. 21393

(I) The statutory subrogation right of recovery applies 21394
to, but is not limited to, all of the following: 21395

(1) Amounts recoverable from a claimant's insurer in 21396
connection with underinsured or uninsured motorist coverage, 21397
notwithstanding any limitation contained in Chapter 3937. of the 21398
Revised Code; 21399

(2) Amounts that a claimant would be entitled to recover 21400
from a political subdivision, notwithstanding any limitations 21401
contained in Chapter 2744. of the Revised Code; 21402

(3) Amounts recoverable from an intentional tort action. 21403

(J) If a claimant's claim against a third party is for 21404
wrongful death or the claim involves any minor beneficiaries, 21405
amounts allocated under this section are subject to the approval 21406
of probate court. 21407

(K) Except as otherwise provided in this division, the 21408
~~administrator~~ director shall deposit any money collected under 21409
this section into the public fund or the private fund of the 21410
state insurance fund, as appropriate. Any money collected under 21411
this section for compensation or benefits that were charged 21412
pursuant to section 4123.932 of the Revised Code to the surplus 21413
fund account created in division (B) of section 4123.34 of the 21414
Revised Code and not charged to an employer's experience shall 21415
be deposited in the surplus fund account and not applied to an 21416
individual employer's account. If a self-insuring employer 21417

collects money under this section of the Revised Code, the self- 21418
insuring employer shall deduct the amount collected, in the year 21419
collected, from the amount of paid compensation the self-insured 21420
employer is required to report under section 4123.35 of the 21421
Revised Code. 21422

Sec. 4123.932. (A) As used in this section: 21423

(1) "Motor vehicle" has the same meaning as in section 21424
4501.01 of the Revised Code. 21425

(2) "Primarily liable" means more than fifty per cent 21426
liable for purposes of section 2315.33 of the Revised Code. 21427

(B) Any compensation and benefits related to a claim that 21428
is compensable under this chapter or Chapter 4121., 4127., or 21429
4131. of the Revised Code shall be charged to the surplus fund 21430
account created under division (B) of section 4123.34 of the 21431
Revised Code and not charged to an individual employer's 21432
experience if, upon the ~~administrator's determination of the~~ 21433
director of workforce insurance and safety, all of the following 21434
apply to that claim: 21435

(1) The employer of the employee who is the subject of the 21436
claim pays premiums into the state insurance fund. 21437

(2) The claim is based on a motor vehicle accident 21438
involving a third party. 21439

(3) Either of the following circumstances apply to the 21440
claim: 21441

(a) The third party is issued a citation for violation of 21442
any law or ordinance regulating the operation of a motor vehicle 21443
arising from the accident on which the claim is based and the 21444
claim is covered by any form of insurance maintained by the 21445

third party or by uninsured or underinsured motorist coverage as 21446
described in section 3937.18 of the Revised Code. 21447

(b) The third party is primarily liable for the motor 21448
vehicle accident on which the claim is based and the claim is 21449
covered by any form of insurance maintained by the third party 21450
or by uninsured or underinsured motorist coverage as described 21451
in section 3937.18 of the Revised Code. 21452

(C) If an employer believes division (B) of this section 21453
applies to a claim about which an employee of the employer is 21454
the subject, the employer may file a request with the 21455
~~administrator~~director for a determination by the ~~administrator~~ 21456
director as to whether the claim is to be charged to the surplus 21457
fund account pursuant to this section. 21458

(D) (1) Within one hundred eighty days after the 21459
~~administrator~~director receives a request made under division 21460
(C) of this section, the ~~administrator~~director shall determine 21461
whether the claim for which the request is made shall be charged 21462
to the surplus fund account pursuant to this section. 21463

(2) If the ~~administrator~~director fails to make a 21464
determination under division (D) (1) of this section within the 21465
time required, the ~~administrator~~director shall charge the claim 21466
for which the request was made to the surplus fund account 21467
pursuant to this section. 21468

(E) This section does not apply if the employer of the 21469
employee who is the subject of the claim is the state or a state 21470
institution of higher education, including its hospitals. 21471

Sec. 4123.94. All judgments obtained in any action 21472
prosecuted by the ~~administrator of worker's compensation~~ 21473
director of workforce insurance and safety or by the state under 21474

the authority of this chapter shall have the same preference 21475
against the assets of the employer as is allowed by law on 21476
judgments rendered for claims for taxes. 21477

Sec. 4123.96. No person who solicits claims or who causes 21478
claims to be solicited shall be allowed to practice, or 21479
represent parties, before the industrial commission or the 21480
~~bureau of workers' compensation~~department of workforce insurance
and safety. 21481
21482

Sec. 4125.01. As used in this chapter: 21483

(A) "Assurance organization" means an independent and 21484
qualified entity approved by the ~~administrator of workers'~~
~~compensation~~director of workforce insurance and safety to 21485
certify the qualifications of a professional employer 21486
organization or professional employer organization reporting 21487
entity. 21488
21489

(B) "Client employer" means a sole proprietor, 21490
partnership, association, limited liability company, or 21491
corporation that enters into a professional employer 21492
organization agreement and is assigned shared employees by the 21493
professional employer organization. 21494

(C) "Coemploy" means the sharing of the responsibilities 21495
and liabilities of being an employer. 21496

(D) "Professional employer organization" means a sole 21497
proprietor, partnership, association, limited liability company, 21498
or corporation that enters into an agreement with one or more 21499
client employers for the purpose of coemploying all or part of 21500
the client employer's workforce at the client employer's work 21501
site. 21502

(E) "Professional employer organization agreement" means a 21503

written contract to coemploy employees between a professional 21504
employer organization and a client employer with a duration of 21505
not less than twelve months in accordance with the requirements 21506
of this chapter. 21507

(F) "Professional employer organization reporting entity" 21508
means two or more professional employer organizations that are 21509
~~majority-owned~~majority-owned or commonly controlled by the same 21510
entity, parent, or controlling person and that satisfy reporting 21511
entity control rules as defined by the financial accounting 21512
standards board and under generally accepted accounting 21513
principles. 21514

(G) "Shared employee" means an individual intended to be 21515
assigned to a client employer on a permanent basis, not as a 21516
temporary supplement to the client employer's workforce, who is 21517
coemployed by a professional employer organization and a client 21518
employer pursuant to a professional employer organization 21519
agreement. 21520

(H) "Trade secret" has the same meaning as in section 21521
1333.61 of the Revised Code. 21522

(I) "Working capital" means the excess of current assets 21523
over current liabilities as determined by generally accepted 21524
accounting principles. 21525

Sec. 4125.02. ~~The administrator of workers' compensation~~ 21526
director of workforce insurance and safety shall adopt rules in 21527
accordance with Chapter 119. of the Revised Code to administer 21528
and enforce this chapter, including rules to administer and 21529
enforce division (B) of section 4125.03 of the Revised Code. 21530

The ~~administrator~~director may adopt rules for the 21531
acceptance of electronic filings in accordance with Chapter 21532

1306. of the Revised Code for applications, documents, reports, 21533
and other filings required by this chapter. 21534

The ~~administrator-director~~ may allow an independent 21535
assurance organization to act on behalf of a professional 21536
employer organization or professional employer organization 21537
reporting entity in complying with this chapter and any rules 21538
adopted under it. The assurance organization shall be approved 21539
by the ~~administrator-director~~ before acting on behalf of the 21540
professional employer organization or the professional employer 21541
organization reporting entity and shall abide by all standards 21542
and procedures established by the ~~administrator-director~~ for 21543
that approval. The ~~administrator-director~~ may permit a 21544
professional employer organization or professional employer 21545
organization reporting entity to authorize an assurance 21546
organization approved by the ~~administrator-director~~ to act on 21547
behalf of the professional employer organization or professional 21548
employer organization reporting entity, and the ~~administrator-~~ 21549
~~director~~ shall specify certain provisions of this chapter that 21550
may be satisfied by an assurance organization acting with that 21551
authority. The rules shall also stipulate that the use of an 21552
assurance organization by a professional employer organization 21553
to comply with this chapter is not required and is strictly 21554
voluntary. 21555

Sec. 4125.03. (A) The professional employer organization 21556
with whom a shared employee is coemployed shall do all of the 21557
following: 21558

(1) Pay wages associated with a shared employee pursuant 21559
to the terms and conditions of compensation in the professional 21560
employer organization agreement between the professional 21561
employer organization and the client employer; 21562

- (2) Pay all related payroll taxes associated with a shared employee independent of the terms and conditions contained in the professional employer organization agreement between the professional employer organization and the client employer;
- (3) Maintain workers' compensation coverage, pay all workers' compensation premiums and manage all workers' compensation claims, filings, and related procedures associated with a shared employee in compliance with Chapters 4121. and 4123. of the Revised Code, except that when shared employees include family farm officers, ordained ministers, or corporate officers of the client employer, payroll reports shall include the entire amount of payroll associated with those persons;
- (4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;
- (5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;
- (6) Maintain a record of workers' compensation claims for each client employer;
- (7) Make periodic reports, as determined by the ~~administrator of workers' compensation~~ director of workforce insurance and safety, of client employers and total workforce to the ~~administrator~~ director;
- (8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to

the ~~administrator~~director; 21592

(9) Within fourteen days after receiving notice from the 21593
~~bureau of workers' compensation~~ department of workforce 21594
insurance and safety that a refund or rebate will be applied to 21595
workers' compensation premiums, provide a copy of that notice to 21596
any client employer to whom that notice is relevant. 21597

(B) The professional employer organization with whom a 21598
shared employee is coemployed shall provide a list of all of the 21599
following information to the client employer upon the written 21600
request of the client employer: 21601

(1) All workers' compensation claims, premiums, and 21602
payroll associated with that client employer; 21603

(2) Compensation and benefits paid and reserves 21604
established for each claim listed under division (B) (1) of this 21605
section; 21606

(3) Any other information available to the professional 21607
employer organization from the ~~bureau of workers' compensation~~ 21608
department of workforce insurance and safety regarding that 21609
client employer. 21610

(C) (1) A professional employer organization shall provide 21611
the information required under division (B) of this section in 21612
writing to the requesting client employer within forty-five days 21613
after receiving a written request from the client employer. 21614

(2) For purposes of division (C) of this section, a 21615
professional employer organization has provided the required 21616
information to the client employer when the information is 21617
received by the United States postal service or when the 21618
information is personally delivered, in writing, directly to the 21619
client employer. 21620

(D) Except as provided in section 4125.08 of the Revised Code and unless otherwise agreed to in the professional employer organization agreement, the professional employer organization with whom a shared employee is coemployed has a right of direction and control over each shared employee assigned to a client employer's location. However, a client employer shall retain sufficient direction and control over a shared employee as is necessary to do any of the following:

(1) Conduct the client employer's business, including training and supervising shared employees;

(2) Ensure the quality, adequacy, and safety of the goods or services produced or sold in the client employer's business;

(3) Discharge any fiduciary responsibility that the client employer may have;

(4) Comply with any applicable licensure, regulatory, or statutory requirement of the client employer.

(E) Unless otherwise agreed to in the professional employer organization agreement, liability for acts, errors, and omissions shall be determined as follows:

(1) A professional employer organization shall not be liable for the acts, errors, and omissions of a client employer or a shared employee when those acts, errors, and omissions occur under the direction and control of the client employer.

(2) A client employer shall not be liable for the acts, errors, and omissions of a professional employer organization or a shared employee when those acts, errors, and omissions occur under the direction and control of the professional employer organization.

(F) Nothing in divisions (D) and (E) of this section shall
be construed to limit any liability or obligation specifically
agreed to in the professional employer organization agreement.

Sec. 4125.05. (A) Not later than thirty days after the
formation of a professional employer organization, a
professional employer organization operating in this state shall
register with the ~~administrator of workers' compensation~~
director of workforce insurance and safety on forms provided by
the ~~administrator~~director. Following initial registration, each
professional employer organization shall register with the
~~administrator~~director annually on or before the thirty-first
day of December. Commonly owned or controlled applicants may
register as a professional employer organization reporting
entity or register individually. Registration as a part of a
professional employer organization reporting entity shall not
disqualify an individual professional employer organization from
participating in a group-rated plan under division (A) (4) of
section 4123.29 of the Revised Code.

(B) Initial registration and each annual registration
renewal shall include all of the following:

(1) A list of each of the professional employer
organization's client employers current as of the date of
registration for purposes of initial registration or current as
of the date of annual registration renewal, or within fourteen
days of adding or releasing a client, that includes the client
employer's name, address, federal tax identification number, and
~~bureau of workers' compensation~~department of workforce
insurance and safety risk number;

(2) A fee as determined by the ~~administrator~~director;

(3) The name or names under which the professional employer organization conducts business;	21678 21679
(4) The address of the professional employer organization's principal place of business and the address of each office it maintains in this state;	21680 21681 21682
(5) The professional employer organization's taxpayer or employer identification number;	21683 21684
(6) A list of each state in which the professional employer organization has operated in the preceding five years, and the name, corresponding with each state, under which the professional employer organization operated in each state, including any alternative names, names of predecessors, and if known, successor business entities;	21685 21686 21687 21688 21689 21690
(7) The most recent financial statement prepared and audited pursuant to division (B) of section 4125.051 of the Revised Code;	21691 21692 21693
(8) If there is any deficit in the working capital required under division (A) of section 4125.051 of the Revised Code, a bond, irrevocable letter of credit, or securities with a minimum market value in an amount sufficient to cover the deficit in accordance with the requirements of that section;	21694 21695 21696 21697 21698
(9) An attestation of the accuracy of the data submissions from the chief executive officer, president, or other individual who serves as the controlling person of the professional employer organization.	21699 21700 21701 21702
(C) Upon terms and for periods that the administrator <u>director</u> considers appropriate, the administrator <u>director</u> may issue a limited registration to a professional employer organization or professional employer organization reporting	21703 21704 21705 21706

entity that provides all of the following items: 21707

(1) A properly executed request for limited registration 21708
on a form provided by the ~~administrator~~director; 21709

(2) All information and materials required for 21710
registration in divisions (B) (1) to (6) of this section; 21711

(3) Information and documentation necessary to show that 21712
the professional employer organization or professional employer 21713
organization reporting entity satisfies all of the following 21714
criteria: 21715

(a) It is domiciled outside of this state. 21716

(b) It is licensed or registered as a professional 21717
employer organization in another state. 21718

(c) It does not maintain an office in this state. 21719

(d) It does not participate in direct solicitations for 21720
client employers located or domiciled in this state. 21721

(e) It has fifty or fewer shared employees employed or 21722
domiciled in this state on any given day. 21723

(D) (1) The ~~administrator~~director, with the advice and 21724
consent of the ~~bureau of workers' compensation department of~~ 21725
workforce insurance and safety board of directors, may adopt 21726
rules in accordance with Chapter 119. of the Revised Code to 21727
require, in addition to the requirement under division (B) (8) of 21728
this section, a professional employer organization to provide 21729
security in the form of a bond or letter of credit assignable to 21730
the ~~Ohio bureau of workers' compensation department of workforce~~ 21731
insurance and safety not to exceed an amount equal to the 21732
premiums and assessments incurred for the most recent policy 21733
year, prior to any discounts or dividends, to meet the financial 21734

obligations of the professional employer organization pursuant 21735
to this chapter and Chapters 4121. and 4123. of the Revised 21736
Code. 21737

(2) A professional employer organization may appeal the 21738
amount of the security required pursuant to rules adopted under 21739
division (D) (1) of this section in accordance with section 21740
4123.291 of the Revised Code. 21741

(3) A professional employer organization shall pay 21742
premiums and assessments for purposes of Chapters 4121. and 21743
4123. of the Revised Code on a monthly basis pursuant to 21744
division (A) of section 4123.35 of the Revised Code. 21745

(E) Notwithstanding division (D) of this section, a 21746
professional employer organization that qualifies for self- 21747
insurance or retrospective rating under section 4123.29 or 21748
4123.35 of the Revised Code shall abide by the financial 21749
disclosure and security requirements pursuant to those sections 21750
and the rules adopted under those sections in place of the 21751
requirements specified in division (D) of this section or 21752
specified in rules adopted pursuant to that division. 21753

(F) Except to the extent necessary for the ~~administrator~~ 21754
director to administer the statutory duties of the ~~administrator~~ 21755
director and for employees of the state to perform their 21756
official duties, all records, reports, client lists, and other 21757
information obtained from a professional employer organization 21758
and professional employer organization reporting entity under 21759
divisions (A), (B), and (C) of this section are confidential and 21760
shall be considered trade secrets and shall not be published or 21761
open to public inspection. 21762

(G) The list described in division (B) (1) of this section 21763

shall be considered a trade secret. 21764

(H) The ~~administrator~~director shall establish the fee 21765
described in division (B) (2) of this section in an amount that 21766
does not exceed the cost of the administration of the initial 21767
and renewal registration process. 21768

(I) A financial statement required under division (B) (7) 21769
of this section for initial registration shall be the most 21770
recent financial statement of the professional employer 21771
organization or professional employer organization reporting 21772
entity of which the professional employer organization is a 21773
member and shall not be older than thirteen months. For each 21774
registration renewal, the professional employer organization 21775
shall file the required financial statement within one hundred 21776
eighty days after the end of the professional employer 21777
organization's or professional employer organization reporting 21778
entity's fiscal year. A professional employer organization may 21779
apply to the ~~administrator~~director for an extension beyond that 21780
time if the professional employer organization provides the 21781
~~administrator~~director with a letter from the professional 21782
employer organization's auditor stating the reason for delay and 21783
the anticipated completion date. 21784

(J) Multiple, unrelated professional employer 21785
organizations shall not combine together for purposes of 21786
obtaining workers' compensation coverage or for forming any type 21787
of self-insurance arrangement available under this chapter. 21788
Multiple, unrelated professional employer organization reporting 21789
entities shall not combine together for purposes of obtaining 21790
workers' compensation coverage or for forming any type of self- 21791
insurance arrangement available under this chapter. 21792

(K) The ~~administrator~~director shall maintain a list of 21793

professional employer organizations and professional employer
organization reporting entities registered under this section
that is readily available to the public by electronic or other
means.

Sec. 4125.051. (A) A professional employer organization,
or a professional employer organization reporting entity of
which the professional employer organization is a member, shall
maintain positive working capital at initial or annual
registration, as reflected in the financial statements submitted
to the ~~bureau~~department of workforce insurance and safety. If a
deficit in working capital is reflected in the financial
statements submitted to the ~~bureau~~department, the professional
employer organization or the professional employer organization
reporting entity shall do both of the following for that
registration period:

(1) Obtain a bond, irrevocable letter of credit, or
securities with a minimum market value in an amount sufficient
to cover the deficit in working capital;

(2) Submit to the ~~administrator of workers' compensation~~
director of workforce insurance and safety a quarterly financial
statement for each calendar quarter during which there is a
deficit in working capital, accompanied by an attestation of the
chief executive officer, president, or other individual who
serves as the controlling person of the professional employer
organization that all wages, taxes, workers' compensation
premiums, and employee benefits have been paid by the
professional employer organization or members of the
professional employer organization reporting entity.

The bond, letter of credit, or securities required under
division (A) (1) of this section shall be held by a depository

designated by the ~~administrator~~director and shall secure 21824
payment by the professional employer organization or 21825
professional employer organization reporting entity of all 21826
taxes, wages, benefits, or other entitlements due or otherwise 21827
pertaining to shared employees, if the professional employer 21828
organization or professional employer organization reporting 21829
entity does not make those payments when due. 21830

(B) A professional employer organization, or a 21831
professional employer organization reporting entity of which the 21832
professional employer organization is a member, shall prepare 21833
financial statements in accordance with generally accepted 21834
accounting principles and submit them for registration and 21835
registration renewal under section 4125.05 of the Revised Code. 21836

The financial statements shall be audited by an 21837
independent certified public accountant authorized to practice 21838
in the jurisdiction in which that accountant is located. 21839

(1) The resulting report of the auditor shall not include 21840
either of the following: 21841

(a) A qualification or disclaimer of opinion as to 21842
adherence to generally accepted accounting principles; 21843

(b) A statement expressing substantial doubt about the 21844
ability of the professional employer organization or 21845
professional employer organization reporting entity to continue 21846
as a going concern. 21847

(2) However, if a professional employer organization does 21848
not have at least twelve months of operating history on which to 21849
base financial statements, the financial statements shall be 21850
reviewed by a certified public accountant. 21851

(3) Notwithstanding division (B) (1) (a) of this section, if 21852

a professional employer organization or professional employer organization reporting entity is a subsidiary or is related to a variable interest entity, the professional employer organization or professional employer organization entity may submit financial statements of the professional employer organization or professional employer organization reporting entity.

(C) The ~~bureau~~ department shall deny initial or annual registration to an applicant or professional employer organization reporting entity that does not meet the requirements of this section.

(D) Professional employer organizations in a professional employer organization reporting entity may satisfy the requirements of this section on a combined or consolidated basis provided that each member of the professional employer organization reporting entity guarantees each other members' satisfaction of the requirements under division (A) of this section.

For purposes of satisfying the registration and registration renewal requirements described in division (B) (7) of section 4125.05 of the Revised Code, a professional employer organization reporting entity may submit a combined or consolidated financial statement that satisfies the requirements of this section. If the combined or consolidated financial statement includes entities that are not professional employer organizations or that are not in the professional employer organization reporting entity, the controlling entity of the professional employer organization reporting entity that is submitting the consolidated or combined financial statement shall guarantee that the professional employer organizations of the professional employer organization reporting entity have

satisfied the requirements under division (A) of this section. 21883

Sec. 4125.06. (A) In accordance with Chapter 119. of the 21884

Revised Code, the ~~administrator of the bureau of workers'~~ 21885

~~compensation~~ director of workforce insurance and safety may deny 21886

registration or revoke the registration of a professional 21887

employer organization and rescind its status as a coemployer 21888

upon a finding that the professional employer organization has 21889

done any of the following: 21890

(1) Obtained or attempted to obtain registration through 21891

misrepresentation, misstatement of a material fact, or fraud; 21892

(2) Misappropriated any funds of the client employer; 21893

(3) Used fraudulent or coercive practices to obtain or 21894

retain business or demonstrated financial irresponsibility; 21895

(4) Failed to appear, without reasonable cause or excuse, 21896

in response to a subpoena lawfully issued by the 21897

~~administrator~~ director; 21898

(5) Failed to comply with the requirements of this 21899

chapter. 21900

(B) The ~~administrator's~~ director's decision to deny or 21901

revoke a professional employer organization's registration or to 21902

rescind its status as a coemployer is stayed pending the 21903

exhaustion of all administrative appeals by the professional 21904

employer organization. 21905

The ~~administrator~~ director shall adopt rules that require 21906

that when an employer contacts the ~~bureau of workers'~~ 21907

~~compensation~~ department of workforce insurance and safety to 21908

determine whether a particular professional employer 21909

organization is registered, if the ~~administrator~~ director has 21910

denied or revoked that professional employer organization's 21911
registration or rescinded its status as a coemployer, and if all 21912
administrative appeals are not yet exhausted when the employer 21913
inquires, the appropriate ~~bureau~~ department personnel shall 21914
inform the inquiring employer of the denial, revocation, or 21915
rescission and the fact that the professional employer 21916
organization has the right to appeal the ~~administrator's~~ 21917
director's decision. 21918

(C) Upon revocation of the registration of a professional 21919
employer organization, each client employer associated with that 21920
professional employer organization shall file payroll reports 21921
and pay workers' compensation premiums directly to the 21922
~~administrator~~ director on its own behalf at a rate determined by 21923
the ~~administrator~~ director based solely on the claims experience 21924
of the client employer. 21925

(D) Upon revocation of a professional employer 21926
organization's registration, each client employer associated 21927
with that professional employer organization shall file on its 21928
own behalf the appropriate documents or data with all state and 21929
federal agencies as required by law with respect to any shared 21930
employee the client employer and the professional employer 21931
organization shared. 21932

Sec. 4125.07. (A) As used in this section, "self-insuring 21933
employer" has the same meaning as in section 4123.01 of the 21934
Revised Code. 21935

(B) Not later than thirty calendar days after the date on 21936
which a professional employer organization agreement is 21937
terminated, the professional employer organization is adjudged 21938
bankrupt, the professional employer organization ceases 21939
operations within the state of Ohio, or the registration of the 21940

professional employer organization is revoked, the professional 21941
employer organization shall submit to the ~~administrator of~~ 21942
~~workers' compensation director of workforce insurance and safety~~ 21943
and each client employer associated with that professional 21944
employer organization a completed workers' compensation lease 21945
termination notice form provided by the ~~administrator~~ director. 21946
The completed form shall include all client payroll and claim 21947
information listed in a format specified by the ~~administrator~~ 21948
director and notice of all workers' compensation claims that 21949
have been reported to the professional employer organization in 21950
accordance with its internal reporting policies. 21951

(C) (1) If a professional employer organization that is a 21952
self-insuring employer is required to submit a workers' 21953
compensation lease termination notice form under division (B) of 21954
this section, not later than thirty calendar days after the 21955
lease termination the professional employer organization shall 21956
submit all of the following to the ~~administrator~~ director for 21957
any years necessary for the ~~administrator~~ director to develop a 21958
state fund experience modification factor for each client 21959
employer involved in the lease termination: 21960

(a) The payroll of each client employer involved in the 21961
lease termination, organized by manual classification and year; 21962

(b) The medical and indemnity costs of each client 21963
employer involved in the lease termination, organized by claim; 21964

(c) Any other information the ~~administrator~~ director may 21965
require to develop a state fund experience modification factor 21966
for each client employer involved in the lease termination. 21967

(2) The ~~administrator~~ director may require a professional 21968
employer organization to submit the information required under 21969

division (C) (1) of this section at additional times after the 21970
initial submission if the ~~administrator~~director determines that 21971
the information is necessary for the ~~administrator~~director to 21972
develop a state fund experience modification factor. 21973

(3) The ~~administrator~~director may revoke or refuse to 21974
renew a professional employer organization's status as a self- 21975
insuring employer if the professional employer organization 21976
fails to provide information requested by the ~~administrator~~director 21977
director under division (C) (1) or (2) of this section. 21978

(D) The ~~administrator~~director shall use the information 21979
provided under division (C) of this section to develop a state 21980
fund experience modification factor for each client employer 21981
involved in a lease termination with a professional employer 21982
organization that is a self-insuring employer. 21983

(E) A professional employer organization shall report any 21984
transfer of employees between related professional employer 21985
organization entities or professional employer organization 21986
reporting entities to the ~~administrator~~director within fourteen 21987
calendar days after the date of the transfer on a form 21988
prescribed by the ~~administrator~~director. The professional 21989
employer organization or professional employer organization 21990
reporting entity shall include in the form all client payroll 21991
and claim information regarding the transferred employees listed 21992
in a format specified by the ~~administrator~~director and a notice 21993
of all workers' compensation claims that have been reported to 21994
the professional employer organization or professional employer 21995
organization reporting entity in accordance with the internal 21996
reporting policies of the professional employer organization or 21997
professional employer organization reporting entity. 21998

(F) Prior to entering into a professional employer 21999

organization agreement with a client employer, a professional 22000
employer organization shall disclose in writing to the client 22001
employer the reporting requirements that apply to the 22002
professional employer organization under division (C) of this 22003
section and that the ~~administrator~~director must develop a state 22004
fund experience modification factor for each client employer 22005
involved in a lease termination with a professional employer 22006
organization that is a self-insuring employer. 22007

Sec. 4127.02. The ~~administrator of workers' compensation~~ 22008
director of workforce insurance and safety may hear and 22009
determine all claims for compensation, death benefits, medical, 22010
nurse, and hospital services, medicine, and funeral expenses 22011
under this chapter. 22012

The decisions of the ~~administrator~~director in all claims 22013
for compensation, death benefits, medical, nurse, and hospital 22014
services, medicine, and funeral expenses are appealable pursuant 22015
to sections 4123.511 and 4123.512 of the Revised Code. 22016

Sec. 4127.03. Every work-relief employee who sustains an 22017
injury and the dependents of such as are killed, in the course 22018
of and arising out of employment, wheresoever such injury or 22019
death occurs, except when such injury or death is caused by 22020
willful misconduct or intent to bring about such injury or 22021
death, or when the use of intoxicating liquors or drugs is the 22022
proximate cause of such injury or death, is entitled to receive 22023
out of the public work-relief employees' compensation fund, 22024
compensation, death benefits, medical, nurse, and hospital 22025
services, medicine, and funeral expenses, for loss sustained on 22026
account of such injury or death, as is provided for by Chapter 22027
4123. of the Revised Code. 22028

Except as provided in section 4127.06 of the Revised Code, 22029

no compensation shall be paid from the work-relief employees' 22030
compensation fund for or on account of any temporary disability 22031
or partial disability; except that in the cases included in the 22032
schedule of loss of specific members or sight, set forth in 22033
section 4123.57 of the Revised Code, the disability is deemed to 22034
continue for the periods mentioned for each of such cases in 22035
that section. In cases where the injury results in the total or 22036
partial loss of use of any such member, the disability is deemed 22037
to continue for such proportion of the period fixed for the 22038
total loss of a member as the ~~administrator of workers'~~ 22039
~~compensation~~ director of workforce insurance and safety finds 22040
that the actual physical disability bears to the total loss of 22041
such members. 22042

All compensation payable under this chapter shall be paid 22043
on the basis of computation provided for in this chapter. 22044

Sec. 4127.06. During periods of temporary disability and 22045
partial disability other than that resulting from loss of a 22046
member or sight or total or partial loss of use of a member, an 22047
injured work-relief employee shall be paid directly out of the 22048
fund from which the employee was receiving relief, the amounts 22049
required to meet the budgetary needs of the employee and ~~his~~the 22050
employee's dependents, and in the manner determined by the 22051
person or agency having control over or supervision of the fund. 22052

When all of the funds for relief purposes which are 22053
available to any employer are exhausted, or when, disability as 22054
a result of the injury is continuous beyond a period of six 22055
months, the injured work-relief employee shall be compensated 22056
for temporary and partial disability out of the public work- 22057
relief employees' compensation fund by the ~~bureau of workers'~~ 22058
~~compensation~~ department of workforce insurance and safety in the 22059

same manner and amount as is provided in sections 4127.01 to 22060
4127.14 of the Revised Code for other disabilities. 22061

Sec. 4127.07. Every employer shall contribute to the 22062
public work-relief employees' compensation fund the amount of 22063
money determined by the ~~administrator of workers'~~ 22064
~~compensation~~director of workforce insurance and safety, with the 22065
advice and consent of the ~~bureau of workers' compensation~~ 22066
department of workforce insurance and safety board of directors. 22067
The contributions may be made in whole or in part out of any 22068
relief funds or any other available public funds, regardless of 22069
the manner in which the funds were raised. The officer of any 22070
employer having charge of the expenditures of funds for relief 22071
purposes, shall set aside and maintain as a special fund out of 22072
which contributions to the work-relief employees' compensation 22073
fund may be made, an amount equal to the percentage of the work- 22074
relief funds as the ~~administrator~~director determines on an 22075
actuarial basis as is reasonably necessary to cover the premium 22076
obligations of the employer. The manner of determining the 22077
contributions and classifications of employers, shall be the 22078
same as is provided in sections 4123.39 to 4123.41 and 4123.48 22079
of the Revised Code, and such sections shall apply in so far as 22080
they are applicable to the employers, but rates of premium shall 22081
be applied to insure solvency of the public work-relief 22082
employees' compensation fund at all times. 22083

The state relief commission or any other state agency 22084
having supervision or control of work-relief employees, either 22085
directly or through agencies, shall file reports and make 22086
payments of premiums out of any fund under its control or 22087
supervision, in the amount and manner, and at the time, as is 22088
determined by the ~~administrator~~director; and the furnishing of 22089
the reports and the payment of the premiums by the state agency, 22090

for work-relief employees, shall relieve the state of the 22091
obligations set forth in sections 4123.40, 4123.41, and 4123.48 22092
of the Revised Code, with respect to contributing to the public 22093
work-relief employees' compensation fund for work-relief 22094
employees. 22095

Sec. 4127.08. The ~~administrator of workers'~~ 22096
~~compensation~~director of workforce insurance and safety, under 22097
special circumstances and with the advice and consent of the 22098
~~bureau of workers' compensation~~department of workforce 22099
insurance and safety board of directors, may adjust the rate of 22100
disbursements of compensation of benefits, which shall not in 22101
any instance exceed the maximum reimbursable relief award 22102
established by the state which the claimant would have been 22103
entitled to had the claimant not been injured. 22104

Sec. 4131.01. As used in sections 4131.01 to 4131.06 of 22105
the Revised Code: 22106

(A) "Federal act" means Title IV of the "Federal Coal Mine 22107
Health and Safety Act of 1969," 83 Stat. 742, 30 U.S.C.A. 801, 22108
as now or hereafter amended. 22109

(B) "Coal-workers pneumoconiosis fund" means the fund 22110
created and administered pursuant to sections 4131.01 to 4131.06 22111
of the Revised Code and does not refer, directly or indirectly, 22112
to any fund created and administered pursuant to Chapter 4123. 22113
of the Revised Code. 22114

(C) "Premium" means payment by or on behalf of an operator 22115
of a coal mine in Ohio who is required by the federal act to 22116
secure the payment of benefits for which ~~he~~the operator is 22117
liable under that act, which payments are to be credited to the 22118
coal-workers pneumoconiosis fund and does not refer, directly or 22119

indirectly, to premiums or contributions paid or required to be 22120
paid pursuant to Chapter 4123. of the Revised Code. 22121

(D) "Subscriber" means an operator who has elected to 22122
subscribe to the coal-workers pneumoconiosis fund and whose 22123
election has been approved by the ~~bureau of workers'~~ 22124
~~compensation~~department of workforce insurance and safety. 22125

Sec. 4131.02. (A) The ~~administrator of workers'~~ 22126
~~compensation~~director of workforce insurance and safety shall 22127
have the same powers and duties of administration, collection, 22128
maintenance, investment, and disbursement of the coal-workers 22129
pneumoconiosis fund as are delegated and imposed upon ~~him~~the 22130
director pursuant to Chapters 4121. and 4123. of the Revised 22131
Code, except that the powers and duties of the ~~administrator~~ 22132
director are limited to, and exercised pursuant to those 22133
specifically authorized in sections 4131.01 to 4131.06 of the 22134
Revised Code. 22135

(B) The ~~administrator~~director shall employ the employees 22136
necessary to the discharge of its duties and responsibilities 22137
under sections 4131.01 to 4131.06 of the Revised Code. The 22138
treasurer of state shall pay the salaries and expenses of those 22139
employees from the fund created by section 4131.03 of the 22140
Revised Code upon warrants authorized and signed pursuant to 22141
section 4123.42 of the Revised Code. 22142

Sec. 4131.03. (A) For the relief of persons who are 22143
entitled to receive benefits by virtue of the federal act, there 22144
is hereby established a coal-workers pneumoconiosis fund, which 22145
shall be separate from the funds established and administered 22146
pursuant to Chapter 4123. of the Revised Code. The fund shall 22147
consist of premiums and other payments thereto by subscribers 22148
who elect to subscribe to the fund to insure the payment of 22149

benefits required by the federal act. 22150

(B) The coal-workers pneumoconiosis fund shall be in the 22151
custody of the treasurer of state. The ~~bureau of workers'~~ 22152
~~compensation~~ department of workforce insurance and safety shall 22153
make disbursements from the fund to those persons entitled to 22154
payment therefrom and in the amounts required pursuant to 22155
sections 4131.01 to 4131.06 of the Revised Code. All investment 22156
earnings of the fund shall be credited to the fund. 22157

The director of natural resources annually may request the 22158
~~administrator of workers' compensation~~ director of workforce 22159
insurance and safety to transfer a portion of the funds from the 22160
net position of the coal-workers pneumoconiosis fund to the 22161
mining regulation and safety fund created in section 1513.30 of 22162
the Revised Code for the purposes specified in that section. If 22163
the ~~administrator~~ director of workforce insurance and safety 22164
receives a request, the ~~administrator~~ director may transfer an 22165
amount not to exceed one million dollars on the first day of 22166
July or as soon as possible thereafter. 22167

The ~~administrator~~ director of workforce insurance and 22168
safety, with the advice and consent of the ~~bureau of workers'~~ 22169
~~compensation~~ department of workforce insurance and safety board 22170
of directors, shall adopt rules in accordance with Chapter 119. 22171
of the Revised Code governing the transfer to ensure the 22172
solvency of the coal-workers pneumoconiosis fund. For that 22173
purpose, the ~~administrator~~ director of workforce insurance and 22174
safety may establish tests in the rules based on measures of net 22175
assets, liabilities, expenses, interest, dividend income, or 22176
other factors that the ~~administrator~~ director of workforce 22177
insurance and safety determines appropriate that may be applied 22178
before a transfer. 22179

(C) The ~~administrator~~director of workforce insurance and safety shall have the same powers to invest any of the surplus or reserve belonging to the coal-workers pneumoconiosis fund as are delegated to the ~~administrator~~director under section 4123.44 of the Revised Code with respect to the state insurance fund. 22180
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(D) If the ~~administrator~~director of workforce insurance and safety determines that reinsurance of the risks of the coal-workers pneumoconiosis fund is necessary to assure solvency of the fund, the ~~administrator~~director may: 22186
22187
22188
22189

(1) Enter into contracts for the purchase of reinsurance coverage of the risks of the fund with any company or agency authorized by law to issue contracts of reinsurance; 22190
22191
22192

(2) Pay the cost of reinsurance from the fund; 22193

(3) Include the costs of reinsurance as a liability and estimated liability of the fund. 22194
22195

Sec. 4131.04. (A) For the purpose of sections 4131.01 to 4131.06 of the Revised Code, each subscriber shall pay premiums upon the basis and at the intervals determined by the ~~administrator of workers' compensation~~director of workforce insurance and safety, with the advice and consent of the ~~bureau of workers' compensation~~department of workforce insurance and safety board of directors. 22196
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(B) The ~~administrator~~director shall fix and maintain for each class of occupation and type of mining the lowest possible rates of premiums consistent with the maintenance of a solvent fund and the creation and maintenance of a reasonable surplus after providing for payment to maturity of all liabilities insured pursuant to the federal act. 22203
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(C) The ~~administrator~~director may adjust the rates of 22209
premium at any time. Each adjustment order shall become 22210
effective on the date prescribed by the ~~administrator~~director. 22211

(D) The ~~administrator~~director, by rule, may prescribe 22212
procedures for subscription, payroll reporting, premium payment, 22213
termination of subscription, reinstatement, and all other 22214
matters pertinent to subscriber participation in the coal- 22215
workers pneumoconiosis fund. 22216

(E) In addition to premiums required to be paid into the 22217
fund, the ~~administrator~~director, with the advice and consent of 22218
the board, shall fix and may adjust at any time an additional 22219
premium for the cost of administering the fund. The additional 22220
premium shall be paid by each subscriber as a part of the 22221
subscriber's total premium payment. 22222

Sec. 4131.05. (A) Upon receipt of an order of compensation 22223
issued pursuant to a claim for benefits under the provisions of 22224
the federal act, the ~~administrator of workers' compensation~~
director of workforce insurance and safety shall disburse from 22225
the coal-workers pneumoconiosis fund the amounts to the persons 22226
as the order directs with respect to any claims insured by a 22227
subscriber. 22228
22229

(B) No payment shall be made with respect to or from the 22230
fund in excess of the amount of the fund on hand at the time of 22231
any payment. 22232

Sec. 4131.06. (A) The collection of premiums, the 22233
administration and investment of the coal-workers pneumoconiosis 22234
fund, and the payment of benefits therefrom shall not create any 22235
liability upon the state. 22236

(B) Except for a gross abuse of discretion, the industrial 22237

commission and the individual members thereof, the ~~bureau of~~ 22238
~~workers' compensation department of workforce insurance and~~ 22239
safety board of directors and the individual members thereof, 22240
and the ~~administrator of workers' compensation director of~~ 22241
workforce insurance and safety shall not incur any obligation or 22242
liability respecting the collection of premiums, the 22243
administration or investment of the fund, or the payment of 22244
benefits therefrom. 22245

Sec. 4131.11. As used in sections 4131.11 to 4131.16 of 22246
the Revised Code: 22247

(A) "Federal act" means the "Longshoremen's and Harbor 22248
Workers' Compensation Act Amendments of 1972," 86 Stat. 1251, 33 22249
U.S.C.A. 901. 22250

(B) "Marine industry fund" means the fund created and 22251
administered pursuant to sections 4131.11 to 4131.16 of the 22252
Revised Code and does not refer, directly or indirectly, to any 22253
fund created and administered pursuant to Chapter 4123. of the 22254
Revised Code. 22255

(C) "Premium" means payment to the marine industry fund by 22256
or on behalf of a marine industry employer to secure the payment 22257
of benefits under the federal act. "Premium" does not refer 22258
directly or indirectly, to premiums or contributions paid or 22259
required to be paid pursuant to Chapter 4123. of the Revised 22260
Code. 22261

(D) "Subscriber" means any marine industry employer whose 22262
application to subscribe to the marine industry fund has been 22263
approved by the ~~bureau of workers' compensation~~department of 22264
workforce insurance and safety. 22265

(E) "Marine industry employer" means any person who is 22266

required by the federal act to secure the payment of benefits 22267
for which ~~he~~the person is liable under that act. 22268

Sec. 4131.12. (A) The ~~administrator of workers' compensation~~director of workforce insurance and safety shall 22269
have the same powers and duties of administration, collection, 22270
maintenance, investment, and disbursement of the marine industry 22271
fund as are delegated and imposed upon ~~him~~the director pursuant 22272
to Chapters 4121. and 4123. of the Revised Code, except that the 22273
powers and duties of the ~~administrator~~director shall be limited 22274
to, and exercised pursuant to those specifically authorized in 22275
sections 4131.11 to 4131.16 of the Revised Code. 22276
22277

(B) The ~~administrator~~director shall employ the employees 22278
necessary to the discharge of ~~his~~the director's duties and 22279
responsibilities under sections 4131.11 to 4131.16 of the 22280
Revised Code. The treasurer of state shall pay the salaries and 22281
expenses of those employees from the fund created by section 22282
4131.13 of the Revised Code upon warrants authorized and signed 22283
as described in section 4123.42 of the Revised Code. 22284

Sec. 4131.13. (A) For the relief of persons who are 22285
entitled to receive benefits by virtue of the federal act, there 22286
is hereby established a marine industry fund, which shall be 22287
separate from the funds established and administered pursuant to 22288
Chapter 4123. of the Revised Code. The marine industry fund 22289
shall consist of premiums and other payments thereto by marine 22290
industry employers who apply to the ~~bureau of workers' compensation~~department of workforce insurance and safety for 22291
permission to subscribe to the fund to insure the payment of 22292
benefits required by the federal act. 22293
22294

By rule, the ~~administrator of workers' compensation~~director of workforce insurance and safety shall establish 22295
22296

criteria for the acceptance or rejection of applications by 22297
marine industry employers who apply to subscribe to the fund. 22298

(B) The marine industry fund shall be in the custody of 22299
the treasurer of state. The ~~bureau-department~~ shall make 22300
disbursements from the fund to those persons entitled to payment 22301
therefrom and in the amounts required pursuant to the federal 22302
act. The auditor of state annually shall complete a fiscal audit 22303
of the fund. All investment earnings of the fund shall be 22304
credited to the fund. 22305

(C) The ~~administrator-director~~ shall have the same powers 22306
to invest any of the surplus or reserve belonging to the marine 22307
industry fund as are delegated to ~~him~~ the director under section 22308
4123.44 of the Revised Code with respect to the state insurance 22309
fund. 22310

(D) If the ~~bureau of workers' compensation department of~~ 22311
workforce insurance and safety board of directors determines 22312
that reinsurance of the risks of the marine industry fund is 22313
necessary to assure solvency of the fund, the board may: 22314

(1) Enter into contracts for the purchase of reinsurance 22315
coverage of the risks of the fund with any company or agency 22316
authorized by law to issue contracts of reinsurance; 22317

(2) Require the ~~administrator-director~~ to pay the cost of 22318
reinsurance from the fund; 22319

(3) Include the costs of reinsurance as a liability and 22320
estimated liability of the fund. 22321

(E) For the purpose of maintaining the solvency of the 22322
marine industry fund, the ~~administrator-director~~ may borrow 22323
money from the state insurance fund as is necessary. Money 22324
borrowed from the state insurance fund shall be repaid from the 22325

marine industry fund together with an appropriate interest rate 22326
not to exceed the average yield of fixed income investments of 22327
the state insurance fund for the six-month period ended on the 22328
last day of the month preceding the month in which the money is 22329
borrowed. Loans made pursuant to this division are a proper 22330
investment of the surplus or reserve of the state insurance 22331
fund. 22332

(F) In no event shall any of the assets of any of the 22333
funds created and administered pursuant to Chapter 4123. of the 22334
Revised Code be disbursed in payment of any cost or obligation 22335
of or insured by the marine industry fund. This division shall 22336
not be construed to prohibit as a proper investment loans made 22337
from the state insurance fund to the marine industry fund 22338
pursuant to division (E) of this section. 22339

Sec. 4131.14. (A) For the purpose of sections 4131.11 to 22340
4131.16 of the Revised Code, each subscriber shall pay premiums 22341
upon the basis and at the intervals determined by the 22342
~~administrator of workers' compensation~~director of workforce 22343
insurance and safety, with the advice and consent of the ~~bureau~~ 22344
~~of workers' compensation~~department of workforce insurance and 22345
safety board of directors. 22346

(B) The ~~administrator~~director shall fix and maintain for 22347
each class of occupation and type of business the lowest 22348
possible rates of premiums consistent with the maintenance of a 22349
solvent fund and the creation and maintenance of a reasonable 22350
surplus after providing for payment to maturity of all 22351
liabilities insured pursuant to the federal act. The 22352
~~administrator~~director, by rule, may provide for merit rating of 22353
subscribers. 22354

(C) The ~~administrator~~director, with the advice and consent 22355

of the board, may adjust the rates of premium at any time. Each 22356
adjustment order is effective on the date prescribed by the 22357
~~administrator~~director. 22358

(D) The ~~administrator~~director, by rule adopted pursuant to 22359
Chapter 119. of the Revised Code, may prescribe procedures for 22360
subscription, payroll reporting, premium payment, payment of an 22361
advance security deposit by subscribers to secure payments of 22362
premiums when due, termination of subscription, reinstatement, 22363
and all other matters pertinent to subscriber participation in 22364
the marine industry fund. 22365

(E) In addition to premiums required to be paid into the 22366
fund, the ~~administrator~~director, with the advice and consent of 22367
the board, shall fix and may adjust at any time an additional 22368
premium for the cost of administering the fund. The additional 22369
premium shall be paid by each subscriber as a part of the 22370
subscriber's total premium payment. 22371

Sec. 4131.15. (A) Upon receipt of an order of compensation 22372
issued pursuant to a claim for benefits under the federal act, 22373
the ~~bureau of workers' compensation~~department of workforce 22374
insurance and safety shall disburse from the marine industry 22375
fund the amounts to the persons as said order directs with 22376
respect to any claims insured by the marine industry fund. 22377

(B) The ~~bureau~~department shall disburse from the marine 22378
industry fund amounts necessary to pay the costs of any 22379
additional requirements of the federal act. 22380

Sec. 4131.16. (A) The collection of premiums, the 22381
administration and investment of the marine industry fund, and 22382
the payment of benefits therefrom shall not create any liability 22383
upon the state. 22384

(B) Except for a gross abuse of discretion, the industrial 22385
commission and the individual members thereof, the ~~bureau of~~ 22386
~~workers' compensation department of workforce insurance and~~ 22387
safety board of directors and the individual members thereof, 22388
and the ~~administrator of workers' compensation director of~~ 22389
workforce insurance and safety shall not incur any obligation or 22390
liability respecting the collection of premiums, the 22391
administration or investment of the fund, or the payment of 22392
benefits therefrom. 22393

Sec. 4133.02. The ~~administrator of workers' compensation~~ 22394
director of workforce insurance and safety shall adopt rules in 22395
accordance with Chapter 119. of the Revised Code to administer 22396
and enforce this chapter, including rules to administer and 22397
enforce division (E) of section 4133.03 of the Revised Code. 22398

The ~~administrator director~~ may adopt rules for the 22399
acceptance of electronic filings in accordance with Chapter 22400
1306. of the Revised Code for applications, documents, reports, 22401
and other filings required by this chapter. 22402

Sec. 4133.03. (A) The alternate employer organization with 22403
whom a worksite employee is employed shall do all of the 22404
following: 22405

(1) Process and pay all wages and applicable state and 22406
federal payroll taxes associated with the worksite employee, 22407
irrespective of payments made by the client employer, pursuant 22408
to the terms and conditions of compensation in the alternate 22409
employer organization agreement between the alternate employer 22410
organization and the client employer; 22411

(2) Pay all related payroll taxes associated with a 22412
worksite employee independent of the terms and conditions 22413

contained in the alternate employer organization agreement 22414
between the alternate employer organization and the client 22415
employer; 22416

(3) Maintain workers' compensation coverage, pay all 22417
workers' compensation premiums, and manage all workers' 22418
compensation claims, filings, and related procedures associated 22419
with a worksite employee in compliance with Chapters 4121. and 22420
4123. of the Revised Code, except that when worksite employees 22421
include family farm officers, ordained ministers, or corporate 22422
officers of the client employer, payroll reports shall include 22423
the entire amount of payroll associated with those persons; 22424

(4) Annually provide written notice to each worksite 22425
employee it assigns to perform services to a client employer of 22426
the relationship between and the responsibilities of the 22427
alternate employer organization and the client employer; 22428

(5) Maintain complete records separately listing the 22429
manual classifications of each client employer and the payroll 22430
reported to each manual classification for each client employer 22431
for each payroll reporting period during the time period covered 22432
in the alternate employer organization agreement; 22433

(6) Maintain a record of workers' compensation claims for 22434
each client employer; 22435

(7) Make periodic reports, as determined by the 22436
~~administrator of workers' compensation~~director of workforce 22437
insurance and safety, of client employers and total workforce to 22438
the ~~administrator~~director; 22439

(8) Report individual client employer payroll, claims, and 22440
classification data under a separate and unique subaccount to 22441
the ~~administrator~~director; 22442

(9) Within fourteen days after receiving notice from the 22443
~~bureau of workers' compensation department of workforce~~ 22444
insurance and safety that a refund or rebate will be applied to 22445
workers' compensation premiums, provide a copy of that notice to 22446
any client employer to whom that notice is relevant; 22447

(10) Annually certify to the ~~administrator~~director that 22448
all client employer federal payroll taxes have been timely and 22449
appropriately paid, and on request of the ~~administrator~~director, 22450
provide proof of payment. 22451

(B) In any alternate employer organization agreement 22452
between an alternate employer organization and a client 22453
employer, the client employer shall be listed as the employer on 22454
the W-2 forms of the worksite employees, but the alternate 22455
employer organization remains jointly and severally liable for 22456
all applicable local, state, and federal withholding and 22457
employer-paid taxes with respect to the worksite employees. 22458

(C) An alternate employer organization shall file federal 22459
payroll taxes entirely under the tax identification number of 22460
the client employer, but shall remain jointly and severally 22461
liable for all wages and payroll taxes associated with worksite 22462
employees. In addition, if any of the alternate employer 22463
organization's clients fail to transmit payment to the alternate 22464
employer organization sufficient to cover payment of all wages 22465
and employer-paid taxes, the alternate employer organization 22466
shall keep a record of the nonpayment or underpayment and a 22467
record that the alternate employer organization nonetheless paid 22468
the wages and taxes owed. 22469

(D) An alternate employer organization may not provide 22470
partial or split workers' compensation coverage for worksite 22471
employees in which the client employer provides that coverage 22472

for some, but not all, of the client employer's worksite employees. On entering into an alternate employer organization agreement, all worksite employees shall be covered under the workers' compensation policy of the alternate employer organization.

(E) The alternate employer organization with whom a worksite employee is employed shall provide a list of all of the following information to the client employer on the written request of the client employer:

(1) All workers' compensation claims, premiums, and payroll associated with that client employer;

(2) Compensation and benefits paid and reserves established for each claim listed under division (E)(1) of this section;

(3) Any other information available to the alternate employer organization from the ~~bureau of workers' compensation~~ department of workforce insurance and safety regarding that client employer.

(F)(1) An alternate employer organization shall provide the information required under division (E) of this section in writing to the requesting client employer within forty-five days after receiving a written request from the client employer.

(2) For purposes of division (F) of this section, an alternate employer organization has provided the required information to the client employer when the information is received by the United States postal service or when the information is personally delivered, in writing, directly to the client employer.

(G) Except as provided in section 4133.11 of the Revised

Code and unless otherwise agreed to in the alternate employer organization agreement, the alternate employer organization with whom a worksite employee is employed has a right of direction and control over each worksite employee assigned to a client employer's location. However, a client employer shall retain sufficient direction and control over a worksite employee as is necessary to do any of the following:

(1) Conduct the client employer's business, including training and supervising worksite employees;

(2) Ensure the quality, adequacy, and safety of the goods or services produced or sold in the client employer's business;

(3) Discharge any fiduciary responsibility that the client employer may have;

(4) Comply with any applicable licensure, regulatory, or statutory requirement of the client employer.

(H) Unless otherwise agreed to in the alternate employer organization agreement, liability for acts, errors, and omissions shall be determined as follows:

(1) An alternate employer organization shall not be liable for the acts, errors, and omissions of a client employer or a worksite employee when those acts, errors, and omissions occur under the direction and control of the client employer.

(2) A client employer shall not be liable for the acts, errors, and omissions of an alternate employer organization or a worksite employee when those acts, errors, and omissions occur under the direction and control of the alternate employer organization.

(I) Nothing in divisions (G) and (H) of this section shall

be construed to limit any liability or obligation specifically 22530
agreed to in the alternate employer organization agreement. 22531

(J) An alternate employer organization is not, and shall 22532
not be considered, a professional employer organization, as 22533
defined in section 4125.01 of the Revised Code. Beginning on and 22534
after January 1, 2022, an alternate employer organization may 22535
not hold itself out, advertise, or otherwise identify itself in 22536
any way as a professional employer organization. 22537

(K) In an alternate employer organization agreement, both 22538
the client employer and alternate employer organization are 22539
jointly and severally liable for the payment of employee wages 22540
and taxes. The alternate employer organization and client 22541
employer share in the employer responsibilities and liabilities 22542
with respect to a worksite employee, pursuant to the alternate 22543
employer organization agreement. 22544

(L) The use of a client employer's tax identification 22545
number for federal payroll tax purposes as required under 22546
division (C) of this section shall not be construed to absolve 22547
the alternate employer organization of any responsibilities or 22548
liabilities applicable to an alternate employer organization, 22549
including those under federal law. 22550

Sec. 4133.07. (A) Not later than thirty days after its 22551
formation, an alternate employer organization operating in this 22552
state shall register with the ~~administrator of workers'~~ 22553
~~compensation~~ director of workforce insurance and safety on forms 22554
provided by the ~~administrator~~ director. Following initial 22555
registration, each alternate employer organization shall 22556
register with the ~~administrator~~ director annually on or before 22557
the thirty-first day of December. 22558

(B) Initial registration and each annual registration renewal shall include all of the following:	22559 22560
(1) A list of each of the alternate employer organization's client employers current as of the date of registration for purposes of initial registration or current as of the date of annual registration renewal, or within fourteen days of adding or releasing a client, that includes the client employer's name, address, federal tax identification number, and <u>bureau of workers' compensation department of workforce insurance and safety risk number;</u>	22561 22562 22563 22564 22565 22566 22567 22568
(2) A fee as determined by the administrator <u>director</u> ;	22569
(3) The name or names under which the alternate employer organization conducts business;	22570 22571
(4) The address of the alternate employer organization's principal place of business and the address of each office it maintains in this state;	22572 22573 22574
(5) The alternate employer organization's taxpayer or employer identification number;	22575 22576
(6) A list of each state in which the alternate employer organization has operated in the preceding five years, and the name, corresponding with each state, under which the alternate employer organization operated in each state, including any alternative names, names of predecessors, and if known, successor business entities;	22577 22578 22579 22580 22581 22582
(7) The most recent financial statement prepared and audited pursuant to division (B) of section 4133.08 of the Revised Code;	22583 22584 22585
(8) A letter of credit in accordance with division (D) (1)	22586

of this section; 22587

(9) An attestation of the accuracy of the data submissions 22588
from the chief executive officer, president, or other individual 22589
who serves as the controlling person of the alternate employer 22590
organization. 22591

(C) Upon terms and for periods that the ~~administrator~~ 22592
director considers appropriate, the ~~administrator~~ director may 22593
issue a limited registration to an alternate employer 22594
organization that provides all of the following items: 22595

(1) A properly executed request for limited registration 22596
on a form provided by the ~~administrator~~ director; 22597

(2) All information and materials required for 22598
registration in divisions (B) (1) to (6) of this section; 22599

(3) Information and documentation necessary to show that 22600
the alternate employer organization satisfies all of the 22601
following criteria: 22602

(a) It is domiciled outside of this state. 22603

(b) It is licensed or registered as an alternate employer 22604
organization in another state. 22605

(c) It does not maintain an office in this state. 22606

(d) It does not participate in direct solicitations for 22607
client employers located or domiciled in this state. 22608

(e) It has fifty or fewer worksite employees employed or 22609
domiciled in this state on any given day. 22610

(D) (1) An alternate employer organization shall provide 22611
security in the form of a letter of credit assignable to the 22612
Ohio ~~bureau of workers' compensation~~ department of workforce 22613

insurance and safety in an amount necessary to meet the 22614
financial obligations of the alternate employer organization 22615
pursuant to this chapter and Chapters 4121. and 4123. of the 22616
Revised Code. The ~~administrator~~ director shall determine the 22617
amount of the letter of credit required under this division for 22618
each registrant, which shall be at least one million dollars. 22619

(2) An alternate employer organization may appeal the 22620
amount of the security required pursuant to rules adopted under 22621
division (D) (1) of this section in accordance with section 22622
4123.291 of the Revised Code. 22623

(3) An alternate employer organization shall pay premiums 22624
and assessments for purposes of Chapters 4121. and 4123. of the 22625
Revised Code on a monthly basis pursuant to division (A) of 22626
section 4123.35 of the Revised Code. 22627

(E) Notwithstanding division (D) of this section, an 22628
alternate employer organization that qualifies for self- 22629
insurance or retrospective rating under section 4123.29 or 22630
4123.35 of the Revised Code shall abide by the financial 22631
disclosure and security requirements pursuant to those sections 22632
and the rules adopted under those sections in place of the 22633
requirements specified in division (D) of this section or 22634
specified in rules adopted pursuant to that division. 22635

(F) Except to the extent necessary for the ~~administrator~~ 22636
director to administer the statutory duties of the ~~administrator~~ 22637
director and for employees of the state to perform their 22638
official duties, all records, reports, client lists, and other 22639
information obtained from an alternate employer organization 22640
under divisions (A), (B), and (C) of this section are 22641
confidential and shall be considered trade secrets and shall not 22642
be published or open to public inspection. 22643

(G) The list described in division (B) (1) of this section shall be considered a trade secret. 22644
22645

(H) The ~~administrator~~director shall establish the fee described in division (B) (2) of this section in an amount that does not exceed the cost of the administration of the initial and renewal registration process. 22646
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(I) A financial statement required under division (B) (7) of this section for initial registration shall be the most recent financial statement of the alternate employer organization and shall not be older than thirteen months. For each registration renewal, the alternate employer organization shall file the required financial statement within one hundred eighty days after the end of the alternate employer organization's entity's fiscal year. An alternate employer organization may apply to the ~~administrator~~director for an extension beyond that time if the alternate employer organization provides the ~~administrator~~director with a letter from the alternate employer organization's auditor stating the reason for delay and the anticipated completion date. 22650
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(J) Multiple, unrelated alternate employer organizations shall not combine together for purposes of obtaining workers' compensation coverage or for forming any type of self-insurance arrangement available under this chapter. 22663
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(K) An alternate employer organization may not own or co-own an affiliated professional employer organization or alternate employer organization. 22667
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22669

(L) The ~~administrator~~director shall maintain a list of alternate employer organizations registered under this section that is readily available to the public by electronic or other 22670
22671
22672

means. 22673

(M) (1) An alternate employer organization may assist a 22674
client employer in procuring a health benefit plan as a broker 22675
or otherwise, but shall not act as the employer or sponsor of a 22676
health benefit plan. 22677

(2) As used in this division: 22678

(a) "Health benefit plan" means a policy, contract, 22679
certificate, agreement, or other program offered to provide, 22680
deliver, arrange for, pay for, or reimburse any of the costs of 22681
health care services, including benefit plans marketed in the 22682
individual or group market by all associations, whether bona 22683
fide or non-bona fide. "Health benefit plan" also means a 22684
limited benefit plan. 22685

(b) "Health care services" has the same meaning as in 22686
section 3922.01 of the Revised Code. 22687

Sec. 4133.08. (A) An alternate employer organization shall 22688
maintain positive working capital at initial or annual 22689
registration, as reflected in the financial statements submitted 22690
to the ~~bureau of workers' compensation~~department of workforce 22691
insurance and safety. If a deficit in working capital is 22692
reflected in the financial statements submitted to the 22693
~~bureau~~department, the alternate employer organization shall 22694
submit to the ~~administrator of workers' compensation~~director of 22695
workforce insurance and safety a quarterly financial statement 22696
for each calendar quarter during which there is a deficit in 22697
working capital, accompanied by an attestation of the chief 22698
executive officer, president, or other individual who serves as 22699
the controlling person of the alternate employer organization 22700
that all wages, taxes, workers' compensation premiums, and 22701

employee benefits have been paid by the alternate employer 22702
organization. The letter of credit required under division (D) 22703
(1) of section 4133.07 of the Revised Code shall be held by a 22704
depository designated by the ~~administrator~~ director and shall 22705
secure payment by the alternate employer organization of all 22706
taxes, wages, benefits, or other entitlements due or otherwise 22707
pertaining to worksite employees, if the alternate employer 22708
organization does not make those payments when due. 22709

(B) An alternate employer organization shall prepare 22710
financial statements in accordance with generally accepted 22711
accounting principles and submit them for registration and 22712
registration renewal under section 4133.07 of the Revised Code. 22713
The financial statements shall be audited by an independent 22714
alternate public accountant authorized to practice in the 22715
jurisdiction in which that accountant is located. 22716

(1) The resulting report of the auditor shall not include 22717
either of the following: 22718

(a) A qualification or disclaimer of opinion as to 22719
adherence to generally accepted accounting principles; 22720

(b) A statement expressing substantial doubt about the 22721
ability of the alternate employer organization to continue as a 22722
going concern. 22723

(2) However, if an alternate employer organization does 22724
not have at least twelve months of operating history on which to 22725
base financial statements, the financial statements shall be 22726
reviewed by a certified public accountant. 22727

(3) Notwithstanding division (B) (1) (a) of this section, if 22728
an alternate employer organization is a subsidiary or is related 22729
to a variable interest entity, the alternate employer 22730

organization or alternate employer organization entity may 22731
submit financial statements of the alternate employer 22732
organization. 22733

(C) The ~~bureau~~department shall deny initial or annual 22734
registration to an applicant that does not meet the requirements 22735
of this section. 22736

Sec. 4133.09. (A) In accordance with Chapter 119. of the 22737
Revised Code, the ~~administrator of the bureau of workers'~~ 22738
~~compensation~~director of workforce insurance and safety may deny 22739
registration or revoke the registration of an alternate employer 22740
organization and rescind its status as an employer upon a 22741
finding that the alternate employer organization has done any of 22742
the following: 22743

(1) Obtained or attempted to obtain registration through 22744
misrepresentation, misstatement of a material fact, or fraud; 22745

(2) Misappropriated any funds of the client employer; 22746

(3) Used fraudulent or coercive practices to obtain or 22747
retain business or demonstrated financial irresponsibility; 22748

(4) Failed to appear, without reasonable cause or excuse, 22749
in response to a subpoena lawfully issued by the 22750
~~administrator~~director; 22751

(5) Failed to comply with the requirements of this 22752
chapter. 22753

(B) The ~~administrator's~~director's decision to deny or 22754
revoke an alternate employer organization's registration or to 22755
rescind its status as an employer is stayed pending the 22756
exhaustion of all administrative appeals by the alternate 22757
employer organization. 22758

The ~~administrator-director~~ shall adopt rules that require 22759
that when an employer contacts the ~~bureau of workers'~~ 22760
~~compensation department of workforce insurance and safety~~ to 22761
determine whether a particular alternate employer organization 22762
is registered, if the ~~administrator-director~~ has denied or 22763
revoked that alternate employer organization's registration or 22764
rescinded its status as an employer, and if all administrative 22765
appeals are not yet exhausted when the employer inquires, the 22766
appropriate ~~bureau-department~~ personnel shall inform the 22767
inquiring employer of the denial, revocation, or rescission and 22768
the fact that the alternate employer organization has the right 22769
to appeal the ~~administrator's-director's~~ decision. 22770

(C) Upon revocation of the registration of an alternate 22771
employer organization, each client employer associated with that 22772
alternate employer organization shall file payroll reports and 22773
pay workers' compensation premiums directly to the ~~administrator-~~ 22774
~~director~~ on its own behalf at a rate determined by the 22775
~~administrator-director~~ based solely on the claims experience of 22776
the client employer. 22777

(D) Upon revocation of an alternate employer 22778
organization's registration, each client employer associated 22779
with that alternate employer organization shall file on its own 22780
behalf the appropriate documents or data with all state and 22781
federal agencies as required by law with respect to any worksite 22782
employee the client employer and the alternate employer 22783
organization shared. 22784

Sec. 4133.10. (A) As used in this section, "self-insuring 22785
employer" has the same meaning as in section 4123.01 of the 22786
Revised Code. 22787

(B) Not later than thirty calendar days after the date on 22788

which an alternate employer organization agreement is 22789
terminated, the alternate employer organization is adjudged 22790
bankrupt, the alternate employer organization ceases operations 22791
within the state of Ohio, or the registration of the alternate 22792
employer organization is revoked, the alternate employer 22793
organization shall submit to the ~~administrator of workers'~~ 22794
~~compensation~~ director of workforce insurance and safety and each 22795
client employer associated with that alternate employer 22796
organization a completed workers' compensation lease termination 22797
notice form provided by the ~~administrator~~ director. The completed 22798
form shall include all client payroll and claim information 22799
listed in a format specified by the ~~administrator~~ director and 22800
notice of all workers' compensation claims that have been 22801
reported to the alternate employer organization in accordance 22802
with its internal reporting policies. 22803

(C) (1) If a alternate employer organization that is a 22804
self-insuring employer is required to submit a workers' 22805
compensation lease termination notice form under division (B) of 22806
this section, not later than thirty calendar days after the 22807
lease termination the alternate employer organization shall 22808
submit all of the following to the ~~administrator~~ director for 22809
any years necessary for the ~~administrator~~ director to develop a 22810
state fund experience modification factor for each client 22811
employer involved in the lease termination: 22812

(a) The payroll of each client employer involved in the 22813
lease termination, organized by manual classification and year; 22814

(b) The medical and indemnity costs of each client 22815
employer involved in the lease termination, organized by claim; 22816

(c) Any other information the ~~administrator~~ director may 22817
require to develop a state fund experience modification factor 22818

for each client employer involved in the lease termination. 22819

(2) The ~~administrator~~director may require an alternate 22820
employer organization to submit the information required under 22821
division (C) (1) of this section at additional times after the 22822
initial submission if the ~~administrator~~director determines that 22823
the information is necessary for the ~~administrator~~director to 22824
develop a state fund experience modification factor. 22825

(3) The ~~administrator~~director may revoke or refuse to 22826
renew an alternate employer organization's status as a self- 22827
insuring employer if the alternate employer organization fails 22828
to provide information requested by the ~~administrator~~director 22829
under division (C) (1) or (2) of this section. 22830

(D) The ~~administrator~~director shall use the information 22831
provided under division (C) of this section to develop a state 22832
fund experience modification factor for each client employer 22833
involved in a lease termination with an alternate employer 22834
organization that is a self-insuring employer. 22835

(E) An alternate employer organization shall report any 22836
transfer of employees between related alternate employer 22837
organization entities to the ~~administrator~~director within 22838
fourteen calendar days after the date of the transfer on a form 22839
prescribed by the ~~administrator~~director. The alternate employer 22840
organization shall include in the form all client payroll and 22841
claim information regarding the transferred employees listed in 22842
a format specified by the ~~administrator~~director and a notice of 22843
all workers' compensation claims that have been reported to the 22844
alternate employer organization in accordance with the internal 22845
reporting policies of the alternate employer organization. 22846

(F) Prior to entering into an alternate employer 22847

organization agreement with a client employer, an alternate 22848
employer organization shall disclose in writing to the client 22849
employer the reporting requirements that apply to the alternate 22850
employer organization under division (C) of this section and 22851
that the ~~administrator~~ director must develop a state fund 22852
experience modification factor for each client employer involved 22853
in a lease termination with an alternate employer organization 22854
that is a self-insuring employer. 22855

Sec. 4141.43. (A) The director of job and family services 22856
may cooperate with the industrial commission, the ~~bureau of~~ 22857
~~workers' compensation~~ department of workforce insurance and 22858
safety, the United States internal revenue service, the United 22859
States employment service, and other similar departments and 22860
agencies, as determined by the director, in the exchange or 22861
disclosure of information as to wages, employment, payrolls, 22862
unemployment, and other information. The director may employ, 22863
jointly with one or more of such agencies or departments, 22864
auditors, examiners, inspectors, and other employees necessary 22865
for the administration of this chapter and employment and 22866
training services for workers in the state. 22867

(B) The director may make the state's record relating to 22868
the administration of this chapter available to the railroad 22869
retirement board and may furnish the board at the board's 22870
expense such copies thereof as the board deems necessary for its 22871
purposes. 22872

(C) The director may afford reasonable cooperation with 22873
every agency of the United States charged with the 22874
administration of any unemployment compensation law. 22875

(D) The director may enter into arrangements with the 22876
appropriate agencies of other states or of the United States or 22877

Canada whereby individuals performing services in this and other 22878
states for a single employer under circumstances not 22879
specifically provided for in division (B) of section 4141.01 of 22880
the Revised Code or in similar provisions in the unemployment 22881
compensation laws of such other states shall be deemed to be 22882
engaged in employment performed entirely within this state or 22883
within one of such other states or within Canada, and whereby 22884
potential rights to benefits accumulated under the unemployment 22885
compensation laws of several states or under such a law of the 22886
United States, or both, or of Canada may constitute the basis 22887
for the payment of benefits through a single appropriate agency 22888
under terms that the director finds will be fair and reasonable 22889
as to all affected interests and will not result in any 22890
substantial loss to the unemployment compensation fund. 22891

(E) The director may enter into agreements with the 22892
appropriate agencies of other states or of the United States or 22893
Canada: 22894

(1) Whereby services or wages upon the basis of which an 22895
individual may become entitled to benefits under the 22896
unemployment compensation law of another state or of the United 22897
States or Canada shall be deemed to be employment or wages for 22898
employment by employers for the purposes of qualifying claimants 22899
for benefits under this chapter, and the director may estimate 22900
the number of weeks of employment represented by the wages 22901
reported to the director for such claimants by such other 22902
agency, provided such other state agency or agency of the United 22903
States or Canada has agreed to reimburse the unemployment 22904
compensation fund for such portion of benefits paid under this 22905
chapter upon the basis of such services or wages as the director 22906
finds will be fair and reasonable as to all affected interests; 22907

(2) Whereby the director will reimburse other state or 22908
federal or Canadian agencies charged with the administration of 22909
unemployment compensation laws with such reasonable portion of 22910
benefits, paid under the law of such other states or of the 22911
United States or of Canada upon the basis of employment or wages 22912
for employment by employers, as the director finds will be fair 22913
and reasonable as to all affected interests. Reimbursements so 22914
payable shall be deemed to be benefits for the purpose of 22915
section 4141.09 and division (A) of section 4141.30 of the 22916
Revised Code. However, no reimbursement so payable shall be 22917
charged against any employer's account for the purposes of 22918
section 4141.24 of the Revised Code if the employer's account, 22919
under the same or similar circumstances, with respect to 22920
benefits charged under the provisions of this chapter, other 22921
than this section, would not be charged or, if the claimant at 22922
the time the claimant files the combined wage claim cannot 22923
establish benefit rights under this chapter. This noncharging 22924
shall not be applicable to a nonprofit organization that has 22925
elected to make payments in lieu of contributions under section 22926
4141.241 of the Revised Code, except as provided in division (D) 22927
(2) of section 4141.24 of the Revised Code. The director may 22928
make to other state or federal or Canadian agencies and receive 22929
from such other state or federal or Canadian agencies 22930
reimbursements from or to the unemployment compensation fund, in 22931
accordance with arrangements pursuant to this section. 22932

(3) Notwithstanding division (B) (2) (f) of section 4141.01 22933
of the Revised Code, the director may enter into agreements with 22934
other states whereby services performed for a crew leader, as 22935
defined in division (BB) of section 4141.01 of the Revised Code, 22936
may be covered in the state in which the crew leader either: 22937

(a) Has the crew leader's place of business or from which 22938

the crew leader's business is operated or controlled; 22939

(b) Resides if the crew leader has no place of business in 22940
any state. 22941

(F) The director may apply for an advance to the 22942
unemployment compensation fund and do all things necessary or 22943
required to obtain such advance and arrange for the repayment of 22944
such advance in accordance with Title XII of the "Social 22945
Security Act" as amended. 22946

(G) The director may enter into reciprocal agreements or 22947
arrangements with the appropriate agencies of other states in 22948
regard to services on vessels engaged in interstate or foreign 22949
commerce whereby such services for a single employer, wherever 22950
performed, shall be deemed performed within this state or within 22951
such other states. 22952

(H) The director shall participate in any arrangements for 22953
the payment of compensation on the basis of combining an 22954
individual's wages and employment, covered under this chapter, 22955
with the individual's wages and employment covered under the 22956
unemployment compensation laws of other states which are 22957
approved by the United States secretary of labor in consultation 22958
with the state unemployment compensation agencies as reasonably 22959
calculated to assure the prompt and full payment of compensation 22960
in such situations and which include provisions for: 22961

(1) Applying the base period of a single state law to a 22962
claim involving the combining of an individual's wages and 22963
employment covered under two or more state unemployment 22964
compensation laws, and 22965

(2) Avoiding the duplicate use of wages and employment by 22966
reason of such combining. 22967

(I) The director shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the "Social Security Act" that relate to unemployment compensation, the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the "Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et seq.

(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for the purpose of verifying an individual's income under a written agreement that requires all of the following:

(1) A written statement of informed consent from the individual whose information is to be disclosed;

(2) A written statement confirming that the consumer reporting agency and any other entity to which the information is disclosed or released will safeguard the information from illegal or unauthorized disclosure;

(3) A written statement confirming that the consumer reporting agency will pay to the bureau—department of job and family services all costs associated with the disclosure.

The director shall prescribe a manner and format in which

this information may be provided. 22997

(K) The director shall adopt rules defining the 22998
requirements of the release of individual income verification 22999
information specified in division (J) of this section, which 23000
shall include all terms and conditions necessary to meet the 23001
requirements of federal law as interpreted by the United States 23002
department of labor or considered necessary by the director for 23003
the proper administration of this division. 23004

(L) The director shall disclose information furnished to 23005
or maintained by the director under this chapter upon request 23006
and on a reimbursable basis as required by section 303 of the 23007
"Social Security Act," 42 U.S.C.A. 503, and section 3304 of the 23008
"Internal Revenue Code," 26 U.S.C.A. 3304. 23009

Sec. 4163.03. Each of the following departments and 23010
agencies of the state government shall initiate and pursue 23011
continuing studies as to the need, if any, for changes in the 23012
laws and rules administered by it that would arise from the 23013
presence within the state of special nuclear materials and by- 23014
product materials and from the operation herein of production or 23015
utilization facilities, and, on the basis of such studies, to 23016
make such recommendations for the enactment of laws or 23017
amendments to laws administered by it, and such proposals for 23018
amendments to the rules issued by it, as may appear necessary 23019
and appropriate: 23020

The department of health; the ~~bureau of workers'~~ 23021
~~compensation~~ department of workforce insurance and safety; the 23022
department of transportation; the public utilities commission; 23023
the department of insurance; the department of natural 23024
resources; the department of commerce; and such other 23025
departments and agencies as the governor may direct and for the 23026

purposes specified by the governor. 23027

The heads of the appropriate state department or agency 23028
may cooperate with any federal department or agency in the 23029
administration of this section. 23030

Sec. 4167.02. (A) The ~~administrator of workers'~~ 23031
~~compensation~~ director of workforce insurance and safety shall 23032
operate and enforce the public employment risk reduction program 23033
created by this chapter. 23034

(B) The ~~administrator~~ director shall do all of the 23035
following: 23036

(1) Adopt rules, with the advice and consent of the ~~bureau~~ 23037
~~of workers' compensation~~ department of workforce insurance and 23038
safety board of directors and in accordance with Chapter 119. of 23039
the Revised Code, for the administration and enforcement of this 23040
chapter. The ~~administrator~~ director shall include both of the 23041
following in the rules: 23042

(a) Standards the ~~administrator~~ director shall follow in 23043
issuing an emergency temporary Ohio employment risk reduction 23044
standard under section 4167.08 of the Revised Code and in 23045
issuing a temporary variance and a variance from an Ohio 23046
employment risk reduction standard or part thereof under section 23047
4167.09 of the Revised Code; 23048

(b) Standards and procedures for an effective safety 23049
partnership agreement program for public employers and employees 23050
that promotes voluntary compliance with this chapter. 23051

(2) Do all things necessary and appropriate for the 23052
administration and enforcement of this chapter. 23053

(C) In carrying out the responsibilities of this chapter, 23054

the ~~administrator~~director may use, with the consent of any 23055
federal, state, or local agency, the services, facilities, and 23056
personnel of such agency, with or without reimbursement, and may 23057
retain or contract with experts, consultants, and organizations 23058
for services or personnel on such terms as the ~~administrator~~ 23059
director determines appropriate. 23060

Sec. 4167.06. (A) A public employee acting in good faith 23061
has the right to refuse to work under conditions that the public 23062
employee reasonably believes present an imminent danger of death 23063
or serious harm to the public employee, provided that such 23064
conditions are not such as normally exist for or reasonably 23065
might be expected to occur in the occupation of the public 23066
employee. A public employer shall not discriminate against a 23067
public employee for a good faith refusal to perform assigned 23068
tasks if the public employee has requested that the public 23069
employer correct the hazardous conditions but the conditions 23070
remain uncorrected, there was insufficient time to eliminate the 23071
danger by resorting to the enforcement methods provided in this 23072
chapter, and the danger was one that a reasonable person under 23073
the circumstances then confronting the public employee would 23074
conclude is an imminent danger of death or serious physical harm 23075
to the public employee. A public employee who has refused in 23076
good faith to perform assigned tasks and who has not been 23077
reassigned to other tasks by the public employer shall, in 23078
addition to retaining a right to continued employment, receive 23079
full compensation for the tasks that would have been performed. 23080
If the public employer reassigns the public employee, the public 23081
employer shall pay the public employee's full compensation as if 23082
the public employee were not reassigned. 23083

(B) A public employee who exercises the right to refuse to 23084
work under division (A) of this section shall notify by a 23085

written statement that is signed by the public employee, as soon 23086
as practicable after exercising that right, the ~~administrator of~~ 23087
~~workers' compensation~~ director of workforce insurance and safety 23088
of the condition that presents an imminent danger of death or 23089
serious harm to the public employee. Upon receipt of the 23090
notification, the ~~administrator~~ director or the ~~administrator's~~ 23091
director's designee immediately shall inspect the premises of 23092
the public employer. The ~~administrator~~ director and the 23093
~~administrator's~~ director's designee shall comply with section 23094
4167.10 of the Revised Code in conducting the inspection and 23095
investigation and in issuing orders and citations. 23096

(C) A public employee who refuses to perform assigned 23097
tasks under division (A) of this section and fails to meet all 23098
of the conditions set forth in that division for the refusal is 23099
subject to any disciplinary action provided by law or agreement 23100
between the public employer and public employee for a refusal to 23101
work, including, but not limited to, suspension, nonpayment of 23102
wages for the duration of the refusal to work, and discharge. 23103

Sec. 4167.07. (A) The ~~administrator of workers'~~ 23104
~~compensation,~~ director of workforce insurance and safety with 23105
the advice and consent of the ~~bureau of workers' compensation~~ 23106
department of workforce insurance and safety board of directors, 23107
shall adopt rules that establish employment risk reduction 23108
standards. Except as provided in division (B) of this section, 23109
in adopting these rules, the ~~administrator~~ director shall do 23110
both of the following: 23111

(1) By no later than July 1, 1994, adopt as a rule and an 23112
Ohio employment risk reduction standard every federal 23113
occupational safety and health standard then adopted by the 23114
United States secretary of labor pursuant to the "Occupational 23115

Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, 23116
as amended; 23117

(2) By no later than one hundred twenty days after the 23118
United States secretary of labor adopts, modifies, or revokes 23119
any federal occupational safety and health standard, by rule do 23120
one of the following: 23121

(a) Adopt the federal occupational safety and health 23122
standard as a rule and an Ohio employment risk reduction 23123
standard; 23124

(b) Amend the existing rule and Ohio employment risk 23125
reduction standard to conform to the modification of the federal 23126
occupational safety and health standard; 23127

(c) Rescind the existing rule and Ohio employment risk 23128
reduction standard that corresponds to the federal occupational 23129
safety and health standard the United States secretary of labor 23130
revoked. 23131

(B) The ~~administrator~~director, with the advice and consent 23132
of the ~~bureau of workers' compensation~~department of workforce 23133
insurance and safety board of directors, may decline to adopt 23134
any federal occupational safety and health standard as a rule 23135
and an Ohio employment risk reduction standard or to modify or 23136
rescind any existing rule and Ohio employment risk reduction 23137
standard to conform to any federal occupational safety and 23138
health standard modified or revoked by the United States 23139
secretary of labor or may adopt as a rule and an Ohio employment 23140
risk reduction standard any occupational safety and health 23141
standard that is not covered under the federal law or that 23142
differs from one adopted or modified by the United States 23143
secretary of labor, if the ~~administrator~~director determines 23144

that existing rules and Ohio employment risk reduction standards 23145
provide protection at least as effective as that which would be 23146
provided by the existing, new, or modified federal occupational 23147
safety and health standard or if the ~~administrator~~director 23148
determines that local conditions warrant a different standard 23149
from that of the existing federal occupational safety and health 23150
standard or from standards the United States secretary of labor 23151
adopts, modifies, or revokes. 23152

(C) In adopting, modifying, or rescinding any rule or Ohio 23153
employment risk reduction standard dealing with toxic materials 23154
or harmful physical agents, the ~~administrator~~director, with the 23155
advice and consent of the ~~bureau of workers' compensation~~ 23156
department of workforce insurance and safety board of directors, 23157
shall do all of the following: 23158

(1) Set the employment risk reduction standard to most 23159
adequately assure, to the extent technologically feasible and on 23160
the basis of the best available evidence, that no public 23161
employee will suffer material impairment of health or functional 23162
capacity as a result of the hazards dealt with by the rule or 23163
Ohio employment risk reduction standard for the period of the 23164
public employee's working life; 23165

(2) Base the development of these rules and Ohio 23166
employment risk reduction standards on research, demonstrations, 23167
experiments, and other information as is appropriate and upon 23168
the technological feasibility of the rule and standard, using 23169
the latest available scientific data in the field and the 23170
experience gained in the workplace under this chapter and other 23171
health and safety laws, to establish the highest degree of 23172
safety and health for the public employee; 23173

(3) Whenever practicable, express the rule and Ohio 23174

employment risk reduction standard in terms of objective 23175
criteria and of the performance desired; 23176

(4) Prescribe the use of labels or other appropriate forms 23177
of warning as are necessary to ensure that public employees are 23178
apprised of all hazards to which they are exposed, relevant 23179
symptoms and appropriate emergency treatment, and proper 23180
conditions and precautions of safe use or exposure where 23181
appropriate; 23182

(5) Prescribe suitable protective equipment and control 23183
procedures to be used in connection with the hazards; 23184

(6) Provide for measuring or monitoring public employee 23185
exposure in a manner necessary for the protection of the public 23186
employees; 23187

(7) Where appropriate, prescribe the type and frequency of 23188
medical examinations or other tests the public employer shall 23189
make available, at the cost of the public employer, to the 23190
public employees exposed to the hazards in order to determine 23191
any adverse effect from the exposure. 23192

(D) In determining the priority for adopting rules and 23193
Ohio employment risk reduction standards under this section, the 23194
~~administrator~~director shall give due regard to the urgency of 23195
need and recommendations of the department of health regarding 23196
that need for mandatory employment risk reduction standards for 23197
particular trades, crafts, occupations, services, and 23198
workplaces. 23199

(E) (1) Except for rules adopted under division (A) of this 23200
section, the ~~administrator~~director, with the advice and consent 23201
of the ~~bureau of workers' compensation~~department of workforce 23202
insurance and safety board of directors, shall adopt all rules 23203

under this section in accordance with Chapter 119. of the 23204
Revised Code, provided that notwithstanding that chapter, the 23205
~~administrator~~ director may delay the effective date of any rule 23206
or Ohio employment risk reduction standard for the period the 23207
~~administrator~~ director determines necessary to ensure that 23208
affected public employers and public employees will be informed 23209
of the adoption, modification, or rescission of the rule and 23210
Ohio employment risk reduction standard and have the opportunity 23211
to familiarize themselves with the specific requirements of the 23212
rule and standard. In no case, however, shall the ~~administrator~~ 23213
director delay the effective date of a rule adopted pursuant to 23214
Chapter 119. of the Revised Code in excess of ninety days beyond 23215
the otherwise required effective date. 23216

(2) In regard to the rules for which the ~~administrator~~ 23217
director does not have to comply with Chapter 119. of the 23218
Revised Code, the ~~administrator~~ director shall file two 23219
certified copies of the rules and Ohio employment risk reduction 23220
standards adopted with the secretary of state and the director 23221
of the legislative service commission. 23222

Sec. 4167.08. (A) In the event of an emergency or unusual 23223
situation, the ~~administrator of workers' compensation~~ director 23224
of workforce insurance and safety shall issue an emergency 23225
temporary Ohio employment risk reduction standard to take 23226
immediate effect upon publication in newspapers of general 23227
circulation in Cleveland, Columbus, Cincinnati, and Toledo if 23228
the ~~administrator~~ director finds both of the following: 23229

(1) Public employees are exposed to grave danger from 23230
exposure to substances or agents determined to be toxic or 23231
physically harmful or from new hazards; 23232

(2) The emergency temporary Ohio employment risk reduction 23233

standard is necessary to protect employees from the danger. 23234

(B) (1) Except as provided in division (B) (2) of this 23235
section an emergency temporary Ohio employment risk reduction 23236
standard issued by the ~~administrator~~director under division (A) 23237
of this section shall be in effect no longer than fifteen days, 23238
unless the ~~bureau of workers' compensation department of~~ 23239
workforce insurance and safety board of directors approves the 23240
emergency temporary Ohio employment risk reduction standard as 23241
issued by the ~~administrator~~director, in which case, the 23242
emergency temporary Ohio employment risk reduction standard 23243
shall be in effect no longer than one hundred twenty days after 23244
the date the ~~administrator~~director issues it. 23245

(2) The ~~administrator~~director may renew an emergency 23246
temporary Ohio employment risk reduction standard that has been 23247
approved by the board for an additional time period not to 23248
exceed one hundred days if the ~~administrator~~director finds that 23249
the conditions identified in divisions (A) (1) and (2) of this 23250
section continue to exist. 23251

On or before the expiration date of the emergency 23252
temporary Ohio employment risk reduction standard or renewal 23253
thereof, if the conditions identified in divisions (A) (1) and 23254
(2) of this section continue to exist, the 23255
~~administrator~~director, with the advice and consent of the board, 23256
shall adopt a permanent Ohio employment risk reduction standard 23257
pursuant to section 4167.07 of the Revised Code as a rule to 23258
replace the emergency temporary Ohio employment risk reduction 23259
standard. 23260

Sec. 4167.09. (A) Any public employer affected by a 23261
proposed rule or Ohio employment risk reduction standard or any 23262
provision of a standard proposed under section 4167.07 or 23263

4167.08 of the Revised Code may apply to the ~~administrator of~~ 23264
~~workers' compensation~~ director of workforce insurance and safety 23265
for an order granting a temporary variance from the standard or 23266
provision. The application for the order and any extension of 23267
the order shall contain a reasonable application fee, as 23268
determined by the ~~bureau of workers' compensation~~ department of 23269
workforce insurance and safety board of directors, and all of 23270
the following information: 23271

(1) A specification of the Ohio public employment risk 23272
reduction standard or provision of it from which the public 23273
employer seeks the temporary variance; 23274

(2) A representation by the public employer, supported by 23275
representations from qualified persons having firsthand 23276
knowledge of the facts represented, that the public employer is 23277
unable to comply with the Ohio employment risk reduction 23278
standard or provision of it and a detailed statement of the 23279
reasons for the inability to comply; 23280

(3) A statement of the steps that the public employer has 23281
taken and will take, with dates specified, to protect employees 23282
against the hazard covered by the standard; 23283

(4) A statement of when the public employer expects to be 23284
able to comply fully with the Ohio employment risk reduction 23285
standard and what steps the public employer has taken and will 23286
take, with dates specified, to come into full compliance with 23287
the standard; 23288

(5) A certification that the public employer has informed 23289
the public employer's public employees of the application by 23290
giving a copy of the application to the public employee 23291
representative, if any, and by posting a statement giving a 23292

summary of the application and specifying where a copy of the 23293
application may be examined at the place or places where notices 23294
to public employees are normally posted, and by any other 23295
appropriate means of public employee notification. The public 23296
employer also shall inform the public employer's public 23297
employees of their rights to a hearing under section 4167.15 of 23298
the Revised Code. The certification also shall contain a 23299
description of how public employees have been informed of the 23300
application and of their rights to a hearing. 23301

(B) The ~~administrator~~ director shall issue an order 23302
providing for a temporary variance if the public employer files 23303
an application that meets the requirements of division (A) of 23304
this section and establishes that all of the following 23305
pertaining to the public employer are true: 23306

(1) The public employer is unable to comply with the Ohio 23307
employment risk reduction standard or a provision of it by its 23308
effective date because of the unavailability of professional or 23309
technical personnel or of materials and equipment needed to come 23310
into compliance with the Ohio employment risk reduction standard 23311
or provision of it or because necessary construction or 23312
alteration of facilities cannot be completed by the effective 23313
date of the standard. 23314

(2) The public employer is taking all available steps to 23315
safeguard the public employer's public employees against the 23316
hazards covered by the Ohio employment risk reduction standard. 23317

(3) The public employer has an effective program for 23318
coming into compliance with the Ohio employment risk reduction 23319
standard as quickly as practicable. 23320

(4) The granting of the variance will not create an 23321

imminent danger of death or serious physical harm to public 23322
employees. 23323

(C) (1) If the ~~administrator~~director issues an order 23324
providing for a temporary variance under division (B) of this 23325
section, the ~~administrator~~director shall prescribe the 23326
practices, means, methods, operations, and processes that the 23327
public employer must adopt and use while the order is in effect 23328
and state in detail the public employer's program for coming 23329
into compliance with the Ohio employment risk reduction 23330
standard. The ~~administrator~~director may issue the order only 23331
after providing notice to affected public employees and their 23332
public employee representative, if any, and an opportunity for a 23333
hearing pursuant to section 4167.15 of the Revised Code, 23334
provided that the ~~administrator~~director may issue one interim 23335
order granting a temporary order to be effective until a 23336
decision on a hearing is made. Except as provided in division 23337
(C) (2) of this section, no temporary variance may be in effect 23338
for longer than the period needed by the public employer to 23339
achieve compliance with the Ohio employment risk reduction 23340
standard or one year, whichever is shorter. 23341

(2) The ~~administrator~~director may renew an order issued 23342
under division (C) of this section up to two times provided that 23343
the requirements of divisions (A), (B), and (C) (1) of this 23344
section and section 4167.15 of the Revised Code are met and the 23345
public employer files an application for renewal with the 23346
~~administrator~~director at least ninety days prior to the 23347
expiration date of the order. 23348

(D) Any public employer affected by an Ohio employment 23349
risk reduction standard or any provision of it proposed, 23350
adopted, or otherwise issued under section 4167.07 or 4167.08 of 23351

the Revised Code may apply to the ~~administrator-director~~ for an 23352
order granting a variance from the standard or provision. The 23353
~~administrator-director~~ shall provide affected public employees 23354
and their public employee representative, if any, notice of the 23355
application and shall provide an opportunity for a hearing 23356
pursuant to section 4167.15 of the Revised Code. The 23357
~~administrator-director~~ shall issue the order granting the 23358
variance if the public employer files an application that meets 23359
the requirements of division (B) of this section, and after an 23360
opportunity for a hearing pursuant to section 4167.15 of the 23361
Revised Code, and if the public employer establishes to the 23362
satisfaction of the ~~administrator-director~~ that the conditions, 23363
practices, means, methods, operations, or processes used or 23364
proposed to be used by the public employer will provide 23365
employment and places of employment to the public employer's 23366
public employees that are as safe and healthful as those that 23367
would prevail if the public employer complied with the Ohio 23368
employment risk reduction standard. The ~~administrator-director~~ 23369
shall prescribe in the order granting the variance the 23370
conditions the public employer must maintain, and the practices, 23371
means, methods, operations, and processes the public employer 23372
must adopt and utilize in lieu of the Ohio employment risk 23373
reduction standard that would otherwise apply. The ~~administrator-~~ 23374
~~director~~ may modify or revoke the order upon application of the 23375
public employer, public employee, or public employee 23376
representative, or upon the ~~administrator's-director's~~ own 23377
motion in the manner prescribed for the issuance of an order 23378
under this division at any time during six months after the date 23379
of issuance of the order. 23380

Sec. 4167.10. (A) In order to carry out the purposes of 23381
this chapter, the ~~administrator of workers' compensation-~~ 23382

director of workforce insurance and safety or the 23383
~~administrator's director's~~ designee shall, as provided in this 23384
section, enter without delay during normal working hours and at 23385
other reasonable times, to inspect and investigate any plant, 23386
facility, establishment, construction site, or any other area, 23387
workplace, or environment where work is being performed by a 23388
public employee of a public employer, and any place of 23389
employment and all pertinent conditions, structures, machines, 23390
apparatus, devices, equipment, and materials therein, and 23391
question privately any public employer, administrator, 23392
department head, operator, agent, or public employee. The 23393
authority to inspect and investigate includes the taking of 23394
environmental samples, the taking and obtaining of photographs 23395
related to the purposes of the inspection or investigation, the 23396
examination of records required to be kept under section 4167.11 23397
of the Revised Code and other documents and records relevant to 23398
the inspection and investigation, the issuance of subpoenas, and 23399
the conducting of tests and other studies reasonably calculated 23400
to serve the purposes of implementing and enforcing this 23401
chapter. Except as provided in this section, the ~~administrator-~~ 23402
director or the ~~administrator's director's~~ designee shall 23403
conduct scheduled inspections and investigations only pursuant 23404
to rules adopted under section 4167.02 of the Revised Code, a 23405
request to do so by a public employee or public employee 23406
representative, or the notification the ~~administrator-director~~ 23407
receives pursuant to division (B) of section 4167.06 of the 23408
Revised Code and only if the ~~administrator-director~~ or the 23409
~~administrator's director's~~ designee complies with this section. 23410
The ~~administrator-director~~ or the ~~administrator's director's~~ 23411
designee shall conduct all requested or required inspections 23412
within a reasonable amount of time following receipt of the 23413
request or notification. 23414

(B) (1) Any public employee or public employee 23415
representative who believes that a violation of an Ohio 23416
employment risk reduction standard exists that threatens 23417
physical harm, or that an imminent danger exists, may request an 23418
inspection by giving written notice to the ~~administrator~~ 23419
director or the ~~administrator's~~ director's designee of the 23420
violation or danger. The notice shall set forth with reasonable 23421
particularity the grounds for the notice, and shall be signed by 23422
the public employee or public employee representative. The names 23423
of individual public employees making the notice or referred to 23424
therein shall not appear in the copy provided to the public 23425
employer pursuant to division (B) (2) of this section and shall 23426
be kept confidential. 23427

(2) If, upon receipt of a notification pursuant to 23428
division (B) (1) of this section, the ~~administrator~~ director 23429
determines that there are no reasonable grounds to believe that 23430
a violation or danger exists, the ~~administrator~~ director shall 23431
inform the public employee or public employee representative in 23432
writing of the determination. If, upon receipt of a 23433
notification, the ~~administrator~~ director determines that there 23434
are reasonable grounds to believe that a violation or danger 23435
exists, the ~~administrator~~ director shall, within one week, 23436
excluding Saturdays, Sundays, and any legal holiday as defined 23437
in section 1.14 of the Revised Code, after receipt of the 23438
notification, notify the public employer, by certified mail, 23439
return receipt requested, of the alleged violation or danger. 23440
The notice provided to the public employer or the public 23441
employer's agent shall inform the public employer of the alleged 23442
violation or danger and that the ~~administrator~~ director or the 23443
~~administrator's~~ director's designee will investigate and inspect 23444
the public employer's workplace as provided in this section. The 23445

public employer must respond to the ~~administrator~~director, in a 23446
method determined by the ~~administrator~~director, concerning the 23447
alleged violation or danger, within thirty days after receipt of 23448
the notice. If the public employer does not correct the 23449
violation or danger within the thirty-day period or if the 23450
public employer fails to respond within that time period, the 23451
~~administrator~~director or the ~~administrator's~~director's 23452
designee shall investigate and inspect the public employer's 23453
workplace as provided in this section. The ~~administrator~~ 23454
~~director~~ or the ~~administrator's~~director's designee shall not 23455
conduct any inspection prior to the end of the thirty-day period 23456
unless requested or permitted by the public employer. The 23457
~~administrator~~director may, at any time upon the request of the 23458
public employer, inspect and investigate any violation or danger 23459
alleged to exist at the public employer's place of employment. 23460

(3) The authority of the ~~administrator~~director or the 23461
~~administrator's~~director's designee to investigate and inspect a 23462
premises pursuant to a public employee or public employee 23463
representative notification is not limited to the alleged 23464
violation or danger contained in the notification. The 23465
~~administrator~~director or the ~~administrator's~~director's 23466
designee may investigate and inspect any other area of the 23467
premises where there is reason to believe that a violation or 23468
danger exists. In addition, if the ~~administrator~~director or the 23469
~~administrator's~~director's designee detects any obvious or 23470
apparent violation at any temporary place of employment while en 23471
route to the premises to be inspected or investigated, and that 23472
violation presents a substantial probability that the condition 23473
or practice could result in death or serious physical harm, the 23474
~~administrator~~director or the ~~administrator's~~director's 23475
designee may use any of the enforcement mechanisms provided in 23476

this section to correct or remove the condition or practice. 23477

(4) If, during an inspection or investigation, the 23478
~~administrator~~ director or the ~~administrator's~~ director's 23479
designee finds any condition or practice in any place of 23480
employment that presents a substantial probability that the 23481
condition or practice could result in death or serious physical 23482
harm, after notifying the employer of the ~~administrator's~~ 23483
director's intent to issue an order, the ~~administrator~~ director 23484
shall issue an order, or the ~~administrator's~~ director's designee 23485
shall issue an order after consultation either by telephone or 23486
in person with the ~~administrator~~ director and upon the 23487
recommendation of the ~~administrator~~ director, which prohibits the 23488
employment of any public employee or any continuing operation or 23489
process under such condition or practice until necessary steps 23490
are taken to correct or remove the condition or practice. The 23491
order shall not be effective for more than fifteen days, unless 23492
a court of competent jurisdiction otherwise orders as provided 23493
in section 4167.14 of the Revised Code. 23494

(C) In making any inspections or investigations under this 23495
chapter, the ~~administrator~~ director or the ~~administrator's~~ 23496
director's designee may administer oaths and require, by 23497
subpoena, the attendance and testimony of witnesses and the 23498
production of evidence under oath. Witnesses shall receive the 23499
fees and mileage provided for under section 119.094 of the 23500
Revised Code. In the case of contumacy, failure, or refusal of 23501
any person to comply with an order or any subpoena lawfully 23502
issued, or upon the refusal of any witness to testify to any 23503
matter regarding which the witness may lawfully be interrogated, 23504
a judge of the court of common pleas of any county in this 23505
state, on the application of the ~~administrator~~ director or the 23506
~~administrator's~~ director's designee, shall issue an order 23507

requiring the person to appear and to produce evidence if, as, 23508
and when so ordered, and to give testimony relating to the 23509
matter under investigation or in question. The court may punish 23510
any failure to obey the order of the court as a contempt 23511
thereof. 23512

(D) If, upon inspection or investigation, the 23513
~~administrator-director~~ or the ~~administrator's-director's~~ 23514
designee believes that a public employer has violated any 23515
requirement of this chapter or any rule, Ohio employment risk 23516
reduction standard, or order adopted or issued pursuant thereto, 23517
the ~~administrator-director~~ or the ~~administrator's-director's~~ 23518
designee shall, with reasonable promptness, issue a citation to 23519
the public employer. The citation shall be in writing and 23520
describe with particularity the nature of the alleged violation, 23521
including a reference to the provision of law, Ohio employment 23522
risk reduction standard, rule, or order alleged to have been 23523
violated. In addition, the citation shall fix a time for the 23524
abatement of the violation, as provided in division (H) of this 23525
section. The ~~administrator-director~~ may prescribe procedures for 23526
the issuance of a notice with respect to minor violations and 23527
for enforcement of minor violations that have no direct or 23528
immediate relationship to safety or health. 23529

(E) Upon receipt of any citation under this section, the 23530
public employer shall immediately post the citation, or a copy 23531
thereof, at or near each place an alleged violation referred to 23532
in the citation occurred. 23533

(F) The ~~administrator-director~~ may not issue a citation 23534
under this section after the expiration of six months following 23535
the final occurrence of any violation. 23536

(G) If the ~~administrator-director~~ issues a citation 23537

pursuant to this section, the ~~administrator~~director shall mail 23538
the citation to the public employer by certified mail, return 23539
receipt requested. The public employer has fourteen days after 23540
receipt of the citation within which to notify the ~~administrator~~director 23541
director that the employer wishes to contest the citation. If 23542
the employer notifies the ~~administrator~~director within the 23543
fourteen days that the employer wishes to contest the citation, 23544
or if within fourteen days after the issuance of a citation a 23545
public employee or public employee representative files notice 23546
that the time period fixed in the citation for the abatement of 23547
the violation is unreasonable, the ~~administrator~~director shall 23548
hold an adjudication hearing in accordance with Chapter 119. of 23549
the Revised Code. 23550

(H) In establishing the time limits in which a public 23551
employer must abate a violation under this section, the 23552
~~administrator~~director shall consider the costs to the public 23553
employer, the size and financial resources of the public 23554
employer, the severity of the violation, the technological 23555
feasibility of the public employer's ability to comply with 23556
requirements of the citation, the possible present and future 23557
detriment to the health and safety of any public employee for 23558
failure of the public employer to comply with requirements of 23559
the citation, and such other factors as the ~~administrator~~director 23560
director determines appropriate. The ~~administrator~~director may, 23561
after considering the above factors, permit the public employer 23562
to comply with the citation over a period of up to two years and 23563
may extend that period an additional one year, as the 23564
~~administrator~~director determines appropriate. 23565

(I) Any public employer may request the ~~administrator~~director 23566
director to conduct an employment risk reduction inspection of 23567
the public employer's place of employment. The ~~administrator~~director 23568

director or the ~~administrator's~~ director's designee shall 23569
conduct the inspection within a reasonable amount of time 23570
following the request. Neither the ~~administrator~~ director nor 23571
any other person may use any information obtained from the 23572
inspection for a period not to exceed three years in any 23573
proceeding for a violation of this chapter or any rule or order 23574
issued thereunder nor in any other action in any court in this 23575
state. 23576

Sec. 4167.11. (A) In order to further the purposes of this 23577
chapter, the ~~administrator of workers' compensation~~ director of 23578
workforce insurance and safety shall develop and maintain, for 23579
public employers and public employees, an effective program of 23580
collection, compilation, and analysis of employment risk 23581
reduction statistics. 23582

(B) To implement and maintain division (A) of this 23583
section, the ~~administrator~~ director, with the advice and consent 23584
of the ~~bureau of workers' compensation~~ department of workforce 23585
insurance and safety board of directors, shall adopt rules in 23586
accordance with Chapter 119. of the Revised Code that extend to 23587
all of the following: 23588

(1) Requiring each public employer to make, keep, and 23589
preserve, and make available to the ~~administrator~~ director, 23590
reports and records regarding the public employer's activities, 23591
as determined by the rule that are necessary or appropriate for 23592
the enforcement of this chapter or for developing information 23593
regarding the causes and prevention of occupational accidents 23594
and illnesses. The rule shall prescribe which of these reports 23595
and records shall or may be furnished to public employees and 23596
public employee representatives. 23597

(2) Requiring every public employer, through posting of 23598

notices or other appropriate means, to keep their public 23599
employees informed of public employees' rights and obligations 23600
under this chapter, including the provisions of applicable Ohio 23601
employment risk reduction standards; 23602

(3) Requiring public employers to maintain accurate 23603
records of public employee exposure to potentially toxic 23604
materials, carcinogenic materials, and harmful physical agents 23605
that are required to be monitored or measured under rules 23606
adopted under the guidelines of division (C) of section 4167.07 23607
of the Revised Code. The rule shall provide public employees or 23608
public employee representatives an opportunity to observe the 23609
monitoring or measuring, and to have access on request to the 23610
records thereof, and may provide public employees or public 23611
employee representatives an opportunity to participate in and to 23612
undertake their own monitoring or measuring. The rules also 23613
shall permit each current or former public employee to have 23614
access to the records that indicate their own exposure to toxic 23615
materials, carcinogenic materials, or harmful agents. 23616

(C) The ~~administrator-director~~ shall obtain any 23617
information under division (B) of this section with a minimum 23618
burden upon the public employer and shall, to the maximum extent 23619
feasible, reduce unnecessary duplication of efforts in obtaining 23620
the information. 23621

Sec. 4167.12. All information reported to or otherwise 23622
obtained by the ~~administrator of workers' compensation director~~ 23623
of workforce insurance and safety or the ~~administrator's-~~ 23624
director's designee in connection with any investigation, 23625
inspection, or proceeding under this chapter that reveals a 23626
trade secret of any person is confidential, except that the 23627
information may be disclosed to other agents or authorized 23628

representatives of the ~~administrator-director~~ concerned with 23629
fulfilling the requirements of this chapter, or when relevant, 23630
to any proceeding under this chapter. In any proceeding, the 23631
~~administrator-director~~ or the court shall issue orders as 23632
appropriate to protect the confidentiality of trade secrets. 23633

Sec. 4167.14. (A) Any court of common pleas has 23634
jurisdiction, upon petition of the ~~administrator of workers' 23635~~
~~compensation~~director of workforce insurance and safety, to 23636
restrain any conditions or practices in any places of employment 23637
that present a danger that could reasonably be expected to cause 23638
death or serious harm or contribute significantly to 23639
occupationally related illness immediately or before the 23640
imminence of the danger can be eliminated through the 23641
enforcement procedures provided in this chapter. Any order 23642
issued under this section may require that steps be taken as 23643
necessary to avoid, correct, or remove the imminent danger and 23644
prohibit the employment or presence of any individual in 23645
locations or under conditions where the imminent danger exists, 23646
except individuals whose presence is necessary to avoid, 23647
correct, or remove the imminent danger. 23648

(B) Upon the filing of a petition under division (A) of 23649
this section, the court of common pleas may grant injunctive 23650
relief or a temporary restraining order pending the outcome of 23651
an enforcement proceeding pursuant to this chapter, except that 23652
no temporary restraining order issued without notice is 23653
effective for a period longer than five calendar days. 23654

(C) If the ~~administrator-director~~ or the ~~administrator's- 23655~~
director's designee responsible for inspections determines that 23656
the imminent danger as described in division (A) of this section 23657
is such that immediate action is necessary, and further 23658

determines that there is not sufficient time in light of the 23659
nature, severity, and imminence of the danger to seek and obtain 23660
a temporary restraining order or injunction, the ~~administrator~~ 23661
director or the ~~administrator's~~ director's designee immediately 23662
shall file a petition with the court under division (A) of this 23663
section and issue an order requiring action to be taken as is 23664
necessary to avoid, correct, or remove the imminent danger. 23665

The ~~administrator~~ director, with the advice and consent of 23666
the ~~bureau of workers' compensation~~ department of workforce 23667
insurance and safety board of directors, shall adopt rules, in 23668
accordance with Chapter 119. of the Revised Code, to permit a 23669
public employer expeditious informal reconsideration of any 23670
order issued by the ~~administrator~~ director under this division. 23671
Unless the ~~administrator~~ director reverses an order pursuant to 23672
the informal reconsideration, the order remains in effect 23673
pending the court's determination under this section. If the 23674
~~administrator~~ director modifies an order pursuant to the 23675
informal reconsideration, the ~~administrator~~ director shall 23676
provide the court with whom the ~~administrator~~ director filed the 23677
petition under this section with a copy of the modified order. 23678
The modified order remains in effect pending the court's 23679
determination under this section. 23680

Sec. 4167.15. Any public employer, public employee, or 23681
public employee representative affected by an order, rule, or 23682
Ohio employment risk reduction standard proposed, adopted, or 23683
otherwise issued pursuant to this chapter, may request, within 23684
fourteen days after the proposal, adoption, or issuance of the 23685
order, rule, or standard, a hearing from the ~~administrator of~~ 23686
workers' compensation director of workforce insurance and safety. 23687
The ~~administrator~~ director, within fourteen days after receipt of 23688
a request for a hearing, shall appoint a hearing officer to make 23689

a determination as to the request. The hearing officer, within 23690
fourteen days after the hearing officer's appointment, shall 23691
hold a hearing in accordance with Chapter 119. of the Revised 23692
Code and, within fourteen days after the hearing, render a 23693
decision. A public employer, public employee, or public employee 23694
representative may appeal the decision of the hearing officer to 23695
the ~~administrator~~director, provided that the appeal is made 23696
within thirty days after the hearing officer issues the 23697
decision. The decision of the hearing officer is final unless 23698
appealed to the ~~administrator~~director within the time period 23699
set in this section or unless the ~~administrator~~director, on the 23700
~~administrator's~~director's own motion, modifies or reverses the 23701
decision within that time period. If a party fails to appeal the 23702
decision of the hearing officer, the decision of the hearing 23703
officer is not, for purposes of section 4167.16 of the Revised 23704
Code, a final order of the ~~administrator~~director and is not 23705
appealable to court as provided in section 4167.16 of the 23706
Revised Code, except that if the party fails to appeal the 23707
decision of the hearing officer, and the ~~administrator~~director 23708
modifies or reverses the decision under this section, the 23709
decision of the ~~administrator~~director is appealable to court 23710
pursuant to section 4167.16 of the Revised Code. 23711

Sec. 4167.16. (A) Any party who is adversely affected by a 23712
final order of the ~~administrator of workers' compensation~~ 23713
director of workforce insurance and safety issued pursuant to 23714
division (G) of section 4167.10 or section 4167.15 of the 23715
Revised Code, and who has exhausted all administrative appeals 23716
from such order may appeal the order, within thirty days after 23717
the issuance of a final order, to the court of common pleas of 23718
Franklin county or to the court of common pleas of the county in 23719
which the alleged violation occurred. If the court finds an 23720

undue hardship to the appellant will result from the enforcement 23721
of the order pending determination of the appeal, the court may 23722
grant a suspension of the order and fix the terms thereof. 23723

(B) (1) The court shall conduct a hearing on the appeal 23724
filed under division (A) of this section and shall give 23725
preference to all proceedings under this section over all other 23726
civil cases, irrespective of the position of the proceedings on 23727
the calendar of the court. The hearing shall proceed as in the 23728
case of a civil action, and the court shall determine the rights 23729
of the parties in accordance with the laws applicable to the 23730
action. 23731

(2) The court shall affirm the order of the ~~administrator~~ 23732
director if it finds, upon consideration of the record as a 23733
whole, and additional evidence as the court has admitted, that 23734
the order is supported by reliable, probative, and substantial 23735
evidence and is in accordance with law. In absence of that 23736
finding, the court shall reverse, vacate, or modify the order or 23737
make such other ruling as is supported by reliable, probative, 23738
and substantial evidence and is in accordance with law. The 23739
judgment of the court is final and conclusive, unless reversed, 23740
vacated, or modified on appeal. Any party may appeal as provided 23741
in Chapter 2505. of the Revised Code. 23742

(C) No person who has failed to exhaust all of the 23743
administrative appeals provided in this chapter may file an 23744
appeal of a final order of the ~~administrator~~director under 23745
division (A) of this section. 23746

Sec. 4167.17. (A) If a public employer, public employee, 23747
or public employee representative willfully fails to comply with 23748
any final order of the ~~administrator of workers' compensation~~ 23749
director of workforce insurance and safety issued pursuant to 23750

this chapter, the ~~administrator~~director may apply to the court 23751
of common pleas of Franklin county or the court of common pleas 23752
of the county in which the violation occurred, for an 23753
injunction, restraining order, or any other appropriate relief 23754
compelling the public employer, public employee, or public 23755
employee representative to comply with such order. The court 23756
shall order such relief as it considers appropriate and shall, 23757
in addition, impose a civil penalty of not more than five 23758
hundred dollars per day per violation and not to exceed a total 23759
of ten thousand dollars per violation. 23760

(B) The ~~administrator~~director shall not seek to enforce 23761
this chapter, or any Ohio employment risk reduction standard, 23762
rule, or order adopted or issued pursuant thereto, in any manner 23763
that derogates from the immunity offered to a public employer by 23764
variances obtained under this chapter, or by variations, 23765
tolerance, or exemption allowed a public employer for reasons of 23766
national defense by the United States secretary of labor 23767
pursuant to section 16 of the "Occupational Safety and Health 23768
Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as amended. 23769

Sec. 4167.27. (A) The ~~administrator of workers'~~ 23770
~~compensation~~director of workforce insurance and safety shall 23771
adopt a rule and Ohio employment risk reduction standard for the 23772
prevention of exposure incidents. The initial rule and standard 23773
shall be adopted not later than one hundred eighty days after 23774
October 5, 2000. 23775

(B) The ~~administrator~~director shall provide advice to 23776
public employers with regard to their implementation of the 23777
requirements established by the rule and standard adopted under 23778
this section and the requirements of section 4167.28 of the 23779
Revised Code. 23780

Sec. 4582.18. Bonds of a port authority issued pursuant to 23781
sections 4582.01 to 4582.17 of the Revised Code are lawful 23782
investments of banks and trust companies with approval of the 23783
superintendent of banks, of savings and loan associations, of 23784
the bond retirement funds or the sinking funds of municipal 23785
corporations, boards of education, port authorities, and 23786
counties, of the ~~administrator of workers' compensation~~director 23787
of workforce insurance and safety, of the retirement board of 23788
the state teachers retirement system, of the retirement board of 23789
the state public school employees retirement system, of the 23790
retirement board of the public employees retirement system, and 23791
of domestic life insurance companies and domestic insurance 23792
companies other than life, and shall be acceptable as security 23793
for the deposit of public moneys. 23794

Sec. 4582.44. Bonds of a port authority and port authority 23795
revenue bonds issued pursuant to sections 4582.22 to 4582.59 of 23796
the Revised Code are lawful investments of banks, societies for 23797
savings, trust companies, savings and loan associations, deposit 23798
guaranty associations, trustees, fiduciaries, trustees or other 23799
officers having charge of the bond retirement funds or sinking 23800
funds of port authorities and political subdivisions, and taxing 23801
districts of this state, the commissioners of the sinking fund 23802
of this state, the ~~administrator of workers'—~~ 23803
~~compensation~~director of workforce insurance and safety, the 23804
state teachers retirement system, the school employees 23805
retirement system, the public employees retirement system, the 23806
Ohio police and fire pension fund, and insurance companies, 23807
including domestic life insurance companies and domestic 23808
insurance companies other than life, and are acceptable as 23809
security for the deposit of public moneys. 23810

Sec. 4729.80. (A) If the state board of pharmacy 23811

establishes and maintains a drug database pursuant to section 23812
4729.75 of the Revised Code, the board is authorized or required 23813
to provide information from the database only as follows: 23814

(1) On receipt of a request from a designated 23815
representative of a government entity responsible for the 23816
licensure, regulation, or discipline of health care 23817
professionals with authority to prescribe, administer, or 23818
dispense drugs, the board may provide to the representative 23819
information from the database relating to the professional who 23820
is the subject of an active investigation being conducted by the 23821
government entity or relating to a professional who is acting as 23822
an expert witness for the government entity in such an 23823
investigation. 23824

(2) On receipt of a request from a federal officer, or a 23825
state or local officer of this or any other state, whose duties 23826
include enforcing laws relating to drugs, the board shall 23827
provide to the officer information from the database relating to 23828
the person who is the subject of an active investigation of a 23829
drug abuse offense, as defined in section 2925.01 of the Revised 23830
Code, being conducted by the officer's employing government 23831
entity. 23832

(3) Pursuant to a subpoena issued by a grand jury, the 23833
board shall provide to the grand jury information from the 23834
database relating to the person who is the subject of an 23835
investigation being conducted by the grand jury. 23836

(4) Pursuant to a subpoena, search warrant, or court order 23837
in connection with the investigation or prosecution of a 23838
possible or alleged criminal offense, the board shall provide 23839
information from the database as necessary to comply with the 23840
subpoena, search warrant, or court order. 23841

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security

agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the ~~administrator of workers' compensation~~ director of workforce insurance and safety under division (B) (4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the ~~administrator of workers' compensation~~ director of workforce insurance and safety confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the ~~administrator of~~ 23900

~~workers' compensation~~director of workforce insurance and safety, 23901
the board shall provide to the ~~administrator~~director 23902
information from the database relating to a claimant under 23903
Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 23904
including information in the database related to prescriptions 23905
for the claimant that were not covered or reimbursed under 23906
Chapter 4121., 4123., 4127., or 4131. of the Revised Code. 23907

(12) On receipt of a request from a prescriber or the 23908
prescriber's delegate approved by the board, the board shall 23909
provide to the prescriber information from the database relating 23910
to a patient's mother, if the prescriber certifies in a form 23911
specified by the board that it is for the purpose of providing 23912
medical treatment to a newborn or infant patient diagnosed as 23913
opioid dependent and the prescriber has not been denied access 23914
to the database by the board. 23915

(13) On receipt of a request from the director of health, 23916
the board shall provide to the director information from the 23917
database relating to the duties of the director or the 23918
department of health in implementing the Ohio violent death 23919
reporting system established under section 3701.93 of the 23920
Revised Code. 23921

(14) On receipt of a request from a requestor described in 23922
division (A)(1), (2), (5), or (6) of this section who is from or 23923
participating with another state's prescription monitoring 23924
program, the board may provide to the requestor information from 23925
the database, but only if there is a written agreement under 23926
which the information is to be used and disseminated according 23927
to the laws of this state. 23928

(15) On receipt of a request from a delegate of a retail 23929
dispensary licensed under Chapter 3796. of the Revised Code who 23930

is approved by the board to serve as the dispensary's delegate, 23931
the board shall provide to the delegate a report of information 23932
from the database pertaining only to a patient's use of medical 23933
marijuana, if both of the following conditions are met: 23934

(a) The delegate certifies in a form specified by the 23935
board that it is for the purpose of dispensing medical marijuana 23936
for use in accordance with Chapter 3796. of the Revised Code. 23937

(b) The retail dispensary or delegate has not been denied 23938
access to the database by the board. 23939

(16) On receipt of a request from a judge of a program 23940
certified by the Ohio supreme court as a specialized docket 23941
program for drugs, the board shall provide to the judge, or an 23942
employee of the program who is designated by the judge to 23943
receive the information, information from the database that 23944
relates specifically to a current or prospective program 23945
participant. 23946

(17) On receipt of a request from a coroner, deputy 23947
coroner, or coroner's delegate approved by the board, the board 23948
shall provide to the requestor information from the database 23949
relating to a deceased person about whom the coroner is 23950
conducting or has conducted an autopsy or investigation. 23951

(18) On receipt of a request from a prescriber, the board 23952
may provide to the prescriber a summary of the prescriber's 23953
prescribing record if such a record is created by the board. 23954
Information in the summary is subject to the confidentiality 23955
requirements of this chapter. 23956

(19) (a) On receipt of a request from a pharmacy's 23957
responsible person, the board may provide to the responsible 23958
person a summary of the pharmacy's dispensing record if such a 23959

record is created by the board. Information in the summary is 23960
subject to the confidentiality requirements of this chapter. 23961

(b) As used in division (A) (19) (a) of this section, 23962
"responsible person" has the same meaning as in rules adopted by 23963
the board under section 4729.26 of the Revised Code. 23964

(20) The board may provide information from the database 23965
without request to a prescriber or pharmacist who is authorized 23966
to use the database pursuant to this chapter. 23967

(21) (a) On receipt of a request from a prescriber or 23968
pharmacist, or the prescriber's or pharmacist's delegate, who is 23969
a designated representative of a peer review committee, the 23970
board shall provide to the committee information from the 23971
database relating to a prescriber who is subject to the 23972
committee's evaluation, supervision, or discipline if the 23973
information is to be used for one of those purposes. The board 23974
shall provide only information that it determines, in accordance 23975
with rules adopted under section 4729.84 of the Revised Code, is 23976
appropriate to be provided to the committee. 23977

(b) As used in division (A) (21) (a) of this section, "peer 23978
review committee" has the same meaning as in section 2305.25 of 23979
the Revised Code, except that it includes only a peer review 23980
committee of a hospital or a peer review committee of a 23981
nonprofit health care corporation that is a member of the 23982
hospital or of which the hospital is a member. 23983

(22) On receipt of a request from a requestor described in 23984
division (A) (5) or (6) of this section who is from or 23985
participating with a prescription monitoring program that is 23986
operated by a federal agency and approved by the board, the 23987
board may provide to the requestor information from the 23988

database, but only if there is a written agreement under which 23989
the information is to be used and disseminated according to the 23990
laws of this state. 23991

(23) Any personal health information submitted to the 23992
board pursuant to section 4729.772 of the Revised Code may be 23993
provided by the board only as authorized by the submitter of the 23994
information and in accordance with rules adopted under section 23995
4729.84 of the Revised Code. 23996

(24) On receipt of a request from a person described in 23997
division (A) (5), (6), or (17) of this section who is 23998
participating in a drug overdose fatality review committee 23999
described in section 307.631 of the Revised Code, the board may 24000
provide to the requestor information from the database, but only 24001
if there is a written agreement under which the information is 24002
to be used and disseminated according to the laws of this state. 24003

(25) On receipt of a request from a person described in 24004
division (A) (5), (6), or (17) of this section who is 24005
participating in a suicide fatality review committee described 24006
in section 307.641 of the Revised Code, the board may provide to 24007
the requestor information from the database, but only if there 24008
is a written agreement under which the information is to be used 24009
and disseminated according to the laws of this state. 24010

(B) The state board of pharmacy shall maintain a record of 24011
each individual or entity that requests information from the 24012
database pursuant to this section. In accordance with rules 24013
adopted under section 4729.84 of the Revised Code, the board may 24014
use the records to document and report statistics and law 24015
enforcement outcomes. 24016

The board may provide records of an individual's requests 24017

for database information only to the following: 24018

(1) A designated representative of a government entity 24019
that is responsible for the licensure, regulation, or discipline 24020
of health care professionals with authority to prescribe, 24021
administer, or dispense drugs who is involved in an active 24022
criminal or disciplinary investigation being conducted by the 24023
government entity of the individual who submitted the requests 24024
for database information; 24025

(2) A federal officer, or a state or local officer of this 24026
or any other state, whose duties include enforcing laws relating 24027
to drugs and who is involved in an active investigation being 24028
conducted by the officer's employing government entity of the 24029
individual who submitted the requests for database information; 24030

(3) A designated representative of the department of 24031
medicaid regarding a prescriber who is treating or has treated a 24032
recipient of a program administered by the department and who 24033
submitted the requests for database information. 24034

(C) Information contained in the database and any 24035
information obtained from it is confidential and is not a public 24036
record. Information contained in the records of requests for 24037
information from the database is confidential and is not a 24038
public record. Information contained in the database that does 24039
not identify a person, including any licensee or registrant of 24040
the board or other entity, may be released in summary, 24041
statistical, or aggregate form. 24042

(D) A pharmacist or prescriber shall not be held liable in 24043
damages to any person in any civil action for injury, death, or 24044
loss to person or property on the basis that the pharmacist or 24045
prescriber did or did not seek or obtain information from the 24046

database.	24047
Sec. 4731.65. As used in sections 4731.65 to 4731.71 of	24048
the Revised Code:	24049
(A) (1) "Clinical laboratory services" means either of the	24050
following:	24051
(a) Any examination of materials derived from the human	24052
body for the purpose of providing information for the diagnosis,	24053
prevention, or treatment of any disease or impairment or for the	24054
assessment of health;	24055
(b) Procedures to determine, measure, or otherwise	24056
describe the presence or absence of various substances or	24057
organisms in the body.	24058
(2) "Clinical laboratory services" does not include the	24059
mere collection or preparation of specimens.	24060
(B) "Designated health services" means any of the	24061
following:	24062
(1) Clinical laboratory services;	24063
(2) Home health care services;	24064
(3) Outpatient prescription drugs.	24065
(C) "Fair market value" means the value in arms-length	24066
transactions, consistent with general market value and:	24067
(1) With respect to rentals or leases, the value of rental	24068
property for general commercial purposes, not taking into	24069
account its intended use;	24070
(2) With respect to a lease of space, not adjusted to	24071
reflect the additional value the prospective lessee or lessor	24072
would attribute to the proximity or convenience to the lessor if	24073

the lessor is a potential source of referrals to the lessee. 24074

(D) "Governmental health care program" means any program 24075
providing health care benefits that is administered by the 24076
federal government, this state, or a political subdivision of 24077
this state, including the medicare program, health care coverage 24078
for public employees, health care benefits administered by the 24079
~~bureau of workers' compensation~~department of workforce insurance 24080
and safety, and the medicaid program. 24081

(E) (1) "Group practice" means a group of two or more 24082
holders of licenses or certificates under this chapter legally 24083
organized as a partnership, professional corporation or 24084
association, limited liability company, foundation, nonprofit 24085
corporation, faculty practice plan, or similar group practice 24086
entity, including an organization comprised of a nonprofit 24087
medical clinic that contracts with a professional corporation or 24088
association of physicians to provide medical services 24089
exclusively to patients of the clinic in order to comply with 24090
section 1701.03 of the Revised Code and including a corporation, 24091
limited liability company, partnership, or professional 24092
association described in division (B) of section 4731.226 of the 24093
Revised Code formed for the purpose of providing a combination 24094
of the professional services of optometrists who are licensed, 24095
certificated, or otherwise legally authorized to practice 24096
optometry under Chapter 4725. of the Revised Code, chiropractors 24097
who are licensed, certificated, or otherwise legally authorized 24098
to practice chiropractic or acupuncture under Chapter 4734. of 24099
the Revised Code, psychologists who are licensed, certificated, 24100
or otherwise legally authorized to practice psychology under 24101
Chapter 4732. of the Revised Code, registered or licensed 24102
practical nurses who are licensed, certificated, or otherwise 24103
legally authorized to practice nursing under Chapter 4723. of 24104

the Revised Code, pharmacists who are licensed, certificated, or 24105
otherwise legally authorized to practice pharmacy under Chapter 24106
4729. of the Revised Code, physical therapists who are licensed, 24107
certificated, or otherwise legally authorized to practice 24108
physical therapy under sections 4755.40 to 4755.56 of the 24109
Revised Code, occupational therapists who are licensed, 24110
certificated, or otherwise legally authorized to practice 24111
occupational therapy under sections 4755.04 to 4755.13 of the 24112
Revised Code, mechanotherapists who are licensed, certificated, 24113
or otherwise legally authorized to practice mechanotherapy under 24114
section 4731.151 of the Revised Code, and doctors of medicine 24115
and surgery, osteopathic medicine and surgery, or podiatric 24116
medicine and surgery who are licensed, certificated, or 24117
otherwise legally authorized for their respective practices 24118
under this chapter, and licensed professional clinical 24119
counselors, licensed professional counselors, independent social 24120
workers, social workers, independent marriage and family 24121
therapists, or marriage and family therapists who are licensed, 24122
certificated, or otherwise legally authorized for their 24123
respective practices under Chapter 4757. of the Revised Code to 24124
which all of the following apply: 24125

(a) Each physician who is a member of the group practice 24126
provides substantially the full range of services that the 24127
physician routinely provides, including medical care, 24128
consultation, diagnosis, or treatment, through the joint use of 24129
shared office space, facilities, equipment, and personnel. 24130

(b) Substantially all of the services of the members of 24131
the group are provided through the group and are billed in the 24132
name of the group and amounts so received are treated as 24133
receipts of the group. 24134

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.	24135 24136 24137
(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.	24138 24139 24140
(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E) (1) of this section apply only with respect to services rendered within the faculty practice plan.	24141 24142 24143 24144 24145 24146 24147
(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code.	24148 24149 24150
(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	24151 24152
(H) A "referral" includes both of the following:	24153
(1) A request by a holder of a license or certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;	24154 24155 24156 24157 24158
(2) A request for or establishment of a plan of care by a license or certificate holder that includes the provision of designated health services.	24159 24160 24161
(I) "Third-party payer" has the same meaning as in section	24162

3901.38 of the Revised Code. 24163

Sec. 4762.12. In the case of a patient with a claim under 24164
Chapter 4121. or 4123. of the Revised Code, a supervising 24165
physician or chiropractor is eligible to be reimbursed for 24166
referring the patient to an oriental medicine practitioner or 24167
acupuncturist or for prescribing oriental medicine or 24168
acupuncture for the patient only if the physician has attained 24169
knowledge in the treatment of patients with oriental medicine or 24170
acupuncture, or the chiropractor has attained knowledge in the 24171
treatment of patients with acupuncture, as demonstrated by 24172
successful completion of a relevant course of study administered 24173
by a college of medicine, osteopathic medicine, podiatric 24174
medicine, or chiropractic acceptable to the ~~bureau of workers'~~ 24175
~~compensation department of workforce insurance and safety or~~ 24176
administered by another entity acceptable to the 24177
~~bureau~~department. 24178

Sec. 4981.19. All bonds issued under sections 4981.11 to 24179
4981.26 of the Revised Code are lawful investments of banks, 24180
societies for savings, savings and loan associations, deposit 24181
guarantee associations, trust companies, trustees, fiduciaries, 24182
insurance companies, including domestic for life and domestic 24183
not for life, trustees or other officers having charge of 24184
sinking and bond retirement or other special funds of political 24185
subdivisions and taxing districts of this state, the 24186
commissioners of the sinking fund of the state, the 24187
~~administrator of workers' compensation~~director of workforce 24188
insurance and safety, the state teachers retirement system, the 24189
public employees retirement system, the school employees 24190
retirement system, and the Ohio police and fire pension fund, 24191
notwithstanding any other provision of the Revised Code or rules 24192
adopted pursuant thereto by any governmental agency of the state 24193

with respect to investments by them, and are acceptable as 24194
security for the deposit of public moneys. 24195

Sec. 5101.181. (A) As used in this section and section 24196
5101.182 of the Revised Code, "public assistance" means any or 24197
all of the following: 24198

(1) Ohio works first; 24199

(2) Prevention, retention, and contingency; 24200

(3) Disability financial assistance provided prior to 24201
December 31, 2017, under former Chapter 5115. of the Revised 24202
Code; 24203

(4) General assistance provided prior to July 17, 1995, 24204
under former Chapter 5113. of the Revised Code. 24205

(B) As part of the procedure for the determination of 24206
overpayment to a recipient of public assistance under Chapter 24207
5107. or 5108., or former Chapter 5115. of the Revised Code, the 24208
director of job and family services may furnish quarterly the 24209
name and social security number of each individual who receives 24210
public assistance to the director of administrative services, 24211
the ~~administrator of the bureau of workers' compensation~~director 24212
of workforce insurance and safety, and each of the state's 24213
retirement boards. Within fourteen days after receiving the name 24214
and social security number of an individual who receives public 24215
assistance, the director of administrative services, 24216
~~administrator~~director of workforce insurance and safety, or 24217
board shall inform the auditor of state as to whether such 24218
individual is receiving wages or benefits, the amount of any 24219
wages or benefits being received, the social security number, 24220
and the address of the individual. The director of 24221
administrative services, ~~administrator~~director of workforce 24222

insurance and safety, boards, and any agent or employee of those 24223
officials and boards shall comply with the rules of the director 24224
of job and family services restricting the disclosure of 24225
information regarding recipients of public assistance. Any 24226
person who violates this provision shall thereafter be 24227
disqualified from acting as an agent or employee or in any other 24228
capacity under appointment or employment of any state board, 24229
commission, or agency. 24230

(C) The auditor of state may enter into a reciprocal 24231
agreement with the director of job and family services or 24232
comparable officer of any other state for the exchange of names, 24233
current or most recent addresses, or social security numbers of 24234
persons receiving public assistance under Title IV-A of the 24235
"Social Security Act," 42 U.S.C. 601 et seq. 24236

(D) The auditor of state shall retain, for not less than 24237
two years, at least one copy of all information received under 24238
this section and sections 145.27, 742.41, 3307.20, 3309.22, 24239
4123.27, 5101.182, and 5505.04 of the Revised Code. 24240

(E) The auditor shall review the information described in 24241
division (D) of this section to determine whether overpayments 24242
were made to recipients of public assistance under Chapters 24243
5107. or 5108. and former Chapter 5115. of the Revised Code. The 24244
auditor of state shall initiate action leading to prosecution, 24245
where warranted, of recipients who received overpayments by 24246
forwarding the name of each recipient who received overpayment, 24247
together with other pertinent information, to the director of 24248
job and family services, the attorney general, and the county 24249
director of job and family services and county prosecutor of the 24250
county through which public assistance was received. 24251

(F) The auditor of state and the attorney general or their 24252

designees may examine any records, whether in computer or 24253
printed format, in the possession of the director of job and 24254
family services or any county director of job and family 24255
services. They shall provide safeguards which restrict access to 24256
such records to purposes directly connected with an audit or 24257
investigation, prosecution, or criminal or civil proceeding 24258
conducted in connection with the administration of the programs 24259
and shall comply with section 5101.27 of the Revised Code and 24260
rules adopted by the director of job and family services 24261
restricting the disclosure of information regarding recipients 24262
of public assistance. Any person who violates this provision 24263
shall thereafter be disqualified from acting as an agent or 24264
employee or in any other capacity under appointment or 24265
employment of any state board, commission, or agency. 24266

(G) Costs incurred by the auditor of state in carrying out 24267
the auditor of state's duties under this section shall be borne 24268
by the auditor of state. 24269

Sec. 5101.36. Any application for public assistance gives 24270
a right of subrogation to the department of job and family 24271
services for any workers' compensation benefits payable to a 24272
person who is subject to a support order, as defined in section 24273
3119.01 of the Revised Code, on behalf of the applicant, to the 24274
extent of any public assistance payments made on the applicant's 24275
behalf. If the director of job and family services, in 24276
consultation with a child support enforcement agency and the 24277
~~administrator of the bureau of workers' compensation~~director of 24278
workforce insurance and safety, determines that a person 24279
responsible for support payments to a recipient of public 24280
assistance is receiving workers' compensation, the director of 24281
job and family services shall notify the ~~administrator~~director 24282
of workforce insurance and safety of the amount of the benefit 24283

to be paid to the department of job and family services. 24284

For purposes of this section, "public assistance" means 24285
Ohio works first provided under Chapter 5107. of the Revised 24286
Code or prevention, retention, and contingency benefits and 24287
services provided under Chapter 5108. of the Revised Code. 24288

Sec. 5107.52. (A) There is hereby established, as a work 24289
activity under Ohio works first, the subsidized employment 24290
program, under which private and government employers receive 24291
payments from appropriations to the department of job and family 24292
services for a portion of the costs of salaries, wages, and 24293
benefits those employers pay to or on behalf of employees who 24294
are participants of the subsidized employment program at the 24295
time of employment. 24296

(B) The director of job and family services may 24297
redetermine rates of payments to employers under this section 24298
annually. 24299

(C) A state agency or political subdivision may create or 24300
fill vacant full-time and part-time positions, including 24301
classified and unclassified positions for those positions that 24302
are included in the civil service under Chapter 124. of the 24303
Revised Code, for or with participants of the subsidized 24304
employment program. The director shall specify in rules adopted 24305
under section 5107.05 of the Revised Code the maximum amount of 24306
time the department will subsidize the positions. After the 24307
subsidy expires, the agency or subdivision may hire the 24308
participant for an unclassified position or as an employee in 24309
the classified civil service. The director of administrative 24310
services may adopt rules in accordance with Chapter 119. of the 24311
Revised Code governing this division. 24312

(D) Participants of the subsidized employment program for 24313
whom payments are made under this section: 24314

(1) Shall be considered regular employees of the employer, 24315
entitled to the same employment benefits and opportunities for 24316
advancement and affiliation with employee organizations that are 24317
available to other regular employees of the employer, and the 24318
employer shall pay premiums to the ~~bureau of workers'~~ 24319
~~compensation department of workforce insurance and safety on~~ 24320
account of employees for whom payments are made; 24321

(2) Shall be paid at the same rate as other employees 24322
doing similar work for the employer. 24323

(E) An agreement for employment of a subsidized employment 24324
program participant by a private employer shall require that the 24325
participant be given preference for any unsubsidized full-time 24326
position with the employer that becomes available after the 24327
participant completes any probationary or training period 24328
specified in the agreement. 24329

Sec. 5107.54. (A) There is hereby established, as a work 24330
activity under Ohio works first, the work experience program. A 24331
participant of Ohio works first placed in the program shall 24332
receive work experience from private and government entities. 24333

Participants of Ohio works first assigned to the work 24334
experience program are not employees of the department of job 24335
and family services or a county department of job and family 24336
services. The operation of the work experience program does not 24337
constitute the operation of an employment agency by the 24338
department of job and family services or a county department of 24339
job and family services. 24340

(B) County departments of job and family services shall 24341

develop work projects to which participants of Ohio works first 24342
are assigned under the work experience program. Work projects 24343
may include assignments with private and government entities. 24344
Examples of work projects a county department may develop 24345
include unpaid internships, refurbishing publicly assisted 24346
housing, and having a participant volunteer to work at the head 24347
start agency in which the participant's minor child is enrolled. 24348
Each county department shall make a list of the work projects 24349
available to the public. 24350

(C) Unless a county department of job and family services 24351
pays the premiums for the entity, a private or government entity 24352
with which a participant of Ohio works first is placed in the 24353
work experience program shall pay premiums to the ~~bureau of~~ 24354
~~workers' compensation department of workforce insurance and~~ 24355
safety on account of the participant. 24356

Sec. 5145.163. (A) As used in this section: 24357

(1) "Customer model enterprise" means an enterprise 24358
conducted under a federal prison industries enhancement 24359
certification program in which a private party participates in 24360
the enterprise only as a purchaser of goods and services. 24361

(2) "Employer model enterprise" means an enterprise 24362
conducted under a federal prison industries enhancement 24363
certification program in which a private party participates in 24364
the enterprise as an operator of the enterprise. 24365

(3) "Injury" means a diagnosable injury to an inmate 24366
supported by medical findings that it was sustained in the 24367
course of and arose out of authorized work activity that was an 24368
integral part of the inmate's participation in the Ohio penal 24369
industries program. 24370

(4) "Inmate" means any person who is committed to the custody of the department of rehabilitation and correction and who is participating in an Ohio penal industries program that is under the federal prison industries enhancement certification program.

(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.

(6) "Loss of earning capacity" means an impairment of the body of an inmate to a degree that makes the inmate unable to return to work activity under the Ohio penal industries program and results in a reduction of compensation earned by the inmate at the time the injury occurred.

(B) Every inmate shall be covered by a policy of disability insurance to provide benefits for loss of earning capacity due to an injury and for medical treatment of the injury following the inmate's release from prison. If the enterprise for which the inmate works is a customer model enterprise, Ohio penal industries shall purchase the policy. If the enterprise for which the inmate works is an employer model enterprise, the private participant shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation.

(C) Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the inmate shall be medically examined, and the insurer shall determine the inmate's entitlement to disability benefits based on the medical examination. The inmate shall

accept or reject an award within thirty days after a 24401
determination of the inmate's entitlement to the award. If the 24402
inmate accepts the award, the benefits shall be paid upon the 24403
inmate's release from prison. The amount of disability benefits 24404
payable to the inmate shall be reduced by sick leave benefits or 24405
other compensation for lost pay made by Ohio penal industries to 24406
the inmate due to an injury that rendered the inmate unable to 24407
work. An inmate shall not receive disability benefits for 24408
injuries occurring as the result of a fight, assault, horseplay, 24409
purposely self-inflicted injury, use of alcohol or controlled 24410
substances, misuse of prescription drugs, or other activity that 24411
is prohibited by the department's or institution's inmate 24412
conduct rules or the work rules of the private participant in 24413
the enterprise. 24414

(D) Inmates are not employees of the department of 24415
rehabilitation and correction or the private participant in an 24416
enterprise. 24417

(E) An inmate is ineligible to receive compensation or 24418
benefits under Chapter 4121., 4123., 4127., or 4131. of the 24419
Revised Code for any injury, death, or occupational disease 24420
received in the course of, and arising out of, participation in 24421
the Ohio penal industries program. Any claim for an injury 24422
arising from an inmate's participation in the program is 24423
specifically excluded from the jurisdiction of the Ohio ~~bureau~~ 24424
~~of workers' compensation~~ department of workforce insurance and 24425
safety and the industrial commission of Ohio. 24426

(F) Any disability benefit award accepted by an inmate 24427
under this section shall be the inmate's exclusive remedy 24428
against the insurer, the private participant in an enterprise, 24429
and the state. If an inmate rejects an award or a disability 24430

claim is denied, the inmate may bring an action in the court of 24431
claims within the appropriate period of limitations. 24432

(G) If any inmate who is paid disability benefits under 24433
this section is reincarcerated, the benefits shall immediately 24434
cease but shall resume upon the inmate's subsequent release from 24435
incarceration. 24436

Sec. 5525.18. No contract shall be entered into by the 24437
director of transportation, if the bidder awarded the contract 24438
is a foreign corporation, until the secretary of state has 24439
certified that the corporation is authorized to do business in 24440
this state, and, if the bidder awarded the contract is a person 24441
or partnership nonresident of the state, until the person or 24442
partnership has filed with the secretary of state a power of 24443
attorney designating the secretary of state as its agent for the 24444
purpose of accepting service of summons in any action brought in 24445
this state against the person, firm, or corporation relating to 24446
the contract, or under the highway laws or under Chapter 4123. 24447
of the Revised Code. No estimate shall be paid to any contractor 24448
by the director of transportation until the ~~administrator of~~ 24449
~~workers' compensation~~ director of workforce insurance and safety 24450
has certified that the contractor has complied with every 24451
condition of Chapter 4123. of the Revised Code, and all acts 24452
amendatory thereof and supplementary thereto. The certificate of 24453
compliance shall be valid for fifteen days following the period 24454
for which the employer has paid an advance premium, and shall 24455
warrant and require the payment of all estimates dated during 24456
the fifteen-day period, other than final estimates, unless the 24457
certificate is revoked by the ~~administrator~~ director of workforce 24458
insurance and safety. Upon the request of any contractor upon 24459
state highway work, or person, firm, or corporation intending to 24460
engage in contracting upon such work, the ~~administrator~~ director 24461

of workforce insurance and safety, upon the receipt of any 24462
premium due, shall forward the certificate to the directorof 24463
transportation. 24464

Sec. 5528.54. (A) The commissioners of the sinking fund 24465
are authorized to issue and sell, as provided in this section 24466
and in amounts from time to time authorized by the general 24467
assembly, general obligations of this state for the purpose of 24468
financing or assisting in the financing of the costs of 24469
projects. The full faith and credit, revenues, and taxing power 24470
of the state are and shall be pledged to the timely payment of 24471
bond service charges on outstanding obligations, all in 24472
accordance with Section 2m of Article VIII, Ohio Constitution, 24473
and sections 5528.51 to 5528.53 of the Revised Code, and so long 24474
as such obligations are outstanding there shall be levied and 24475
collected excises, taxes, and other revenues in amounts 24476
sufficient to pay the bond service charges on such obligations 24477
and costs relating to credit enhancement facilities. 24478

(B) Not more than two hundred twenty million dollars 24479
principal amount of obligations, plus the principal amount of 24480
obligations that in any prior fiscal years could have been, but 24481
were not issued within that two-hundred-twenty-million-dollar 24482
fiscal year limit, may be issued in any fiscal year, and not 24483
more than one billion two hundred million dollars principal 24484
amount of obligations may be outstanding at any one time, all 24485
determined as provided in sections 5528.51 to 5528.53 of the 24486
Revised Code. 24487

(C) The state may participate in financing projects by 24488
grants, loans, or contributions to local government entities. 24489

(D) Each issue of obligations shall be authorized by 24490
resolution of the commissioners. The bond proceedings shall 24491

provide for the principal amount or maximum principal amount of 24492
obligations of an issue, and shall provide for or authorize the 24493
manner for determining the principal maturity or maturities, not 24494
exceeding the earlier of thirty years from the date of issuance 24495
of the particular obligations or thirty years from the date the 24496
debt represented by the particular obligations was originally 24497
contracted, the interest rate or rates, the date of and the 24498
dates of payment of interest on the obligations, their 24499
denominations, and the establishment within or outside the state 24500
of a place or places of payment of bond service charges. 24501
Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code 24502
are applicable to the obligations. The purpose of the 24503
obligations may be stated in the bond proceedings as "financing 24504
or assisting in the financing of highway capital improvement 24505
projects as provided in Section 2m of Article VIII, Ohio 24506
Constitution." 24507

(E) The proceeds of the obligations, except for any 24508
portion to be deposited into special funds, or into escrow funds 24509
for the purpose of refunding outstanding obligations, all as may 24510
be provided in the bond proceedings, shall be deposited into the 24511
highway capital improvement fund established by section 5528.53 24512
of the Revised Code. 24513

(F) The commissioners may appoint or provide for the 24514
appointment of paying agents, bond registrars, securities 24515
depositories, and transfer agents, and may retain the services 24516
of financial advisers and accounting experts, and retain or 24517
contract for the services of marketing, remarketing, indexing, 24518
and administrative agents, other consultants, and independent 24519
contractors, including printing services, as are necessary in 24520
the judgment of the commissioners to carry out sections 5528.51 24521
to 5528.53 of the Revised Code. Financing costs are payable, as 24522

provided in the bond proceedings, from the proceeds of the 24523
obligations, from special funds, or from other moneys available 24524
for the purpose. 24525

(G) The bond proceedings, including any trust agreement, 24526
may contain additional provisions customary or appropriate to 24527
the financing or to the obligations or to particular obligations 24528
including, but not limited to: 24529

(1) The redemption of obligations prior to maturity at the 24530
option of the state or of the holder or upon the occurrence of 24531
certain conditions at such price or prices and under such terms 24532
and conditions as are provided in the bond proceedings; 24533

(2) The form of and other terms of the obligations; 24534

(3) The establishment, deposit, investment, and 24535
application of special funds, and the safeguarding of moneys on 24536
hand or on deposit, in lieu of otherwise applicable provisions 24537
of Chapter 131. or 135. of the Revised Code, but subject to any 24538
special provisions of this section with respect to particular 24539
funds or moneys, and provided that any bank or trust company 24540
that acts as a depository of any moneys in special funds may 24541
furnish such indemnifying bonds or may pledge such securities as 24542
required by the commissioners; 24543

(4) Any or every provision of the bond proceedings binding 24544
upon the commissioners and such state agency or local government 24545
entities, officer, board, commission, authority, agency, 24546
department, or other person or body as may from time to time 24547
have the authority under law to take such actions as may be 24548
necessary to perform all or any part of the duty required by 24549
such provision; 24550

(5) The maintenance of each pledge, any trust agreement, 24551

or other instrument composing part of the bond proceedings until 24552
the state has fully paid or provided for the payment of the bond 24553
service charges on the obligations or met other stated 24554
conditions; 24555

(6) In the event of default in any payments required to be 24556
made by the bond proceedings, or any other agreement of the 24557
commissioners made as part of a contract under which the 24558
obligations were issued or secured, the enforcement of such 24559
payments or agreements by mandamus, suit in equity, action at 24560
law, or any combination of the foregoing; 24561

(7) The rights and remedies of the holders of obligations 24562
and of the trustee under any trust agreement, and provisions for 24563
protecting and enforcing them, including limitations on rights 24564
of individual holders of obligations; 24565

(8) The replacement of any obligations that become 24566
mutilated or are destroyed, lost, or stolen; 24567

(9) Provision for the funding, refunding, or advance 24568
refunding or other provision for payment of obligations that 24569
will then no longer be outstanding for purposes of sections 24570
5528.51 to 5528.56 of the Revised Code or of the bond 24571
proceedings; 24572

(10) Any provision that may be made in bond proceedings or 24573
a trust agreement, including provision for amendment of the bond 24574
proceedings; 24575

(11) Any other or additional agreements with the holders 24576
of the obligations relating to any of the foregoing; 24577

(12) Such other provisions as the commissioners determine, 24578
including limitations, conditions, or qualifications relating to 24579
any of the foregoing. 24580

(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations requiring signatures by the commissioners shall be signed by or bear the facsimile signatures of two or more of the commissioners as provided in the bond proceedings. Any obligations may be signed by the person who, on the date of execution, is the authorized signer although on the date of such obligations such person was not a commissioner. In case the individual whose signature or a facsimile of whose signature appears on any obligation ceases to be a commissioner before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the member until such delivery, and in case the seal to be affixed to or printed on obligations has been changed after the seal has been affixed to or a facsimile of the seal has been printed on the obligations, that seal or facsimile seal shall continue to be sufficient as to those obligations and obligations issued in substitution or exchange therefor.

(I) The obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. Obligations may be issued in coupon or in fully registered form, or both, as the commissioners determine. Provision may be made for the registration of any obligations with coupons attached as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion. Pending preparation of definitive

obligations, the commissioners may issue interim receipts or 24612
certificates which shall be exchanged for such definitive 24613
obligations. 24614

(J) Obligations may be sold at public sale or at private 24615
sale, and at such price at, above, or below par, as determined 24616
by the commissioners in the bond proceedings. 24617

(K) In the discretion of the commissioners, obligations 24618
may be secured additionally by a trust agreement between the 24619
state and a corporate trustee which may be any trust company or 24620
bank having a place of business within the state. Any trust 24621
agreement may contain the resolution authorizing the issuance of 24622
the obligations, any provisions that may be contained in the 24623
bond proceedings, and other provisions that are customary or 24624
appropriate in an agreement of the type. 24625

(L) Except to the extent that their rights are restricted 24626
by the bond proceedings, any holder of obligations, or a trustee 24627
under the bond proceedings may by any suitable form of legal 24628
proceedings protect and enforce any rights under the laws of 24629
this state or granted by the bond proceedings. Such rights 24630
include the right to compel the performance of all duties of the 24631
commissioners and the state. Each duty of the commissioners and 24632
its employees, and of each state agency and local government 24633
entity and its officers, members, or employees, undertaken 24634
pursuant to the bond proceedings, is hereby established as a 24635
duty of the commissioners, and of each such agency, local 24636
government entity, officer, member, or employee having authority 24637
to perform such duty, specifically enjoined by the law and 24638
resulting from an office, trust, or station within the meaning 24639
of section 2731.01 of the Revised Code. The persons who are at 24640
the time the commissioners of the sinking fund, or its 24641

employees, are not liable in their personal capacities on any 24642
obligations or any agreements of or with the commissioners 24643
relating to obligations or under the bond proceedings. 24644

(M) Obligations are lawful investments for banks, 24645
societies for savings, savings and loan associations, deposit 24646
guarantee associations, trust companies, trustees, fiduciaries, 24647
insurance companies, including domestic for life and domestic 24648
not for life, trustees or other officers having charge of 24649
sinking and bond retirement or other special funds of political 24650
subdivisions and taxing districts of this state, the 24651
commissioners of the sinking fund, the ~~administrator of workers'~~ 24652
~~compensation~~ director of workforce insurance and safety, subject 24653
to the approval of the ~~workers' compensation department of~~ 24654
workforce insurance and safety board of directors and the 24655
industrial commission, the state teachers retirement system, the 24656
public employees retirement system, the school employees 24657
retirement system, and the Ohio police and fire pension fund, 24658
notwithstanding any other provisions of the Revised Code or 24659
rules adopted pursuant thereto by any state agency with respect 24660
to investments by them, and are also acceptable as security for 24661
the deposit of public moneys. 24662

(N) Unless otherwise provided in any applicable bond 24663
proceedings, moneys to the credit of or in the special funds 24664
established by or pursuant to this section may be invested by or 24665
on behalf of the commissioners only in notes, bonds, or other 24666
direct obligations of the United States or of any agency or 24667
instrumentality thereof, in obligations of this state or any 24668
political subdivision of this state, in certificates of deposit 24669
of any national bank located in this state and any bank, as 24670
defined in section 1101.01 of the Revised Code, subject to 24671
inspection by the superintendent of financial institutions, in 24672

the Ohio subdivision's fund established pursuant to section 24673
135.45 of the Revised Code, in no-front-end-load money market 24674
mutual funds consisting exclusively of direct obligations of the 24675
United States or of an agency or instrumentality thereof, and in 24676
repurchase agreements, including those issued by any fiduciary, 24677
secured by direct obligations of the United States or an agency 24678
or instrumentality thereof, and in common trust funds 24679
established in accordance with section 1109.20 of the Revised 24680
Code and consisting exclusively of direct obligations of the 24681
United States or of an agency or instrumentality thereof, 24682
notwithstanding division (A) (4) of that section. The income from 24683
investments shall be credited to such special funds or otherwise 24684
as the commissioners determine in the bond proceedings, and the 24685
investments may be sold or exchanged at such times as the 24686
commissioners determine or authorize. 24687

(O) Unless otherwise provided in any applicable bond 24688
proceedings, moneys to the credit of or in a special fund shall 24689
be disbursed on the order of the commissioners, provided that no 24690
such order is required for the payment from the bond service 24691
fund or other special fund when due of bond service charges or 24692
required payments under credit enhancement facilities. 24693

(P) The commissioners may covenant in the bond 24694
proceedings, and any such covenants shall be controlling 24695
notwithstanding any other provision of law, that the state and 24696
the applicable officers and agencies of the state, including the 24697
general assembly, shall, so long as any obligations are 24698
outstanding in accordance with their terms, maintain statutory 24699
authority for and cause to be charged and collected taxes, 24700
excises, and other receipts of the state so that the receipts to 24701
the bond service fund shall be sufficient in amounts to meet 24702
bond service charges and for the establishment and maintenance 24703

of any reserves and other requirements, including payment of 24704
financing costs, provided for in the bond proceedings. 24705

(Q) The obligations, and the transfer of, and the 24706
interest, interest equivalent, and other income and accreted 24707
amounts from, including any profit made on the sale, exchange, 24708
or other disposition of, the obligations shall at all times be 24709
free from taxation, direct or indirect, within the state. 24710

(R) This section applies only with respect to obligations 24711
issued and delivered prior to September 30, 2000. 24712

Sec. 5531.10. (A) As used in this chapter: 24713

(1) "Bond proceedings" means the resolution, order, trust 24714
agreement, indenture, lease, lease-purchase agreements, and 24715
other agreements, amendments and supplements to the foregoing, 24716
or any one or more or combination thereof, authorizing or 24717
providing for the terms and conditions applicable to, or 24718
providing for the security or liquidity of, obligations issued 24719
pursuant to this section, and the provisions contained in such 24720
obligations. 24721

(2) "Bond service charges" means principal, including 24722
mandatory sinking fund requirements for retirement of 24723
obligations, and interest, and redemption premium, if any, 24724
required to be paid by the state on obligations. 24725

(3) "Bond service fund" means the applicable fund and 24726
accounts therein created for and pledged to the payment of bond 24727
service charges, which may be, or may be part of, the state 24728
infrastructure bank revenue bond service fund created by 24729
division (R) of this section including all moneys and 24730
investments, and earnings from investments, credited and to be 24731
credited thereto. 24732

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of the treasurer of state. 24733
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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. 24736
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(6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts in the state infrastructure bank pledged to the payment of such charges. If the amounts in the state infrastructure bank are insufficient for the payment of such charges, "pledged receipts" also means moneys that are apportioned by the United States secretary of transportation under United States Code, Title XXIII, as amended, or any successor legislation, or under any other federal law relating to aid for highways, and that are to be received as a grant by the state, to the extent the state is not prohibited by state or federal law from using such moneys and the moneys are pledged to the payment of such bond service charges. 24739
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(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the state infrastructure bank revenue bond service fund created by division (R) of this section to the 24758
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extent provided in the bond proceedings, including all moneys 24763
and investments, and earnings from investment, credited and to 24764
be credited thereto. 24765

(8) "State infrastructure project" means any public 24766
transportation project undertaken by the state, including, but 24767
not limited to, all components of any such project, as described 24768
in division (D) of section 5531.09 of the Revised Code. 24769

(9) "District obligations" means bonds, notes, or other 24770
evidence of obligation including interest coupons pertaining 24771
thereto, issued to finance a qualified project by a 24772
transportation improvement district created pursuant to section 24773
5540.02 of the Revised Code, of which the principal, including 24774
mandatory sinking fund requirements for retirement of such 24775
obligations, and interest and redemption premium, if any, are 24776
payable by the department of transportation. 24777

(B) The issuing authority, after giving written notice to 24778
the director of budget and management and upon the certification 24779
by the director of transportation to the issuing authority of 24780
the amount of moneys or additional moneys needed either for 24781
state infrastructure projects or to provide financial assistance 24782
for any of the purposes for which the state infrastructure bank 24783
may be used under section 5531.09 of the Revised Code, or needed 24784
for capitalized interest, funding reserves, and paying costs and 24785
expenses incurred in connection with the issuance, carrying, 24786
securing, paying, redeeming, or retirement of the obligations or 24787
any obligations refunded thereby, including payment of costs and 24788
expenses relating to letters of credit, lines of credit, 24789
insurance, put agreements, standby purchase agreements, 24790
indexing, marketing, remarketing and administrative 24791
arrangements, interest swap or hedging agreements, and any other 24792

credit enhancement, liquidity, remarketing, renewal, or 24793
refunding arrangements, all of which are authorized by this 24794
section, shall issue obligations of the state under this section 24795
in the required amount. The proceeds of such obligations, except 24796
for the portion to be deposited in special funds, including 24797
reserve funds, as may be provided in the bond proceedings, shall 24798
as provided in the bond proceedings be credited to the 24799
infrastructure bank obligations fund of the state infrastructure 24800
bank created by section 5531.09 of the Revised Code and 24801
disbursed as provided in the bond proceedings for such 24802
obligations. The issuing authority may appoint trustees, paying 24803
agents, transfer agents, and authenticating agents, and may 24804
retain the services of financial advisors, accounting experts, 24805
and attorneys, and retain or contract for the services of 24806
marketing, remarketing, indexing, and administrative agents, 24807
other consultants, and independent contractors, including 24808
printing services, as are necessary in the issuing authority's 24809
judgment to carry out this section. The costs of such services 24810
are payable from funds of the state infrastructure bank or as 24811
otherwise provided in the bond proceedings. 24812

(C) The holders or owners of such obligations shall have 24813
no right to have moneys raised by taxation by the state of Ohio 24814
obligated or pledged, and moneys so raised shall not be 24815
obligated or pledged, for the payment of bond service charges. 24816
The right of such holders and owners to the payment of bond 24817
service charges is limited to all or that portion of the pledged 24818
receipts and those special funds pledged thereto pursuant to the 24819
bond proceedings for such obligations in accordance with this 24820
section, and each such obligation shall bear on its face a 24821
statement to that effect. Moneys received as repayment of loans 24822
made by the state infrastructure bank pursuant to section 24823

5531.09 of the Revised Code shall not be considered moneys 24824
raised by taxation by the state of Ohio regardless of the source 24825
of the moneys. 24826

(D) Obligations shall be authorized by order of the 24827
issuing authority and the bond proceedings shall provide for the 24828
purpose thereof and the principal amount or amounts, and shall 24829
provide for or authorize the manner or agency for determining 24830
the principal maturity or maturities, not exceeding twenty-five 24831
years from the date of issuance or, with respect to obligations 24832
issued to finance a transportation facility pursuant to a 24833
public-private agreement, not exceeding forty-five years from 24834
the date of issuance, the interest rate or rates or the maximum 24835
interest rate, the date of the obligations and the dates of 24836
payment of interest thereon, their denomination, and the 24837
establishment within or without the state of a place or places 24838
of payment of bond service charges. Sections 9.98 to 9.983 of 24839
the Revised Code are applicable to obligations issued under this 24840
section. The purpose of such obligations may be stated in the 24841
bond proceedings in terms describing the general purpose or 24842
purposes to be served. The bond proceedings also shall provide, 24843
subject to the provisions of any other applicable bond 24844
proceedings, for the pledge of all, or such part as the issuing 24845
authority may determine, of the pledged receipts and the 24846
applicable special fund or funds to the payment of bond service 24847
charges, which pledges may be made either prior or subordinate 24848
to other expenses, claims, or payments, and may be made to 24849
secure the obligations on a parity with obligations theretofore 24850
or thereafter issued, if and to the extent provided in the bond 24851
proceedings. The pledged receipts and special funds so pledged 24852
and thereafter received by the state immediately are subject to 24853
the lien of such pledge without any physical delivery thereof or 24854

further act, and the lien of any such pledges is valid and 24855
binding against all parties having claims of any kind against 24856
the state or any governmental agency of the state, irrespective 24857
of whether such parties have notice thereof, and shall create a 24858
perfected security interest for all purposes of Chapter 1309. of 24859
the Revised Code, without the necessity for separation or 24860
delivery of funds or for the filing or recording of the bond 24861
proceedings by which such pledge is created or any certificate, 24862
statement, or other document with respect thereto; and the 24863
pledge of such pledged receipts and special funds is effective 24864
and the money therefrom and thereof may be applied to the 24865
purposes for which pledged without necessity for any act of 24866
appropriation. Every pledge, and every covenant and agreement 24867
made with respect thereto, made in the bond proceedings may 24868
therein be extended to the benefit of the owners and holders of 24869
obligations authorized by this section, and to any trustee 24870
therefor, for the further security of the payment of the bond 24871
service charges. 24872

For purposes of this division, "transportation facility" 24873
and "public-private agreement" have the same meanings as in 24874
section 5501.70 of the Revised Code. 24875

(E) The bond proceedings may contain additional provisions 24876
as to: 24877

(1) The redemption of obligations prior to maturity at the 24878
option of the issuing authority at such price or prices and 24879
under such terms and conditions as are provided in the bond 24880
proceedings; 24881

(2) Other terms of the obligations; 24882

(3) Limitations on the issuance of additional obligations; 24883

(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	24884 24885
(5) The deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	24886 24887 24888 24889 24890 24891 24892 24893
(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;	24894 24895 24896 24897 24898 24899
(7) Any provision that may be made in a trust agreement or indenture;	24900 24901
(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security relating to financial assistance for qualified projects under section 5531.09 of the Revised Code.	24902 24903 24904 24905 24906 24907
(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on	24908 24909 24910 24911 24912

the date of execution, is the proper issuing authority although 24913
on the date of such bonds or coupons such person was not the 24914
issuing authority. In case the issuing authority whose signature 24915
or a facsimile of whose signature appears on any such obligation 24916
or coupon ceases to be the issuing authority before delivery 24917
thereof, such signature or facsimile nevertheless is valid and 24918
sufficient for all purposes as if the former issuing authority 24919
had remained the issuing authority until such delivery; and in 24920
case the seal to be affixed to obligations has been changed 24921
after a facsimile of the seal has been imprinted on such 24922
obligations, such facsimile seal shall continue to be sufficient 24923
as to such obligations and obligations issued in substitution or 24924
exchange therefor. 24925

(G) All obligations are negotiable instruments and 24926
securities under Chapter 1308. of the Revised Code, subject to 24927
the provisions of the bond proceedings as to registration. The 24928
obligations may be issued in coupon or in registered form, or 24929
both, as the issuing authority determines. Provision may be made 24930
for the registration of any obligations with coupons attached 24931
thereto as to principal alone or as to both principal and 24932
interest, their exchange for obligations so registered, and for 24933
the conversion or reconversion into obligations with coupons 24934
attached thereto of any obligations registered as to both 24935
principal and interest, and for reasonable charges for such 24936
registration, exchange, conversion, and reconversion. 24937

(H) Obligations may be sold at public sale or at private 24938
sale, as determined in the bond proceedings. 24939

(I) Pending preparation of definitive obligations, the 24940
issuing authority may issue interim receipts or certificates 24941
which shall be exchanged for such definitive obligations. 24942

(J) In the discretion of the issuing authority, 24943
obligations may be secured additionally by a trust agreement or 24944
indenture between the issuing authority and a corporate trustee 24945
which may be any trust company or bank possessing corporate 24946
trust powers that has a place of business within or without the 24947
state. Any such agreement or indenture may contain the order 24948
authorizing the issuance of the obligations, any provisions that 24949
may be contained in any bond proceedings, and other provisions 24950
which are customary or appropriate in an agreement or indenture 24951
of such type, including, but not limited to: 24952

(1) Maintenance of each pledge, trust agreement, 24953
indenture, or other instrument comprising part of the bond 24954
proceedings until the state has fully paid the bond service 24955
charges on the obligations secured thereby, or provision 24956
therefor has been made; 24957

(2) In the event of default in any payments required to be 24958
made by the bond proceedings, or any other agreement of the 24959
issuing authority made as a part of the contract under which the 24960
obligations were issued, enforcement of such payments or 24961
agreement by mandamus, the appointment of a receiver, suit in 24962
equity, action at law, or any combination of the foregoing; 24963

(3) The rights and remedies of the holders of obligations 24964
and of the trustee, and provisions for protecting and enforcing 24965
them, including limitations on the rights of individual holders 24966
of obligations; 24967

(4) The replacement of any obligations that become 24968
mutilated or are destroyed, lost, or stolen; 24969

(5) Such other provisions as the trustee and the issuing 24970
authority agree upon, including limitations, conditions, or 24971

qualifications relating to any of the foregoing. 24972

(K) Any holder of obligations or a trustee under the bond 24973
proceedings, except to the extent that the holder's or trustee's 24974
rights are restricted by the bond proceedings, may by any 24975
suitable form of legal proceedings, protect and enforce any 24976
rights under the laws of this state or granted by such bond 24977
proceedings. Such rights include the right to compel the 24978
performance of all duties of the issuing authority and the 24979
director of transportation required by the bond proceedings or 24980
sections 5531.09 and 5531.10 of the Revised Code; to enjoin 24981
unlawful activities; and in the event of default with respect to 24982
the payment of any bond service charges on any obligations or in 24983
the performance of any covenant or agreement on the part of the 24984
issuing authority or the director of transportation in the bond 24985
proceedings, to apply to a court having jurisdiction of the 24986
cause to appoint a receiver to receive and administer the 24987
pledged receipts and special funds, other than those in the 24988
custody of the treasurer of state, which are pledged to the 24989
payment of the bond service charges on such obligations or which 24990
are the subject of the covenant or agreement, with full power to 24991
pay, and to provide for payment of bond service charges on, such 24992
obligations, and with such powers, subject to the direction of 24993
the court, as are accorded receivers in general equity cases, 24994
excluding any power to pledge additional revenues or receipts or 24995
other income or moneys of the state or local governmental 24996
entities, or agencies thereof, to the payment of such principal 24997
and interest and excluding the power to take possession of, 24998
mortgage, or cause the sale or otherwise dispose of any project 24999
facilities. 25000

Each duty of the issuing authority and the issuing 25001
authority's officers and employees, and of each state or local 25002

governmental agency and its officers, members, or employees, 25003
undertaken pursuant to the bond proceedings or any loan, loan 25004
guarantee, lease, lease-purchase agreement, or other agreement 25005
made under authority of section 5531.09 of the Revised Code, and 25006
in every agreement by or with the issuing authority, is hereby 25007
established as a duty of the issuing authority, and of each such 25008
officer, member, or employee having authority to perform such 25009
duty, specifically enjoined by the law resulting from an office, 25010
trust, or station within the meaning of section 2731.01 of the 25011
Revised Code. 25012

The person who is at the time the issuing authority, or 25013
the issuing authority's officers or employees, are not liable in 25014
their personal capacities on any obligations issued by the 25015
issuing authority or any agreements of or with the issuing 25016
authority. 25017

(L) The issuing authority may authorize and issue 25018
obligations for the refunding, including funding and retirement, 25019
and advance refunding with or without payment or redemption 25020
prior to maturity, of any obligations previously issued by the 25021
issuing authority or district obligations. Such refunding 25022
obligations may be issued in amounts sufficient for payment of 25023
the principal amount of the prior obligations or district 25024
obligations, any redemption premiums thereon, principal 25025
maturities of any such obligations or district obligations 25026
maturing prior to the redemption of the remaining obligations or 25027
district obligations on a parity therewith, interest accrued or 25028
to accrue to the maturity dates or dates of redemption of such 25029
obligations or district obligations, and any expenses incurred 25030
or to be incurred in connection with such issuance and such 25031
refunding, funding, and retirement. Subject to the bond 25032
proceedings therefor, the portion of proceeds of the sale of 25033

refunding obligations issued under this division to be applied 25034
to bond service charges on the prior obligations or district 25035
obligations shall be credited to an appropriate account held by 25036
the trustee for such prior or new obligations or to the 25037
appropriate account in the bond service fund for such 25038
obligations or district obligations. Obligations authorized 25039
under this division shall be deemed to be issued for those 25040
purposes for which such prior obligations or district 25041
obligations were issued and are subject to the provisions of 25042
this section pertaining to other obligations, except as 25043
otherwise provided in this section. The last maturity of 25044
obligations authorized under this division shall not be later 25045
than the latest permitted maturity of the original securities 25046
issued for the original purpose. 25047

(M) The authority to issue obligations under this section 25048
includes authority to issue obligations in the form of bond 25049
anticipation notes and to renew the same from time to time by 25050
the issuance of new notes. The holders of such notes or interest 25051
coupons pertaining thereto shall have a right to be paid solely 25052
from the pledged receipts and special funds that may be pledged 25053
to the payment of the bonds anticipated, or from the proceeds of 25054
such bonds or renewal notes, or both, as the issuing authority 25055
provides in the order authorizing such notes. Such notes may be 25056
additionally secured by covenants of the issuing authority to 25057
the effect that the issuing authority and the state will do such 25058
or all things necessary for the issuance of such bonds or 25059
renewal notes in the appropriate amount, and apply the proceeds 25060
thereof to the extent necessary, to make full payment of the 25061
principal of and interest on such notes at the time or times 25062
contemplated, as provided in such order. For such purpose, the 25063
issuing authority may issue bonds or renewal notes in such 25064

principal amount and upon such terms as may be necessary to 25065
provide funds to pay when required the principal of and interest 25066
on such notes, notwithstanding any limitations prescribed by or 25067
for purposes of this section. Subject to this division, all 25068
provisions for and references to obligations in this section are 25069
applicable to notes authorized under this division. 25070

The issuing authority in the bond proceedings authorizing 25071
the issuance of bond anticipation notes shall set forth for such 25072
bonds an estimated interest rate and a schedule of principal 25073
payments for such bonds and the annual maturity dates thereof. 25074

(N) Obligations issued under this section are lawful 25075
investments for banks, societies for savings, savings and loan 25076
associations, deposit guarantee associations, trust companies, 25077
trustees, fiduciaries, insurance companies, including domestic 25078
for life and domestic not for life, trustees or other officers 25079
having charge of sinking and bond retirement or other special 25080
funds of political subdivisions and taxing districts of this 25081
state, the commissioners of the sinking fund of the state, the 25082
~~administrator of workers' compensation~~director of workforce 25083
insurance and safety, the state teachers retirement system, the 25084
public employees retirement system, the school employees 25085
retirement system, and the Ohio police and fire pension fund, 25086
notwithstanding any other provisions of the Revised Code or 25087
rules adopted pursuant thereto by any agency of the state with 25088
respect to investments by them, and are also acceptable as 25089
security for the deposit of public moneys. 25090

(O) Unless otherwise provided in any applicable bond 25091
proceedings, moneys to the credit of or in the special funds 25092
established by or pursuant to this section may be invested by or 25093
on behalf of the issuing authority only in notes, bonds, or 25094

other obligations of the United States, or of any agency or 25095
instrumentality of the United States, obligations guaranteed as 25096
to principal and interest by the United States, obligations of 25097
this state or any political subdivision of this state, and 25098
certificates of deposit of any national bank located in this 25099
state and any bank, as defined in section 1101.01 of the Revised 25100
Code, subject to inspection by the superintendent of financial 25101
institutions. If the law or the instrument creating a trust 25102
pursuant to division (J) of this section expressly permits 25103
investment in direct obligations of the United States or an 25104
agency of the United States, unless expressly prohibited by the 25105
instrument, such moneys also may be invested in no-front-end- 25106
load money market mutual funds consisting exclusively of 25107
obligations of the United States or an agency of the United 25108
States and in repurchase agreements, including those issued by 25109
the fiduciary itself, secured by obligations of the United 25110
States or an agency of the United States; and in collective 25111
investment funds as defined in division (A) of section 1111.01 25112
of the Revised Code and consisting exclusively of any such 25113
securities. The income from such investments shall be credited 25114
to such funds as the issuing authority determines, and such 25115
investments may be sold at such times as the issuing authority 25116
determines or authorizes. 25117

(P) Provision may be made in the applicable bond 25118
proceedings for the establishment of separate accounts in the 25119
bond service fund and for the application of such accounts only 25120
to the specified bond service charges on obligations pertinent 25121
to such accounts and bond service fund and for other accounts 25122
therein within the general purposes of such fund. Unless 25123
otherwise provided in any applicable bond proceedings, moneys to 25124
the credit of or in the several special funds established 25125

pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q) (1) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(2) An action taken under division (Q) (2) of this section does not limit the generality of division (Q) (1) of this section, and is subject to division (C) of this section and, if and to the extent otherwise applicable, Section 13 of Article VIII, Ohio Constitution. The bond proceedings may contain a covenant that, in the event the pledged receipts primarily pledged and required to be used for the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, are insufficient to make any such payment in full when due, or to maintain any such reserve, the director of transportation shall so notify the governor, and shall determine to what extent, if any, the payment may be made or moneys may be restored to the reserves from lawfully available moneys previously appropriated for that purpose to the department of transportation. The covenant also may provide that if the payments are not made or the moneys are not immediately and fully restored to the reserves from such moneys, the

director shall promptly submit to the governor and to the 25157
director of budget and management a written request for either 25158
or both of the following: 25159

(a) That the next biennial budget submitted by the 25160
governor to the general assembly include an amount to be 25161
appropriated from lawfully available moneys to the department 25162
for the purpose of and sufficient for the payment in full of 25163
bond service charges previously due and for the full 25164
replenishment of the reserves; 25165

(b) That the general assembly be requested to increase 25166
appropriations from lawfully available moneys for the department 25167
in the current biennium sufficient for the purpose of and for 25168
the payment in full of bond service charges previously due and 25169
to come due in the biennium and for the full replenishment of 25170
the reserves. 25171

The director of transportation shall include with such 25172
requests a recommendation that the payment of the bond service 25173
charges and the replenishment of the reserves be made in the 25174
interest of maximizing the benefits of the state infrastructure 25175
bank. Any such covenant shall not obligate or purport to 25176
obligate the state to pay the bond service charges on such bonds 25177
or notes or to deposit moneys in a reserve established for such 25178
payments other than from moneys that may be lawfully available 25179
and appropriated for that purpose during the then-current 25180
biennium. 25181

(R) There is hereby created the state infrastructure bank 25182
revenue bond service fund, which shall be in the custody of the 25183
treasurer of state but shall not be a part of the state 25184
treasury. All moneys received by or on account of the issuing 25185
authority or state agencies and required by the applicable bond 25186

proceedings, consistent with this section, to be deposited, 25187
transferred, or credited to the bond service fund, and all other 25188
moneys transferred or allocated to or received for the purposes 25189
of the fund, shall be deposited and credited to such fund and to 25190
any separate accounts therein, subject to applicable provisions 25191
of the bond proceedings, but without necessity for any act of 25192
appropriation. The state infrastructure bank revenue bond 25193
service fund is a trust fund and is hereby pledged to the 25194
payment of bond service charges to the extent provided in the 25195
applicable bond proceedings, and payment thereof from such fund 25196
shall be made or provided for by the treasurer of state in 25197
accordance with such bond proceedings without necessity for any 25198
act of appropriation. 25199

(S) The obligations issued pursuant to this section, the 25200
transfer thereof, and the income therefrom, including any profit 25201
made on the sale thereof, shall at all times be free from 25202
taxation within this state. 25203

Sec. 5537.08. (A) The Ohio turnpike and infrastructure 25204
commission may provide by resolution for the issuance, at one 25205
time or from time to time, of revenue bonds of the state for the 25206
purpose of paying all or any part of the cost of any one or more 25207
turnpike projects or infrastructure projects. The bond service 25208
charges shall be payable solely from pledged revenues pledged 25209
for such payment pursuant to the applicable bond proceedings. 25210
The bonds of each issue shall be dated, shall bear interest at a 25211
rate or rates or at variable rates, and shall mature or be 25212
payable at such time or times, with a final maturity not to 25213
exceed forty years from their date or dates, all as determined 25214
by the commission in the bond proceedings. The commission shall 25215
determine the form of the bonds, including any interest coupons 25216
to be attached thereto, and shall fix the denomination or 25217

denominations of the bonds and the place or places of payment of 25218
bond service charges. 25219

(B) The bonds shall be signed by the chairperson or vice- 25220
chairperson of the commission or by the facsimile signature of 25221
that officer, the official seal of the commission or a facsimile 25222
thereof shall be affixed thereto or printed thereon and attested 25223
by the secretary-treasurer of the commission, which may be by 25224
facsimile signature, and any coupons attached thereto shall bear 25225
the facsimile signature of the chairperson or vice-chairperson 25226
of the commission. In case any officer whose signature, or a 25227
facsimile of whose signature, appears on any bonds or coupons 25228
ceases to be such officer before delivery of bonds, such 25229
signature or facsimile shall nevertheless be valid and 25230
sufficient for all purposes the same as if the officer had 25231
remained in office until such delivery. 25232

(C) Subject to the bond proceedings and provisions for 25233
registration, the bonds shall have all the qualities and 25234
incidents of negotiable instruments under Title XIII of the 25235
Revised Code. The bonds may be issued in such form or forms as 25236
the commission determines, including without limitation coupon, 25237
book entry, and fully registered form, and provision may be made 25238
for the registration of any coupon bonds as to principal alone 25239
and also as to both principal and interest, and for the exchange 25240
of bonds between forms. The commission may sell such bonds by 25241
competitive bid on the best bid after advertisement or request 25242
for bids or by private sale in the manner, and for the price, it 25243
determines to be for the best interest of the state. 25244

(D) The proceeds of the bonds of each issue shall be used 25245
solely for the payment of the costs of the turnpike project or 25246
projects for which such bonds were issued, or for the payment of 25247

the costs of the infrastructure project or projects as approved 25248
by the commission under section 5537.18 of the Revised Code. The 25249
proceeds shall be disbursed in such manner and under such 25250
restrictions as the commission provides in the applicable bond 25251
proceedings. 25252

(E) Prior to the preparation of definitive bonds, the 25253
commission may, under like restrictions, issue interim receipts 25254
or temporary bonds or bond anticipation notes, with or without 25255
coupons, exchangeable for definitive bonds when such bonds have 25256
been executed and are available for delivery. The commission may 25257
provide for the replacement of any mutilated, stolen, destroyed, 25258
or lost bonds. Bonds may be issued by the commission under this 25259
chapter without obtaining the consent of any state agency, and 25260
without any other proceedings or the happening of any other 25261
conditions or things than those proceedings, conditions, or 25262
things that are specifically required by this chapter or those 25263
proceedings. 25264

(F) Sections 9.98 to 9.983 of the Revised Code apply to 25265
the bonds. 25266

(G) The bond proceedings shall provide, subject to the 25267
provisions of any other applicable bond proceedings, for the 25268
pledge to the payment of bond service charges and of any costs 25269
of or relating to credit enhancement facilities of all, or such 25270
part as the commission may determine, of the pledged revenues 25271
and the applicable special fund or funds, which pledges may be 25272
made to secure the bonds on a parity with bonds theretofore or 25273
thereafter issued if and to the extent provided in the bond 25274
proceedings. Every pledge, and every covenant and agreement with 25275
respect thereto, made in the bond proceedings may in the bond 25276
proceedings be extended to the benefit of the owners and holders 25277

of bonds and to any trustee and any person providing a credit 25278
enhancement facility for those bonds, for the further security 25279
for the payment of the bond service charges and credit 25280
enhancement facility costs. 25281

(H) The bond proceedings may contain additional provisions 25282
as to: 25283

(1) The redemption of bonds prior to maturity at the 25284
option of the commission or of the bondholders or upon the 25285
occurrence of certain stated conditions, and at such price or 25286
prices and under such terms and conditions as are provided in 25287
the bond proceedings; 25288

(2) Other terms of the bonds; 25289

(3) Limitations on the issuance of additional bonds; 25290

(4) The terms of any trust agreement securing the bonds or 25291
under which the same may be issued; 25292

(5) Any or every provision of the bond proceedings being 25293
binding upon the commission and state agencies, or other person 25294
as may from time to time have the authority under law to take 25295
such actions as may be necessary to perform all or any part of 25296
the duty required by such provision; 25297

(6) Any provision that may be made in a trust agreement; 25298

(7) Any other or additional agreements with the holders of 25299
the bonds, or the trustee therefor, relating to the bonds or the 25300
security for the bonds, including agreements for credit 25301
enhancement facilities. 25302

(I) Any holder of bonds or a trustee under the bond 25303
proceedings, except to the extent that the holder's or trustee's 25304
rights are restricted by the bond proceedings, may by any 25305

suitable form of legal proceedings, protect and enforce any 25306
rights under the laws of this state or granted by the bond 25307
proceedings. Those rights include the right to compel the 25308
performance of all duties of the commission and state agencies 25309
required by this chapter or the bond proceedings; to enjoin 25310
unlawful activities; and in the event of default with respect to 25311
the payment of any bond service charges on any bonds or in the 25312
performance of any covenant or agreement on the part of the 25313
commission contained in the bond proceedings, to apply to a 25314
court having jurisdiction of the cause to appoint a receiver to 25315
receive and administer the revenues and the pledged revenues 25316
which are pledged to the payment of the bond service charges on 25317
such bonds or which are the subject of the covenant or 25318
agreement, with full power to pay, and to provide for payment 25319
of, bond service charges on such bonds, and with such powers, 25320
subject to the direction of the court, as are accorded receivers 25321
in general equity cases, excluding any power to pledge 25322
additional revenues or receipts or other income, funds, or 25323
moneys of the commission or state agencies to the payment of 25324
such bond service charges and excluding the power to take 25325
possession of, mortgage, or cause the sale or otherwise dispose 25326
of any turnpike project or other property of the commission. 25327

(J) Each duty of the commission and the commission's 25328
officers and employees, undertaken pursuant to the bond 25329
proceedings, is hereby established as a duty of the commission, 25330
and of each such officer, member, or employee having authority 25331
to perform the duty, specifically enjoined by law resulting from 25332
an office, trust, or station within the meaning of section 25333
2731.01 of the Revised Code. 25334

(K) The commission's officers or employees are not liable 25335
in their personal capacities on any bonds issued by the 25336

commission or any agreements of or with the commission relating 25337
to those bonds. 25338

(L) The bonds are lawful investments for banks, savings 25339
and loan associations, credit union share guaranty corporations, 25340
trust companies, trustees, fiduciaries, insurance companies, 25341
including domestic for life and domestic not for life, trustees 25342
or other officers having charge of sinking and bond retirement 25343
or other funds of the state or its political subdivisions and 25344
taxing districts, the commissioners of the sinking fund of the 25345
state, the ~~administrator of workers' compensation~~director of 25346
workforce insurance and safety, the state teachers retirement 25347
system, the public employees retirement system, the school 25348
employees retirement system, and the Ohio police and fire 25349
pension fund, notwithstanding any other provisions of the 25350
Revised Code or rules adopted pursuant thereto by any state 25351
agency with respect to investments by them, and are also 25352
acceptable as security for the repayment of the deposit of 25353
public moneys. 25354

(M) Provision may be made in the applicable bond 25355
proceedings for the establishment of separate accounts in the 25356
bond service fund and for the application of such accounts only 25357
to the specified bond service charges pertinent to such accounts 25358
and bond service fund, and for other accounts therein within the 25359
general purposes of such fund. 25360

(N) The commission may pledge all, or such portion as it 25361
determines, of the pledged revenues to the payment of bond 25362
service charges, and for the establishment and maintenance of 25363
any reserves and special funds, as provided in the bond 25364
proceedings, and make other provisions therein with respect to 25365
pledged revenues, revenues, and net revenues as authorized by 25366

this chapter, which provisions are controlling notwithstanding 25367
any other provisions of law pertaining thereto. 25368

Sec. 5540.06. (A) The board of trustees of a 25369
transportation improvement district may provide by resolution 25370
for the issuance, at one time or from time to time, of bonds of 25371
the district for the purpose of paying all or any part of the 25372
cost of any one or more projects. The bond service charges shall 25373
be payable solely from pledged revenues pledged for such payment 25374
pursuant to the applicable bond proceedings. The bonds of each 25375
issue shall be dated, shall bear interest at a rate or rates or 25376
at variable rates, and shall mature or be payable at such time 25377
or times, with a final maturity not to exceed thirty years from 25378
their date or dates, all as determined by the board in the bond 25379
proceedings. The board shall determine the form of the bonds, 25380
including any interest coupons to be attached thereto, and shall 25381
fix the denomination or denominations of the bonds and the place 25382
or places of payment of bond service charges. 25383

(B) The bonds shall be signed by the chairperson or vice- 25384
chairperson of the board or by the facsimile signature of that 25385
officer, the official seal of the district or a facsimile 25386
thereof may be affixed thereto or printed thereon and attested 25387
by the secretary-treasurer of the district, which may be by 25388
facsimile signature, and any coupons attached thereto shall bear 25389
the facsimile signature of the chairperson or vice-chairperson 25390
of the board. In case any officer whose signature, or a 25391
facsimile of whose signature, appears on any bonds or coupons 25392
ceases to be such officer before delivery of the bonds, such 25393
signature or facsimile shall nevertheless be valid and 25394
sufficient for all purposes the same as if the officer had 25395
remained in office until such delivery. 25396

(C) Subject to the bond proceedings and provisions for 25397
registration, the bonds shall have all the qualities and 25398
incidents of negotiable instruments under Title XIII of the 25399
Revised Code. The bonds may be issued in such form or forms as 25400
the board determines, including without limitation coupon, book 25401
entry, and fully registered form, and provision may be made for 25402
the registration of any coupon bonds as to principal alone and 25403
also as to both principal and interest, and for the exchange of 25404
bonds between forms. The board may sell such bonds by 25405
competitive bid on the best bid after advertisement or request 25406
for bids or by private sale in the manner, and for the price, it 25407
determines to be for the best interest of the district. 25408

(D) The proceeds of the bonds of each issue shall be used 25409
solely for the payment of the costs of the project or projects 25410
for which the bonds were issued, and shall be disbursed in such 25411
manner and under such restrictions as the board provides in the 25412
bond proceedings. 25413

(E) Prior to the preparation of definitive bonds, the 25414
board may, under like restrictions, issue interim receipts or 25415
temporary bonds or bond anticipation notes, with or without 25416
coupons, exchangeable for definitive bonds when such bonds have 25417
been executed and are available for delivery. The board may 25418
provide for the replacement of any mutilated, stolen, destroyed, 25419
or lost bonds. 25420

(F) Sections 9.98 to 9.983 of the Revised Code apply to 25421
the bonds. 25422

(G) The bond proceedings shall provide, subject to the 25423
provisions of any other applicable bond proceedings, for the 25424
pledge to the payment of bond service charges and of any costs 25425
of or relating to credit enhancement facilities of all, or such 25426

part as the board may determine, of the pledged revenues and the 25427
applicable special fund or funds, which pledges may be made to 25428
secure the bonds on a parity with bonds theretofore or 25429
thereafter issued if and to the extent provided in the bond 25430
proceedings. Every pledge, and every covenant and agreement with 25431
respect thereto, made in the bond proceedings may in the bond 25432
proceedings be extended to the benefit of the owners and holders 25433
of bonds and to any trustee and any person providing a credit 25434
enhancement facility for those bonds, for the further security 25435
for the payment of the bond service charges and credit 25436
enhancement facility costs. 25437

(H) The bond proceedings may contain additional provisions 25438
as to: 25439

(1) The redemption of bonds prior to maturity at the 25440
option of the board or of the bondholders or upon the occurrence 25441
of certain stated conditions, and at such price or prices and 25442
under such terms and conditions as are provided in the bond 25443
proceedings; 25444

(2) Other terms of the bonds; 25445

(3) Limitations on the issuance of additional bonds; 25446

(4) The terms of any trust agreement securing the bonds or 25447
under which the same may be issued; 25448

(5) Any or every provision of the bond proceedings being 25449
binding upon the board and state agencies, or other person as 25450
may from time to time have the authority under law to take such 25451
actions as may be necessary to perform all or any part of the 25452
duty required by such provision; 25453

(6) Any provision that may be made in a trust agreement; 25454

(7) Any other or additional agreements with the holders of the bonds, or the trustee therefor, relating to the bonds or the security for the bonds, including agreements for credit enhancement facilities.

(I) Any holder of bonds or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all duties of the board required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any bonds or in the performance of any covenant or agreement on the part of the board contained in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the revenues and the pledged revenues which are pledged to the payment of the bond service charges on such bonds or that are the subject of the covenant or agreement, with full power to pay, and to provide for payment of, bond service charges on such bonds, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenue or receipts or other income, funds, or moneys of the board to the payment of such bond service charges and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project or other property of the board.

(J) Each duty of the board and the board's officers and employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the board, and of each such

officer, member, or employee having authority to perform the 25486
duty, specifically enjoined by law resulting from an office, 25487
trust, or station within the meaning of section 2731.01 of the 25488
Revised Code. 25489

(K) The board's officers or employees are not liable in 25490
their personal capacities on any bonds issued by the board or 25491
any agreements of or with the board relating to those bonds. 25492

(L) The bonds are lawful investments for banks, savings 25493
and loan associations, credit union share guaranty corporations, 25494
trust companies, trustees, fiduciaries, insurance companies, 25495
including domestic for life and domestic not for life, trustees 25496
or other officers having charge of sinking and bond retirement 25497
or other funds of the state or its political subdivisions and 25498
taxing districts, the commissioners of the sinking fund of the 25499
state, the ~~administrator of workers' compensation~~director of 25500
workforce insurance and safety, the state teachers retirement 25501
system, the public employees retirement system, the school 25502
employees retirement system, and the Ohio police and fire 25503
pension fund, notwithstanding any other provisions of the 25504
Revised Code or rules adopted pursuant thereto by any state 25505
agency with respect to investments by them, and also are 25506
acceptable as security for the repayment of the deposit of 25507
public moneys. 25508

(M) Provision may be made in the applicable bond 25509
proceedings for the establishment of separate accounts in the 25510
bond service fund and for the application of such accounts only 25511
to the specified bond service charges pertinent to such accounts 25512
and bond service fund, and for other accounts therein within the 25513
general purposes of such fund. 25514

(N) The board may pledge all, or such portion as it 25515

determines, of the pledged revenues to the payment of bond 25516
service charges, and for the establishment and maintenance of 25517
any reserves and special funds, as provided in the bond 25518
proceedings, and make other provisions therein with respect to 25519
pledged revenues, revenues, and net revenues as authorized by 25520
this chapter, which provisions shall be controlling 25521
notwithstanding any other provisions of law pertaining thereto. 25522

Sec. 5703.21. (A) Except as provided in divisions (B) and 25523
(C) of this section, no agent of the department of taxation, 25524
except in the agent's report to the department or when called on 25525
to testify in any court or proceeding, shall divulge any 25526
information acquired by the agent as to the transactions, 25527
property, or business of any person while acting or claiming to 25528
act under orders of the department. Whoever violates this 25529
provision shall thereafter be disqualified from acting as an 25530
officer or employee or in any other capacity under appointment 25531
or employment of the department. 25532

(B) (1) For purposes of an audit pursuant to section 117.15 25533
of the Revised Code, or an audit of the department pursuant to 25534
Chapter 117. of the Revised Code, or an audit, pursuant to that 25535
chapter, the objective of which is to express an opinion on a 25536
financial report or statement prepared or issued pursuant to 25537
division (A) (7) or (9) of section 126.21 of the Revised Code, 25538
the officers and employees of the auditor of state charged with 25539
conducting the audit shall have access to and the right to 25540
examine any state tax returns and state tax return information 25541
in the possession of the department to the extent that the 25542
access and examination are necessary for purposes of the audit. 25543
Any information acquired as the result of that access and 25544
examination shall not be divulged for any purpose other than as 25545
required for the audit or unless the officers and employees are 25546

required to testify in a court or proceeding under compulsion of 25547
legal process. Whoever violates this provision shall thereafter 25548
be disqualified from acting as an officer or employee or in any 25549
other capacity under appointment or employment of the auditor of 25550
state. 25551

(2) For purposes of an internal audit pursuant to section 25552
126.45 of the Revised Code, the officers and employees of the 25553
office of internal audit in the office of budget and management 25554
charged with directing the internal audit shall have access to 25555
and the right to examine any state tax returns and state tax 25556
return information in the possession of the department to the 25557
extent that the access and examination are necessary for 25558
purposes of the internal audit. Any information acquired as the 25559
result of that access and examination shall not be divulged for 25560
any purpose other than as required for the internal audit or 25561
unless the officers and employees are required to testify in a 25562
court or proceeding under compulsion of legal process. Whoever 25563
violates this provision shall thereafter be disqualified from 25564
acting as an officer or employee or in any other capacity under 25565
appointment or employment of the office of internal audit. 25566

(3) As provided by section 6103(d)(2) of the Internal 25567
Revenue Code, any federal tax returns or federal tax information 25568
that the department has acquired from the internal revenue 25569
service, through federal and state statutory authority, may be 25570
disclosed to the auditor of state or the office of internal 25571
audit solely for purposes of an audit of the department. 25572

(4) For purposes of Chapter 3739. of the Revised Code, an 25573
agent of the department of taxation may share information with 25574
the division of state fire marshal that the agent finds during 25575
the course of an investigation. 25576

(C) Division (A) of this section does not prohibit any of the following:	25577 25578
(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;	25579 25580 25581 25582 25583
(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	25584 25585 25586
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	25587 25588 25589 25590 25591
(4) Providing information to the administrator of workers' compensation <u>director of workforce insurance and safety</u> pursuant to sections 4123.271 and 4123.591 of the Revised Code;	25592 25593 25594
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	25595 25596 25597
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	25598 25599 25600 25601
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031	25602 25603 25604 25605

of the Revised Code, or a seller having a use tax account 25606
maintained pursuant to section 5741.17 of the Revised Code, or 25607
information regarding the active or inactive status of a 25608
vendor's license, direct payment permit, or seller's use tax 25609
account; 25610

(8) Releasing invoices or invoice information furnished 25611
under section 4301.433 of the Revised Code pursuant to that 25612
section; 25613

(9) Providing to a county auditor notices or documents 25614
concerning or affecting the taxable value of property in the 25615
county auditor's county. Unless authorized by law to disclose 25616
documents so provided, the county auditor shall not disclose 25617
such documents; 25618

(10) Providing to a county auditor sales or use tax return 25619
or audit information under section 333.06 of the Revised Code; 25620

(11) Subject to section 4301.441 of the Revised Code, 25621
disclosing to the appropriate state agency information in the 25622
possession of the department of taxation that is necessary to 25623
verify a permit holder's gallonage or noncompliance with taxes 25624
levied under Chapter 4301. or 4305. of the Revised Code; 25625

(12) Disclosing to the department of natural resources 25626
information in the possession of the department of taxation that 25627
is necessary for the department of taxation to verify the 25628
taxpayer's compliance with section 5749.02 of the Revised Code 25629
or to allow the department of natural resources to enforce 25630
Chapter 1509. of the Revised Code; 25631

(13) Disclosing to the department of job and family 25632
services, industrial commission, and ~~bureau of workers'~~ 25633
~~compensation~~ department of workforce insurance and safety 25634

information in the possession of the department of taxation 25635
solely for the purpose of identifying employers that misclassify 25636
employees as independent contractors or that fail to properly 25637
report and pay employer tax liabilities. The department of 25638
taxation shall disclose only such information that is necessary 25639
to verify employer compliance with law administered by those 25640
agencies. 25641

(14) Disclosing to the Ohio casino control commission 25642
information in the possession of the department of taxation that 25643
is necessary to verify a casino operator's or sports gaming 25644
proprietor's compliance with section 5747.063, 5753.02, or 25645
5753.021 of the Revised Code and sections related thereto; 25646

(15) Disclosing to the state lottery commission 25647
information in the possession of the department of taxation that 25648
is necessary to verify a lottery sales agent's compliance with 25649
section 5747.064 of the Revised Code. 25650

(16) Disclosing to the department of development 25651
information in the possession of the department of taxation that 25652
is necessary to ensure compliance with the laws of this state 25653
governing taxation and to verify information reported to the 25654
department of development for the purpose of evaluating 25655
potential tax credits, tax deductions, grants, or loans. Such 25656
information shall not include information received from the 25657
internal revenue service the disclosure of which is prohibited 25658
by section 6103 of the Internal Revenue Code. No officer, 25659
employee, or agent of the department of development shall 25660
disclose any information provided to the department of 25661
development by the department of taxation under division (C) (16) 25662
of this section except when disclosure of the information is 25663
necessary for, and made solely for the purpose of facilitating, 25664

the evaluation of potential tax credits, tax deductions, grants, 25665
or loans. 25666

(17) Disclosing to the department of insurance information 25667
in the possession of the department of taxation that is 25668
necessary to ensure a taxpayer's compliance with the 25669
requirements with any tax credit administered by the department 25670
of development and claimed by the taxpayer against any tax 25671
administered by the superintendent of insurance. No officer, 25672
employee, or agent of the department of insurance shall disclose 25673
any information provided to the department of insurance by the 25674
department of taxation under division (C)(17) of this section. 25675

(18) Disclosing to the division of liquor control 25676
information in the possession of the department of taxation that 25677
is necessary for the division and department to comply with the 25678
requirements of sections 4303.26 and 4303.271 of the Revised 25679
Code. 25680

(19) Disclosing to the department of education, upon that 25681
department's request, information in the possession of the 25682
department of taxation that is necessary only to verify whether 25683
the family income of a student applying for or receiving a 25684
scholarship under the educational choice scholarship pilot 25685
program is equal to, less than, or greater than the income 25686
thresholds prescribed by section 3310.032 of the Revised Code. 25687
The department of education shall provide sufficient information 25688
about the student and the student's family to enable the 25689
department of taxation to make the verification. 25690

(20) Disclosing to the Ohio rail development commission 25691
information in the possession of the department of taxation that 25692
is necessary to ensure compliance with the laws of this state 25693
governing taxation and to verify information reported to the 25694

commission for the purpose of evaluating potential grants or 25695
loans. Such information shall not include information received 25696
from the internal revenue service the disclosure of which is 25697
prohibited by section 6103 of the Internal Revenue Code. No 25698
member, officer, employee, or agent of the Ohio rail development 25699
commission shall disclose any information provided to the 25700
commission by the department of taxation under division (C) (20) 25701
of this section except when disclosure of the information is 25702
necessary for, and made solely for the purpose of facilitating, 25703
the evaluation of potential grants or loans. 25704

(21) Disclosing to the state racing commission information 25705
in the possession of the department of taxation that is 25706
necessary for verification of compliance with and for 25707
enforcement and administration of the taxes levied by Chapter 25708
3769. of the Revised Code. Such information shall include 25709
information that is necessary for the state racing commission to 25710
verify compliance with Chapter 3769. of the Revised Code for the 25711
purposes of issuance, denial, suspension, or revocation of a 25712
permit pursuant to section 3769.03 or 3769.06 of the Revised 25713
Code and related sections. Unless disclosure is otherwise 25714
authorized by law, information provided to the state racing 25715
commission under this section remains confidential and is not 25716
subject to public disclosure pursuant to section 3769.041 of the 25717
Revised Code. 25718

(22) Disclosing to the state fire marshal information in 25719
the possession of the department of taxation that is necessary 25720
for the state fire marshal to verify the compliance of a 25721
licensed manufacturer of fireworks or a licensed wholesaler of 25722
fireworks with section 3743.22 of the Revised Code. No officer, 25723
employee, or agent of the state fire marshal shall disclose any 25724
information provided to the state fire marshal by the department 25725

of taxation under division (C) (22) of this section.	25726
(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:	25727 25728 25729
(a) Making a determination under section 4141.28 of the Revised Code;	25730 25731
(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.	25732 25733
Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.	25734 25735 25736
Sec. 5751.01. As used in this chapter:	25737
(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.	25738 25739 25740 25741 25742 25743 25744 25745 25746
(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.	25747 25748 25749 25750
(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.	25751 25752 25753

(D) "Taxpayer" means any person, or any group of persons 25754
in the case of a consolidated elected taxpayer or combined 25755
taxpayer treated as one taxpayer, required to register or pay 25756
tax under this chapter. "Taxpayer" does not include excluded 25757
persons. 25758

(E) "Excluded person" means any of the following: 25759

(1) Any person with not more than one hundred fifty 25760
thousand dollars of taxable gross receipts during the calendar 25761
year. Division (E) (1) of this section does not apply to a person 25762
that is a member of a consolidated elected taxpayer. 25763

(2) A public utility that paid the excise tax imposed by 25764
section 5727.24 or 5727.30 of the Revised Code based on one or 25765
more measurement periods that include the entire tax period 25766
under this chapter, except that a public utility that is a 25767
combined company is a taxpayer with regard to the following 25768
gross receipts: 25769

(a) Taxable gross receipts directly attributed to a public 25770
utility activity, but not directly attributed to an activity 25771
that is subject to the excise tax imposed by section 5727.24 or 25772
5727.30 of the Revised Code; 25773

(b) Taxable gross receipts that cannot be directly 25774
attributed to any activity, multiplied by a fraction whose 25775
numerator is the taxable gross receipts described in division 25776
(E) (2) (a) of this section and whose denominator is the total 25777
taxable gross receipts that can be directly attributed to any 25778
activity; 25779

(c) Except for any differences resulting from the use of 25780
an accrual basis method of accounting for purposes of 25781
determining gross receipts under this chapter and the use of the 25782

cash basis method of accounting for purposes of determining 25783
gross receipts under section 5727.24 of the Revised Code, the 25784
gross receipts directly attributed to the activity of a natural 25785
gas company shall be determined in a manner consistent with 25786
division (D) of section 5727.03 of the Revised Code. 25787

As used in division (E) (2) of this section, "combined 25788
company" and "public utility" have the same meanings as in 25789
section 5727.01 of the Revised Code. 25790

(3) A financial institution, as defined in section 5726.01 25791
of the Revised Code, that paid the tax imposed by section 25792
5726.02 of the Revised Code based on one or more taxable years 25793
that include the entire tax period under this chapter; 25794

(4) A person directly or indirectly owned by one or more 25795
financial institutions, as defined in section 5726.01 of the 25796
Revised Code, that paid the tax imposed by section 5726.02 of 25797
the Revised Code based on one or more taxable years that include 25798
the entire tax period under this chapter. 25799

For the purposes of division (E) (4) of this section, a 25800
person owns another person under the following circumstances: 25801

(a) In the case of corporations issuing capital stock, one 25802
corporation owns another corporation if it owns fifty per cent 25803
or more of the other corporation's capital stock with current 25804
voting rights; 25805

(b) In the case of a limited liability company, one person 25806
owns the company if that person's membership interest, as 25807
defined in section 1706.01 of the Revised Code, is fifty per 25808
cent or more of the combined membership interests of all persons 25809
owning such interests in the company; 25810

(c) In the case of a partnership, trust, or other 25811

unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division

(EE) of section 5747.01 of the Revised Code, then the trust and 25842
the pass-through entities of which it owns or controls, 25843
directly, indirectly, or constructively through related 25844
interests, more than five per cent of the ownership or equity 25845
interests, shall not be excluded persons for purposes of the tax 25846
imposed under section 5751.02 of the Revised Code. 25847

(8) Nonprofit organizations or the state and its agencies, 25848
instrumentalities, or political subdivisions. 25849

(F) Except as otherwise provided in divisions (F) (2), (3), 25850
and (4) of this section, "gross receipts" means the total amount 25851
realized by a person, without deduction for the cost of goods 25852
sold or other expenses incurred, that contributes to the 25853
production of gross income of the person, including the fair 25854
market value of any property and any services received, and any 25855
debt transferred or forgiven as consideration. 25856

(1) The following are examples of gross receipts: 25857

(a) Amounts realized from the sale, exchange, or other 25858
disposition of the taxpayer's property to or with another; 25859

(b) Amounts realized from the taxpayer's performance of 25860
services for another; 25861

(c) Amounts realized from another's use or possession of 25862
the taxpayer's property or capital; 25863

(d) Any combination of the foregoing amounts. 25864

(2) "Gross receipts" excludes the following amounts: 25865

(a) Interest income except interest on credit sales; 25866

(b) Dividends and distributions from corporations, and 25867
distributive or proportionate shares of receipts and income from 25868

a pass-through entity as defined under section 5733.04 of the Revised Code; 25869
25870

(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction. 25871
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(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument; 25890
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(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person; 25893
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(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 25896
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1, Subchapter (D) of the Internal Revenue Code applies;	25899
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	25900 25901 25902 25903 25904 25905 25906 25907 25908
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	25909 25910 25911
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	25912 25913 25914
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	25915 25916 25917 25918 25919 25920 25921
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	25922 25923 25924
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	25925 25926 25927

(m) Tax refunds, other tax benefit recoveries, and	25928
reimbursements for the tax imposed under this chapter made by	25929
entities that are part of the same combined taxpayer or	25930
consolidated elected taxpayer group, and reimbursements made by	25931
entities that are not members of a combined taxpayer or	25932
consolidated elected taxpayer group that are required to be made	25933
for economic parity among multiple owners of an entity whose tax	25934
obligation under this chapter is required to be reported and	25935
paid entirely by one owner, pursuant to the requirements of	25936
sections 5751.011 and 5751.012 of the Revised Code;	25937
(n) Pension reversions;	25938
(o) Contributions to capital;	25939
(p) Sales or use taxes collected as a vendor or an out-of-	25940
state seller on behalf of the taxing jurisdiction from a	25941
consumer or other taxes the taxpayer is required by law to	25942
collect directly from a purchaser and remit to a local, state,	25943
or federal tax authority;	25944
(q) In the case of receipts from the sale of cigarettes,	25945
tobacco products, or vapor products by a wholesale dealer,	25946
retail dealer, distributor, manufacturer, vapor distributor, or	25947
seller, all as defined in section 5743.01 of the Revised Code,	25948
an amount equal to the federal and state excise taxes paid by	25949
any person on or for such cigarettes, tobacco products, or vapor	25950
products under subtitle E of the Internal Revenue Code or	25951
Chapter 5743. of the Revised Code;	25952
(r) In the case of receipts from the sale, transfer,	25953
exchange, or other disposition of motor fuel as "motor fuel" is	25954
defined in section 5736.01 of the Revised Code, an amount equal	25955
to the value of the motor fuel, including federal and state	25956

motor fuel excise taxes and receipts from billing or invoicing 25957
the tax imposed under section 5736.02 of the Revised Code to 25958
another person; 25959

(s) In the case of receipts from the sale of beer or 25960
intoxicating liquor, as defined in section 4301.01 of the 25961
Revised Code, by a person holding a permit issued under Chapter 25962
4301. or 4303. of the Revised Code, an amount equal to federal 25963
and state excise taxes paid by any person on or for such beer or 25964
intoxicating liquor under subtitle E of the Internal Revenue 25965
Code or Chapter 4301. or 4305. of the Revised Code; 25966

(t) Receipts realized by a new motor vehicle dealer or 25967
used motor vehicle dealer, as defined in section 4517.01 of the 25968
Revised Code, from the sale or other transfer of a motor 25969
vehicle, as defined in that section, to another motor vehicle 25970
dealer for the purpose of resale by the transferee motor vehicle 25971
dealer, but only if the sale or other transfer was based upon 25972
the transferee's need to meet a specific customer's preference 25973
for a motor vehicle; 25974

(u) Receipts from a financial institution described in 25975
division (E)(3) of this section for services provided to the 25976
financial institution in connection with the issuance, 25977
processing, servicing, and management of loans or credit 25978
accounts, if such financial institution and the recipient of 25979
such receipts have at least fifty per cent of their ownership 25980
interests owned or controlled, directly or constructively 25981
through related interests, by common owners; 25982

(v) Receipts realized from administering anti-neoplastic 25983
drugs and other cancer chemotherapy, biologicals, therapeutic 25984
agents, and supportive drugs in a physician's office to patients 25985
with cancer; 25986

(w) Funds received or used by a mortgage broker that is 25987
not a dealer in intangibles, other than fees or other 25988
consideration, pursuant to a table-funding mortgage loan or 25989
warehouse-lending mortgage loan. Terms used in division (F) (2) 25990
(w) of this section have the same meanings as in section 1322.01 25991
of the Revised Code, except "mortgage broker" means a person 25992
assisting a buyer in obtaining a mortgage loan for a fee or 25993
other consideration paid by the buyer or a lender, or a person 25994
engaged in table-funding or warehouse-lending mortgage loans 25995
that are first lien mortgage loans. 25996

(x) Property, money, and other amounts received by a 25997
professional employer organization, as defined in section 25998
4125.01 of the Revised Code, or an alternate employer 25999
organization, as defined in section 4133.01 of the Revised Code, 26000
from a client employer, as defined in either of those sections 26001
as applicable, in excess of the administrative fee charged by 26002
the professional employer organization or the alternate employer 26003
organization to the client employer; 26004

(y) In the case of amounts retained as commissions by a 26005
permit holder under Chapter 3769. of the Revised Code, an amount 26006
equal to the amounts specified under that chapter that must be 26007
paid to or collected by the tax commissioner as a tax and the 26008
amounts specified under that chapter to be used as purse money; 26009

(z) Qualifying distribution center receipts as determined 26010
under section 5751.40 of the Revised Code; 26011

(aa) Receipts of an employer from payroll deductions 26012
relating to the reimbursement of the employer for advancing 26013
moneys to an unrelated third party on an employee's behalf; 26014

(bb) Cash discounts allowed and taken; 26015

(cc) Returns and allowances;	26016
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered + .	26017 26018 26019 26020 26021 26022 26023 26024 26025 26026 26027 26028 26029 26030
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	26031 26032 26033 26034
(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code + .	26035 26036 26037
(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code + .	26038 26039
(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue"	26040 26041 26042 26043 26044

has the meaning defined in section 5753.01 of the Revised Code. 26045

(ii) Receipts realized from the sale of agricultural 26046
commodities by an agricultural commodity handler, both as 26047
defined in section 926.01 of the Revised Code, that is licensed 26048
by the director of agriculture to handle agricultural 26049
commodities in this state. 26050

(jj) Qualifying integrated supply chain receipts as 26051
determined under section 5751.42 of the Revised Code. 26052

(kk) In the case of a railroad company described in 26053
division (D) (9) of section 5727.01 of the Revised Code that 26054
purchases dyed diesel fuel directly from a supplier as defined 26055
by section 5736.01 of the Revised Code, an amount equal to the 26056
product of the number of gallons of dyed diesel fuel purchased 26057
directly from such a supplier multiplied by the average 26058
wholesale price for a gallon of diesel fuel as determined under 26059
section 5736.02 of the Revised Code for the period during which 26060
the fuel was purchased multiplied by a fraction, the numerator 26061
of which equals the rate of tax levied by section 5736.02 of the 26062
Revised Code less the rate of tax computed in section 5751.03 of 26063
the Revised Code, and the denominator of which equals the rate 26064
of tax computed in section 5751.03 of the Revised Code. 26065

(ll) Receipts realized by an out-of-state disaster 26066
business from disaster work conducted in this state during a 26067
disaster response period pursuant to a qualifying solicitation 26068
received by the business. Terms used in division (F) (2) (ll) of 26069
this section have the same meanings as in section 5703.94 of the 26070
Revised Code. 26071

(mm) In the case of receipts from the sale or transfer of 26072
a mortgage-backed security or a mortgage loan by a mortgage 26073

lender holding a valid certificate of registration issued under 26074
Chapter 1322. of the Revised Code or by a person that is a 26075
member of the mortgage lender's consolidated elected taxpayer 26076
group, an amount equal to the principal balance of the mortgage 26077
loan;~~i~~ 26078

(nn) Amounts of excess surplus of the state insurance fund 26079
received by the taxpayer from the Ohio ~~bureau of workers'~~ 26080
~~compensation department of workforce insurance and safety~~ 26081
pursuant to rules adopted under section 4123.321 of the Revised 26082
Code;~~i~~ 26083

(oo) Except as otherwise provided in division (B) of 26084
section 5751.091 of the Revised Code, receipts of a megaproject 26085
supplier from sales of tangible personal property directly to a 26086
megaproject operator in this state for use at the site of the 26087
megaproject operator's megaproject, provided that the sale 26088
occurs during the period that the megaproject operator has an 26089
agreement with the tax credit authority for the megaproject 26090
under division (D) of section 122.17 of the Revised Code that 26091
remains in effect and has not expired or been terminated, and 26092
provided the megaproject supplier holds a certificate for such 26093
megaproject issued under section 5751.052 of the Revised Code 26094
for the calendar year in which the sales are made and, if the 26095
megaproject supplier meets the requirements described in 26096
division (A) (13) (b) of section 122.17 of the Revised Code, the 26097
megaproject supplier holds a certificate for such megaproject 26098
issued under division (D) (11) of section 122.17 of the Revised 26099
Code on the first day of that calendar year; 26100

(pp) Receipts from the sale of each new piece of capital 26101
equipment that has a cost in excess of one hundred million 26102
dollars and that is used at the site of a megaproject that 26103

satisfies the criteria described in division (A) (11) (a) (ii) of 26104
section 122.17 of the Revised Code, provided that the sale 26105
occurs during the period that a megaproject operator has an 26106
agreement for that megaproject with the tax credit authority 26107
under division (D) of section 122.17 of the Revised Code that 26108
remains in effect and has not expired or been terminated; 26109

(qq) In the case of amounts collected by a sports gaming 26110
proprietor from sports gaming, amounts in excess of the 26111
proprietor's sports gaming receipts. As used in this division, 26112
"sports gaming proprietor" has the same meaning as in section 26113
3775.01 of the Revised Code and "sports gaming receipts" has the 26114
same meaning as in section 5753.01 of the Revised Code. 26115

(rr) Any receipts for which the tax imposed by this 26116
chapter is prohibited by the constitution or laws of the United 26117
States or the constitution of this state. 26118

(3) In the case of a taxpayer when acting as a real estate 26119
broker, "gross receipts" includes only the portion of any fee 26120
for the service of a real estate broker, or service of a real 26121
estate salesperson associated with that broker, that is retained 26122
by the broker and not paid to an associated real estate 26123
salesperson or another real estate broker. For the purposes of 26124
this division, "real estate broker" and "real estate 26125
salesperson" have the same meanings as in section 4735.01 of the 26126
Revised Code. 26127

(4) A taxpayer's method of accounting for gross receipts 26128
for a tax period shall be the same as the taxpayer's method of 26129
accounting for federal income tax purposes for the taxpayer's 26130
federal taxable year that includes the tax period. If a 26131
taxpayer's method of accounting for federal income tax purposes 26132
changes, its method of accounting for gross receipts under this 26133

chapter shall be changed accordingly.	26134
(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.	26135 26136
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	26137 26138
(1) Owns or uses a part or all of its capital in this state;	26139 26140
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	26141 26142
(3) Has bright-line presence in this state;	26143
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	26144 26145 26146
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	26147 26148 26149
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	26150 26151 26152 26153 26154
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	26155 26156 26157
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	26158 26159
(b) Any other amount the person pays as compensation to an	26160

individual under the supervision or control of the person for 26161
work done in this state; and 26162

(c) Any amount the person pays for services performed in 26163
this state on its behalf by another. 26164

(3) Has during the calendar year taxable gross receipts of 26165
at least five hundred thousand dollars-; 26166

(4) Has at any time during the calendar year within this 26167
state at least twenty-five per cent of the person's total 26168
property, total payroll, or total gross receipts-; 26169

(5) Is domiciled in this state as an individual or for 26170
corporate, commercial, or other business purposes. 26171

(J) "Tangible personal property" has the same meaning as 26172
in section 5739.01 of the Revised Code. 26173

(K) "Internal Revenue Code" means the Internal Revenue 26174
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 26175
used in this chapter that is not otherwise defined has the same 26176
meaning as when used in a comparable context in the laws of the 26177
United States relating to federal income taxes unless a 26178
different meaning is clearly required. Any reference in this 26179
chapter to the Internal Revenue Code includes other laws of the 26180
United States relating to federal income taxes. 26181

(L) "Calendar quarter" means a three-month period ending 26182
on the thirty-first day of March, the thirtieth day of June, the 26183
thirtieth day of September, or the thirty-first day of December. 26184

(M) "Tax period" means the calendar quarter or calendar 26185
year on the basis of which a taxpayer is required to pay the tax 26186
imposed under this chapter. 26187

(N) "Calendar year taxpayer" means a taxpayer for which 26188

the tax period is a calendar year.	26189
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	26190 26191
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	26192 26193 26194
(1) A person receiving a fee to sell financial instruments;	26195 26196
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	26197 26198 26199
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	26200 26201
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	26202 26203
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	26204 26205
(Q) "Received" includes amounts accrued under the accrual method of accounting.	26206 26207
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	26208 26209 26210 26211 26212 26213 26214
(S) "Megaproject," "megaproject operator," and	26215

"megaproject supplier" have the same meanings as in section 26216
122.17 of the Revised Code. 26217

Sec. 6121.15. All water development revenue bonds issued 26218
under this chapter are lawful investments of banks, societies 26219
for savings, savings and loan associations, deposit guarantee 26220
associations, trust companies, trustees, fiduciaries, insurance 26221
companies, including domestic for life and domestic not for 26222
life, trustees or other officers having charge of sinking and 26223
bond retirement or other special funds of political subdivisions 26224
and taxing districts of this state, the commissioners of the 26225
sinking fund of the state, the ~~administrator of workers'~~ 26226
~~compensation~~ director of workforce insurance and safety, the 26227
state teachers retirement system, the public employees 26228
retirement system, the school employees retirement system, and 26229
the Ohio police and fire pension fund, and are acceptable as 26230
security for the deposit of public moneys. 26231

Sec. 6123.15. All development revenue bonds issued under 26232
this chapter are lawful investments of banks, societies for 26233
savings, savings and loan associations, deposit guarantee 26234
associations, trust companies, trustees, fiduciaries, insurance 26235
companies, including domestic for life and domestic not for 26236
life, trustees or other officers having charge of sinking and 26237
bond retirement or other special funds of political subdivisions 26238
and taxing districts of this state, the commissioners of the 26239
sinking fund of the state, the ~~administrator of workers'~~ 26240
~~compensation~~ director of workforce insurance and safety, the 26241
state teachers retirement system, the public employees 26242
retirement system, the school employees retirement system, and 26243
the Ohio police and fire pension fund, and are acceptable as 26244
security for the deposit of public moneys. 26245

Section 101.02. That existing sections 9.315, 101.532, 26246
102.02, 102.06, 103.143, 109.579, 109.84, 109.981, 119.01, 26247
119.12, 121.03, 121.52, 123.01, 123.211, 124.11, 124.14, 125.18, 26248
125.30, 126.30, 126.45, 133.03, 149.01, 151.01, 153.02, 153.03, 26249
154.13, 164.09, 165.08, 166.08, 175.10, 306.09, 306.85, 307.02, 26250
351.11, 353.16, 715.011, 742.38, 902.10, 1545.27, 1555.08, 26251
1557.03, 1561.04, 1701.86, 1707.01, 1707.164, 1707.165, 1707.17, 26252
1707.19, 1707.22, 1707.23, 1707.25, 1707.261, 1707.431, 1707.44, 26253
1707.46, 1729.55, 2111.03, 2305.24, 2305.25, 2305.252, 2705.05, 26254
2743.521, 2913.48, 3121.01, 3121.0311, 3121.899, 3313.643, 26255
3318.26, 3335.61, 3345.12, 3355.10, 3366.04, 3377.11, 3517.13, 26256
3701.741, 3706.14, 3737.947, 3781.10, 3781.16, 3783.02, 3796.28, 26257
3798.01, 4101.15, 4101.16, 4112.31, 4113.21, 4113.23, 4117.10, 26258
4121.01, 4121.021, 4121.03, 4121.08, 4121.11, 4121.12, 4121.121, 26259
4121.122, 4121.123, 4121.125, 4121.126, 4121.127, 4121.128, 26260
4121.129, 4121.13, 4121.131, 4121.14, 4121.15, 4121.16, 4121.17, 26261
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4121.444, 4121.447, 4121.45, 4121.47, 4121.50, 4121.61, 4121.62, 26266
4121.63, 4121.65, 4121.66, 4121.67, 4121.69, 4123.01, 4123.02, 26267
4123.024, 4123.026, 4123.03, 4123.039, 4123.04, 4123.05, 26268
4123.06, 4123.07, 4123.08, 4123.09, 4123.12, 4123.13, 4123.15, 26269
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4123.292, 4123.30, 4123.31, 4123.311, 4123.32, 4123.321, 26272
4123.322, 4123.323, 4123.324, 4123.33, 4123.34, 4123.341, 26273
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4123.522, 4123.53, 4123.54, 4123.56, 4123.57, 4123.59, 4123.591, 26280
4123.60, 4123.61, 4123.62, 4123.63, 4123.64, 4123.65, 4123.651, 26281
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4123.751, 4123.756, 4123.76, 4123.78, 4123.79, 4123.80, 4123.82, 26283
4123.83, 4123.84, 4123.85, 4123.86, 4123.88, 4123.90, 4123.91, 26284
4123.92, 4123.93, 4123.931, 4123.932, 4123.94, 4123.96, 4125.01, 26285
4125.02, 4125.03, 4125.05, 4125.051, 4125.06, 4125.07, 4127.02, 26286
4127.03, 4127.06, 4127.07, 4127.08, 4131.01, 4131.02, 4131.03, 26287
4131.04, 4131.05, 4131.06, 4131.11, 4131.12, 4131.13, 4131.14, 26288
4131.15, 4131.16, 4133.02, 4133.03, 4133.07, 4133.08, 4133.09, 26289
4133.10, 4141.43, 4163.03, 4167.02, 4167.06, 4167.07, 4167.08, 26290
4167.09, 4167.10, 4167.11, 4167.12, 4167.14, 4167.15, 4167.16, 26291
4167.17, 4167.27, 4582.18, 4582.44, 4729.80, 4731.65, 4762.12, 26292
4981.19, 5101.181, 5101.36, 5107.52, 5107.54, 5145.163, 5525.18, 26293
5528.54, 5531.10, 5537.08, 5540.06, 5703.21, 5751.01, 6121.15, 26294
and 6123.15 of the Revised Code are hereby repealed. 26295

Section 110.10. That the version of section 3781.10 of the 26296
Revised Code that is scheduled to take effect December 29, 2023, 26297
be amended to read as follows: 26298

Sec. 3781.10. (A) (1) The board of building standards shall 26299
formulate and adopt rules governing the erection, construction, 26300
repair, alteration, and maintenance of all buildings or classes 26301
of buildings specified in section 3781.06 of the Revised Code, 26302
including land area incidental to those buildings, the 26303
construction of industrialized units, the installation of 26304
equipment, and the standards or requirements for materials used 26305
in connection with those buildings. The board shall incorporate 26306
those rules into separate residential and nonresidential 26307
building codes. The standards shall relate to the conservation 26308

of energy and the safety and sanitation of those buildings. 26309

(2) The rules governing nonresidential buildings are the 26310
lawful minimum requirements specified for those buildings and 26311
industrialized units, except that no rule other than as provided 26312
in division (C) of section 3781.108 of the Revised Code that 26313
specifies a higher requirement than is imposed by any section of 26314
the Revised Code is enforceable. The rules governing residential 26315
buildings are uniform requirements for residential buildings in 26316
any area with a building department certified to enforce the 26317
state residential building code. In no case shall any local code 26318
or regulation differ from the state residential building code 26319
unless that code or regulation addresses subject matter not 26320
addressed by the state residential building code or is adopted 26321
pursuant to section 3781.01 of the Revised Code. 26322

(3) The rules adopted pursuant to this section are 26323
complete, lawful alternatives to any requirements specified for 26324
buildings or industrialized units in any section of the Revised 26325
Code. Except as otherwise provided in division (I) of this 26326
section, the board shall, on its own motion or on application 26327
made under sections 3781.12 and 3781.13 of the Revised Code, 26328
formulate, propose, adopt, modify, amend, or repeal the rules to 26329
the extent necessary or desirable to effectuate the purposes of 26330
sections 3781.06 to 3781.18 of the Revised Code. 26331

(B) The board shall report to the general assembly 26332
proposals for amendments to existing statutes relating to the 26333
purposes declared in section 3781.06 of the Revised Code that 26334
public health and safety and the development of the arts require 26335
and shall recommend any additional legislation to assist in 26336
carrying out fully, in statutory form, the purposes declared in 26337
that section. The board shall prepare and submit to the general 26338

assembly a summary report of the number, nature, and disposition 26339
of the petitions filed under sections 3781.13 and 3781.14 of the 26340
Revised Code. 26341

(C) On its own motion or on application made under 26342
sections 3781.12 and 3781.13 of the Revised Code, and after 26343
thorough testing and evaluation, the board shall determine by 26344
rule that any particular fixture, device, material, process of 26345
manufacture, manufactured unit or component, method of 26346
manufacture, system, or method of construction complies with 26347
performance standards adopted pursuant to section 3781.11 of the 26348
Revised Code. The board shall make its determination with regard 26349
to adaptability for safe and sanitary erection, use, or 26350
construction, to that described in any section of the Revised 26351
Code, wherever the use of a fixture, device, material, method of 26352
manufacture, system, or method of construction described in that 26353
section of the Revised Code is permitted by law. The board shall 26354
amend or annul any rule or issue an authorization for the use of 26355
a new material or manufactured unit on any like application. No 26356
department, officer, board, or commission of the state other 26357
than the board of building standards or the board of building 26358
appeals shall permit the use of any fixture, device, material, 26359
method of manufacture, newly designed product, system, or method 26360
of construction at variance with what is described in any rule 26361
the board of building standards adopts or issues or that is 26362
authorized by any section of the Revised Code. Nothing in this 26363
section shall be construed as requiring approval, by rule, of 26364
plans for an industrialized unit that conforms with the rules 26365
the board of building standards adopts pursuant to section 26366
3781.11 of the Revised Code. 26367

(D) The board shall recommend rules, codes, and standards 26368
to help carry out the purposes of section 3781.06 of the Revised 26369

Code and to help secure uniformity of state administrative 26370
rulings and local legislation and administrative action to the 26371
~~bureau of workers' compensation~~department of workforce insurance 26372
and safety, the director of commerce, any other department, 26373
officer, board, or commission of the state, and to legislative 26374
authorities and building departments of counties, townships, and 26375
municipal corporations, and shall recommend that they audit 26376
those recommended rules, codes, and standards by any appropriate 26377
action that they are allowed pursuant to law or the 26378
constitution. 26379

(E) (1) The board shall certify municipal, township, and 26380
county building departments, the personnel of those building 26381
departments, persons described in division (E) (7) of this 26382
section, and employees of individuals, firms, the state, or 26383
corporations described in division (E) (7) of this section to 26384
exercise enforcement authority, to accept and approve plans and 26385
specifications, and to make inspections, pursuant to sections 26386
3781.03, 3791.04, and 4104.43 of the Revised Code. 26387

(2) The board shall certify departments, personnel, and 26388
persons to enforce the state residential building code, to 26389
enforce the nonresidential building code, or to enforce both the 26390
residential and the nonresidential building codes. Any 26391
department, personnel, or person may enforce only the type of 26392
building code for which certified. 26393

(3) The board shall not require a building department, its 26394
personnel, or any persons that it employs to be certified for 26395
residential building code enforcement if that building 26396
department does not enforce the state residential building code. 26397
The board shall specify, in rules adopted pursuant to Chapter 26398
119. of the Revised Code, the requirements for certification for 26399

residential and nonresidential building code enforcement, which 26400
shall be consistent with this division. The requirements for 26401
residential and nonresidential certification may differ. Except 26402
as otherwise provided in this division, the requirements shall 26403
include, but are not limited to, the satisfactory completion of 26404
an initial examination and, to remain certified, the completion 26405
of a specified number of hours of continuing building code 26406
education within each three-year period following the date of 26407
certification which shall be not less than thirty hours. The 26408
rules shall provide that continuing education credits and 26409
certification issued by the council of American building 26410
officials, national model code organizations, and agencies or 26411
entities the board recognizes are acceptable for purposes of 26412
this division. The rules shall specify requirements that are 26413
consistent with the provisions of section 5903.12 of the Revised 26414
Code relating to active duty military service and are 26415
compatible, to the extent possible, with requirements the 26416
council of American building officials and national model code 26417
organizations establish. 26418

(4) The board shall establish and collect a certification 26419
and renewal fee for building department personnel, and persons 26420
and employees of persons, firms, or corporations as described in 26421
this section, who are certified pursuant to this division. 26422

(5) Any individual certified pursuant to this division 26423
shall complete the number of hours of continuing building code 26424
education that the board requires or, for failure to do so, 26425
forfeit certification. 26426

(6) This division does not require or authorize the board 26427
to certify personnel of municipal, township, and county building 26428
departments, and persons and employees of persons, firms, or 26429

corporations as described in this section, whose 26430
responsibilities do not include the exercise of enforcement 26431
authority, the approval of plans and specifications, or making 26432
inspections under the state residential and nonresidential 26433
building codes. 26434

(7) Enforcement authority for approval of plans and 26435
specifications and enforcement authority for inspections may be 26436
exercised, and plans and specifications may be approved and 26437
inspections may be made on behalf of a municipal corporation, 26438
township, or county, by any of the following who the board of 26439
building standards certifies: 26440

(a) Officers or employees of the municipal corporation, 26441
township, or county; 26442

(b) Persons, or employees of persons, firms, or 26443
corporations, pursuant to a contract to furnish architectural, 26444
engineering, or other services to the municipal corporation, 26445
township, or county; 26446

(c) Officers or employees of, and persons under contract 26447
with, a municipal corporation, township, county, health 26448
district, or other political subdivision, pursuant to a contract 26449
to furnish architectural, engineering, or other services; 26450

(d) Officers or employees of the division of industrial 26451
compliance in the department of commerce pursuant to a contract 26452
authorized by division (B) of section 121.083 of the Revised 26453
Code. 26454

(8) Municipal, township, and county building departments 26455
have jurisdiction within the meaning of sections 3781.03, 26456
3791.04, and 4104.43 of the Revised Code, only with respect to 26457
the types of buildings and subject matters for which they are 26458

certified under this section. 26459

(9) A certified municipal, township, or county building 26460
department may exercise enforcement authority, accept and 26461
approve plans and specifications, and make inspections pursuant 26462
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 26463
for a park district created pursuant to Chapter 1545. of the 26464
Revised Code upon the approval, by resolution, of the board of 26465
park commissioners of the park district requesting the 26466
department to exercise that authority and conduct those 26467
activities, as applicable. 26468

(10) Certification shall be granted upon application by 26469
the municipal corporation, the board of township trustees, or 26470
the board of county commissioners and approval of that 26471
application by the board of building standards. The application 26472
shall set forth: 26473

(a) Whether the certification is requested for residential 26474
or nonresidential buildings, or both; 26475

(b) The number and qualifications of the staff composing 26476
the building department; 26477

(c) The names, addresses, and qualifications of persons, 26478
firms, or corporations contracting to furnish work or services 26479
pursuant to division (E) (7) (b) of this section; 26480

(d) The names of any other municipal corporation, 26481
township, county, health district, or political subdivision 26482
under contract to furnish work or services pursuant to division 26483
(E) (7) of this section; 26484

(e) The proposed budget for the operation of the building 26485
department. 26486

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall

enforce the residential and nonresidential building codes for 26517
which it is certified without regard to limitation upon the 26518
authority of boards of county commissioners under Chapter 307. 26519
of the Revised Code or boards of township trustees under Chapter 26520
505. of the Revised Code. 26521

(14) The board shall certify a person to exercise 26522
enforcement authority, to accept and approve plans and 26523
specifications, or to make inspections in this state in 26524
accordance with Chapter 4796. of the Revised Code if either of 26525
the following applies: 26526

(a) The person holds a license or certificate in another 26527
state. 26528

(b) The person has satisfactory work experience, a 26529
government certification, or a private certification as 26530
described in that chapter in the same profession, occupation, or 26531
occupational activity as the profession, occupation, or 26532
occupational activity for which the certificate is required in 26533
this state in a state that does not issue that license or 26534
certificate. 26535

(F) In addition to hearings sections 3781.06 to 3781.18 26536
and 3791.04 of the Revised Code require, the board of building 26537
standards shall make investigations and tests, and require from 26538
other state departments, officers, boards, and commissions 26539
information the board considers necessary or desirable to assist 26540
it in the discharge of any duty or the exercise of any power 26541
mentioned in this section or in sections 3781.06 to 3781.18, 26542
3791.04, and 4104.43 of the Revised Code. 26543

(G) The board shall adopt rules and establish reasonable 26544
fees for the review of all applications submitted where the 26545

applicant applies for authority to use a new material, assembly, 26546
or product of a manufacturing process. The fee shall bear some 26547
reasonable relationship to the cost of the review or testing of 26548
the materials, assembly, or products and for the notification of 26549
approval or disapproval as provided in section 3781.12 of the 26550
Revised Code. 26551

(H) The residential construction advisory committee shall 26552
provide the board with a proposal for a state residential 26553
building code that the committee recommends pursuant to division 26554
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 26555
recommendation from the committee that is acceptable to the 26556
board, the board shall adopt rules establishing that code as the 26557
state residential building code. 26558

(I) (1) The committee may provide the board with proposed 26559
rules to update or amend the state residential building code 26560
that the committee recommends pursuant to division (E) of 26561
section 4740.14 of the Revised Code. 26562

(2) If the board receives a proposed rule to update or 26563
amend the state residential building code as provided in 26564
division (I) (1) of this section, the board either may accept or 26565
reject the proposed rule for incorporation into the residential 26566
building code. If the board does not act to either accept or 26567
reject the proposed rule within ninety days after receiving the 26568
proposed rule from the committee as described in division (I) (1) 26569
of this section, the proposed rule shall become part of the 26570
residential building code. 26571

(J) The board shall cooperate with the director of job and 26572
family services when the director promulgates rules pursuant to 26573
section 5104.05 of the Revised Code regarding safety and 26574
sanitation in type A family day-care homes. 26575

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code. 26576
26577

Section 110.11. That the existing version of section 3781.10 of the Revised Code that is scheduled to take effect December 29, 2023, is hereby repealed. 26578
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26580

Section 110.12. Sections 110.10 and 110.11 of this act take effect December 29, 2023. 26581
26582

Section 200.10. All items in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2024, and those in the second column are for fiscal year 2025. 26583
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26586
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	1	2	3	4	5
A	BWC DEPARTMENT OF WORKFORCE INSURANCE AND SAFETY				
B	Dedicated Purpose Fund Group				
C	7023	855407	Claims, Risk and Medical Management	\$126,096,491	\$127,366,065
D	7023	855408	Fraud Prevention	\$19,099,498	\$18,486,443
E	7023	855409	Administrative Services	\$137,585,121	\$142,777,652
F	7023	855410	Attorney General Payments	\$6,080,080	\$6,080,080
G	8220	855606	Coal Workers' Fund	\$195,832	\$195,832

H	8230	855608	Marine Industry	\$81,508	\$81,508
I	8250	855605	Disabled Workers Relief Fund	\$204,981	\$204,981
J	8260	855609	Safety and Hygiene Operating	\$23,613,361	\$24,486,602
K	8260	855610	Safety Grants	\$35,000,000	\$35,000,000
L	8260	855611	Health and Safety Initiative	\$3,000,000	\$3,000,000
M	8260	855612	Safety Campaign	\$1,500,000	\$1,500,000
N	8260	855613	Research Grants	\$1,000,000	\$1,000,000
O	8260	855618	Substance Use Recovery and Workplace Safety Program	\$4,000,000	\$4,000,000
P	8260	855619	Safety and Health Workforce Safety Innovation Center	\$15,000,000	\$15,000,000
Q	TOTAL DPF Dedicated Purpose Fund Group			\$372,456,872	\$379,179,163
R	Federal Fund Group				
S	3490	855601	OSHA Enforcement	\$1,876,339	\$1,876,338
T	3FW0	855614	BLS SOII Grant	\$195,104	\$195,104
U	TOTAL FED Federal Fund Group			\$2,071,443	\$2,071,442

V	TOTAL ALL BUDGET FUND GROUPS	\$374,528,315	\$381,250,605
	WORKERS' COMPENSATION FRAUD UNIT		26589
	Of the foregoing appropriation item 855410, Attorney		26590
	General Payments, \$828,200 in each fiscal year shall be used to		26591
	fund the expenses of the Workers' Compensation Fraud Unit within		26592
	the Attorney General's Office. These payments shall be processed		26593
	at the beginning of each quarter of each fiscal year and		26594
	deposited into the Workers' Compensation Section Fund (Fund		26595
	1950) used by the Attorney General.		26596
	SAFETY AND HYGIENE		26597
	Notwithstanding section 4121.37 of the Revised Code, the		26598
	Treasurer of State shall remit \$23,613,361 cash in fiscal year		26599
	2024 and \$24,486,602 cash in fiscal year 2025 from the State		26600
	Insurance Fund to the state treasury to the credit of the Safety		26601
	and Hygiene Fund (Fund 8260).		26602
	SAFETY GRANTS		26603
	Notwithstanding section 4121.37 of the Revised Code, the		26604
	Treasurer of State shall remit \$35,000,000 cash in fiscal year		26605
	2024 and \$35,000,000 cash in fiscal year 2025 from the State		26606
	Insurance Fund to the state treasury to the credit of the Safety		26607
	and Hygiene Fund (Fund 8260) to be used for Safety Grants.		26608
	HEALTH AND SAFETY INITIATIVE		26609
	Notwithstanding section 4121.37 of Revised Code, the		26610
	Treasurer of State shall remit \$3,000,000 cash in fiscal year		26611
	2024 and \$3,000,000 cash in fiscal year 2025 from the State		26612
	Insurance Fund to the state treasury to the credit of the Safety		26613
	and Hygiene Fund (Fund 8260). These amounts shall be used under		26614

appropriation item 855611, Health and Safety Initiative, for the purpose of operating a health and wellness program.	26615 26616
SAFETY CAMPAIGN	26617
Notwithstanding section 4121.37 of the Revised Code, the Treasurer of State shall remit \$1,500,000 cash in fiscal year 2024 and \$1,500,000 cash in fiscal year 2025 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). These amounts shall be used under appropriation item 855612, Safety Campaign, for the purpose of operating a statewide safety awareness and education campaign.	26618 26619 26620 26621 26622 26623 26624
FEDERAL GRANT PROGRAMS	26625
The foregoing appropriation item 855609, Safety and Hygiene Operating, may be used to provide the state match for federal grant funding received by the Division of Safety and Hygiene.	26626 26627 26628 26629
VOCATIONAL REHABILITATION	26630
The Department of Workforce Insurance and Safety and the Opportunities for Ohioans with Disabilities Agency may enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. The Department may provide funds from the State Insurance Fund to fund vocational rehabilitation services and staff in accordance with the interagency agreement.	26631 26632 26633 26634 26635 26636 26637
RESEARCH GRANTS	26638
Notwithstanding section 4121.37 of the Revised Code, the Treasurer of State shall remit \$1,000,000 cash in fiscal year 2024 and \$1,000,000 cash in fiscal year 2025 from the State Insurance Fund to the state treasury to the credit of the Safety	26639 26640 26641 26642

and Hygiene Fund (Fund 8260). These amounts shall be used under 26643
appropriation item 855613, Research Grants, for the purpose of 26644
operating the occupational safety and health research program. 26645

SUBSTANCE USE RECOVERY AND WORKPLACE SAFETY PROGRAM 26646

Notwithstanding section 4121.37 of the Revised Code, the 26647
Treasurer of State shall remit \$4,000,000 cash in fiscal year 26648
2024 and \$4,000,000 cash in fiscal year 2025 from the State 26649
Insurance Fund to the state treasury to the credit of the Safety 26650
and Hygiene Fund (Fund 8260). These amounts shall be used under 26651
appropriation item 855618, Substance Use Recovery and Workplace 26652
Safety Program, for the purpose of operating a substance use 26653
recovery and workplace safety program. 26654

SAFETY AND HEALTH WORKFORCE SAFETY INNOVATION CENTER 26655

Notwithstanding section 4121.37 of the Revised Code, the 26656
Treasurer of State shall remit \$15,000,000 cash in fiscal year 26657
2024 and \$15,000,000 cash in fiscal year 2025 from the State 26658
Insurance Fund to the state treasury to the credit of the Safety 26659
and Hygiene Fund (Fund 8260). These amounts shall be used under 26660
appropriation item 855619, Safety and Health Workforce Safety 26661
Innovation Center, for the purpose of funding a workforce safety 26662
innovation center program. 26663

ADMINISTRATIVE COST FUND 26664

Notwithstanding section 4123.341 of the Revised Code, the 26665
Treasurer of State shall remit up to \$25,000,000 cash in fiscal 26666
year 2024 and \$25,000,000 cash in fiscal year 2025 from the 26667
State Insurance Fund to the state treasury to the credit of the 26668
Workers' Compensation Fund (Fund 7023). 26669

Section 200.20. DEPUTY INSPECTOR GENERAL FOR THE WORKERS' 26670
COMPENSATION SYSTEM FUNDING 26671

To pay for the FY 2024 costs related to the Deputy Inspector General for the Workers' Compensation System, on July 1, 2023, and January 1, 2024, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$212,500 cash from the Workers' Compensation Fund (Fund 7023) to the Deputy Inspector General for the Workers' Compensation System Fund (Fund 5FT0).

To pay for the FY 2025 costs related to the Deputy Inspector General for the Workers' Compensation System, on July 1, 2024, and January 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$212,500 cash from the Workers' Compensation Fund (Fund 7023) to the Deputy Inspector General for the Workers' Compensation System Fund (Fund 5FT0).

If additional amounts are needed, the Inspector General may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated in appropriation item 965604, Deputy Inspector General for the Workers' Compensation System.

Section 610.10. That Section 5 of S.B. 331 of the 133rd General Assembly be amended to read as follows:

Sec. 5. The following agencies are retained under division (E) of section 101.83 of the Revised Code and expire at the end of December 31, 2024:

	Registered Nursing	
B	African-American Males, Commission on	R.C. 4112.12
C	Aging, Ohio Advisory Council for the	R.C. 173.03
D	Agricultural Commodity Marketing Programs, Coordinating Committee	R.C. 924.14
E	Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07
F	AMBER Alert Advisory Committee	R.C. 5502.521
G	Amusement Ride Safety, Advisory Council on	R.C. 1711.51
H	Apprenticeship Council	R.C. 4139.02
I	Automated Title Processing Board	R.C. 4505.09(C) (1)
J	Backflow Advisory Board	R.C. 3703.21
K	Banking Commission	R.C. 1123.01
L	Brain Injury Advisory Committee	R.C. 3335.61
M	Broadcast Educational Media Commission	R.C. 3353.02
N	Capitol Square Review and Advisory Board	R.C. 105.41
O	Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05

P	Child Abuse and Child Neglect Prevention Regional Councils	R.C. 3109.172 (B) (8)
Q	Child Care Advisory Council	R.C. 5104.08
R	Child Support Guideline Advisory Council	R.C. 3119.023
S	Children's Trust Fund Board	R.C. 3109.15
T	Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092
U	Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04 (B) (4)
V	Clean Ohio, Trail Advisory Board	R.C. 1519.06
W	Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35
X	College Credit Plus Advisory Committee	R.C. 3365.15
Y	Commercial Dog Breeding Advisory Board	R.C. 956.17
Z	Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	R.C. 3930.03
AA	Commodity Advisory Commission	R.C. 926.32

AB	Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)
AC	County Law Library Resources Boards, Statewide Consortium of	R.C. 3375.481
AD	County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25
AE	Credential Review Board	R.C. 3319.65
AF	Credit Union Council	R.C. 1733.329
AG	Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38
AH	Dentist Loan Repayment Advisory Board	R.C. 3702.92
AI	Department Advisory Boards	R.C. 121.13
AJ	Developmental Disabilities Council, Ohio	R.C. 5123.35
AK	Dietetics Advisory Council	R.C. 4759.051
AL	Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
AM	Early Childhood Advisory Council	R.C. 3301.90
AN	Education Management Information System Advisory Council	R.C. 3301.0713
AO	Educator Standards Board	R.C. 3319.60

AP	Electrical Safety Inspector Advisory Committee	R.C. 3783.08
AQ	Emergency Response Commission	R.C. 3750.02
AR	Engineering Experiment Station Advisory Committee	R.C. 3335.27
AS	Environmental Education Council	R.C. 3745.21
AT	Ex-Offender Reentry Coalition	R.C. 5120.07
AU	Expositions Commission, Ohio	R.C. 991.02
AV	Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12
AW	Family and Children First Cabinet Council, Ohio	R.C. 121.37
AX	Farmland Preservation Advisory Board	R.C. 901.23
AY	Forestry Advisory Council	R.C. 1503.40
AZ	Governor's Residence Advisory Commission	R.C. 107.40
BA	Grain Marketing Program Operating Committee	R.C. 924.22
BB	Grape Industries Committee, Ohio	R.C. 924.51
BC	Hispanic-Latino Affairs, Commission on	R.C. 121.31
BD	Historic Site Preservation Advisory	R.C. 149.301

	Board, Ohio	
BE	History Connection, Ohio, Board of Trustees	R.C. 149.30
BF	Home Medical Equipment Services Advisory Council	R.C. 4752.24
BG	Homeland Security Advisory Council	R.C. 5502.011 (E)
BH	Housing Trust Fund Advisory Committee	R.C. 174.06
BI	Industrial Commission Nominating Council	R.C. 4121.04
BJ	Infant Hearing Screening Subcommittee	R.C. 3701.507
BK	Interagency Council of the New African Immigrants Commission	R.C. 4112.31
BL	Lake Erie Commission, Ohio	R.C. 1506.21
BM	Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
BN	Legislative Committee on Public Health Futures	Section 737.40 of H.B. 166 of the 133rd G.A.
BO	Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07
BP	Livestock Exhibitions, Advisory Committee on	R.C. 901.71

BQ	Manufactured Homes Advisory Council	R.C. 4781.02
BR	Materials Management Advisory Council	R.C. 3734.49
BS	Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64
BT	Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631
BU	Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025
BV	Medical Quality Foundation, Ohio	R.C. 3701.89
BW	Milk Sanitation Board	R.C. 917.03
BX	Mine Subsidence Insurance Governing Board	R.C. 3929.51
BY	Minority Development Financing Advisory Board	R.C. 122.72
BZ	Minority Health, Commission on	R.C. 3701.78
CA	New African Immigrants Commission	R.C. 4112.32
CB	Office of Enterprise Development Advisory Board	R.C. 5145.162
CC	Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
CD	Ohioana Library Association, Martha	R.C. 3375.62

	Kinney Cooper Memorial, Board of Trustees	
CE	Ohio Arts Council	R.C. 3379.02
CF	Ohio Business Gateway Steering Committee	R.C. 5703.57
CG	Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33
CH	Ohio Commission on Service and Volunteerism	R.C. 121.40
CI	Ohio Geographically Referenced Information Program Council	R.C. 125.901
CJ	Ohio Home Inspector Board	R.C. 4764.04
CK	Ohio Livestock Care Standards Board	R.C. 904.02
CL	Ohio Public Library Information Network Board of Trustees	R.C. 3375.65
CM	Ohio Tuition Trust Authority Investment Board	R.C. 3334.03
CN	Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02
CO	Oil and Gas Leasing Commission	R.C. 1509.71
CP	Oil and Gas Marketing Program, An	R.C. 1510.06

Operating Committee of the

CQ Oil and Gas, Technical Advisory Council R.C. 1509.38
on

CR Opportunities for Ohioans with R.C. 3304.12
Disabilities Council

CS Organized Crime Investigations R.C. 177.01
Commission

CT Pharmacy and Therapeutics Committee of R.C. 5164.7510
the Department of Medicaid

CU Physician Assistant Policy Committee of R.C. 4730.05
the State Medical Board

CV Power Siting Board R.C. 4906.02

CW Prequalification Review Board R.C. 5525.07

CX Private Investigation and Security R.C. 4749.021
Services Commission, Ohio

CY Public Defender Commission, Ohio R.C. 120.01

CZ Public Utilities Commission Nominating R.C. 4901.021
Council

DA Racing Commission, State R.C. 3769.02

DB Radiation Advisory Council R.C. 3748.20

DC Radio Communications System Steering Section 15.02, H.B. 640 of
Committee, MultiAgency the 123rd G.A

DD	Reclaim Advisory Committee	R.C. 5139.44
DE	Reclamation Commission	R.C. 1513.05
DF	Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182
DG	Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51
DH	Respiratory Care Advisory Council	R.C. 4761.032
DI	Small Business Advisory Council	R.C. 107.63
DJ	Small Business Stationary Source Technical and Environmental Compliance Assistance Council	R.C. 3704.19
DK	Small Government Capital Improvements Commission, Ohio	R.C. 164.02 (C)
DL	Soil and Water Conservation Commission, Ohio	R.C. 940.02
DM	STABLE Account Program Advisory Board	R.C. 113.56
DN	Standardbred Development Commission, Ohio	R.C. 3769.085
DO	State Audit Committee	R.C. 126.46
DP	State Fire Council	R.C. 3737.81
DQ	STEM Committee of the Department of	R.C. 3326.02

Education

DR	Student Tuition Recovery Authority	R.C. 3332.081
DS	Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032
DT	Tax Credit Authority	R.C. 122.17 (M)
DU	Tax Expenditure Review Committee	R.C. 5703.95
DV	Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084
DW	TourismOhio Advisory Board	R.C. 122.071
DX	Transportation Review Advisory Council	R.C. 5512.07
DY	Underground Technical Committee	R.C. 3781.34
DZ	Unemployment Compensation Advisory Council	R.C. 4141.08
EA	Unemployment Compensation Review Commission	R.C. 4141.06
EB	Uniform State Laws, State Council of	R.C. 105.21
EC	Utility Radiological Safety Board	R.C. 4937.02
ED	Vendors Representative Committee, Ohio	R.C. 3304.34
EE	Veterans Advisory Committee	R.C. 5902.02 (J)
EF	Victims Assistance Advisory Council,	R.C. 109.91

State

EG	Volunteer Fire Fighters' Dependents Fund Boards (private)	R.C. 146.02(B)
EH	Volunteer Fire Fighters' Dependents Fund Boards (public)	R.C. 146.02(A)
EI	Voting Machines Examiners, Board of	R.C. 3506.05
EJ	Waterways Safety Council	R.C. 1547.73
EK	Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84
EL	Wildlife Council	R.C. 1531.03
EM	Workers' Compensation-Workforce <u>Insurance and Safety Board of Directors</u> Nominating Committee, <u>Department of</u>	R.C. 4121.123
EN	Workers' Compensation-Workforce <u>Insurance and Safety Board of</u> Directors, Bureau <u>Department of</u>	R.C. 4121.12

Section 610.11. That existing Section 5 of S.B. 331 of the 133rd General Assembly is hereby repealed. 26697
26698

Section 741.10. On the effective date of this section, the former Ohio Bureau of Workers' Compensation is renamed the Ohio Department of Workforce Insurance and Safety. The Department shall be administered by the Director of Workforce Insurance and Safety, formerly referred to as the Administrator of Workers' Compensation. 26699
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Any action, license, or certification undertaken or issued 26705
by the Bureau or the Administrator on or before the effective 26706
date of this section that is current and valid on the effective 26707
date of this section is declared to be an action, license, or 26708
certification undertaken or issued by the Department of 26709
Workforce Insurance and Safety or the Director of Workforce 26710
Insurance and Safety, as applicable. 26711

Any business commenced but not completed by the Bureau or 26712
Administrator as of the effective date of this section shall be 26713
completed by the Department of Workforce Insurance and Safety or 26714
the Director of Workforce Insurance and Safety, as applicable. 26715
The business shall be completed in the same manner, and with the 26716
same effect, as if completed by the Bureau or Administrator. 26717

No validation, cure, right, privilege, remedy, obligation, 26718
or liability is lost or impaired by reason of the name changes 26719
in this act. Each validation, cure, right, remedy, obligation, 26720
or liability shall be administered by the Department of 26721
Workforce Insurance and Safety or the Director of Workforce 26722
Insurance and Safety pursuant to the statutes creating the 26723
Department and Director and defining their authority and 26724
responsibilities. 26725

Any rule, order, or determination made or undertaken 26726
pursuant to the authority and responsibilities of the Bureau or 26727
Administrator that is in effect on or before the effective date 26728
of this section continues in effect as though it was made or 26729
undertaken by the Department of Workforce Insurance and Safety 26730
or the Director of Workforce Insurance and Safety, as 26731
applicable, until modified or rescinded by the Department or 26732
Director, as applicable. 26733

Any action or proceeding related to the Bureau's or 26734

Administrator's functions or duties pending on the effective 26735
date of this section is not affected by the change in name. An 26736
action or proceeding pending on the effective date of this 26737
section shall be prosecuted, defended, or otherwise pursued in 26738
the name of the Department of Workforce Insurance and Safety or 26739
the Director of Workforce Insurance and Safety, as applicable. 26740
In all such actions and proceedings, the Department or Director, 26741
with permission from the relevant court or administrative body, 26742
shall be substituted as a party. 26743

Section 741.20. On the effective date of this section, the 26744
premium payment security transfer fund account is abolished and 26745
any balance in the account is transferred to the state insurance 26746
fund. 26747

Section 801.10. Law contained in the Main Operating 26748
Appropriations Act of the 135th General Assembly that applies 26749
generally to the appropriations made in that act also applies 26750
generally to the appropriations made in this act. 26751

Section 806.10. The provisions of law contained in this 26752
act, and their applications, are severable. If any provision of 26753
law contained in this act, or if any application of any 26754
provision of law contained in this act, is held invalid, the 26755
invalidity does not affect other provisions of law contained in 26756
this act and their applications that can be given effect without 26757
the invalid provision or application. 26758

Section 812.20. This section and sections 200.10, 200.20, 26759
801.10, and 806.10 of this act are exempt from the referendum 26760
under Ohio Constitution, Article II, Section 1d and section 26761
1.471 of the Revised Code and therefore take effect immediately 26762
when this act becomes law. 26763

Section 820.10. The General Assembly, applying the 26764
principle stated in division (B) of section 1.52 of the Revised 26765
Code that amendments are to be harmonized if reasonably capable 26766
of simultaneous operation, finds that the following sections, 26767
presented in this act as composites of the sections as amended 26768
by the acts indicated, are the resulting versions of the 26769
sections in effect prior to the effective date of the sections 26770
as presented in this act: 26771

Section 119.12 of the Revised Code as amended by both H.B. 26772
52 and H.B. 64 of the 131st General Assembly. 26773

Section 1707.19 of the Revised Code as amended by both 26774
H.B. 263 and H.B. 312 of the 133rd General Assembly. 26775